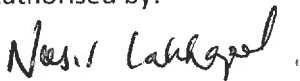


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Version	Action	Author	Verifier	Comments	Date
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Authorised by:



Name: Nasir Lakhanpal

Role: Head of HR

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Equality Diversity & Inclusion Policy

1 Introduction

PET-Xi is committed to actively promoting equality, eliminating discrimination and fostering good relations between all members of the Organisation and its clients. It celebrates and values the diversity of its workforce, learners and clients and will treat all with respect and dignity. This policy is aimed at and covers staff, participants, learners, and other service users. This is in line with our contractual legal and social responsibility to ensure equality for all whilst recognising diversity. Equality and Diversity is seen to be a key cornerstone of the PET-Xi philosophy and it is committed to this being embedded within both the organisational culture and in our delivery.

The *Equality Act 2010* came into force on 1 October 2010. It combined nine separate pieces of legislation into one single *Act*, which consolidated and extended existing anti-discrimination law. In addition, from April 2011 the current equality duties for race, gender and disability were replaced by a new Single Equality Duty that protects against discrimination on the basis of nine 'protected characteristics'. These are as follows.

1. age
2. disability
3. gender reassignment
4. marriage and civil partnership
5. pregnancy and maternity
6. race
7. religion or belief
8. sex
9. sexual orientation

We are committed to championing diversity in its widest sense and challenging discrimination based on a variety of social and cultural characteristics. Whilst not explicitly covered by this policy this includes:

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- Socio-economic background
- Class
- Appearance
- Language
- Accents
- Education
- Learning styles
- Political affiliation
- Trade Union affiliation

2. Responsibilities and Commitment

It is the responsibility of every individual to ensure the practical application of this Policy by ensuring to;

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relations between different groups

The HR team will support, guide and advise colleagues to make sure they follow this policy. The team can be contacted on: hr@pet-xi.co.uk.

2 Key Principles

Promoting equality and valuing diversity means ensuring respect for individual human dignity, for fairness and justice. It involves the acceptance and recognition that discrimination exists and that certain groups in our society have been discriminated against unfavorably, because of the prejudices and preconceptions of others with whom they have to deal with. Discrimination can also occur through organisational practices, procedures and norms which disadvantage a variety of minority groups.

This, by implication, requires a clear responsibility from PET-Xi staff to make every effort to counter discrimination in any form by creating circumstances which enable staff, children,

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young people, families and carers with whom we work to achieve their full potential, free from prejudice.

PET-Xi will not tolerate harassment in any form, including the nine protected characteristics listed in section 1 of the policy. Any such behavior will be challenged where necessary with appropriate action, such as disciplinary, will be taken.

Principles of Equalities Law

Direct Discrimination

Direct discrimination is the legal term that applies if you treat someone less favourably than someone else has been treated (or would be treated) because the person belongs to one of the protected groups.

Unless there is a statutory exception, direct discrimination cannot be excused or defended.

An example of an exception is the ability to treat a disabled person more favourably than a non-disabled person, for example when making reasonable adjustments to support the disabled person in either working or studying.

Exceptions are rare and if you are not sure, it is always better to check with the Head of Shared Services

Age

Age refers to a person belonging to a particular age group, which can include people of the same age and people of a particular range of ages.

The Equality Act 2010 replaces the provisions of the Employment Equality (Age) Regulations 2006. The Act makes discrimination on the grounds of age in employment and education provision unlawful unless it can be objectively justified. An objective justification is defined as a proportionate means of achieving a legitimate aim, which means that different treatment can be justifiable if there is objective evidence to support this decision. For example, this could be a compulsory retirement age. However, it is likely to be unacceptable to exclude applicants who are over 40 years of age from a medical degree course because they may be too old to practice (particularly as people are working to an older age). Similarly, refusing to offer a student facing job, like a Student Advisor, because he/she may be 'too old to identify' with students would likely be unlawful.

The Equality Act made provision for a ban on age discrimination in the provision of services and public functions. This ban came into effect from October 2012. However, there remain some exceptions. These are contained in the Equality Act 2010 (Age Exceptions) Order 2012

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and include age-based concessions, age verification, clubs and associations concessions and sports (such as under-21 football tournaments).

Marriage and Civil Partnership

Marriage and Civil Partnership is a protected characteristic referring to a heterosexual couple who are legally married and same-sex couples who have entered into a civil partnership or a civil marriage. People who are not married nor in a civil partnership are not included in this protected group.

