

January 2023

Equality, Diversity and Inclusion Policy

This document relates to

Livability Education

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General Principles

The Purpose of this Policy is:

1. To set out Livability's commitment to the values of equality, diversity and inclusion.
2. To outline Livability's policy for the promotion of equality, diversity and inclusion in both our provision for students and our employment practices.
3. To ensure Livability remains compliant with all statutory guidelines and relevant legislation.

What is Equality, Diversity and Inclusion?

4. Equality is a state of fairness which ensures individuals or groups of individuals are not treated less favourably on the basis of their protected characteristics.
5. Diversity consists of visible and non-visible differences. A policy of diversity aims to recognise, respect and value the unique contribution that different individuals can make and, by promoting an inclusive culture for all, enables them to realise their full potential.
6. Inclusion is the practice of creating a positive and welcoming environment by providing equal access to opportunities and resources for people who might otherwise be excluded or discriminated against on the basis of their protected characteristics.

Legal Definitions

7. It is against the law to discriminate against anyone on the basis of certain personal traits known as protected characteristics.
8. The Equality Act 2010 sets out the following protected characteristics:

Age – where this is referred to, it refers to a person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).

Disability – a person has a disability if they have 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. The term 'transgender' within the terms of this policy relates to all

those who permanently change their gender identity (or are undergoing such changes whether under medical supervision or not), either from female to male or male to female. Livability seeks to provide a working environment in which everyone feels valued, respected and able to contribute. For further information, support and guidance on how Livability will support any staff during the process of transition, please see *Appendix 1: Procedure and further support for transgender employees* and/or contact your HR Business Partner.

Marriage and civil partnership – including same-sex marriages and civil partnerships.

Pregnancy and maternity – pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth.

Race – a group of people defined by their race, colour, nationality (including citizenship), ethnicity or national origins.

Religion and belief – this includes religions (e.g. Christianity, Islam), religious denominations (e.g. Catholicism, Sunni) and philosophical beliefs (e.g. humanism, atheism). This also includes the lack of a religion or belief.

Sexual orientation – whether a person is heterosexual (sexually attracted to the opposite sex), homosexual (sexually attracted to their own sex) or bisexual (sexually attracted to both sexes).

Sex – whether a person is a man or a woman.

9. It is unlawful to discriminate directly or indirectly because of protected characteristics in recruitment, employment and education.
10. Bullying, harassment and any behaviour that makes someone feel intimidated or victimised is also considered an equality, diversity and inclusion issue.
11. Livability recognises its legal duty, under the Equality Act 2010, to have due regard to the need to:
 - Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Equality Act.
 - 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.

12. Livability also recognises the requirement for its schools and colleges to:
- publish information annually to demonstrate how they are complying with the Public Sector Equality Duty.
 - to prepare and publish equality objectives.
13. In order to fulfil the requirements mentioned in paragraph 12:
- this policy provides information which demonstrates how Livability's education settings are complying with the Public Sector Equality Duty.
 - the equality objectives for each of Livability's schools and colleges are published on the relevant setting's website.

Responsibilities

14. **The Board of Trustees of Livability** are responsible for ensuring governance of Livability Education's equality and diversity policies and objectives and ensuring that the impact on equality, diversity and inclusion is considered in strategy development and review.
15. **The Chief Executive of Livability and the Executive Director for Education** are responsible for the effective promotion and implementation of this policy and any other policies and procedures associated with it, and specifically for ensuring that the impact on groups with protected characteristics is actively considered when developing and reviewing organisational strategy and business plans.
16. **Senior Leadership Teams** at each Livability Education setting are responsible for considering the impact of practice and plans on groups with protected characteristics and they ensure their staff are confident about equality and diversity. All managers should deal appropriately with any breach of this policy.
17. **Staff and volunteers** are required to comply with this policy and, in line with the values of the organisation, act to remove any barriers to equality of opportunity and help create a positive working environment that is open, diverse, friendly and welcoming.

