

# Equality and Diversity Policy and Procedures

## EMPI Awards – March 2018

### Equality Statement

EMPI Awards acknowledges that the diversity of our staff and apprentices enables us to create a culture of equality of opportunity and fairness.

#### **1.0 Purpose**

1.1 This policy document explains how we intend to meet our duties with regard to the provision of equality of opportunity regardless of Disability, Race, Age, Religion or Belief, and Sexual Orientation and Gender.

#### **2.0 Policy**

2.1 We believe that by promoting equality in respect of all six Equalities strands we will all share in the benefits that embracing diversity will bring. The six strands are:

- Age
- Disability
- Gender (including sex, gender reassignment, marital status and equal pay)
- Race (including colour, ethnic background, nationality, citizenship)
- Religion or Belief
- Sexual Orientation

2.2 We will encourage recognition that not everyone is the same and that it is the right and responsibility of everyone to treat others with respect and to contribute to a constructive learning and working environment which is free from discrimination, prejudice, harassment or victimisation.

2.3 Our Equality Diversity & Inclusion Policy places an obligation on all apprentices and staff to adhere to the principle of Equality of Opportunity for everyone.

2.4 We believe that by promoting a culture of equality, diversity and inclusion we are fulfilling an essential part of our mission

#### **3.0 Aims and objectives of our Equality Diversity & Inclusion Policy**

3.1 Our aim is to achieve equality diversity and inclusion across all of our functions and service provisions.

3.2 Our objectives are to ensure that:

- everyone within and associated with EMPI Awards recognizes the benefits that equality and diversity will bring to learners life
- no-one suffers detriment of any kind because the actions of others
- we create a positive environment where apprentices and staff can study, work and achieve their full potential without fear of discrimination, harassment or victimization.
- we promote an open and inclusive culture where differences are acknowledged and respected and can be discussed openly
- we operate within a policy of zero tolerance towards discrimination and harassment of any kind within our organisation.
- we work toward building a diverse apprentice population and workforce

#### **4.0 Responsibilities in relation to Equality Diversity & Inclusion**

4.1 It is the responsibility of every apprentice and member of staff to ensure that our ethos of equality, diversity and inclusion is simply recognised as the way in which everyone should behave.

4.2 The Board of Governors of EMPI Awards are ultimately responsible for and are committed to ensuring that EMPI Awards meet its duty in respect of Equality Diversity and Inclusion.

4.3 All EMPI Awards workforce are responsible for ensuring the effectiveness of our Equality and Diversity Policy.

## **5.0 Legislative Context of our Equality and Diversity Policy**

5.1 There are six pieces of legislation which impose positive duties upon us

5.1.1 Disability Discrimination Act (DDA) 2005

5.1.2 Equality Act 2006

5.1.3 Race Relations (Amendment) Act 2000 (RR(A)A)

5.1.4 Employment Equality (Age) Regulations 2006

5.1.5 Employment Equality (Religion or Belief) Regulations 2003

5.1.6 Employment Equality (Sexual Orientation) Regulations 2003.

Wherever possible we will ensure within our policies and procedures that we do not discriminate on the grounds of any of the six Equalities strands.

## **6.0 Rights and Responsibilities**

6.1 Everyone within Philip Brain Associates Ltd EPAO has the right to be treated fairly and with respect.

6.2 We regard it as unacceptable to treat anyone less favourably on the grounds of their age, disability, gender, race, religion or belief, or sexual orientation.

6.3 We expect anyone representing the EMPI Awards at external visits or events to be aware of their responsibility to treat others with respect and to ensure they do not discriminate or treat anyone less favourably on the grounds of their age, disability, gender, race, religion or belief, or sexual orientation.

6.4 All apprentices and workforce are made aware of PBA Ltd's commitment to equality and eliminating discrimination in all its forms across our business.

## **7.0 Policy Review**

7.1 The progress of our Equality and Diversity Policy will be reported periodically to the EMPI Awards Board of Governors.

