

Equality Diversity and Inclusion Policy – Qualifications and Assessment

Introduction

This Policy and Procedure set out Gateway Qualifications' approach to equality, diversity and inclusion. Gateway Qualifications:

- is committed to complying with all current and relevant legislation in this area, which includes, but is not limited to the Equality Act 2010 (the **Act**);
- is focused on creating the highest quality of qualifications and products which are accessible to all and enable Learners to thrive;
- is committed to ensuring equality of opportunity in employment and access to services for all who work for or with it;
- values and celebrates differences in age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, sexual orientation, pregnancy and maternity;
- believes that all forms of prejudice and discrimination are unacceptable, and will strive vigorously to tackle these and to remove conditions which place people at a disadvantage;
- works to eliminate unlawful direct and indirect discrimination;
- provides equality of opportunity as an integral part of good practice;
- is committed to a working environment in which the contribution and needs of everyone are fully recognised and valued;
- supports staff, wider workforce and contractors in challenging any inappropriate, violent or abusive behaviour from colleagues, other individuals, organisations and customers and will implement appropriate actions;
- believes that all Learners should have equal opportunities to access its qualifications, assessments and services and strives to support Learners of all abilities, and to ensure that qualifications are awarded in a way which is fair to every Learner.
- is opposed to all forms of discrimination which prevent Learners and staff in Recognised Centres (Centres) from achieving the above vision and values;

In some instances, Learners may require adjustments to the assessment process to ensure that they have an equal opportunity. The separate Reasonable Adjustment and Special Consideration Policy sets out the process on the provision of adjusted assessment processes and how to apply for them.

Scope

This policy sets out Gateway Qualifications' commitment to meeting the requirements of the Act, and to the principles of equality and diversity both as an employer, and in the development, delivery and awarding of qualifications, in addition to the provision of any services that we may offer.

It should be read in conjunction with the following policies and procedures:

- the Appeals Policy and procedures; and
- the Complaints Policy and procedures

- the Reasonable Adjustment and Special Consideration Policy and procedures.

This policy applies to the following individuals who have a responsibility to comply with the intentions of this policy:

- Gateway Qualifications' trustees and committee members
- Gateway Qualifications' staff
- Gateway Qualifications' wider workforce, henceforth referred to as 'contractors' – including consultants, qualification developers, assessment associates, Internal and External Quality Assurers, Centre and Subject Moderators
- Centre management and staff
- Learners using Gateway Qualifications' products and services

Principles

Gateway Qualifications' recognises and respects difference. We acknowledge that achieving equality of opportunity does not involve treating everyone the same. People have different life-experiences, outlook and backgrounds. They may have different learning needs, impairments, medical conditions or disabilities. Gateway Qualifications will take account of these and seek to reduce or remove barriers, disadvantages and obstacles before they have an impact on individuals.

Gateway Qualifications will ensure that it develops qualifications, programmes, materials and criteria for assessment that are free from stereotyping. We will also ensure, where possible, that programme content, resources and materials recognise and celebrate the achievement and contributions of different groups of people and will neither give advantage or disadvantage to Learners with a protected characteristic to those who do not share that characteristic.

The principles of equality, diversity and inclusion defined in this Policy, underpin all other organisation policies, procedures and practices. This includes the development, delivery and awarding of regulated qualifications and Access to HE Diplomas.

Gateway Qualifications' expects its Centres to respect and celebrate difference, provide equality of opportunity, strive to ensure all feel valued and empowered, regardless of the many ways that people are different, including race, disability, gender, gender reassignment, age, nationality, sexual orientation, pregnancy or maternity, religion or belief, marital or civil partnership status, or socio-economic background or class. This is not an exhaustive list.

Achieving the principles of equality, diversity and inclusion as defined in this Policy ensures that Gateway Qualifications meets all legal (Equalities Act 2010) and regulatory responsibilities. Some of these are summarised in appendix A to this Policy.

Centre Responsibility

We expect that Centre staff involved in the management, assessment and quality assurance of our regulated qualifications or units, and their Learners, are aware of this policy, current equality legislation and regulatory requirements in relation to equality and diversity.