Equal Civil Marriage

Parliament passed the [Marriage \(Same Sex Couples\) Act](#) in 2013. The Act provides for same-sex marriage in England and Wales and its provisions.

Pregnancy and Maternity

Pregnancy refers to women who are pregnant, whilst maternity covers a period of 26 weeks after birth. In relation to PET-Xi, the Equality Act prohibits discrimination because of pregnancy and maternity in employment, education and in the provision of goods and services.

This means, for example, that an applicant who wishes to study at PET-Xi should not be excluded from admittance because she is pregnant or has recently given birth. Similarly, a woman who is pregnant should not be demoted or overlooked for training or promotion because of her pregnancy.

Breastfeeding mothers are also protected. So, for example, it would be discriminatory to ask a woman to leave a restaurant because she is breastfeeding her baby. This protection extends for the period that the mother breastfeeds her baby (even after 26 weeks).

Race

Race is a protected characteristic that refers to an individual's race, colour, nationality and ethnic or national origins. The Equality Act replicates the provisions of previous legislation.

Colour includes, for example, being black or white.

Nationality includes, for example, being a British, Jamaican or Pakistani citizen.

Ethnic or national origins include, for example, being from a Roma background or of Chinese heritage.

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A racial group could be, for example, ‘Black Britons’ which would include people who are both black and British citizens.

It is prohibited to discriminate, harass or victimise a student (current, prospective or past), a member of staff (potential, current or past) or visitor to PET-Xi because of their race, whether perceived, actual or associated. This includes segregating individuals according to race.

Religion or Belief

Religion and belief is a protected characteristic that refers to a:

1. Religion (e.g. Christianity, Judaism, Hinduism, Islam, Sikhism, Rastafarianism, Zoroastrianism, Jainism, Buddhism).
2. Denomination of a religion (e.g. Anglicanism, Catholicism, Sunni, Lamaism).
3. Religious or philosophical belief (e.g. Humanism, Spiritualism, Atheism and Climate Change).

Protection also applies to those who do not have a religion or belief.

Not all philosophical beliefs qualify for protection under the Equality Act 2010. Beliefs that do not substantially affect human life, are transitory or do not conform to democratic society, for example by conflicting with the fundamental rights of others, are not protected. So, for example, any cult involved in illegal activities would not satisfy these criteria nor, according to case law, do political beliefs.

Sex

Sex is the protected characteristic that refers to a man or woman and protection from sex discrimination is well established within legislation and PET-Xi.

It is prohibited to discriminate, harass or victimise a student (current, prospective or past), a member of staff (potential, current or past) or visitor to the company because of their sex, whether this is perceived, actual or associated.

Sexual Orientation

Sexual orientation is a protected characteristic relating to a person's sexual orientation towards people of:

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1. The same sex as him or her (the person is a gay man or a lesbian).
2. The opposite sex from him or her (the person is heterosexual).
3. Both sexes (the person is bisexual).

The Equality Act replaced the provisions of the Employment Equality (Sexual Orientation) Regulations 2003 and the Equality Act 2006. The law prohibits discrimination that is direct or indirect and whether it is based on a person's actual or perceived sexual orientation. For example, protection is provided if someone uses homophobic banter (i.e. comments, words or actions/gestures that refer negatively to gay, lesbian or bisexual people) to a colleague who is presumed to be gay but is in fact heterosexual.

Disability

As a disabled person, you have rights to protect you from discrimination. These rights cover most areas including Employment, Education and Dealing with police.

It's against the law for employers to discriminate against you because of a disability. The Equality Act 2010 protects you and covers areas including:

- application forms
- interview arrangements
- aptitude or proficiency tests
- job offers
- terms of employment, including pay
- promotion, transfer and training opportunities
- dismissal or redundancy
- discipline and grievances
- access to buildings

PET-Xi is committed to the employment and career development of people living with a disability. Therefore, we have signed up to the Guaranteed Interview Scheme. Further details can be found on our website: <https://www.pet-xi.co.uk/join-our-team/>.

Reasonable adjustments in the workplace

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PET-Xi will make ‘reasonable adjustments’ to avoid anyone being put at a disadvantage compared to non-disabled people in the workplace. For example, adjusting your working hours, access to the workplace or providing you with a special piece of equipment to help you do the job.

