

Equality and Diversity: Policy

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1. Introduction

- 1.1 Inside Out Community Arts in Mental Health hereinafter referred to as the Organisation, strives for high standards both as an employer and as a provider of services. In so doing, we recognise the need for and strongly support the encouragement of diversity in our work and wholeheartedly support a policy of equal opportunities in all areas of our activities and responsibilities.
- 1.2 This Policy provides guidance to enable all who work with or for the Organisation to comply with anti-discrimination legislation. The policy will also address anti-discrimination issues involving areas that currently fall outside any legislation.
- 1.3 Failure to follow the procedures in this Policy may lead to disciplinary or other appropriate action.
- 1.4 The aims and objectives of this policy will be achieved through action planning, effective monitoring and a willingness to tackle problems where they arise. Through our training, interaction with members and other activities, the Organisation will inform those we work with of this policy and procedure document.
- 1.5 The Organisation is committed to reviewing this policy on an annual basis. We will also regularly examine the implementation of the Equality and Diversity Policy and Procedures. Where evidence is found of ineffectiveness, immediate remedial action will be taken to ensure implementation.
- 1.6 The Organisation urges staff, trustees, volunteers, stakeholders and service users to be aware of the less obvious types of discrimination which result from general assumptions and pre-conceptions about the capabilities, interests and characteristics of individuals.

2. Definitions

- 2.1 **Equal Opportunities** - the Organisation aims to ensure that policies, procedures and practices do not unfairly discriminate against our employees, volunteers, stakeholders and service users. The Organisation aims to treat people fairly and equitably regardless of whom they are, their background or their lifestyle.
- 2.2 **Diversity** - the Organisation aims to ensure that all people are valued as individuals and are able to maximise their potential and contribution. It recognises that people from different backgrounds can bring fresh ideas and a different approach that can make the way we work and learn more fun, more creative, more efficient and more innovative.
- 2.3 **Direct Discrimination** - as defined in law, occurs when a person is dealt with less favourably than other people because of a 'protected characteristic'. These are defined in the Equality Act 2010 as being:
- ‡ **Age** - a person of a particular age group, but does not apply to those under the age of 18.
 - ‡ **Disability** - a person who has a physical or mental impairment, where the impairment has a substantial and long term effect on the person's ability to carry out day-to-day activities.
 - ‡ **Gender Reassignment** - a person who is proposing to undergo, is undergoing or has undergone a process, or part of a process, for the purpose of reassigning the person's gender by changing physiological or other attributes of gender.
 - ‡ **Marriage or Civil Partnership** - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as civil partnerships. Civil partners must be treated the same as married couples.
 - ‡ **Pregnancy and Maternity** - a woman who is pregnant has a protected characteristic for the whole pregnancy and for a period of 26 weeks from the day she gives birth (in the case of a still born child the 26 week period exists if the birth takes place after the 24th week of pregnancy). A woman who has given birth and is breast-feeding has a protective characteristic when accessing premises, services and public functions.
 - ‡ **Race** - a person or group of people defined by their race, colour, nationality, including citizenship, and ethnic or national origins. A racial group can include more than two distinct racial groups; e.g. Black Britons would comprise of those people who are both black and who are British citizens.
 - ‡ **Religion or Belief** - a person's religion, religious or philosophical belief, lack of religion or lack of religious or philosophical belief. A belief will affect a person's choices or the way they live for it to be considered a protected characteristic.

- ‡ Sex – a person who is a man or a woman.
- ‡ Sexual Orientation – a person’s sexual attraction towards a person of the same sex, another sex, or people of both sexes.

This Policy uses a wider definition of characteristics and includes caste, caring responsibility, mental health, class, HIV status, employment status, unrelated criminal convictions, and union activities.

- 2.4 Associated Discrimination is direct discrimination against a person because they associate with another person who possesses a protected characteristic.

E.g. a person is refused entry to the library because the person they are with has limited mobility and uses crutches to help them move around.

- 2.5 Discrimination by Perception is direct discrimination against a person because it is perceived that they possess a particular protective characteristic.

E.g. a man who is perceived to be a woman because they have a high voice on the phone is refused access to a men only service. This would be sex discrimination because the man has wrongly been perceived to be a woman.

- 2.6 Indirect Discrimination occurs when an apparently neutral practice, provision or criterion puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and when applying the practice, provision or criterion cannot be objectively justified.

