

[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]

Equality, Diversity – Equal Opportunities Policy Document

[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED] advise all learners where to find the current version of this policy via its website [www.xpsconstructions.uk]. Learners may receive a paper version upon request.

Equal Opportunities and Diversity Policy

1. Introduction

- 1.1 **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** is committed to providing services that embrace diversity, promote equality of opportunity and produce assessments that are based on requirements only and do not discriminate against anyone.
- 1.2 The purpose of this policy is to explicitly state how this commitment and current legislation are to be applied by **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** to our training courses, qualifications, and assessment practices.

2. This Policy Covers 3 Broad Areas:

- 2.1 **Equality** is where people are treated fairly and given an equal opportunity. It is not about treating everyone in the same way but recognizes that needs can be met in different ways. Equality focuses on those areas covered by the law, currently encompassed in The Equality Act 2010 for Great Britain, which identifies 9 protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Legislation seeks to prevent discrimination in all these areas. **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** believes we all must promote equality and remove discrimination. We confirm we do this by analysing statistical data and learner/stakeholder feedback.
- 2.2 **Diversity** is about recognising, valuing, and managing individual differences to enable everyone to contribute in their own way feeling comfortable with and understanding various needs.
- 2.3 **Equal opportunity** is about providing equal opportunities to succeed not necessarily the same opportunities. Good practice involves guidance relating to learners who are eligible for reasonable adjustments in activities and assessments or who require special considerations, is available.
- 2.4 **Scope**
This policy will be applied to all training courses and qualifications offered by **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]**

3. Equal Opportunities Statement

- 3.1 **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** is committed to providing equal opportunity for everyone who is employed by **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** or takes advantage of **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** services, regardless of age, gender, race, religion, disability, ethnic origin, national origin, marital status, sexual orientation, political persuasion or trades union activity. This commitment will be informed by current UK legislation, including the Equality Act 2010 and any other applicable legislation or Government Policy e.g. recognising restrictions on those working with young children and vulnerable adults. 1
- 3.2 It is morally wrong to discriminate directly or indirectly and hinder equality of opportunity. Thus it is our intention to ensure that no person is subject to unfair treatment in any way. 2

4. Application of Equal Opportunities Statement

4.1 [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED] will ensure equality for all learners by ensuring that:

- a) Responsibility for the full implementation, evidence collection, and maintenance of registers and annual review of this policy is taken by the manager of [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]. All such evidence is to be made available to NONC (the Awarding Organisation/Awarding Body) upon request.
- b) All qualifications used by [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED] are developed by NONC and/or other Awarding Bodies with robust equality systems.
- c) All assessment instruments and processes will be free from any bias, and inclusive for all learners.
- d) All [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED] Trainers/Assessors and Learners are made aware of [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED's] commitment to equality of opportunity.
- e) [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED] implements these equal opportunities policy and all staff and learners are aware of it.
- f) As many learners, and as diverse a range of learners as possible have access to [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED] qualifications.
- g) [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED] learners have the opportunity to feedback to [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED] after every course. [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED] will archive this evidence on the NONC Web Office within the Members-only section.
- h) Learners can contact the NONC First Malpractice and Misconduct Committee, Appeals Committee or Complaints Committee if matters relating to alleged discrimination are not resolved by [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED] directly.
- i) [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED] in conjunction with NONC (NONC First) will collect sufficient data to allow the monitoring and evaluation to ensure that there is no discrimination on the grounds of race, disability and gender via learner registration and achievement documents and course evaluations.
- j) This policy and statement is reviewed by [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED] when required.

4.2 All information and data for review and evaluation is archived including:

- a) Evidence of higher or lower participation by different groups by collecting learner registration data from each course.
- b) Evidence that different groups have different needs about NONC qualifications by collecting learner evaluation data from [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED].
- c) Authentic sample of evaluation data gathered by NONC by informing learners that NONC will request additional email completion from all learners.

4.3 Where a barrier to learning has been identified (through the review process, EQA reports or complaints and appeals procedures being invoked), [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED] (In conjunction with NONC) will investigate and take appropriate action (withdraw assessment material - amend/update/provide training, as necessary) and then continue to monitor the evidence.

5. Action Plan

5.1 An Equal Opportunities review will be conducted annually by [XPS CONSTRUCTION AND SKILLS LEARNING LIMITED] and an Action Plan developed when issues are identified.

6. Diversity Statement

6.1 Diversity is about valuing and respecting the differences between learners, regardless of ability and/or circumstances or any other individual characteristic they may have.

