

EQUALITY & DIVERSITY. A POLICY OF FAIRNESS TO ALL

AIMS OF THE POLICY

Qwarie Limited, hereafter 'The Company', recognises that discrimination and victimisation is unacceptable. It is the aim of the Company to ensure that no employee, associate trainer or job applicant receives less favourable facilities or treatment (either directly or indirectly) in recruitment or employment on grounds of age, disability, gender or gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation (the protected characteristics).

The Company aims to provide a working environment where everyone is treated fairly and with respect. We oppose all forms of unlawful and unfair discrimination or victimization. To that end, the purpose of this policy is to provide equality and fairness for all in our employment.

Selection for employment, promotion, training or any other benefit is on the basis of aptitude and ability.

We expect employees and associate trainers to respect customers, suppliers, subcontractors and work colleagues and we will not accept any behaviour that may be considered to be discrimination, harassment, bullying, victimization or favouritism in our employment or in the provision of the Company's goods and services.

DEFINITIONS OF DISCRIMINATION

Direct Discrimination is discrimination "because of" a protected characteristic, for example not employing someone because of their gender or disability. Direct discrimination applies to all protected characteristics.

Indirect Discrimination is when an employer has a policy, practice or procedure that applies to everyone but the policy particularly disadvantages people who share a protected characteristic and which cannot be justified in relation to the job. Indirect discrimination applies to all protected characteristics.

Associative discrimination is discrimination or harassment against a person because they have an association with someone with a particular protected characteristic. Associative discrimination applies to all protected characteristics apart from marriage and civil partnership, pregnancy and maternity.

Perceptive discrimination is discrimination or harassment against a person because the discriminator thinks the person possesses that characteristic, even if they do not in fact do so. Perceptive discrimination applies to all protected characteristics apart from marriage and civil partnership, pregnancy and maternity.

Harassment is unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Third-party harassment is harassment by or towards a third party such as suppliers, subcontractors, clients or customers.

Victimisation is when a person is subjected to a detriment, such as being denied a training opportunity or a promotion because they have pursued or intend to pursue their rights relating to alleged discrimination or have supported a complaint relating to alleged discrimination.

All forms of discrimination are unacceptable, regardless of whether there was any intention to discriminate or not.

COMMITMENT TO EQUAL OPPORTUNITIES

The Company recognises its obligations under the Equality Act 2010. This policy and the associated arrangements shall operate in accordance with statutory requirements. In addition, full account will be taken of any guidance or Codes of Practice issued by the Equality and Human Rights Commission, any Government Departments, and any other statutory bodies.

OUR COMMITMENT

- To take all reasonable steps to ensure that individuals are treated fairly in all aspects of their employment, which includes any employment offer, terms of employment and opportunities such as training and promotion.
- To treat all employees and associate trainers fairly on the basis of their experience, abilities and qualifications, without regard to any protected characteristic.
- To create an environment in which individual differences and the contributions of all our staff are recognised and valued.
- To provide a work environment in which all employees and associate trainers are treated with respect and dignity and that is free of intimidation, bullying and harassment.
- To take appropriate action against any third parties who are found to have committed an act of improper or unlawful harassment against an employee or associate trainer.
- To promote equality in the workplace which we believe is good management practice and makes sound business sense.
- To review all our employment practices and procedures to ensure fairness.
- To monitor and review this policy annually.

RESPONSIBILITIES OF MANAGEMENT

This policy is fully supported by senior management and the Managing Director, Richard Smith, has the overall responsibility for implementing this policy.

Managers will ensure that they and their staff operate within this policy and arrangements, and that all reasonable and practical steps are taken to avoid discrimination and harassment. Each manager will ensure that all their staff and associate trainers are aware of the policy and the arrangements, and the reasons for the policy and that grievances concerning discrimination are dealt with properly, fairly and as quickly as possible.

