

4. Equal Opportunities, Diversity & Inclusivity Statement

PURPOSE:

To provide an Equal Opportunities, Diversity & Inclusion Statement for CNELM, and to set out our Procedures for managing any breach of said Policy.

The purpose of the Equal Opportunities, Diversity and Inclusion Policy (the 'Policy') is to set out CNELM's commitment to an inclusive and supportive environment for students, staff, contractors, clients, and visitors that is free from discrimination, where all are able to participate and where everyone has the opportunity to fulfil their potential. Equally, the Policy sets out CNELM's expectations, where each member of the CNELM community has a responsibility to adhere to, and uphold the Policy.

The Policy promotes positive attitudes towards inclusivity and values diversity. It also seeks to ensure that all who are subject to CNELM's policies, practices and procedures are treated fairly and are not treated less favourably on the grounds of any of the nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

This Equal Opportunities, Diversity & Inclusion Statement is compliant with that of Middlesex University (MU) and cuts across, and links into all other CNELM Policies including our **Aims, Vision, Mission, Business Culture, Strategy and Governance Statement** and **Education Statement of Intent**.

SCOPE:

This Statement, policy and procedure applies to all employees and contracted staff, including contributing lecturers, students, visitors and clients of CNELM.

DEFINITIONS:

1. The Equality Act 2010 prohibits discrimination in employment or in the provision of training and education on the grounds of any of the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
2. Equality is defined as ensuring everybody has an equal opportunity and is not treated differently or discriminated against because of their characteristics.
3. Diversity takes account of the differences between people and groups of people, and places a positive value on those differences. Diversity values everyone's differences and contributions.
4. Inclusion means that all people, regardless of their abilities, characteristics, socio-economic background and nationality have the right to be respected and appreciated as valuable members of the community - in this instance the community of CNELM. Their contributions to the community are valued and appreciated.
5. The CNELM Community includes staff, students, graduates, clients, partners and other stakeholders.
6. The Equality Act 2010 prohibits the following types of behaviour: Direct Discrimination, Discrimination by Association, Discrimination by Perception / Perception Discrimination, Indirect Discrimination, Discrimination Arising from Disability, Failure to Make Reasonable Adjustments for Disabled People and Bullying, Harassment, Victimisation. For examples of these behaviours and your rights please refer to the [UK Government's website](#).
7. For CNELM this means no staff member, student, visitor or client will be discriminated against on the basis of any of the above in respect of appointments, promotions, admissions, marking and access to services and facilities.

STATEMENT AND IMPLEMENTATION:

CNELM is committed to embedding equality and inclusion in all of its practices and aims to establish an inclusive culture that celebrates diversity, is free from discrimination and based on the values of dignity and respect.

CNELM implements the Equality Act 2010 in a variety of ways as detailed below. As part of CNELM's responsibilities under the Equality Act 2010, CNELM is subject to the public sector equality duty and so must have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any conduct that is prohibited by or under the Act,
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

CNELM strongly believes that all people have the right to join the CNELM community on the basis of clear, published eligibility criteria that is consistent with the Equality Act 2010, other legislation and CNELM Policies. CNELM is committed to ensure all members of the CNELM community are valued and have a voice and are protected against discrimination of any kind. CNELM strongly believes that the diversity of our Community is a strength and that everyone benefits from the

diverse perspectives, views, opinions, backgrounds, cultures and identities of all. CNELM is of the view that diversity is crucial to the activity of Higher Education and Clinical and Coaching Practice as it protects against a narrow viewpoint and instead encourages a wider world view and challenge to the status quo. In order to implement this policy CNELM has instituted the following:

