



## **Equality & Diversity Statement and Policy**

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**Policy Created by:** Trish Riches, Manager

**Review Cycle:** Annually

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**Signature:** 

**Position:** Trustee

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### EQUALITY AND DIVERSITY STATEMENT

Disability Advice, North East Suffolk (DANES) is committed to the spirit and intention of legislation to eliminate discrimination and promote equality and diversity among our workforce. We recognise that everyone has a contribution to make to our society and a right to equal treatment.

We encourage all service users, staff members, volunteers, and trustees to contribute to an environment in which people feel comfortable to express how they feel and what they need, knowing that they will be treated fairly and with respect.

To that end the purpose of this policy is to provide equality and fairness for job applicants, staff members, volunteers, trustees, and service users and not to discriminate because of:

- age
- caring responsibilities
- class
- employment status
- gender reassignment
- marriage and civil partnership
- physical or mental disability or mental ill health
- political persuasion
- pregnancy and maternity
- race, ethnic origin, colour, nationality, national origin
- religion or belief
- sex
- sexual orientation
- unrelated criminal convictions

We oppose all forms of unlawful and unfair discrimination. Failure to follow the procedures in the policy may lead to disciplinary or other appropriate action.

## 1. Introduction

DANES strives for high standards both as an employer and as a provider of services. We consider it essential to promote equality and diversity and wholeheartedly embrace a policy of equality and opportunity in all areas of our work and responsibilities.

This policy provides guidance and encouragement to all those who work with or for DANES to comply with anti-discrimination legislation and to address anti-discrimination issues involving areas that currently fall outside legislation.

Failure to comply with this policy may lead to disciplinary or other appropriate action.

## 2. Definitions

**Disability:** A disabled person is someone who has a physical, sensory or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

**Diversity:** Diversity is about recognising, valuing and taking account of different backgrounds, knowledge, skills, and experiences, and encouraging and using those differences to create a productive and effective workforce and community.

**Ethnicity:** A strict definition of an ethnic group is that regarded as a distinct community because of a cultural tradition or a shared history which distinguishes it from other groups e.g. Sikhs or Gypsies. A broader definition is now commonly used for groups defined by colour, race or national origin.

**Gender:** The word 'gender' does not appear in legislation (except for 'gender reassignment') but 'sex discrimination' and 'gender discrimination' are generally interchangeable.

**Gender reassignment:** Gender reassignment is a personal, social, and sometimes medical, process by which a person's gender presentation is changed. People who decide to live in the gender opposite to that assigned at birth, but do not undergo any medical procedures, are protected from discrimination under the Equality Act 2010.

**Sexual Orientation:** Whether a person is attracted to people of their own sex, the opposite sex or both sexes. Assumptions and perceptions of a person's sexual orientation are also covered by the law.

**Protected characteristics:** A protected characteristic is a group which is protected from discrimination under equality legislation. The Equality Act 2010 covers nine protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

**Discrimination:** There are seven types of discrimination covered by the legislation:

- **Direct discrimination:** This occurs when someone is dealt with less favourably because of a 'protected characteristic'.
- **Associative discrimination:** This occurs when someone is directly discriminated against because they are associated with another person with a 'protected characteristic' e.g. a

carer of a disabled person or elderly relative, or someone who has a partner from another country.

- **Discrimination by perception:** This occurs when someone is directly discriminated against because others think they have a 'protected characteristic' (even if they don't).
- **Indirect discrimination:** This occurs when there is a practice or policy that applies to everyone but disadvantages a person with a 'protected characteristic' e.g. a dental surgery has a policy of reminding people about appointments by phone. This would indirectly discriminate against someone who is deaf because they would not receive a reminder.
- **Harassment:** This is defined as behaviour which is deemed to be offensive by the recipient. It may be unwelcome comments, looks, actions, suggestions or physical contact which the recipient considers objectionable or offensive. Harassment can be sexual, racist, ageist, directed against people with disabilities or any other 'protected characteristic'.
- **Harassment by a third party:** employers are potentially liable for the harassment of staff or service users by people they don't directly employ such as a contractor.
- **Victimisation:** This occurs when someone is discriminated against because they made or are believed to have made or supported a complaint under Equality Act legislation.

### 3. Aims and Objectives

The aims and objectives of the Equality and Diversity Policy are:

- To encourage, promote and celebrate diversity in all our activities and services
- To ensure equal access to jobs and volunteer opportunities
- To ensure compliance with legislation on discrimination and equality (Disabled Persons Employment Acts 1944 and 1958; Sex Discrimination Act 1975; Race Relations Act 1976; Disability Discrimination Act 1995; Equality Act 2010).
- To promote equal opportunities in other areas not currently covered by legislation
- To create a working environment free from harassment and discrimination
- To confront and challenge discrimination wherever and whenever it arises whether it is between staff members, volunteers, trustees, service users or in any other area relating to the work of D
- To ensure that employment and advancement within DANES is determined by objective criteria and personal merit
- To make all staff and members of this organisation aware of this policy and to make a willingness to accept and implement this policy, a necessary qualification for any position at DANES.

## **IMPLEMENTING THE POLICY**

### **4. Responsibilities**

The ultimate responsibility for implementing and developing the policy rests with the Board of Trustees. The overall co-ordinating responsibility for equal opportunities and management of diversity is delegated to The Manager who should provide a regular report to the Board of Trustees on the state of equal opportunities and diversity within the organisation. Where necessary the Manager will devise and deliver an annual action plan for equality and diversity.