RESPONSIBILITIES OF STAFF

It is the duty of all Employees/Associate Trainers to accept their personal responsibility for fostering a fully integrated community at work by adhering to the principles of equal opportunity. Responsibility for ensuring that there is no unlawful discrimination rests with all staff and the attitudes of staff are crucial to the successful operation of fair employment practices. In particular, all members of staff have a duty to co-operate with the Company to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment or bullying.

Action will be taken under the Company's disciplinary procedure against any employee or associate trainer who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this Fairness to All Policy will be treated as potential gross misconduct and could render the employee liable to summary dismissal.

You should draw the attention of your line manager or company contact to suspected discriminatory acts or practices or suspected cases of bullying or harassment. You must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or harassment or who has provided information about such discrimination or harassment. Such behaviour will be treated as potential gross misconduct in accordance with the Company's disciplinary procedure.

RECRUITMENT, ADVERTISING AND SELECTION

The recruitment process will be conducted in such a way as to result in the selection of the most suitable person for the job in terms of relevant experience, abilities and qualifications. The Company is committed to applying its Fairness to All Policy at all stages of recruitment and selection.

Advertisements will encourage applications from all suitably qualified and experienced people. When advertising job vacancies, in order to attract applications from all sections of the community, the Company will, as far as reasonably practicable:

- Ensure advertisements are not confined to those publications which would exclude or disproportionately reduce the number of applicants who have a particular protected characteristic.
- Avoid prescribing any unnecessary requirements which would exclude a higher proportion of applicants who have a particular protected characteristic.
- Where vacancies may be filled by promotion or transfer, publish these to all eligible employees in such a way that they do not restrict applications from employees who have a particular protected characteristic.

Opportunities will be taken through language, images or declarations, as appropriate, to show that the Company is an equal opportunities employer. In practical terms this means that the wording of advertisements will be carefully scrutinised to ensure that any hidden discrimination is avoided or sexually, ageist or racially loaded wording is avoided. A reference to this policy will be made in all job adverts.

Accordingly, 'word of mouth' advertising, personal contracts and family relationships will be discouraged as a means of recruiting new staff or promoting existing staff.

The selection process will be carried out consistently for all jobs at all levels. All applications will be processed in the same way. The staff responsible for short-listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application. Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Interviews are planned by the Company in advance to ensure any potentially discriminatory questions are avoided. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question. With disabled job applicants, the Company will have regard to its duty to make reasonable adjustments to work provisions, criteria and practices or to work premises in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.

If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without questions based on assumptions about a protective characteristic, health, special educational need, children or domestic obligations.

TRAINING AND DEVELOPMENT

The Company will provide appropriate training on equal opportunities for members of staff and associate trainers, and in particular for those who are responsible for staff management and recruitment and selection.

The Company will also help employees and associate trainers to understand their rights and responsibilities in relation to dignity at work and what they can do to create a work environment that is free of bullying and harassment through communication of this policy.

The Company is committed to the training and development of all employees and supporting all employees to realise their full potential. Access to training is provided on the basis of need. Training and development opportunities are offered on a fair basis to all employees in line with our Fairness to All Policy. The Company ensures that no employee receives less favourable treatment or consideration on the grounds of any protected characteristic.

MONITORING AND REVIEW ARRANGEMENTS

The Company deems it appropriate to state its intention not to discriminate and assumes that this will be translated into practice consistently across the organisation as a whole. Accordingly, a monitoring system is applied to measure the effectiveness of the policy and arrangements.

The Company undertakes to monitor pay rates and grading so that no conscious or unconscious bias occurs in the pay rates of women or men.

Information collected for monitoring purposes is confidential and is not used for any other purpose.

Where monitoring provides evidence that the Company, or cost centres within the company, are not representative, or that sections of our workforce are not progressing properly within the Company, then an action plan will be developed to address these issues.

The Company is committed to awareness of equality & diversity and to demonstrate this, the company subscribes to the Equality and Human Rights Commission e-mail newsletter.

RIGHTS OF DISABLED PEOPLE

The Company attaches particular importance to the needs of disabled people.

