GUIDANCE NOTES FOR CONTRACTORS
Equal Opportunities, Diversity and Inclusion Policy

Policy Statement

Axcis Education is an equal opportunity employer and is fully committed to a policy of treating all of its consultants, contractors and job applicants equally.

The Company will take all reasonable steps to appoint contractors on the basis of their experience, abilities and qualifications without regard to race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability.

The Company will also take all reasonable steps to provide contract placements in which all contractors are treated with respect and dignity and that is free of harassment based upon a contractor's race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability. We will not discriminate on the grounds of an individual's membership or non-membership of a Trade Union.

The Company will not condone any form of harassment towards its contractors, whether engaged in by employees or by outside third parties who do business with the Company.

Discrimination

Under the Act unlawful discrimination occurs in the following circumstances:

Direct discrimination

Direct discrimination occurs when an individual is treated less favourably because of a protected characteristic. Treating someone less favourably means treating them badly in comparison to others that do not have that protected characteristic.

It is unlawful for a recruitment consultancy to discriminate against a person on the grounds of a protected characteristic:

- in the terms on which the recruitment consultancy offers to provide any of its services;
- by refusing or deliberately omitting to provide any of its services;
- in the way it provides any of its services.

Direct discrimination can take place even if the individual does not have the protected characteristic but is treated less favourably because it is assumed he or she has the protected characteristic or is associated with someone that has the protected characteristic.

Where there is an occupational requirement then the client must show that applying the requirement is a proportionate means of achieving a legitimate aim, i.e. the employer must be able to objectively justify applying the requirement. An occupational requirement does not allow an employer to employ someone on less favorable terms or to subject a person to any other detriment. Neither does an occupational requirement provide an excuse against harassment or victimisation of someone who does not have the occupational requirement.

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Indirect discrimination

Indirect discrimination occurs when a provision, criterion or practice (PCP) is applied but these result in people who share a protected characteristic being placed at a disadvantage in comparison to those who do not have the protected characteristic. If the PCP can be objectively justified it will not amount to discrimination.

Indirect discrimination would also occur if a recruitment consultant accepted and acted upon an indirectly discriminatory instruction from an employer.

If the vacancy requires characteristics which amount to an occupational requirement or the instruction is discriminatory but there is an objective justification, Axcis Education will not proceed with the vacancy unless the client provides written confirmation of the occupational requirement, exception or justification.

Axcis Education will use best endeavours to comply with the Act and will not accept instructions from clients that will result in unlawful discrimination.

Duty of Contractors

Under the Act unlawful discrimination occurs in the following circumstances:

Contractors have a duty to co-operate with the Company to ensure that this Policy is effective in ensuring equal opportunities and in preventing discrimination, harassment or bullying.

Action will be taken by the Company against any contractor who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this equal opportunities and dignity at work statement will be treated as potential gross misconduct and could render the contractor liable to termination of their contract. Contractors should also bear in mind that they can be held personally liable for any act of unlawful discrimination. Any person who commits serious acts of harassment may also be guilty of a criminal offence.

Contractors should draw the attention of the Company to suspected discriminatory acts or practices or suspected cases of harassment. Contractors must not themselves victimise or retaliate against anyone who has made allegations or complaints of discrimination or harassment or who has provided information about such discrimination or harassment. Such behaviour will be treated as potential gross misconduct, which could result in contract termination.

Victimisation

Under the Act victimisation occurs when an individual is treated unfavourably because he/she has done a ‘protected act’ which is bringing a claim for unlawful discrimination, or raising a grievance about discrimination, or giving evidence in respect of a complaint about discrimination.

Axcis Education will ensure that the consultants do not victimise any individual.

Disabled Persons

Discrimination occurs when a person is treated unfavourably as a result of their disability.

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Indirect discrimination occurs where a provision, criterion or practice is applied by or on behalf of an employer, or any physical feature of the employer's premises places a disabled person at a substantial disadvantage in comparison with persons who are not disabled.

In recruitment and selection there may be a requirement to make reasonable adjustments. For example, it might be necessary to have different application procedures for partially sighted or blind applicants that enable them to use Braille. With testing and assessment methods and procedures, tests can only be justified if they are directly related to the skills and competencies required for the job. Even then, it might be appropriate to have different levels of acceptable test results, depending on the disability. For example, an applicant with a learning disability might need more time to complete a test, or not be expected to reach the same standard as other non-disabled applicants.

Reasonable adjustments in recruiting could include:

- modifying testing and assessment procedures;
- meeting the candidate at alternative premises which are more easily accessible;
- having flexibility in the timing of interviews;
- modifying application procedures and application forms;
- providing a reader or interpreter.

Wherever possible Axcis Education will make reasonable adjustments to hallways, passages and doors in order to provide and improve means of access for disabled employees and workers. However, this may not always be feasible, due to circumstances creating such difficulties as to render such adjustments as being beyond what is reasonable in all the circumstances.

