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Registered Charity No: 1141415

# Equality & Diversity Policy

(Incorporating Equal Opportunities)

## Contents

1. Policy Statement
2. Aims of the Policy
3. Equality & Diversity Policy Statement
4. Scope of the Policy
5. Responsibility
6. Legislation and Codes of Practice
7. Definitions of Discrimination

### LINKS TO OTHER DOCUMENTS

Document	Policy	Procedure	Other
Employee Handbook			√
Volunteer Policy & Handbook	√		√
Harassment & Bullying Policy	√		
Comments, Suggestions & Complaints Policy	√		

Approved: ..... Date: .....

For and on behalf of the Board of Trustees – Age UK South Lakeland Ltd

## 1. Introduction

Age UK South Lakeland is committed to achieving Equality & Diversity for its current and potential staff, volunteers and client groups.

Under the Equality Act 2010, it is unlawful to discriminate in recruitment, employment, provision of goods, facilities or services on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

From 1st August 2016 onwards, all organisations that provide NHS care and / or publicly-funded adult social care are legally required to follow the Accessible Information Standard. Age UK South Lakeland aims to follow this Standard when dealing with its staff, volunteers and clients. The Standard sets out a specific, consistent approach to identifying, recording, flagging, sharing and meeting the information and communication support needs of patients, service users, carers and parents with a disability, impairment or sensory loss. (See Appendix 1)

It is unlawful to discriminate, without justice, on grounds of disability 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.

This policy is intended to assist the Charity to put this commitment into practice and applies to employees, volunteers, individuals who apply for work with Age UK South Lakeland, contractors, clients and visitors.

Responsibility for promoting, implementing and reviewing this policy rests first with the Board of Trustees, who have delegated day-to-day responsibility to the Chief Executive. All Trustees, staff and volunteers will be expected to play their part in seeking to ensure that the policy is adhered to in their appropriate areas of responsibility and influence.

## 2. Aims of the Policy

- 2.1 To ensure that Age UK South Lakeland fulfils its obligation to act in accordance with requirements of The Equality Act 2010 and subsequent amendments and guidance.
- 2.2 To increase awareness within the organization of the Equality & Diversity Policy and of the needs of diverse groups.
- 2.3 To have a workforce made up of staff and volunteers, which positively represents the local community and to ensure that our recruitment procedures and employment terms and conditions fully reflect our policy and comply with the law.
- 2.4 To provide equality of access to Age UK South Lakeland's services to all sections of the community, recognising that some individuals and groups may

require specific measures to facilitate this, and to remove barriers which directly or indirectly restrict equality of opportunity and access to services.

- 2.5 To examine all services and activities of Age UK South Lakeland to ensure that they reflect the needs of people facing disadvantage.
- 2.6 To ensure that no member of staff, or volunteer, Trustee or the users of our services suffers any form of discrimination.

### **3. Equality & Diversity Policy Statement**

By understanding and respecting people's different needs and aspirations, we can stay in touch with the changing society in which we work, and address inequalities to ensure that everyone has the same access to the services and opportunities they need.

Staff and volunteers need to recognise and fulfil their personal role in making Age UK South Lakeland a genuinely inviting and inclusive organization.

Age UK South Lakeland has a commitment to diversity and equality, which is about:

- Recognising and valuing difference
- Recognising and seeking to redress inequality and disadvantage
- Treating everyone in a fair, open and honest manner
- Recognising the right of volunteers, employees and service users to be treated with dignity and respect
- Providing equality of opportunity and access to services
- Tackling discrimination and disadvantage
- Tackling harassment and intimidation

Age UK south Lakeland will not tolerate less favourable treatment on the grounds of the protected characteristics outlined in The Equality Act 2010. Age UK South Lakeland believes that discrimination is wrong and should be actively opposed.

Discrimination denies human dignity, a freedom for people to be themselves and to have place in a free society. We will ensure that all people; trustees, volunteers, employees and members of the public are treated fairly and consistently without discrimination.