Under the terms of this policy, managers are required to:

- Make reasonable adjustments to maintain the services of an employee who becomes disabled, for example, training, provision of special equipment, reduced working hours.
- Include disabled people in training / development programmes
- Give full and proper consideration to disabled people who apply for jobs, having regard to making reasonable adjustments for their particular aptitudes and abilities to allow them to attend interview and be able to do the job

REHABILITATION OF OFFENDERS

It is the Company's policy not to discriminate against anyone who has had a 'spent' conviction under the Rehabilitation of Offenders Act 1974. Under this Act it is unlawful to refuse to engage or to dismiss on the grounds of a spent conviction.

GRIEVANCE AND DISCIPLINARY PROCEDURES

Employees and associate trainers have a right to pursue a complaint concerning discrimination or victimization via the Company Grievance or Bullying and Harassment Procedures (detailed below).

Discrimination and victimization are treated as disciplinary offences, with resolution under the Company Disciplinary Procedure.

The Company ensures that any employee making a complaint of discrimination is protected from victimization, in all its forms.

VALUING DIVERSITY

The Company is aware of the impact its activities have upon communities and the social responsibilities resulting from that activity.

The company is committed to:

- valuing and using the skills, knowledge and commitment of all members of the community
- ensuring everyone is treated with respect and dignity through its "Fairness to All" policy
- training and educating its workforce in the rich diversity of cultures to achieve a greater undertaking and understanding
- recruiting from within the community, aiming to employ a workforce that reflects those for whom we work, to develop a local skills base
- supporting local initiatives through the provision of equipment, advice, assistance and where necessary financial aid
- being sensitive of the cultural needs of the different communities within which the company works

- liaising with local schools, colleges and organisations to champion improvement

The company will achieve these aims through:

- training and development of its entire workforce
- if appropriate, employing a training officer to regularly review the progress and development of the workforce to achieve compliance with the company's aims and ambitions
- engaging with a diverse range of groups to achieve better understanding of their needs and sensitivities
- employing an open and diverse recruitment policy to actively encourage members of society previously considered to be excluded
- by regularly reviewing the implementation and effectiveness of the policy by the company
Managing Director

BULLYING AND HARASSMENT POLICY

All employees are treated with dignity and respect. Bullying and harassment of any kind is not tolerated in the workplace; this includes bullying or harassment of staff by visitors to the Company.

This policy applies to all staff on and off the premises, including those working away from their main place of work.

Bullying and harassment is a disciplinary offence.

Harassment in general terms, is unwanted conduct affecting the dignity of men and women in the workplace, where actions or comments are viewed as creating an intimidating, hostile, degrading, humiliating or offensive work environment to the recipient.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. It may be persistent or an isolated incident.

Harassment can occur even if an employee doesn't possess the protected characteristic or the harassment is not directed at them.

Third party harassment can occur by non-employees, for example, customers (students) or clients.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power intended to undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual or involve groups of people. It may be obvious or it may be insidious. It may take place in private or in public. It may be face to face or in written or telephone communications. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Conduct may be bullying or harassment whether or not the person intended to offend. Something intended as a "joke" or as "work place banter" may offend another person. This is because different employees find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable.

Behaviour which a reasonable person would realise is likely to offend an employee will always constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With other forms of

behaviour, it may not always be clear in advance that it will offend a particular employee, for example, work place banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or conduct, that such behaviour is unacceptable to him or her. A single incident can amount to harassment if it is sufficiently serious.

Harassment also occurs where, on the grounds of the employee's rejection of or submission to unwanted conduct, a person treats the employee less favourably than he or she would treat him or her had he or she not rejected, or submitted to, the unwanted conduct.

