

## HR024 Equality and Diversity Policy

<b>Review Date</b>	<b>Ratified Date</b>	<b>Next Planned Review</b>
24/10/2022	14/11/2022	14/11/2025

Directorate (Indicate which applies by ticking the appropriate box)								
General	Human Resources	Finance	College	ACC	Community Services	Health and Safety	Fundraising	Marketing
	X							

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<b>Ratified by</b>	SMT/HEF

<b>Reason for this Review</b>	Renewal Date
<b>Were changes made?</b>	Yes
<b>Summary of changes</b>	Information regarding Equality Act 2010
<b>Relevant Legislation</b>	Equality Act 2010 Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 (SI 2011/1064) Special Educational Needs and Disability Act 2001 Protection from Harassment Act 1997 Employment Rights Act 1996 Employment Relations Act 1999 Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (SI 2000/1551)
<b>Underpinning Knowledge - What have we used to ensure the policy is current</b>	CIPD ACAS GOV.uk
<b>Linked Henshaws Policies</b>	Code of Conduct Recruitment and Selection Policy Bullying and Harassment Policy Grievance Procedure Job Evaluation policy and procedure Family Friendly Policy
<b>Equality Impact Completed</b>	See Appendix one
<b>Suggested Action</b>	Disseminate to all staff

## **Purpose of Procedure**

Henshaws is an equal opportunities employer and is committed to the continuous development of initiatives that provide equality of opportunity and freedom from unfair discrimination for all current and prospective employees. We are committed to our legal obligations in all aspects of employment and recognise the benefits in having a diverse workforce with different backgrounds, employed solely on ability.

## **Strategy Statement**

Henshaws has developed its core values, which are embedded through all we do. They are:

- Informed - Always aiming to increase knowledge through experience, expertise and history.
- Sharing - Desire to exchange experience and ideas with others.
- Proactive - Actively helping and supporting individuals.
- Inspiring - Through the life changing impact on the people we support.
- Compassionate - Displaying empathy and understanding.
- Empowering - Encouraging and supporting individuals to reach their full potential.

Henshaws recognises its duty to make reasonable adjustments for staff to enable them to adopt and comply with policies and working protocols to ensure full compliance. Henshaws will meet its statutory obligations within the Equality Act 2010 and aims to also 'go beyond' the scope of this act.

## **Scope**

The rights and obligations set out in this policy apply equally to all employees, whether part-time or full-time, whether on a substantive or fixed-term contract, and also to associated persons such as secondees, volunteers, agency staff, contractors and others employed under a contract of service.

All have a personal responsibility for the application of this policy. As part of your employee ongoing induction and training, you are expected to read and familiarise yourself with this policy, ensure that it is properly observed and fully complied with.

This policy is also of particular relevance to directors, line managers and other employees concerned with recruitment, training, promotion procedures and employment decisions which affect others.

## **Principles**

The aim of this policy is to ensure that in carrying out our activities we will have due regard to:

- promoting equality of opportunity, across all its activities.
- promoting good relations between people of a diverse background.
- eliminating unlawful discrimination.
- ensuring all employees, potential employees, volunteers including Trustees, workers and contractors are treated fairly and with dignity and respect.

This policy applies to all conduct in the workplace and also to conduct outside of the workplace that is related to your work (e.g. at meetings, social events and social interactions with colleagues), or which may impact on Henshaws' reputation (e.g. the expression of views on social media, contrary to the commitments expressed in this policy, that could be linked to Henshaws).

All employees will be encouraged to develop their skills and fulfil their potential and to take advantage of training, development and progression opportunities at Henshaws.

## **Equality Act 2010**

In line with the Equality Act 2010 protected characteristics, Henshaws will ensure all stakeholders are protected by the following actions.

### **Age**

We will:

- ensure that people of all ages are treated with respect and dignity
- ensure that people are given equal access to our employment, training, development and promotion opportunities and
- challenge discriminatory assumptions about younger and older people.

### **Disability**

We will:

- provide any reasonable adjustments to ensure disabled people have access to our services and employment opportunities. If we feel that a particular adjustment would not be reasonable, we will discuss this with you and try to find an alternative solution where possible
- challenge discriminatory assumptions about disabled people and
- seek to continue to improve access to information
- If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate
- We will keep the physical features of our premises under review to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary, we will take reasonable steps to improve access.

