

**EQUALITY AND DIVERSITY POLICY**

1.0 The Fillies GFC is committed to equality in all aspects of employment, volunteering opportunities and the provision of services to all service users.

2.0 As an employer and service provider The Fillies GFC believes that staff, applicants, volunteers (including members of the Board of Trustees) and service users must be treated equally by the organisation, its employees, volunteers or agents regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation and that this equal treatment applies to every aspect of employment and service.

3.0 The Fillies GFC aims to create a work environment in which all personnel are treated equally and are free from discrimination, bullying, victimisation or harassment in any work-related environment. This applies in any work-related situation. The Fillies GFC aims to allow all people to give of their best and to make all decisions on merit.

4.0 A breach of the equality policy will be dealt with under The Fillies GFC disciplinary and grievance procedures.

5.0 The Fillies GFC confirms its awareness that it can be held legally responsible for anyone doing anything that is classed as unlawful discrimination, harassment or victimisation who is employed by The Fillies GFC or acting as an agent for The Fillies GFC, whether or not the organisation knew about or approved of what the employee, volunteer or agent did.

6.0 The Board of Trustees confirms that it will regularly consider monitoring information as set out in the monitoring procedure, compare this to information about the area served and ensure any action to address inequalities in practice is taken.

7.0 The Board of Trustees confirms that data will not at any time be used to discriminate against someone or harass or victimise them.

8.0 In reporting or publishing data The Fillies GFC will ensure that confidentiality for applicants, personnel or service users is not breached.

9.0 Definitions – protected characteristics

9.1 Age

9.2 Disability

9.3 Gender Reassignment

9.4 Marriage and Civil Partnership

9.5 Pregnancy and Maternity

9.6 Race

9.7 Religion or Belief

9.8 Sex

9.9 Sexual Orientation

10.0 Dual discrimination

10.1 The Equality Act 2010 introduced the concept of dual discrimination where an individual may be less favourably treated because of a combination of two protected characteristics. The government has announced that these provisions will not come into force.

11.0 Definition – disability

11.1 The Equality Act 2010 defines a disability as a 'physical or mental impairment' that has 'a substantial and long-term adverse effect' on an individual’s ability to carry out 'normal day-to-day activities'. A substantial adverse effect is a negative effect that is more than trivial, and the effect is long-term if it has lasted or is expected to last for more than twelve months. It does not matter what the name of the impairment is.

11.2 If the impairment is caused by a medical condition, it is the effect of the condition when it is not treated that is considered. This includes progressive medical conditions such as HIV, cancer and multiple sclerosis and medical conditions such as diabetes. It also applies to effects of a medical condition such as obesity and if a disability is a side effect of taking drugs (e.g. steroids) for a medical condition.

12.0 Definitions – types of discrimination

12.1 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 perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

12.2 Discrimination by association; already applies to race, religion or belief and sexual orientation. Now extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

13.2 Perception discrimination; already applies to age, race, religion or belief and sexual orientation. It is now extended to cover disability, gender reassignment and sex. 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.

13.3 Indirect discrimination; already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. It is now extended to cover disability and gender reassignment. 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. Indirect discrimination can be justified if you can show that you acted reasonably i.e. it is ‘a proportionate means of achieving a legitimate aim’. A *legitimate aim* might be any lawful decision you make in running the organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that you’ve looked at ‘less discriminatory’ alternatives to any decision you make.

13.4 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*”.* Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association

13.5 Third party harassment; already applies to sex. It is now extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation. The Equality Act makes you potentially liable for harassment of your employees by people (third parties) who are not your employees, such as customers or service users. You will only be liable when harassment has occurred on at least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

13.6 Victimisation; occurs when an employee is treated badly because they have made or supported a complaint 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. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

PROCEDURE

1.0 Putting equality into practice

1.1 The Board of Trustees aims to ensure that the policy is implemented and will apply the policy in relation to all of its decisions.

1.2 The policy and procedures will be discussed with personnel and where possible with service users to enable them to fully understand and contribute to the development of the policy.

1.3 All personnel will be provided with a copy of the policy, and asked to read and sign this. The policy will be made available to all service users, potential employees and volunteers, other agents, contractors and suppliers.

1.4 Training will be provided for all personnel to ensure that they fully understand the policy and its implications, and this will be incorporated into induction training.

1.5 The Board of Trustees and all other personnel will be required to confront discrimination in the most appropriate way using the guidance provided.