- 6.2 **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** believes differences should be acknowledged, celebrated and embraced to help ensure that all learners feel included in the learning process and the learning environment is suitable for all.
- 6.3 **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** will consider the following list whilst preparing and undertaking its training activities:
- a) Environment and equipment e.g. adjustable height workstations, accessibility, CPR manikins reflecting age and/or ethnic origin of potential learners.
 - b) Programme resources e.g. Handouts and presentations to be capable of adaptation to several formats, consider other languages, language level and jargon, illustrations to reflect diversity of potential learners.
 - c) Staff development e.g. ensuring all are well informed of current policies and procedures in good time for the knowledge to be meaningful.
 - d) Information e.g. this should be accessible to all; email, noticeboard or leaflet.
 - e) Liaising with others e.g. Language interpreters may be required or staff who can use sign language.
 - f) Information may need to be shared between businesses and learners must agree to their disclosure to be shared with legitimate agencies under the GDPR.
 - g) Feedback and evaluations should be obtained from all learners to ensure that current practices are responsive to their needs and any barriers to learning identified and mitigated.

7. **Assessment Practice Statement**

- 7.1 **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** will ensure that assessment practice will be based on award requirements only and will not discriminate against anyone.

7.2 **Learners with Individual Assessment Requirements**

- a) **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** is committed to providing equal opportunity and freedom from discrimination. Requests for reasonable assessment adjustments, by individuals with special needs, can be applied for using **NONC** document C4. This document is available on the NONC Web Office Members-only section within the Support Resources section. **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** will determine if the request is acceptable or may refer a request to NONC who will assist in the decision-making process.
- b) **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** will ensure that the reasonable adjustments arrangements will be valid and reliable, designed to reflect the learners' competence to meet the assessment outcomes of the qualification and for the employment for which the qualification is designed. **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** ensures this by issuing this policy guidance, scrutinising all C4 [form] requests and working with NONC when necessary.
- c) **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** will review all C4 [form] requests and forward them to NONC along with learner registration and evaluation documents.
- d) There will be two timescales for adjustments requests. Where the learner requests reasonable adjustment more than 5 working days before the training and assessment and where reasonable adjustment decisions have to be made shortly before (or even during) the initial stages of the training.

7.3 **Guidance**

- a) **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** can request that **NOCN** adjust the assessment process to allow the learner an opportunity to reach the standard. However, we will also ensure that the reasonable adjustment does not give the learner an unfair advantage.
- b) Individual adjustments may be required for a number of reasons, including:
 - I. Temporary or permanent illness or injury
 - II. Sensory impairment
 - III. Reading &/or writing difficulties
 - IV. English as a second language
 - V. Recent bereavement
 - VI. Other extenuating circumstances

- c) **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** will inform NONC First where reasonable adjustment requests are made. Form C4 will be downloaded from the NONC WebOffice and/or www.xpsconstruction.uk completed and forwarded to NONC at least 5 working days before the assessment. Decisions will be made by NONC first and communicated to **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]**. **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** may appeal against any decision made by NONC.
- d) If learners are unable to attend scheduled assessments for justifiable extenuating circumstances, then an alternative date for assessment may be made for the learner. The assessment process can thus be deferred to a time when the learner has recovered from their indisposition, temporary illness or injury. All such events will be recorded on the C4 form and forwarded to NONC with all assessment evidence and copies of the event will be made available to the NONC external quality assurer (EQA).
- e) For some NONC First qualifications e.g. first aid, where the learners are assessed in real time scenarios, as the course progresses this assessment opportunity normally requires learners to attend part of another training course for the qualification. Due to the 'real-life' practical nature of first aid qualifications, regardless of the extenuating circumstances, the learner must demonstrate competency up to the minimum standard to be awarded the qualification.
- f) **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** will monitor equality of access to assessment by requesting that all learners complete an assessment evaluation section on the end of course evaluation form (03). **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** will archive this information on the NONC website. This gives the learner direct feedback to the awarding body.

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Note: Document Form C4 relates to adjustment requests known to **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** before the training course commences.

7.4 Minor and routine occurrences

- a) Routine (listed in this guidance) reasonable adjustment to assessment decisions will be made by **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]**, and all such decisions will be recorded on document C4 and a copy (completed C4) forwarded to NONC with all assessment evidence.
- b) For routine minor illness, injury situations or similar close to the time of assessment **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** can, at its discretion, choose to adjust the time of the assessment (for instance by asking the learner to attend a session from another course delivered by **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** and record such decisions in the 'Specific Reasonable Adjustment to be made' box on C4 document and sign it.
- c) This form (C4) will then be sent to NONC with all assessment evidence and a copy kept by **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** and made available for the external quality assurance visit.

