

**Public**



**Equality, Diversity and Inclusion Policy**

**Equality, Diversity and Inclusion Statement**

Xact is committed to developing a culture where all those connected to and associated with Xact, celebrate difference. And where individuals are treated fairly and equally, with dignity respect and without prejudice, what ever their culture, perspective or experience.

This is emphasised in our Core Value to: Act with Integrity, Inclusivity and Respect.

*We believe in creating a working and learning environment which is honest, fair, respectful, inclusive, without prejudice, transparent and ethical.*

Xact actively promotes equality, diversity, and inclusion of opportunity, challenging and having zero tolerance for any form of discrimination and behaviour not complying with this policy. This includes bullying, harassment and victimisation.

The Board is committed to our core values and will ensure that all staff, individuals and stakeholders are treated equally.

We encourage all who interact with Xact, to comply with this policy statement.

A handwritten signature in blue ink that reads "T J Norwood". The signature is written in a cursive, slightly slanted style.

T J Norwood  
Operations Director

1<sup>st</sup> December 2022

## Equality, Diversity and Inclusion Policy

### 1. Introduction

Xact's Equality, Diversity and Inclusion Statement details our commitment to equality, diversity and inclusion for all.

This is further emphasised in our core value to "Act with integrity, inclusivity and respect", which we believe should be adopted by those with whom we interact e.g. individuals, stakeholders etc and by society as a whole.

This policy outlines our commitments, obligations and practices around equality, diversity and inclusion in more detail. We expect all staff members, individuals<sup>1</sup> and stakeholders<sup>1</sup> to comply with this policy.

**Note<sup>1</sup>:** In its association, interaction and in the receipt of our services.

### 2. Definitions

**Board:** Board of Directors

**British Values:** Values of democracy, rule of law, individual liberty, mutual respect and tolerance

**Diversity:** Recognising, respecting and valuing individual differences

**Equality:** Ensuring every individual has an equal opportunity to make most of their lives and talents

**Inclusion:** Including or involving those from a range of different social and ethnic backgrounds and of different genders, sexual orientations. Providing equal access to opportunities and resources for those who might otherwise be excluded or marginalised, such as those who have physical or mental disabilities and members of other minority groups

**Individual:** Those who receive our services e.g. apprentice, course delegates, RPL applicants, customer etc

**Learning activities:** E.g. Development, organisational, delivery, RPL, course, submission, assessment, internal verification, qualification, quality assurance, moderation, apprenticeship training programme, end point assessment etc

**PMG:** Performance Management Group consisting of Directors and an Independent Governance Advisor

**Protected characteristic:** Those involving age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

**Services:** Those provided by Xact e.g. apprenticeship training, end point assessment, courses, assessment, RPL, mentoring, learning support, qualifications, CPD activities etc.

**Staff:** Employee, agency worker, contractor, sole trader e.g. manager, supervisor, administrator, tutor, assessor, mentor, internal verifier, internal quality assurer, end point assessor etc.

**Stakeholders:** Apprentice employer, apprenticeship training provider, end point assessment organisation, customer, customers co-ordinator, supplier, user and those with whom we associate

**Unconscious bias:** Act in ways that are prompted by a range of assumptions and biases that we are unaware

**Victimisation:** Singling someone out for cruel or unjust treatment

**Xact:** Xact Consultancy & Training Limited and Xact Assessment, trading name of Xact Training Limited

### **3. Legal Foundation**

This policy supports legislation and guidelines contained within (but not limited to):

- a) The Equality Act 2010<sup>1</sup>
- b) Employment Rights Act 1996
- c) Public Interest Disclosure Act 1998
- d) Human Rights Legislation
- e) Data Protection Act 2018, including General Data Protection Regulations
- f) Prevent Duty Guidance

**Note**<sup>1</sup>: See Appendix A: Protected Characteristics, for more details

### **4. Practising equality, diversity and inclusion**

Xact promotes equality, diversity and inclusion as an integral part of its business activities which bring benefits for our staff, individuals and stakeholders. We achieve this by:

- a) Leading by example by complying with legislation, adopting best practice, supporting others to improve their equality, diversity and inclusion practices
- b) Treating everyone equally with dignity and respect
- c) Creating an environment which is representative of society, inclusive and safe; free from bullying; harassment; victimisation and discrimination with all contributions being recognised and valued
- d) Expecting staff, individuals and stakeholders to act and behave appropriately in line with our equality diversity and inclusion practices
- e) Promoting positive attitudes and values, and challenging discriminatory behaviour or prejudice
- f) Providing all with an opportunity to succeed and reach a high level of personal achievement
- g) Promoting health and wellbeing
- h) Ensuring our policies, procedures, guidance notes, publications, marketing and promotional materials, learning materials, curriculum and learning activities promote equality, celebrate diversity, tackle discrimination and promote British Values
- i) Providing clear and transparent entry criteria for our courses
- j) Supporting individual development, through individual learning plans and support to ensure inclusivity
- k) Professionally, fairly, sensitively and thoroughly, implementing requests for:

