

# Northmoor Community Association



Advancing Skills and Learning



Relieving Poverty



Promoting Health and Wellbeing



Quality of Life

## EQUAL OPPORTUNITIES AND DIVERSITY POLICY



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## 1.0 POLICY STATEMENT

1.1 Northmoor Community Association (NCA) will comply with all relevant legislation and good practice. We will take all reasonable steps to ensure that we and our staff and volunteers do not unlawfully discriminate under the Equality Act 2010. We recognise that people may experience discrimination for social, educational and economic reasons such as their language, health, caring responsibilities, trade union activity, where they live, how they speak and whether they work flexibly. Under the Equality Act 2010, protection from unlawful discrimination is provided to the following nine protected characteristics:

➤ age	➤ race	➤ religion or belief
➤ disability	➤ marital or civil partnership status	➤ sex
➤ gender reassignment	➤ pregnancy or maternity	➤ sexual orientation

1.2 This policy will apply equally to the following circumstances to ensure that no person or groups of people employed by, applying for jobs with, volunteering with, or in receipt of services from Northmoor Community Association (NCA) will be directly or indirectly discriminated against because of lifestyle:

➤ nationality, ethnic or national origin	➤ unrelated criminal offences.
➤ domestic responsibilities	➤ part-time or full-time employment status
➤ class or social background	➤ temporary, permanent or fixed-term contract status

1.3 NCA recognises that many people and groups suffer discrimination and face serious barriers when trying to fulfil their true potential. It also recognises that not all forms of unreasonable and unfair discrimination are the subject of legislation. It is the aim of this organisation to take positive steps to redress discrimination, to improve equality of opportunity and to combat any unreasonable or unfair treatment which places people at a disadvantage for any reasons not directly related to their ability to do a job for this organisation or to their eligibility to receive services from us.

1.4 NCA will not tolerate discrimination, harassment, bullying, victimisation or abuse of people who are members of staff, volunteers or people connected with the services we provide. NCA will actively use its influence to promote understanding and harmony between diverse persons and groups of people. We will work with other agencies and organisations to eliminate discrimination, harassment and abuse. We are committed not only to our legal obligations but also to the positive promotion of equality of opportunity in all aspects of employment, service delivery and partnership working.

1.5 NCA appreciates that abuse may receive less recognition amongst particular groups, religions and cultures. We will ensure we raise awareness of safeguarding issues and our approach with service users of all backgrounds and ensure they are comfortable and empowered to report and discuss incidents of abuse and neglect.

## 2.0 INTRODUCTION

NCA strives for high standards both as an employer and as a provider of services. In so doing, we recognise the need for encouraging diversity and we wholeheartedly support a policy of equal opportunities in all areas of our work and responsibilities.

This policy provides guidance to enable all who work with or for NCA to comply with anti-discrimination legislation. NCA will not discriminate because of race, colour, nationality, ethnic or national origin, gender, marital status, having or not having caring responsibility or dependents, civil partnership, sexual orientation, gender reassignment, age, physical, sensory or learning disability, mental health, political or religious beliefs or non beliefs, class, HIV status, employment status, unrelated or spent criminal convictions, trade union activities or lifestyle choices.

All staff are responsible for the promotion and advancement of this policy. Behaviour, actions or words that transgress the policy will not be tolerated and will be dealt with in line with the disciplinary policy.

The equality and diversity policy is applicable to all members of staff whether permanent or temporary, full-time or part-time or employed on a casual/contract basis. The policy also embraces our service users, their parents or carers, trustees, volunteers, suppliers and partner organisations.

NCA's aims and objectives will be achieved through action planning, effective monitoring and a willingness to tackle problems where they arise. NCA is committed to reviewing this policy on an ongoing basis to reflect changes in the law, demographics and organisational requirements. Where evidence is found of ineffectiveness, remedial action will be taken. An equality and diversity report will be presented to the Board of Trustees annually. Through our services, publications, communications activities, interaction with our stakeholders and other activities, NCA will ensure that those we work with know our statements of policy.

## 2.0 PURPOSE AND SCOPE

### 2.1 Diversity

NCA aims to be an inclusive organisation where everyone is treated with respect and dignity, and where there is equal opportunity for all. NCA respects and values the diversity of its staff, volunteers and service users.

NCA will actively encourage diversity to maximise achievement, creativity and good practice and to bring benefit to individuals and communities.

NCA encourages all people it works with to contribute to an environment in which individuals feel comfortable expressing how they feel and what they need, knowing they will be treated with fairness and respect and that their contribution will be valued.

NCA will tackle barriers to participation and create a culture in which equal opportunities and equitable treatment are a priority for all staff, volunteers and service users. In the recruitment, training, pay and management of staff, and in all our day-to-day work with both colleagues and service users, we seek to create an environment where attitudes and biases that hinder the progress of individuals and groups are dismantled and where we work together in mutual respect, understanding and tolerance.

