

Equality & Diversity Policy

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Approved By:	Natalie Keating – Group Managing Director

1. Policy Objectives

- 1.1. Inspire 2 Independence (i2i) Ltd (“the Company”) is an equal opportunity employer. The Company is dedicated to ensuring equal opportunities, fairness of treatment, dignity, work-life balance and the elimination of all forms of discrimination in the workplace for all staff and job applicants. The Company aims to create a working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit. Therefore the Company has adopted this policy as a means of helping to achieve these aims.
- 1.2. The principles of non-discrimination and equality of opportunity also apply to the way in which we treat visitors, clients, customers, learners and former staff members. All employees have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not to discriminate against or harass other members of staff, regardless of their status.
- 1.3. The Company is also committed to ensuring that no policy, procedure, provision, rule, requirement, condition or criterion will be imposed on any worker or job applicant without justification if it would be likely to put that person at a disadvantage on any of the above grounds.
- 1.4. This equal opportunities policy applies to all stages of the recruitment and selection process, as well as throughout individuals’ employment.
- 1.5. The Company is committed to achieving a working environment which provides 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 beliefs, age or sexual orientation. This Policy aims to remove unfair and discriminatory practices within the Company and to encourage full contribution from its diverse community. The Company is committed to actively opposing all forms of discrimination.
- 1.6. The Company also aims to provide a service that does not discriminate against its customers and learners in the means by which they can access the services supplied by the Company. The Company believes that all employees, customers and learners are entitled to be treated with respect and dignity.
- 1.7. The success of a business depends on people. Capitalising on what is unique about individuals and drawing on their different perspectives and experiences will add value to the way we do business. By accessing, recruiting and developing talent from the widest possible talent pool we can gain an insight into different markets and generate greater creativity in anticipating customer and learner needs. We will constantly strive to create a productive environment, representative of and responsive to different cultures and groups, where everyone has an equal chance to succeed.
- 1.8. We all have a responsibility to embrace and support this vision and must continue to challenge behaviour and attitudes that prevent us from achieving this. Using fair, objective and innovative employment practices, our aim is to ensure that:
 - All employees and potential employees are treated fairly and with respect at all stages of their employment;

- All employees have the right to be free from harassment and bullying of any description, or any other form of unwanted behaviour, whether based on sex, trans-gender status, marital status, civil partnership status, pregnancy, race, disability, age, political or religious belief or sexuality;
- All employees have an equal chance to contribute and to achieve their potential, irrespective of any defining feature that may give rise to unfair discrimination;
- All employees have an equal opportunity in regards to recruitment, development and training provisions.

The diversity of the communities we serve is reflected at all levels within our workforce.

2. Scope of Policy and Responsibilities

- 2.1 This Policy applies to all employees, directors and officers of the Company and forms part of any employment or service contract. The contents of this Policy are to be regarded by any person as implied, collateral or express terms to any employment or service contract made with the Company.
- 2.2 Any employee who does not comply with this Policy may face disciplinary sanctions which, depending on the severity of the breach, may result in dismissal from the Company. It is the responsibility of all employees to ensure they are familiar with the contents of this Policy and follow the procedures and guidelines laid out herein.
- 2.3 Employees may also be held independently and individually liable for their discriminatory acts by the Company and in some circumstances an Employment Tribunal may order them to pay compensation to the person who has suffered as a result of discriminatory acts.
- 2.4 This policy also applies to all customers, learners and other stakeholders (internal and external) of the Company, including any person to whom the Company provides a service.
- 2.5 All employees are expected to attend awareness training sessions and become familiar with this document and to apply it in practice. The Company has a strategy to ensure staff awareness, continuous training and updating on legislation in relation to this and monitoring arrangements to ensure the effectiveness of our Equality and Diversity Policy and procedures.
- 2.6 The Company takes responsibility for achieving the objectives of this Policy, and endeavours to ensure compliance with relevant Legislation and Codes of Practice. The Company reserves the right to amend and update this Policy at any time.

3. Definition of Discrimination

Discrimination is unequal or differential 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 (collectively known as the 'Protected Characteristics'). Discrimination may be direct or indirect, and includes discrimination by perception and association.

