



## **Equality and Diversity Policy**

### **1. Our Commitment**

- 1.1 The Organisation is committed to providing a working environment that is free from any form of discrimination, bullying, harassment or unequal treatment. We will promote and demonstrate this commitment by treating everyone fairly and with dignity and respect.
- 1.2 We commit to equal opportunities in employment and to avoiding unlawful discrimination towards anyone we have contact with whether internal or external.
- 1.3 The Trustee Board is responsible for the effective operation of this policy and has designated the day to day responsibility for overseeing its implementation to the Chief Executive Officer (CEO).
- 1.4 Managers have the responsibility to operate within the bounds of this policy and are responsible for staff making sure they understand and are adhering to the standards expected of us all.
- 1.5 Managers are also responsible to take action if the behaviour of any member of staff falls below the standard required.
- 1.6 Staff are encouraged to disclose any instances of unequal treatment, harassment or bullying that they become aware of and to report this in the first instance to their Line Manager or directly to the Chief Executive Officer (CEO). If the matter involves the CEO then the individual should contact the Chair or Deputy Chair of the Trustee Board.

### **2. The Law**

- 2.1 It is unlawful to discriminate directly or indirectly in recruitment or employment because of; age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins 'caste'), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".
- 2.2 Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.
- 2.3 Discrimination before employment may also be unlawful e.g. refusing an interview for a reason related to one of the protected characteristics.
- 2.4 It is unlawful to discriminate directly or indirectly, harass or victimise a member of the public based on any of the protected characteristics in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

**3. Dignity at Work**

3.1 The Organisation is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

3.2 Some harassment is unlawful discrimination and serious harassment may be a criminal offence.

3.3 **Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end. Examples of bullying would include picking on someone or setting them up to fail or making threats or comments about someone's job security without good reason.

3.4 **Harassment** is unwanted conduct related to relevant protected characteristics, which are age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins 'caste'), sexual orientation, religion or belief, or because someone is married or in a civil partnership, that:

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

Examples of harassment would include: physical conduct ranging from; unwelcome touching to serious assault, unwelcome sexual advances, demeaning comments about a person's appearance, unwelcome jokes or comments of a sexual or racial nature or about an individual's age, excluding an individual because they are associated or connected with someone with a protected characteristic, e.g. their child is gay, spouse is black or parent is disabled; repeated name calling related to an individual's religion or belief, ignoring an individual because they are perceived to have a protected characteristic (whether or not they do in fact, have that protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be transgender, the use of obscene gestures; and the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups.

3.5 Conduct may be bullying or harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour that any reasonable person would realise would be likely to offend constitutes bullying or harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g. sexual touching.

3.6 It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct that unintentionally causes offence will not constitute bullying or harassment, but it will become bullying or harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them.

3.7 A single incident can be bullying or harassment if it is sufficiently serious.

3.8 If you think you are being bullied or harassed, you may be able to resolve matters informally. The person may not know that their behaviour is unwelcome or upsetting. You may feel able to approach the person yourself, or with the help of someone else at the Organisation. You should tell the person what behaviour you find offensive and unwelcome and say that you would like it to stop immediately.

3.9 If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the Organisation's grievance procedure. In

the case of grievances about bullying or harassment, the normal grievance procedure is modified so that you can choose whether to raise your grievance with your Line Manager, another Manager, or directly with the CEO.

- 3.10 All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged bully or harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings.
- 3.11 The Organisation will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.
- 3.12 You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.

