

# Equality and Diversity Policy



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# Equality & Diversity Policy

## 1. Introduction

1.1 This policy provides details of how 'the mind map charity' (the **Charity**) aims to ensure that:

- all individuals are treated fairly and with dignity and respect;
- the opportunities that the Charity provides are open to all; and
- it provides a safe, supportive and welcoming environment for trustees, staff, volunteers and service users.

1.2 The Charity recognises its responsibility to be part of a multi-cultural community in which diversity is valued and respected.

1.3 The Charity is committed to a policy of promoting wide opportunity of access to all staff, volunteers and trustees, recognising that this policy will enhance and enrich all concerned by the diversity of experience they will gain.

1.4 This policy applies to all staff, including voluntary staff and should be read in conjunction with the Charity's other policies, including, but not limited to the Disciplinary Policy, the Complaints Policy and the Safeguarding and Child Protection Policy.

1.5 This policy is based on primary legislation relevant to equality and diversity as listed in Appendix 1. Further detail in relation to racial, sex and gender discrimination and unacceptable behaviours is set out in Appendix 2.

1.6 This policy will be monitored periodically in order to judge its effectiveness and reviewed every three years. It will be updated as required in accordance with changes in the law.

## 1.7 Diversity

Diversity is about valuing people as individuals. It consists of visible and non-visible factors, which include personal characteristics such as background, culture, personality and work style as well as characteristics protected under discrimination legislation such as age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. It includes employees, volunteers, trustees, funders, suppliers, other organisations and the wider community.

The benefits of diversity include:

- recruitment and retention - an open and inclusive workplace culture in which everyone feels valued makes it easier to recruit; a broader mix of people will itself lead to more people wanting to work for the Charity; and staff who are happier, and feel wanted and valued, stay longer, are more committed, and are less likely to suffer stress and be absent from work, leading to improved service by the Charity;
- competitiveness – a diverse workforce can open up new market opportunities, inform the development of new services, and bring fresh ideas which help the Charity work more efficiently; and

- funding – funders and donors may use diversity criteria to evaluate applications or requests for funds; and some public sector organisations may have a duty to consider equality and diversity factors in their spending decisions and choice of service providers.

The Charity recognises:

- its duty to eliminate unlawful discrimination;
- its responsibility to promote good relations between persons of different ethnic groups;
- that discrimination can take various forms (see paragraph 4 below), and that it has a destructive effect on the recipients, perpetrators and all those who live and work in such an atmosphere; and
- the right of those with special needs to participate fully in the work of the Charity and its responsibility to make suitable provision for this, wherever possible.

## 1.8 Equality / Equal Opportunities

Equal opportunity is about treating people fairly and equally regardless of who they are, their background or their lifestyle.

The Charity, through its trustees, staff and volunteers, pledges to promote equality of opportunity for all persons regardless of (for example) any special needs, gender, race, class, ethnic minority, nationality, marital status or sexual orientation.

The rationale for the commitment to equal opportunities derives from:

- an understanding of the importance of the Charity being open to all sections of the community;
- an understanding of the importance of identifying, using and developing the skills and talents offered by members and potential members of the Charity for their benefit and the benefit of the Charity;
- the awareness that, in addition to being illegal and immoral, discrimination is also wasteful; and
- the recognition of the negative impact on individuals of the effects of discrimination in terms of educational attainment, career progression, self-fulfilment and self-esteem.

## 1.9 The main differences between diversity and equality can be summarised as follows:

Diversity:

- Focuses on the individual
- Recognises and values people's differences
- Makes a positive and strategic contribution to the successful operation of the organisation
- Goes beyond what is required by law

Equality:

- Is group focussed

- Recognises and values similar experiences of groups of workers
- Uses a collective approach which means particular groups such as women or disabled people are treated in a very similar way
- Operates within the law on discrimination
- Identifies and removes discriminatory practices

## 1.10 Discrimination

It is unlawful to discriminate directly or indirectly in recruitment or employment because of a protected characteristic. Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

It is also unlawful to discriminate against or harass a member of the public or service user in the provision of services or goods, or 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.

## 2. Definitions

The following definitions apply for terms used in this policy:

**Protected characteristic** is The Equality Act defines the protected characteristics as being age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership.

**Service User** is a person or persons who engage with the Charity in order to benefit from the services offered by the Charity.