E.g. an organisation has a policy of reminding people of forthcoming appointments by phone. This would indirectly discriminate against deaf people as they would not receive a reminder of their appointment.

- 2.7 Victimisation means subjecting a person to detrimental treatment because they are or are believed to be bringing proceedings under the Equality Act; giving evidence or information in connection with proceedings under the Equality Act; doing any other thing for the purposes or in connection with the Equality Act or making an allegation that a person has contravened the Equality Act.

A person must be able to act against unlawful discrimination without fear of reprisals or being subjected to a detrimental effect.

E.g. a patient makes a complaint to a service provider where they were obtaining treatment because they felt they were discriminated against for being gay. The complaint is resolved, but if the person who provides the treatment refuses to treat the gay client this would be victimisation.

- 2.8 Harassment means unwanted behaviour that has the purpose or effect of violating a person’s dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment.

Sexual harassment is any conduct of a sexual nature that is unwanted by the recipient, including verbal, non-verbal and physical behaviours, and which violates the victim's dignity or creates an intimidating, hostile, degrading or offensive environment for them. Harassment can be sexual, racial, ageist, directed against people with disabilities or indeed related to any protected or other characteristic exhibited by the individual.

E.g. A male employee is disabled and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. A female employee shares an office with the male employee and she too is claiming harassment, even though she is not disabled, as the manager's behaviour has also created an offensive environment for her.

- 2.9 Harassment by a third party means unwanted, repeated conduct by a third party based on a protected characteristic, which has the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person and where the employer does nothing to prevent it from reoccurring. A third party is defined in law as not being the employer or employees of the employer, such as customers or clients.

E.g. A manager of a Benefits Office hears from one of his staff, who is gay, that he is feeling unhappy after a claimant made homophobic remarks in his hearing. The manager is concerned and monitors the situation. Within a few days the claimant makes further offensive remarks.

The manager reacts by having a word with the claimant, pointing out that this behaviour is unacceptable. He considers following it up with a letter to him pointing out that he will ban him if this happens again. The manager keeps the gay employee in the picture with the actions he is taking and believes he is taking reasonable steps to protect the employee from third party harassment.

- 2.10 Positive Action can be taken when it is clear that a group of people who share a protected characteristic and who are, or could become, employees, volunteers or service users, suffer a disadvantage linked to that characteristic, have disproportionately low levels of participation, or have different needs from a service as compared to other groups.

The positive action must be proportionate and aim to increase participation, meet different needs or overcome disadvantage. The positive action must be appropriate to its aim and other actions would be less effective in achieving this aim or likely to cause greater disadvantage to other groups.

Positive action could take the form of additional training or providing a job application form in other languages to encourage applicants from these communities. 'Positive discrimination' at the point of selection for employment is not permissible.

3. Policy Statements

Diversity

- 3.1 The Organisation encourages all people it works with and for to contribute to an environment in which people feel comfortable expressing how they feel and what they need, knowing they will be treated with respect and that their contribution will be valued.
- 3.2 The Organisation through its Mission Statement and Aims and Objectives supports the spirit and intentions of legislation that outlaws discrimination and promotes equality and diversity.
- 3.3 The Organisation will make reasonable adjustments to working practices, equipment and premises and offer, where appropriate, additional support to trustees, staff and volunteers to ensure they are able to take a full and active part in the Organisation's work.
- 3.4 The Organisation will endeavour to deliver services in a way that genuinely recognises the importance of an inclusive society that brings opportunities and access, not barriers to individuals.

Equal Opportunities

- 3.5 The Organisation strives to be an equal opportunities employer and promotes equality of opportunity through all of its activities.

No job applicant, employee, volunteer, trustee, member or service user should receive less favourable treatment on the grounds of race, colour, nationality, ethnic or national origin, sex, marital or civil partnership status, caring responsibility, sexual orientation, age, physical, sensory or learning disability, mental health, religious beliefs, class, HIV status, employment status, unrelated criminal convictions, and union activities.

