



Policy for Equality and Diversity

1. Introduction

Bexhill & Battle Under Fives Association Limited (BBUFA) is committed to the provision and promotion of equal opportunities in all areas of its activities. Every person who comes into contact with the organisation is dealt with fairly.

2. Policy Statement

- 2.1 BBUFA is committed to the values of equality and diversity. We believe that equal opportunities are essential to the values that lie at the heart of the organisation and, as such, should extend to the employment of our staff, work with our volunteers, and our work with our users, partners and funders.
- 2.2 The organisation will ensure every aspect of its governance and operation is free from unfair discrimination and will promote equality of opportunity both internally and in our work externally. The organisation will not discriminate on the grounds of:
- ◆ Age
 - ◆ Gender identity
 - ◆ Sexuality
 - ◆ Disability
 - ◆ Race
 - ◆ Ethnic or national origin
 - ◆ Religion
 - ◆ Political views and/or trade union membership
 - ◆ Marital status / Civil Partnership
 - ◆ HIV / AIDS status and other chronic illnesses
 - ◆ Personal family circumstances
 - ◆ Socio-economic status
 - ◆ Any other circumstances which are deemed discriminatory
- 2.3 Equal opportunities should be key to all aspects of the organisation but particularly in how they apply to recruitment, recruitment advertising, training, promotion, benefits, facilities, procedures, terms and conditions of employment, and services to users.
- 2.4 BBUFA fully supports the right of all people to be treated with dignity and respect at work and is committed to promoting a working environment free from all forms of harassment and bullying and agree that appropriate steps should be taken to achieve this (see appendix two).
- 2.5 The organisation will monitor and review the implementation of the policy to measure the effectiveness of BBUFA's equality of opportunity. The Board will monitor the implementation of this policy in how it relates to staffing issues and in the recruitment and retention of staff or volunteers.
- 2.6 BBUFA will comply with all current and future legislation referring to equality or diversity and promote good practice in all aspects of the organisation (see Appendix one).

- 2.7 The organisation will publicise this policy as widely as possible and will highlight it in recruitment documentation and all appropriate organisational publicity material and official documentation.

3. Objectives

The organisation's main objectives in implementing this Equality and Diversity Policy are to:

- 3.1 develop and strengthen practices that value and empower individuals, through listening, consulting, providing support and promoting equality to eliminate discrimination.
- 3.2 provide equal opportunities for all staff, volunteers, learners and service users.
- 3.3 attract and retain high quality staff whose diversity and talents are valued and appreciated.
- 3.4 promote increased participation and involvement by individuals from a wide variety of backgrounds and in particular from under represented groups.

4. Responsibilities

- 4.1 The Board of Trustees who approved this Equality and Diversity Policy take constitutional responsibility for monitoring, implementation and reviewing its effectiveness.
- 4.2 The Board have overall delegated responsibility for co-ordinating the day-to-day operation of the policy and the development, maintenance and monitoring of supporting procedures.
- 4.3 Line Managers are responsible for implementing the policy in relation to activities of the staff under their management and should include this policy in their induction of new staff.
- 4.4 All staff are required to read and understand their responsibilities under this policy. Any breach of the policy will be investigated and may result in disciplinary action.
- 4.5 All Trustees, staff and volunteers have a responsibility to ensure that their actions comply with both the requirements and the spirit of the Equality and Diversity Policy. This includes not just adhering to the Policy but to actively promote inclusivity, to be aware in their daily work of anything they or other do that may put some groups at a disadvantage and to develop inclusive working practices.
- 4.6 All staff and Trustees should promote good practice and endeavour to ensure that our service users and partners accord with the spirit of this policy. Any staff who have concerns about any external groups or individuals should discuss a possible course of action with their line manager.

5. Complaints

- 5.1 Anyone who believes they have not been treated fairly and in accordance with the Equality and Diversity Policy may complain, either informally or formally by using the appropriate complaints procedure (employees should follow the BBUFA Grievance Procedure, users/agencies should follow the BBUFA Complaints Procedure).
- 5.2 Any individual who makes a complaint does not prejudice any statutory rights to complain to the courts, to an employment tribunal, or to seek advice from the Commission for Racial Equality, the Disability Rights Commission, the Equal Opportunities Commission or any other appropriate body.
- 5.4 Any reported breaches of this policy will be subject to an investigation and may lead to disciplinary proceedings at an appropriate level and could lead to dismissal.

6. Review of this policy

- 6.1 The Equality and Diversity Policy will be reviewed yearly by the Board to ensure it remains useful, progressive, and reflective of the UK legislation.

