



Equality and Diversity

NOPS Policy

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POLICY STATEMENT

1. Smart Awards strives to ensure that it does not create any unnecessary barriers to achievement and provides fair opportunities for all.

SCOPE

2. The policy applies to all those involved with the development and use of Smart Awards' Network Operative Passport System (NOPS). Under the Equality Act 2010, it is unlawful for any organisation to discriminate on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Discrimination on these grounds (known as "protected characteristics") is unlawful.

RESPONSIBILITY

3. This policy is for use of the Network Operative Passport System (NOPS). This policy is for individuals and organisations recording and accessing individual information stored on NOPS. Smart Awards has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it. Smart Awards has the day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation.

PROTECTED CHARACTERISTIC

4. The Equality Act (2010) harmonises and replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995). The Act protects people from discrimination on the basis of 9 protected characteristics.

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

5. The Act provides protection for the protected characteristics across education functions against:

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation

6. And in relation to disability:

- Discrimination arising from disability
- Duty to make reasonable adjustments

DIRECT DISCRIMINATION

7. Direct discrimination takes place where a person treats someone who has a protected characteristic less favourably than he or she treats would treat others not possessing the protected characteristic.

INDIRECT DISCRIMINATION

8. Indirect discrimination occurs where a provision, criterion or practice is applied which is discriminatory in relation to protected characteristic. This includes conduct which is applied or would apply to people who do not share the characteristic in question and conduct which puts or would put someone possessing a protected characteristic at a particular disadvantage.

HARASSMENT

9. Harassment occurs where a learner is subjected to unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating their dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. This can include unwanted conduct of a sexual nature or that is related to gender reassignment or sex.

VICTIMISATION

10. Victimisation is a form of discrimination where an individual is the subject of less favourable treatment because the discriminator knows or suspects that an individual has done or intends to bring a discrimination claim or give evidence against them in a discrimination claim or has made an allegation of discrimination.

COMMITMENT

11. Smart Awards is committed to upholding and promoting equality of opportunity through all aspects of its work and will treat all people with dignity and respect, valuing the diversity of all. It will eliminate all forms of discrimination and will tackle social exclusion, inequality, discrimination and disadvantage.
12. Smart Awards goal is to work towards a just society free from discrimination, harassment and prejudice and to embed this in all its policies, procedures, day-to-day practices and external relationships.
13. Smart Awards is committed to taking positive steps to ensure that:
 - All individuals and organisations are treated with dignity and respect, valuing the diversity of all
 - Equality of opportunity and diversity is promoted
 - Recognising and valuing the differences and individual contributions
 - Services are accessible, appropriate, and delivered fairly to all
 - Individuals are made aware, understand, agree and are willing to implement this policy
 - Raise awareness of equality and diversity through information and training
 - Effective record keeping and monitoring, and acting on information gathered to measure effectiveness

STAKEHOLDER RESPONSIBILITIES

14. It is important that Smart Awards and its stakeholders are fully aware of the contents of this policy.
15. Smart Awards stakeholders are required to:
 - ensure that all processes concerned with the use of NOPS are carried out in a fair and objective manner
 - adhere to current legislation regarding equality and diversity
 - operate an effective equality and diversity policy
 - operate an effective appeals procedure

BREACH OF DIVERSITY AND EQUALITY POLICY

16. Smart Awards will not tolerate any victimisation, harassment, discrimination and/or breach of its policy on equality and will take disciplinary action against offenders who are internal members of staff. Should any stakeholder be involved in any victimisation, harassment, discrimination and/or breach of this policy, Smart Awards will not hesitate to issue sanctions in accordance with the NOPS terms and conditions. Where possible, this may include (but is not limited to) termination of NOPS access. Smart Awards and its stakeholders are reminded that unlawful discrimination can lead to criminal and civil proceedings being taken against them individually.

PROCESS IN DEALING WITH CLAIMS OF UNFAIR TREATMENT

17. If someone considers the treatment they have received amounts to discrimination, harassment, or victimisation in line with the definitions contained in this policy, where possible you should make it clear to those concerned that their behaviour is unacceptable and offensive and you should ask them to stop. Often this is enough to stop the treatment and prevent it happening again.
18. If the problem persists or the person feels unable to make a complaint directly to the individual they should make a formal complaint in line with the Smart Awards Complaints Policy (if the complaint is from an individual and relates to an organisation the individual should utilize the organisations complaints procedure in the first instance).
19. In the event an individual makes a formal complaint to a Smart Awards relating to issues of inequality which can't be resolved, the individual must be made aware, by the stakeholder, of their right to direct their complaint to Smart Awards via the arrangements outlined in our Complaints Procedure.
20. Any complaint raised with Smart Awards will be treated in complete confidence and will always be treated seriously and fully investigated. All investigations will be carried out in the strictest confidence and all the people who are part of the investigation will be expected to respect this confidentiality, whether this be Smart Awards or its stakeholder.
21. Only once the facts have been established will a course of action be recommended. As part of the investigation, the complainant/relevant persons may well be asked to attend a formal interview to provide evidence. If the investigation finds that the allegations have been made maliciously or to slight

a person's reputation, the accuser may be subject to punitive action. When the investigation is complete, the complainant will be informed of the outcome in person and/or writing.

REVIEW OF THIS POLICY

22. This policy is reviewed and revised annually in response to feedback, changes in legislation and guidance and from other appropriate organisations.