The Policy

18. Livability's values are: open, enabling, inclusive and courageous. In particular, we strongly believe in the unique worth of every individual and want to live in a much fairer world where all individuals are valued equally. Our values are reflected in this policy, our workplace culture and our learning environments.
19. Livability recognises that a diverse workforce can foster innovation. We aim to create and sustain an inclusive environment that provides equality of opportunity for everyone and reflects the diversity of the communities we serve. Livability has a rich and vibrant heritage of supporting disabled and disadvantaged people. Our education settings endeavour to increase the life sum of all our students and to create opportunities for them to fulfil their potential.
20. Livability aims to treat fairly and equally all students, staff, volunteers, job applicants, suppliers and other stakeholders, paying due regard to any barriers they may face.
21. Livability has a duty and responsibility to ensure our staff operate in an environment that embraces and encourages equality, diversity and inclusion.
22. Likewise, Livability has a duty and responsibility to ensure our students learn in an environment that embraces and encourages equality, diversity and inclusion.
23. It is Livability's policy that no person acting on our behalf shall discriminate directly or indirectly against another individual or group because of a protected characteristic.
24. Livability will seek to meet the needs of students and staff with protected characteristics, to encourage their involvement and participation in our services and in the wider community.
25. Livability will challenge 'institutional prejudices' where we find historic evidence of unwitting prejudice, ignorance, thoughtlessness or stereotyping in our policies, procedures or practices.

- 26. Livability operates within a Christian ethos. Students and staff of all faiths and none will be supported to meet their spiritual needs in ways appropriate to them. We do not seek to impose our beliefs on others but respect the unique worth of all individuals to make choices.
- 27. Livability recognises there are other forms of discrimination not specifically mentioned in this policy, and commits itself to applying general principles of fairness, justice and equality for all.
- 28. The principles of this policy will be appropriately considered during the development and review of other policies.
- 29. This policy covers all Livability Education staff, regardless of position or status.

Students

- 30. Through a wide range of disability, education, training and community services, Livability promotes inclusion and wellbeing for all.
- 31. Livability embraces the beliefs of the Equality Act 2010 and this has been pivotal in the creation of several policies related to students.
- 32. Livability Education settings aim to involve the students in the heart of everything they do and to support them to increase their post-education opportunities.
- 33. Livability values and promotes the diversity within our student population.
- 34. Livability believes that all students are entitled to an education that respects their individual learning needs and enables them to achieve high quality outcomes post-education.
- 35. Livability believes in the unique value of each student, and strives for high standards and to create conditions for equality of opportunity for all.
- 36. All reasonable adjustments will be made to ensure that all students have the greatest possible access to all areas of our curriculum
- 37. All staff promote equality, diversity and inclusion by valuing and respecting all our students.

38. Students will be taught about the values of equality, diversity and inclusion and will be encouraged to uphold them in their lives, both inside and outside the college/school environment.
39. All students are given the opportunity to express their views concerning their college/school and its promotion of equality, diversity and inclusion.
40. As outlined in the Personal Relationships and Sexuality Policy, Livability staff will not impose their personal beliefs and values on students.
41. Livability believes that the students, their families and their carers have the right to be treated with dignity and respect. No student, family member or carer should be subject to bullying or harassment, especially in regard to their protected characteristics.
42. To ensure a consistent approach to combatting bullying and harassment, Livability policies detail how staff should deal with cases of bullying or alleged bullying of a student. Please refer to the Bullying and Harassment Policy and Procedure, as well as each setting's local Peer on Peer Abuse Policy.
43. Additionally, if a student or a family member feels that there has been a breach of this policy, then they may raise this concern by following the process outlined in Livability's Complaints and Concerns Policy and Procedure.

Staff

Recruitment and Selection

44. Livability's recruitment and selection procedure is based solely on the necessary and justifiable job requirements and the individual's suitability. However, a small number of posts may have an occupational requirement for a practicing Christian. We will keep such requirements under review.
45. Where posts are advertised externally, consideration will be given to the most appropriate medium so that we attract a wide range of potentially suitable applicants who are representative of those that use our services.
46. Selection exercises, including interviews, are documented and designed to ensure that discrimination forms no part of the recruitment process.

47. Livability will endeavour to make reasonable adjustments throughout the recruitment and selection process for applicants with disabilities or other protected characteristics.
48. A job applicant's gender identity status is irrelevant to the recruitment process, except in the rare circumstances where an occupational requirement applies to the job. If Livability is relying on an occupational requirement, it will make this clear in the recruitment material. Livability will not ask questions about gender identity status and job applicants are not required to volunteer information about it, unless an occupational requirement makes this relevant. A job applicant with a gender recognition certificate is never required to disclose their gender history.
49. If during the recruitment process information is disclosed about a job applicant's gender history – for example because certain documents are in a previous name – Livability will keep the applicant's gender history confidential and will not take this into account in the selection process, unless an occupational requirement makes this relevant. Livability will assess candidates for employment objectively against the requirements that are necessary for the effective performance of the job.
50. If a criminal records disclosure from the Disclosure and Barring Service (DBS) or AccessNI is required as part of the recruitment process, applicants must disclose any previous names and/or gender to the relevant disclosure body. Transgender applicants may make use of the special application procedure established by the criminal records check so that their previous name is not disclosed to Livability.