It is, however, the responsibility of all individuals who work with or for DANES to accept the policy and to ensure a personal involvement in its application. In particular individuals should not harass, abuse or intimidate any other staff member, volunteer, trustee or service user on the grounds of age, physical or mental disability or mental ill health, gender reassignment, marriage and civil partnership, pregnancy and maternity, caring responsibilities, race, ethnic origin, colour, nationality, national origin, religion or belief, sex, sexual orientation, employment status, unrelated criminal convictions, class or political persuasion.

Any employee who believes that he or she has been treated unfairly and contrary to the intentions of this policy should first raise their concerns through the grievance procedure.

If any employee has been found to have been in breach of this policy, this will be treated as a disciplinary matter.

Any job applicant who believes that he or she has been treated unfairly and contrary to the intention of this policy should raise the matter with the Chair of DANES.

### **5. Recruitment and promotion**

DANES is an organisation which provides advice and guidance to those with disabilities or their carers. It therefore actively encourages those who have first-hand experience of living with disability to apply for jobs or to be volunteers or trustees of the organisation. However, employment and advancement is determined by objective criteria and personal merit.

Clear and accurate information on job vacancies shall be made available through advertisements, job descriptions and interviews. Job vacancies shall be advertised internally and externally so as to reach the widest possible range of suitably experienced and qualified candidates.

Recruitment literature shall not imply that there is a preference for one group of applicants, unless there is a genuine occupational qualification that limits a post to a particular group, in which case this shall be clearly stated.

All applicants shall be informed through all recruitment material that the organisation is committed to Equal Opportunities and Diversity.

Person specifications may include 'essential' and 'desirable' criteria that are necessary and justifiable. Care shall be taken to ensure that these are not discriminatory.

Staff and volunteers shall be encouraged to discuss their training and professional development needs with the Manager and/or a specified member of the Board of Trustees through a process of regular support and appraisal.

Discriminatory job titles must be avoided.

## **6. Interviews and selection**

Interviewing and selection processes shall be in line with the intentions of this policy. An interview panel will be determined for each vacancy as and when necessary. The composition and size of the panel shall vary according to the specialist functions of the vacancy but care shall be taken to reflect the gender, disability and ethnic composition of the organisation.

The shortlisting panel shall not select candidates on the basis of gender, name, age or possible disability of the candidate. The information available to the shortlisting panel should concern the applicant's suitability for the job based on their match against the 'essential' and 'desirable' criteria' given in the Job Description. Reasons for rejecting candidates for the shortlist must be recorded.

The interview panel must take extreme care not to ask discriminatory questions that are unrelated to the requirements of the job, e.g. personal circumstances or any of the 'protected characteristics'. Reasons for rejecting candidates at interview must be recorded.

## **7. Training**

In line with the intentions of this policy, DANES will not discriminate in the provision of training courses or professional development opportunities.

Appropriate training will be provided to enable staff, volunteers and trustees to perform their jobs effectively. Such training will take into account the needs of individuals.

Briefing on this policy will form part of the Induction Procedure for staff, volunteers and trustees.

## **8. Enforcement**

DANES 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.

## **9. Grievances**

Any staff member or volunteer who feels that they have been a victim of unlawful discrimination or unfairly treated in a way which is contrary to the intention of this policy should raise the issue through the Grievance Procedure.

Any service user who feels that they have been unfairly treated in a way contrary to the intention of this policy should make a complaint to the Manager who must report any such complaint to the Board of Trustees. If the complaint is about the Manager this should be made directly to the Chair of the Board of Trustees.

Any job applicant who feels that they have been unfairly treated in a way which is contrary to the intention of this policy should raise the issue with the Chair of the Board of Trustees.

All incidents of direct discrimination are disciplinary offences and will be dealt with under the Disciplinary Procedure.

Incidents of indirect discrimination will be investigated in order to determine whether or not they should be dealt with under the Disciplinary Procedure.

Incidents of victimisation or harassment will be dealt with in accordance with the Harassment Procedure. Where incidents of victimisation or harassment are proven they will be dealt with under the Disciplinary Procedure.

DANES will not treat lightly or ignore grievances from members of disadvantaged groups on the assumption that they are oversensitive about discrimination.

## **10. Disciplinary Procedure**

Any member of staff found to be in breach of this policy will be subject to investigation which may lead to counselling on their actions and/or disciplinary action in line with the standard terms of employment.

Any volunteer found to be in breach of this policy will be counselled on their actions and may, where necessary, be removed from the volunteer register.

Any member of the Board of Trustees found to be in breach of this policy will be counselled on their actions and may, where necessary, be asked to leave DANES.

Any service user found to be in breach of this policy will, where appropriate, be counselled on their actions and may, where necessary, be refused future services from DANES.

## **11. Monitoring and Review**

DANES is committed to measuring the effectiveness of this policy through the collection and analysis of statistics appropriate to equality and diversity matters. We will review the turnover of staff and volunteers and seek information on reasons for leaving.

Recruitment and selection procedures will be monitored and reviewed annually by the Board of Trustees on the records of applications, shortlisting, interview: by gender, age, race, ethnic origin, disability etc. but only for the purpose of measuring the impact of this policy.

All aspects of personnel policy and procedures shall be kept under review to ensure that they do not operate against the Equality and Diversity Policy.

The Equality and Diversity Policy will be reviewed on an annual basis by the Manager. Any review recommendations will be presented to the Board of Trustees for their comments and approval.