This Policy will be reviewed within three years, however ongoing changes in legislation may require amendment prior to this date.

## ***Annexe one***

### **STATEMENT ON DISCRIMINATION ON GROUNDS OF RACE**

This strand of legislation is now adopted into the Equality & Diversity Policy & Procedures of Philip Brain Associates Ltd EPAO as employer and as a provider of End Point Assessment.

1.0 The regulations make it unlawful on the grounds of race to:

- Discriminate directly against anyone because of their race, unless it can be objectively justified
- Discriminate indirectly against anyone, i.e. apply a criterion, provision or practice which disadvantages people of a particular race, unless it can be objectively justified
- Subject someone to harassment
- Victimise someone because they have made or intend to make a complaint or allegation

2.0 EMPI Awards will monitor the impact of its policies & procedures to ensure that it does not apply any unnecessary restrictions relating to race, other than where there may be an objective justification.

3.0 All apprentices and workforce should be aware that Racial Discrimination is one of the Equality strands covered by the EMPI Award's Equality & Diversity Policy.

4.0 Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate applying disciplinary code.

## ***Annexe two***

### **STATEMENT ON DISCRIMINATION ON GROUNDS OF DISABILITY**

This strand of legislation is now adopted into the Equality & Diversity Policy & Procedures of Philip Brain Associates Ltd EPAO as employer and as a provider of End Point Assessment.

1.0 The regulations make it unlawful on the grounds of race to:

- Discriminate directly against anyone because of their disability, unless it can be objectively justified
- Discriminate indirectly against anyone, i.e. apply a criterion, provision or practice which disadvantages people of a particular disability unless it can be objectively justified
- Subject someone to harassment
- Victimise someone because they have made or intend to make a complaint or allegation

2.0 EMPI Awards will monitor the impact of its policies & procedures to ensure that it does not apply any unnecessary restrictions relating to disability other than where there may be an objective justification.

3.0 All apprentices and workforce should be aware that Disability Discrimination is one of the Equality strands covered by EMPI Award's Equality & Diversity Policy.

4.0 Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate applying disciplinary code.

### ***Annexe three***

#### **STATEMENT ON AGE DISCRIMINATION**

This strand of legislation is now adopted into the Equality & Diversity Policy & Procedures of Philip Brain Associates Ltd EPAO as employer and as a provider of End Point Assessment.

1.0 The regulations make it unlawful on the grounds of age to:

- Discriminate directly against anyone because of their age, unless it can be objectively justified
- Discriminate indirectly against anyone, i.e. apply a criterion, provision or practice which disadvantages people of a particular age, unless it can be objectively justified
- Subject someone to harassment
- Victimise someone because they have made or intend to make a complaint or allegation

*(an explanation of these terms is given under Appendix C of this Equality Diversity & Inclusion Policy).*

2.0 EMPI Awards will monitor the impact of its policies & procedures to ensure that it does not apply any unnecessary restrictions relating to Age, other than where there may be an objective justification.

3.0 All apprentices and workforce should be aware that Age Discrimination is one of the Equality strands covered by the PBA Ltd's Equality & Diversity Policy.

4.0 Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate applying disciplinary code.

### ***Annexe four***

#### **STATEMENT ON RELIGION OR BELIEF DISCRIMINATION**

This strand of legislation is now adopted into the Equality & Diversity Policy & Procedures of Philip Brain Associates Ltd EPAO as employer and as a provider of End Point Assessment.

1.0 The legislation states that a person should not be subject to any of the following because of their religion or belief:

- Direct Discrimination
- Indirect Discrimination
- Harassment
- Victimisation

*(an explanation of these terms is given under Appendix C of this Equality and Diversity Policy).*

2.0 EMPI Awards will go further by ensuring that discrimination (including harassment and/or victimisation) on the grounds of a person's religion or belief will not be permitted in relation to the treatment by a member of staff to another member of staff or towards a learner nor by a learner to another learner or to a member of staff.