EXAMPLES OF BULLYING AND HARASSMENT

Examples of unacceptable behaviour could include, but are not limited to, the following:

- physical conduct ranging from unwelcome touching, patting, pinching, brushing against another person's body
- any form of physical threat or physical intimidation
- unwelcome lewd comments, innuendo or sexual advances
- the offer of rewards for acquiescing to sexual advances, e.g. offers of supported promotion
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect an individual's employment
- "outing" a lesbian, gay, bisexual or transgender persons
- unsolicited questions about a person's sex life or sexual orientation
- demeaning comments about a person's appearance
- the use of patronising titles or nicknames especially relating to a person's age, race, sexual orientation or disability
- unwelcome jokes, banter or abusive language
- abusive written comments
- the use of obscene gestures, leering or whistling
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or images displayed on a mobile phone or VDU
- making offensive remarks or jokes sent by e-mail or via social media whether in or outside of working time
- picking on or ridiculing an employee or setting them up to fail
- spreading malicious rumours, or insulting someone with words or behaviour
- copying memos that are critical about someone to others who do not need to know

- isolating an employee or excluding him or her from social activities or relevant work-related matters
- overbearing supervision or other misuse of power or position
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and/or constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities

Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying. An occasional raised voice or argument is not bullying.

REPORTING COMPLAINTS

Any allegation of discrimination or harassment shall be dealt with seriously, confidentially and speedily. The Company does not ignore or treat lightly grievances or complaints of discrimination or harassment from members of a particular race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation or age or from employees who have undergone gender reassignment, have entered into a civil partnership or have a disability.

With cases of harassment, while the Company encourages employees who believe they are being harassed to notify the offender (by words or by conduct) that his or her behaviour is unwelcome, the Company also recognises that actual or perceived power and status disparities may make such confrontation impractical.

If you wish to make a complaint of discrimination or harassment, whether against the Company, a fellow employee or a third party, you should follow the following steps:

First of all, report the incident of discrimination or harassment to Mr Neil Smith.

Such reports should be made promptly so that investigation may proceed and any action taken expeditiously. Allegations will be promptly investigated and as part of the investigation you will be interviewed and asked to provide a written witness statement setting out the nature and details of the incident or complaint and the basis for it. Whilst confidentiality is important, in order to investigate an allegation effectively the Company must be able to determine the scope of the investigation and the individuals who should be informed or interviewed. The Company reserves the right to arrange for another nominated person with the required skills to conduct the investigation other than Mr Neil Smith with whom you raised the matter.

The Company will also invite you to attend at least one meeting at a reasonable time and place at which your complaint can be discussed. You must take all reasonable steps to attend that meeting and you have the right to be accompanied at it by either a trade union official or a fellow employee of your choice.

Once the investigation has been completed and after the meeting with you has taken place, you will be informed in writing of the outcome and the Company's conclusions and decision as soon as possible. You will also be notified in writing of your right to appeal against the Company's decision if you are not satisfied with it. The Company is committed to taking appropriate action in respect of all complaints of discrimination or harassment which are upheld.

If you wish to appeal against the Company's decision, you must appeal in writing within five working days. You will be invited to an appeal hearing at which you may be accompanied by a work colleague or trade union representative. Wherever possible, the appeal will be heard by a director who was not involved with the original investigation. Following the meeting, you will be informed in writing of the Company's final decision on your appeal.

You will not be penalised for raising a complaint, even if it is not upheld, unless your complaint was both untrue and made in bad faith. In such circumstances the case will then be investigated and dealt with fairly and objectively under the disciplinary procedure.

If your complaint is upheld and the harasser or discriminator remains in the Company's employment, the Company will take all reasonable steps to ensure that you do not have to continue working alongside him or her if you do not wish to do so. The Company will discuss the options with you.

If your complaint is not upheld, arrangements will be made for you and the alleged harasser or discriminator to continue or resume working and to repair working relationships.

Alternatively, you may, if you wish, use the Company's grievance procedure to make a complaint.

Any employee who is found to have discriminated against or harassed another employee in violation of this policy will be subject to disciplinary action under the Company's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal. In addition, line managers who had knowledge that such discrimination or harassment had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under the Company's disciplinary procedure.