The organization will therefore:

- Demonstrate its commitment to these statements by adopting a policy of Equality & Diversity, which will be reviewed annually and, when necessary, updated.
- Seek to remove bias from existing policies, procedures and practices, and taking steps to ensure equal access to employment, volunteering and services.
- Age UK South Lakeland believes that by drawing on and valuing diversity, the organization will be enriched, and its ability to provide services to older people in our community will be strengthened.



## 4. Scope of the Policy

This policy will influence all aspects of employment practice, volunteering practice and service delivery. Age UK South Lakeland recognises that every person is an individual with different needs, preferences and abilities. We aim to reflect this diversity in everything we do, including making our services inclusive and accessible to older people from all sections of the community throughout South Lakeland.

### 4.1 Recruitment and Selection

Age UK South Lakeland is committed to attracting and retaining a diverse workforce, which is representative of the community served and ensuring that each member of staff, volunteer or client feels respected and able to give their best.

Age UK South Lakeland will treat all employees equally and create a working environment which is free from discrimination and harassment and which respects, where appropriate, the diverse backgrounds and beliefs of employees.

Terms and conditions of service will comply with UK Equality and Diversity legislation and Age UK South Lakeland will ensure that recruitment practices fulfil the requirement of the Equality & Diversity Policy.

Where appropriate and necessary, Age UK South Lakeland will endeavour to provide facilities and conditions of service which take into account the specific needs of employees which arise from their gender, ethnic or cultural background, nationality, responsibilities as parents or carers, disability, sexual orientation, marital or civil partnership status, part-time status, age, religion or belief.

All posts will have a job or role description and person specification, which will contain essential and desirable skills, qualifications, knowledge and experience. Person specifications will only contain details which are required.

All employment opportunities will be open and accessible to all on the basis of their individual qualifications, qualities and personal merit.

Where appropriate, positive action measures will be taken to attract applications from all sections of society and especially from those groups which are under-represented in the workforce.

Wherever appropriate and necessary, lawful exceptions (Genuine Occupational Requirements) will be used to recruit suitable employees to meet the special needs of particular user groups.

All staff and Trustees involved in recruitment and selection will be briefed on the requirements of an equal opportunities interview.

The format for interview will be agreed before it takes place and will remain constant for all interviews for the position.

All enquiries for posts will receive a copy of the Equality & Diversity Policy Statement with the information provided. At interview, they will be questioned on their understanding of the issues and the practical implications of having a policy.

All application packs for staff and volunteers will include an Equality and Diversity Monitoring Form, used to inform the review process, with an annual report to the Board.

As an organisation using the Disclosure and Barring Service to assess candidates' suitability for positions of trust, Age UK South Lakeland will comply fully with the DBS Code of Practice and undertake to treat all candidates fairly, and not to discriminate unlawfully against any candidate who is required to provide information through this process.

All recruitment advertising will carry the statement, "Age UK South Lakeland is an Equal Opportunities Employer". Posts which are deemed suitable will be advertised as available for job share.

### **Volunteers**

Age UK South Lakeland is committed to providing a mutually satisfying and rewarding relationship with the organization to all Volunteers.

Age UK South Lakeland is committed to ensuring that no unfair or unlawful discrimination occurs in the recruitment, training, support and management of its volunteers.

Age UK South Lakeland recognises the importance of ensuring that the recruitment of volunteers is fair and lawful. It is therefore the policy of Age UK South Lakeland that all volunteers and staff involved with the recruitment of volunteers will undertake recruitment and selection training, including specific training on Equality and Diversity issues, to ensure that current best practice is observed, and that recruitment is based solely on the individual's ability to perform the duties involved to the required standard.

Volunteers approaching Age UK South Lakeland will be introduced to all of the currently available opportunities open to them in their area, and they will make their choice from the full range.

## **4.2 Training and Development**

The Board of Trustees, staff and volunteers need to recognise and fulfil their personal role in making Age UK South Lakeland a genuinely inviting and inclusive organization.

Age UK South Lakeland will ensure that all staff and volunteers know about the Equality & Diversity Policy and their responsibilities within it, by providing

continuing communications and training to increase understanding and commitment to diversity.

