

PLYMOUTH HIGHBURY TRUST

Equality and Diversity Policy

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1. Introduction

1.1 This policy sets out the commitment of Plymouth Highbury Trust, its Trustees, General Manager and Managers, to promote equality of opportunity and work to eliminate any unlawful or unfair discrimination and harassment in the workplace or during delivery of Services. It applies to all aspects of staff, volunteers and Service User activity within the Trust.

1.2 The Trust recognises the real social, educational and business benefits of having a diverse community of staff, volunteers and Service Users who value one another and the different contributions they can make to achieving the Trust's mission to be open and accessible and to deliver services to a high standard.

1.3 We are committed to providing equality for all irrespective of:

- age
- disability
- ethnicity (including race, colour and nationality)
- gender
- gender reassignment
- religion or belief
- sexual orientation
- marriage and civil partnership
- pregnancy and maternity

Under the Equality Act (2010) these are known as “protected characteristics”.

1.4 We will work to ensure that all of our Service Users, employees, volunteers and visitors, are treated fairly and are not subjected to discrimination by the Trust on any of these grounds.

1.5 To support our equality and diversity policy aims and values, and to implement our legal commitments, the Trust has a range of equality and diversity policies, schemes and action plans, as set out in Section 7, which complement and form part of this overall policy.

2. Commitments

2.1 We will:

- Value diversity and promote equality of opportunity for all
- Promote respect and encourage good relations within and between groups
- Aim to meet the different needs of different groups, as appropriate, whilst promoting shared values
- Promote an inclusive and harmonious place of work and service provision where there is mutual respect and where harassment and bullying, intimidation or violence is not tolerated
- Prevent unlawful discrimination and victimisation (see Appendix 1)
- Comply with our legal obligations
- Take seriously and address any breaches of this policy

3. Responsibilities

3.1 The Trustees, through the General Manager, have ultimate responsibility for ensuring that this policy is fully implemented. Each manager is accountable for delivering the equality commitments in their areas of responsibility.

3.2 All staff, volunteers and service users of the Trust, those carrying out work or delivering services on behalf of the Trust and our partners, are required to comply with this policy and with the associated policies set out in Section 7. Everyone is required to promote a culture free from illegal discrimination and all forms of harassment and bullying. In addition, failure to adhere to these responsibilities under the law may lead to civil actions or criminal proceedings

Any incidents of discrimination, harassment or bullying will be investigated and may be grounds for expulsion from services or dismissal.

4. How we will Implement this Policy

4.1 The Trust's managers will ensure that:

- Staff, volunteers and service Users are aware of the equality and diversity policy and the procedures for making a complaint.
- The implementation of all equality policies is monitored, and progress reported.
- Equality is taken into consideration, where appropriate, in policies, strategies and procedures to ensure that they promote equality and do not unlawfully discriminate.
- Staff, Volunteers and Service users are provided with appropriate forums, e.g. meetings, supervision to discuss equality and diversity issues and raise any concerns.
- Procedures are in place for the fair appointment, promotion and development of staff and volunteers, free from unjustifiable discrimination.
- Managers and staff, volunteers are provided with appropriate equality training and development.
- Compliance with the equality policy is part of the job descriptions of all staff and volunteers
- Actions by all staff, Volunteers to implement the equality policy will be reviewed as part of the appraisal process.
- We seek commitments from our suppliers that they are taking steps to promote equality and eliminate discrimination.
- There are sufficient resources in place to implement this policy effectively.

4.2 Everyone is expected to:

- Support and implement the equality and diversity policy and
- ensure that their behaviour and/or actions do not amount to discrimination or harassment in any way.

5. Policy Review

5.1 We will keep this policy under review and will regularly assess the progress we are making toward achieving our equality commitments. We will take action when we identify areas where inequality or discrimination may be considered to exist.

6. Complaints of Discrimination

6.1 If a service user, member of staff, volunteer or visitor believes that they have suffered any form of discrimination, harassment or victimisation the Trust takes this very seriously. All complaints will be dealt with in accordance with the agreed procedures. Anyone who makes a complaint of discrimination will not be victimised and we will make every effort to ensure victimisation does not occur and that any complaints are dealt with promptly.

6.2 Service users can raise this matter through the Complaints Procedure. Details are available from any member of staff.

6.3 Staff and volunteers can raise this through the Grievance Procedure. Details are available from the staff & volunteer handbooks.

6.4 Members of the public should address their complaint to the Trust's General Manager.

6.5 The Trust has a separate policy relating to harassment and bullying which also sets out the specific procedure for seeking support or making a complaint in relation to harassment or bullying.

7. Relevant Equality Policies, Schemes and Procedures

7.1 The following Equality and Diversity Policies form part of this overall Equality and Diversity Policy for both staff and Volunteers:

- The Harassment and Bullying Policy
- Staff and Volunteer Recruitment Policy

7.2 It is important that service users, staff, volunteers or visitors who are victims or witnesses of apparent disability, racism or homophobia report it, whether the alleged incidents occur on or off Trust property, to help us make the Trust a safe place. The Trust will provide help / advice and details of further support, if wanted, to those reporting these incidents.