4. Aims & Objectives

- 4.1 The aims and objectives of the Equality and Diversity Policy are:
 - ‡ To encourage, promote and celebrate equality and diversity in all the Organisation's activities and services
 - ‡ To ensure equal access to services, jobs and volunteer opportunities
 - ‡ To ensure compliance with legislation on discrimination and equality (including the Equality Act and any other legislation which becomes law)
 - ‡ To promote equal opportunities in other areas not currently covered by legislation
 - ‡ To create environments free from harassment and discrimination

- ‡ To maximise the use of resources in the best interests of trustees, staff, volunteers and service users
- ‡ To confront and challenge discrimination where and whenever it arises whether it be between colleagues, or in any other area relating to the Organisation's work
- ‡ To make a willingness to abide by and implement this policy a necessary condition of employment for any position in the Organisation
- ‡ To ensure, through positive action and so far as is practicable, that all the Organisation's premises and services are accessible to all people
- ‡ To ensure that employment and advancement within the organisation is determined by objective criteria and personal merit.

5. Policy Implementation - Expectations

5.1 The Organisation recognises that passive policies do not provide equality and encourage diversity in employment / training /services. Consequently, the Organisation will seek to promote equality and diversity within the following framework of responsibilities.

5.2 Responsibility for implementing and developing this Policy rests with the Trustees. The overall co-ordinating responsibility for equal opportunities and the encouragement of diversity in our work is delegated to project leaders. However, the Organisation believes that all who work with or for the organisation have an individual responsibility: to abide by the Policy and ensure a personal involvement in its application; to co-operate actively to ensure that a fair and equitable environment is a reality. Therefore the Organisation requires individuals:

- ‡ to implement measures introduced by the Organisation to ensure equality of opportunity, diversity and non discrimination
- ‡ not to harass, victimise, abuse or intimidate any other employee, volunteer or service user on the grounds of race, colour, nationality, ethnic or national origin, sex, marital or civil partnership status, caring responsibility, sexual orientation, age, physical, sensory or learning disability, mental health, religious beliefs, class, HIV status, employment status, unrelated criminal convictions and union activities.
- ‡ to inform the chair of trustees if they suspect discrimination is taking place.

5.3 The Trustees will:-

- ‡ ensure that proper records of employment decisions are maintained and regular reviews of employment practices are carried out
- ‡ ensure that grievances are dealt with in a fair and consistent manner and in line with the Organisation's Disciplinary & Grievance Policy

- ensure that staff and volunteers are aware of their legal responsibilities, and the Equality and Diversity Policy and Procedures
- promote actively the benefits of diversity for employees, volunteers and service users, in employment, volunteering, services and training.
- ensure that staff and volunteers are supported in their roles in regard to the Equality and Diversity Policy and Procedures
- ensure an annual review of the policy and equal opportunities and diversity issues within the Organisation
- ensure that the highest standards of equal opportunities practice are strived for in the delivery of the Organisation services and undertake training and development opportunities to ensure that competence is maintained
- offer advice and guidance to members of staff, volunteers in equality and diversity matters
- seek the views and opinions of employees, volunteers, stakeholders and service users on the operation of the Policy, in particular regarding ways of meeting the diverse needs of the users

6. Policy Implementation

Recruitment, Interviews, Selection & Promotion

- 6.1 In line with the intentions of this Policy, the Organisation strives to ensure that trustees, staff and volunteers reflect the wider community.
- 6.2 The organisation will strive to ensure that the service users accessing services are reflective of the wide diversity in the local community.

7. Policy Implementation – Training

- 7.1 In line with the intentions of this policy, the Organisation will not discriminate in the provision of training courses / opportunities wherever possible.
- 7.2 Appropriate training will be provided to enable trustees, staff, volunteers and to perform their jobs / roles effectively. The training offered will take into account the needs of all people.
- 7.3 Briefing on this policy will form part of the Induction Procedure for trustees, staff and volunteers.
- 7.4 The Organisation will strive to ensure that all training offered will be accessible to all people.

8. Policy Implementation – Enforcement

8.1 The Organisation recognises the need for a continuing commitment to genuine equal opportunities and diversity within the organisation. The effectiveness of the policy's aims and objectives can only be judged by how the policy operates in practice.

8.2 Policy Enforcement - Grievance

Any staff member, volunteer or service user who feels aggrieved as a result of discrimination or unfairly treated in a way contrary to the intention of this policy should raise the issue through the Disciplinary and Grievance Policy.

Any job applicant who believes that he / she have been treated unfairly and contrary to the intention of this policy should raise the issue with the Chair of Trustees.

