



Policy	Equality, Diversity & Inclusion Policy
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Supersedes	Version 1
Owned by	NEBDN Executive
Monitored by	NEBDN Governance and Educational Standards Committee
Approved by	NEBDN Governance on behalf of the Board of Trustees on 29 th April 2025

Purpose

NEBDN is committed to developing, maintaining and supporting a culture of equality, diversity and inclusion in employment in which employees are treated fairly and equitably with regard to their personal characteristics including the nine protected characteristics in the Equality Act 2010, Northern Ireland Equality law and any other UK Equalities legislation as may be updated from time to time.

The principles of equality, diversity and inclusion are at the heart of NEBDN and are supported by policies, procedures, information, training and guidance.

Equality of opportunity and inclusivity is fundamental to the vision and values of NEBDN. Fostering respectful and inclusive behaviours is central to the community of NEBDN.

The aims of this policy are to ensure that throughout their employment all employees of NEBDN are treated fairly and with dignity and respect. It aims to remove unfair and discriminatory practices within the organisation, its qualifications, services and to encourage full contribution from its diverse community.

NEBDN believes that all employees, Trustees, associates, suppliers and users of our services are entitled to be treated with respect and dignity and free from discrimination and abuse. This policy is also aimed at our Providers and Learners, who are delivering/enrolled on or have an NEBDN approved qualification or unit.

Scope

This policy covers the promotion of equality, diversity and inclusion and the prevention of discrimination in relation to:

- 1) everyone who works for or acts on behalf of NEBDN – including staff, trustees, committee members and associates
- 2) the development, delivery and evaluation of NEBDN's qualifications – ensuring that groups of learners who share particular characteristics are not disadvantaged by the assessments other than by being directly related to the required competence standards
- 3) the requirements that NEBDN places on its Providers via the Provider Agreement.

This policy does not form part of any employment contract with any employee and its contents are not to be regarded by any person as implied, collateral, or express terms to any contract made with NEBDN.



Our commitment to Equality, Diversity and Inclusion

NEBDN outlines our overall commitment to equality, diversity and inclusion. We undertake a range of activities to meet our legal obligations as defined by the Equality Act 2010.

We provide mandatory Equality, Diversity and Inclusion training to all employees. Employees who are involved in the recruitment process are required to undertake training including unconscious bias. We provide guidance for employees on a range of EDI issues and protected characteristics to embed inclusive practices.

We collect confidential equality monitoring data for employees (which staff can update themselves on NEBDN's confidential HR database).

When considering changes to policies and procedures, NEBDN takes appropriate steps to consider any potential impact on particular groups of employees.

Policy Statement

NEBDN is committed to actively opposing all forms of discrimination and promoting equality, diversity and inclusion.

NEBDN aims to achieve a working and assessment environment which promotes equality of opportunity and freedom from unlawful discrimination on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or belief, age or sexual orientation.

Specifically, our policy is that in relation to:

- 1) our people (employees, trustees and associates) will work in accordance with the organisation's policies and procedures:
 - (a) promoting equality of opportunity and anti-discriminatory practice. NEBDN is committed to incorporating specific and appropriate duties in respect of implementing the equal opportunities policy into job descriptions and specifications and work objectives of all employees.
 - (b) To ensure that employee performance and actions comply with all equality, diversity and inclusion laws.
 - (c) To have the ability to collect information on diversity, requests for reasonable adjustments and incidents of concern, only where appropriate and with explicit consent, in relation to this policy so that we can take action to address any shortfalls.
- 2) Our qualifications and assessments:
 - (a) Will ensure that there are no features that could disadvantage any groups of learners that share a particular characteristic or barriers to entry other than those directly related to the purpose of the units or qualifications and the competence standards required.
 - (b) Will state the nature of any such features or barriers and justify the inclusion of any such requirements that create the barrier in terms of why they are required for the particular unit or qualification.
 - (c) May, as part of the learner registration and certification process for qualifications and units, collect requests for special considerations, reasonable adjustments and feedback from Learners and Providers.



