

# ABM12: Equality and Diversity Policy

## Policy Statement

ABM Training is committed to supporting the principle of equal opportunities and opposes all forms of unlawful or unfair discrimination on the grounds of gender, colour, race, nationality, ethnic origin, sex, marital status, disability, part-time or fixed term status, parental responsibilities, age, religion or sexual orientation.

This policy covers recruitment, vacancy advertising, selection recruitment, training and conditions of service, apprentices, employers and staff. It is compliant with the following legislation:

- The Race Relations Act 1976 & Race Relations (Amendment) Act 2000;
- The Rehabilitation of Offenders Act 1974;
- The Local Government Act 2003;
- Disability Discrimination Acts 1995 & 2005 & Disability Discrimination Act (Amendment) Regulations 2003;
- Special Educational Needs & Disabilities Act (SENDA) 2001;
- Sex Discrimination Act 2010
- The Equal Pay Act 2010
- Gender Reassignment 2004
- Employment Equality (Religion or Belief) Regulations 2003;
- Employment Equality (Sexual Orientation) Regulations 2003;
- Employment Equality (Sex Discrimination) Regulations 2005;
- Employment Equality (Age) Regulations 2006;
- Protection from Harassment Act 1997;
- The Gender Recognition Act 2017;
- The Civil Partnership Act 2010;
- Racial & Religious Hatred Act 2006;
- The Work & Families Act 2006;
- Equality Acts 2006 and 2010.

ABM Trainings aim is to create an environment that encourages and values diversity within its workforce and builds on the difference's individuals bring, enabling continued success. We aim to draw upon the widest possible range of views and experiences in order to meet the changing needs of our staff, clients, candidates, temporary workers and partners.

We seek to promote diversity and to respond to the needs of all individuals in a fair and equitable manner, whilst observing our commitment and responsibility to current legislation.

To achieve this, the company will:

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- Fulfil its social responsibility towards its employees and the communities in which it operates;
- Recognise all of its legal obligations with particular reference to those acts and directives detailed previously;
- Recruit, train and promote the best person for the job, to make full use of the talents and resources of all our employees and to create a working environment free from unlawful discrimination, victimisation and harassment in which all employees are treated with dignity and respect;
- Raise the confidence of minority groups and challenge any unfair or discriminatory practices to ensure services are accessible to all;
- Ensure that services are adapted to be culturally sensitive;
- Periodically review its selection criteria and procedures and maintain a system where individuals are selected, promoted and treated solely on the basis of their merit and ability specific to the job role;
- Distribute and continuously publicise this policy throughout ABM UK Ltd, in advertising, and elsewhere as appropriate;
- Provide the facilities and opportunity for any employee who believes that they have been treated inequitably within the scope of this policy to raise the matter through the appropriate grievance procedure;
- Expect staff to tackle and report suspected or alleged discrimination.

### Scope of the Policy

This policy applies to recruitment, terms and conditions of employment, training, career development, promotion, grievance and disciplinary procedures and all other aspects of employment and of the working environment. All employees are required to comply with this policy when dealing with other employees (including temporary or agency staff and consultants), job applicants, clients, suppliers, customers and contacts of the Company, and anyone else with whom they come into contact during the course of their employment.

### Procedures

Responsibilities:

It is the direct responsibility of the Managing Directors to ensure the implementation of this policy on a day-to-day basis; however, all employees have a responsibility to accept their personal involvement in applying it and must:

- Be familiar with the policy and ensure that it is followed by both themselves and employees for whom they have a responsibility.
- Notify their line manager of any apparent instances of discrimination.
- Be aware of the benefits of diversity and equality.

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Disciplinary action may be taken against any employee who acts in breach of this policy. Disciplinary action may include summary dismissal in the case of a serious breach of this policy or repeated breaches. In other cases, it may include a warning, oral or written. Disciplinary action (which may include summary dismissal) may also be taken against any employee who makes malicious or vexatious allegations of discrimination or victimisation. Such action will be taken in accordance with the Company's disciplinary procedure.

Breaches of this policy may also result in the employee responsible being held personally liable for compensation if the person who has been discriminated against takes legal action. All other individuals who work at or visit the Company are also required to comply with the terms of the policy.