The content and structure of the training, as well as the way training is accessed will be regularly reviewed to ensure that they are fair.

### **4.3 Promotion**

Promotion for staff will only take place as a result of objective assessment, which will be based on the specific abilities, knowledge and skills required for the post.

Equal access to promotion will be exercised and promotion opportunities will be advertised on the basis that they are accessible to all staff including those that work full time, part time, from home and those who work from other Age UK South Lakeland bases.

There may be situations where some specialised posts are only suitable for people with particular skills, but consideration must still be given to all staff and a fair selection process adopted as some staff may have skills of which the Charity is unaware.

### **4.4 Discipline**

Age UK South Lakeland will ensure that members of staff involved in the disciplinary process are trained appropriately so that they may undertake these duties by objective and justifiable means and in accordance with the relevant procedures.

In addition to the above, any member of staff or volunteer breaching the Charity's Equality & Diversity Policy will be regarded as behaving in a manner that constitutes an act of misconduct and will be dealt with through the appropriate disciplinary procedures.

Any volunteer, including trustees or members of any steering group, found to be in breach of this policy will be counselled on his/her actions and may, where necessary, be removed from Age UK South Lakeland's volunteer register. Any service user found in breach of this policy will, where appropriate, be counselled on his/her actions and may, where necessary, be referred back to their referring organization (if appropriate) or refused future services from Age UK South Lakeland.

### **4.5 Grievances**

Any staff member or volunteer who feels they have been a victim of discrimination or unfairly treated in a way contrary to the intention of this policy should raise the issue through Age UK South Lakeland's established Grievance Procedure.

Any job applicant or service user who feels he/she has been unfairly treated in a way contrary to the intention of this policy should raise the issue through Age UK South Lakeland's established Complaints Procedures. Age UK South Lakeland will not treat lightly or ignore grievances on the assumption that the complainant is over-sensitive about discrimination.

#### **4.5 Provision of Services**

Age UK South Lakeland aims to deliver services in South Lakeland to older people who need them, without discriminating against, stigmatising or patronising them. Every service user will be treated in a professional manner, with courtesy and respect.

Age UK South Lakeland is committed to ensuring that the highest standards are maintained in the provision of services. The organization will keep under review the procedures that are used, and the practices that are established to ensure that no person is treated less favourably when receiving services.

Age UK South Lakeland is committed to ensuring that whenever it is possible and reasonable to do so, any features of the premises used to provide services which create a barrier to equal access will be adjusted.

Users of our services and those who take part in our activities will be informed that Age UK South Lakeland is committed to an Equality & Diversity Policy, so that:

- They will know a policy exists, that a copy is available for them to read upon request, and that this policy will guide all members of the organization to share the commitment to Equality & Diversity.
- They will know that they have the right to complain if they feel that these standards are not being adhered to, or are dissatisfied with the service provided to them.
- Age UK South Lakeland will make sure that its services meet the needs of our diverse communities by involving communities in identifying their needs and by seeking to meet these needs.
- Age UK South Lakeland will, where possible, provide information in plain English in accessible formats, including written documents, large print, in accessing interpretation, translation (including Braille) and sign language services, where appropriate.

#### **4.6 Recording and Monitoring of Equality & Diversity with Service Provision**

Age UK South Lakeland will monitor and review the take-up of services.

Equality & Diversity monitoring will be carried out on all recruitment activity - staff and volunteers. An annual report will be produced.



#### **4.7 Procedures for making complaints about any aspect of service provision**

Age UK South Lakeland is committed to ensuring that any complaint related to the delivery of their services is dealt with in a sensitive and speedy manner.

For details of the procedures to make complaints about service provision, please refer to the “Complaints, Comments & Suggestions Policy”.

The organization will review and monitor procedures for managing service user complaints.

### **5. Responsibilities**

The Board of Trustees has ultimate responsibility to provide, implement and review the Equality & Diversity Policy.

It is the responsibility of Trustees, staff and volunteers to adhere to and to promote the policy by ensuring that Age UK South Lakeland’s activities promote equality and diversity.

The Chief Executive, or appointed representative, holds the day-to-day responsibility for ensuring that the policy is implemented and, in the first instance, for dealing with or taking action on disciplinary offences.