Training and Development

51. Livability's Performance Review Procedure (PRP) ensures that all Livability staff have an individual plan designed to promote their opportunities and career advancement.
52. PRPs are carried out in accordance with a clear criterion in order to ensure that its application is free from discrimination at every stage.

Internal Selection Processes

53. Whenever undertaking processes to select between groups of staff, for instance in secondment, promotion or redundancy scenarios, Livability will

apply a fair and consistent selection criteria, free of discrimination and based on objective assessments of competence.

Pay Reviews/Awards

- 54. Where the financial position allows, Livability allocates a percentage of the pay bill towards an annual pay award/review.
- 55. This award is divided amongst staff fairly but may differ, dependant on any legislative changes or requirements. The award is discrimination free and protected characteristics are not taken into account.

Flexible Working

- 56. Livability recognises that its staff may be carers for family members and, where operationally viable, seeks to support staff through flexible working arrangements.

Staffing Policies

- 57. We will seek to understand and consider the effect of our policies and services on those who are often discriminated against due to their protected characteristics.
- 58. Staffing policies will be Equality Impact Assessed by a trained member of the HR team in order to ensure that they do not adversely impact staff with particular protected characteristics.

Grievance and Bullying and Harassment Policy (Employees)

- 59. Any staff member who believes they have been discriminated against, feels they are a victim of bullying and harassment or has witnessed such behaviour, should raise the matter under the relevant policy and procedure with their line manager or the HR Business Partner.
- 60. By having clear and well-publicised staff grievance and bullying and harassment procedures, Livability ensures that every opportunity is given to address any area or situation where discrimination is perceived to have arisen. Please refer to our Grievance Policy and Procedure and Dignity and Respect at Work: Bullying and Harassment Policy.

Disciplinary and Investigation

61. Dependant on finding from an initial fact finding exercise, a formal investigation into the allegation may be instigated.
62. Livability takes a series view on breaches of this policy. Where an investigation reveals evidence which supports an allegation of discrimination or bullying and harassment, Livability will pursue disciplinary action against the staff member.

Monitoring

63. Livability will endeavour to monitor protected characteristics amongst its students – in particular, we will monitor: sex, race, religion and belief, sexual orientation and disability. Amongst its staff, Livability will monitor age in addition to the aforementioned characteristics. Livability will seek to address any underrepresentation in both its student and staff population where possible.

Volunteers

64. Volunteers have an important contribution to make to the achievement of Livability's mission and vision. Livability is committed to equality of opportunity, diversity and inclusion for all volunteers who engage with the charity.
65. Livability staff and managers will ensure that all volunteers are treated with respect and dignity and will endeavour to create an environment where volunteers feel integrated and engaged.
66. Volunteers who have an issue relating to their volunteering are able to raise it and have it addressed on a fair and consistent basis and should discuss the situation with the local manager or the Volunteering Coordinator.

Related Policies and Procedures

67. This policy has no dedicated procedure attached to it due to the number of areas on which it impacts and it is therefore integrated with all key policies and procedures affecting students, staff, applicants and volunteers. These policies are available via Livability's intranet:

- Accessibility Statement (a local version for each setting)

- Admissions Policy (a local version for each setting)
- Admissions Procedure (a local version for each setting)
- Care Practice Policy
- Child Protection and Safeguarding Policy
- Code of Conduct
- Complaints and Concerns Policy and Procedure
- Disciplinary Policy and Procedure
- Dignity and Respect at Work (Bullying and Harassment Policy)
- Flexible Working Policy and Procedure
- Grievance Policy and Procedure
- Investigation (Employment) Policy and Procedure
- Meeting Individual Needs Policy
- Peer on Peer Abuse Policy (a local version for each setting)
- Personal Relationships and Sexuality Policy
- Recruitment and Selection Policy and Procedure
- Safeguarding of Adults Procedure (Livability Education)
- SEN Policy
- Supporting Students with Medical Conditions Policy
- User Involvement Policy

68. Please note that the list in paragraph 67 is not exhaustive.

Policy Ownership

Name	Version
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Equality, Diversity and Inclusion Policy	1.0
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Date published	Date for next review
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January 2023	January 2024
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Approved by	Signature	Date
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History	Date	Author	Reason
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6.0	March 2018	Nadya Phoenix	Review & update
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6.1	August 2019	Shade Odupelu	Update
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1.0	January 2023	Thomas Guy	Renamed, adapted into an Education policy
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Appendix 1 – Procedure and further support for transgender employees

Livability has an absolute commitment to recognising and valuing diversity as well as ensuring equality in employment. We believe every employee should be able to work freely, without being distracted by harassment or fear of discrimination. Livability respects the right of anyone to adopt the gender identity of their choosing, and is committed to ensuring that any bullying and harassment on transgender grounds will result in disciplinary action. We are firmly committed to taking a range of active measures to promote equality in employment.