Indirect discrimination

Indirect discrimination is the legal term that describes situations which occur when an organisation, like PET-Xi, or a member of staff at the PET-Xi, makes a decision, or puts in place a particular policy, practice or procedure, which appears to treat everyone equally, but which in practice leads to people from a particular protected group being treated less favourably than others.

An example of indirect discrimination, may be a minimum height requirement for a job where height is not relevant to carry out the role. Such a requirement would likely discriminate disproportionately against women (and some minority ethnic groups) as they are generally shorter than men.

Harassment

Harassment is defined in three ways by the Equality Act 2010:

1. Unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant, or violating the complainant's dignity (this applies to all the protected characteristics apart from pregnancy and maternity, and marriage and civil partnership).
2. Unwanted conduct of a sexual nature (sexual harassment).
3. Treating a person less favourably than another person because they have either submitted to, or did not submit to, sexual harassment or harassment related to sex or gender reassignment.

There is no definitive list of behaviour which could be defined as harassment, but examples could include physical violence or intimidation, public humiliation, personal insults, persecution, racist/homophobic insults, stalking and shouting. More subtle forms of harassment could be excluding someone, excessive monitoring of work or failure to safeguard confidentiality.

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In deciding what harassment is, it is the perceptions of the recipient of the behaviour that are important. Harassment can have been deemed to have occurred even if the intention was not present, but the recipient believed they were being harassed.

Additional protection from recurrent harassment which is not covered by the Equality Act 2010 is provided for in the Protection from Harassment Act 1997. This Act, like harassment based on a protected characteristic, creates vicarious liability for employers.

Racial harassment

Racial harassment is an incident or a series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, colour, race, religion or nationality, and a racist incident is any incident that is perceived to be racist by the victim or any other person (MacPherson Report 1999).

- Such behaviour may include:
- Derogatory name calling.
- Verbal threats, insults and racist jokes.
- Display of racially offensive material.
- Exclusion from normal workplace conversation or activities.
- Physical attack.
- Encouraging others to commit any such acts.

Homophobic bullying

Homophobic bullying motivated by hostility or prejudice based on a person's actual or perceived sexual orientation can be considered to constitute hate incidents (Equality and Human Rights Commission 2009).

- This can take many forms, including:
- Unwanted physical contact.
- Threatened or actual physical abuse or attack.
- Verbal abuse such as suggestive remarks, jokes or name calling.
- Display or distribution of offensive material or graffiti.
- Non-verbal abuse such as mimicry, offensive gestures or body language.

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Victimisation

Victimisation (defined in Section 27 of the Equality Act 2010) takes place where one person treats another less favourably because he or she has asserted their legal rights in line with the Act or helped someone else to do so.

Victimisation may occur if, for example:

- A student alleges that they have encountered racism from a tutor, and as a result they are ignored by other staff members.
- A senior member of staff starts to behave in a hostile manner to another member of staff, who previously supported a colleague, in submitting a formal complaint against the senior manager for sexist behaviour.
- An employer brands an employee as a 'troublemaker' because they raised a lack of job-share opportunities as being potentially discriminatory.

Vicarious Liability

UK law makes the Company vicariously liable for negligent acts or omissions by staff in the course of employment, whether or not such an act or omission was specifically authorised by the employer. In other words, PET-Xi is strictly liable for the wrongdoing of its members, including staff and students unless it can be demonstrated that all reasonable steps were taken to prevent the discrimination or harassment occurring or that the company member was acting on his or her own volition.

Perceptive Discrimination

Perceptive Discrimination refers to discrimination based on a perception that an individual is a member of a relevant protected group. The relevant protected groups are Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex and Sexual Orientation.

Perceptive discrimination could occur if:

- A member of staff refuses to supervise a student because they believe that he or she is transsexual.

An employer decides not to promote a member of staff because they believe they have a disability.

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Associative Discrimination

Associative Discrimination refers to discrimination based on an individual's association with another person belonging to a relevant protected group. The relevant protected groups are Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex and Sexual Orientation.

Associative discrimination could occur if:

- A student, whose child has attention deficit hyperactivity disorder (ADHD), is refused access to a graduation ceremony because of fears about the child's behaviour.
- An employee is overlooked for promotion because they care for an elderly relative.

Third-Party Harassment

The law protecting staff from harassment has been extended to cover situations where a member of staff is harassed by someone who is not an employee of PET-Xi because of his/her membership of a relevant protected group. The relevant protected groups are Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex and Sexual Orientation.

Examples of third parties include a contractor, a member of a College's staff who is not a PET-Xi employee and possibly a student.

