



Equality & Diversity Policy

Policy Statement

SEND and You recognises and values people's differences. We are committed to ensuring that our workplace is free from victimisation or unlawful or unfair discrimination on the grounds of a protected characteristic which include colour, race, marital status, disability, ethnic or national origin, gender (including gender reassignment), sexual orientation, religious or philosophical beliefs, age and pregnancy and maternity.

We aim to ensure that employees can achieve their full potential and that all employment decisions are taken without reference to irrelevant or discriminatory criteria. The Equality Act 2010 outlines the rules which apply to equal opportunities in the workplace and we aim to fully comply with our obligations under equality legislation.

SEND and You promotes a diverse workforce. We believe that by having a diverse workforce this assists us to provide improved services and increase our understanding of our service users.

Definition of Discrimination

Discrimination can be both direct and indirect. The former is generally easy to identify, whereas indirect forms can be difficult to identify because they are not, on the face of it, immediately obvious. Discrimination can occur under the following protected characteristics, although not all characteristics are covered by every type of discrimination: Race, sex, marital status, sexual orientation, gender assignment, religion or belief, disability, age and pregnancy and maternity.

Direct discrimination is defined as where someone is treated less favourably than another person because of one of the protected characteristics which they have, or are thought to have. Direct discrimination cannot usually be justified.

Examples include:

- A woman with young children fails to obtain a job because it is feared that she might be an unreliable employee.
- A person is subjected to sexual innuendo or other offensive conduct of a sexual nature at work.

Direct discrimination can also apply where there is an action against someone because they associate with someone who possesses a protected characteristic and also where there is a perception that someone possesses a particular characteristic. Maternity and Pregnancy and Marriage and Civil Partnership are not protected characteristics with regard to direct discrimination by both association and perception. Indirect discrimination can occur when you have a rule, policy or practice in an organisation that applies to everyone but particularly disadvantages people who share a protected characteristic. This kind of discrimination is unlawful unless it can be justified.

The Organisation takes very seriously any act of discrimination and will consider this to be a disciplinary offence under the disciplinary procedure.

Definition of Victimisation

Victimisation occurs where an individual is treated badly because he or she has made or supported a complaint or raised a grievance under the Equality Act 2010; 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. We are committed to ensuring that all our employees and applicants for employment are free from any form of victimisation.

Harassment and Bullying Policy and Procedure

The Organisation will not tolerate harassment or bullying. We aim to provide a working environment in which such practices are known to be unacceptable and where individuals have the confidence to complain when it arises, in the knowledge that their concerns will be dealt with appropriately and fairly. It is the responsibility of all employees to be aware of, and understand, the Organisation's policy on bullying and harassment. Harassment and bullying are disciplinary offences and incidents are likely to be treated as gross misconduct under the Disciplinary Procedure.

Definition of Harassment and Bullying

Harassment or bullying is defined as unwanted conduct which has the purpose or effect of violating the individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It may consist of a single incident or a series of incidents. Behaviour which may appear trivial as a single incident, can constitute harassment or bullying when repeated. It may not always be intended, but it is always unacceptable.

Harassment applies to all protected characteristics covered by the Equality Act 2010 except for pregnancy and maternity and marriage and civil partnership. It also applies to those employees who find behaviour offensive even when it is not directed at them and the complainant does not need to possess the relevant characteristic themselves. Employees are also protected against harassment because of perception and association.

The most prevalent forms of harassment or bullying are as follows:

- Sexual harassment
- Racial harassment
- Harassment of individuals with a disability
- Harassment on the grounds of a person's sexuality.

The above list is not exhaustive and harassment can also take place on the basis of a person's age, religion or any other discriminatory grounds. Examples would include:

- sexual or racial banter;
- the display of material with sexual or racial overtones (even if not directed at the complainant);
- mistaken assumptions about the capabilities of people with disabilities;
- offensive comments relating to an individual's sexuality;
- sarcastic or derogatory remarks about colleagues, or constant criticism especially of those reporting to you.