## **4. Equality**

### **Discrimination**

- 4.1 Unfair and unlawful discrimination in employment occurs as a result of prejudice, misconception and stereotyping which hinders the proper consideration of an individual's skills, abilities, potential and experience. It can be direct or indirect, intentional or unintentional.
- 4.2 Unlawful direct discrimination occurs when a person is treated less favourably than another on the grounds of; age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins 'caste'), sexual orientation, religion or belief, or because someone is married or in a civil partnership.
- 4.3 Direct discrimination, for example, can occur where a person is refused a job, training or promotion in any of these circumstances.
- 4.4 For the purposes of the Disability Discrimination legislation, the definition of 'disability' is far wider than what may be expected of preconceived notions of disability in common parlance. In terms of the Disability Discrimination Act 1995, an employee may be disabled if they suffer from a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The following have been held to amount to a 'disability'; agoraphobia, ME, HIV, chronic anxiety and depression, schizophrenia and learning disabilities. A person will automatically meet the disability definition, from the day that they are diagnosed with cancer, multiple sclerosis (MS) or HIV.
- 4.5 Disability discrimination occurs when an individual is unjustifiably disadvantaged in employment or recruitment for a reason connected with their disability unless the discrimination cannot be avoided, by making reasonable adjustments. For example – failure to recruit a wheelchair user, without first considering whether the working arrangements or premises can reasonably be adapted to the individual's needs.
- 4.6 Unlawful indirect discrimination occurs when a condition or requirement is applied to all people, but which in practice is such that fewer people in certain groups are able to comply and it cannot be shown to be justifiable. Some practices may look fair but have unintended discriminatory effects.
- 4.7 Indirect discrimination on the grounds of race can occur for example, where an Organisation makes a GCSE or Higher-Grade English qualification a requirement as a selection criterion. This would have a

disparately adverse impact on people educated overseas and may not be justified if all that is required for the job is to demonstrate a level of literacy.

- 4.8 Victimization can occur when a person is treated less favourably than another, because they have brought proceedings, given evidence or complained about the behaviour of someone who has been discriminating against them or harassing them or others. Victimization itself can be unlawful.

### **Associative Discrimination**

- 4.9 It is forbidden to discriminate against someone because they associate with someone who has a protected characteristic.
- 4.10 This includes age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins 'caste'), sexual orientation, religion or belief, or because someone is married or in a civil partnership.

### **Perceptive Discrimination**

- 4.11 It is forbidden to discriminate against a person because you or one of your colleagues thinks that they have a protected characteristic.
- 4.12 This includes age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins 'caste'), sexual orientation, religion or belief, or because someone is married or in a civil partnership.

### **Indirect Discrimination**

- 4.13 It is forbidden to have a rule, policy or practice which applies to all employees but particularly disadvantages people who share a protected characteristic. This is opposed to direct discrimination where someone is treated less favourably because they have or are thought to have a protected characteristic.
- 4.14 This includes age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins 'caste'), sexual orientation, religion or belief, or because someone is married or in a civil partnership.

### **Disability**

- 4.15 It is forbidden to treat a person unfavourably because of something connected with a disability e.g. spelling mistakes due to dyslexia. It is unlawful to ask about the health of an employee or candidate unless there is a justifiable reason to ask.

### **Gender Identification**

- 4.16 It is forbidden to treat a person unfavourable because of something connected with their gender identity. There is protection for transgender people and the individual is not required to be under medical supervision to be protected.

### **Equal Pay**

- 4.17 It is unlawful to not pay the same rate for the same work.

### **Pay Secrecy**

4.18 It is unlawful to prevent or restrict an employee establishing if pay differences do exist.

**Equal Opportunities Awareness**

4.19 There are significant penalties associated with unlawful discrimination for both the employee and the Organisation. The excuse of 'not knowing' about the legislation is not an acceptable defence; therefore, it is important that we are all aware of our responsibilities in this regard. It is up to each of us, and particularly management, to promote self-awareness and to cultivate appropriate behaviours amongst employees who report to them.

4.20 It is important that we do not allow unfair or unjustified assumptions about specific groups of people to influence our behaviour and interactions in the workplace.

**5. Recruitment, Advertising and Selection**

5.1 The recruitment 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. The Organisation is committed to applying its Equality and Diversity Policy at all stages of recruitment and selection.