1. The Centre Administrator is the appointed person in relation to monitoring compliance with this policy and reports directly to the Senior Management Team and Managing Director/Head of Quality Assurance. Any member of the CNELM community can raise any concern regarding equality, diversity and inclusion directly with the Centre Administrator.
A range of monitoring instruments are used including: Equal Opportunity forms used in staff recruitment and embedded in student application forms. **Please note that** responses to some monitoring information are voluntary - and cover details such as age, marital status, gender, ethnicity, race, nationality, disability. We do not collect Data in relation to religion or belief, sexual orientation, gender reassignment or pregnancy/maternity. Student feedback is encouraged and gathered formally related to academic modules and other consultative surveys. Key policies in relation to this, which include the **CNELM Etiquette, Student Support, Fitness to Study and Fitness to Practice**, are highlighted and sign-posted to staff and students. The **Complaints and Appeals** procedures are also made transparent. For the university validated degree programmes the Qualifi Endorsed PNPd and NTEC accredited Practice Diploma programmes (PNPD/NTPD) student representatives are nominated by the student body. Student Representatives attend a range of deliberative meetings and also meet with the Centre Administrator and Academic Team Director and are included as part of the **Equality and Diversity** monitoring team. General equality Data is collected in respect of all student applications.
2. **Applications to join the CNELM Community:**
 - **Staff** - Applicants for staff roles are shortlisted and successful candidates appointed on the basis of the advertised Essential Job Specifications and Desirable Job Specification, that ensure selected and appointed candidates have the required qualifications, experience, skills and aptitudes for the post and are subject to probationary period confirmation. Please refer to the Staff Handbook and Staff Recruitment Policy for further details.
 - **Student Body** - Application to join the student body is based on the applicant demonstrating they meet the published Entry Requirements and in addition the **Fitness to Study and Fitness to Practice** requirements. Entry Requirements are made explicit in the Prospectus, published Course Information and on the CNELM website. Before being registered as a student, the applicant must sign a Confirmation Agreement that signposts the applicant to relevant policies. Applicants who do not meet the published Entry Requirements may be enrolled on the CNELM Bioscience Entry Courses (BEC) as an 'equal opportunity', in which they can demonstrate Entry Requirements by passing the required BEC Modules to the specified standard. CNELM is committed to recognising prior learning as described in our **Advanced Learner Entry Policy**. CNELM collects Data for student applications, in compliance with the Data Protection Act 2018 and the UK General Data Protection Regulations, in respect of proof of Identity and Country of Birth.
3. Applications from members of the public to participate in the CNELM Supervised Nutritional Therapy Training Clinic are based on a set of published eligibility criteria. The Eligibility Criteria are made available on the CNELM [website](#), in the Client Leaflet and directly to applicants. The Centre Administrator will periodically review this policy, at periods of no less than twelve months, and in conjunction with the Head of Quality Assurance and other members of the Equality and Diversity monitoring Team. The monitoring information gathered is used to determine compliance with the Equality Act 2010 and wider CNELM Policies. A periodic review may lead to the updating of policies and procedures, including any need for reviewing eligibility criteria, entry requirements, job specifications etc to ensure these do not discriminate against any protected characteristic. In addition, the Periodic Review will determine if published information is adequate, transparent, accurate and easily available.
4. A copy of this policy is made publically available on the CNELM website
5. CNELM's **Events & Speaker Policy, CNELM Etiquette Policy, and IT & Web Facilities Policy** all address issues related to harassment, bullying and victimisation - including radicalisation. No member of the CNELM community must engage in such conduct, including the use of language (either verbal or written) that would amount to harassment, bullying or victimisation - including hate speech. Any breach of these policies should be reported to a Senior Member of the Management Team in the first instance and may invoke our Disciplinary or complaints procedures.
6. Equal opportunity, diversity and inclusion as outlined in this policy are implicit in all other CNELM policies and procedures.
7. **Academic considerations:** To ensure equality of marking, CNELM implements a process of anonymous marking wherever this is appropriate for graded assessments. Presentations and clinical cases are examples of what might not be marked anonymously. All Module grades are moderated internally and moderation reports are made available to External Examiners for the Degree Programmes and the External Verifier for the NT/PNPd, NDC and DEC courses. In addition, graded work is either ratified at the Subject Assessment Board for Degree Programmes or verified at the PNPd/NTPd/NCD/DEC Verification Panel. These processes ensure equality in terms of the marking process and outcomes. Students further have the right to query grades/feedback and to 'Appeal' a ratified or verified grade. Details of extenuating circumstances provided by a student, and a student's overall performance, can be taken into account as mitigation, when final grades are ratified or verified, in order to ensure no unfair or undue academic disadvantage results from discrimination.
8. **Teaching and Diversity/Inclusion:** Throughout the programmes a diverse range of perspectives are taught, considered and debated. Students are encouraged to actively participate in discussions and other interactive

activities as a way of engaging with and critically thinking about the breadth and depth of issues. Contributions by students are valued and respected. Appropriate challenging of opinion, in an inclusive manner, is supported and reflects the diverse experiences and attributes of all participants.