3) Our Providers are:

- (a) Expected to enable learners to have equal access to training and assessments for qualifications irrespective of their sex, marital status, age, religion, colour, race, nationality or ethnic origin or disability.
- (b) Expected to deliver training and assessments without discrimination either directly or indirectly or as a result of pressure from other bodies.
- (c) Required to have in place a policy to promote equality, diversity and inclusion, potentially as part of the learner induction onto an NEBDN course.
- (d) Monitored and quality assured that such arrangements are in place, are applied and are effective.
- (e) Will consider issues of inequality and discrimination made by a Learner about a Provider when they have not been able to satisfactorily resolve the issue themselves. Learners can use NEBDN's Appeals Policy which sets out the arrangements outlined for doing this.
- (f) This policy should apply to all satellite/associated venues and there should be arrangements in place to monitor its application and effectiveness.

NEBDN is committed to complying with all current and relevant legislation and, which at the time of writing includes, but are not limited to the Equality Act 2010, Ireland Equality Law, and monitoring the success of arrangements made.

As part of the learner registration and certification processes for qualifications and units NEBDN may collect information on diversity, requests for special considerations, access arrangements and feedback from Learners, Providers and other stakeholders.

All relevant issues identified that suggests that our provision or services may have unnecessarily impacted on learners will be reported back to our Executive Team who will be responsible for ensuring that relevant staff introduce, as appropriate, amendments to provision and/or services where necessary and in accordance with our documented procedures for developing and reviewing units and qualifications.

Details of our ongoing reviews will be made available upon request.

Definitions

The Equality Act 2010 harmonised and replaced previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995). The Equality Act ensures consistency in making workplaces fair environments, providing education and training that is fair and complies with the law.

The Equality Act 2010 covers the same groups that were protected by previous equality legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. The Act refers to these as 'protected characteristics.' Some protected characteristics are given extended protection under the Equality Act 2010, the detail of the protected characteristics and the different forms of discrimination are set out below for ease of reference.

Discrimination

Discrimination is unequal or different treatment which leads to one person being treated more or less favourably than others are or would be treated in the same or similar circumstances on the



grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation.

Types of Discrimination

Direct Discrimination

Where a person is treated less favourably than another because of a protected characteristic. For example, not to promote a pregnant employee because she is about to go on maternity leave. This would be direct discrimination on the protected characteristic of the employee's sex and maternity.

Associative Discrimination

Where someone is directly discriminated against or harassed for association with another person who has a protected characteristic.

Perceptive Discrimination

Where there is a perception that someone has a particular protected characteristic when they do not.

Indirect Discrimination

When there is a policy that applies in the same way for everybody but disadvantages someone with a protected characteristic and you are affected as part of that group. Those using the policy must show that there is a good reason for it., A policy can include a practice, a rule or an arrangement. It makes no difference whether anyone intended the policy to disadvantage someone or not.

Justification of Discrimination

Sometimes direct discrimination may be justified where there is an occupational requirement. The occupational requirement must be:

- Crucial to the post
- A proportionate means of achieving a legitimate aim

Indirect discrimination may be justifiable if it is proportionate and has a legitimate aim.

There are strict conditions that these defences must meet. We would have the burden of proving the justification.

Harassment

Unwanted conduct, related to one of the protected characteristics, that has the purpose or effect of:

- Violating a person's dignity
- Or, creating an intimidating, hostile, degrading, humiliating or offensive environment.

Employees or the public can complain of behaviour that they find offensive even if it is not directed at them. The complainant need not have the relevant characteristic themselves.

Those who commit severe acts of harassment may be guilty of a criminal offence.

Bullying an individual related to a protected characteristic can be unlawful behaviour.

Bullying is offensive, intimidating, malicious or insulting behaviour. It is an abuse of misuse of power. It undermines, humiliates, denigrates or injures an individual or a group of employees.

Victimisation

An individual is subject to a detriment when, for example, an employee is denied a promotion because they:

- Made or supported a complaint
- Raised a grievance



- Are suspected of submitting a complaint or grievance

It will not be victimisation if the person acted maliciously or made or supported a false complaint.

