

Independent Options (North West)

Equality Policy

Accident Reporting Policy

07/11

Approved by:

Review Date:

08/12

**Independent Options
(North West)**

Equality Policy

Introduction

This policy aims to outline Independent Options' commitment to ensuring equality of opportunity and equal treatment for staff, workers, Trustees, and service users in terms of employment and access to services; and to provide guidance on anti-discriminatory practice. This policy is non-contractual.

Scope

The policy applies to employees directly employed by Independent Options, to workers employed via agencies, contractors in terms of employment, Trustees, and customers in terms of service provision. The policy applies specifically to discrimination and equality of opportunity in respect of 'protected characteristics' as defined in the Equalities Act 2010:

- (a) Age
- (b) Disability
- (c) Race
- (d) Sex
- (e) Religion or cultural beliefs
- (f) Gender reassignment
- (g) Marital status and civil partnership
- (h) Sexual orientation
- (i) Pregnancy and maternity

The policy applies across the range of employment policies and practice, including those relating to Discipline, Grievance, Harassment and Complaints.

Responsibilities

Independent Options values its staff, contractors, workers, Trustees and customers, and expects them to be treated in a respectful manner. Accordingly, all have a responsibility to treat others with dignity and respect. The Director of Human Resources is responsible for providing advice and guidance on equality and diversity issues, and to ensure the Policy document is kept up to date.

Aims

As one of Independent Options' core values is "Ethical Behaviour", Independent Options aims to:

- Promote equality of opportunity
- Celebrate and value diversity
- Eliminate unlawful direct and indirect discrimination

Independent Options will provide equality of opportunity and equal treatment as an integral part of good practice. The organisation is committed to a working environment in which the contribution and needs of everyone are fully valued and recognised. We will support our staff, workers, Trustees and contractors in not tolerating any inappropriate, violent or abusive behaviour from colleagues, other organisations or customers.

General purpose

Independent Options' practices will ensure that staff, workers, Trustees, and customers will not be discriminated against on any grounds including age, disability, race, sex, religion or cultural beliefs, gender reassignment, marital status and civil partnership, sexual orientation, pregnancy and maternity.

Independent Options' commitment to anti-discriminatory practice relates to all kinds of discrimination, as set out below:

- Direct discrimination - where someone is treated less favourably than another because they have a protected characteristic
- Indirect discrimination – when a requirement or a condition is applied which has a detrimental effect on a particular group or individual. This applies even if there was not a deliberate intention to discriminate.
- Associative discrimination – direct discrimination against someone because they associate with another person who has a protected characteristic.
- Perceptive discrimination - direct discrimination against someone because others think they have a protected characteristic even if they do not possess that characteristic.
- Harassment – unwanted conduct related to a protected characteristic which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them. This applies even if the conduct is not directed at the individual or if they do not have the protected characteristic.
- Third party harassment – potential liability for the harassment of staff by others such as clients or customers.
- Victimisation – when someone is treated badly because they have made or supported a complaint under the Equalities Act or it is thought that they have done so.

Employment Practices

Independent Options aims to promote equality and diversity as an employer and to ensure that no job applicant or employee receives less favourable treatment or is disadvantaged by conditions or requirements that cannot be shown to be justifiable in the context of the policy. Selection, recruitment, training, promotion and employment practices will be subject to regular review to ensure that they comply with the Diversity and Equalities Policy. All training opportunities will be published widely to all appropriate employees and not in such a way so as to exclude particular groups. Independent Options regards discrimination, abuse, harassment, victimisation or bullying of staff, customers or others in the course of work as disciplinary offences that could be regarded as gross misconduct.

Independent Options as Service Provider

In developing its services Independent Options will seek to ensure access to its service users. This will include, wherever practicable, making specific access arrangements for their service users with disabilities or learning difficulties, or any other protected characteristic which may apply, such as religion and belief. Independent Options will attempt to ensure that none of its policies discriminate directly or indirectly against any group or individual.

Data Collection

Independent Options complies with the requirement of the Data Protection Act. Any data, either qualitative and or quantitative, required in order to monitor the requirements or the impact of the Equalities Act 2010, will be collected where it is reasonable, proportionate and practical to do so. Any such requirements will be notified to Independent Options customers and will follow a common data format.

This policy will be reviewed on an ongoing basis and amended in line with new developments in Equality and Diversity best practice.