Appendix One

The Legal Framework for Equal Opportunities

The Sex Discrimination Act and Equal Pay Act

The Sex Discrimination Act (SDA) came into force in 1975. The Equal Pay Act (EPA) took effect in 1975. Each act has been amended a number of times since they came into force, the latest amendments to both being in 2003).

The SDA makes it unlawful to discriminate on the grounds of sex. Specifically, sex discrimination is not allowed in employment, education, advertising or when providing housing, goods, services or facilities. It is unlawful to discriminate because someone is married, in employment or advertisements for jobs. It is also unlawful to discriminate in the employment field on the grounds of gender reassignment. The EPA says women must be paid the same as men when they are doing equal work and vice-versa.

The Disability Discrimination Act 2005 (DDA 2005)

In April 2005 a new Disability Discrimination Act was passed by Parliament, which amends or extends existing provisions in the DDA 1995, including:

- ♦ making it unlawful for operators of transport vehicles to discriminate against disabled people
- ♦ making it easier for disabled people to rent property and for tenants to make disability-related adaptations
- ♦ extending protection to cover people who have HIV, cancer and multiple sclerosis from the moment they are diagnosed
- ♦ ensuring that discrimination law covers all the activities of the public sector
- ♦ requiring public bodies to promote equality of opportunity for disabled people

Some of the new laws will come into force in December 2005, and some in December 2006. The Disability Rights Commission (DRC) website has more details.

The Race Relations Act

The Race Relations Act, including the different forms of racial discrimination, and the scope of the Race Relations Act in terms of the situations and organisations to which the provisions will apply and relevant exceptions. It is not a definitive guide to the law. Under the Race Relations Act, it is unlawful to discriminate against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin. All racial groups are protected from discrimination. The Race Relations Act generally applies to the fields of employment, planning, housing, the exercise of public functions (both by public authorities and also private bodies exercising public functions, for example, privately-run prisons), the provision of goods, facilities and services, education, and education.

Racist Incidents - Racist incidents ranging from criminal harassment and abuse to physical violence are offences under the criminal law. Inciting racial hatred is also a criminal offence. Publishing and disseminating materials such as leaflets and newspapers that are likely to incite racial hatred is also a criminal offence. If anyone has a complaint with respect to any of these criminal matters they should be reported to the police.

The Media - Racially offensive material in the media contravenes media codes of practice. Complaints can be made to the Press Complaints Commission or the Broadcasting Standards Authority. Complaints about racially offensive advertisements should be made to the Advertising Standards Authority.

Appendix Two

Bullying and Harassment

BBUFA is aware that workplace bullying has a detrimental and negative effect on individuals, and therefore operational efficiency, and has resolved to create a working environment that supports the dignity of all employees and is free from bullying and any other form of harassment.

All staff have a clear role to play in helping to create a climate at work in which bullying behaviour is unacceptable. In particular, staff should be aware of their own conduct, avoid colluding with inappropriate behaviour, and co-operate fully with the complaints procedure. Line managers have a responsibility to raise awareness of the issue, respond positively to any complaints and challenge and stop unacceptable behaviour in the workplace.

What is bullying at work?

Bullying can be defined in many ways but is generally behaviour that is identified as a misuse of power. It is usually persistent (i.e. more than a one-off incident), is offensive, abusive, intimidating, malicious or insulting behaviour, unfair use of sanctions. This makes the recipient feel upset, threatened, humiliated or vulnerable and undermines self-confidence.

Bullying behaviour is largely identified not so much by what has actually been done, but rather by the effect that it has on its target(s).

At its most extreme, bullying can be physical e.g. hitting, pushing, damaging or stealing personal possessions. This may, in some cases, constitute gross misconduct and should be dealt with under the disciplinary procedure. Examples of bullying covered by this Policy could include: -

- ♦ persistently criticising an individual unnecessarily;
- ♦ shouting at colleagues in public or private;
- ♦ deliberate isolation by ignoring or excluding a person;
- ♦ withholding information or removing areas of responsibility without justification;
- ♦ spreading malicious rumours;
- ♦ making inappropriate personal comments;
- ♦ blocking leave or training applications without reason;
- ♦ setting objectives with impossible deadlines with the deliberate intention of undermining an individual;
- ♦ deliberate misrepresentation of the views of senior management;
- ♦ undermining a person's self respect by condescending, paternalistic or threatening treatment that humiliates, intimidates or demeans.

Legitimate and constructive fair criticism of an employee's performance or behaviour at work is not bullying. It is also recognised that an occasional raised voice or argument does not constitute bullying. However, it is unacceptable to condone bullying behaviour under the guise of a particular management style.

The Legal Position

BBUFA has duties to ensure the physical and psychological health, safety and welfare of employees at work under health and safety legislation. This includes assessing the causes of stress at work and introducing measures to reduce or prevent stress.