The Organisation will not treat lightly or ignore grievances from members of disadvantaged groups on the assumption that they are over-sensitive about discrimination.

8.3 Policy Enforcement – Discipline

Any trustee, member of staff, or volunteer suspected of being in breach of this policy will be subject to investigation and disciplinary action.

All incidents of direct discrimination are disciplinary offences. All

incidents of indirect discrimination are disciplinary offences.

Incidents of victimisation or harassment will be dealt with in accordance with the Organisation's safeguarding vulnerable adult's policy and minimising risk policy.

Any volunteer, including trustees, found to be in breach of this policy will be counselled on his / her actions and may, where necessary, be asked to leave the organisation.

Any service user found in breach of this policy will, where appropriate, be counselled on his / her actions and may be refused future services from the Organisation.

9. Policy Implementation – Monitoring

9.1 The Organisation regards the collection / analysis of data as vital in informing change and improving performance and complying with legislation. Where appropriate, statistics on the Organisation's services will be collected and analysed in relation to equality and diversity matters.

9.2 The Trustees will review annually the equality of opportunity relating to the Organisation's services. Recruitment and selection procedures will be monitored

and reviewed annually by the Trustee Board. All aspects of policies and procedures shall be kept under review to ensure that they do not operate against the Diversity and Equality Policy.

- 9.3 In order to determine the impact of this policy it is important that a monitoring system be developed which will measure commitment, progress and effectiveness.

The Diversity and Equality Policy will be monitored and reviewed as follows:

- ‡ Diversity and Equality can be raised as agenda item at the Organisation's Trustee meetings and will be minuted
- ‡ A review of the policy will be undertaken annually
- ‡ Trustees, staff, volunteers, and service users will be encouraged to submit comments for consideration by the board.
- ‡ The review recommendations will be presented to the relevant Trustee committee meeting for discussion.

If it is found that the policy is excluding or discouraging trustees, staff, volunteers' development or restricting service users, the Trustees, through the chair, should take positive action to re-adjust the policy.

Approved by Inside Out Community Board of Trustees

Date:

Signed:

To be reviewed on:

Appendix 1

Grievance and Disciplinary Procedure

Any participant/service user feeling aggrieved about any aspect of their contact with Inside Out Community and which may be perceived as discriminatory and contrary to equal opportunities, should:

1. In the first instance (if appropriate) speak to the project leader or individual staff member/volunteer concerned. If that does not lead to a resolution satisfactory to the participant/service user they can;
2. Write to or email the chairman of the board of trustees outlining their grievance. They will be seen within 7 working days and notified in writing of any action taken. They may be accompanied by a friend or advocate at this meeting should they wish to be.
3. If this remains unsatisfactory they can appeal to the Grievance and Disciplinary committee of the board and will be seen within 14 working days and notified in writing of any outcome.

Any staff member, volunteer, or applicant feeling aggrieved about any aspect of their working environment or the processing of their application, which may be perceived as discriminatory and contrary to equal opportunities should:

1. In the first instance speak with the person concerned (if appropriate). If that does not lead to a satisfactory resolution they can;
2. Write to or email the chairman of the board of trustees outlining their grievance. They will be seen within 7 days and notified in writing of any action to be taken.
3. If this remains unsatisfactory they can appeal to the Grievance and Disciplinary committee of the board and will be seen within 14 working days and notified in writing of any action to be taken.

Any staff member or volunteer whose conduct is seen to be contrary to the equal opportunities policy of Inside Out Community will be subject to disciplinary action:

- They will be required to meet with the disciplinary committee of the board of trustees to discuss their conduct or a complaint that has been made against them which is perceived as contrary to equal opportunities.
- They will be notified in writing of the meeting at least a week in advance.
- They may be accompanied at this meeting by a representative or colleague.

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- The meeting may result in one of several possible outcomes; in the most serious circumstances being asked to leave the organisation; to undergo further equal opportunities training and/or be subject to monitoring over a specified period.
 - They will be notified in writing of the outcome of the meeting within 7 days.
 - Inside Out takes very seriously any breach of its equal opportunities policy.
 - They may appeal in writing against the decision of the disciplinary committee to the chairman of trustees

Approved by Inside Out Community Board of Trustees

Date:

Signed: