




# THE BRITISH RACING SCHOOL

## Equality & Diversity Policy

<b>Reviewed:</b>	<b>Sept 2021</b>
<b>By:</b>	<b>Carol Bramhill</b>
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<b>Signature of Chief Executive</b>	

**This Policy links to:**

**Equality & Diversity Statement**  
**Anti-Bullying Policy**  
**Disability Statement**

We will not discriminate within the meaning and scope of the provisions of the Equality Act 2010. We will also aim to observe the Codes of Practice published by the Equality and Human Rights Commission (EHRC).

### **Unlawful Discrimination**

The Equality Act 2010 makes it unlawful to discriminate on the grounds of:

- Age
- Sex
- Marriage and Civil Partnership
- Disability
- Gender reassignment
- Pregnancy
- Maternity
- Race
- Sexual orientation
- Religion or belief

The above are known as protected characteristics, and apply equally to staff and trainees alike.

### **Types of Unlawful Discrimination**

**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

**Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

**Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

- The harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- It must be aware that the previous harassment has taken place; and
- It must have failed to take reasonable steps to prevent harassment from happening again.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings such behaviour could amount to victimisation.

**Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

### **Equal opportunities in employment.**

The School will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Candidate for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

The School will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the School considers it has good reasons, unrelated to any protected characteristic, for doing so. The School will comply with its obligations in relation to statutory requests for contract variations. The School will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The School will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The School cannot lawfully discriminate in the selection of employees for recruitment or promotion, but may use appropriate lawful methods, including lawful positive action, to

address the under-representation of any group that it identifies as being under-represented in particular types of job.

### **Customers, suppliers and other people not employed by the School.**

The School will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the School.

Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

### **Training**

The School will provide training in equal opportunities to all staff.

### **Your responsibilities**

Every employee is required to assist the School to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the School for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or trainees or customers are disciplinary offences and will be dealt with under the School's disciplinary procedures. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

### **Grievances**

If you consider that you may have been unlawfully discriminated against, you may use the School's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

The School will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Use of the School's grievance procedure does not affect your right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

### **Monitoring and review**

This policy will be monitored periodically by the School to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the School will monitor the ethnic and gender composition of the existing workforce trainees and of applicants for jobs, and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the School will implement them.

Information provided by job applicants and employees for monitoring purposes will be used for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

## **Trainees**

### **Recruitment of Trainees**

As part of the policy to ensure equality and diversity in its recruitment of trainees, the BRS will:-

Publicise the BRS commitment to equality and diversity and its equality and diversity policy.

Welcome all applications regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, this includes those who have not ridden or had contact with horses before. The assessment of suitability will be based on the training being relevant and appropriate to the individual and that there is a realistic chance of finding employment and completing the qualification. Government restrictions on eligibility and funding may apply.

We will take reasonable steps to improve the number of applicants from under-represented groups or those who might not have previously considered working with horses.

Issue a Disability Statement which provides guidance to prospective trainees on BRS policy to those with disabilities and highlights the support available

As part of the policy to ensure equality and diversity in the selection of trainees, the BRS will:-

Ensure there are clear consistent procedures for dealing with applications.

Provide applicants with as much clear and accurate information as possible about the training for which they apply.

Ensure that the selection criteria is based on the requirements that are necessary and justifiable for the successful completion of the training.

Ensure that selection interviews are conducted by more than one person. Questions asked at interviews will relate to the requirements of the training and subsequent employment in racing.

Interviewers will avoid stereotyping on the grounds age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Records of interviews will include the reasons why applicants are rejected and will be kept for a minimum of 12 months.

### **Placing Learners in Trainers' Yards**

In order to maximise the opportunity for trainees to complete their work based training, learners are guaranteed a job on completion of their foundation training wherever possible.