5.2 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 Organisation will, as far as reasonably practicable:

- ensure advertisements are not confined to those publications which would exclude or disproportionately reduce the numbers of applicants of a particular protected characteristic, including; age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins 'caste'), sexual orientation, religion or belief, or because someone is married or in a civil partnership;
- avoid prescribing any unnecessary requirements which would exclude a higher proportion of a particular protected characteristic, including; age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins 'caste'), sexual orientation, religion or belief, or because someone is married or in a civil partnership;
- where vacancies may be filled by promotion or transfer, they will be published to all eligible employees in such a way that they do not restrict applications from employees of any particular protected characteristic, including; age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins 'caste'), sexual orientation, religion or belief, or because someone is married or in a civil partnership.

5.3 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 staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.

5.4 With disabled job applicants, the Organisation will have regard to its 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.

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- 5.5 If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about; age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins 'caste'), sexual orientation, religion or belief, or because someone is married or in a civil partnership, or has children and/or domestic obligations.

### **Training and Promotion**

- 5.6 The Organisation will train all Managers on the Organisation's Policy on Equality and Diversity and in helping them identify discriminatory acts or practices or acts of harassment or bullying. Managers will be responsible for ensuring they actively promote equal opportunity within the departments for which they are responsible.
- 5.7 The Organisation will also provide training to all employees to help them 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.
- 5.8 Where a promotional system is in operation, it will not be discriminatory, and it will be checked from time to time to assess how it is working in practice. When a group of workers predominantly of one protected characteristic appears to be excluded from access to promotion, transfer and training, and to other benefits, the promotional system will be reviewed to ensure there is no unlawful discrimination.

### **Terms of Employment, Benefits, Facilities and Services**

- 5.9 All terms of employment, benefits, facilities and services will be reviewed from time to time, in order to ensure that there is no unlawful discrimination on the grounds of; age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins 'caste'), sexual orientation, religion or belief, or because someone is married or in a civil partnership.

### **Equal Pay**

- 5.10 The Organisation is committed to equal pay in employment. It believes all employees should receive equal pay for like work, work rated as equivalent or work of equal value. In order to achieve this, the Organisation will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

## **6. Equality and Diversity complaints procedure**

- 6.1 All allegations of discrimination or harassment will be dealt with seriously, confidentially and speedily. The Organisation will not ignore or treat lightly grievances or complaints of discrimination or harassment from members of a particular age, sex (which includes colour, nationality and ethnic or national origins 'caste'), sexual orientation, religion or belief, or from employees who have undergone gender reassignment, are married, have entered into a civil partnership or have a disability.
- 6.2 With cases of harassment, while the Organisation encourages employees who believe they are being harassed to notify the offender (by words or by conduct) that their behaviour is unwelcome, the Organisation also recognises that actual or perceived power and status disparities may make such confrontation impractical.

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- 6.3 All employees have the right to a working environment free from unfair discrimination, harassment or victimisation of any kind. It is important that anyone experiencing any of these types of behaviour does not ignore the problem. Confidential advice and counselling can be made available. It can be made clear to the person concerned that the behaviour is considered to be offensive and that it must stop. An employee who feels unable to do this should ask their Line Manager, or if the Line Manager is directly involved, a colleague or another Manager to speak to the individual. This is an informal way of approaching the problem, however, if the situation persists then it should be raised formally through the Grievance Procedure.
- 6.4 It is not necessary to have told the person whose behaviour is causing concern to stop or to have gone through the informal steps before making a formal complaint. Complaints should be raised as soon as possible so that the matter can be dealt with quickly. While it is preferable that a formal complaint should be made in writing, this will not preclude the investigation of a complaint, which has been made verbally. The matter should be raised first with the complainant's Line Manager. If this would cause embarrassment or if the complainant feels it inappropriate, for example if the Line Manager is the subject of the complaint, then the matter should be raised with the Chief Executive Officer (CEO).
- 6.5 A confidential interview will be arranged to establish the full details. A prompt and thorough investigation will be carried out by an impartial investigator. It is useful to keep a record of events, incidents and dates to assist the investigation.
- 6.6 If you wish to make a complaint of discrimination or harassment, you should follow the following steps:
1. First of all, report the incident of discrimination or harassment to your Line Manager. If you do not wish to speak to your Line Manager, you can instead speak to an alternative Manager or to the CEO.
  2. Such reports should be made promptly so that an 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, you will be interviewed and asked to provide a written witness statement setting out the details of your 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 Organisation 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 they are able to fairly respond to the allegations. The Organisation reserves the right to arrange for another Manager to conduct the investigation other than the Manager with whom you raised the matter.
  4. The Organisation will also invite you to attend at least one meeting at a reasonable time and place at which your complaint can be discussed. You must take all reasonable steps to attend that meeting and you have the right to be accompanied at it by either a trade union official or a fellow worker of your choice.
  5. Once the investigation has been completed and after the meeting with you has taken place, you will be informed in writing of the outcome and the Organisation's conclusions and decision as soon as possible. You will also be notified in writing of your right to appeal against the Organisation's decision if you are not satisfied with it. The Organisation is committed to taking appropriate action with respect to all complaints of discrimination or harassment which are upheld.
  6. If you wish to appeal against the Organisation's decision, you must appeal in writing to the Chief Executive Officer or the Chair of the Trustee Board within 7 calendar days of the Organisation's decision. On receipt of an appeal, a Senior Manager or a Board Member (who may not be the person to whom you addressed your appeal) shall plan to hear it at an appeal meeting and at that meeting you may again, if you wish, be accompanied by either a trade union official or a fellow worker of your choice.