1.6 The policy will be incorporated into all aspects of The Fillies GFC business strategy.

1.7 The Fillies GFC will challenge and discipline anyone not following the policy.

1.8 The Equality policy will be referred to in other policies of The Fillies GFC

1.9 The policy will be reviewed regularly together with progress in delivering the action plan for its implementation.

1.10 The principles set out in the policy will be used to ensure that any changes in The Fillies GFC are implemented fairly. This will include rearrangement of the workplace and promotion.

1.11 The policy will be publicised and promoted as widely as possible, including through email bulletins, intranet, website, application packs, induction packs, team meetings, staff notice boards, circulars and letters, newsletter, ‘cascade’ systems, training, contracts of employment, handbooks, annual reports.

**2.0 Implementing training**

2.1 Training may be provided as part of an induction process, during regular team meetings, asking personnel to attend specific courses or asking them to complete an on-line training package.

2.2 Training will explain what the Equality policy is, why it has been introduced and how it will be put into practice.

2.3 Training should cover the law of all protected characteristics and what behaviour is and is not acceptable.

2.4 Training should include the risk of ignoring or seeming to approve inappropriate behaviour, and personal liability for this.

2.5 As discrimination can affect the way an employer functions, training will include the impact that generalisations, stereotypes, bias and inappropriate language in day-to-day operations can have on people’s chances of obtaining work, promotion, recognition, services and respect.

2.6 Training will include information on the monitoring processes and why these are undertaken.

**3.0 Confronting discrimination**

3.1 Discrimination against individuals with any of the protected characteristics is inappropriate and illegal. Confronting discrimination of all types includes confronting an individual when it is safe to do so, whistle blowing, reporting an organisation when necessary and educating others. ‘Confronting’ is seen as an educational and campaigning process.

3.2 Confronting an individual; individuals may make remarks or jokes about a person with a protected characteristic. It may be possible to intervene directly with a remark such as ‘What a disgusting sentiment’, or it may be possible to point out that the remark is against the law. Individuals representing the organisation should not get involved in an argument and should terminate the exchange. They should not endanger themselves or other individuals, but may make it clear that they want nothing to do with an individual who holds discriminatory views.

3.3 If personnel see discrimination taking place or are being discriminated against, letting others know this is happening and raising awareness may be enough to stop the discriminatory practice. If this is not enough, then they should leave the immediate location and report the discrimination.

3.4 If individual action is not appropriate, a discriminatory situation should always be noted and reported to the line manager. A report may then be made to another organisation such as the Equality and Human Rights Commission, the police or social services. The Chief Executive of The Fillies GFC may decide to work with other organisations locally or nationally to counter discrimination.

3.5 It may be necessary for The Fillies GFC to support an individual to taking a case through the court processes to eliminate the discrimination.

3.6 The Fillies GFC has a role to educate others in recognising, understanding and eliminating discriminatory practices. Demystifying ‘difference’ helps to reduce discrimination in all its forms.

**4.0 Challenging discrimination**

4.1 The Equality Act 2010 can be used to challenge discrimination in a variety of situations including the process of job application, as an employee or as a recipient of services including education services. The Fillies GFC may be challenged by a disabled person if discrimination is evident in its dealing with potential or actual employees or in providing services. ‘Challenging’ is usually a legal process.

4.2 The Fillies GFC should not ask questions about health or disability as part of the job selection process. However once the job has been offered, a medical questionnaire can be used, and questions about health asked. The Fillies GFC should be aware that there is a possibility of challenge on the grounds of discrimination should a job offer be withdrawn. The Fillies GFC is allowed to ask questions of applicants where reasonable adjustment is an issue, such as whether the applicant is able to undertake a key task, and what adjustment may be required to enable him/her to do so.

4.3 The Fillies GFC must provide all services on the same terms and to the same standards for all users of its services. Where required, The Fillies GFC should make reasonable adjustments to enable a person with any particular disability to access services. The Fillies GFC can be challenged and prosecuted if it has failed to make a service available, or has failed to make reasonable adjustment in order to make a service available.

**5.0 Monitoring equality**

5.1 Advertisements – report to the Board of Trustees on where posts (including volunteer posts) have been advertised and review whether these meet the Equality policy. Monitor and report on how many people with a protected characteristic apply for each job.

5.2 Recruitment – report on equality aspects of recruitment of staff and volunteers, including recruitment to the Board of Trustees.

5.3 Equal pay – report to Board of Trustees on whether women and men’s pay is comparable in similar or equivalent jobs, taking account of effort, skill and decision-making.

5.4 Job roles – report on how many people in the workforce have a protected characteristic and the levels at which they are employed. Report on the satisfaction levels of staff and volunteers with a protected characteristic.