Harassment based on race, gender, sexuality or disability are serious employment issues and may be in breach of the Race Relations Act 1976, the Sex Discrimination Act 1975, the Disability Discrimination Act 1995, the Public Order and Criminal Justice Act 1994, the Protection from Harassment Act 1997 and/or Equal Opportunities Code of Practice.

Employers may be liable for the actions of their employees, whether or not they are carried out with the employer's knowledge or approval. This is in addition to the employee's individual liability for his/her own actions. Liability for harassment amounting to unlawful discrimination can only be avoided if it can be proven that appropriate preventative measures were taken to ensure that the offending acts were not committed.

Individuals complaining of racial or sexual harassment, or harassment on the grounds of disability may have direct recourse to the law through an Employment Tribunal. Whilst other forms of harassment may not be in breach of the law, they may contravene (the employer's) policy and as such are unacceptable.

Any legal claims for bullying would be concerned with breach of contract and unfair dismissal. That is, that the failure by an employer to deal with bullying related issues may result in a fundamental breach of one of the following implied terms:-

- ◆ To keep employees safe from harm;
- ◆ To support and assist;
- ◆ Trust and confidence.

In addition, the Human Rights Act 1998 may also provide legal redress for complainants of harassment or bullying.

Appendix 3

Guidance Notes on Age Discrimination

The Employment Equality (Age) Regulations 2006 come into force on 1 October 2006.

It will be unlawful to discriminate against workers, employees, job seekers or trainees because of their age (old or young). The same will apply to any people who work for BBUFA on a self-employed basis.

1. Types of Discrimination

1.1 **Direct Discrimination** – treating somebody less favourably because of their age. For example:

- ♦ not offering employment to somebody because they are only 18
- ♦ denying the opportunity of promotion because somebody is 60.

1.2. **Indirect Discrimination** – applying a criterion or practice which disadvantages people of a particular age. For example:

- ♦ requiring all applicants to have a qualification, such as GCSEs, that the older sector of the population are unlikely to have obtained
- ♦ requiring 10 years relevant experience.

It will not be unlawful discrimination if there is an **objective justification** for treating people differently (although what is objectively going to be justified has yet to be tested). Objective justification must be proportionate - no more than reasonable, with no reasonable alternative (will need evidence) - and it must achieve a legitimate aim, eg business efficiency or health & safety or a real need of the employer.

1.3. **Harassment** – unwanted conduct that violates dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment, eg:

- ♦ telling ageist jokes or making ageist comments
- ♦ exclusion from staff activities.

1.4. **Victimisation** – treating somebody detrimentally because they have made/intend to make a complaint of age discrimination (or give evidence in a complaint), eg:

- ♦ sending somebody to "Coventry"
- ♦ declining promotion opportunities because somebody is labelled as a "trouble maker".

As an employer, BBUFA can be vicariously liable for the acts of its staff. Managers need to ensure that their staff are familiar with BBUFA Equality and Diversity Policy. They need to make staff feel confident that they will be supported if they make a complaint and discourage staff who do not accept equality of opportunity and work diversity.

2. Recruitment

2.1 Advertisements

Those involved in recruitment must:

- ✦ advertise in a cross-section of media so in order to attract as wide a field of applicants as possible
- ✦ carefully word all adverts so that they are more factual, eg avoid terms like "mature applicant" or "would suit school leaver"
- ✦ state skills/experience genuinely required, eg avoid reference to "X years experience" as this disadvantages certain age groups

2.2 Job Description and Person Specification

These must:

- ✦ focus on duties and responsibilities of post as well as skills and experience required to carry out the duties
- ✦ avoid specific qualifications which relate only to a certain age group
- ✦ avoid specifying a minimum/maximum number of years experience
- ✦ avoid emotive words such as "lively", "bubbly"

2.3 Shortlisting and Interviewing

Those involved in recruitment must:

- ✦ avoid making assumptions about an individual's age and their abilities or fitness
- ✦ focus on skills and competencies
- ✦ ensure decisions are based on objective criteria relevant to the job and merit

3. During the Course of Employment

3.1 Performance Appraisals

Line Managers should:

- ✦ avoid comments (written or spoken) about age in appraisals, eg "shows remarkable maturity for his/her age"
- ✦ bear in mind the principles of equality of opportunity

3.2 Training

Line Managers should:

- ✦ ensure opportunities are widely advertised to all their staff and available on an equal basis; otherwise there is potential to waste talent if particular age groups, eg those near retirement, are excluded
- ✦ encourage all staff to participate

3.3 References

Please remember that:

- ✦ liability for age discrimination can continue after employment ends, eg discriminatory comments in a reference
- ✦ references should be carefully worded so that they are factual