



# Equality and Diversity 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 assessment opportunities for all learners, including those with particular assessment requirements.
2. Smart Awards have a duty under The Equality Act 2010 to make reasonable adjustments to the way their qualifications are delivered, to ensure that they are accessible to learners with disabilities.

## SCOPE

3. Under the Equality Act 2010, it is unlawful for any education provider to discriminate between learners 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 in relation to qualification and assessment arrangements for learners.
4. We are committed to ensuring that the principles of equality and diversity are reflected throughout our qualifications and other products and services. This policy sets out those commitments and how we meet them. This policy maps to Ofqual general conditions and SQA Accreditation principles.

## OFQUAL GENERAL CONDITIONS

D2.2 An awarding organisation must monitor qualifications which it makes available for any feature which could disadvantage a group of Learners who share a particular Characteristic.

D2.3 Where an awarding organisation has identified such a feature, it must – (a) remove any disadvantage which is unjustifiable, and (b) maintain a record of any disadvantage which it believes to be justifiable, setting out the reasons why in its opinion the disadvantage is justifiable.

## SQA ACCREDITATION PRINCIPLES

Principle 11. The awarding body shall ensure that its qualifications and their assessment are inclusive and accessible to learners.

## RESPONSIBILITY

5. This policy is for qualifications offered by Smart Awards. This policy is for centres and learners accessing Smart Awards qualifications and related services and all those involved with the development, delivery and quality assurance of Smart Awards qualifications. 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.

R	Responsibilities	The person who actually carries out the process or task. The person is responsible for action/implementation. Responsibilities can be shared
A	Accountabilities	The person who is ultimately accountable for the process or task being completed and who has the authority to make decisions, yes or no authority and veto power. Responsible person (s) are accountable to this person. Only one A can be assigned to a task

C	Consulted	The person to be consulted prior to a final decision or action (two-way communication). People who are not directly involved with carrying out the task but are consulted with.											
I	Informed	Anyone whose work depends on the process or task and who has to be updated about the progress after a decision or action has been taken (one-way communication).											
TASKS		BOARD	CEO	MD	OPS DIRECTOR	QUALITY PORTFOLIO MANAGER	STANDARDS COMPLIANCE OFFICER	QUAL ADMIN OFFICER	IT CONSULT	FINANCE AUDITOR	EQA	NOPS BOARD	CENTRES
Awarding Policies and Process													
Equality and diversity		A	R	R	R	R	R	R	I	I	R	C	R
ASSOCIATED TASKS													
Fair access													
Reasonable adjustments													
Special consideration													
Complaints													
Qualification development													
Holiday/Sickness Cover													
The MD, CEO and Operations Director cover holiday/sickness and absenteeism for areas where the person is responsible for action/implementation of a task. The MD, CEO and Operations Director hold company wide experience to be able to carry out these tasks and hold no conflicts of interest.													

## PROTECTIVE CHARACTERISTIC

6. 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

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

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation

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 a learner who has a protected characteristic less favourably than he or she treats or 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 learners who do not share the characteristic in question and conduct which puts or would put a learner 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 his 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 learners 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
  - The mix of its employees, assessors and contractors reflects, as far as possible, the broad mix of the population
  - Individuals are made aware, understand, agree and are willing to implement this policy
  - All individuals will be given a copy of this policy as part of their induction
  - Raise awareness of equality and diversity through information and training
  - Effective record keeping and monitoring, and acting on information gathered, in order to measure effectiveness

## QUALIFICATIONS

- Every learner is assessed according to his or her personal capability prior to any assessment
- Qualification opportunities in diverse geographical locations is offered
- Qualifications are offered to learners who are able to achieve the required standards and free from unnecessary barriers that restrict access and progression
- Content and language of all written information including assessment materials are non-discriminatory and free from social and racial bias or stereotypical wording
- Promotional materials are monitored for the use of potentially discriminatory language and bias and make use of images that are representative of society
- Appeals policy is published and made available to individuals and service users
- Reasonable adjustments policy is published and made available to ensure that this is achieving its objective of providing all learners with equal access to fair training /qualifications/ assessment
- Monitoring of data on ethnicity, gender, age, and disability in relation to learners

## CENTRE RESPONSIBILITIES

14. It is important that Smart Awards and its Centres are fully aware of the contents of this policy. It is equally as important all learners undertaking Smart Awards qualifications are fully aware of the contents of this policy.
15. Smart Awards expects its Centres to enable learners to have equal access to assessment materials for Smart Awards qualifications irrespective of their age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex or sexual orientation. Smart Awards qualifications must be undertaken without discrimination.
16. Centres are required to have a policy in place to ensure that such discrimination does not occur either directly, indirectly or as a result of pressure from any other body. This policy must apply to all satellite/associated venues and it is expected there are arrangements in place to monitor its application and effectiveness.
17. In the event a learner makes a formal complaint to Smart Awards relating to issues of inequality which cannot be resolved, the learner must be made aware, by the Centre, of their right to direct their complaint to Smart Awards via the arrangements outlined in our Complaints Procedure.
18. Smart Awards Centres are required to:
  - ensure that all processes concerned with the delivery of Smart Awards qualifications are carried out in a fair and objective manner
  - adhere to current legislation regarding equality and diversity
  - operate an effective equality and diversity policy, with which learners are familiar and which applied to all learners using our qualifications
  - operate an effective appeals procedure, with which learners are familiar and which is applied to all learners using Smart Awards qualifications.