The way we work and learn within NCA reflects the mission, values and objectives of NCA and the spirit and intentions of legislation that outlaws discrimination and promotes equality and diversity.

NCA will make reasonable adjustments to working practices, equipment and premises and offer, where appropriate, additional support to individuals to ensure they are able to take a full and active part in NCA's work.

NCA will endeavour to deliver services in a way that genuinely recognises the importance of an inclusive society that brings opportunities and access to all.

### 2.2 Equal Opportunities

NCA is an equal opportunities employer and provider of services. No individual will receive less favourable treatment on the grounds of race, colour, nationality, ethnic or national origin, gender, marital status or caring responsibility, civil partnership, sexual orientation, gender reassignment age, physical, sensory or learning disability, mental health, political or religious beliefs or non beliefs, class, responsibility for children or dependents, HIV status, employment status, unrelated criminal convictions, trade union activities and lifestyle choices. Nor will such person be disadvantaged by conditions or requirements which cannot be shown to be justifiable. This principle applies to recruitment, promotion, transfer, training, benefits, facilities, procedures and all terms and conditions of employment and service provision.

## 3.0 AIMS AND OBJECTIVES

### 3.1 The aims and objectives of the Equal Opportunities and Diversity Policy are:

- To encourage, promote and celebrate diversity in all our activities and services
- To ensure equal access to jobs, volunteering opportunities and services
- To ensure compliance with legislation on discrimination and equality including Equality Act 2010, Employment Rights Act 1996, Protection from Harassment Act 1997, Employment Relations Act 1999, Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, Special Educational Needs and Disability Act 2001.
- 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 individuals
- To confront and challenge discrimination where and whenever it arises whether it is between colleagues, or in any other area relating to NCA's work.
- To ensure, through positive action and reasonable adjustments, that NCA's premises and services are accessible to all people.
- To ensure that employment and advancement within NCA is determined by objective criteria and personal merit.

## 4.0 DEFINITIONS

**4.1 Age** refers to a person belonging to a particular age (for example 32 years old) or range of ages (for example 18 to 30-year-olds).

**4.2 Culture** is the way of life that consists of the general customs and beliefs of a particular group of people. It generally means the non-biological or social aspects of human life which is basically anything that humans learn in a society. Similar to ethnicity, but is often used to refer specifically to the symbolic markers used by ethnic groups to distinguish themselves visibly from each other.

**4.3 Ethnicity or ethnic group** refers to a category of people who regard themselves to be different from other groups based on common ancestral, cultural, national, and social experience. ... One must share a common cultural heritage, ancestry, history, homeland, language/dialect, mythology, ritual, cuisine, art, religion, and physical appearance to be considered as a member of an ethnic group

**4.4 Equal Opportunities** ensures that policies, procedures and practice within NCA do not discriminate against the people within or associated with the organisation or individuals using its services. It is about treating people fairly and equally regardless of who they are, their background or their lifestyle.

**4.5 Equality of Outcome** ensures that policies, procedures and practices within NCA recognise that different individuals and groups face different barriers to achievement. Thus NCA, where possible, will ensure that we seek to re-dress imbalances by identifying, monitoring and, where necessary actively targeting under-represented employees and service users. We will do this through analysis of equality profile monitoring, and adaptations to our staff and honorary role recruitment processes.

**4.6 Disability:** A person has a disability if she or he has a physical or mental impairment, which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

**4.7 Diversity** ensures that all people are valued as individuals and can maximise their potential and contribution to NCA and to the community. It recognises that people from different backgrounds and lifestyles can bring fresh ideas and a different approach, which can make the way we work and learn more fun, more creative, more efficient and more innovative.

**4.8 Gender reassignment:** The process of transitioning from one gender to another.

**4.9 Marriage and civil partnership:** Marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. [1] Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act). [1] Section 1, Marriage (Same Sex Couples) Act 2013, Marriage and Civil Partnership (Scotland) Act 2014.

**4.10 Nationality** pertains to the country of citizenship meaning it generally refers to where a person was born and holds citizenship. It is the legal relationship between a person and a sovereign state.

**4.11 Positive Action** refers to measures or initiatives taken in order to address under-representation of groups of people who share a protected characteristic. Specific initiatives could include training and development activities or welcome statements in recruitment literature.

**4.12 Pregnancy and maternity:** Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

**4.13 Race** refers to a group of people who possess similar and distinct physical characteristics ... such as skin color or hair type. In other words, race constitutes a human population that is distinct in a way from other human groups based on their physical differences, imagined or not.