3.0 All apprentices and workforce should be aware that discrimination on the basis of a person's Religion or Belief is covered by EMPI Awards's Equality and Diversity Policy.

4.0 Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate applying disciplinary code.

## ***Annexe five***

### **STATEMENT ON SEXUAL ORIENTATION DISCRIMINATION**

This strand of legislation is now adopted into the Equality & Diversity Policy & Procedures of Philip Brain Associates Ltd EPAO as employer and as a provider of End Point Assessment.

1.0 A person should not be subject to any of the following because of their sexual orientation:

- Direct Discrimination
- Indirect Discrimination
- Harassment
- Victimisation

*(an explanation of these terms is given under Appendix C of this Equality Diversity & Inclusion Policy).*

2.0 EMPI Awards will go further by ensuring that discrimination (including harassment and/or victimisation) on the grounds of a person's sexual orientation will not be permitted in relation to the treatment by a member of staff to another member of staff or towards a learner nor by a learner to another learner or to a member of staff.

3.0 All apprentices and workforce should be aware that discrimination on the basis of a person's sexual orientation is one of the Equality strands covered by EMPI Awards's Equality, Diversity & Inclusion Policy.

4.0 Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate applying disciplinary code.

## ***Annexe six***

### **STATEMENT ON DISCRIMINATION ON GROUNDS OF GENDER**

This strand of legislation is now adopted into the Equality & Diversity Policy & Procedures of Philip Brain Associates Ltd EPAO as employer and as a provider of End Point Assessment.

1.0 The regulations make it unlawful on the grounds of gender to:

- Discriminate directly against anyone because of their gender, unless it can be objectively justified.
- Discriminate indirectly against anyone, i.e. apply a criterion, provision or practice which disadvantages people of a particular gender, unless it can be objectively justified.
- Subject someone to harassment
- Victimise someone because they have made or intend to make a complaint or allegation

2.0 EMPI Awards will monitor the impact of its policies & procedures to ensure that it does not apply any unnecessary restrictions relating to gender, other than where there may be an objective justification.

3.0 All apprentices and workforce should be aware that Gender Discrimination is one of the Equality strands covered by the EMPI Awards's Equality & Diversity Policy.

4.0 Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate applying disciplinary code.

## ***Annexe seven***

The following **Core Values & Fundamental Principles** will be:

- publicly available on our website
- explained to all apprentices during induction
- Made available in the EPA Apprenticeship Pack

### **Core Values & Fundamental Principles**

- The design, delivery & awarding of the EPA qualifications will not discriminate anyone on the grounds of:

- Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation
- Every candidate is provided with an environment which promotes dignity and respect to all
  - Equality of opportunity and diversity is promoted
  - Environments are free from discrimination, bullying and harassment, and attitudes and behaviour are challenged where standards expected breach the standards expected
  - Differences are accepted and valued
  - Legislative requirements and best practice are automatically part of the qualifications, products and services
  - Qualifications and assessment systems are designed and developed to ensure barriers to entry and participation are mitigated
  - Materials from EMPI Awards reflect the equality and diversity policy
  - All assessments are carried out in a fair and objective manner
  - The EPA qualifications offered, and the language used are free from bias and do not discriminate against candidates based on the characteristics stated above
  - Any breaches in the equality and diversity policy may lead, where appropriate, to internal investigation
  - The policy is fully supported by senior management
  - Training and guidance is provided to staff members

The Core Values & Fundamental Principles will be monitored and regularly reviewed as an integral part of the IQA site monitoring process. This will be done by questioning the apprentice to ensure that the Core Values & Fundamental Principles relating to equality & diversity are in place and followed.

As part of the IQA report, these will be reviewed at every meeting of the Board of Governors & updated as appropriate. If necessary the Board of Governors will investigate any failures in compliance using the established investigation procedure outlined in the Terms of Reference for Appeals (80).