### Discrimination

The company will regard the following as discrimination:

- The less favourable treatment of an individual or prospective employee on the grounds of sex, sexual orientation, gender reassignment, race or ethnic origin, age, marital status, religion, belief, nationality or disability.
- The imposition of an unjustified requirement or condition which is such that fewer men, women, persons from ethnic minorities, married or disabled persons can comply, and which is to their detriment because they cannot comply.
- The less favourable treatment of a person who has threatened proceedings, given evidence or information, taken any action or made any allegation of discrimination on the grounds of sex, sexual orientation, gender reassignment, race, marital status or disability, religion, belief, nationality or ethnic origin.
- The use of threatening, abusive or insulting language or behaviour with intent to cause another employee, prospective employee or visitor, harassment alarm or distress.
- The display of any writing, sign or other visible representation which is threatening, abusive or insulting to another employee, prospective employee or visitor, so that that person feels harassment alarm or distress.

ABM Training will not discriminate unlawfully when selecting candidates or temporary workers for submission for a vacancy or assignment or in any terms of employment or terms of engagement for temporary workers. In line with legislation, ABM Training recognises the following forms:

### Direct Discrimination

This occurs when an individual treats another individual less favourably than another on the grounds of their colour, race, nationality, ethnic origin, sex, marital status, disability, part-time or fixed term status, parental responsibilities, age, religion or sexual orientation.

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It is unlawful for a recruitment consultancy to discriminate against a person on the grounds of their colour, race, nationality, ethnic origin, sex, marital status, disability, part-time or fixed term status, parental responsibilities, age, religion or sexual orientation in terms on which the recruitment consultancy offers to provide any of its services:

- By refusing or omitting to provide any of its services

Or

- In the way it provides any of its services

Direct discrimination would also occur if an employer accepted and acted upon a job registration from an individual that states that certain persons are unacceptable because of their colour, race, nationality, ethnic origin, sex, marital status, disability, part-time or fixed term status, parental responsibilities, age, religion or sexual orientation, unless one of the exceptions applies.

### Indirect discrimination

This occurs when a job requirement is applied equally to all but it has a disproportionate and detrimental effect on one section of the workforce, because fewer of that group can comply with it, and the requirement cannot be justified in relation to the job.

### Statutory Exceptions / GOQ

If the vacancy falls within the definition of a genuine occupational qualification or any other statutory exception ABM UK Ltd will not deal further with the vacancy until the employer provides written confirmation of the genuine occupational qualification.

### Disabled Persons

Under the Disability Discrimination Acts 1995 & 2005 & Disability Discrimination Act (Amendment) Regulations 2003 discrimination against a person occurs where, if for a reason which relates to the disabled person's disability, an individual:

- Treats him less favourably than he treats, or would treat others to whom that reason does not or would not apply, and;
- The employer cannot show that the treatment in question is justified.

Or

- If on the ground of a disabled person's disability, he treats the disabled person less favourably than he treats or would treat a person not having that particular disability, whose relevant circumstances, including his abilities, are the same as, or not materially different from, those of the disabled person. This type of direct discrimination can never be justified.

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### Duty to make reasonable adjustments and to provide auxiliary aids and services

This is a similar protection to indirect discrimination in the other protected categories.

Where a provision, criterion or practice applied by or on behalf of an employer, or any physical feature of the employer's premises, places a disabled person at a substantial disadvantage in comparison with persons who are not disabled, it will be the duty of an employer to take such steps as are reasonable, in all the circumstances of the case, to remove the provision, criterion, practice or physical feature.

Employers must take reasonable steps to provide auxiliary aids or services if this would make it easier for the disabled person to use their services. For instance, an appropriate auxiliary aid or service can include the provision of information on audiotape or provision of a sign language interpreter.

ABM Training will not discriminate against a disabled person on the grounds of disability:

- in the arrangements i.e. application form, interview or arrangements for selection for determining to whom a job should be offered; or
- in the terms on which employment or engagement of temporary workers is offered; or
- by refusing to offer, or deliberately not offering the disabled person a job for reasons connected with their disability; or
- in the opportunities afforded to the person for receiving any benefit, or by refusing to afford, or deliberately not affording him or her any such opportunity; or
- by subjecting him or her to any other detriment (detriment will include refusal of training or transfer, demotion, reduction of wage, or harassment).