Positive Action

Positive action is a range of measures allowed under the Equality Act 2010 which can be lawfully taken to encourage and train people from under-represented groups to help them overcome disadvantages in competing with other applicants.

Positive action must not be confused with positive discrimination which is unlawful, e.g. the setting of quotas (as opposed to targets, which are lawful) or any form of preferential treatment. Where positive action has been taken to encourage applicants from disadvantaged groups to apply, every applicant must be considered on individual merit and selection for interview and appointment must be based strictly on the agreed selection criteria.

The Equality Act 2010 does permit reasonable adjustments which may give preferential treatment to an individual with a disability.

3 Implementation Strategy

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PET-Xi will aim to ensure that equal opportunities/anti-discriminatory issues are brought to the attention of staff, volunteers, learners, trainees and service users by all appropriate means.

Experts will prepare documentation and materials in such a manner as to attempt to promote equality of opportunity and diversity awareness and avoid bias.

The Safer Recruitment Policy will reflect the commitment to this Equal and Diversity Policy and it will use appropriate advertising and recruitment procedures to ensure that all eligible people are able to apply for positions within the Organisation.

PET-Xi will encourage all staff and volunteers to develop a programme stressing equal opportunities for the people they work with and to show attitudes consistent with this in their relations with other staff.

PET-Xi will endeavour to provide appropriate training for all staff to enable them to work sensitively and effectively with children and young people towards addressing and confronting behaviour and attitudes that discriminate.

PET-Xi trainers, experts and support staff will receive training and challenge inappropriate behaviour relating to discrimination against the nine protected characteristics.

4 Complaints

PET-Xi follows a 3 stage complaint procedure for all complaints raised in order to assess fairly and reach a solution acceptable to all parties. These stages are:

Stage 1 – any person who experiences, witnesses or is reasonably led to believe that this Equal & Diversity Policy has not been respected, should immediately bring the situation to the attention of PET-Xi senior management. The person responsible of this breach will be reminded of the existence and purpose of this policy, and asked to adhere to the policy. In cases of serious allegations, Stage 2 of this procedure will be implemented.

Stage 2 – if the person continues behaving in an unacceptable manner, the matter will be referred to the Head of HR, who will decide on the best course of action. This may involve a recommendation to follow the disciplinary Policy.

Stage 3 – the disciplinary policy contains a right of appeal if a sanction is given.

5 Agreement to follow this policy

The equality, diversity and inclusion policy is fully supported by the Executive Leadership Team.

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6 Communication

PET-Xi will use a range of mechanisms for Equality and Diversity for both employees and learners. These will include but not be limited to:

- team meetings
- within lessons and support sessions to ensure learners understand equality and diversity and how this should be reflected in behaviors towards others
- company newsletters for both staff and learners
- Training
- Health, Safety and Wellbeing Group – encompasses Equability and Diversity

7 Review of Policy

The above policy will be reviewed by the relevant parties after a period of 1 year or as required.

This policy applies to all employees, sub-contractors, consultants, staff and volunteers.

Please note that this policy applies to Skills Support for the Workforce/ Redundancy contracts for the following LEP Areas

Coventry and Warwickshire	ESF-5130
Greater Birmingham and Solihull (Transitional)	ESF-5126
Leicester and Leicestershire	ESF-5123

Please note that this policy also applies to the contracts for the following DWP/ESF contracts

Positive Futures for Birmingham and Solihull	OC12S19P1442
Positive Futures Plus	OC06S19P1371
D2N2 Positive Futures	OC08S19P1515

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Cumbria Positive Futures	OC07S19P1534
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Each of the above projects will have its own Equality and Diversity plan in line with contractual and EU regulations.

8. Mental Health

PET-Xi understands that staff can suffer from mental health related illness just as much as physical health. Therefore, PET-Xi prides itself on offering extensive support to staff.

We have several trained mental health first aiders who can support staff on a confidential basis. In addition, we have a wellbeing app for all staff which provides an employee assistance programme and support with mental health related services.

The Health, Safety and Wellbeing committee are responsible for looking at initiatives and updating the Wellbeing Policy to support with mental health related matters.

Related Policies

- Safeguarding Policy
- Prevent Policy
- Anti-Harassment and Bullying
- Safer Recruitment policy
- Whistleblowing Policy
- Disciplinary Policy
- Grievance Policy
- Sickness Absence Policy
- Wellbeing Policy