Failure to make a reasonable adjustment

We are committed to supporting employees and learners who have a disability by making reasonable adjustments.

By law, we must make reasonable adjustments. These ensure we do not disadvantage disabled people compared to those who are not disabled. They fall into three areas:

- Changing practices, policies and procedures
- Physical features, for example, a barrier
- Providing extra equipment or getting someone to do something to assist you.

Examples of reasonable adjustments include, but are not limited to:

- Re-arranging seating or furniture in an office space
- Provision of a reader, interpreter or signer
- Additional or modified equipment, such as specialised seating or software
- Flexibility in working practice, such as extra breaks or the ability to work from home.

When an employee requires an adjustment to their working arrangements, they should discuss this with their line manager as soon as possible.

Unlawful Reasons for Discrimination

Sex

This covers sex, marital status, civil partnership, pregnancy or maternity. A person must not be treated less favourably on any of these grounds. This applies to men, women and those undergoing or intending to undergo gender reassignment.

Sexual harassment of men and women can be found to constitute sex discrimination. For example, asking a woman during an interview if she is planning to have any (more) children, or what arrangements she has made for childcare, would constitute discrimination on the grounds of gender.

Gender Reassignment or Transgender Status

We are committed to promoting a safe environment where people can be open about their identity. Individuals should be able to self-identify and to express their preferences.

Trans people have equal recruitment and employment opportunities. We will support employees through any transitioning process.

Definitions

'Trans' described people whose gender identity differs from their sex assigned at birth. They can be people who:

- Planning or have had medical help such as hormones or surgery
- Are not planning any medical intervention
- May be intending to, in the process of, or have undergone gender reassignment
- Are non-binary (not solely male or female). They:



- May define themselves as both, neither or something different
- May or may not have medical interventions to align their body with their non-binary gender identity.

Rather than assume, it is best to ask someone how they wish to be addressed. We encourage trans people to be open with us. We can then arrange appropriate levels of support and training to be put in place.

We recognise that terminology regarding trans people is evolving. Employees may self-identify, and managers and colleagues will respect this.

- **Transitioning** – the steps a trans person may take to live in a gender with which they identify. Each person's transition will be different. Not all trans people want medical intervention. Transitioning may involve telling friends and family, dressing differently or changing official documents.
- **Acquired Gender** – used in the Gender Recognition Act 2004 to describe a person's gender after transitioning
- **Gender Expression** – how a person chooses to outwardly express their gender. A person who does not conform to normal expectations of gender. They may not identify as trans.
- **Gender Binary** – the classification of sex and gender into two distinct and disconnected forms of male and female.
- **Non-binary Person** – a general term for a person who does not identify as solely male or female. They may identify as both, neither or something else
- **Cross Dresser** – someone who chooses to wear clothes not normally associated with their assigned gender.
- **Transexual Person** – legal and medical term for someone who lives (or wishes to live) permanently in the opposite gender to that assigned at birth
- **Legal Sex** – the sex recorded on a person's birth certificate. This can be changed by applying to the Gender Recognition Panel.
- **Gender Dysphoria** – a medical term for serious distress because of a mismatch between a person's biological sex and gender identity. They have an overwhelming desire to live in a different gender to that assigned at birth
- **Gender Reassignment** – the process of transitioning from one sex to another. It can include medical interventions as well as changing names, pronouns, dressing differently and living in their self-identified gender. It is a characteristic protected by the Equality Act 2010
- **Gender Recognition Certificate** – signifies full legal rights in the acquired gender. It allows a replacement birth certificate to be issued.

This list is not exhaustive.



Equality Act 2010

Gender reassignment is one of the nine protected characteristics covered by the Equality Act 2010. The act protects a person from discrimination, harassment and victimisation if they are involved with gender reassignment.

There is no requirement for the person to be under medical supervision. It is not necessary to have any medical diagnosis or treatment to gain this protection.

People are also protected if they are discriminated against because:

- They are wrongly perceived to be trans
- Or, of their association with trans people or issues.