ABM Training will accordingly make career opportunities available to all people with disabilities and every practical effort will be made to provide for the needs of staff, employers and individuals.

Wherever possible ABM Training will make reasonable adjustments to hallways, passages and doors in order to provide and improve means of access for disabled employees and workers. However, this may not always be feasible, due to circumstances creating such difficulties as to render such adjustments as being beyond what is reasonable in all the circumstances.

### Age Discrimination

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ABM Training will not discriminate directly or indirectly, harass or victimise any person on the grounds of their age.

We will encourage clients not to include any age criteria in job specifications and every attempt will be made to persuade clients to recruit on the basis of competence and skills and not age.

We are committed to recruiting and retaining employees whose skills, experience, and attitude are suitable for the requirements of the various positions regardless of age.

No age requirements will be stated in any job advertisements on behalf of the company.

ABM Training may request date of birth as part of its recruitment process but such information will not be used as selection, training or promotion criteria or in any detrimental way and is only for compilation of personal data, which the company holds on all employees and workers and as part of its equal opportunities monitoring process.

### Part-time Workers

This policy also covers the treatment of those employees and workers who work on a part-time basis, ABM Training recognises that it is an essential part of this policy that part time employees are treated on the same terms, with no detriment, as full-time employees (albeit on a pro rata basis) in matters such as rates of pay, holiday entitlement, maternity leave, parental and domestic incident leave and access to our pension scheme.

ABM Training also recognises that part time employees must be treated the same as full time employees in relation to training and redundancy situations.

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### Harassment and Dignity at Work

ABM Training is committed to providing a work environment free from unlawful harassment on grounds of sex, sexual orientation, gender reassignment, marital or civil partnership status, age, disability, colour, race, nationality, ethnic or national origin, religion or belief, political beliefs or any other basis protected by legislation is unlawful and will not be tolerated by ABM.

This policy prohibits unlawful harassment by any employee or worker of ABM UK Ltd.

Examples of prohibited harassment are:

- Verbal or written conduct containing derogatory jokes or comments;
- Slurs or unwanted sexual advances;
- Visual conduct such as derogatory or sexually orientated posters;
- Photographs, cartoons, drawings or gestures which some may find offensive;
- Physical conduct such as assault, unwanted touching, or any interference because of sex, race or any other protected category basis;
- Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss, and offers of employment benefits in return for sexual favours;
- Retaliation for having reported or threatened to report harassment.

Any person that believes they have been unlawfully harassed should make an immediate report to their Line Manager followed by a written complaint as soon as possible after the incident.

The complaint should include:

- Details of the incident (cause for concern form)
- The name or names of the individual or individuals involved;
- The names or names of any witness or witnesses.

ABM Training will undertake a thorough investigation of the allegations. If it is concluded that unlawful harassment has occurred, remedial action will be taken. Any employee who the Company finds to be responsible for unlawful harassment will be subject to the disciplinary procedure and any sanction may include termination.

### Gender Reassignment Policy

ABM Training recognises that any employee or worker may wish to change their gender during the course of their employment with the Company.

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The company will support any employee or worker through the reassignment provided that full medical counselling has been undertaken and ABM Training has access to any relevant medical reports.

We will make every effort to try to protect an employee or worker who has undergone, is undergoing or intends to undergo gender reassignment, from discrimination or harassment within the workplace.

All employees and workers will be expected to comply with the company's policy on harassment in the workplace. Any breach of such a policy will lead to the appropriate disciplinary sanction.

Where an employee is engaged in work where the gender change imposes genuine problems ABM Training will make every effort to reassign the employee or worker to an alternative role in the Company, if so desired by the employee.

Any employee or worker suffering discrimination on the grounds of gender reassignment should make recourse to the Company's grievance procedure. Any discrimination complaint will be investigated fully.