**Service Provider** is a person or persons who provide services to, and/or on behalf of the Charity.

**Sexual harassment** includes but is not limited to repeated, unreciprocated and unwelcome looks, jokes, suggestions or physical images that create a stressful or intimidating working environment.

**Special needs** includes any person with a special educational need or any person with a physical disability.

**Unlawful discrimination** falls into one or more of the following categories:

- **Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. However, discrimination may be lawful if there is an occupational requirement that is core to a job role and a proportionate means of achieving a legitimate aim.
- **Indirect discrimination** means putting in place a rule or policy or way of doing things that has a worse impact on someone with a protected characteristic than someone without one, when this cannot be objectively justified.
- **Harassment** is where there is unwanted behaviour related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity) which has the

purpose or effect of violating someone's dignity or which creates a hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

- **Associative discrimination** is where the individual treated less favourably does not have a protected characteristic but is discriminated against because of their association with someone who does, e.g. the parent of a disabled child.
- **Perceptive discrimination** is where the individual discriminated against or harassed does not have a protected characteristic, but they are perceived to have a protected characteristic.
- **Third-party harassment** occurs where an employee is harassed by third parties such as service users, due to a protected characteristic.
- **Victimisation** is treating someone unfavourably because they have taken some form of action relating to the Equality Act, e.g. because they have supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.
- **Failure to make reasonable adjustments** is where a rule or policy or way of doing things has a worse impact on someone with a protected characteristic compared with someone who does not have that protected characteristic, and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

### 3. Publicity Material and Data

3.1 The Charity will seek to ensure that all publicity material will include sensitive and appropriate language and culturally sensitive images. In the event that the Charity becomes aware that a bias operates in any publicity material, it will encourage positive efforts to address this.

3.2 The Charity confirms that any data required in order to assist in the furtherance of Equality and Diversity policies will be collected with care and sensitivity, and with rigorous safeguards as to confidentiality and use of statistics.

### 4. Staff and Volunteers

4.1 The Charity will seek to ensure that advertisements for staff or volunteer vacancies are carefully worded so that there is no indication of discrimination, either directly or indirectly. This will include information given to candidates such as job descriptions, person specifications or other job information.

4.2 The Charity will seek to ensure that applicants are shortlisted according to criteria that are applicable and relevant to the level of work required. Where possible, those responsible for shortlisting will give feedback in writing to unsuccessful applicants, if so requested. When considering selection for employment or promotion, the Charity confirms that consideration will be based on the individual's skills and ability to do, or to train for, the particular job in question.

4.3 Applicants with special needs are invited to state particular requirements and to discuss them with relevant staff, before making an application or before or after interview.

4.4 The Charity will ensure that, where possible and if requested to do so, there is appropriate provision for staff to train and retrain in all relevant aspects of equality and diversity.

## **5. Service Providers and Visitors**

5.1 The Charity will take all reasonable steps to ensure that those who provide services to, and/or on behalf of the Charity, and all visitors are aware of and observe the Equality and Diversity Policy.

5.2 It is the responsibility of the service provider and/or visitor to ensure that they behave appropriately towards all staff, volunteers, trustees and users of the Charity. The Charity reserves the right to refuse to deal with any service provider/visitor who does not observe the Equality and Diversity Policy.

## **6. Race Equality**

6.1 Where possible, all trustees, staff, volunteers, visitors and service users will be made aware of the Charity's legal commitments under race discrimination legislation, and its opposition to all forms of racism.

6.2 Racist incidents which involve staff, trustees or volunteers will be dealt with under the Charity's disciplinary procedures as set out in the Charity's Disciplinary Policy document. Incidents subject to such disciplinary procedures include, but are not limited to those listed at Appendix 2.

## **7. Gender Equality**

7.1 Where possible, all trustees, staff, volunteers, visitors and service users will be made aware that the Charity is opposed to all forms of discrimination on grounds of gender or sexual orientation. It is equally opposed to sexual harassment.

7.2 The Charity recognises its legal duty under the Sex Discrimination Act 1975 and other relevant legislation to oppose all forms of discrimination against women in employment, promotion, transfer or training, and in providing them full access to all benefits, facilities and services.

7.3 Incidents of discrimination which involve staff, trustees or volunteers will be dealt with under the Charity's disciplinary procedures as set out in the Charity's Disciplinary Policy document. Incidents subject to such disciplinary procedures include, but are not limited to those listed at Appendix 2.

