



**Treating People Fairly and Respecting  
Differences  
Equality and Diversity Policy**

Completed on: 23/05/20

Completed by: J. Mannox

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## Table of changes

Change Made:	By:	Date:	Version
Business name, logo and contact details	C. Gowlett	19/11/17	1.1
Reviewed – No Change	J Manno	23/05/18	1.2
Reviewed – No Change	J Manno	23/05/19	1.3
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## Scope

This policy and procedure is subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation, Disability, Socio-economic Disadvantage.

## Introduction

As an organisation, we are focused on providing equality of opportunity and tackling discrimination, harassment and intimidation. We are also focused on achieving the highest standards in service delivery, decision-making and employment practice. Equality of opportunity for children, young people and families and the workforce is an important part of our commitment to equality and diversity.

## Background and context to equality and diversity policy

The Training Initiative recognises its responsibilities under equality and diversity legislation and implements its duties as set out under the Equality Act 2010<sup>1</sup>. The Act covers nine protected characteristics on the grounds upon which discrimination is unlawful<sup>2</sup>:

- Age - referring to a person belonging to a particular age (e.g. 32-year olds) or range of ages (e.g. 16 – 18-year olds);
  - Disability - 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;
  - Gender reassignment - the process of transitioning from one gender to another;
  - Marriage and civil partnership - marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters;
  - 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;
  - Race - refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins;
  - Religion or 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;
- 1 Borough profiles for both Kingston and Richmond can be found in the appendix to this policy  
2 Details of equality and diversity legislation can be found in the appendix to this policy  
3 Details of different types of discrimination can be found in the appendix to this policy
- Sex - a reference to a man or to a woman; and
  - Sexual orientation - whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes. Way2Work will not tolerate less favourable treatment on the grounds of any of the protected characteristics or on any other grounds that cannot be justified.

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<sup>1</sup> Details of equality and diversity legislation can be found in the appendix to this policy

<sup>2</sup> Details of different types of discrimination can be found in the appendix to this policy

The Training Initiative will not tolerate less favourable treatment on the grounds of any of the protected characteristics or on any other grounds that cannot be justified.

### **Aims of the policy**

The Training Initiative will:

- aim to eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- aim to advance equality of opportunity between those who share a relevant protected characteristic and those who do not share it;
- foster good relations between those who share a relevant protected characteristic and those who do not share it, and promote community cohesion across all programmes and;
- ensure we meet our duties under the Equality Act 2010. We are committed to improving equality practice for all young people and for The Training Initiative staff and will make adequate resources available to do this.

### **Objectives of the policy**

To ensure:

- services are easily accessible and are capable of responding to the different and changing needs of our young people and employers;
- we are able to identify and take action to combat discrimination in service delivery on the grounds of any of the protected characteristics, or on any other ground, which cannot be justified;
- vulnerable young people, including carers and children looked after are identified and supported;
- economic inequalities are addressed in partnership with other organisations;
- consultation and engagement activities are effective and inclusive of all young people and employers;
- equality is promoted in partnerships, procurement and when commissioning our services;
- we are able to identify and take action to combat discrimination in employment practice on the grounds of any of the protected characteristics, or on any other ground, which cannot be justified;
- Achieving for Children's workforce is committed to equality and reflective of the diverse communities it serves.

### **Implementing the policy**

We will do this by:

1. ensuring The Training Initiative's Equality and Diversity lead and senior management team oversee and scrutinise our progress against the Equality Duty;
2. ensuring The Training Initiative staff are aware of the Equality and Diversity Policy and receive appropriate training;
3. monitoring all areas of employment, including recruitment, promotion, training opportunities, pay, grievances and disciplinary action, to ensure there is equal treatment for all apprentices and employees and that action is taken where any disparity is found;

4. ensuring that all employers and organisations providing services for or on our behalf have rigorous and appropriate equality policies covering employment and service delivery which meet the requirements of the Public Sector Equality Duty;
5. linking with performance improvement plans, external/internal inspections and reviews that cover equality performance in services areas as part of wider improvement measures;
6. working with young people and employers to help develop, monitor and review our policies, practices, functions and services.

**Roles and responsibilities for implementing, monitoring and reviewing equality and diversity**

1. The Equality and Diversity Lead, who is a member of the Senior Management Team is responsible for ensuring that The Training Initiative are operating within a legal and contractual framework.
2. The Equality and Diversity Lead has strategic responsibility for driving forward The Training Initiative's work on equality and diversity relevant to the functions and services we deliver.
4. This policy will be reviewed annually by The Training Initiative Director to judge its effectiveness or updated sooner in accordance with changes in legislation.

## APPENDIX

### Equality and Diversity legislation

The new Equality Act came into force on 1 October 2010.

The Equality Act 2010 brings together over 116 separate pieces of legislation into one single Act. Combined, they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. The Act simplifies, strengthens and harmonises the previous legislation to provide a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

The nine main pieces of legislation that have merged are:

- the Equal Pay Act 1970;
- the Sex Discrimination Act 1975;
- the Race Relations Act 1976;
- the Disability Discrimination Act 1995;
- the Employment Equality (Religion or Belief) Regulations 2003;
- the Employment Equality (Religion or Belief) Regulations 2003;
- the Employment Equality (Sexual Orientation) Regulations 2003;
- the Employment Equality (Age) Regulations 2006;
- the Equality Act 2006, Part 2; and
- the Equality Act (Sexual Orientation) Regulations 2007. The Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations) came into force on 10 September 2011.

The Regulations set out the specific public sector equality duties that certain public bodies must comply with. The aim of the specific duties is to help public bodies comply with the general duty to promote equality in the workplace contained in the Equality Act 2010, which has been in force since 5 April 2011.

### General Equality Duty

The general single equality duty requires public bodies, in the exercise of their functions, to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between those who share or have different protected characteristics. The duty explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

### Types of unlawful discrimination

- **Direct discrimination** is where an individual is treated less favourably than another because of a protected characteristic. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim;

- **Indirect** discrimination is where a condition, rule, or practice is applied that applies to everyone but particularly disadvantages people who share a protected characteristic and it cannot be shown to be a proportionate means of achieving a legitimate aim.
- **Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. Staff will 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. It does not matter whether or not this effect was intended by the person responsible for the conduct.
- **Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).
- **Perceptive discrimination** is where an individual is directly discriminated against or harassed because others think that the individual has a particular protected characteristic. It applies even if the person does not possess the characteristic (other than marriage and civil partnership, and pregnancy and maternity)
- **Discrimination arising from disability** is when a disabled person is given unfavourable treatment where the reason for the unfavourable treatment is not the disability itself, but something that arises in consequence of the disability. Unlike direct discrimination, in this case, there is no need for the disabled person to compare themselves with anyone else; they just need to show that they were treated unfavourably and that this treatment was linked to their disability.
- **Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as customers. For an employer to be liable: - the harassment must have occurred on at least two previous occasions; - it must be aware that the previous harassment has taken place; and - it must have failed to take reasonable steps to prevent harassment from happening again.
- **Victimisation** occurs when an employee is subjected to a detriment because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Act; and
- **Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared to someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.