



# Equality and Diversity Policy

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## POLICY STATEMENT

1. Smart Awards have a duty under The Equality Act 2010 to make reasonable adjustments to the way their end point assessments (EPA) are delivered, to ensure that they are accessible to apprentices with disabilities.
2. Smart Awards strives to ensure that it does not create any unnecessary barriers to achievement and provides fair assessment opportunities for all apprentices, including those with particular assessment requirements.

## SCOPE

3. The policy applies to all those involved with the end-point assessment (EPA) process including independent assessors, technical advisor, employers, training providers and Smart Awards staff. Under the Equality Act 2010, it is unlawful for any education training provider to discriminate between apprentices on grounds of disability, race, sex, gender reassignment, pregnancy and maternity, religion or belief, or sex. Discrimination on these grounds (known as “protected characteristics”) is unlawful in relation to EPA arrangements for apprentices.

## OFQUAL GENERAL CONDITIONS

4. 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.
5. 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

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

## RESPONSIBILITY

7. This policy is for employers, training providers and apprentices accessing Smart Awards EPA services. We are committed to ensuring that the principles of equality and diversity are reflected throughout our EPA services. This policy sets out those commitments and how we meet them. 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).											
POLICIES		BOARD	CEO	MD	OPS DIRECTOR	QUALITY PORTFOLIO MANAGER	STANDARDS COMPLIANCE OFFICER	QUAL ADMIN OFFICER	IT CONSULT	FINANCE AUDITOR	EQA	NOPS BOARD	TRAINING PROVIDERS EMPLOYERS
Equality and diversity		A	R	R	R	R	R	R	I	I	R	C	R
ASSOCIATED POLICIES													
Fair access													
Reasonable adjustments													
Special consideration													
Complaints													
End Point assessment 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 CHARACTERISTICS

8. The Equality Act (2010) harmonises and replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995).
9. 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
10. The Act provides protection for the protected characteristics across education functions against:
  - Direct discrimination
  - Indirect discrimination
  - Harassment
  - Victimisation
11. And in relation to disability:
  - Discrimination arising from disability
  - Duty to make reasonable adjustments

## DIRECT DISCRIMINATION

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

## INDIRECT DISCRIMINATION

13. 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 apprentices who do not share the characteristic in question and conduct which puts or would put an apprentice possessing a protected characteristic at a particular disadvantage.

## HARASSMENT

14. Harassment occurs where an apprentice 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

15. 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

16. 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.

17. 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.

18. Smart Awards is committed to taking positive steps to ensure that:

- All apprentices 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
- Effective record keeping and monitoring, and acting on information gathered, in order to measure effectiveness
- Every apprentice is assessed according to his or her personal capability prior to any assessment

- EPAs are offered to apprentices 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 EPA assessment materials are non-discriminatory and free from social and racial bias or stereotypical wording
- Promotional EPA materials are monitored for the use of potentially discriminatory language and bias and make use of images that are representative of society
- EPA 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 apprentices with equal access to EPA
- Monitoring of data on ethnicity, gender, age, and disability in relation to apprentices

## CLIENT RESPONSIBILITIES

19. It is important that Smart Awards and its employers and training providers are fully aware of the contents of this policy. It is equally as important all apprentices undertaking EPA are fully aware of the contents of this policy.
20. Smart Awards expects its employers and training providers to enable apprentices to have equal access to assessment materials for Smart Awards EPA assessments, irrespective of their age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex or sexual orientation. EPA Assessments must be undertaken without discrimination.
21. Employers and training providers 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.
22. In the event an apprentice makes a formal complaint to Smart Awards relating to issues of inequality which cannot be resolved, the apprentice must be made aware, by the Client, of their right to direct their complaint to Smart Awards via the arrangements outlined in our Complaints Procedure.
23. Smart Awards employers and lead training providers are required to:
  - ensure that all processes concerned with the preparation of EPA assessment 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 apprentices are familiar and which applied to all apprentice using our EPA services
  - operate an effective appeals procedure, with which apprentices are familiar and which is applied to all apprentices using Smart Awards EPA services.

