

BMS Performance - Equality, Diversity And Inclusion Policy

1. General

1.1 BMS embraces diversity and will seek to promote the benefits of diversity in all our working and learning environments. We will seek to develop a business culture that reflects that belief. We will seek to widen the media in which we recruit to ensure as diverse an employee and learner base as possible.

1.2 BMS is committed to diversity and will promote diversity for all employees, workers and learners and shall adhere to such a policy at all times. We will review on an on-going basis all aspects of recruitment to avoid unlawful or undesirable discrimination. BMS will treat everyone equally irrespective of sex, sexual orientation, gender reassignment, marital or civil partnership status, age, disability, race, religion or belief and places an obligation upon all staff to respect and act in accordance with the policy. BMS is committed to providing training for its entire staff in equality, diversity and inclusion.

1.3 BMS shall not discriminate unlawfully when deciding whether a learner or employer is suitable for an apprenticeship programme. BMS will ensure that each learner is assessed only in accordance with suitability in terms of current job role, qualifications and prior learning and commitment to complete the relevant learning activities throughout their apprenticeship.

1.4 BMS will not accept instructions from employers that indicate an intention to discriminate unlawfully.

2. Discrimination

Unlawful discrimination occurs in the following circumstances:

2.1 Direct discrimination

2.1.1 Direct discrimination occurs where one individual treats or would treat another individual less favorably on grounds of:

- Age
- Disability
- Gender reassignment
- Marriage or civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

These are the nine protected characteristics that are outlined by the Equality Act 2010.

2.1.2 It is unlawful for an apprenticeship provider to discriminate against a person on the grounds of a protected characteristics:

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- in the terms on which the provider offers to provide any of its services;
- by refusing or deliberately omitting to provide any of its services;
- in the way it provides any of its services.

2.1.3 Direct discrimination would also occur if an apprenticeship provider accepted and acted upon an instruction from an employer which states that certain persons are unacceptable for an apprenticeship programme due to a protected characteristic, unless one of the exceptions applies, for instance, the job demands a genuine occupational requirement or in the case of age, the discrimination can be lawfully justified.

2.2 Indirect Discrimination

2.2 Indirect discrimination occurs where a provider or an employer applies a provision, criterion or practice generally, which disadvantages a minority group in the community on the basis of a protected category.

2.2 If the apprenticeship vacancy requires characteristics which amount to a genuine occupational requirement or the instruction is lawfully discriminatory due to a statutory exception or objective justification, BMS will not deal further with the vacancy unless the client provides written confirmation of such genuine occupational requirement, exception or justification.

3. Duty to make reasonable adjustments and to provide auxiliary aids and services

Please refer to our Reasonable Adjustments policy.

3.1 Where a provision or physical feature of the BMS’s premises, places a disabled person at a substantial disadvantage in comparison with persons who are not disabled, it will be the duty of an employer to take such steps as are reasonable, in all the circumstances of the case, to remove the provision, or modify the physical feature, as is reasonably practical.

3.2 If a learner declares they have any additional learning needs (ALN) prior to enrolling, or whilst on their apprenticeship, BMS Performance will take steps to provide reasonable adjustments to the programme to enable the same level of access for all. Please refer to our Reasonable Adjustments policy for further details. BMS also has a duty to inform the End Point Assessment Organisation of the learner’s additional learning needs, who will also make reasonable adjustments.

4. Age Discrimination

4.1 BMS will not discriminate directly or indirectly, harass or victimize any person on the grounds of their age.

4.2 Our initial assessment process asks an apprentice about their length of service in their job role, with their employer and in their sector. This information is asked to ascertain the current skill-set of a potential apprentice in relation to their desired apprenticeship standard to ensure that there is enough development needed to enable an access to funding for their programme and warrant the minimum apprenticeship length of stay of 12 months.

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4.3 BMS is committed to recruiting and retaining employees whose skills, experience, and attitude are suitable for the requirements of the various positions regardless of age.

4.4 BMS maintains records of learner age, as required by the Education and Skills Funding Agency. This information will be used from time to time to review learner performance as an equality and diversity impact measure.

5. Gender Reassignment Policy

5.1 BMS recognises that any employee or worker may wish to change their gender during the course of their employment with the Company.

5.2 BMS will support any employee or worker through the reassignment provided that full medical counselling has been undertaken and BMS has access to any relevant medical reports.

5.3 BMS will make every effort to try to protect an employee or worker who has undergone, is undergoing, or intends to undergo gender reassignment, from discrimination or harassment within the workplace.

5.4 All employees and workers will be expected to comply with BMS’s policy on harassment in the workplace. Any breach of such a policy will lead to the appropriate disciplinary sanction.

5.5 Where an employee is engaged in work where the gender change imposes genuine problems BMS will make every effort to reassign the employee or worker to an alternative role in the Company, if so desired by the employee.

5.6 Any employee or worker suffering discrimination on the grounds of gender reassignment should make recourse to the Company’s grievance procedure.

6. Fundamental British Values

6.1 As part of the Prevent strategy BMS Performance Limited will be promoting Fundamental British Values to reflect life in modern Britain. These values are Democracy, Rule of Law, Respect and Tolerance, Individual Liberty.

6.2 Fundamental British Values underpin what it is to be a citizen in a modern and diverse Great Britain valuing our community and celebrating diversity of the UK.

6.3 Fundamental British Values are not exclusive to being British and are shared by other democratic countries as a way of creating an orderly society, where individual members can feel safe, valued and can contribute for the good of themselves and others.

6.4 These will mirror the principles and values of BMS Performance Limited and all the work areas that we support. These will occur throughout all programmes we deliver and will be promoted by the staff and associates of BMS.

7. Complaints and monitoring procedures

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Please refer to our complaints policy.

7.1 BMS has in place procedures for monitoring compliance with this policy and for dealing with complaints of discrimination. These are available from Katie Rooney and will be made available immediately upon request

7.2 Any discrimination complaint will be investigated fully (should you require any advice or have specific enquiries with regards to this policy, please contact David Bill).

8. Commitment

In order to realise our commitment to EDI, BMS Performance will:

- Publish information (primarily on our website) to demonstrate compliance with the general equality duty.
- Regularly develop, evaluate and reviewing our EDI policy.
- Ensure everyone accepts their responsibility to uphold equality and show respect to others.
- Engage leadership and management with the EDI Strategy and objectives through the Enrichment and Wellbeing Group.
- Seek staff engagement, awareness and support through regular feedback monitoring.
- Seek student engagement, awareness and support through a variety of learner involvement strategies, for example 'Learner Voice'.
- Ensure equality analysis of policies, procedures and strategies, environment, activities and resources.

9. Documents Associated with this Policy

- EDI Strategy
- Enrichment and Wellbeing Group – action plan
- Engagement, assessment and enrolment policy
- Safeguarding Policy
- Reasonable Adjustments Policy
- Complaints Policy

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