### **Race**

We will:

- challenge racism wherever it occurs
- respond swiftly and sensitively to racist incidents and
- actively promote race equality and inclusion in Henshaws
- take positive action to redress the negative effects of discrimination against everyone
- offer equal access for everyone to representation, services, employment, training and pay and encourage other organisations to do the same.

### **Gender**

We will:

- challenge discriminatory assumptions about gender
- take positive action to redress the negative effects of discrimination against everyone

- offer equal access for everyone to representation, services, employment, training and pay and encourage other organisations to do the same and

### **Gender reassignment**

We will:

- provide support to prevent discrimination against transgender people who have or who are about to undergo gender reassignment.
- ensure all staff, volunteers, applicants and members of the public considering undergoing, undergoing or who have undergone gender reassignment will be treated with respect and dignity
- ensure that relevant members of staff have sufficient information and guidance and support so that they can provide sensitive and supportive management to people who have informed them that they are considering, undergoing or are undergoing gender reassignment.

### **Sexual orientation**

We will:

- ensure that we take account of the needs of everyone, including the LGBTQ+ communities
- promote positive images of the LGBTQ+ communities
- challenge discriminatory assumptions about the LGBTQ+ communities
- take positive action to redress the negative effects of discrimination against everyone and
- offer equal access for everyone to representation, services, employment, training and pay and encourage other organisations to do the same.

### **Religion or belief**

We will:

- ensure that employees' religion or beliefs and related observances are respected and accommodated wherever possible and
- respect people's beliefs where the expression of those beliefs does not impinge on the legitimate rights of others.

### **Pregnancy or maternity**

We will:

- ensure that people are treated with respect and dignity during pregnancy or maternity leave
- challenge discriminatory assumptions about pregnancy or maternity and
- ensure that no individual is disadvantaged during pregnancy or maternity leave and that we take account of the needs of our employees' during pregnancy or maternity leave.

### **Marriage or civil partnership**

We will:

- ensure that people are treated with respect and dignity regardless of marriage or civil partnership status
- challenge discriminatory assumptions about the marriage or civil partnership of our employees and

- ensure that no individual is disadvantaged as a result of their marriage or civil partnership status.

In addition, to the Equality Acts protected characteristics, Henshaws pledges the following:

#### **Part time and fixed term work**

Part time and fixed term staff should be treated the same as comparable full time or permanent staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

#### **Equal pay**

We will ensure that all employees have the right to the same contractual pay and benefits for carrying out the same work, work rated as equivalent work or work of equal value.

#### **Policies and Procedures**

Selection for employment, promotion, training, or any other benefit will be on the basis of aptitude, ability and our values. We set out below some specific areas of application:

#### **Recruitment**

Selection for employment at Henshaws will be on the basis of aptitude and ability. Further detail is set out in Henshaws Recruitment and Selection Policy. Where possible, we will capture applicants' diversity demographics as part of its recruitment processes to promote the elimination of unlawful discrimination.

#### **Training**

You will be required to participate in training and development activities from time to time, to encourage the promotion of the principles of this policy.

#### **Promotion**

All promotion decisions will be made on the basis of merit and will not be influenced by any of the protected characteristics listed above. Promotion opportunities will be monitored to ensure equality of opportunity at all levels. Where appropriate, steps will be taken to identify and remove unnecessary or unjustifiable barriers to promotion.

#### **During employment**

The benefits, terms and conditions of employment and facilities available to our employees will be reviewed on a regular basis to ensure that access is not restricted by unlawful means and to provide appropriate conditions to meet the special needs of disadvantaged or under-represented groups.

We believe that equality means breaking down barriers, eliminating discrimination and ensuring equal opportunities and access for all groups both in employment and to goods and services.

We consider diversity to mean celebrating difference and valuing everyone. Each person is an individual with visible and non-visible differences and by respecting this everyone can feel valued for their contributions, and we believe that this is not only beneficial for the individual, but for Henshaws too. We acknowledge that equality and diversity are not inter-changeable, but are inter-dependent. There can be no equality of opportunity if difference is not valued and harnessed.

