

## **EQUALITY AND DIVERSITY POLICY (2017)**

### **1.0 BACKGROUND**

The Association recognises that social and cultural processes may disadvantage certain groups and individuals in society and is determined to ensure that its actions promote an environment of respect, understanding and the elimination of discrimination by encouraging diversity and providing equal opportunity for all.

This policy is designed to eliminate discrimination on unlawful or unfair grounds and to promote positive action where necessary to redress the effects of past discrimination and to promote equality and diversity in all aspects of the Association's business.

It also recognises that different groups who suffer discrimination share a common problem of disadvantage but the nature of disadvantage is not the same for all groups. The Association will seek to develop policies and practices that take account of different experiences and so ensure greatest effectiveness in its equal opportunities and diversity work.

Lack of equal opportunities is not only a serious moral issue but it also has a significant impact on business performance.

The Association recognises, however, that the achievement of equality of opportunity and diversity requires commitment of the Association itself, its employees, their trades unions, Committee Members, consultants, contactors and the wider community.

### **2.0 LEGAL FRAMEWORK**

The Equality Act 2010 is the key legislation relating to discrimination law.

The introduction of the act saw previous discrimination legislation abolished and replaced with one single piece of legislation. This policy will be compliant with the current legislation and promote a culture of dignity and respect for all.

### **3.0 DEFINITIONS**

#### **3.1 Diversity**

Is concerned with valuing and managing peoples' differences. It is recognising and embracing the backgrounds of different people, their skills attitudes and experiences and being open to them and being able to bring fresh ideas and views that will enhance the organisation.

#### **3.2 Equality**

Making sure people are treated fairly and given fair chances. It is not about treating everyone in the same way, but recognising that different needs may have to be met in different ways.

### 3.3 Protected Characteristics

There are nine protected characteristics, these are the only grounds on which discrimination is prohibited by law. An employee can make a discrimination claim on any of the characteristics against the different types of discrimination, with some exceptions for harassment, perception and association.

1. Age
2. Disability
3. Gender Reassignment
4. Marriage & Civil Partnership
5. Pregnancy & Maternity
6. Race
7. Religion or Belief
8. Sex
9. Sexual Orientation

### 3.4 Types of Discrimination

✓ **Direct Discrimination:**

Is treating someone less favourably than others based on them being considered as having a protected characteristic. Example – not hiring someone because they are black, female, old, pregnant, gay, catholic, single, wheelchair bound or previously of the opposite sex.

✓ **Indirect Discrimination:**

Occurs where a policy, criterion or practice applies to everybody but, by doing so it has a disproportionate impact on people with a protected characteristic. An example of this would be having a recruitment policy with a height restriction which would indirectly discriminate women and Asian men.

✓ **Associated Discrimination**

Discriminating against a person because they have an association with someone with a particular protected characteristic. An example of this would be where a non-disabled person is discriminated against because they care for a disabled dependent.

✓ **Perceptive Discrimination**

Discrimination against a person because the discriminator thinks the person possesses a protected characteristic. An example of this would be not shortlisting a person for interview on the basis that the recruiter assumes the applicant does not have the correct VISA to work in the UK as they have a foreign looking name on their application form.

✓ **Positive Discrimination**

Giving advantage to groups in society which are often underrepresented.

✓ **Positive Action**

Addressing imbalances in the workforce, by encouraging members of underrepresented groups to apply for jobs. Positive action may be applicable in setting equality targets.

✓ **Victimisation**

Treating someone less favourably and discriminating against them because they have pursued or intend to pursue their rights relating to alleged discrimination, complained about the behaviour of someone harassing them or given evidence in someone else's discrimination complaint.

✓ **Harassment**

Unwanted behaviour related to a 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. The intention of the perpetrator is irrelevant, it is the impact on the individual which determines whether harassment has taken place.

#### **4.0 POLICY PRINCIPLES**

This Equality and Diversity policy aims to:

- ✓ Ensure integration with equality and diversity practices into all the Association does, and ensure that employees are treated with fairness and respect from each other and from members of the public, Committee Members, and contractors.
- ✓ Require the Association to implement fair and just employment practices ensuring that no job applicant or employee will receive less favourable treatment on any grounds.
- ✓ Ensure people are recruited and employees promoted solely on the basis of their own merit, experience, ability and potential. This applies throughout the entire duration of employment as all decisions will be based on only relevant merits.
- ✓ Provide an environment appropriate to the needs of those from all walks of life, and offer a culture that respects and values each other's differences and promotes dignity, equality and diversity.

The Association will aim to ensure that all employees are treated with fairness and respect and not be discriminated on the grounds of marriage & civil partnership, sex, race, disability, age, religion or belief, gender reassignment, pregnancy & maternity and sexual orientation, or disadvantaged by any conditions or requirements which cannot be shown to be relevant to performance. The omission of other groups should not be interpreted as condoning discrimination against them.

This policy will apply to recruitment and selection, training, transfer, facilities, benefits, procedures, terms and conditions of service, the provision of housing and all other services. The overall aim of the policy is to create an environment where all forms of discrimination or oppressive behaviour are considered unacceptable.