Gateway Qualifications ensures equality of opportunity for Learners registered on its qualifications by requiring centres to demonstrate as part of the approval process that:

- current equality legislation is adhered to;
- there is an up-to-date equality and diversity policy in place;
- staff and Learners are aware of and have access to the equality and diversity policy;
- assessment processes are carried out in a fair and objective manner;
- an effective appeals policy and procedure is in place;
- staff and Learners are aware of and have access to the appeals policy and procedure;
- an effective complaints policy and procedure is in place;
- staff and Learners are aware of and have access to the complaints policy and procedure;
- Learners' results are monitored in line with the centre's equality and diversity policy;
- equipment and accommodation used for learning and assessment create no barriers to access for any Learner;
- reasonable adjustments and special consideration are made in line with Gateway Qualifications' policy and procedures.

Gateway Qualifications expects its centres to enable Learners to have equal access to training and assessment for its products irrespective of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Assessment must similarly be undertaken without discrimination. External Quality Assurers/Moderators will monitor compliance with these requirements within centres.

Gateway Qualifications' Responsibility

Gateway Qualifications is responsible for ensuring that its staff and contractors are aware of this policy, current equality legislation and regulatory requirements in relation to equality and diversity.

Staff and contractors

Gateway Qualifications is committed to ensuring that staff and contractors are recruited, selected, monitored and can progress within the organisation in a fair and equitable manner, based on their relevant attributes, skills, experience and performance only. Staff and contractors are supported in maximising employment, professional and personal development opportunities.

Gateway Qualifications provides equality and diversity guidance to all staff and contractors at induction and on an ongoing basis and maintains a record of when training has been received.

Gateway Qualifications ensures that its Learners and staff know how to register complaints and offer feedback.

Qualifications and assessments

Gateway Qualifications ensures that:

- its qualifications and assessments (where provided) are suitable for as diverse a range of Learners as possible;
- it shall provide equal opportunities for Learners to access all assessments, whether they are internally or externally assessed and seek to remove unnecessary barriers that restrict access and progression;
- it adheres to regulatory conditions relating to the development, delivery, assessment and awarding of qualifications, to ensure that qualifications contain no bias in content which might discriminate against or disadvantage any groups of Learners sharing a particular characteristic, in terms of language, content or means of assessment, other than those directly related to the purpose of the units or qualifications and will monitor this on an ongoing basis;
- if any such features or barriers of this type are necessary, their nature and the reason for their inclusion in the particular unit or qualification are clearly set out. Staff responsible for inducting Learners on to qualifications must be fully briefed of such features. Any details of how the effect of any barriers will be mitigated, including using access arrangements, including reasonable adjustments, will be recorded.

Logs of complaints and appeals and feedback from users of qualifications will be scrutinised when considering whether any of the qualifications or Gateway Qualifications' policies or procedures give rise to barriers to access or detriment to any groups sharing protected characteristics.

In order to implement the Policy, Gateway Qualifications will:

- Communicate, as appropriate, this policy to all those associated with the services provided by Gateway Qualifications
- Assess equalities practice of new centres to ensure the principles and values of this Policy are met
- Ensure that the principles and values of this Policy are integrated and promoted within every aspect of the qualifications lifecycle. This will include, for example, ensuring that publications, marketing and promotional materials, key documentation such as handbooks and guidance materials explicitly endorse and support the values of equality, diversity and inclusion stated in this Policy
- Deal with all allegations of discrimination, harassment and victimisation sensitively and investigate fairly and thoroughly.

A copy of this Policy will be available on Gateway Qualifications' website.

Gateway Qualifications will:

- Ensure that all Trustees, employees and/or the wider workforce involved in any aspect of the organisation's qualification development, delivery and awarding arrangements comply with this Policy
- Make every practical effort to ensure that materials, services and facilities are not only free from bias, but will also support Centres and Learners in maximising employment and personal development opportunities.

Monitoring

As part of the monitoring of Learners registering for Gateway Qualifications regulated qualifications and assessments (where provided), units and courses, Gateway Qualifications will request information on any feature which could disadvantage a group of Learners who

share a protected characteristic, requests for reasonable adjustments, special considerations, and feedback from Centres, Learners, and other stakeholders. This information will be used to monitor the implementation of this Policy.