**4.14 Religion and belief:** Religion has the meaning usually given to it, but belief includes religious and philosophical beliefs including lack of belief (such as Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

**4.15 Sex:** A man or a woman. **Sexual orientation:** Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**4.16 The social model of disability** states that disability is caused by the way society is organised, rather than by a person's impairment or difference. It looks at ways of removing barriers that restrict life choices for people with disabilities. When barriers are removed, people with disabilities can be independent and equal in society, with choice and control over their own lives

## 5.0 THE LAW

**5.1** It is unlawful to discriminate directly or indirectly in recruitment or employment because of a 'protected characteristic'. The Equality Act 2010 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.

**5.2** Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

**5.3** 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.

**5.4** The duty to make reasonable adjustments includes the removal, adaptation or alteration of the physical environment, if the physical environment makes 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.

## 6.0 TYPES OF UNLAWFUL DISCRIMINATION

**6.1 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.

**6.2 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 which is core to a job role and a proportionate means of achieving a legitimate aim.

**6.3 Failure to make Reasonable Adjustments** is where the physical environment or a provision or practice or measure puts a person with a disability at a substantial disadvantage compared with an individual who is not, and the organisation has failed to make reasonable adjustments to enable the person with a disability to overcome the disadvantage. NCA urges its staff and volunteers to be aware of the less obvious types of discrimination which result from general assumptions and preconceptions about the capabilities, interests and characteristics of individuals or groups of individuals.

**6.4 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.

**6.5 Harassment** is unwanted conduct related to all protected characteristics (except for pregnancy and maternity and marriage and civil partnership) which has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether this effect was intended by the person responsible for the conduct or not.

**6.6 Occupational Requirement** is where the law recognises that there will be occasions when it is necessary to restrict certain jobs to certain categories or groups of people. This is rare and an employer would have to demonstrate that they have researched the requirement thoroughly before setting it.

**6.7 Perceptive Discrimination** is where an individual is dealt with less favourably based on a perception that s/he has a protected characteristic when s/he does not in fact have that protected characteristic

**6.8 Third-party harassment** occurs where an employee is harassed by third parties such as service users, due to a protected characteristic.

**6.9 Victimisation** is treating someone unfavourably because they have taken some form of action relating to the Equality Act, i.e. 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.

## **7.0 EQUAL OPPORTUNITIES IN RECRUITMENT PRACTICES**

**7.1** NCA will ensure that recruitment practices fulfil the requirement of the Equal Opportunities and Diversity policy and will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

**7.2** Vacancies will generally be advertised to a diverse section of the labour market. Advertisements will avoid stereotyping or using wording that may discourage particular groups from applying. All posts will have a job description and person specification, which will contain essential and desirable skills, qualifications and experience.

**7.3** All posts will have a job description and person specification, which will contain essential and desirable skills, qualifications and experience. Person specifications will only contain details which are required including safeguarding requirements. All recruitment adverts will carry the statement "NCA promotes Equal Opportunities and Diversity. A copy of our Equal Opportunity and Diversity Policy will be available on request".

**7.4** Applicants should not be asked questions which might suggest an intention to discriminate on grounds of a protected characteristic. For example, applicants should not be asked whether they are pregnant or planning to have children.

**7.5** Shortlisting will be done by a minimum of two people. The format for interview will be agreed before it takes place and will remain constant for all interviews for the position. Every effort will be made to make provision for staff and volunteers with a disability through reasonable adaptations.

**7.6** All staff and trustees involved in recruitment and selection need to be aware of this policy and adhere to it at all times. All applicants for posts will be treated strictly on merit, against objective criteria that avoid discrimination. As an exception, posts targeted at specific groups of people will be exempted, as allowed by legislation.

**7.7** All application forms will include an optional and detachable section for equality and diversity monitoring, which will not be used as part of the selection process. Applicant names and contact details do not form part of the scoring process. The information will be kept confidential and used for assessing recruitment and advertising practices periodically.

**7.8** An appointed person will be responsible for vetting, in confidence, applicants for sensitive posts; this may include Disclosure and Barring Service (DBS) checks. Reasons for the decision to appoint, or not, will be noted and kept for at least six months.

**7.9** Part-time and fixed-term employees should be treated the same as comparable full-time or permanent employees and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

## **8.0 SERVICE USERS, VOLUNTEERS AND SUPPLIERS**

**8.1** NCA will not discriminate unlawfully against service users (including young people and volunteers) using or seeking to use the services we provide. If you are bullied or harassed by a service user, suppliers, contractor, visitor or others, or if you witness someone else being bullied or harassed, you are asked to report this to your supervisor, line manager or the Centre Manager who will take appropriate action.

**8.2** NCA will monitor and review the take up of services with records being kept of actions and decisions by trustees, staff and volunteers. Monitoring will be carried out anonymously on the basis of ethnic background, gender, age, place of residence, sexual orientation and disability. Provision of individual monitoring data will be supplied on a voluntary basis, using agreed categories. This monitoring also fulfils funding requirements.