To ensure the consistent application of this policy, careful monitoring of its operation will be undertaken and, where appropriate, positive action will be carried out to ensure its effectiveness.

## **5.0 RESPONSIBILITIES OF THE ASSOCIATION, DEPARTMENTAL MANAGERS AND EMPLOYEES**

This policy applies to all Committee members and employees of the Association particularly those who have responsibility for others. The Director will be responsible overall for securing the implementation of the policy and for monitoring its operational effectiveness, in consultation with any specialist officers. It will be the duty of the Director to implement and promote actively equality of opportunity and diversity. Departmental Managers must ensure the full implementation of the Equality and Diversity Policy in the area under their control.

Every employee and Committee member has a duty and legal responsibility not to discriminate against, harass, victimise or intimidate individuals or disadvantaged groups. The Association will not tolerate discriminations by any of their employees or Committee members. Disciplinary action will be taken against any employee or Committee member who is in breach of the Association's Equality and Diversity Policy.

## **6.0 IMPLEMENTATION**

The Director is responsible for the policy's day to day implementation.

The Association will ensure that all new employees and management committee members will receive induction on this policy. The policy will be widely promoted and integrated into all policies and procedures within the Association. Copies of the policy will also be freely available and displayed in the Associations offices. Appropriate training and guidance will be available to promote equality and diversity among staff.

This policy applies to everyone in the Association and all have a responsibility to be alert to discriminatory behaviours and practices should they occur. Unacceptable behaviour and practices must not occur, however if a situation arises, it will be dealt with immediately. Breaches of the equality and diversity policy will be regarded as misconduct and will lead to disciplinary action which may include dismissal.

### **6.1 Recruitment & Selection**

It is the Association's policy that all recruitment decisions will be based completely on the merits and abilities of candidates alone and no other criteria will be used. In order to achieve this, equality and diversity practices will be integrated into every stage of the recruitment and selection process.

A fair recruitment process will remove barriers to the employment of people of different backgrounds. This will enable the Association to recruit from the widest pool of talent, potentially raising the standard of their intake and therefore increasing the opportunity of a more diverse workforce which reflects the community it is serving. A more diverse workforce will improve the organisation's service delivery, as it will include staff with more knowledge and experience meet and aid in meeting the needs and aspirations of service users and potential service users.

To highlight the Association's commitment to promoting equality and diversity from the beginning of the employment relationship, all vacancies will be aimed at as

wide a group as possible and any advertisement for a vacancy within the Association will state that an equality and diversity policy is in place.

In addition the advert will also display any signs of equality bodies that the Association is affiliated with. The information contained in the advert and all vacancy literature will be clear and accurate to attract the most appropriate candidates from all groups across society, to allow them to decide their own suitability for the vacancy and whether they wish to proceed with applying. For those that wish to apply the Association will ensure that all applications will have clear instructions for completion and application forms will be free from personal questions that are not relevant to the vacancy and that may lead to discrimination.

The Association will ensure all staff involved at any stage in the recruitment and selection process will receive equality and diversity awareness training. This will ensure that those involved in the recruitment process will not discriminate either knowingly or unknowingly by asking any questions which may lead to discrimination.

Under the Equalities Act 2010, pre-employment health questionnaires are unlawful except in the following circumstances:

- ✓ To make suitable arrangements as part of the selection process
- ✓ For the purposes of equality & diversity monitoring
- ✓ For a genuine job related reason
- ✓ To ensure that the candidate has a disability where the job genuinely requires the jobholder to have a disability.

This means that the Association is unable to ask any health related or absence questions as part of the recruitment process and this includes the application form unless for the reasons stated above.

No questions can be asked until after an offer of employment has been made.

This means that the Association is unable to establish the attendance record of a candidate before offering them a job. The rationale which has driven this part of the act is that asking health related questions could potentially be discriminatory to disabled applicants as they may have a higher rate of absence than a non-disabled person and therefore the practice may adversely affect them.

The issue for the Association is that we will no longer be able to verify whether applicants have an acceptable attendance record.

## 6.2 **Default Retirement Age**

The abolishment of the default retirement age is part of the Equality Act as it falls under the protected characteristic of age. This section of the Association is no longer able to retire an employee when they reach the state retirement age.

Therefore, an employee can be employed until they decide they wish to retire and so the choice is now solely the employees.

## 6.3 Terms and Conditions of Employment

As part of the employment relationship being covered under this equality and diversity policy all contracts of employment will be issued in accordance with the

job role and not the job holder. Employee's terms and conditions will be standard across all employees regardless of any of the protected characteristics. Employees will not receive less favourable terms and conditions for any reason other than relating specifically to the job role and the grade it attracts.

#### 6.4 Training & Development

Equality and diversity will apply throughout all training activities and resources. Training and development opportunities will be given to all employees according to their job role. It is crucial that all employees are able to participate and enjoy any training opportunities or activities without discrimination or fear of harassment. Every attempt will be made to ensure learning materials will provide a positive image of people reinforcing an image and of equality of opportunity.