## **Equality, Diversity and Inclusion Policy**

- i) Reasonable adjustments and special considerations
- ii) Late submissions
- iii) Learning support
- l) Conducting investigations in a professional, fair, sensitive and thorough manner e.g.
  - i) Safeguarding and Prevent
  - ii) Discrimination, bullying, harassment and victimisation
  - iii) Conflicts of interest
  - iv) Malpractice or Maladministration
  - v) Discipline or Grievance
  - vi) Appeals or Complaints

### **4.1 Internal actions**

- a) Conducting fair recruitment, selection, promotion and development processes
- b) Providing training to improve understanding of equality, diversity and inclusion
- c) Providing an Occupational Health Policy
- d) Conducting internal investigations in a professional, fair, sensitive and thorough manner
- e) Monitoring our key performance measures for equality, diversity and inclusion and undertake continuous improvement activities where appropriate
- f) Reviewing our judgements and decisions to ensure they are based on complete and accurate evidence particularly when linked to gender, ethnicity, disability or some other characteristic

## **5. Equal opportunities for staff**

This section deals with aspects of equal opportunities relating to staff, be they temporary, fixed term, part-time, full-time, zero hours, self-employed or contractual, irrespective of any protected characteristics<sup>1</sup>.

We are committed to applying equal opportunity principles and active promotion of equality, fairness and respect in all aspects of staffing e.g. pre-employment, recruitment, selection, employment, promotion, contractual engagement, development, probation, appraisal, workload allocation, benefits, conditions, complaints, discipline, grievance etc.

Staff recruitment<sup>2</sup>, selection, promotion and development are based on merit, ability and business requirements.

**Note**<sup>1</sup>: See Appendix A: Protected Characteristics

**Note**<sup>2</sup>: See Recruitment Policy for more details

**6. Employer Duties**

As an employer, we are committed to ensuring that we oppose and prevent bullying, harassment, discrimination and victimisation in our employment practices and actively promote dignity, respect, equality, diversity and inclusion within our workforce.

We acknowledge individual differences, with the contributions of all staff recognised and valued.

This includes, but is not restricted to, recruitment and selection, pay, benefits, employment or contractual arrangements, flexible working, promotion, discipline, grievance, contractual compliance, redundancy, reasonable adjustments and special considerations, workload allocation, training and developmental opportunities.

Equality<sup>1</sup> aspects are considered when:

- i) Developing our policies, procedures and processes
- ii) Recruiting, selecting, promoting and developing staff
- iii) Interacting with individuals and stakeholders
- iv) Marketing and promoting our services

**Note<sup>1</sup>:** See Appendix A: Protected Characteristics

Actions to ensure this commitment is met include:

- a) Monitoring our staff recruitment, selection, promotion and development selection to ensure we adopt fair practices and comply with our Staff Recruitment policy.
- b) Ensuring all staff receive equality, diversity and inclusion training appropriate to their role
- c) Investigations:
  - i) Investigate all matters which require investigating
  - ii) Conduct investigations in a professional, fair, sensitive and thorough manner
  - iii) Record and report on each investigation
  - iv) Take appropriate action following an investigation
- d) Monitoring equality, diversity or inclusion complaints to ensure compliance with this policy
- e) Monitoring workloads to ensure that allocation is fair and proportionate
- f) Identifying and providing continued professional development opportunities for all staff, who will be supported and encouraged to develop their potential, using their talents and resources to maximise organisational efficiency
- g) Implementing reasonable adjustments and special considerations within our activities to support:
  - i) health and wellbeing of all our staff

- ii) learning opportunities of individuals
- h) Reviewing employment practices and procedures when necessary, to ensure fairness and maintain compliance with any changes to legislation.

## **7. Discrimination, Harassment, Bullying and Victimisation**

Xact will not tolerate any behaviour in the working environment which is discriminatory or, by its nature be described as bullying, harassment or victimisation.

Definitions and examples are provided in Appendix B: Discrimination

The Complaints Policy is used to report complaints of discrimination, bullying, harassment and victimisation all-of-which will be investigated appropriately.

## **8. Whistleblowing**

Whistleblowing is the reporting of certain types of wrongdoing. It may involve a past or current incident or one which is predicated to happen in the near future. It concerns matters in the public interest or that of the company e.g. matters involving governance, conflicts of interest, financial, safety etc.