### **Ex-offenders**

We will prevent discrimination against our employees regardless of their offending background, except where there is a known risk to children or vulnerable adults, or other serious offence that could bring Henshaws into disrepute.

### **Genuine Occupational Requirement**

There are certain circumstances where an employer can discriminate; this is when a genuine occupational requirement applies (formerly Genuine Occupational Qualification: GOQ). Examples:

- where the job holder provides services or welfare which can be provided most effectively by a person of that racial group

Being a man or a woman is a GOR only where

- Reasons of decency/privacy e.g. changing room attendants
- Work will take place in a single sex prison or hospital

Before identifying a role as having a GOR - please ensure you discuss with HR.

### **Types of Discrimination**

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

**Direct discrimination:** treating someone less favourably because of a Protected Characteristic. For example, rejecting a job applicant because of their religious views or because they might be gay.

**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.

**Victimisation:** retaliation against someone who has complained, or has supported someone else's complaint about discrimination or harassment.

**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.

**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.” It is important to remember that it is not the intention of the harasser, but how the recipient perceives their behaviour which determines whether harassment has occurred.

No form of discrimination will be tolerated. If you believe that you may have suffered discrimination because of any of the above protected characteristics, you should consider the appropriateness and feasibility of attempted informal resolution by discussion in the first instance with your line manager, or another colleague in a relevant position of seniority. You may decide in the alternative to raise the matter through Henshaws Bullying and Harassment Policy or Grievance Policy.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the appropriate procedure. We will ensure that individuals who make such allegations in good faith will not be victimised or treated less favourably as a result. However, false allegations of a breach of this policy which are found to have been made in bad faith will be dealt with under Henshaws Discipline Policy.

A person found to have breached this policy may be subject to disciplinary action under Henshaws Disciplinary Policy.

The Chief Executive has overall responsibility for the implementation of this policy.

Appendix 1

**EIA Form**

Question	Response
Name of policy	Equality and Diversity Policy
Summary of aims and objectives of the policy	To outline how Henshaws will prevent and remove unfair discrimination, harassment and victimisation wherever we encounter it in our work, to promote equality of opportunity in all that we do, and to value and respect differences.
What involvement and consultation has been done in relation to this policy? (e.g. with relevant groups and stakeholders)	Consultation with HEF
Who is affected by the policy	All staff, volunteers, workers and contractors
What are the arrangements for monitoring and reviewing the actual impact of the policy	Continual review

Protected Characteristic Group	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact (e.g. adjustment to the policy)/Lead/Timescale
Disability	Positive	Applies to all staff with no advantage/disadvantage specific groups	
Gender reassignment	Positive	Applies to all staff with no advantage/disadvantage specific groups	
Marriage or civil partnership	Positive	Applies to all staff with no advantage/disadvantage specific groups	
Pregnancy & Maternity	Positive	Applies to all staff with no advantage/disadvantage specific groups	
Race	Positive	Applies to all staff with no advantage/disadvantage specific groups	
Religion or belief	Positive	Applies to all staff with no advantage/disadvantage specific groups	



Sexual orientation	Positive	Applies to all staff with no advantage/disadvantage specific groups	
Sex (gender)	Positive	Applies to all staff with no advantage/disadvantage specific groups	
Age	Positive	Applies to all staff with no advantage/disadvantage specific groups	

Question	Explanation/Justification	
Is it possible the proposed policy or activity or change in policy or activity could discriminate or unfairly disadvantage people?	No disadvantage/advantage apparent.	
<b>Final Decision:</b>	<b>Tick the relevant box</b>	<b>Include any explanation / justification required</b>
1. No barriers identified, therefore activity will <b>proceed</b> .	X	
2. <b>Stop</b> the policy or practice at some point because the data shows bias towards one or more groups		
3. <b>Adapt or change</b> the policy in a way which you think will eliminate the bias		
4. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to <b>proceed with caution</b> with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.		

Name of Responsible Manager	Title Responsible Manager	Date completed
Anna Lodge	People Director	15/11/2022