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## **EQUALITY, DIVERSITY & INCLUSION POLICY**

### **1. Context aims & objectives of this policy**

Our Society supports and encourages the principles of equality, diversity and the related positive behaviours of tolerance through its recruitment, selection and HR management processes. We expect staff and volunteers to relate to each other professionally, openly, honestly with respect and in a manner which recognises everyone's right to dignity at work. We also aim to minimise negative behaviours by creating a work environment in which individuals are valued for their contribution, can develop to their full potential and by not tolerating discrimination, hostility, harassment or bullying of any kind. These same sentiments apply to residents and their relationships with other residents, staff and volunteers.

We are also legally bound under the Equality Act 2010 to protect people from discrimination in the workplace and in wider society on the grounds of Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex or Sexual Orientation. This replaced previous discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations.

### **2. Who does this policy affect and how?**

As a Society employee or volunteer you are protected from discrimination on the grounds of the 'protected characteristics' of age, being or becoming a transsexual person, being married or in a civil partnership, being pregnant or having a child, disability, race including colour, nationality, ethnic or national origin, religion, belief or lack of religion/belief, sex and sexual orientation. Complaints of negative behaviours relating to these characteristics will be treated seriously, in confidence and as quickly as possible. Where we reasonably believe that they have been instigated by any individual employed by or connected to our Society all formal allegations will be investigated and, if appropriate, disciplinary action will be taken. Those making such a complaint will not be victimised. Those found guilty of a justified formal complaint will face disciplinary penalties up to and including dismissal and could be personally liable to pay compensation in legal claims. Harassment may also constitute a criminal offence.

It is every employee's (and volunteer's) moral and legal right to be able to carry out their work without fear of being harassed, bullied, victimised or discriminated against. All employees are required to conform to acceptable standards of behaviour towards fellow colleagues, irrespective of status. It is important that those making complaints do so in the honest and genuine belief that they are being bullied or harassed.

Residents are similarly entitled to protection from negative behaviour of staff and volunteers. Complaints of such behaviour against other residents (or indeed their friends, relatives or advocates) are not covered by employment law, but we would seek to resolve any issues where possible and at the extreme the individual concerned could be committing an offence.

### **3. So, what constitutes Bullying or Harassment?**

These terms are wide ranging and this policy covers all forms of harassment including, but not limited to, victimisation, bullying, discrimination on the grounds of age, race, ethnic origin, nationality, religion or belief, colour, disability, gender, transgender and sexual orientation.

Also any unwanted conduct relating to any other personal characteristic which has the purpose of violating a person's dignity, is intended to create an intimidating, humiliating or offensive environment for that person or is reasonably considered by that person to have the effect of violating their dignity or is reasonably considered by that person to have created an intimidating, hostile, degrading, humiliating, or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

As an employee or volunteer you should be aware that what is acceptable to you may not be acceptable to others. Bullying can occur even where it was not intended as it is defined not necessarily by what has been said or done but rather by the effect it has on the recipient. Note also that this policy is not restricted to normal office hours. It covers any work-related event, such as a training course or an office party, and also situations where harassment arises out of any matter which has its origins in a work-related incident.

Harassment takes many forms. Examples include, but are not limited to unwelcome and/or insensitive comments or gestures, sexual innuendo, insensitive jokes and pranks, verbal abuse, threatening behaviour, unwanted physical contact, social media, exclusion/silence, differential treatment, promoting false rumours or gossip and sending offensive/insensitive messages or pictures via internal or external mail, fax or email.

Malicious false allegations are another form of harassment and we will also treat these very seriously. If, during investigation, it is found that a complainant (&/or other witnesses) has deliberately misled us this may result in disciplinary action against those involved.

Workplace bullying can range from extreme forms such as violence or intimidation to less obvious actions, like deliberately ignoring someone at work. Examples of bullying include, but are not limited to persistent criticism, spreading malicious rumours, constantly undervaluing effort, spontaneous rages, often over trivial matters, withholding information or supplying incorrect information, setting individuals up to fail by imposing impossible deadlines, removing areas of responsibility and imposing menial tasks and blocking applications for promotion or training.