Gender Recognition Act 2004

The Gender Recognition Act 2004 allows trans people to apply for a gender recognition certificate (GRC). This will give trans people legal recognition in their acquired gender. It will enable them to get a new birth certificate.

The act safeguards the privacy of an individual with a GRC. It defines gender recognition information as “protected information” except in certain specific circumstances (for example, to prevent or investigate crime). It is a criminal offence to disclose such information without the individual’s consent.

Trans people are not required to apply for a GRC. It will not be a pre-condition for transitioning at work and requesting it could be considered harassment.

Supporting employees through transition

We will provide support to an employee’s transition. The type and level of support will take account of the individual’s view on how they wish to proceed.

The line manager will agree with the employee the support they require and develop an action plan. Help is also available from HR. An equality impact assessment will be completed to ensure that the needs of all groups are balanced when it comes to toilets etc.

Age

A person must not be treated less favourably because of their age. This applies to people of all ages whether young or old. It does not apply when calculating redundancy payments, which are based on statutory minimum scale.

Disability

A disabled person must not be treated less favourably than a non-disabled person at any stage of employment, from recruitment through to termination, or in training. Reasonable adjustments must be made to ensure that the disabled person has as much access to any services and ability as a non-disabled person.

Reasonable Adjustments



Employers, education and training providers, have a duty to make reasonable adjustments to facilitate the employment, training and/or education of a disabled person. This may include adjustments to premises, equipment or working practices. Some examples are:

- Re-allocating some or all a disabled person's duties
- Transferring a disabled employee to a role better suited to their disability
- Relocating a disabled employee to a more suitable office or workstation
- Giving a disabled employee time off work for medical treatment or rehabilitation
- Providing training or mentoring for a disabled employee
- Supplying or modifying equipment, instruction and training manuals for disabled individuals.

In essence, an organisation should make any other adjustments that it considers reasonable and necessary, provided such adjustments are within their financial means and feasibility. The Executive Team have collective responsibility for Equality, Diversity & Inclusion; any employee who has a disability and feels that any such adjustments are required by the organisation can contact the Head of HR & People.

Race, Religion or Belief

We will not tolerate any form of racism.

We will not tolerate any discrimination based on a person's religion or belief, including philosophical beliefs.

A philosophical belief must:

- Be genuinely held
- Be a belief and not just an opinion or viewpoint based on the present state of information available
- Be about a weighty and substantial aspect of human life and behaviour
- Attain a certain level of cogency (clear, logical and convincing), seriousness, cohesion and importance, and
- Be worthy of respect in a democratic society, not incompatible with human dignity and not in conflict with fundamental rights of others

Any behaviours or use of language which incites racism, targets or intimidates members of ethnic or religious communities, including Jewish communities (antisemitism), Muslim communities or any other protected group, is unacceptable conduct.

Sexual Orientation

A person must not be treated less favourably because of their sexual orientation. For example, you cannot refuse to employ a person just because he or she is homosexual. Heterosexual, or bisexual.

Responsibilities

Provider responsibility:

It is important that your staff that are involved in the delivery of our qualifications and your Learners are fully aware of the contents of this policy (e.g., via their induction when first embarking on NEBDN qualifications).

NEBDN reserves the right to amend and update this policy at any time.

We will review this policy bi-annually and revise it as and when necessary, in response to customer and learner feedback, changes in our practices, actions from the regulatory authorities or external agencies or changes in legislation.



The NEBDN Board of Trustees has overall responsibility for the effective operation of this policy and for ensuring compliance with the law relating to equality, diversity, inclusion and discrimination.

Day-to-day operational responsibility for this policy has been delegated to the Chief Executive who is responsible and accountable for:

- a. Promoting equality, diversity and inclusion within the workplace and the services which the organisation offers
- b. Incorporating specific and appropriate duties relating to equality and into job and role descriptions and staff work objectives
- c. Ensuring that equality, diversity and inclusion training and guidance is included at induction and at regular intervals for everyone who works for NEBDN (i.e. staff, trustees and associates)
- d. Ensuring appropriate action is taken in any case where staff actions or behaviour is not to the required standard
- e. The collection of information about and requests for reasonable adjustments and incidents of concern relating to staff and associates, so that action can be taken to address any shortfalls.

