

EQUAL OPPORTUNITIES POLICY

Marshall Skills Academy are committed to eliminating discrimination and encouraging diversity amongst our workforce. Our objective is to create a working environment in which there is no unlawful discrimination and all decisions are based on merit.

This policy supersedes all previous policies on the same or similar subjects.

This policy has been jointly agreed by the Human Resources (HR) department of MARSHALL OF CAMBRIDGE (HOLDINGS) LIMITED and the Trade Union (where appropriate) and will be reviewed annually.

Eligibility

This policy applies to all employees, workers, agency workers / contractors and job applicants.

What is discrimination?

Discrimination is unlawful when it takes place on one of the following grounds (the 'protected characteristics'):

- Age
- Disability
- gender re-assignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Discrimination can take several forms:

- direct discrimination is when someone is treated worse than someone else just because of a protected characteristic. For example, it would be direct discrimination if a manager excludes an employee from a training course just because she is gay;
- it is also direct discrimination when someone is treated worse than someone else because they associate with someone with a protected characteristic or because they are perceived to have a protected characteristic. For example, it would be direct discrimination if an employee ostracised a colleague because the colleague has a gay flatmate or because he / she thinks the colleague is gay;
- indirect discrimination is when an apparently neutral practice or requirement disproportionately disadvantages one group and cannot be justified by the needs of the business. For example, imposing a requirement that job applicants must speak fluent English disproportionately disadvantages non-English groups and would be unlawful unless it could be justified on genuine business grounds;
- it is also discrimination when a disabled person is treated unfavourably because of something connected to their disability and this cannot be justified by the needs of the business or when the business fails to make reasonable adjustments for a disabled person.

Our responsibilities and approach

We aim to avoid discrimination in all aspects of employment and recruitment. Our approach to different aspects of employment and recruitment is set out below.

Marshall Skills Academy values all its employees, workers, agency workers / contractors and job applicants, and:

- encourage them to value each other;
- foresee the potential for bullying and harassment;
- take reasonable steps to reduce the risk;
- take action where incidents are raised.

All employees, workers, agency workers / contractors have the right to work in an environment that:

- is safe;
- free from unlawful discrimination in the workplace;
- promotes dignity at work;
- encourages individuals to treat each other with respect;
- promotes speaking politely, openly and honestly with others;
- is open, transparent and fair;
- encourages them to take responsibility for each other.

All employees, workers, agency workers / contractors have a responsibility to:

- not to discriminate against each other and not to help anyone else do so;
- ensure that they are supportive to individuals who state that they have been bullied or harassed and take full account of their feelings and perception of the situation;
- encourage those individuals to seek help from an appropriate source;
- refrain from participating in, encouraging or condoning gossip related to cases of alleged or actual bullying or harassment;
- take appropriate steps to prevent or stop gossip in their area of work;

Compliance

The implementation of this policy is the duty of managers, employees, workers, agency workers / contractors. All have a duty to uphold this policy, and for the development of a working environment in which the dignity of all is respected.

All managers have a duty to ensure that harassment does not occur in work areas for which they are responsible. Managers have a further responsibility to explain the Company's policy to their staff and to take steps to positively promote this policy.

All managers must be responsive and supportive to any member of staff who complains about harassment; provide advice on the procedure to be adopted and maintain confidentiality.

The complainant should be contacted following the formal resolution of the problem to establish whether the solution has been effective. Where it has not, further action may be necessary.

All, and in particular managers, have responsibilities to ensure the continuing success of implementation of the policy by:

- refraining from harassment and bullying;
- not discriminating against any of their colleagues;
- adhering to their employer's equality and bullying and harassment policies and to ensure that they treat their colleagues with respect and dignity at all times;
- bringing to the attention of the management any suspected practices in breach of this policy;
- working together to promote a harmonious working environment free from all forms of bullying and harassment.

No manager shall threaten or insinuate, either explicitly or implicitly, that an employee's rejection of sexual advances will be used as a basis for an employment decision affecting that employee. Such conduct by a manager will be treated as gross misconduct.

Recruitment and selection

Marshall Skills Academy aim to ensure that job requirements and job selection criteria are clear and based only on what is required to get the job done effectively. We will avoid making stereotypical assumptions based on protected characteristics about who is able to do a particular job.

We aim to ensure that no job applicant is placed at a disadvantage by practices or requirements which disproportionately disadvantage protected groups and which are not justified by the demands of the job.

For all jobs, we will draw up a clear and accurate job profile to ensure that we remain focussed on what the job involves and the skills, experience and qualifications which are relevant and necessary to do the job. If a job can be done flexibly, we aim to say so in the job description. If we hold interviews, where practical we will try to ensure that more than one person conducts them to ensure that we avoid unintentional bias.

Other than for monitoring purposes (under separate documentation), we will not ask for personal or irrelevant information on application forms or in interviews. We will focus instead on whether someone has the relevant skills, qualities and experience to do the job.

Promotion, training and performance development reviews

Promotion and training decisions will be made on the basis of merit. We will not unlawfully discriminate against any employee in making promotion or training decisions. We believe all employees should have an equal opportunity to progress and develop.

We will advertise promotion and transfer opportunities, including deputising opportunities and secondments which could lead to permanent promotion. We will try to ensure that training and development opportunities are made known to all relevant employees.

Training needs will be identified through regular reviews / training needs analysis / performance development review discussions.

We have a formal performance development review system which helps us to ensure that employees are being assessed fairly on the basis of job performance and are not being discriminated against. We will conduct reviews objectively and measure performance in a transparent and objective way, without prejudice or bias.