4. Types of Discrimination

- 4.1 Direct Discrimination – occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).
- 4.2 Discrimination by Association – occurs when a person is treated less favourably because they are linked or associated with a protected characteristic. The person does not have the protected characteristic but they are treated less favourably than others because of a protected characteristic of another person with whom they are associated.
- 4.3 Discrimination by Perception – happens when a person is discriminated against because they are thought to have a particular protected characteristic when in fact they do not. This is direct discrimination and applies even if the person does not actually possess that characteristic.
- 4.4 Indirect Discrimination – occurs when a provision, criterion or practice is neutral on the face of it, but its impact particularly disadvantages people with a protected characteristic, unless the person applying the provision can justify it as a proportionate means of achieving a legitimate aim. Ultimately, if tested, it will be for a court of law or tribunal to determine what is justifiable.
- 4.5 Indirect discrimination is unlawful in relation to the protected characteristics of age, marriage and civil partnership, race, religion or belief, sex, and sexual orientation, but not pregnancy and maternity. The Equality Act 2010 extends protection against unjustifiable indirect discrimination to gender reassignment and, more significantly disability.

5. Harassment

- 5.1 Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.
- 5.2 Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.
- 5.3 Under the statutory definition of harassment, where no intent to offend can be established, the unwanted conduct will only be regarded as having the 'effect' of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment, if that could be regarded as a reasonable conclusion when taking all the circumstances into account including, in particular, the perception of the person who has been harassed.
- 5.4 This test of 'reasonableness' may mean that in some circumstances an over-sensitive complainant who takes offence unreasonably at an innocent comment would probably not be considered to have been harassed.

5.5 Harassment can take a number of different forms including:

- Verbal and written forms of harassment, such as crude language, offensive jokes, expression of racist/sexist/homophobic or similarly offensive views, uneducated stereotyping, suggestive remarks, innuendoes, lewd comments, gossip, offensive letters, offensive songs and various forms of offensive or threatening or demeaning electronic/mobile communications.
- Physical contact, ranging from unnecessary touching, patting, pinching or brushing against another employee's body through to assault and physical coercion.
- Display of posters or pornographic material, including material or displaying material from the internet, graffiti and offensive objects.
- Coercion, ranging from pressure for sexual favours or detriment for refusing sexual favours through to pressure to participate in political, religious or trade union groups.
- Intrusion by leering, following, pestering, spying and voice mail messages.
- Non-verbal behaviour such as leering at someone, obscene gestures, wolf-whistling or pranks.

5.6 Harassment may be persistent or an isolated incident, obvious or subtle, face-to-face or indirect. It may even be through unequal or unfair application of monitoring systems, for example through the monitoring of breaks where it is not applied equally to all employees.

5.7 The Company wishes to provide a stimulating and supportive working environment which will enable its staff to fulfil their personal potential and creativity. Such an environment cannot exist where any member of staff is subjected to harassment, intimidation, aggression or coercion.

5.8 The Company is fully committed to the principles of equality and diversity in the workplace and regards harassment as a form of discrimination. As such the Company will not tolerate any form of bullying or harassment.

6. Bullying

6.1 Although bullying is not governed by the Equality Act 2010, a person can bring a claim under the Protection from Harassment Act 1997 although often, but not always, bullying will be synonymous with harassment.

6.2 Research has shown that bullying manifests itself in three main forms in the workplace:

- Managers and supervisors abusing their power;
- Where, within a group of workers of the same grade, one individual takes on the mantle of the group leader, and that individual abuses that power by bullying;
- Where a group of workers of the same mind, gang together and bully one or more other workers, - i.e. peer group bullying.

6.3 Bullying can sometimes emanate from a senior person taking what he or she feels is a "strong line" with employees. There is, however, a fine line between strong, but fair, management and bullying. Any form of threatening behaviour by a manager, allegedly to "get things done", but which undermines, humiliates and lessens the dignity of the person on the receiving end is clearly unacceptable.

6.4 Any potential forms of bullying will be viewed in terms of the distress they cause the individual. As with harassment, it is the impact on the recipient that determines whether any action or statement can be viewed as bullying.