### Monitoring and positive action in the recruitment process

#### Recruitment and Promotion

- ABM Training will undertake all reasonably practicable steps to circulate information about vacant posts as widely as reasonably practicable in the circumstances.
- No recruitment literature or advertisements will imply a preference for any one group of applicants, unless there is a genuine occupational qualification which limits the post to a particular group, in which case this will be clearly stated.
- Recruitment and employment decisions will be made on the basis of fair and objective criteria.

#### Job Descriptions and Working Patterns

- Job descriptions and/or person specifications will include only those requirements, qualifications and characteristics that are essential or desirable for the effective performance of the role. It will be made clear which items are essential and which are only desirable.
- Whilst it is permissible to indicate the standard hours of a job and/or that it is full time, if an employee or applicant wishes to propose some other pattern of work, this will be carefully considered and only rejected if it is justified.

#### Selection

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- All selection interviews and short listing will be conducted on an objective basis and deal only with the individual's suitability for the job, taking into account their skills and experience.
- Questions will only be asked during interview about a candidate's personal and domestic circumstances or plans if they relate to the job requirements and will then be asked of all candidates for the post.

### Training

- Employees will be provided with appropriate training (depending on the needs of the business) to enable them to improve their performance and to achieve the performance standards and targets set for them by ABM Training
- Special responsibility for the practical application of ABM Training equal opportunities policy falls upon directors and managers involved in the recruitment, selection, promotion and training of employees, and/or conducting ABM Training grievance and disciplinary procedures.

### Disabilities

- The requirements of job applicants and existing members of staff who have a disability will be reviewed to ensure that wherever possible reasonable adjustments are made to enable them to perform as well as possible during the recruitment process and while employed by ABM Training.
- Opportunities for promotion, access to benefits and facilities of employment will not be unreasonably limited and all reasonable adjustments will be made.
- All reasonable measures will be taken to ensure that disabled employees are given the opportunity to participate fully in the workplace, in training and career development opportunities.

### Positive Action – Training, Promotion and conditions of Service

- Underrepresented groups will be encouraged to apply for training and employment opportunities with the company. Wherever possible, special training will be provided for such groups to prepare them to compete on genuinely equal terms for jobs and promotion. However, actual recruitment to all jobs will be strictly on merit.
- Wherever necessary, use will be made of lawful exemptions to recruit suitably qualified people to cater for the special needs of particular groups.
- Wherever possible, efforts will be made to identify and remove unnecessary/ unjustifiable barriers and provide appropriate facilities and conditions of service to meet the special needs of disadvantaged and/or underrepresented groups.

### Personnel Records

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- In order to ensure the effective operation of the equal opportunity policy (and for no other purpose) a record will be kept of all employees' and job applicants' gender, racial origins and disability.
- Where necessary, employees will be able to check/correct their own record of these details. Otherwise, access to this information will be strictly restricted.
- Such records will be analysed on a regular basis, and appropriate follow-up action taken.

### Complaints

ABM Training recognises that any employee who feels that they need to bring a complaint of discrimination or harassment may feel embarrassed and vulnerable. Those employees will receive support and reassurance and are assured that their complaint will be treated in the strictest confidence. Employees need not fear that they will be victimised for bringing a complaint.

Any person who is found to have victimised or retaliated against another for complaining about or giving evidence about discrimination or harassment, may be subject to disciplinary action, up to and including dismissal, in accordance with ABM UK Ltd disciplinary procedures.

Similarly, the Company recognises that those who are accused of discrimination or harassment need to have their views heard and the allegations made against them investigated thoroughly. The Company recognises that, whilst all acts of discrimination or harassment are serious, any action taken will depend upon the gravity of the allegation.

Where appropriate, an employee who feels that he or she has been the subject of discrimination or harassment should firstly inform the person responsible that their behaviour is discriminatory and, in relation to harassment, unwelcome and ask them to stop. If the employee does not feel comfortable doing this, if the discrimination or harassment continues, or if there are employment consequences, a complaint should be made as follows:

- The employee who believes that they are the victim of discrimination or harassment should report the incident(s) to their line manager and or tutor. If the employee would find this embarrassing or the complaint is against such a person, then the employee should make the complaint to their Line Manager with details of the complaint provided in writing.
- The people to whom a complaint is made are under a duty to immediately investigate the complaint themselves, or if they feel unable to do so, should refer the complaint to the Managing Director.
- All complaints will be handled in a confidential and impartial manner. The investigating Manager should firstly discuss the situation with the employee affected. He or she should

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then make arrangements to interview the employee against whom a complaint has been made. These two procedures should be completed within a week of the complaint being made, depending on the availability of the parties, and should be fully documented.