9. CNELM encourages 'Continuing Professional Development' (CPD) opportunities for staff, students and graduates. All CPD opportunities are open to those who meet any eligibility criteria - for example, eligibility based on role, Programme of study, Level of study etc. Staff CPD includes staff workshops or other activities as assessed in relation to the staff members role and the needs of CNELM via annual performance reviews, supervision and mentoring. Students are able to join a number of extracurricular events throughout the academic year. Some events may be targeted to students based on their level of study, enrollment on identified Modules or Programme of Study. These students will be given priority for joining these events. A number of events, including short courses, are periodically organised by CNELM or are co-hosted and will include published eligibility criteria for the target audience. Places are offered on a first-come basis to those who meet the criteria. CNELM may also host other events during the academic year, such as industry-led conferences, which are generally open to graduates, students, staff and the wider profession.
10. Diversity of opinion and perspective is an essential part of Higher Education. CNELM seeks to present a diverse range of views within its academic teaching. Academic Freedom is an important core principle of the Higher Education and Research Act 2017. It is important students have the opportunity to explore a wide and diverse range of ideas when in study and are encouraged to develop the critical thinking skills required to properly evaluate what is presented in the teaching, what they encounter in their wider reading/study and what debates/discussions they engage with. In addition to critical thinking skills, students are encouraged to adopt robust styles of academic writing - especially in relation to evidence-based and/or application of logical argument to underpin assertions and conclusions. CNELM's **Research Ethics Committee** has both a duty to demonstrate 'due regard' to academic freedom; and is mindful of the principles detailed in the 'Prevent Duty' including preventing individuals from being radicalised into violent or non-violent extremism/activity. The Research Ethics Committee will not automatically reject research proposals into controversial areas where a Prevalent Concern may exist, for example animal rights, but would seek to ensure adequate safeguards are put in place that enable a project to proceed. Academic freedom in research projects/dissertations should enable a wide and diverse range of research proposals to be approved and/or the student researches a wide and diverse range of published literature, research findings and evidence. **Please refer to the Events and Speakers Policy and the CNELM Etiquette Policy** for further details related to Freedom of Speech and its limitations and boundaries. CNELM adopts within the Events and Speakers Policy a 'no platform' stance to those from 'proscribed groups' and a zero tolerance of 'hate speech'. This is especially important to safeguarding 'protected characteristics', dissuading 'prohibited behaviours', such as bullying and harassment, as well as supporting the creation of a safe environment for all members of the CNELM community.
11. CNELM will not in any way use Data it collects, including Equality Monitoring Data, to 'profile' individuals or groups of individuals, who may share a protected characteristic, on the basis of the protected characteristics. Data collected is used to analyse compliance with this Policy and may inform updates and changes.
12. **Learning Needs/Disability:** Under the Equality Act 2010, a person is disabled if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Discrimination arising from disability can occur when a disabled person is treated unfavourably because of something connected to their impairment and such treatment cannot be justified. The Equality Act 2010 places a duty upon higher education institutions to make reasonable adjustments for staff, students and service users in relation to:
 - a) provisions, criteria or practices;
 - b) physical features and
 - c) auxiliary aids

These adjustments apply where a disabled person is placed at a substantial disadvantage in comparison to non-disabled people. CNELM makes reasonable adjustments for students and staff in accordance with identified needs wherever possible within the statutory criteria. For students, CNELM recognises its anticipatory duty and will endeavour to make such adjustments as are reasonable and feasible. Upon application students and staff can declare a disability and subject to accepted and valid evidence, CNELM will undertake a 'Needs Assessment' to identify any reasonable adjustments, arrangements and/or equipment required. An offer of a place on a Programme of Study or job role is dependent upon such adjustments being reasonable and feasible, including not being prohibitively expensive or disruptive. Equally, any student who develops a disability and/or learning need during study can apply to undertake a Learning Needs self-assessment and provide accepted and valid evidence. Upon receipt of a Learning Needs self-assessment CNELM will conduct a 'Needs Assessment' to identify any reasonable adjustments, arrangements or equipment that is required to enable the student to continue to progress and engage and be at no academic disadvantage. The assessment results in a Learning Needs support plan which is subject to the plan being both reasonable and feasible. Staff who develop a disability whilst in service, likewise can complete the self-assessment form as a starting point and then follow the guidance in the Staff Handbook.

13. Applications for staff (applicable posts) and students include the collection of Data related to Criminal Offences. In compliance with current legislation any declared offences are taken into account in determining an offer of employment or enrolment as a student. CNELM is committed to equality of opportunity for all applicants (staff or students), including applicants with criminal convictions, and undertakes to treat all applicants fairly.