The Public Interest Disclosure Act 1998 protects whistleblowers and The Employment Rights Act 1996 protects employees who must not be treated unfairly or lose their jobs as a result of their allegations.

See Whistleblowing Policy for more details.

## **9. Equality impact assessment**

Before making organisational change or changes to our business activities, we will conduct a two-stage equality impact assessment to ensure our activities are fair, presenting no barriers to participation or disadvantaging those with protected characteristics.

### **9.1 Stage 1 Equality Impact Assessment**

Assess if an activity impacts on a person's protected characteristic<sup>1</sup>:

- a) No impact - record in equality impact assessment log
- b) Impacts - record in equality impact assessment log and complete a Stage 2 Assessment

**Note**<sup>1</sup>: See Appendix A: Protected Characteristics

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### **9.2 Stage 2 Equality Impact Assessment**

When an activity impacts on an individual's protected characteristic<sup>1</sup>, complete Form 28 Stage 2: Equality Impact Assessment Form.

**Note**<sup>1</sup>: See Appendix A: Protected Characteristics

## **10. Roles and responsibilities**

The success of this policy relies on following:

- a) Board: Responsible for this policy and its compliance, reporting incidents to agencies
- b) Operations Director is responsible for implementation and monitoring
- c) PMG: Responsible for ensuring the Board has complied with this policy
- d) Managers ensuring staff compliance
- e) Robust Complaints Policy
- f) All staff being aware:
  - i) This policy
  - ii) Their rights, role and responsibilities
  - iii) That they can individually (as well as Xact) be held liable for acts of bullying, harassment, victimisation and unlawful discrimination against members of staff, individuals and stakeholders
  - iv) Requirement to sign acceptance of this policy as part of their contractual arrangements
- g) All complaints of bullying, harassment, victimisation or discrimination will be investigated
- h) Breaches of this policy will be regarded as a contravention of their contractual arrangement and will be dealt with appropriately
- i) Managers and supervisors are responsible for:
  - i) ensuring staff undertake training as appropriate
  - ii) reporting breaches of this policy to the Board and PMG

### **10.1 Role of all staff**

- a) Comply with this policy
- b) Treat everyone fairly, equally, with dignity and respect
- c) Responsible for ensuring any activities they supervise or are involved comply with this policy
- d) With regards to incidents of prejudice, racism, homophobia, bullying, harassment, victimisation or discrimination:
  - i) Challenge behaviour
  - ii) Report behaviour to a manager
- e) Ensure any material they use or issue provides a positive image based on race, gender, disability and age, challenging stereotypical images

## **11. Complaints**

Equality, diversity and inclusion complaints are managed as follows.

**Note**<sup>1</sup>: Allegations of discrimination, harassment and victimisation may amount to a criminal matter

**Note**<sup>2</sup>: In cases of sexual harassment, a criminal investigation may be required in line with Protection from Harassment Act 1997

### **11.1 Complaints received by staff**

When staff members receive a complaint, they should direct complainant to appropriate complaint route e.g. 10.2 or 10.3.

### **11.2 Complaints by staff (internal)**

Complaints by staff members are made via the appropriate policy:

- a) Complaints Policy, *or*
- b) Grievance Policy, *or*
- c) Whistleblowing Policy

### **11.3 Complaints by individuals or stakeholders (external)**

Complaints by individuals or stakeholders are made via the Complaints Policy

### **11.4 Complaints involving Xact staff and/or activities**

Complaints about staff members will be managed as follows:

- a) Conducted under the Behaviour and Appearance Policy (staff), *and*
- b) Organisational activity: Board and PMG, *or*
- c) Employees: Discipline Policy<sup>1</sup>, *or*
- d) Contractors, Self-employed: Compliance with contractual arrangements<sup>2</sup>

**Note**<sup>1</sup>: Action could lead to dismissal without notice following a finding of gross misconduct

**Note**<sup>2</sup>: Action could result to termination of contract

### **11.5 Complaints involving individuals and stakeholders**

Complaints about individuals and stakeholders will be managed under the Behaviour and Appearance Policy (individuals) and appropriate action taken. Action could result in expulsion from future involvement with Xact.

## **12. Data Management**

Any personal data collected during this process will be managed in compliance with our Data Management Policy.