Document History

Version	Details of Amendment	Date	Owner	Approved
0.1	Draft for discussion	20/04/11	Director of Services	n/a
0.2	Second draft for consultation	28/04/11	Director of Services	n/a
0.3	Final version		SMT	SV

Independent Options fully supports the principle of equality and diversity. We aim to encourage, value and manage diversity and we recognise that talent and potential are distributed across the population. Not only are there moral and social reasons for promoting equality of opportunity, it is in the best interest of this organisation to recruit and develop the best people for our jobs from as wide and diverse a pool of talent as possible.

Independent Options recognises that certain groups and individuals in society are oppressed and disadvantaged due to discrimination directed against them. We aim to remove any barriers, bias or discrimination that prevents individuals or groups from realising their potential and contributing fully to our organisation's performance and to develop an organisational culture that positively values diversity.

Discrimination operates through commonly held assumptions and prejudices, which are reinforced by laws, rules and customs. This makes discrimination appear normal and inevitable. Discrimination works by stereotyping people into different roles, by treating some people worse than others, or simply by ignoring them.

Independent Options is committed to opposing all forms of discrimination including that based on protected characteristics such as age, disability, gender reassignment, race (including colour, nationality, and ethnic or national origins), religion or belief, sex, sexual orientation, marriage or civil partnership, pregnancy and maternity. This list is not exhaustive.

Discrimination can be direct, associative, perceptive, indirect, harassment (including by 3rd parties) or victimisation. (See glossary at end for definitions). All forms of discrimination are unacceptable, regardless of whether there was any intention to discriminate or not. Employees have a duty to co-operate with Independent Options to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination. Employees should draw the attention of their line manager to suspected discriminatory acts or practices or cases of bullying or harassment.

Independent Options recognises that the promotion of equal opportunities requires more than passive opposition to discrimination; we are therefore committed to taking positive action towards equality of opportunity. We further recognise that the limited resources and the operational needs of the Centre may impose justifiable restrictions upon our ability to take such action. However, we will undertake regular monitoring and review the effectiveness of this Policy.

Legislation

We will take all reasonable steps to ensure that we and our staff do not unlawfully discriminate under:

- a) the Rehabilitation of Offenders Act 1974;
- b) the Employment Rights Act 1996;
- c) the Human Rights Act 1998;
- d) the Work and Families Act 2006;
- e) the Equality Act 2010; and
- f) any other relevant legislation in force from time to time relating to discrimination in employment and the provision of goods, facilities or services.

Equal Opportunities Policy Implementation:

- i) Independent Options is committed to promotion of equal opportunities in all aspects of the operation of the charity including management, employment practices with both paid workers and volunteers, access to services and service provision.

Independent Options' Mission Statement is:

“ to empower people with disabilities and enable them to take control of their lives, achieve their aspirations and enjoy life to the full.”

The core values which underpin our mission include a belief that:

- We believe in a society where every person is respected, listened to and given the same opportunities, regardless of their additional needs
- providing advice, information, support and advocacy will help empower individuals to secure their rights and gain access to the services and entitlements that are available to them;
- promoting equal opportunities and challenging discrimination are essential in achieving our mission;
- achieving high professional standards and providing a supportive work environment for staff and volunteers are key factors in delivering an effective service.

Our work is shaped by the views and needs of the people who use our services and those of their families/carers

We are committed to excellence in everything we do

- ii) The Senior Management Team shall ensure that it acts in such a way that no individual or group referred to in this policy is discriminated against, in particular:

- by providing information in a way that is accessible, for example, large print, community languages etc.;
 - by meeting in premises with facilities which are physically accessible to those participating;
 - by encouraging representation in the running of the organisation of all groups facing discrimination for whom the service is relevant;
 - by making training in discrimination awareness and equal opportunities available to all members of the Senior Management Team, Board of Trustees, paid workers and volunteers.
- iii) The recruitment of paid workers and volunteers shall be undertaken in accordance with this policy, in particular:
- by ensuring that posts are advertised in such a way as to encourage applications from groups experiencing discrimination;
 - by preparing job descriptions which clearly set out what the worker is to do, and person specifications which recognise that relevant experience can be as valuable as qualifications or previous paid employment;
 - by ensuring that in all selection procedures only factors relevant to the requirements of the post are taken into account, and that the spirit of the policy statement is adhered to;
- iv) The employment of paid workers and volunteers shall be undertaken in accordance with this policy, in particular:
- by providing training relevant to the needs of staff and designed to enable them to carry out their jobs;
 - by ensuring that any staff member who, in the course of their work, displays attitudes contrary to this policy to any person whether by word, behaviour or other manner shall be liable to disciplinary action;
 - by recognising and responding to the individual needs of staff, especially those who are carers or who have disabilities, and ensuring that, within available resources, the necessary support is provided to enable them to work effectively.