The Chief Executive is responsible for the arrangements. As part of the BRS strategy to ensure equality and diversity, when placing a trainee they will:-

- Take account of individual preferences provided on the 'Dream Sheet'. If it is felt that the preference given is not possible or not appropriate, they will discuss the matter with the trainee.
- Ensure that the work placement meets BRS contractual obligations. Where an employer does not have an Equal Opportunities or Equality and Diversity policy, Employers will be asked to adhere to the NTF policy or the BRS policy and copies will be given.
- Ensure that learners progress and their achievement is monitored so that they can reach their training objectives and that, as far as is practically possible, any barriers to achievement are removed.

### **Counselling & Support**

Instructors, Workplace Instructors and Mentors should be prepared to give balanced and fair advice to help and support trainees to complete their training programme. Where appropriate, they should be prepared to involve other advisors to meet specific needs relating to age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Mentors in yards are to be prepared to provide support and help trainees in their yard and to provide encouragement to progress to completing their qualification at the first possible opportunity.

### **People with Disabilities**

Applications for training from people with disabilities will be properly considered. Guidance is contained in the Disability Statement at Annex C. When making decisions about a disabled person's suitability for training, account will be taken of the information contained in the application form, by reference, with permission, to the applicant's doctor and, if required, advice will be sought from The BHA Chief Medical Adviser.

### **Monitoring**

Monitoring and reporting of Equality and Diversity will be put in place to meet government funding guidelines. The British Racing School will use such evidence to analyse and improve their service to all applicants, trainees and clients.

### **Age Discrimination and Trainees**

The British Racing School is funded by the Skills Funding Agency and the Education Funding Agency who target funding and eligibility at Government priorities. We

endeavour to secure funding for as wide a range of programmes and learners as possible within these constraints and offer private and alternative routes to success wherever possible.

## **Grievances**

If a trainee feels that he/she has been treated unfairly, the following procedure will be adopted:-

Applications and Selection. Any grievance or complaint should be made in writing to the Chief Executive outlining the nature of the grievance or complaint.

At the BRS. Complaints will be made to the Facilities Manager in relation to matters in the hostel or to their Instructor in relation to matters in the yard. If it is not possible to deal with the matter or it is judged to be of sufficient gravity, the matter is to be referred to the Operations Director or Chief Executive.

In the workplace. The matter should be referred to the employer under the employer's Employment Contract and Equal Opportunities or Equality and Diversity Policy

If a member of staff has a grievance, it will be dealt with in accordance with the Grievance Procedure which is part of the Employment Contract.

## DISABILITY STATEMENT

We welcome applications from all those interested in working in horseracing. The School does not have any entrance criteria based on academic achievement unlike many other Apprenticeship programmes. All applications will be assessed against the likelihood of the individual being able to perform and complete all aspects of the training programme and meet the requirements of working in a trainer's yard in employment. Where it is practicable, possible and reasonable, adjustments will be made to the individual's learning programme. However it should be clearly understood that given the risks in working with racehorses, particular attention will be placed on safety, not only to the individual concerned, but also to other trainees.

All applications from those with disabilities will be assessed on an individual basis and, where required, qualified medical or other advice will be obtained. Any queries from

applicants with disabilities should be addressed to the Recruitment Coordinator. As an indication, the following information may be helpful.

#### Dyslexia or other learning difficulties.

Applicants will be asked to carry out a numeracy and/or literacy basic skills test when they come for interview. Additional Learning Support will be provided wherever possible and applicants should provide proof of any additional support granted previously.

#### Hearing and Sight.

Because of the inherent dangers of working around, and riding, thoroughbreds, candidates will be required to have sufficient levels of hearing and sight to be aware of what is going on around them and to receive instruction. It is perfectly acceptable for candidates to wear glasses, but if so, it is recommended that they acquire contact lenses when riding.

#### Physical Requirements

The training and the job of stable staff is physical in nature. To ride racehorses requires a high level of co-ordination, strength and physical fitness. Similarly, work in a yard and looking after thoroughbreds is physically demanding. To succeed you will need to be able to meet these requirements and to ensure there is no significant additional risk to others.

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