- Applications for job roles are welcomed from a wide range of candidates, including those with criminal records. Candidates are selected for an interview based on their skills, qualifications, experience and the requirements of the post. CNELM's approach towards employing ex-offenders depends on whether the job is, or is not, exempt from the provisions of the Rehabilitation of Offenders Act 1974. A Disclosure is only requested where it is proportionate and relevant to the position concerned. At CNELM such exempt job roles relate to those involved in the Student Supervised Nutritional Therapy Training Clinic due to the fact clients may be vulnerable adults or children.
- Applications to join a Programme of Study leading to professional practice outcomes such as the Personalised Nutrition/Nutritional Therapy Practice Diploma, Nutrition Coach Diploma and Dietary Educator Certificate are also exempt. This is because the practitioner outcome relates to Allied Healthcare fields. Applicants for these Programmes of Study should expect to be asked about any information they have declared and it is important that they must be honest with the interviewer in this regard. CNELM will not refuse to enrol an individual unless the nature of the conviction is relevant to the Practitioner outcome. Applicants who enrol as a student on a Programme of Study leading to professional practice, who have a conviction or are convicted during the study, should be aware that it is the prerogative of the Professional Bodies and Regulatory Bodies to determine membership or registration in relation to criminal convictions and not that of CNELM.
- The above applies if the job role or Programme of Study outcome is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Applicants for both exempted jobs and Programmes of Study should also be aware of 'Spent' conviction periods, after which a conviction does not need to be declared and the 'exceptions' to this - i.e. some offences would never be considered 'Spent'.

14. CNELM strongly believes that diversity enriches the experience for all. As CNELM has grown, we have sought to develop a diverse community of staff, course contributors and students from around the world.

RESPONSIBILITIES:

All members of the CNELM community including students, staff, contractors and visitors have equalities related responsibilities.

The CNELM Managing Director and Business, Education Ethics Committee (BEEC) is responsible for:

- Ensuring that CNELM meets its legal obligations relating to equality.
- Ensuring that equality analysis is carried out on all senior level proposed policies and decisions where appropriate.

The Senior Management and Academic Team are responsible for:

- Ensuring that procedures relating to staff recruitment, selection, career development, discipline and grievance are carried out in accordance with the statutory duties to promote equality and eliminate discrimination.
- Ensuring that procedures related to entry to courses, extenuating circumstances, student support, student safeguarding, student complaints, academic misconduct and academic appeals are carried out in accordance with statutory duties to promote equality and eliminate discrimination.
- Fostering a culture in which equality and diversity considerations are embedded into their work areas.
- Ensuring that staff and students are encouraged and enabled to reach their full potential.
- Identifying appropriate staff development to meet the needs of their respective areas.

The Centre Administrator and Head of Quality Assurance are responsible for:

- Supporting managers in ensuring that procedures relating to staff recruitment, selection, career development, discipline and grievance are carried out in accordance with the statutory duties to promote equality and eliminate discrimination.
- Supporting managers in ensuring that procedures related to entry to courses, extenuating circumstances, student support, student safeguarding, student complaints, academic misconduct and academic appeals are carried out in accordance with statutory duties to promote equality and eliminate discrimination.

The Equality, Diversity and Inclusion Panel, made up of the Centre Administrator, Head of QA, Academic Team Director, and Student Representatives is responsible for:

- Leading and supporting CNELM in creating an inspirational, inclusive and diverse environment.
- Leading CNELM in meeting its statutory responsibilities. In particular, to lead CNELM in fulfilling its Public Duty under the 2010 Equality Act which includes annual equality information reporting, equality analysis, monitoring and consultation, this is generally achieved via deliberative meetings where equality is a standing agenda item, and periodic review that includes analysis of anonymous data.
- Ensuring that an effective policy, service and provision infrastructure is in place to support CNELM in both meeting its legal responsibilities and fulfilling its Equality and Diversity vision.
- Providing advice, guidance and support on the application of this policy.
- Advising colleagues to address inequalities related to employment and student issues.

Students are responsible for:

- Upholding the principles of this policy.
- Contributing to a safe and inclusive environment that celebrates diversity.

Members of staff are responsible for:

- Upholding and implementing the aims of this policy.
- Promoting equality of opportunity.
- Contributing to a safe and inclusive environment that celebrates diversity.

External Academic Quality Reviewer is:

- Responsible for providing external oversight and responsibility for academic quality assurance within CNELM's administrative structures that are separate to commercial interests.
- A non-voting member of the BEEC who reports directly to the Chair of the BEEC independently of the CNELM Directors and Shareholders of NS3UK Ltd.

PROCEDURE:

CNELM will take seriously any instances of non-adherence to this Policy Statement by students, staff, contractors or visitors. Any instances of non-adherence will be investigated with the intent of resolving matters. Where appropriate, such instances may be considered under the relevant disciplinary policy and procedures.

CNELM strongly encourages informal and local resolution of issues or complaints and provides support for staff and students to this end.