Positive action

For some recruitment and promotion exercises we may take positive action to address under-representation in our workforce by encouraging applications from people from certain under-represented groups. For example, we may state on advertisements that we particularly welcome applications from certain groups, we may target our advertising towards particular groups, we might hold open days, work shadowing opportunities targeted at particular groups or we might provide training for particular groups to prepare them for promotion. However, we will ultimately make recruitment and promotion decisions on merit and not on the basis of protected characteristics.

Working conditions and terms of employment

Marshall Skills Academy will try to accommodate cultural or religious practices such as prayer requirements where we reasonably can. Cambridge has a room dedicated to prayer and contemplation available for staff to use. It is located in the ASC 1 Building in the HR Department opposite the HR window. Prayer mats are supplied and there is a copy of the Bible, the Qur'an and the Torah. Our canteen can cater for special dietary needs such as Halal and Kosher (upon request).

We aim to ensure that our terms of employment, benefits, facilities and policies are free from unlawful discrimination. We will review our benefits and facilities regularly to ensure that they are available to all employees, workers, agency workers / contractors who should have access to them and that there are no unlawful obstacles to accessing them.

We will ensure that decisions made under our disciplinary, grievance, performance management and attendance management policies are carried out fairly and without discrimination.

We will carry out a regular audit / review of our pay structures to ensure that they are fair and free from discrimination.

Termination of employment

We will ensure that we avoid discrimination in making decisions about dismissal or redundancy.

Where possible we will ensure that any manager's decision to dismiss an employee is endorsed by another manager and the HR department.

Disabled employees

We will make adjustments to accommodate disabled employees where possible and reasonable. For example, we can provide extra equipment or support, we can re-arrange duties and we can make changes to our premises in appropriate cases. If you think you may have a disability, you are encouraged to tell the business about this so that we can explore what adjustments might be appropriate.

Training on equalities

We will train all our employees on understanding and avoiding discrimination.

Monitoring

We may ask job applicants, employees, and contractors for information about some of their protected characteristics. We do this to help us to:

- establish whether our equality policy is effective in practice;
- analyse the effect of other policies and practices on different groups;
- highlight possible inequalities and where appropriate investigate their underlying causes; and
- take action where we think it is needed to address problems or reduce disparities.

We collect this information anonymously and we will use it only for monitoring purposes and not for any other purpose. We will protect the confidentiality of the information given to us.

Some examples of the type of monitoring we may carry out are as follows:

- how many people with particular characteristics apply for each job, are shortlisted and recruited;
- how many people in the workforce have a particular protected characteristic and the levels within the organisation that they are employed at, their length of service and their resignation rates and patterns;
- the protected characteristics of staff attending training;
- the satisfaction levels of staff with a particular protected characteristic;
- the protected characteristics of employees using the grievance or bullying and harassment procedures; and
- the protected characteristics of employees who are disciplined or dismissed.

Our relationships with visitors / customers / suppliers

All employees, workers, agency workers / contractors must not discriminate against any of our visitors / customers / suppliers. Equally, we expect our visitors / customers / suppliers not to discriminate against employees, workers, agency workers / contractors, and we will take appropriate action against any visitor / customer / supplier found to have done so.

What to do if you have been discriminated against

If you believe you may have been discriminated against, please tell us. You can speak informally with your manager or anyone in HR. If you want to make a more formal complaint, you are encouraged to raise the matter through our Grievance procedure. If you believe there has been any bullying or harassment then you should raise the matter through our Bullying and Harassment procedure.

Allegations of potential breaches of this policy will be treated seriously. Employees, workers, agency workers / contractors who make such allegations in good faith will not be victimised or treated less favourably as a result. However, false allegations of a breach of this policy which are found to have been made in bad faith will be dealt with under our disciplinary procedure.

What will happen if you act in a discriminatory way?

If, after investigation, we decide that you have acted in breach of this policy you may be subject to disciplinary action up to and including dismissal.

The company's position on bullying and harassment

All employees, workers, agency workers / contractors have a duty not to bully or harass each other nor to help anyone else to do so.

We will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whatever the seniority of the perpetrator and whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in the bringing of a complaint of harassment or bullying. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone you could be liable to compensate the victim. In some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We will take appropriate action if any of our employees, workers, agency workers / contractors are bullied or harassed by our customers or suppliers.

If, after investigation, we decide that an employee has harassed or bullied another employee, worker, agency worker / contractor, then they may be subject to disciplinary action, up to and including dismissal (please refer to BMS0251 Performance Management – Employee Disciplinary). Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. Employees, workers, agency workers / contractors who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. You have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under our disciplinary procedure.

What type of treatment amounts to bullying or harassment?

‘Bullying’ or ‘harassment’ are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- verbal abuse or offensive comments, jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation;
- lewd or suggestive comments;
- display of ‘pin-ups’, pornography, inflammatory or abusive literature or graffiti;
- deliberate exclusion from conversations or work activities;
- withholding information a person needs in order to do their job;
- practical jokes, initiation ceremonies or inappropriate birthday rituals;
- physical abuse such as hitting, pushing or jostling;
- rifling through, hiding or damaging personal property;
- subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others.

Bullying does not include appropriate criticism of an employee’s behaviour or proper performance management (i.e. in a private meeting).

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All employees, workers, agency workers / contractors must, therefore, treat their colleagues with respect and appropriate sensitivity.

What an employee should do if they are being bullied or harassed by a customer or supplier

If you are being bullied or harassed by a customer, supplier or someone else with whom you come into contact at work, please raise this with your immediate manager. We will then decide how best to deal with the situation, in consultation with you.

What an employee should do if they are being bullied or harassed by a colleague

If you are being bullied or harassed by another employee, worker, agency worker / contractor, there are two possible avenues for you, informal or formal.

Policy review and promotion

We will promote and publicise our Equality Policy as widely as possible using our intranet, website, application packs, induction packs, notice boards, annual reports.