## **9.0 TRAINING AND DEVELOPMENT**

**9.1** In line with the intentions of this policy, NCA will not discriminate in the provision of training courses/development opportunities. Appropriate training will be provided to enable individuals to perform their roles effectively. The training offered will take the needs of all individuals into account. The Board of Trustees, staff and volunteers need to recognise and fulfil their personal role in making NCA a genuinely inviting and inclusive organisation.

**9.2** Briefing on this policy will form part of the Induction process for new staff, volunteers and other stakeholders. NCA will provide training in equality and diversity to all line and recruiting managers and provide information to all existing and new staff and volunteers to help them understand their rights and responsibilities under the Equal Opportunities Policy.

**9.3** We will provide information and guidance to those involved in recruitment or other decision making where equal opportunities issues are likely to arise to help them understand their responsibilities and to avoid the risk of discrimination.

## **10. RESPONSIBILITIES AND EXPECTATIONS**

**10.1** NCA will seek to promote equality and diversity within the following framework of responsibilities. Responsibility for implementing and developing the policy rests with the NCA Board of Trustees. The overall co-ordinating responsibility for equal opportunities and management of diversity is delegated to the Centre Manager. However, NCA believes that all who work with or for NCA have an individual responsibility: to accept the policy and ensure a personal involvement in its application; to co-operate actively to ensure that the environment we desire is a reality.

**10.2** NCA expects individuals:

- To work proactively to make reasonable adjustments to support the full inclusion of a diverse group of staff and service users in all aspects of our organisation.
- To co-operate with any measures introduced by NCA to ensure equality of opportunity, diversity and non discrimination.
- Not to discriminate, harass, abuse or intimidate any other individual because of race, colour, nationality, ethnic or national origin, gender, marital status, having or not having caring responsibility or dependents, civil partnership, sexual orientation, gender reassignment, age, physical, sensory or learning disability, mental health, political or religious beliefs or non beliefs, class, HIV status, employment status, unrelated or spent criminal convictions, and trade union activities
- To feel sufficiently confident and empowered to inform the NCA management and staff if they suspect discrimination is taking place. Eradicating discrimination depends on everyone's collaboration.
- Report to your supervisor, line manager or Centre Manager if you believe that you have been discriminated against under the grievance procedure. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the Employee Handbook, Volunteer Handbook and Trustee Handbook. Any complaint is taken seriously, and you will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

**10.3** NCA expects its Trustees and Managers:

- To ensure that proper records of employment decisions are maintained, and regular reviews of employment practices are carried out.
- To ensure that grievances are dealt with in a fair and consistent manner and in line with NCA's Grievance Policy.
- To ensure that individuals within their teams are aware of their legal responsibilities, and of NCA's Equal Opportunities and Diversity Policy.
- To promote actively the benefits of employee and other stakeholder diversity, in employment, services and training.

**Disciplinary action will be taken against staff, Trustees and volunteers who breach this policy.**

## **11. IMPLEMENTATION**

**11.1** NCA intends to implement this policy by:

- Ensuring that it is a condition of paid employment in NCA
- Ensuring that Trustees, staff and volunteers are made aware, understand, agree with, and are willing to implement, this policy. All staff and volunteers will be given a copy of this policy as part of their induction;
- Actively encouraging Trustees, staff, and volunteers to participate in equality training, and making time and resources available for such training;
- Monitoring the services, publicity and events provided by NCA to ensure that they are accessible to all sections of the population and do not discriminate and taking active steps to ensure that participation is representative.

## **12.0 SUMMARY**

- N.C.A Board of Trustees, in conjunction with the Centre Manager, has overall responsibility for ensuring that the organisation operates within a framework of equality of opportunity.

- Ultimately, it is the duty of all staff and volunteers to accept their personal responsibility for the practical application of this policy.
- In the case of recruitment of new employees, equality and diversity will be embedded throughout the process.
- Any complaint will be taken seriously and dealt with in a timely and sensitive manner, in accordance with N.C.A's Complaints Policy and Disciplinary Policy and Grievance Procedure.

**13.0 OTHER READING AND LINKED POLICIES**

- Complaints & Compliments Policy
- Disciplinary Policy
- Grievance Procedure
- Health and Safety Policy
- Induction Policy
- Redundancy Policy
- Safeguarding Adults at Risk Policy
- Safeguarding Children Policy
- Safe Recruitment and Selection Policy
- Staff Handbook
- Trustee Handbook
- Volunteer Handbook
- Whistle blowing Policy & Procedure

**14.0 MONITORING AND REVIEW**

**14.1** 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 employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the General Data Protection Regulation (GDPR).

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