

Diversity and Equality Policy

INTRODUCTION

Walsingham Support firmly believes that its purpose and vision can only be achieved if it makes full use of the talents and individuality of all of its employees.

Walsingham Support's aim is to make itself a diverse organisation in its way of working, communicating, managing, in its skills and knowledge, in its behaviour towards others, through the organisational values we work within and in the way in which the organisation is viewed.

Diversity refers to the broad range of visible and non-visible differences that characterise people and how these skills can be capitalised upon in order to work towards our shared goals.

This Diversity and Equality policy seeks to ensure all employees maximise their potential and it embraces a broad range of people (no one is excluded). Most importantly it emphasises that we are all different, want different things, react differently to the same situation and possess different strengths. As such we need to be treated as an individual with respect and without assumption.

Walsingham Support is a diverse organisation that believes in equality for all. It is fully committed to providing an environment that eliminates unfair discrimination and which actively promotes productive working relationships based on the unique contributions of different individuals.

Walsingham Support will not tolerate any form of direct or indirect discrimination, bullying, harassment or victimisation and is committed to promoting a diverse and tolerant workplace. Reports of any such behaviour shall be dealt with under the Discipline, Grievance and Appeals Policy and may ultimately lead to dismissal.

There will be no discrimination in recruitment, selection, promotion, transfer, training, discipline and dismissal on the grounds of an individual's age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, nationality, race, religion or belief, sex or sexual orientation; nor will there be any discrimination in selection of the people we support, their families and partner organisations, unless established as essential by a genuine occupational requirement as set out in legislation and, in the case of Religion, determined by the Board of Trustees.

This policy will look at the legal obligations the organisation and its employees must follow under the Diversity and Equality Policy and offers guidance to managers in managing a diverse workforce.

SECTION 1

THE LAW

The Equality Act 2010 consolidates, harmonises and expands on existing discrimination law covering the areas of:

- Equal Pay
- Sex Discrimination
- Racial Discrimination
- Disability Discrimination
- Human Rights
- Sexual Orientation
- Religion or Belief
- Age Discrimination

The Equality Act defines the group of people protected from direct and indirect discrimination as those possessing 'protected characteristics'.

When participating in recruitment, selection, transfer, promotion, training or dismissal it must be ensured that objective criteria, fairness, reasonableness and openness are appropriately applied to all the groups defined as possessing protected characteristics:

Protected characteristics

These are:

- age; • disability; • gender reassignment; • marriage and civil partnership;
- pregnancy and maternity; • race; • religion or belief; • sex; and • sexual orientation.

Types of discrimination

The Equality Act 2010 defines direct discrimination, indirect discrimination, victimisation and harassment.

Direct discrimination

Discrimination occurs if an employer discriminates against an employee because of a protected characteristic, or treats them less favourably, whether or not the employee possesses that characteristic (except in the case of marital status or civil partnership).

It is unlawful to discriminate against employees because of their connection with someone else who possesses a protected characteristic, or because they are mistakenly perceived to possess a protected characteristic. This is called discrimination by **association or perception**.

Examples of associative and perceptive discrimination

Denying a person promotion because they have care responsibilities for a disabled parent or child may be discrimination because of an association with a disabled person. Similarly, not allowing a manager who looks younger than his years to represent the company at a key external event is discrimination on the basis of perception related to age.

Indirect discrimination

Unjustified indirect discrimination is unlawful in relation to most protected characteristics. The Equality Act extended coverage to include gender re-assignment and disability (but not to pregnancy and maternity). Indirect discrimination can occur when a condition, rule, policy or even a practice is applied to everyone but particularly disadvantages people who share protected characteristic. Indirect discrimination can in certain circumstances be justified for proportionate means of achieving legitimate business aims, however this must be achieved fairly and with due consideration to protected groups, and alternatives to this business need must be considered carefully first.

Examples of direct and indirect discrimination

Not offering a post to a man because the team he would manage are all female, would be direct discrimination. Asking all staff to work on the second floor of a building, when it is known that at least one of the staff has serious mobility issues and there is no lift in the building, could be indirect disability discrimination. There are occupational requirements and reasonable adjustment exceptions which might apply to these situations; however these would only apply in special circumstances.

Harassment

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 partnerships. Employees can complain of any 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 (see above).

Third Party Harassment

Employers can be held liable for the sexual harassment of their employees by a third party (for example, someone outside their organisation). The Act extended liability for third-party harassment to all protected characteristics (other than pregnancy/maternity and marriage/civil partnerships) where the employer has failed to take reasonable steps to prevent it, and provided the employer knows that the employee has experienced third-party harassment on at least two prior occasions.

Victimisation

Victimisation occurs when an employee is treated less favourably because they have made or supported a complaint in good faith or raised a grievance under the terms of the Equality Act or because they are suspected of doing so. (See also Bullying and Harassment, Confidentiality and Whistleblowers Policy). Victimisation can also occur when someone feels they are being discriminated against because of a protected characteristic they hold.

Detriment arising from disability

This is a new concept regarding disability-related discrimination. It occurs when employers treat employees in a detrimental way because of something that is a consequence of their disability. A typical example would be dismissing employees with poor attendance records when their absences were caused by disability. This would be unlawful unless dismissal could be justified as a "proportionate means of achieving a legitimate aim" or the employer could not reasonably have been expected to know of the disability. People with disabilities who are recruited, or who become disabled during employment must be assessed and provided with reasonable adjustments in order for the employee to carry out

their day to day duties. If in doubt about this process, please contact Human Resources.