## QUALIFICATION AND ASSESSMENT MATERIALS

19. During the development of Smart Awards qualification and assessment materials Smart Awards will ensure that learners with protected characteristics will not be disadvantaged. Furthermore, any barriers to entry will only be set in place if they directly relate to the purpose of the assessment tools and materials. The nature of any such features or barriers will be stated and the inclusion of the requirements that create the barrier justified in terms why they are required for the particular EPA assessment(s).

## ACCESS TO SMART AWARDS QUALIFICATIONS

20. Smart Awards takes steps to ensure that its qualifications do not inadvertently discriminate and lead a group of learners who share a common attribute or circumstance to experience an unreasonable disadvantage. Smart Awards takes steps to ensure that our qualifications and assessment materials do not contain language or images that may discriminate or offend in any way.

21. Smart Awards will ensure that:

- the widest possible diversity of learners can access the content and assessment of our products and services
- entry requirements, content and assessment demands of products and services will be appropriate to the knowledge, understanding and skills specified and do not act as unnecessary barriers to achievement
- all products and services allow for the fair assessment of all learner language used in all materials is clear, free from bias and appropriate to the target group
- we aim to produce materials that do not cause offence
- all products and services are reviewed against this policy
- our staff and other representatives are trained to identify issues relating to equality and diversity especially in the application of Smart Awards qualifications
- we will always act fairly when working with Centres and learners
- we will always support and demonstrate the principles of diversity and equality
- Policies and methods of assessment do not have any adverse or potential adverse effect on any group of learners and take full account of individual learner needs

## MAKING REASONABLE ADJUSTMENTS AND SPECIAL CONSIDERATIONS

22. Smart Awards permit reasonable adjustments or special considerations to be made where necessary and appropriate. Centres must refer to Smart Awards reasonable adjustment and special consideration policy and follow the guidance for requesting a reasonable adjustment or special consideration.

## BREACH OF DIVERSITY AND EQUALITY POLICY

23. 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 Centre be involved in any victimisation, harassment, discrimination and/or breach of this policy, Smart Awards will not hesitate to issue sanctions in accordance with its Sanctions Policy. Where possible, this may include (but is not limited to) Centre status termination. Smart Awards and its Centres

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

24. 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 the learners 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.
25. 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 applicable Complaints Procedure (if the complaint is from a learner and relates to a Centre the learner should utilize the Centre Complaints Procedure in the first instance).
26. In the event a learner makes a formal complaint to a Smart Awards relating to issues of inequality which can't be resolved, the learner must be made aware, by the Centre, of their right to direct their complaint to Smart Awards via the arrangements outlined in our Complaints Procedure.
27. 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 Centre.
28. 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 sanctions/disciplinary and/or punitive action. When the investigation is complete, the complainant will be informed of the outcome in person and/or writing.

## MONITORING

29. Smart Awards will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in ensuring equality of opportunity.

## VALIDITY

30. Validity and the principles of equity, fairness and practicability will be reviewed with any reported quality issue. This will include checking that the qualification is still valid and appropriate for its purpose. That it still effectively tests the knowledge, skills and behaviour as prescribed within the assessment strategy. Enable results to be trusted as a measure of what a learner knows and can do. Has a purpose and content that meets the needs of the learner and is graded in line with clear and defensible prescriptions contained in the assessment plan.



## REVIEW OF THIS POLICY

31. This policy is reviewed and revised annually in response to feedback, changes in legislation and guidance from the regulators, SQA Accreditation or Ofqual.

## PROCESS FOR RAISING UNFAIR TREATMENT – FOLLOW COMPLAINTS PROCESS

Process Step Description	Process	Person Responsibility	Organisation Responsibility
Complaint raised within 3 days of the event	Process	Centre Manager	Centre
Complaint added to the complaints log on SAMS and risk log	Process	MD	Smart Awards
A letter acknowledging receipt of the complaint will be sent within one week	Process	MD	Smart Awards
The complaint will then be investigated	Process	MD/CEO/Standards and Compliance Officer	Smart Awards
Board review complaint and risk	Process	Board	Smart Awards
Mitigate risk	Decision	Board - holds responsibility and experience to make decisions and measured risks	Smart Awards
Action and confirm outcome	Decision	Board - holds responsibility and experience to make decisions and apply suitable actions.	Smart Awards
Report to regulators if adverse effect	Process	MD	Smart Awards
Confirming final position in writing within 28 days	Process	MD	Smart Awards
Lessons learned	Process	MD	Smart Awards
Keep under review on risk register	Process	Board	Smart Awards
Stop	End	MD	Smart Awards