Axcis Education will not discriminate against a disabled person:

- in the arrangements i.e. application form, interview or arrangements for selection for determining whom a job should be offered; or
- in the terms on which employment or engagement of temporary workers is offered; or
- by refusing to offer, or deliberately not offering the disabled person a job for reasons connected with their disability; or
- in the opportunities afforded to the person for receiving any benefit, or by refusing to afford, or deliberately not affording him or her any such opportunity; or
- by subjecting the individual to any other detriment (detriment will include refusal of training or transfer, demotion, reduction of wage, or harassment).

Axcis Education will make career opportunities available to all people with disabilities and every practical effort will be made to provide for the needs of staff, candidates and clients.

Age Discrimination

Under the Act, it is unlawful to directly or indirectly discriminate against or to harass or victimise a person

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because of age. Age discrimination does not just provide protection for people who are older or younger. People of all ages are protected.

A reference to age is a reference to a person's age group. People who share the protected characteristic of age are people who are in the same age group.

'Age group' can have various references:

- Under 21s
- People in their 40s
- Adults

Axcis Education is committed to recruiting and retaining employees whose skills, experience, and attitude are suitable for the requirements of the various positions regardless of age. No age requirements will be stated in any job advertisements on behalf of the company.

If Axcis Education requests age as part of its recruitment process such information will not be used as selection, training or promotion criteria or in any detrimental way and is only for compilation of personal data, which the company holds on all employees and workers and as part of its equal opportunities monitoring process. In addition if under age 22 to adhere to Conduct of Employment Agencies and Employment Business Regulations 2003 and other relevant legislation applicable to children or young candidates.

Where a client requests age or date of birth, this will have to be under an occupational requirement or with an objective justification which should be confirmed in writing.

Part-time Workers

This policy also covers the treatment of those employees and workers who work on a part-time basis. Axcis Education recognises that it is an essential part of this policy that part-time employees are treated on the same terms, with no detriment, as full-time employees (albeit on a pro rata basis) in matters such as rates of pay, holiday entitlement, maternity leave, parental and domestic incident leave and access to our pension scheme. Axcis Education also recognises that part-time employees must be treated the same as full-time employees in relation to training and redundancy situations.

Gender Reassignment Policy

Axcis Education recognises that any employee or worker may wish to change their gender during the course of their employment with the Company.

Axcis Education will support any employee or worker through the reassignment.

Axcis Education will make every effort to try to protect an employee or worker who has undergone, is undergoing or intends to undergo gender reassignment, from discrimination or harassment within the workplace.

Where an employee or worker is engaged in work where the gender change imposes genuine problems Axcis Education will make every effort to reassign the employee or worker to an alternative role in the Company, if so desired by the employee.

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Any employee or worker suffering discrimination on the grounds of gender reassignment should have recourse to the Company's grievance procedure.

Recruitment of Ex-Offenders

Where Axcis Education has registered with the Disclosure and Barring Service (DBS) and has the authority to apply for criminal records checks on individuals because they are working with children or vulnerable adults or both, we will comply with the DBS's Code of Practice, which includes having a policy on the recruitment of ex-offenders.

Recruitment, Advertising and Selection

The Company is committed to applying its equal opportunities policy statement at all stages of recruitment and selection. The candidate selection process will be conducted in such a way as to result in the selection of the most suitable person for the job in terms of relevant experience, abilities and qualifications.

Advertisements will encourage applications from all suitably qualified and experienced people. When advertising job vacancies, in order to attract applications from all sections of the community, the Company will, as far as reasonably practicable:

1. Ensure advertisements are not confined to those publications which would exclude or disproportionately reduce the numbers of applicants of a particular gender, sexual orientation, age, religion or racial group.
2. Avoid prescribing any unnecessary requirements which would exclude a higher proportion of a particular gender, sexual orientation, age, religion or racial group or which would exclude disabled job applicants.
3. Avoid prescribing any requirements as to marital or civil partnership status.
4. Ensure that the setting of age limits as a criterion of any specific job is justifiable.
5. The selection process will be carried out consistently for all jobs at all levels. All applications will be processed in the same way. The staff responsible for short-listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application. Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Wherever possible, all applicants will be interviewed by at least two interviewers and all questions asked of the applicants will relate to the requirements of the job. The selection of new contractors will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.

With disabled candidates and contractors, the Company will have regard to the duty to make reasonable adjustments to work provisions, criteria and practices or to work premises in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.

If it is necessary to assess whether personal circumstances will affect the performance of the contract (for example, if the contract involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status, disability, children and/or domestic obligations.

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Training and Promotion

The Company will train its permanent staff in its policy on equal opportunities and in helping them identify discriminatory acts or practices or acts of harassment or bullying, particularly insofar as they may relate to contractors.