- Employees against whom a complaint has been made are assured a fair and impartial hearing and the chance to put forward their side of the story. Full details will be given of the complaint in writing before the investigatory interview and the employee concerned will be offered the opportunity to be interviewed.
- It may also be necessary to place any person accused of sexual or racial harassment on investigatory suspension depending on the circumstances of the particular allegation(s).
- If it is necessary to interview other employees who may have witnessed acts of sexual or racial harassment, these employees can be assured of the same degree of confidentiality.
- After hearing both sides of the complaint, the investigating Manager should make a decision based on the seriousness of the complaint. If the investigation reveals that the complaint is valid, the investigating Manager will take prompt action to stop the discrimination or harassment and to prevent its reoccurrence. The Company's disciplinary procedures will be used as appropriate and a disciplinary hearing will be convened before any disciplinary action is taken. The investigating Manager will inform both parties in writing of the outcome and the action to be taken as soon as that decision is made.
- If either party is dissatisfied with the outcome of the investigation or the disciplinary action taken, they should refer to the disciplinary or grievance procedures as appropriate.

Where a complaint is upheld, the investigator will monitor the situation to prevent reoccurrence and to offer counselling to both individuals concerned.

### Review

This policy will be reviewed regularly and may be altered from time to time in light of legislative changes or other prevailing circumstances

### Scope

ABM Training is committed to the elimination of unfair discrimination and equality of opportunity in its provision of education, training and employment. The policy applies to all learners and employees.

### Aims

- To ensure that learners do not receive less favorable treatment on the grounds of their gender, age, socio-economic status, race, colour, ethnic or national origin, political or religious conviction, sexual orientation, disability or is disadvantaged by conditions or requirements which cannot be shown to be justifiable to management;

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- To create an accessible organisation and extend opportunities in education, training and employment to those groups identified as under-represented in education and training to promote lifelong learning;
- To recognise that working towards equality of opportunity is not additional or marginal to its activities, but central to the efficiency and development of the organisation, as an employer and as a provider of education and training.

ABM Training will take positive steps to implement this policy and monitor and evaluate its development. All ABM Training staff, partners, and learners have a mutual responsibility for implementing this equal opportunities policy.

### Objective

To identify practices, procedures and customs in all areas of activity which may unfairly discriminate individuals, directly or indirectly, and replace them, as relevant, with practices and procedures which ensure equality of opportunity.

- To encourage greater diversity of services in order that they are available to supply local employment and community needs.
- To monitor policies and procedures that provides equality of opportunity to both learners.
- To develop a marketing strategy, which addresses the needs of specific client groups, including ethnic minorities, women and people with special needs to extend participation, increase social inclusion and improve employability.
- To monitor recruitment processes to ensure that they extend access to learning.
- To provide adequate and effective support services and training for learners.
- To establish grievance and disciplinary procedures to protect learners from discriminatory behaviour based on prejudiced attitudes and annually review these procedures.
- To ensure that these procedures exist for learners and staff alike.
- To provide a suitable environment for people with disabilities.

### Implementation

This policy statement is available to all learners and staff, it will be reviewed annually. Learners are encouraged to report any practice that is contrary to this policy to their tutor. Equal Opportunities practices will be promoted through the generation, dissemination and monitoring of specific guidelines, action plans and codes of practice, which are regularly reviewed. Equal Opportunities will be an integral aspect of all our operations.

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### Training and CPD Staff

All staff will complete Equality and Diversity training. Equality & Diversity is a “topic for discussion” at every staff meeting. Staff will actively promote E&D through their employment at ABM at all times and is implemented when training apprentices and also engagement with employers. Apprentices are encouraged to report to their individual tutors and also via their employers reporting channels should. Any concerns will be reported using the “Cause for concern” form.

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