8. Language

8.1 Prejudice and discrimination may arise and be reinforced by our use of language, which may not be neutral and value-free. Words and phrases can be associated with apparently negative attitudes and may unwittingly give offence to people including members of groups that are subject to prejudice, harassment or discrimination.

8.2 Everyone is expected to seek to ensure that their written, spoken and electronically transmitted or published material does not contain language that may knowingly cause offence to others. Rather than be prescriptive about use of language, staff, volunteers and service users are asked to exercise good judgement and be aware of common, inappropriate or offensive references in relation to the protected characteristics.

9. The Service User Experience

9.1 All service users wishing to use or require any of our services will be given equal consideration during the referral process and will not be discriminated against on any grounds referred to in paragraph 1.3 of this policy statement and will make reasonable adjustments and endeavour to meet specific requirements of individuals.

9.2 All service users will be requested to complete an equality monitoring form. Data collected will only be used for monitoring purposes.

10. The Staff and Volunteer Experience

10.1 Recruitment – all appropriately qualified applicants will be given equal consideration during the recruitment process and will not be discriminated against on any grounds referred to in paragraph 1.3 of this policy statement. A recruitment monitoring form will be sent with all application forms. Information gathered on this form will not be used in the selection process and will only be used for monitoring purposes.

10.2 Selection and Promotion – Selection criteria for all posts will be clearly defined and reflected in the Job Description, Person Specification or Further Particulars. Shortlisting and interviewing processes will be thorough, carried out objectively and without illegal discrimination. All staff/Volunteers involved in these processes will be aware of relevant

employment legislation. The Trust welcomes applications from suitably qualified disabled people and will make reasonable adjustments to the selection process and to the workplace and working arrangements to accommodate successful disabled candidates.

10.3 Working Conditions – the Trust will take account of the needs of individual members of staff and volunteers and, wherever reasonably practicable, will use flexitime, flexible working and/or special contractual terms, to assist with issues such religious observance and caring for dependants, in line with the relevant legislation. The Trust will also make reasonable adjustments to an individual's working environment, to enable a disabled employee to carry out their job.

10.4 Staff and volunteer Development – the Trust will not discriminate on any grounds referred to in paragraph 1.3 of this policy statement, in the provision of training and development to assist staff, (part-time or full time, permanent or fixed term) and volunteers, to perform their jobs or roles more effectively. Staff will be provided with, and expected to undertake, appropriate development to enable them to implement the Trusts equality policies. Training and development of staff will be recorded and monitored.

11. Advertising and Information

11.1 Language and images used in all publications, written and electronic material will not be discriminatory.

11.2 Information regarding staff vacancies will be circulated throughout the Trust and all posts will be advertised externally, unless there are justifiable reasons to do otherwise, which have been agreed by the Trustees.

12. Contacts for this Policy

12.1 For queries relating to this policy and / or its implementation please contact the General Manager

Appendix 1 - Forms of Discrimination (Equality Act 2010)

The legal definitions vary, but broadly speaking discrimination can occur either directly or indirectly:

Direct Discrimination occurs when a person is treated less favourably than others would be treated in the same circumstances on the grounds of having a protected characteristic, as referred to in paragraph 1 of this document.

Indirect Discrimination occurs when applying a provision, criterion or practice which puts someone from a group outlined in paragraph 1 at a particular disadvantage.

Indirect discrimination may only be justified in exceptional circumstances if it can be shown that the action was reasonable in managing the business or organisation, i.e. that it is „a proportionate means of achieving a legitimate aim“.

A legitimate aim might be any lawful decision made in running the business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate in this context means being fair and reasonable, including showing that „less discriminatory“ alternatives to any decision made have been considered.

Discrimination by Association is direct discrimination against someone because they associate with another person who possesses a protected characteristic, as referred to in paragraph 1 of this document. For example, disability discrimination against someone who is a carer of a disabled person.

Discrimination Linked to a Perceived Characteristic is direct discrimination against an individual because of a belief that they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic, for example, discrimination against someone because they are thought to be gay but are not.

Harassment is defined as being *“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, as referred to in paragraph 1 of this document, except for pregnancy and maternity and marriage and civil partnership.

Employees are 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 and from harassment by third parties.

Victimisation takes place where one person treats another less favourably because he or she has asserted their legal rights in line with the Equality Act (2010) or helped someone else to do so. This includes making a complaint, taking legal action, providing evidence related to proceedings or alleging that discrimination has taken place. There is no legal requirement to compare treatment of a complainant with that of a person who has not made or supported a complaint.

Genuine occupational requirements – Under current legislation, any job may be restricted to a particular characteristic if the characteristic is a „genuine occupational requirement“ (GOR) for the job, or for the context within which it is carried out.