Philip Brain  
EMPI Awards

## APPENDIX A - Definitions

There are six strands of Discrimination within UK legislation i.e. Age, Disability, Gender, Race, Religion or Belief, and Sexual Orientation.

**Direct Discrimination** involves the treatment of someone less favourably, in relation to one of the legally protected strands of legislation i.e. Age, Disability, Gender, Race, Religion or Belief or Sexual Orientation) compared to someone to whom that strand does not apply in the same circumstances.

## **Indirect Discrimination**

Where a criterion, provision or practice is applied which cannot be justified on grounds other than by reason of Age, Disability, Gender, Race, Religion or Belief, or Sexual Orientation) is applied to people equally but has the effect in practice of disadvantaging a higher proportion of people and that criterion, provision or practice is not a proportionate means of achieving a legitimate aim.

## **Harassment**

Harassment is any unwanted behaviour deliberate or otherwise pertaining to one of the legally protected strands of legislation i.e. Age, Disability, Gender, Race, Religion or Belief or Sexual Orientation, which is directed at an individual or group that is found to be offensive or objectionable to that individual or group because it violates dignity, creates a hostile, intimidating, degrading, humiliating or offensive environment. Such behaviour can include hostile or offensive acts or expressions by a person or group, or incitement to commit such an act. Harassment may include intentional bullying but may also be subtle or insidious.

Some examples of harassment include:

- Derogatory name-calling;
- Insults and jokes;
- Ridicule for differences;
- Deliberate exclusion from normal workplace or social events;
- Reference to an individual's Age, Disability, Gender, Race, Religion/Belief or Sexual Orientation
- Unfair allocation of work and responsibilities;
- Derogatory actions, statements, jokes, taunts or reference to an individual's Age, Disability, Gender, Race, Religion/Belief or Sexual Orientation
- Insulting behaviour or gestures, physical threats or assault;
- Incitement of others to commit to any of the above.

**Incident** (e.g. racist incident, sexist incident)

Is one which involves any form of harassment which can involve either verbal or physical behaviour or abuse.

## **Victimisation**

It is unlawful to treat an individual less favourably because they are known to have, or suspected of having:

- Made a complaint
- Planned to make a complaint
- Supported someone else who has made or is planning to make a Complaint

An employer can set requirements that are directly discriminatory (in terms of Age or gender, provided that it is:

- A proportionate means of achieving a legitimate aim.
- Both direct and indirect discrimination can be objectively justified in that the
  - action taken must contribute to a legitimate aim
  - the discriminatory effect is significantly outweighed by the benefits of the legitimate aim.
  - The employer must objectively justify the different treatment by showing that the reason for the difference in treatment corresponds to a real business need on the part of the organisation
  - Is appropriate with a view to meeting that need and Is necessary to meet that need
  - There was no reasonable alternative to the action being taken.

## **APPENDIX B - Legislation relating to Equalities**

Relevant Legislation relating to the six Equalities strands of Age, Disability, Gender, Race, Religion or Belief, Sexual Orientation:

- The Equal Pay Act 1970

- The Rehabilitation of Offenders Act 1974
- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disability Discrimination Act 1995
- The Asylum and Immigration Act 1996
- The Human Rights Act 1998
- The Working Time Regulations 1998
- The Employment Relations Act 1999
- Maternity and Parental Leave etc Regulations 1999
- The Race Relations Amendment Act 2000
- The Special Educational Needs Discrimination Act 2000
- Public Interest Disclosure Act 1998
- Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2001
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Paternity and Adoption Leave Regulations 2002
- Flexible Working (Procedural Requirements) Regulations 2002
- Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Religion & Belief) Regulations 2003
- The Disability Discrimination Act 2005
- The Disability Equality Duty (2006)
- The Equality Act 2006
- The Employment Equality (Age) Regulations 2006
- The Disability Duty
- The Gender Duty