7. Victimisation

7.1 Victimisation occurs when an employee or other persons are treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. A person is not protected from victimisation if they have maliciously made or supported an untrue complaint.

7.2 There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act. Victimisation can also occur post-employment. For example, if an employee had brought a claim of religious discrimination during employment, and was subsequently refused a reference when he or she left the employment because of this, this could be post-employment victimisation.

8. Unlawful reasons for Discrimination – Protected Characteristics

8.1 Age – it is not permissible to treat a person less favourably because of their age. This applies to people of all ages. This does not currently apply to the calculation of redundancy payments. Age diversity within the workforce is promoted and valued through:

- challenging age stereotyping; and
- recognising the benefits of a mixed-age workforce.

8.2 Disability – it is not permissible to treat a disabled person less favourably than a non-disabled person. A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. Reasonable adjustments will be made to give the disabled person as much access to any services and ability to be employed, trained, or promoted as a non-disabled person. The abilities of disabled people are recognised and valued at all levels of the Company through:

- focusing on what people can do rather than on what they cannot;
- challenging stereotypes about people with disabilities;
- making appropriate adjustments in the workplace to help people with disabilities achieve their full career potential.

8.3 Gender Reassignment – this is the process of transitioning from one gender to another. People who plan to undergo, are undergoing, or have undergone gender reassignment are protected against all forms of discrimination and harassment. The Company will take positive steps to support any person in the process of gender reassignment to ensure they are treated with dignity and respect.

8.4 Marriage and Civil Partnership – The Equality Act protects people from direct discrimination (although not the forms by association or by perception), indirect discrimination and victimisation because of marriage or civil partnership. Civil partnerships for same-sex couples have the same legal protection against discrimination as marriage. Same-sex marriages became legally recognised in 2014.

8.5 Pregnancy and Maternity – pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

8.6 Race – refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. It is not permissible to treat a person less favourably because of their race, the colour of their skin, their nationality or their ethnic origin. The racial and cultural diversity of our communities is represented at all levels of the Company through:

- challenging racial stereotypes; and
- understanding, respecting and valuing different racial and cultural backgrounds and perspectives.

8.7 Religion and Belief – Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition. It is not permissible to treat a person less favourably because of their religious beliefs or their religion or their lack of any religion or belief. People are treated fairly in the workplace irrespective of their religious beliefs and practices by recognising individuals' freedom of belief and right to protection from intolerance and persecution.

8.8 Sex/Gender – it is not permissible to treat a person less favourably on the grounds of their sex (a man or woman). Sexual harassment of men and women can be found to constitute sex discrimination. Women and men are fully and properly represented and rewarded for their contribution at all levels of the Company through:

- challenging gender stereotypes;
- supporting employees in balancing their life at work and at home;
- supporting employees who become pregnant and taking active steps to facilitate their return to work after maternity leave.

8.9 Sexual Orientation – it is not permissible to treat a person less favourably because of their sexual orientation, including whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes. People are treated fairly in the workplace irrespective of their sexuality through:

- respecting different lifestyles; and
- challenging negative stereotypical views.

9. Prevent Duty and British Values

9.1 Section 26 of the Counter-Terrorism and Security Act 2015 ('CTSA Act') places a duty on the Company, in the exercise of its functions, to have "*due regard to the need to prevent people from being drawn into terrorism*". This is known as the Prevent Duty.

9.2 The term "*due regard*" as used in the CTSA Act means that the Company should place an appropriate amount of weight on the need to prevent people being drawn into terrorism when it considers all the other factors relevant to how it carries out its usual functions and activities.

9.3 The Prevent Duty is part of an overall Government counter-terrorism strategy, CONTEST, with the aim of reducing the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism. In the CTSA Act this has simply been expressed as "*the need to prevent people from being drawn into terrorism.*" This includes both violent and non-violent extremism which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit. For full details of the Prevent Duty see the Company Safeguarding and Prevent Policy.