You must take all reasonable steps to attend that meeting. Following the meeting, the relevant Manager or Board Member will inform you in writing of the Organisation's final decision on your appeal.

7. You will not be penalised for raising a complaint, even if it is not upheld, unless your complaint was both untrue and made in bad faith.<sup>1</sup>
8. If your complaint is upheld and the harasser or discriminator remains in the Organisation's employment, the Organisation will take all reasonable steps to ensure that you do not have to continue working alongside them if you do not wish to do so. The Organisation will discuss the options with you.
9. If your complaint is not upheld, arrangements will be made for you and the alleged harasser or discriminator to continue or resume working and to repair working relationships.

6.7 Alternatively, you may if you wish, use the Organisation's Grievance Procedure to make a complaint.

The formal procedure will provide:

- A right for both parties to be accompanied or represented usually by a fellow worker or trade union official.
- A commitment with regard to a realistic timescale for resolution of the problem.
- A commitment as to confidentiality as far as possible for everyone involved.
- Support to all parties during and after complaint/investigation.
- A fair and impartial hearing for those involved.

6.8 If the investigation reveals that the complaint is well-founded, prompt attention and disciplinary action designed to stop the behaviour immediately and prevent its recurrence will be taken. Disciplinary action against the person alleged to have committed the behaviour complained about may include dismissal, depending on the seriousness of the misconduct.

6.9 Any employee who is found to have discriminated against or harassed another employee in violation of this policy will be subject to disciplinary action under the Organisation's Disciplinary Procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal. In addition, Managers who had knowledge that such discrimination or harassment had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under the Organisation's Disciplinary Procedure.

6.10 If the investigation reveals that the complaint is malicious, disciplinary action may be taken against the complainant.

6.11 Employees will be protected from intimidation, victimisation or discrimination should this occur as a result of filing a complaint or assisting in an investigation. Retaliation against an individual complaining about harassment is a disciplinary offence.

## **7. Your Responsibilities**

7.1 Every employee is required to assist the Organisation to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

7.2 Employees can be held personally liable as well as, or instead of, the Organisation, for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

7.3 Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Organisation's Disciplinary Procedure. Conduct of this type will often be gross misconduct which can lead to dismissal without notice.



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### **8. Laws relating to Equality**

#### 8.1 Equality Act 2010

Health and Safety at Work etc. Act 1974

Protection from Harassment Act 1997

Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)

#### 8.2 The Equality Act 2010 defines direct discrimination as less favourable treatment because of a protected characteristic. The protected characteristics under the Equality Act 2010 are:

- age.
- disability.
- sex.
- gender reassignment.
- pregnancy and maternity.
- race (which includes colour, nationality and ethnic or national origins 'caste').
- sexual orientation.
- religion or belief.
- marriage and civil partnership.

*End of Policy*