## EPA DEVELOPMENT OF ASSESSMENT MATERIALS

24. During the development of Smart Awards End Point Assessments tools and materials Smart Awards will ensure that apprentices 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 EPA 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 THE END-POINT ASSESSMENT

25. Smart Awards takes steps to ensure that its end-point assessments do not inadvertently discriminate and lead a group of apprentices who share a common attribute or circumstance to experience an unreasonable disadvantage. Smart Awards takes steps to ensure that assessment materials do not contain language or images that may discriminate or offend in any way.

26. Smart Awards will ensure that:

- the widest possible diversity of apprentices can access the content and assessment of our products and services
- entry requirements, content and EPA 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 apprentice 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 EPA assessment
- we will always act fairly when working with employers, training providers and Apprentices
- we will always support and demonstrate the principles of diversity and equality
- EPA policies and methods of assessment do not have any adverse or potential adverse affect on any group of apprentices and take full account of individual apprentice needs

## MAKING REASONABLE ADJUSTMENTS AND SPECIAL CONSIDERATIONS

27. Smart Awards assessments permit reasonable adjustments to be made where necessary and appropriate so that barriers can be addressed for apprentices with particular requirements. Apprentices that may require reasonable adjustments include those with the following (these may be temporary or permanent): Physical impairments; Auditory impairments; Visual impairments; Dyslexia or literacy issues (provided literacy is not a requirement of the training or end point assessment).

28. Reasonable adjustments must not affect the integrity of what needs to be assessed, but may involve:

- Changing usual assessment arrangements, for example allowing extra time to complete the assessment activity
- Adapting assessment materials, such as providing materials in Braille
- Providing assistance during assessment, such as a sign language interpreter or reader
- Re-organising the assessment room, such as removing visual stimuli for an autistic apprentice
- Changing the assessment method, for example from a written assessment to a spoken assessment
- Using assistive technology, such as screen reading, or voice activate software

- Providing the mechanism to have different coloured backgrounds to screens for onscreen assessments or asking for permission for copying to different coloured paper for paper-based assessments
  - Providing and allowing different coloured transparencies with which to view assessment papers.
29. Reasonable adjustments are approved or set in place before the assessment activity takes place; they constitute an arrangement to give the apprentice access to the end-point assessment. The use of a reasonable adjustment will not be taken into consideration during the assessment of an apprentice's work.
30. This list is not exhaustive and there may be other apprentices that qualify for reasonable adjustments. Smart Awards must be notified at the point of registration of apprentices for the end-point assessment of any issue or proposed adjustment. If the need for a reasonable adjustment emerges after registration or during the assessment process, the assessor should apply this as appropriate so as not to disadvantage the apprentice and notify Smart Awards as soon as practicably possible. Note that apprentices must still cover the totality of the Standard that is to be assessed.

## SPECIAL CONSIDERATION

31. All elements of the Standard must be achieved with verifiable evidence produced against each so that the competence of apprentices is established without any doubt. Special consideration will not normally be given for vocationally related end point assessments. If an apprentice misses an assessment, or there is a disturbance during an assessment, this must be re-arranged. In doing so, the apprentice is given the opportunity to evidence their competence against the relevant Standard.

## BREACH OF DIVERSITY AND EQUALITY POLICY

32. 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 Client 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) Client status termination. Smart Awards, its employers and training providers are reminded that unlawful discrimination can lead to criminal and civil proceedings being taken against them individually.

## THE PROCESS IN DEALING WITH CLAIMS OF UNFAIR TREATMENT

33. 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 apprentice 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.
34. 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 an apprentice and relates to a Client, the apprentice should utilize the employers and training providers Complaints Procedure in the first instance).



35. In the event an apprentice makes a formal complaint to a Smart Awards relating to issues of inequality which can't be resolved, the apprentice must be made aware, by the Client, of their right to direct their complaint to Smart Awards via the arrangements outlined in our Complaints Procedure.
36. 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 employers and training providers.
37. 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

38. All requests for reasonable adjustments are monitored by Smart Awards Management Team.
39. 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

40. Validity and the principles of equity, fairness and practicability will be reviewed with any reported quality issue. This will include checking that the end point assessment 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 apprentice knows and can do. Has a purpose and content that meets the needs of the apprentice and is graded in line with clear and defensible prescriptions contained in the assessment plan.

## REVIEW OF THIS POLICY

41. 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	Employer, Training provider Manager	Training provider/ Employer

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