9.4 The Company actively promotes the fundamental British values of:

- Democracy – an understanding of how citizens can influence decision-making through the democratic process;
- The rule of law – an appreciation that living under the rule of law protects individual citizens and is essential for wellbeing and safety;
- Individual liberty – an understanding that the freedom to choose and hold other faiths and beliefs is protected in law;
- Mutual respect – an acceptance that other people having different faiths or beliefs (or having none) should be accepted and tolerated, and should not be the cause of prejudicial or discriminatory behavior;
- Tolerance of those with different faiths and beliefs – an understanding of the importance of identifying and combatting discrimination.

9.5 Actively promoting these values means challenging opinions or behaviours that are contrary to fundamental British values. Employees should not promote, or tolerate to be promoted, views or theories as fact which are contrary to established scientific or historical evidence and explanation. The aim is to improve safeguarding and standards of spiritual, moral, social and cultural development, and to strengthen barriers to extremism.

9.6 The British Values and Prevent duty to relate to the Equality Act 2010 as we seek to:

- Eliminate unlawful discrimination, harassment or victimisation;
- Advance equality of opportunity between people who share a protected characteristic, and those who do not;
- Foster good relations between people who share a protected characteristic, and those who do not.

10. Positive Action in Recruitment

10.1 The Equality Act 2010 allows the Company to take positive action in recruitment and promotion. 'Positive action' means the steps that the Company can take to encourage people from groups with different needs or with a past record of disadvantage or low participation, to apply for positions within the Company.

10.2 If the Company chooses to utilise positive action in recruitment, this will not be used to treat people with a protected characteristic more favourably, it will be used only in tie-break situations, when there are two candidates of equal merit applying for the same position.

10.3 The Company does not have a policy of automatically treating job applicants who share a protected characteristic more favourably in recruitment and promotion. The Company will always consider the abilities, merits, and qualifications of all of the candidates in each recruitment or promotion exercise.

11. Reasonable Adjustments

11.1 The Company has a duty to make reasonable adjustments to facilitate the employment of a disabled person. These may include:

- Making reasonable adjustments to premises;
- Re-allocating some or all of a disabled employee's duties;
- Transferring a disabled employee to a role better suited to their disability;
- Relocating a disabled employee to a more suitable office;
- 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 employees; or
- Any other adjustments that the Company considers reasonable and necessary provided such adjustments are within the financial means of the Company.

11.2 If an employee has a disability and feels that any such adjustments could be made by the Company, they should contact the Designated Officer (see below).

12. Reporting Procedures

12.1 Reporting Procedures should be read in keeping with the Company Grievance Policy or Whistleblowing Policy.

12.2 If an employee feels that they have suffered any form of discrimination, bullying or harassment they are encouraged to attempt to raise and solve the issue informally before commencing the formal grievance procedures.

12.3 Informal steps that may be taken by the employee include talking to their line manager about the issue, or talking directly to any individual who the employee feels is responsible for the discrimination and tell them to stop. This can be done verbally or by letter, and can be with the accompaniment of a colleague or trade union representative.

12.4 Where the informal procedure is used, a written record of the meeting should be kept using the 'Record of Meeting' form, including what was discussed and any proposed action.

12.5 If the employee feels unable to deal with the issue informally, or if informal steps have failed to solve the problem, the employee should raise the matter according to the formal Grievance Procedure. The Company policy on Grievance Procedures is available on the staff area of the Company website or a copy can be made available on request.

12.6 Employees may also use the 'Whistleblowing Form' to report any equality and diversity issue anonymously. Alternatively, the matter may be raised with the line manager who will report the issue to the Designated Officer.

12.7 In the event of an Equality & Diversity concern being reported where it is linked to a service user belonging to one of Inspire 2 Independence's prime contractors, the staff at Inspire 2 Independence will follow the reporting procedures outlined by Inspire 2 Independence within our Equality & Diversity policy. At the point where the lead contact for Equality & Diversity confirms that the concern is one that involves a learner/situation linked to a prime contractor. The E&D lead will immediately contact the E&D lead of the according prime contractor and escalate all of the information using the appropriate and secure processes. The E&D lead of Inspire 2 Independence will then await direction from the E&D lead of the prime contractor and support as required. Inspire 2 Independence will retain copies of all concerns raised, actions taken and the outcome within our internal reporting systems.