Bullying and harassment are not necessarily face to face; both can occur in written communications, email and phone calls. If a recipient feels anxious and humiliated, anger and frustration at being unable to cope may be triggered. Some may try to retaliate; others may become frightened and demotivated.

Harassment at work may prove to be unlawful and constitute gross misconduct which would result in dismissal without notice or pay in lieu of notice. In certain circumstances, and where practical, the person being harassed or bullied, may be transferred to separate them from the harasser.

If an employee commits an unlawful act they may be liable and required to pay the victim damages. Certain acts of harassment may also constitute a criminal offence which could result in a fine or imprisonment (or both).

#### **4. Roles and Responsibilities**

In order to implement, uphold and follow our values and the principles of Equality and Diversity, the following organisational roles and responsibilities apply:

**4.1. Our Board** will take an active lead role to shape action carried out in this area and also specifically be responsible for:

- Reviewing all policies, procedures and employment practices (including recruitment, selection and training) to minimise the opportunity for discrimination – direct or indirect

- Providing advice and guidance to managers, employees and volunteers to support them in achieving the Values and principles of E&D
- Instituting appropriate training through discussion, training material or course provision

In this context, the Trustees are responsible for:

- Establishing and managing operations in accordance with our E&D Policy
- Building and supporting an environment and culture in which all staff are encouraged to adhere to the principles of E&D
- Ensuring the objectives and actions in the E&D Strategy are achieved
- Monitoring E&D practice including resident and other customer applications, volunteer and staff recruitment, composition of current residents & other customers groups, composition of volunteer and staff groups.
- Reviewing and implementing legal, regulatory and good practice guidance on E&D.

#### **4.2. Management staff (and volunteers with managerial roles)**

- Anyone acting in a governing or managerial capacity is responsible for setting an example through their own behaviour. They should treat all team members with equal respect and fairness, ensure they are not directly or indirectly offensive to others and work to consistently uphold equality and diversity principles and values. They should also be respectful of all colleagues, managers, people we support and other third parties and seek to ensure that each member of their team does the same, specifically:
  - checking that their teams know and understand the standards and types of behaviour expected and are aware that discriminatory and disrespectful behaviour is unacceptable
  - checking that good equal opportunity practice is applied within their house, proactively building an environment where staff and volunteers can work in a way which ensures our values and the principles of equality and diversity are promoted and upheld.
  - acting proactively, consistently and fairly to prevent and address any breach of these values and principles.
  - bringing incidents which breach the values or principles of equality and diversity to the attention of their line manager or a Trustee
  - supporting any individual who has reported such breaches.
  - ensuring that their staff read/attend appropriate training material/ courses or discussion sessions.
  - dealing with any issues that arise quickly and sensitively using the appropriate policy and procedure; challenges all unacceptable practice

#### **4.3 Staff and volunteers** are responsible for:

- their own behaviour and working in such a way as to ensure our values and principles of equality and diversity are consistently upheld.
- taking personal responsibility for the application of this policy
- bringing to their manager's attention any examples of discrimination of which they become aware. (These issues will be investigated and remedied promptly and sensitively using the appropriate policy and procedure)
- respecting all colleagues, managers, people we support and other third parties.
- ensuring that their behaviour is not offensive, directly or indirectly, to others.
- bringing incidents which breach the values or principles of equality and diversity to the attention of their line manager or to a Trustee
- supporting any individual who has reported such breaches
- reading/attending appropriate training material/ courses or discussion sessions.

#### **4.4 Recruitment, Selection, Learning & Development, Disabilities and Beliefs**

Prospective employees will be judged on the basis of their competencies – knowledge, skills attitudes and behaviours appropriate to the job and the criteria set out in the job description. These should be reflected throughout the whole recruitment process, from drawing up adverts to taking up references. They and existing staff will be afforded equal access to training, development and promotion opportunities.

Disabled candidates will be offered adjustments to accommodate their disability at interview and staff who are or become disabled are encouraged to tell us about their condition so that we can consider what reasonable adjustments or support may be appropriate.