8. Temporary Indisposition

8.1 Temporary indisposition presentation

- a) Learners regularly present themselves with a temporary problem that might impede their performance during a course e.g. recovering from surgery, lower back pain, damaged joint, muscle pain, digestive system upsets, migraine, occasional seizure, diabetic episode or faint.
- b) **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** will make a minor reasonable adjustment to normal activity in order to provide every opportunity for the candidate to demonstrate their capability. Some recent examples from NONC first aid qualifications are illustrated below:
 - i. A learner presents with lower back pain, they are unable to bend down to a simulated casualty comfortably. The assessor/trainer will negotiate with the learner and if possible arrange a suitable support to be present so that the learner can perform and practice. However the learner must be assessed performing on an unresponsive simulated casualty lying on the floor. Similarly a CPR manikin can be placed upon the table to practise but assessment must take place with the manikin on the floor. As the course develops and the

learner performs in a variety of situations appropriate terrain and simulated first aid scenarios can be arranged.

- c) These minor reasonable adjustments to the normal procedure are typically left to the judgment of the trainer/assessor at the time, as there are a large number of potential occurrences and guidance cannot be given for every potential occurrence. Form C4 must be used as described above.
- d) If a copy of form C4 is **not** available, a record is made of the decision and a comment made on the reverse side of the Course Details Form (06). **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** will keep a copy and forward a copy to NONC.
- e) If the situation is beyond the experience of the Trainer or **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** and the situation necessitates immediate advice then **XPS CONSTRUCTION AND SKILLS LEARNING LIMITED** has the option of phoning the NONC First Office

8.2 Evidence of indisposition

All supporting evidence e.g. original Doctor note will be archived by **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** unless specifically asked for by NONC.

9. Appeals against reasonable adjustments to be made

- a) If there is disagreement with the NONC (Access to Training & Assessment request) decision, then **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** will contact the NONC Office for informal dialogue.
- b) For appeals against NONC reasonable adjustment decisions **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** will refer to the NONC Appeals Policy (P5).

10. Potential impact of an NONC qualification, training &/or assessment upon disabled people

- 10.1 Guidance documents investigated include those on the Equality & Human Rights Commission website: <http://www.equalityhumanrights.com/>
- 10.2 The scope of disability is examined and advice on how discrimination can be avoided taken from the Equality and Human Rights Commission website. Documents and advice are available for individuals, learners and businesses.
- 10.3 **Impact conclusions**
Key points:
 - a) The onus is on **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** trainers/assessors and NONC to demonstrate that the reason for not awarding a qualification was a non-discriminatory one.
 - b) There is no duty to make any adjustment to a provision, criterion or practice of any kind that is a competence standard. However,, the duty does not apply to the process of demonstrating that a person meets the competence standard. The competence standard and method of assessment are separate and reasonable, fair adjustment must be made where reasonable.
 - c) **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** has a duty to make reasonable adjustments.

11. Special Considerations

- 11.1 If the course or candidate assessment is disrupted for unforeseen reasons beyond trainer/assessor or learner control then special considerations can be considered, to ensure that learners are treated fairly in accordance with current guidelines from NONC and the regulatory authorities. For learners on **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** courses and courses where additional special consideration is required then they will be subject to this guidance.

11.2 Guidance

- a) Special considerations are any short-term unforeseen events that happen during the assessment of the course e.g. fire alarm, the key holder being late, unforeseen noisy intrusive building work close by, sudden sickness/illness and the like. COVID-19 has been accepted under these criteria as track and trace can direct isolation within hours and hence disrupt attendance on a course.
- b) Typically, a one off short-term solution is found such as changing rooms or buildings, extending the working session by a short time or adding additional time to the training programme by negotiation. Attending a later date course for completion is also a possibility, if COVID-19, as long as timescales are appropriate depending upon specific qualifications.
- c) If learners are unable to attend scheduled assessments for these or similar reasons, then an alternative date for assessment may be made for the learners, normally within 6 weeks of the original date. The assessment process can thus be deferred to a time when the individual candidate has recovered from their indisposition, temporary illness or injury or the environment has again become conducive to training and assessment for the whole group.
- d) All such events need to be recorded (Form C7) and made available to the NONC external quality assurer. -This document is normally completed **during** or **immediately** as is practicable **after** a training & assessment course.
- e) With sudden unforeseen events away from the main **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** Centre address the onus is on the individual assessor/trainer to make a discretionary judgement decision that may have to be made quickly. An assessor/trainer working for **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** should contact **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** Manager immediately for advice and consultation. If not available for any reason, then the NONC First office is in operation during normal office hours where NONC staff are available for advice and consultation by **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** assessors/trainers.