All Managers and Team Leaders employed by NEBDN or acting as an associate must:

- a. Set an appropriate standard of behaviour
- b. Lead by example
- c. Ensure that those they manage adhere to the policy and promote our aims and objectives regarding equal opportunities.

All employees, Trustees, associates, subcontractors and agents of NEBDN are required to act in a way that does not subject any other employees or service users to direct or indirect discrimination, harassment, or victimisation on the grounds of their race, sex, pregnancy or maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age, or sexual orientation. The co-operation of all employees, trustees, and associates is essential for the success of this policy. Employees may be held independently and individually liable for their discriminatory acts by the person who has suffered as a result of discriminatory acts.

The Executive Team (Exec) will specifically be responsible and accountable for:

1. Planning, delivering, monitoring and evaluating the delivery of assessment and awarding by NEBDN and training delivered by Providers in a manner which promotes equality, diversity and inclusion and reduces discrimination
2. Investigating data information that suggests our provision or services may have unnecessarily impacted on learners and ensuring the relevant staff introduce, as appropriate, amendments to provision and/or services.
3. Improving our documented procedures for developing and reviewing units and qualifications.
4. The development of assessments and qualifications in a manner which promotes equality, diversity and inclusion and reduces discrimination
5. Making evidence and findings available to qualification regulators upon request.
6. Planning, delivering, monitoring and evaluating the delivery of assessment and awarding by NEBDN and training delivered by Providers in a manner which promotes equality, diversity and inclusion and reduces discrimination.



7. Investigating data and information that suggests our provision or services may have unnecessarily impacted on learners and ensuring that relevant staff introduce, as appropriate, amendments to provision and/or services.

The Education and Standards Committee (ESC) will:

1. Ensure that the NEBDN staff team and the qualification committees which they work with are aware that the way in which curriculum, syllabi and assessment are written can be discriminatory and if necessary, organising training in this regard or intervening to ensure that this does not happen
2. Gather and analyse timely information or any reports, concerns, or incidents of discrimination in curriculum, syllabi, assessment and the conduct of examinations to determine the appropriate course of action.
3. Ensure that the Education Standards to which Providers must adhere promote equality, diversity and inclusion and reduce discrimination and that there are appropriate quality assurance and control mechanisms in place to actions if there are issues.
4. Regularly review the policy as part of NEBDN's self-evaluation arrangements taking into account Provider and learner feedback, changes in practice, actions of the regulatory authorities or other relevant external agencies, or changes in legislation.
5. Make recommendations for revisions to the policy and advise the Government Committee and the Board of these necessary changes.

The Governance Committee has the responsibility for reviewing this policy every two years and for reporting to the Board of Trustees that this has been done and recommending any changes to the policy. Recommendations for change should be reported to the Governance Committee.

Reference Materials

NEBDN Bullying and Harassment Policy and Procedure (including prevention of Sexual Harassment)
NEBDN Policy and Procedure
NEBDN Learner Conduct Policy
NEBDN Complaints Policy
NEBDN Disciplinary Policy
NEBDN Recruitment and Management of Examiners Policy
NEBDN Extenuating Circumstances Policy
NEBDN Grievance Policy
NEBDN Learning and Development Policy
NEBDN Recognition of Prior Learning Policy
NEBDN Recruitment, Selection, Induction and Probation Policy
NEBDN Social Media Policy
NEBDN Code of Conduct Policy
NEBDN Ofqual General Conditions of Recognition
Equality Act 2010
Gender Re-assignment Act 2004
Ireland Equality Law
Equal Pay Act 1970
Race Relations (Amendment) Act 2000
Disability Discrimination Act 2005

Policy Review



We will review this policy and its associated procedure regularly as part of our annual self-evaluation arrangements and revise it as and when necessary.

Questions

If employees are in any doubt as to their responsibilities or if they have any questions about this policy, in the first instance, they should speak to their line manager, HR or a member of the Executive Team.