All relevant issues identified that suggest the provision or services may have unnecessarily impacted on Learners will be reported back to the Director of Awarding who will be responsible for leading on introducing amendments to provision and/or services where necessary and in accordance with internal procedures for developing and reviewing units and qualifications.

Details of the outcomes of each review will be made available to the qualification regulators upon request.

This Policy will be monitored via the following activities:

- Routinely analyse Equality and Diversity Learner statistical reports to identify areas of under-representation or achievement. This will include requests for reasonable adjustments, special considerations, , analysis of results by assessors and/or Centre, and feedback from Learners, Centres and other stakeholders
- Scrutinise the outcomes of any reported incidents of discrimination, harassment and unfavourable treatment
- Summarise the outcomes of equality impact assessments
- Report annually on the outcomes of all of the above to Trustees.

Contact us

If you have any queries about the contents of the policy, please contact:

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Ofqual General Conditions of Recognition
Condition A1: Suitability for continuing recognition Condition B1: The role of the Responsible Officer Condition C2: Arrangements with Centres Condition D2: Accessibility of qualifications
Qualifications Wales Conditions of Recognition
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QAA licensing criteria

Not applicable

Appendix A – legal framework

The Equality Act 2010 introduces the term ‘protected characteristic’ to refer to aspects of a person’s identity explicitly protected from unlawful discrimination. Nine are identified:

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

However, other aspects of a person’s identity, background or circumstance can cause them to experience discrimination, for example a person’s socio-economic status, class or background. Gateway Qualifications is committed to advancing equality and eliminating discrimination on these and other grounds as explained in this Policy statement.

The Equality Act 2010 introduces a Public Sector Equality Duty, in force from April 2011, which requires Gateway Qualifications to give due regard to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations.

‘Advance’ involves having due regard, in particular, to the need to:

- a) remove / minimise disadvantages experienced by persons who share a relevant protected characteristic that are connected to that characteristic
- b) take steps to meet needs of persons who share a relevant protected characteristic that are different from the needs of persons who don’t share it
- c) encourage persons with a relevant protected characteristic to participate in public life or in any other activities where participation by such persons is disproportionately low.

‘Foster good relations’ includes having due regard to tackle prejudice and promote understanding.

The Duty covers eight of the nine protected characteristics (only the first ‘arm’ of the new duty, to eliminate discrimination, harassment and victimisation, applies to the protected characteristic of marriage and civil partnerships).

The Equality Act 2010 recognises the following types of discrimination:

- direct discrimination, including associative and perception discrimination
- indirect discrimination
- harassment
- victimisation
- discrimination arising from a disability
- failure to make reasonable adjustments.

Direct discrimination occurs when someone is treated unfairly, or less favourably than another person, because they have a protected characteristic. This often arises because of assumptions, stereotyping or prejudice. Direct discrimination also covers **association discrimination or perception discrimination**. This is direct discrimination against someone because they associate with a person who has the protected characteristic or because they are perceived to have a protected characteristic.

Indirect discrimination occurs when a provision, criterion or practice is applied that appears to affect everyone equally but which in fact puts people who share a protected characteristic at a disadvantage.

Harassment occurs when someone behaves in such a way that their conduct has the purpose or effect of creating an environment that is offensive, hostile, degrading, humiliating or intimidating for a person, where:

- this is related to a protected characteristic (except pregnancy and maternity or marriage and civil partnerships)
- this is of a sexual nature (sexual harassment)
- a person is treated less favourably because they have either submitted to or rejected sexual harassment, or harassment related to sex or gender reassignment (this is known as 'consequential harassment').

Discrimination arising from a disability occurs when a disabled person is treated less favourably than others because of something connected to their impairment.

Failure to make reasonable adjustments occurs when an organisation fails to make reasonable adjustments for a disabled person, to avoid the disabled person being placed at a substantial disadvantage when compared with a non-disabled person.

Victimisation occurs when a person experiences disadvantage because they have supported someone in making a complaint or an allegation of discrimination, or because they personally have made an allegation of discrimination.

Section 53 of The Equality Act 2010 refers specifically to awarding organisations, requiring them not to discriminate, harass or victimise a person in relation to the conferment or withdrawal of a qualification.