11.3 Decision Parameters

- a) The following guidelines outline the parameters within which to make various decisions. It is recognised that by the nature of events that Form C7 completion will in all probability be a retrospective occurrence.
 - I. Danger to the learners
E.g. Fire alarm, noxious fumes then the trainer will immediately remove the group from danger and if the event is not temporary and easily dealt with by returning to the building upon the all clear, or changing rooms then the session may well be cancelled and the **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** Manager informed immediately by telephone. All course learners will be given opportunity for training and assessment as soon as reasonably practicable afterwards.
 - II. Intrusive events or noise
The course venue may be moved. Additional time may be allocated. Training and assessment opportunities may be presented to the group on alternative dates.
 - III. Temporary indisposition of individuals
Guidance is produced for access to training and assessment earlier in this policy. Form C4 is required. Minor adjustment to normal procedure is decided upon and recorded on the reverse side of the Course Details Form 06. If there is a need for additional time resources for that individual e.g. the opportunity for assessment at a later time or place then Form C7 needs to be completed.
- b) These special considerations treat learners fairly and give them every reasonable opportunity to fulfil the training and assessment requirements of the qualification.
- c) Whatever decision is made regarding moving or deferring training and assessment, the minimum training and assessment requirements must be met.
- d) If in doubt as to any decision **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** will contact the NONC First Office immediately.

12. Summary of Procedures

12.1 Learner Procedures

- a) For any matter arising from or relating to this policy, learners should:
 - I. Inform the Trainer delivering the course. Most matters can be resolved at this level. Minor concerns can be addressed by making a comment upon the course evaluation form (03).
 - II. Inform **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** in writing at their earliest opportunity if the learner cannot easily resolve the situation.
 - III. Inform NONC directly if **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** cannot resolve the matter to the learner's satisfactory.

13. Data collection

13.1 Data

- a) As a provider of recognised and approved regulatory training activities **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** has to have procedures in place to collect sufficient data to allow the monitoring and evaluation of compliance with the requirements of equalities legislation and to ensure that there is no discrimination on the grounds of race, disability and gender.
- b) Learner Registration (02) and Evaluation (03) documents are continually developed to enhance both learner consultation and data collection.
- c) It is **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** and NONC First policy that all information and data be shared with the regulatory authorities upon request.

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13.2 Learner Registration Form (02)

- a) Each learner is asked to complete a Registration Form giving details of:
 - I. Gender - male or female (tick box)
 - II. Special needs or reasonable adjustments requested (text box)
 - III. Ethnicity - ethnic group definitions based upon 2011 census question (tick box)

13.2 Learner Evaluation Form (03)

- a) Each learner is asked to complete an end of course evaluation form. Answers are entered to the NONC website which allows **[XPS CONSTRUCTION AND SKILLS LEARNING LIMITED]** training courses to be analysed in relation to the information asked for.
- b) Learners have an opportunity to add an 'amplified comment' to possible areas of concern, each comment received is scrutinised by the **XPS CONSTRUCTION AND SKILLS LEARNING LIMITED** Manager. Any area for concern is investigated. Specific questions ask for a learner response relating to:
 - I. The assessment component of the qualification
 - II. The teaching component of the qualification
 - III. The qualification courses materials
 - IV. Special adjustment requirement

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13.3 Access to Training & Assessment Form (C4)

Each completed form will be forwarded to NONC.

13.4 Special Considerations Form (C7)

Each completed form will be forwarded to NONC.

13.5 Awarding Body Annual Assessment by Providers and Centres Feedback Form (F2)

Each completed form will be forwarded **XPS CONSTRUCTION AND SKILLS LEARNING LIMITED** by to NONC.

14. The Equality Act

- 14.1 You are disabled under the [Equality Act 2010](#) if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

14.2 What 'substantial' and 'long-term' mean

- a) 'substantial' is more than minor or trivial - eg it takes much longer than it usually would to complete a daily task like getting dressed
- b) 'long-term' means 12 months or more - eg a breathing condition that develops as a result of a lung infection