### **6. Legislation & Codes of Practice**

The following pieces of legislation and codes of practice have informed this policy:

#### **6.1 The Equality Act 2010**

This legislation introduces nine protected characteristics which are grounds upon which it is unlawful to discriminate. These are:

- Age
- Disability
- Gender
- Gender reassignment
- Marriage and Civil Partnership, including same sex couples [Marriage, (Same Sex Couples) Act 2013]
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sexual Orientation

#### **6.2 The Human Rights Act 1998**

This legislation came into force in the UK in October 2000. It refers to the European Convention of Human Rights and covers the following rights and

freedoms and its contents must be complied with by all public bodies in terms of:

- Employment
- Right to life
- Freedom from torture and inhuman or degrading treatment
- Right to liberty and security
- Freedom from slavery and forced labour
- Right to a fair trial
- No punishment without law
- Respect for your private and family life, home and correspondence
- Freedom of thought, belief and religion
- Freedom of expression
- Freedom of assembly and association
- Right to marry and start a family
- Protection from discrimination in respect of these rights and freedoms
- Right to peaceful enjoyment of your property
- Right to education
- Right to participate in free elections

### **6.3 The Rehabilitation of Offenders Act 1974**

This legislation prohibits employers from discriminating against applicants with spent convictions. Some employers are exempted and can take into account both spent and unspent convictions.

For example, if the job involves working with vulnerable groups such as children, older people, people with learning disabilities, people with mental health issues, or involves handling money or security work.

### **6.4 European Community Directives**

These establish the need for Member States to ensure that men and women receive equal conditions, pay, social security and dismissal. (Equal Treatment Articles 1/2/3/4/&5)

### **6.5 Disability Discrimination Act**

The Disability Discrimination Act puts a duty on the employer to make reasonable adjustments for staff to help them overcome disadvantage resulting from an impairment (for example, by providing assistive technologies to help visually impaired staff use computers effectively).

The Equality Act 2010 has made it easier for a person to show that they are disabled and protected from disability discrimination. Under the Act, 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, which would include things like using a telephone, reading a book or using public transport.

**The Act includes a new protection from discrimination arising from**

**disability.** This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability (for example, a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim.

**Additionally, indirect discrimination now covers disabled people.** This means that a job applicant or employee could claim that a particular rule or requirement you have in place disadvantages people with the same disability. Unless you could justify this, it would be unlawful. The Act also includes a new provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.

## 7. Definitions of Discrimination

Discrimination can arise in the following ways:

- Directly
- Indirectly
- Victimisation
- Harassment
- Third Party Harassment

### **Direct Discrimination**

This form of discrimination occurs when a person who is entitled to be treated equally, is directly adversely affected by a decision that results in that person being treated less favourably. Most often, though not exclusively, this will be as a result of a decision to directly discriminate against a person based on prejudice or stereotyping.

An example of direct sex discrimination would be refusing to employ a person because she was pregnant.

### **Indirect Discrimination**

This is created where a provision, criterion or practice is applied which is such that it would be to the detriment of a considerably larger proportion of the relevant group to which the individual belongs than to others, which is not objectively justified and which is to the individual's detriment.

An example of indirect sex discrimination could be requiring everyone to work full time unless there is a good reason, unrelated to sex, as to why the particular job has to be done on a full time basis, since requiring everyone to work full time will normally adversely affect a higher proportion of women than men.

### **Victimisation**

This occurs when a person is treated less favourably than another person would be treated because he/she had complained about discrimination, or it is suspected that they are going to complain, and the person is then made to suffer a detriment.

An example of this would be that having made a complaint about discrimination, a person is denied the promotion they would otherwise have received. Other examples would include being threatened with the sack, having their workload increased or being subjected to any other form of detriment.

### **Harassment**

Harassment is where there is unwanted conduct related to one of the prohibited grounds, which has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person, or is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.

An example might include inappropriate language or behaviour which focuses attention on a person's religion or belief. Harassment applies to all protected characteristics except pregnancy and maternity and marriage or civil partnership. Employees are also protected from harassment based on the perception of having a particular protected characteristic or by association with a person with a particular protected characteristic.