13. Designated Officer

The Company has a Designated Person who is responsible for all Equality and Diversity related issues in the Company. The Designated Person reports regularly to the Board and Senior Management Team. Details of the Designated Person are as follows:

Name: Heather Williams
Position: Human Resources Manager
Email: heather.williams@enteri2i.com
Head Office: 01904 606000

Appendix 1 – Examples of Types of Discrimination

Direct discrimination

Paul, a senior manager, turns down Angela's application for promotion to a supervisor position. Angela, who is a lesbian, learns that Paul did this because he believes the team that she applied to manage is homophobic. Paul thought that Angela's sexual orientation would prevent her from gaining the team's respect and managing them effectively. This is direct sexual orientation discrimination against Angela.

Discrimination by association

June works as a project manager and is looking forward to a promised promotion. However, after she tells her boss that her mother, who lives at home, has had a stroke, the promotion is withdrawn. This may be discrimination against June because of her association with a disabled person.

Perception discrimination

Jim is 45 but looks much younger. Many people assume that he is in his mid 20s. He is not allowed to represent his company at an international meeting because the Managing Director thinks that he is too young. Jim has been discriminated against on the perception of a protected characteristic.

Indirect discrimination

A small finance company needs its staff to work late on a Friday afternoon to analyse stock prices in the American finance market. The figures arrive late on Friday because of the global time differences. During the winter some staff would like to be released early on Friday afternoon in order to be home before sunset – a requirement of their religion. They propose to make the time up later during the remainder of the week. The company is not able to agree to this request because the American figures are necessary to the business, they need to be worked on immediately and the company is too small to have anyone else able to do the work. The requirement to work on Friday afternoon is not unlawful indirect discrimination as it meets a legitimate business aim and there is no alternative means to available.

Harassment

Paul is disabled and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. Richard shares an office with Paul and he too is claiming harassment, even though he is not disabled, as the manager's behaviour has also created an offensive environment for him.

Steve is continually being called gay and other related names by a group of employees at his work. Homophobic comments have been posted on the staff noticeboard about him by people from this group. Steve was recently physically pushed to the floor by one member of the group but is too scared to take action. Steve is not gay but heterosexual; furthermore the group knows he isn't gay. This is harassment because of sexual orientation.

Victimisation

Anne makes a formal complaint against her manager because she feels that she has been discriminated against because of marriage. Although the complaint is resolved through the organisation's grievance procedures, Anne is subsequently ostracised by her colleagues, including her manager. She could claim victimisation.

Pregnancy and maternity

Lydia is pregnant and works at a call centre. The manager knows Lydia is pregnant but still disciplines her for taking too many toilet breaks as the manager would for any other member of staff. This is discrimination because of pregnancy and maternity as this characteristic doesn't require the normal comparison of treatment with other employees.

Positive action

Marina and Co are manufacturers of bathroom taps and showers. They notice that they have no female sales representatives compared to men and find out that female employees are put off because of the apparent 'all male environment' in the sales team, many of whom are former plumbers. Marina reckons from its market research that the sales team will be more profitable with female representatives because the purchasers of taps and showers are often women who would appreciate a more representative sales team. The company sets up a programme of training and development for female employees where they can develop their skills and knowledge to become proficient in this area. At the subsequent recruitment of sales representatives, nearly half of new recruits were female and early sales returns for the last quarter are up.

Positive action in recruitment and selection

Loughton on Sea, a London commuter town and seaside resort has a population of some 75,000 of which around 15% at the last Census were from minority ethnic groups. The local High School has 1500 pupils that reflect the Census demographics and 80 teachers. The school has clear equality policies in place and has trained staff in these issues including the Equality Act 2010. Furthermore it has robust anti bullying policies for all staff to identify and tackle inappropriate harassing behaviour.

The school is recruiting for a new Head of Department. None of the existing 10 departmental heads are from minority communities. The school runs an interview selection process where all candidates are scored against a range of job based questions. The selection panel also objectively assesses the experience and qualifications of each candidate.

At the end of the selection process, two candidates have equal scores. Both are women. One of the women is black. The head thinks it important that the School's senior leadership reflects the population of Loughton and the school, and so decides to use this provision in the Equality Act to appoint the black candidate. The Head gives feedback to the unsuccessful candidate and explains the position the School has taken and why.