

NCTJ Equal Opportunities and Access Policy

Introduction

We live in a multi-racial, multi-ethnic and multi-cultural society. In line with a belief in the principles of social justice and the active promotion of genuine equal opportunities for all, the NCTJ has committed itself to a policy of equality of opportunity not only in employment and personnel practice, but also in its examination and assessment services and development of new qualifications.

This document outlines the NCTJ Equal Opportunities Policy, its obligations under existing legislation and its intention to abide by and comply, not only with the requirements, but also the spirit of the legislation. The NCTJ management will take steps to ensure that all future documents, procedures, codes of practice, management guidelines, and instructions to NCTJ personnel, examiner sub-contractors, members and candidates are developed in line with this Policy. In addition to the Legislative Obligations detailed at [2] below, other relevant NCTJ policies include ***Advice for Candidates with Particular Needs***.

1. EQUAL OPPORTUNITIES POLICY STATEMENT

“The NCTJ opposes discrimination against and/or harassment of anyone because of their race, ethnic or national origin, gender, sexual orientation, marital status, disability, class, age, religion or employment status”.

All NCTJ employees, examiner sub-contractors, work experience personnel, members and students are required to comply with this Policy Statement.

Any complaints of discrimination or harassment will be treated seriously. They will be fully investigated and may result in disciplinary action by NCTJ management.

Further policies and practices that promote equal opportunities will be developed, implemented and publicised by the NCTJ as required.

The NCTJ will provide briefing opportunities for all staff and examiner sub-contractors and members relating to the Equal Opportunities Policy and its implementation.

2. THE LEGISLATIVE OBLIGATIONS

The NCTJ Equal Opportunities Policy goes beyond the minimum standards but has been developed within the framework of existing legislation. The relevant Acts of Parliament are:

The Sex Discrimination Act 1975 (and its amendments, 1986)

The Equal Pay Act 1970 (and its amendments 1983)

The Race Relations Act 1976

The Disabled Persons (Employment) Acts 1944 & 1958

The Disabled Persons (Services, Consultation & Representation) Act 1986

The Chronically Sick & Disabled Persons Act 1970 (and its amendments 1976)

The Rehabilitation of Offenders Act 1974

The Disability Discrimination Act 1995

3. IMPLICATIONS OF THE LEGISLATION

If the legal requirements of the above Acts are contravened both NCTJ and the individual concerned will be rendered liable to legal proceedings. If NCTJ as employer can prove that it has taken the necessary steps to prevent acts of discrimination, only the individual would be considered liable for that unlawful act.

This applies to the Race Relations Act 1976 and Sex Discrimination Act 1975/1986. It is essential that all persons bound by this Policy are aware of their obligations under the law, as ignorance is not a defence.

4. DEFINITION OF TERMS

DIRECT DISCRIMINATION results from treating a person less favourably on grounds of gender, race, disability, colour, ethnic and national origin, nationality, sexuality, marital status, responsibility for dependants, religion, trade union activity or age (up to 65).

INDIRECT DISCRIMINATION arises when a condition or a requirement, although applied equally to the above groups listed in the Policy Statement, has the effect of excluding, penalising or treating less favourably, any of these groups and cannot be shown to be justifiable and will be to the detriment of those who cannot comply with it.

VICTIMISATION occurs if a person is given less favourable treatment than others because she/he has exercised her/his rights under the Policy of the relevant legislation.

HARASSMENT is defined as: "Any hostile or offensive act, deliberate or otherwise, or any unwelcome attention against an individual or group; any incitement to commit such acts; any actions which affect a person's safety or comfort or which demean that person in any way".

The following list provides examples of acts that might occur in incidents of harassment:

- Physical assault and abuse
- Verbal threat and abuse
- Unwelcome physical contact
- Derogatory name-calling, insults, demeaning jokes
- Offensive comments
- Incitement of others to behave in an oppressive manner
- Provocative behaviour, mimicry
- Refusal to co-operate in accepted NCTJ activities with other people on grounds of their race, gender, sexual orientation, marital status, disability, class, age, religion or employment status
- Wearing of racist or sexist badges or insignia
- Graffiti directed against an individual or vulnerable group
- Displaying or distributing leaflets etc containing offensive material
- Attempting to recruit other users, staff or students to racist organisations or groups.

5. GENERAL POLICY

5.1 ACCESS

All entry requirements or qualifications for NCTJ programmes will relate to standards specified by NCTJ.

All NCTJ centres must ensure that all potential NCTJ candidates who meet the entrance qualifications have equal access to NCTJ programmes.

NCTJ centres must not discriminate in providing access to opportunities and facilities to candidates. Regular Centre Approval Reviews will require Centres to demonstrate their adherence to and their monitoring of their own Equal Opportunities and Access Policies.

5.2 MARKETING

An Equal Opportunities statement will appear in NCTJ publications.
Publicity will avoid race and gender stereotyping.

5.3 SYLLABUSES & EXAMINATIONS OFFERED

The NCTJ will seek to ensure that syllabuses and examinations' content complies with the Equal Opportunities Policy and avoid stereotyping by using positive role models, accessible language and culturally diverse material.

5.4 STAFFING

All potential staff will have equal access to employment opportunities, providing that they meet the requirements of the job description and person specification.
The NCTJ will not discriminate in providing access to training, promotion and career development opportunities.
Under-represented groups will be encouraged to apply for posts and to participate fully in the work of the NCTJ.

5.5 IMPLEMENTATION AND DISSEMINATION

Copies of the Equal Opportunities Policy will be available to all NCTJ employees, examiner sub-contractors, members and students.
Further copies of the Policy can be obtained from the NCTJ.
All employees and examiner sub-contractors are to be briefed on the Policy at induction.

5.6 COMPLAINTS & GRIEVANCE PROCEDURE

A Complaints Procedure exists for the use and protection of all NCTJ employees, examiner sub-contractors, members and students and is an appropriate way of raising and dealing with complaints relating to any breach of this Policy.
The NCTJ management will treat seriously and take prompt action on any employee's, examiner sub-contractor's, member's or student's grievance concerning discrimination, victimisation or harassment.

5.7 DISCIPLINE

Acts of discrimination, victimisation and harassment as defined in this document, perpetrated by NCTJ staff, examiner sub-contractors, members or students against others, will result in disciplinary action. This will also apply to those who attempt to induce others to discriminate, victimise or harass.
Failure to comply with or adhere to the NCTJ Equal Opportunities Policy will be treated as a disciplinary offence.

5.8 MONITORING

The implementation of this Policy will be monitored by NCTJ management.

5.9 POLICY REVIEW

No policy document can remain static and must be subject to changes. It is the intention of NCTJ management to keep this policy under review to ensure that the NCTJ commitment to equality of opportunity, as set out in the Policy Statement, is adopted and fully implemented.

Signed: Joanne Butcher
Position: Chief Executive Officer
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