5.5 Grievance and disciplinary – report to the Board of Trustees on any grievance or disciplinary action taken relating to any equalities issue.

5.6 Service – report to the Board of Trustees on the profile of characteristics of service users. Review availability of information and publicity about the service so that potential service users can become aware of and apply for this.

5.7 Review and report to Board of Trustees where and how the equality policy is promoted and publicised.

5.8 Policy – report on progress with training, publicity and promotion and making progress towards the aims set out in the equality policy.

5.9 Action plan – revise action plan as required to ensure policy is being implemented.

5.10 Reasonable adjustment – number of staff requiring reasonable adjustment, cost to The Fillies GFC, value of support provided by ‘Access to Work’ scheme.

**6.0 Gathering and storing information.**

6.1 Applicants, personnel and service users must be told why they are being asked for monitoring information. People may be concerned about responding fully and honestly; they may be concerned that the information will be used to discriminate against them, or they may have had a previous bad experience where the information was used in the wrong way. This is especially true for job applicants and for particular characteristics, such as disabled people with a mental health condition.

6.2 Personnel and applicants can be sent a copy of the procedure as reassurance.

6.3 Privacy and confidentiality – individual data needs to be shared on a ‘need to know’ basis, and should be protected and stored in line with the Data Protection Act.

6.4 In particular if someone is a transsexual person (someone with the protected characteristic of gender reassignment) who has a Gender Recognition Certificate, it may be a criminal offence to disclose this without permission.

6.5 As a small organisation ensure that staff cannot be individually identified when sharing or publishing information.

6.6 Consult personnel about what equality data should be published so that they do not worry about personal information becoming public. If necessary restrict published information to sex, ethnic origin, age and visible disability having confirmed that personnel are happy with this.

**7.0 Equality monitoring data should be organised so that it can be used in the future in a variety of ways.**

7.1 Check whether people with a protected characteristic are more or less likely to apply for a job, be shortlisted and be successful at interview.

7.2 Review whether a disabled person who has been appointed to a job is asked whether they need any adjustments when doing the job, so that it can be seen whether these are reasonable.

7.3 Check whether people with a particular protected characteristic are more likely to leave The Fillies GFC after a short time.

7.4 As part of a staff satisfaction survey, check whether people with a particular protected characteristic are less likely to recommend The Fillies GFC to a friend as a place to work.

8.0 Monitoring data can be used in a variety of ways.

8.1 Compare with regional representative data to see how far the workforce represents the local community.

8.2 Compare with industry standard data to see how The Fillies GFC compares with others in the sector.

8.3 Compare with previous year’s data and look for patterns and trends to see if there is a cause for concern, and determine what to do about it.

8.4 See whether The Fillies GFC is meeting its equality aims, including through ‘reasonable adjustment’ and the use of the ‘Access to Work’ scheme.

9.0 Comparisons will help The Fillies GFC set appropriate targets for its equality policy action plan.

10.0 Plan positive action campaigns targeted at either existing personnel or at the local community with the aim of increasing the talent pool for recruitment.

11.0 Plan ways to engage with more potential clients.

12.0 Demonstrating awareness of equality issues and being able to provide data could help in winning tenders for work in the public and private sectors.

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| Date this policy came into effect |  |
| Date approved by Board of Trustees |  |
| Next Review Date | As agreed by Board of Trustees |
| Name or position of person responsible for this policy |  |

PRACTICE NOTE

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| Issued to:  All personnel | | SUBJECT:  Equality – gathering and storing information | | No: | |
| Issued by: | Date issued: | | Date amended: | | For Information to: |

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| Equality monitoring information for staff, applicants and volunteers will be collected on the Equality monitoring form.  ● No-one is required to supply the monitoring information unless it has a direct relationship to the job they have applied for/are doing.  ● Details of the process for gathering, storing and using information should be given to each individual applicant or staff member.  ● Applicants – someone not involved in the decision about their appointment must separate the monitoring sheet from the application so that these are not seen until after decisions have been made on whom to shortlist and interview. If this is not possible because of the size of the organisation, then monitoring forms will be detached and only looked at after a decision to interview has been made.  ● Staff and volunteers – (the Administrative/HR Officer) will collect the monitoring information from staff and volunteers on an anonymous form and collate this for report to the Board of Trustees.  ●Service users – equalities monitoring information will be collected as part of the referral process. This will be retained with the service user’s file as it is pertinent to their case. Monitoring information will be abstracted from each referral form for statistical report to the Board of Trustees. |