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### **13. Training**

We ensure all members of staff undertake training as part of their induction, followed periodically by refresher training and update training as appropriate. This addresses:

- a) Their rights, role and responsibilities
- b) Duty to challenge and report inappropriate behaviour
- c) Completing training modules

#### **13.1 Training Modules**

The following modules are part of all staff members induction programme:

- a) Introduction to Equality and Diversity
- b) Introduction to the Equality Act 2010
- c) Preventing Discrimination and Harassment in the Workplace
- d) Respect in the Workplace
- e) Whistleblowing
- f) Unconscious Bias
- g) Manager's Guide to Equality and Diversity (Management roles only)

### **14. Related Policies**

- a) Reasonable Adjustments and Special Considerations Policy
- b) Late Submission Policy
- c) Learning Support Policy
- d) Safeguarding Policy
- e) Prevent Policy
- f) Conflict of Interest Policy
- g) Malpractice and Maladministration Policy
- h) Staff Recruitment Policy
- i) Occupational Health Policy
- j) Behaviour and Appearance Policies
- k) Discipline Policy
- l) Grievance Policy
- m) Appeals Policy
- n) Complaints Policy
- o) Whistleblowing Policy
- p) Data Management Policy

**Appendix A: Protected Characteristics**

Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. Protection from discrimination in the following areas:

- a) **Age:** An individual of a particular age group.
- b) **Disability:** A physical or mental impairment, and the impairment has a substantial and long-term adverse effect on that individual's ability to carry out normal day-to-day activities.
- c) **Gender reassignment:** An individual who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.
- d) **Marriage and civil partnership:** An individual is married or is a civil partner.
- e) **Pregnancy and maternity/paternity:** An individual whom is pregnant or has recently become a parent.
- f) **Race:** Race includes colour, nationality, ethnic or national origins.
- g) **Religion or belief:** Any religion and includes a reference to a lack of religion. Belief or philosophical belief includes a reference to a lack of belief.
- h) **Sex:** A reference to a man or to a woman.
- i) **Sexual orientation:** An individual's sexual orientation towards persons of the same sex, the opposite sex, or either sex.

## **Appendix B: Discrimination**

### **B1 Discrimination Definition**

Discrimination is where a person is treated unfairly because of a protected characteristic and can be in one of following forms<sup>1</sup>:

- a) Direct Discrimination including associative discrimination and perceptive discrimination
- b) Indirect Discrimination
- c) Harassment and Victimisation.

**Note**<sup>1</sup>: Equality Act 2010

### **B2 Discrimination**

#### **B2.1 Direct Discrimination**

Where a person with a protected characteristic is treated less favourably than others.

*Example:* A woman is not offered promotion due to her sex and a less qualified man is appointed.

#### **B2.2 Associative Discrimination**

Associative discrimination is the legal term that applies when someone is treated unfairly because either someone they know or someone they are associated with has a certain protected characteristic under the Equality Act 2010

*Example:* Employee (June) has a close friend who is gay. Some of June's team members find out that June has a gay friend and stop inviting her to social events. This could be classed as associative discrimination, as sexuality is a protected characteristic.

**Note:** Marriage and civil partnership are not covered by associative discrimination.

#### **B2.3 Perceptive Discrimination**

Where someone is treated unfairly because it is perceived that a protected characteristic will impact on their performance, whether or not it is true.

*Example:* Job applicant was not selected for interview because it was believed that he would not have enough experience due to his age.

**Note:** Marriage and civil partnership are not covered by perceptive discrimination.

#### **B2.4 Indirect Discrimination**

Where a rule, policy, procedure or process which applies to everyone, places a person with a protected characteristic at an unfair disadvantage.

*Example:* Job advert states that applicants must have 10 years work experience. The advert could be discriminating indirectly based on age, as it excludes younger applicants who may have the skills and qualifications required.

### **B2.5 Unconscious bias**

Treating someone unfairly due to assumptions and biases that we are consciously unaware. This includes hidden influences on decisions and actions that we believe are rational and based on objective un-biased evidence and experience

### **B3 Bullying and Harassment**

Bullying covers any behaviour that may be characterised as offensive, intimidating, malicious or insulting, or an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Harassment in general terms may be defined as unwanted conduct.

Bullying and harassment is:

- a) Unacceptable in the workplace
- b) Unlawful when it relates to a protected characteristic as defined in Equality Act 2010

Examples include:

- i) making sexual advances or unwanted physical contact
- ii) making derisive remarks or comments, derogatory jokes, or expressions of disgust about a particular protected characteristic
- iii) displaying discriminatory symbols, emblems or gestures
- iv) giving someone a nickname based on their protected characteristic
- v) spreading malicious rumours
- vi) unfair treatment
- vii) picking on or regularly undermining or criticising someone

It can occur:

- viii) in person: Face to face or through written communication such as email/letter), or
- ix) third party: Talking about someone behind their back

### **B4 Victimisation**

Where someone is treated unfairly because they have complained about discrimination or assisted someone who has been the victim of discrimination.