Livability aims to promote equality and support for transgender employees with a clear procedure to assist employees who wish to change gender identity during employment.

1. Employment and Dignity

- Livability will not require the gender history of an employee. If Livability becomes aware of information relating to an employee's gender history, such disclosure will be kept confidential. Any data relating to an employee's gender history that needs to be retained, for example qualifications relevant to their role but in a previous name, will be kept in accordance with Livability's Data Protection Policy and other documents as relevant.
- Livability will not take account of an employee's gender identity status or history in making employment decisions except in circumstances where necessary and permitted by law.
- The gender history of an employee with a gender recognition certificate will never be relevant to employment decisions. An employee with a gender recognition certificate will be treated in accordance with their acquired gender for all employment benefits.

2. Procedure for supporting Transgender Change

- The individual undergoing the transition should initiate these steps by arranging a one to one meeting with their line manager. If they feel more comfortable in the first instance and would like support to do this, then they may approach a member of the HR Team.
- The line manager should inform relevant Senior Managers and HR if they are not already involved.
- The line manager should ensure they read this policy and procedure and seek clarification and support from HR on anything they are unsure about.
- The individual should be reminded that the employee assistance programme can offer support, guidance and counselling and they should be encouraged to seek out such support.
- The individual should plan their transition as follows:
 - Involve a local transgender expert (their doctor, for example, or an expert consultant or counsellor.)
 - Establish a time line for the transition, including the date for an announcement to their team and division if appropriate, and the date of their transition.
 - Plan the solutions to the main issues with their line manager and a member of the HR team (e.g. managing client reactions, any time required off work for surgery, toilet arrangements, issues arising from name change)

2.1 The Day of the Announcement

The line manager should hold a team meeting, or include this in an already-scheduled team meeting. If possible, everyone in the team should be present along with any other colleagues the employee frequently works with and would want to invite.

- The manager should make the following clear during the meeting:
 - The individual transitioning is a valuable employee and has management's full support in making this transition.
 - Explain Livability's policy and recommendations as set out in this policy and procedure.
 - Inform the team that on a specified date the employee will be a woman (if male to female) or a man (if female to male) and should be called by the new name and new pronouns.
 - Answer people's questions.

- It is important that the employee plays as full a part in the announcement as desired, but the managers must give their support.

2.2 After the Announcement

The employee will be consulted on all steps of the communication process including any additional forms of communication that they want to set up to meet with colleagues and any questions that people may have.

The employee must make arrangements with the bank to ensure that payroll salary payments to the new name can be deposited in their existing account.

2.3 The Day of Transition

On the day of transition, the line manager should take these steps, much as they would for a new or transferred employee:

- Ensure the employee is issued a new staff ID card if applicable with the new name.
- Ensure that any organisation charts, mailing lists etc are updated with the new name.

The employee should update their personal details on Select HR (either through self-service or by contacting the HR Administration Team), effective from the day of transition, to change the following:

- New name.
- Change the gender (sex) marker ("Male" or "Female".)

The employee should also ensure IT update the following with effect from the day of transition:

- Computer login and account IDs must be changed in line with new name.
- Update the E-Mail address in line with new name.

Management should address toilet use for those sites which have separate male and female toilets and communicate the decision. The expectation is that the employee will use the toilet corresponding to the gender being presented (e.g. use the women's toilet starting from the first day of presenting as a woman.)

HR will make such notification of the change of a gender that may be required to give effect to all provisions of the contract of employment, for example pensions or insurance provisions.

3. Time Off to Undergo Transition

- Any employee who undergoes a gender transition or stages of their transition whilst employed by Livability may, at the discretion of the relevant Senior Manager, be granted extended unpaid leave. Such time off should be negotiated with the employee's line manager to minimise any detrimental impact on service delivery. Time off will not be classified as sick leave and paid sick leave will not be granted. The employee may also use annual leave to undergo treatment, which can be combined with the extended unpaid leave if granted.

Summary

Livability's values include being inclusive, enabling, open and courageous. We expect all employees and managers to adhere to these values. It is unlawful to discriminate against someone who is seeking undergo a transition in terms of gender identity and goes against Livability's values and commitment to recognising and valuing diversity. Any employee who discriminates against an employee undergoing a transition or a transgender employee who is changing or has changed gender will be dealt with through the Disciplinary procedure. It is important, once an employee has expressed their intention to change the way they present and express their gender, that throughout and after the transition process they are treated as any other member of their chosen gender (male or female).