## **8. Special Needs**

8.1 The Charity is committed to fully integrating any trustee, staff member or volunteer with special needs (including disabilities) into the structure and life of the Charity.

8.2 The Charity agrees to actively pursue a policy of identifying and combating discrimination towards people with special needs (including disabilities).

## 9. Implementation and Monitoring

9.1 It is incumbent upon all trustees, members of staff and volunteers to ensure that policies are observed and codes of practice fulfilled.

9.2 The Charity agrees to consciously monitor its procedures and policies in order to work towards the elimination of discrimination. The Charity recognises the need to foster an atmosphere in which its staff, volunteers, trustees and service users are aware of the nature of discrimination, and seek to eradicate it.

9.3 All staff, trustees and volunteers are responsible to support the Charity to meet its commitments and avoid unlawful discrimination. If you believe that you have been discriminated against, or if you witness what you believe to be discrimination, you should report this to your line manager or the Chief Executive as soon as possible. We take any complaint seriously and you will not be penalised for raising it, even if it is not upheld, unless the complaint is both untrue and made in bad faith. For more information regarding the management of complaints within the Charity, please refer to the Charity's Complaints Policy and Guidelines document.

9.4 Staff can be held personally liable as well as, or instead of, the Charity for any act of unlawful discrimination. Any staff member who commits a serious act of harassment may be guilty of a criminal offence. Acts of discrimination, harassment, bullying or victimisation against staff or customers are disciplinary offences and will be dealt with under our disciplinary procedure as set out in the Charity's Disciplinary Policy document. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

9.5 The Charity agrees to make available this Equality and Diversity Policy to any member of staff, volunteer, trustee or service user, when requested to do so in writing.

9.6 This policy will be monitored periodically to judge its effectiveness and will be updated in accordance with changes in the law. We will report to the board of trustees on any actions or activities undertaken to improve equality of opportunity. Any information provided by job applicants and staff for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

Signed:

Name:

Position:

Date:

Date of next Review:



## APPENDIX 1

### Legislation relevant to Equality and Diversity

#### 1. Equality Act 2010

The Equality Act brings together over 116 separate pieces of legislation into one single Act. It simplifies the law, removes inconsistencies and makes it easier for people to understand and apply the law. It also strengthens the law in important ways to help tackle discrimination and inequality. The main pieces of legislation it replaces are:

- The Equal Pay Act 1970
- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disability Discrimination Act 1995
- The Employment Equality (Religion or Beliefs) Regulations 2003
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Age) Regulations 2006
- The Equality Act 2006, Part 2
- The Equality Act (Sexual Orientation) Regulations 2007

#### 2. Civil Partnerships Act 2004

This provides legal recognition and parity of treatment for same sex couples and married couples, including employment benefits and pension rights.

#### 3. The Rehabilitation of Offenders Act 1974

See Criminal Records checks and recruitment of ex-offenders' guidance notes.

#### 4. The Human Rights Act 1998

The Human Rights Act 1998 (the **Act**) introduced into domestic law the rights set out in the European Convention of Human Rights, the core principles of which are dignity, fairness, equality and autonomy. Public authorities, such as central government departments, NHS trusts and local authorities must comply with the Act when providing services or making decisions that impact on an individual's rights. Organisations that perform public functions can be required to comply with the Act.

## APPENDIX 2

### Racial and Sex / Gender Discrimination

1. Incidents of racial discrimination and other unacceptable behaviours that will be subject to disciplinary procedures include, but are not limited to:

- physical assaults/threats against a person or group because of colour or ethnicity;
- racist insults/jokes/name calling;
- racist graffiti or any other written insult;
- provocative behaviour (e.g. wearing racist badges or insignia);
- racist comments or the use of racist language in general conversation;
- attempting to recruit for racist organisations or groups;
- racist literature (leaflets, comics, magazines) being brought into the Charity; and
- the provision of any type of platform for racism.

2. Incidents of sex or gender discrimination and other unacceptable behaviours that will be subject to disciplinary procedures include but are not limited to:

- sexual harassment (which includes but is not limited to repeated, unreciprocated and unwelcome looks, jokes, suggestions or physical images that create a stressful or intimidating working environment);
- any form of discrimination against women in employment, promotion, transfer or training, and in providing them full access to all benefits, facilities and services;
- offensive sexual comment, in any context;
- wearing of offensive badges or slogans; and
- publishing, distributing or promoting offensive texts or images without critical comment.