Religious beliefs will be respected and any requests in terms of accommodating religious practices considered carefully. These will be accommodated where possible, whilst balancing the needs of the people we support.

## **5. Discrimination**

The following forms of discrimination are unlawful and specifically prohibited under this policy:

- a) Direct discrimination: treating someone less favourably because of a protected characteristic (for example, rejecting a job applicant because of their religious views).
- b) Indirect discrimination: a provision, criterion or practice that applies to everyone but adversely affects people with a particular protected characteristic more than others, and is not justified. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified.
- c) Harassment: this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- d) Victimisation: retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.
- e) Disability discrimination: this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

## **6. Breaches of this policy**

Our Society will take a strict approach to breaches of this policy and deal with them in accordance with our Disciplinary Policy. Serious cases of deliberate discrimination will be investigated and this may result in dismissal. Similarly, any accusation of harassment by staff, volunteers, residents or other customers will be properly and thoroughly investigated in accordance with our Disciplinary and Tenancy Management policies and procedures.

*Note that no formal action (instigation of a Formal Investigation or suspension under the Disciplinary Procedure) should be taken without first advising the Chair, who in turn will seek advice and guidance from colleagues or professional sources as appropriate.*

Anyone who believes they have suffered discrimination can raise the matter through our Grievance procedures. Complaints will be treated in confidence and investigated as appropriate. You must not be victimised or retaliated against for complaining about discrimination. However, making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under our Disciplinary Procedure.

## **7. What should I do if I feel that I have been bullied or harassed?**

Keep notes of all incidents - records of dates, times, any witnesses and your feelings. Also copies of any correspondence that may be relevant, for example reports, letters, memos and notes of meetings.

Ideally anyone who feels they are being bullied or harassed should make a personal approach to the offending person, clearly stating their objections and the effects their behaviour has on them. Try to stay calm and be assertive, but do not lose your temper or become abusive. If you do not feel confident about making such an approach alone, seek support from a colleague, line manager or trustee.

Alternatively, you could write to the person involved, saying that their behaviour is unacceptable to you and must stop. Keep copies of what you write and any replies.

Where informal action on these lines is unsuccessful, or serious harassment or bullying occurs, you can make a formal grievance complaint. You will need to put your grievance in writing, but should first approach your line manager, who will explain the Grievance Procedure to you. If your complaint relates to your line manager, then approach a trustee or the Chair. We will then arrange for a full and fair investigation under our Grievance Procedure, ensuring matters are handled sensitively and confidentially at all times so that both your rights as complainant and those of your alleged harasser are protected.

## **8. What happens after an investigation has taken place?**

If an investigation concludes that unacceptable behaviour has not occurred, you will be advised and the decision confirmed in writing. If you are not satisfied with this outcome then you have the right to appeal the decision in line with the Grievance Procedure.

If an investigation concludes that harassment or bullying has been found, again you will be advised and the decision confirmed in writing. We will pursue appropriate action under the disciplinary procedures. This may lead to dismissal or other actions. If the perpetrator remains in employment, regular checks will be made to ensure that the harassment has stopped and that there has been no victimisation or retaliation against you or others who may have been involved.

In either event, a month or so later a follow up meeting will be arranged in order to review what has happened meanwhile and confirm that the standards, behaviour and ways of working which were previously agreed are in place and are being adhered to by all involved. A senior person in our organisation will act as chair. You and the person or people you have complained about will all be asked to attend. If there continue to be concerns or issues, appropriate action will be discussed and agreed. Alternatively, if the problems seem to have been resolved, we will continue to informally monitor the situation.

If there are unresolved issues related to difficulties with communication and/or understanding, or where the work-related issues have been dealt with by us but personal issues remain between you and others involved who continue to work together, mediation may prove a suitable way forward. If you feel this would be helpful, contact your line manager or a trustee for advice.

## **9. Changes since last version of this Policy**

Originally introduced in June 2018, this policy incorporated content from the TAS E&D and Anti-social Behaviour policies.

The policy was centrally reviewed for March 2020.  
New wording has been used in the opening notes and guidance and this section updated.  
There are no other changes.