Service user Needs

In every aspect of the planning, management, access, provision and monitoring of services, the Senior Management Team and staff shall seek to promote equality of opportunity in accordance with this policy, in particular:

- by improving physical access to services for all individuals;
 - by seeking to identify and respond to the needs of those groups experiencing discrimination, altering priorities and methods of service delivery where necessary;
 - by seeking the views of client's through an annual Service User Feedback Questionnaire;

- by liaison and consultation with relevant groups and by regular analysis of the user profiles, to monitor the extent to which services are being taken up by groups experiencing discrimination.
- By Completion of Equality impact assessments

Equality Impact Assessments

It is a statutory requirement to undertake Equality Impact Assessments and publish the results. Independent Options has developed as good practice this Equality Impact Assessment procedure within the Equality and Equal Opportunity Policy. This procedure covers all nine equality strands to reflect our commitment to promoting equality and eliminating discrimination in our services and to ensure that we are working inline with all relevant legislation.

What is an Equality Impact Assessment?

An Equality Impact Assessment is a tool to identify whether or not existing, new or proposed policies, services, projects and functions have or could have an adverse impact on a particular group of people due to their age, disability, race, gender, religion or cultural beliefs, gender reassignment, marital status and civil partnership, sexual orientation or pregnancy and maternity.

The Equality Impact Assessment helps to eliminate the potential or actual negative impact on equality grounds, such as unnecessary exclusion or unjustified discrimination. It also seeks to identify ways of promoting equality and diversity within the community.

An Equality Impact Assessment will help Independent Options as an organisation to think carefully about how any proposed policies, services, projects and functions will affect the nine equality strands. It does this by examining any research and consultation etc. that has taken place and asking set questions about the policy, service, project or function. This then helps to identify any barriers or negative impacts that detrimentally affect any individual or section of the community. It will also help to anticipate the consequences that existing, new or proposed policies, services, projects and functions have on the nine equality strands.

- Equality Impact Assessments are not an end in themselves but form part of an ongoing process to monitor and review: existing, new or proposed policies,

services, projects and functions; and will work in line with Independent Options' other policies.

Equality Impact Assessment Aims

To ensure that there is no direct or indirect discrimination in the way policies, services, projects and functions are designed, developed and implemented.

To help improve the quality of policies, services, projects and functions delivered by identifying where improvements are needed and taking the appropriate action.

To enable us to engage with service users and stakeholders. To identify/measure unequal outcomes or unmet needs, and then to use the results to develop equality objectives that become part of Independent Options' work plans and the overall business plan.

Address imbalances in service provision.

To enable Independent Options to fulfil their wider "General duty" under anti-discriminatory legislation including the Race Relations (Amendment) Act 2000, to promote good community relations and equal opportunities, and combat unlawful discrimination.

To assist Independent Options to meet their duty to eliminate unlawful discrimination and harassment of disabled people and to promote equal opportunities for disabled people, under the extension of the Disability Discrimination Act.

When will an Equality Impact Assessment be carried out?

All existing, new or proposed policies, services, projects and functions; will be impact assessed.

Who will be carrying out the Equality Impact Assessment?

All Equality Impact Assessments will be carried out by the person responsible for the existing, new or proposed policies, services, projects and functions unless otherwise agreed by the Chief Executive Officer.

What happens to the information?

Once an Equality Impact Assessment is completed by the person responsible it should be forwarded to the Chief Executive Officer along with the Action Plan. The results of the Equality Impact Assessment will be fed back into the planning process and used to set equality objectives to improve the quality of service provision. Key findings from the Equality Impact Assessments will also be included in reports to the Board of Trustees.

Monitoring

It is vital to monitor our policies and procedures continuously to ensure they are not having an adverse impact on people from different groups. The person responsible for carrying out the initial impact assessment will be expected to keep the policy, service, project or function under review and reassess any impact in the light of any subsequent changes.

Where by a negative impact that would amount to unlawful discrimination is identified by an Equality Impact Assessment the policy, service, project or function must be changed or amended unless there is an objective, lawful reason to justify this.

Policy Revisions

This policy will be reviewed every 3 years and amended as necessary, or earlier in accordance with any forthcoming legislation.

Relevant Policies/Information

- ☐ Equal opportunity Policy
- ☐ Complaints Procedures

Equality Impact Assessment Guidelines

All existing, new or proposed policies, services, projects and functions will be impact assessed as will the service being restructured in any way. Service restructuring may have implications for service users from all sections of the community. Service delivery impacts could include:

- A change in delivery hours for a particular service
- Service location: the implication of building closures or relocation of a service to a new building or area, where this might impact on a particular communities access to services

- Any implications of making more services available through ICT and less through face-to face contact

Step 1- Filling out the Equality Impact Assessment Form

First answer all the questions on the Equality Impact Assessments form.