Other elements of the Equality Act 2010:

Employment Health Questionnaires

Employers must not ask health related questions before an applicant has been offered the job or been successful at interview. Up to this point, health related questions can only be asked for the reason of finding out what reasonable adjustments that person might need during the recruitment process, or deciding whether the applicant can carry out an essential requirement of the job. Employers can however ask about disability for the purpose of providing diversity monitoring or to take positive action. Once a person has been successful at interview then the Employment Health Questionnaire may be sent to them.

Instructions/Pressure to Discriminate

It is unlawful for a person who has authority over another person to instruct that person to act unlawfully within the Acts. That no unlawful act may occur as a consequence of the person's action does not matter, it was the original instruction or pressure that is unlawful. It should be noted however, that the liable person will not necessarily only be the one giving instructions/pressure, as carrying out the act is also deemed unlawful.

SECTION 2 **RESPONSIBILITIES**

All Employees

All employees have a responsibility to promote the Diversity and Equality Policy objectives through appropriate action and behaviour. Responsibilities include:

- Valuing and respecting each other's individuality;
- Challenging unacceptable language and behaviour;
- Reporting breaches of the policy to line management;
- Ensuring they do not participate in any breach of the policy or Acts, whether intentional or unintentional;
- Undertake training to ensure that they have an understanding of diversity and equality and how it impacts on individuals and the workplace.

Line Management

Line management is responsible for ensuring policy implementation and maintenance, including monitoring, identifying and addressing any deviations from the policy that may occur. Responsibilities include:

- Ensuring all employees are aware of, and understand, the Diversity and Equality Policy and the importance of appropriate behaviour and language;

- Appropriately dealing with incidents that violate the policy;
- Being vigilant and observant as breaches of policy are not always overt or intentional;
- Using only job-related criteria when selecting employees;
- Reporting all issues under the Diversity and Equality Policy, whether they are being dealt with formally or informally, to their line manager (senior line manager) and keeping them informed of developments;

HR Function

By providing specialist expertise and advice, the HR function will guide, facilitate and enable line management to implement, maintain and update the policy on an on-going basis.

HR will monitor Equality and Diversity issues from application to all aspects of employment.

Executive Leadership Team

To lead and communicate the organisation's Diversity and Equality policy in both example and commitment.

The organisational champion of this policy and its effective implementation is the Director of Corporate Services.

SECTION 3 **MANAGING DIVERSITY AND EQUALITY**

There are 8 key factors that are essential in successfully managing a diverse workforce. These are:

Understanding Others – Managers need to learn to understand how people react and what motivates them to work well. They need to work to get to know individuals and endeavour to create a friendly, welcoming environment in which all feel valued and comfortable.

Development Orientation – Managers need focus to be able to build on not only their own skills but on those of all their employees. On-going communication with all employees will establish strengths and development needs and regular feedback will encourage employee aspirations.

Being a role model – Managers need to ensure they behave as a role model, not only by endorsing organisational policy but also in the way they carry out their role. They need to work actively to develop their management skills and put these skills into practise on a regular basis.

Communication – Managers must be active and open communicators. They need to seek information and ideas from their employees and work hard to ensure all employees contribute. They need to pass on relevant information to their employees ensuring time is built into the working day for quality communication. Regular two-way feedback on a team and individual basis is essential.

Flexibility – Managers need to be open to change, not only when imposed but also proactively finding out where it is required. They need to be willing to experiment, focusing their attention on getting things done effectively, and to welcome the alternative views of others.

Being proactive/championing – Managers need to be proactive in moving the organisation’s culture to a diversity-orientated one and to champion this move. They need to identify issues and tackle them, no matter how difficult or sensitive the issues are.

Clear thinking and objectivity – Managers must be able to think clearly, think around issues, see them from all perspectives and balance short-term demands with longer term needs.

Beliefs about others – Managers must have positive beliefs about others and believe that people are individuals with individual needs and motivations. Stereotypes and assumptions must at no time creep into any management style.

Inclusivity in the workplace – Managers need to identify and remove any barriers to inclusion so that all applicants and employees are able to participate and achieve to the best of their ability, particularly where people may be at risk of marginalisation, exclusion or underachievement.

SECTION 4 **RELIGIOUS ETHOS**

Within our everyday work and through our policies we continually seek to provide the best possible emotional, spiritual, physical, material and social care for the people we support and continue to respect their diversity, individuality and choices within these.

Employees must be willing to take a positive part in the spiritual support and nurturing of the people we support according to the individual’s beliefs, wishes and customs.

Line managers should also be respectful of employees’ spiritual and cultural beliefs, wishes and customs. Whilst trying to accommodate the individual needs of all employees it must be clear that the needs of the organisation must come first. When considering any requests, line managers must consider the following before making any decision:

- The needs of the people we support;
- The requirements of the department;
- The needs of the employee;
- The circumstances of the particular request;
- The needs of colleagues.

Walsingham Support will continue to promote diversity and equality within its workforce and expect the commitment and input of ALL its employees.