Where appropriate, all student and staff complaints about breaches of this Policy Statement should be raised at a local level in the first instance, with a view to informal and timely resolution. If such attempts to resolve complaints are not successful, or are inappropriate due to the nature of the breach of the Policy, then follow the guidance below.

Support is available for students and staff when the following procedures are invoked. For students, support is available from the Student Support Manager. For staff, advice and guidance is available from their manager or the Centre Administrator.

1. Equal opportunity, diversity and inclusion as outlined in this policy are implicit in all other CNELM policies and procedures.
2. If a staff member, applicant, student, visitor or client feels and/or believes they have been treated in a disrespectful manner, been denied services or have been discriminated against in any way that they consider contravenes this Equal Opportunities, Diversity & Inclusion Statement, they should either use the Whistle Blowing Procedure or the Complaints Procedure. **Please note that** in the first instance issues can be raised informally with any of the following CNELM Senior Managers.
 - MD & Head of Quality Assurance
 - Business Director
 - Principal & Director of Research
 - Academic Team Director and Clinical Director
 - Director of IT & Head of Student Recruitment
 - Centre Administrator & Practice Supervisor
 - Institution Link Tutor
3. Invoking the CNELM Whistle Blowing or Complaints Procedure does not take away the right for an individual to take the matter to Middlesex University as appropriate, in the context of [MU regulations](#) (students), the [Office of the Independent Adjudicator](#) as relevant to the case (degree registered students), to Quali for students registered with them for the Personalised Nutrition Practice Diploma, or to the Professional Organisations (staff, students, visitors or clients). If individuals wish to make a representation outside of CNELM they should be given the contact details to do so by CNELM staff. Generally, if a complaint is taken outside of CNELM in the first instance, then it is likely that the organisation, to whom the complaint has been lodged, will expect that all internal CNELM procedures are exhausted where appropriate before their active involvement.
4. Equally, staff, students, visitors and clients can make representations to the [Equalities and Human Rights Commission \(EHRC\)](#) if appropriate and if they wish to do so. The EHRC is an executive non-departmental public body, sponsored by the Department of Education.
5. Staff members have access to a grievance procedure, as outlined in the Staff Handbook; this may be a more appropriate procedure if staff have raised an issue about a contravention of the CNELM Equal Opportunities, Diversity & Inclusion Statement by a Senior CNELM staff member.
6. Following the lead of MU we at CNELM work within the framework of 'Dignity at Work' including equal pay and the right to be treated with dignity at work as set out in the values statement of MU.
7. Disability, Gender and Race Equality Schemes as defined by MU are given attention by CNELM.
8. No other guidance is detailed here as the Complaints, Grievance and Whistleblowing Procedures are set out elsewhere.

Named Contact Person/s responsible for this Statement

Kate Neil - Managing Director and Head of Quality Assurance Kate.Neil@cnelm.ac.uk

Dave Lee - Centre Administrator, Data Manager and Practice Supervisor Dave.Lee@cnelm.ac.uk

Dr Michelle Barrow - Academic Team Director, Clinical Director and Institution Link Tutor

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Chris Neil - Director of IT and Head of Student Recruitment Chris.Neil@cnelm.ac.uk

Dr James Neil - Principal and Research Director James.Neil@cnelm.ac.uk

ASSOCIATED POLICY LINKS AND RELATED DOCUMENTS:

This Policy links to the following key CNELM policies and related documents:

- Advanced Learner Entry Policy
- Aims, Vision, Mission & Business Culture, Strategy & Governance Statement
- Bioscience Entry Course Overview
- BSc Hons Nutritional Science Overview
- Client Charter - as set out in the Terms of Agreement
- Clinic and Coaching Policy Handbook
- CNELM Courses Overarching Statement
- CNELM Etiquette Policy
- Confirmation Agreement issued with interview documentation
- Continuing Professional Development Policy
- Dietary Educator Course Overview
- Education Statement of Intent
- Events and Speaker Policy
- Fitness to Study and Fitness to Practice Policy
- IT Facilities and Web Services Acceptable Use Policy
- Managing Concerns Overarching Statement
- MSc & PG Diploma Personalised Nutrition Overview
- Nutrition Coach Diploma Overview
- Nutritional Therapy/Personalised Nutrition Practice Diploma Overview
- Recruitment + Disability Policy
- Research Ethics Committee Policy
- Staff Development Policy
- Student Representation & Engagement Policy
- Student Support Policy
- Supervision & Mentoring Policy
- [Prospectus](#)
- [Public Website](#)
- Staff Handbook and Student Programme Handbooks