Responsibilities

Employees, volunteers and Trustees have a duty to adhere to this policy and draw attention to any suspected discriminatory acts or practices in the first instance with their line manager and if this is not possible with the Head of Service.

The Head of Service has overall responsibility for the monitoring of this policy and will advise staff and Trustees of any changes to the policy as and when necessary.

Breaches of the Equality and Diversity Policy by employees and volunteers will be dealt with under the organisations disciplinary procedures.

Employees, volunteers and Trustees are all personally liable under equality legislation for any act of unlawful discrimination.

Equality & Diversity in practice

The Organisation will take all possible steps to promote equality and diversity in all aspects of recruitment and employment practices. This will include:

- Recruitment and employment decisions will be based on fair and objective criteria.
- Advertisements will not contain any discriminatory statements and paid/volunteer opportunities will be advertised widely to attract a wide pool of applicants.
- Person and job specifications will be limited to those requirements which are necessary for the effective performance of the job and interviews will be conducted on an objective basis.
- We will ensure that all employees are given equal treatment with regards to terms and conditions of employment, provided they do the same or broadly similar work, or work of equal value.
- We will ensure that all relevant requirements of the Equality Act 2010 in relation to disability are met and adhered to. This includes making reasonable adjustments to ensure access to employment or volunteering tasks.
- Opportunities for promotion and training will be made available to all employees on a fair and equal basis.
- Terms and conditions of employment will be reviewed on a regular basis to ensure there is no discrimination in terms of benefit provision or working conditions.
- In accordance with recommended practice, the ethnic and gender composition of our employees and applicants for jobs will be monitored on an anonymous basis at all levels.
- Our policy and procedures will be monitored and reviewed on a regular basis to ensure that our Equality and Diversity Policy is working in practice.
- We will provide a working environment that enables disabled people with appropriate skills and qualifications to seek employment with us. Consideration will be given to making reasonable adjustments, where practical, to the workplace and methods of working to accommodate disabled applicants and employees.

This policy applies to all employees, job candidates, volunteers, Trustees and service users. It applies to all stages of employment including recruitment and selection, promotion and training.

Implementation of this policy

All staff, trustees and volunteers are involved in creating an equality environment and one that values diversity. A copy of this policy is available to all prospective applicants and is available on our website. We will use team meetings and line supervision meetings to discuss this policy and any matters arising. All new employees will sign a copy of this policy to confirm they have read it and agree to it. Any changes to the policy will be distributed to all staff, volunteers and trustees to read and sign.

We use appropriate language, formats, fonts, size in all our promotional materials to aid accessibility for all our service users. We provide information in other languages upon request and we have 'easy read' versions of information on our website.

The Head of Service is responsible for monitoring this policy and reporting any changes or issues to the Board of Trustees. Data will be anonymised in order to comply with Data Protection and GDPR legislation.

Reporting discrimination/potential discrimination

Employees and volunteers who feel that they have suffered any form of discrimination should raise the issue initially with their Line Manager. If this is not appropriate or possible it should be raised with the Head of Service in line with the grievance procedure.

Service users who feel that they have suffered any forms of discrimination should follow our complaints procedure which is available on our website. Employees/volunteers/service users should also use this procedure if they feel that they have been the subject of harassment from someone who is not an employee of SEND and You. We do not tolerate any harassment from third parties towards our employees/volunteers/service users and will take appropriate actions to prevent it happening again. If an employee/volunteer/service user witnesses behaviour that they find offensive in relation to age, marriage or civil partnership, pregnancy and maternity, disability, gender reassignment, race, religion or belief, sex and sexual orientation, even if it is not directed at them, they should also use our complaints procedure.

Relevant internal documentation

Employment Handbook – Disciplinary & Grievance Procedure, Harassment and Bullying Procedure
Complaints Policy
Safe Recruitment Policy
GDPR Policy

Relevant Legislation and References

Equality Act 2010 (to include updates 16th June 2015) and Public Sector Equality Duty.
Protection from Harassment Act 1997.
Acas guide, Prevent discrimination: support equality.

Change Record

Date of Change:	Changed By:	Comments:
10/01/2019	JT	Approved by Trustees at January 2019 Meeting