The Company will promote best practice to help contractors understand their rights and responsibilities in relation to dignity at work and what they can do to create a work environment that is free of bullying and harassment when engaged on behalf of the Company.

Terms of Engagement, Facilities and Services

All terms of engagement, facilities and service will be reviewed from time to time, in order to ensure that there is no unlawful discrimination on the grounds of race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability.

Equal Pay

The Company is committed to equal pay in the placement of contractors. It believes its male and female contractors should receive equal pay for like work, work rated as equivalent or work of equal value. In order to achieve this, the Company will support a payment system for contractors that is transparent, free from bias and based on objective criteria.

Bullying and Harassment

Bullying is offensive or intimidating behaviour or an abuse or misuse of power which undermines or humiliates an individual.

Harassment occurs where, on the grounds of a person's race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability, a person engages in unwanted conduct that:

- has the purpose of violating the person's dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the person; or
- is reasonably considered by the person to have the effect of violating his or her dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the person, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person intended to offend. Something intended as a "joke" or as "banter" may offend another person. This is because individuals find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them.

Behaviour that a reasonable person would realise would be likely to offend an individual will always constitute harassment without the need for the person having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way.

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With other forms of behaviour, it may not always be clear in advance that it will offend a particular person, for example, banter and jokes in the workplace. In these cases, the behaviour will constitute harassment if the conduct continues after the individual has made it clear, by words or conduct, that such behaviour is unacceptable to him or her. A single incident can amount to harassment if it is sufficiently serious.

Harassment also occurs where, on the grounds of the person's rejection of or submission to unwanted conduct of the kind specified above, a person treats another less favourably than they would treat them had they not rejected, or submitted to, the unwanted conduct.

Examples

Bullying and harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour include, but are not limited to, the following:

- unwelcome sexual advances, requests for sexual favours, other conduct of a sexual nature;
- subjection to obscene or other sexually suggestive or racist comments or gestures;
- the offer of rewards for going along with sexual advances or threats for rejecting sexual advances;
- jokes or pictures of a sexual or racial nature;
- demeaning comments about an individual's appearance;
- questions about a person's sex life;
- the use of nick names related to an employee's sex, sexual orientation, gender reassignment, race, religion, age or disability;
- picking on or ridiculing an employee;
- isolating an employee or excluding him or her from social activities or relevant work-related matters.

Reporting Complaints

All allegations of discrimination or harassment will be dealt with seriously, confidentially and speedily. The Company will not ignore or treat lightly grievances or complaints of discrimination or harassment from members of a particular race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation or age, or from individuals, who have undergone gender reassignment, are married, have entered into a civil partnership or have a disability.

With cases of harassment, while the Company encourages contractors who believe they are being harassed to notify the offender (by words or by conduct) that their behaviour is unwelcome, the Company also recognises that actual or perceived power and status disparities may make such confrontation impractical.

If contractors wish to make a complaint of discrimination or harassment, they should follow these steps:

1. First of all, report the incident of discrimination or harassment to the line manager within the employing organisation. If this is not possible or desirable, the contractor can instead speak to a member of the Axcis team.

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2. Such reports should be made promptly so that investigation may proceed and any action taken expeditiously.

3. All allegations of discrimination or harassment will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, the contractor will be interviewed and asked to provide a written witness statement setting out the details of the complaint. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, the Company must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged harasser or discriminator so that he or she is able to fairly respond to the allegations. The Company reserves the right to arrange for another person to conduct the investigation other than the individual with whom the matter was raised.

4. The Company may invite the contractor to attend a meeting at a reasonable time and place to discuss any complaint.

5. Once the investigation has been completed and after any meetings have taken place, the contractor will be informed in writing of the outcome and the Company's conclusions and decision as soon as possible. The Company is committed to taking appropriate action with respect to all complaints of discrimination or harassment which are upheld.

6. Contractors will not be penalised for raising a complaint, even if it is not upheld, unless the complaint was both untrue and made in bad faith.

7. If a complaint is upheld and a harasser or discriminator remains in position, the Company will take all reasonable steps to ensure that contractors do not have to continue working alongside them if that is possible. The Company will discuss the options with the contractor.

8. If a complaint is not upheld, arrangements will be made for the individual and the alleged harasser or discriminator to continue or resume working and to repair working relationships.

Any contractor who is found to have discriminated against or harassed another person in violation of this Policy may be subject to action, e.g. contract termination.

Monitoring Equal Opportunity and Dignity at Work

The Company will monitor performance in order to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices. If changes are required, the Company will implement them. The Company will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Communicating this Policy

This Policy will be communicated to contractors at their initial induction interview / briefing and thereafter from time to time, as determined appropriate by the Company.

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This Policy should be followed in conjunction with any specific local arrangements imposed by the client and with the agreement of the Company.

A copy of this Policy is available from the HR Director.

Policy Drafted: 3rd June 2019

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