This form can be found in Appendix A.

When there is insufficient information to assess the impact new research, consultation and or surveys will need to be undertaken as part of the full assessment.

Step 2- When you have answered the questions then using the information gathered fill out the Equality Impact Assessment Summary Sheet

The three types of impact are as follows:

Negative impact, meaning that a group(s) could be disadvantaged or discriminated against

Positive impact, which means promoting equal opportunities or improving relations within equality groups

Neutral impact, which means that it has no effect currently on equality groups

All impacts are rated as being high medium and low dependent upon the severity of the impact

• Step 3 Complete Action Plan

Using the information gathered fill out the Equality Impact Assessment action plan (Found in Appendix C). All action plans should identify the issues, what the impact is and the planned action to address the issue. The action plan will then be used as a tool to address any potential discrimination and eliminate or minimise adverse impacts and barriers identified by the Equality Impact Assessment.

Even if you found no evidence of potential negative impacts, you should consider how to improve any positive impacts or how your policy or proposal could be adapted to promote equality and/or good community relations and community cohesion. This should also form part of the action plan.

This information will be fed into the overall Independent Options Equality Action Plan.

Step 4- Completed EIA & Action Plan

Once the EIA and action plan has been completed it is to be forwarded to the Director of Human Resources or Director of Services

Training

Independent Options will ensure that all new employees, volunteers, and Board Trustees will receive induction on the policy. Independent Options will provide ongoing Equalities training for all staff, volunteers and Board of Trustee members on an annual basis and this shall be documented in the individual Training Plans/Records.

Review

The Senior Management Team shall regularly monitor and evaluate the effectiveness of this policy in achieving the stated aims. This process shall be undertaken at least annually, shall include the review of each component of the policy, and shall aim to seek the views of organisations representing the interests of those groups referred to in this policy.

Complaints and Sanctions

Independent Options will treat seriously any complaints of unlawful discrimination on any of the stated grounds made by employees, volunteers, Board of Trustee members, clients or other third parties and will take action where appropriate.

All complaints made by external parties will be investigated in accordance with Independent Options' Complaints Procedure and the complainant will be informed of the outcome.

In the event of an investigation concerning a complaint against an employee, Independent Options' Grievance Policy and Procedures will be followed and any action necessary dealt with under Independent Options' Disciplinary Procedure.

Complaints will be monitored annually and any outcomes/action recorded.

Glossary

Protected Characteristics

The protected characteristics as listed in the Equality Act 2010 are sex, sexual orientation, marriage or civil partnership, gender reassignment, race, religion or belief, age, disability, pregnancy and maternity.

Disability

Under the Equality Act 2010, a person is disabled if they have 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.

Gender reassignment

A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The person does not have to be under medical supervision.

Race

Race includes colour, nationality and ethnic or national origins. A racial group can be made up of two or more different racial groups (eg Black Britons).

Religion or belief

Under the Equality Act 2010, religion includes any religion. It also includes lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.

Sexual orientation

Includes bisexual, gay, heterosexual, and lesbian people.

Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

Associative discrimination

This is direct discrimination against someone because they are linked or associated with another person who possesses a protected characteristic.

Perceptive discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Indirect discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic and which cannot be justified in relation to the job.

Harassment

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Third party harassment

Harassment of employees by people (third parties) who are not employees of your company, such as clients. Independent Options has a duty to prevent harassment and may be liable if aware that harassment has occurred on at least two previous occasions and does not take reasonable steps to prevent it from happening again.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint about discrimination or harassment, or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Positive action

Some people with protected characteristics are disadvantaged or under-represented in some areas of life, or have particular needs linked to their characteristic. They may need extra help or encouragement if they are to have the same chances as everyone else. The new positive action provisions held within the Equalities Act 2010 enable service providers to take proportionate steps to help people overcome their disadvantages or to meet their needs.

Cross ref: All Independent Options Policies, but particularly:

- Harrassment and Bullying
- Complaints Policy and Procedure
- Grievance Procedure
- Disciplinary Procedure
- Whistleblowing
- Recruitment and Selection
- Redundancy Policy

Independent Options Staff Handbook – esp. Recruitment, Selection and
Induction, Equal Opportunity
Training, Data Protection,
Volunteer Policy/Training Pack
Training Plans/Records
Data Protection Policy