#### 6.5 Redundancy Selection

Redundancy selection will be made according to the statutory requirements and in line with the Association's Redundancy Policy. Criteria will be discussed with the Trade Union and or nominated representatives. The criteria will be set out and will be objectively fair and consistent. This will ensure that employees selected for redundancy are selected according to the chosen selection criteria and not in any discriminatory way either indirectly or directly.

#### 6.6 Complaints

##### Complaints made by Employees

This procedure is complemented by the Association's Dignity at Work, grievance and Disciplinary policies. For further details please refer to the policy.

##### Complaints made against Employees

Where a complaint is made against an employee by another employee, Committee Member or stakeholder, it will be investigated and dealt with under the Association's Disciplinary Policy.

##### Complaints made against Stakeholders

The right to be treated equally with dignity and respect extends to outside contractors, partners, service users, customers and any other agencies that are associated with the Association. Therefore, stakeholders also have a right to have any issues addressed under this policy. Any complaints will be investigated by the Association and appropriate action will be taken.

##### Complaints made by Stakeholders

Where stakeholders are in receipt of inappropriate behaviour from an employee of the Association, board member or another stakeholder in connection with the Association's business, the stakeholder should also raise the issue with their lead contact. The lead contact will then investigate into the complaint and deal with it in accordance with the appropriate procedure (depending whether the complaint is against an employee, a board member, a contractor, a partner, etc.).

##### Complaints from Committee Members

Where a Committee Member feels they have been discriminated against, victimised or harassed, the aim should be to deal with it informally in the first instance.

### Complaints made against a Committee Member

Where a complaint is made against a Committee Member, the Association's Code of Conduct for Governing Body will be used as appropriate. The complaint will be investigated by the Chairperson or another authorised person. If it is found that the inappropriate behaviour occurred, the Committee Member will be warned and informed of consequences of failure to comply with the expected standards of behaviour, which may include removal from the Committee.

## **7.0 APPOINTMENT OF CONTRACTORS AND CONSULTANTS**

The Association will ensure that all Contractors and Consultants appointed by the Association have an equalities policy, in a form which is acceptable to the Association. Confirmation of such a policy and associated practices and procedures will be required in writing in order that Contractors and Consultants remain on any "approved" list. Contractors or Consultants who fail to comply with good employment practices e.g. fair wage, good working conditions and health and safety will be removed from any "approved" list.

## **8.0 SERVICE PROVISION**

The Association's intention is to apply principles in relation to the equality of opportunity and diversity throughout all its operations and the Association recognises that all such areas are interlinked. For the avoidance of doubt the Association's equality and diversity policy in relation to service provision will be applied to the following:

- Access to Housing
- Quality of Housing
- Consultation on Service Provision

## **9.0 MEMBERSHIP**

The Association's membership is open to all people interested in the work of the Association without distinction on the grounds of marriage & civil partnership, sex, race, disability, age, religion or belief, gender reassignment, pregnancy & maternity and sexual orientation, or disadvantaged by any conditions or requirements which cannot be shown to be justified

## **10.0 CONSULTATION**

The Association recognises the importance of encouraging equal opportunities and diversity and will include reference to this in any consultation processes and procedures where appropriate.

## **11.0 RESOURCES**

The Association will make adequate resources available to ensure the optimum application of this policy.

## 12.0 MONITORING

The effectiveness of meeting the aims and objectives of this policy can only be judged using feedback on how the policy operates. Information, statistics and/or performance indicators will be collected to:-

- ✓ identify and locate problems and help in the assessment of the effectiveness of the policy;
- ✓ review and amend recruitment, selection, promotion, transfer and training practices, benefits, facilities, terms and conditions of employment and the provision of all services on an regular basis;
- ✓ assist in identifying and prioritising areas where positive action measures may be needed.

Specifically, the following areas will be given attention: -

- ✓ composition of the workforce, committee, membership, tenancies;
- ✓ numbers and proportions selected for recruitment, promotion and transfer;
- ✓ numbers and proportions to take up of training opportunities and training opportunities offered.
- ✓ the number and nature of formal appeal grievance / disciplinary / disputed cases.

Recruitment will be monitored by gender, disability, ethnic origin, religion. sexual orientation and age group.

The Association will ensure that monitoring information will be used for equal opportunities purposes only. Procedures to ensure confidentiality will also be developed and applied.

It is the Association's intention that its profile in relation to staff, committee, members and tenants will reflect the community profile of the Association's area of operation.

## 13.0 REVIEW

This policy will be reviewed at least every 5 years.

George Tainsh  
Director

**29<sup>th</sup> August 2017**

### Policy Review and Consultation Process

Considered by the Management Team on	30 <sup>th</sup> August 2017
Recommended by the Finance, Audit & Corporate Governance Committee on	7 <sup>th</sup> September 2017
<b>APPROVED BY THE MANAGEMENT COMMITTEE ON</b>	<b>28<sup>th</sup> September 2017</b>
<b>Date of Next Review</b>	<b>September 2022</b>