### **Forms of harassment may include:**

- Unwanted physical contact, ranging from touching to serious physical assault.
- Verbal or written harassment in the form of jokes, offensive language, gossip, slander, sectarian songs, letters
- The visual display of posters, graffiti, flags
- Isolation or non-co-operation at work, exclusion from social activities
- Coercion, ranging from pressure for sexual favours to pressure to participate in political/religious groups
- Intrusion by pestering or stalking
- Bullying, physical, verbal or emotional or a combination of these carried out by an individual or group of people.

Examples of types of bullying:

- Physical – taking belongings, hitting, pushing and other forms of violence
- Verbal – name-calling, teasing and other hurtful or insulting remarks
- Emotional – spreading stories and rumours, exclusion from social groups, ridicule and humiliation

### **Positive Action**

Whilst it is lawful for an employer to encourage groups that are currently under-represented in the organization to apply for employment positions, selection must always be based on merit.

Selecting a person based on their gender or ethnic background is known as “positive discrimination” and it is unlawful.

### **Occupational Requirement**

There are times when it is fair and lawful to state a preference for a person of a particular sex or a particular ethnic origin. This is when you can prove that it is essential for the purposes of the job advertised. This is referred to as an “Occupational Requirement”.

For example, advertising for a female counsellor to work with older women who have suffered domestic abuse

Gender reassignment (new definition)

The Equality Act 2010 provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. **The Act no longer requires a person to be under medical supervision to be protected** – so a woman who decides to live as a man but does not undergo any medical procedures would be covered.

It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured

## **8. Review**

This policy will be reviewed annually and updated as necessary at that time.

## APPENDIX 1



### Accessible Information Standard – Overview 2017/2018

#### Summary

The Accessible Information Standard aims to make sure that people who have a disability, impairment or sensory loss get information that they can access and understand, and any communication support that they need from health and care services.

The Standard tells organisations how they should make sure that patients and service users, and their carers and parents, can access and understand the information they are given. This includes making sure that people get information in accessible formats.

The Standard also tells organisations how they should make sure that people get support from a communication professional if they need it, and about changing working practices to support effective communication.

By law ([section 250 of the Health and Social Care Act 2012](#)), all organisations that provide NHS care or adult social care must follow the Standard in full from 1<sup>st</sup> August 2016 onwards.

Organisations that commission NHS care and / or adult social care, for example Clinical Commissioning Groups (CCGs), must also support implementation of the Standard by provider organisations.

#### What does the Standard tell organisations to do?

As part of the Accessible Information Standard, organisations that provide NHS care or adult social care must do five things. They must:

1. Ask people if they have any information or communication needs, and find out how to meet their needs.
2. Record those needs clearly and in a set way.

3. Highlight or flag the person's file or notes so it is clear that they have information or communication needs and how to meet those needs.
4. Share information about people's information and communication needs with other providers of NHS and adult social care, when they have consent or permission to do so.
5. Take steps to ensure that people receive information which they can access and understand, and receive communication support if they need it.

### **What does the Standard include?**

The Standard says that patients, service users, carers and parents with a disability, impairment or sensory loss should:

- Be able to contact, and be contacted by, services in accessible ways, for example via email or text message.
- Receive information and correspondence in formats they can read and understand, for example in audio, braille, easy read or large print.
- Be supported by a communication professional at appointments if this is needed to support conversation, for example a British Sign Language interpreter.
- Get support from health and care staff and organisations to communicate, for example to lip-read or use a hearing aid.

### **More information**

There is more information about the Accessible Information Standard [on the NHS England website](#) at [www.england.nhs.uk/accessibleinfo](http://www.england.nhs.uk/accessibleinfo).

For more information please email NHS England at [england.nhs.participation@nhs.net](mailto:england.nhs.participation@nhs.net) or telephone 0300 311 22 33. Or you can write to Accessible Information Standard, NHS England, 7E56, Quarry House, Quarry Hill, Leeds, LS2 7UE.