

Shirley Neighbourhood Care Scheme Equalities Policy

Introduction

The Equalities Act 2010 identifies a list of “protected characteristics”. It is illegal for an organisation to harass or discriminate against anyone because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

Shirley Neighbourhood Care Scheme (SNCS) is committed to Equality in all aspects of employment, volunteering opportunities and the provision of services to all its service users.

Policy Statement

As an employer and service provider, SNCS will treat staff, applicants, volunteers and service users equally regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation and this equal treatment applies to every aspect of employment and service.

SNCS recognises the positive value of diversity, promoting equality and fairness, and challenging discrimination. It is committed to ensuring staff, volunteers and service users are treated with dignity and respect and will not tolerate any form of harassment, victimisation or discriminatory behaviour. Staff and volunteers will be supported to challenge unwanted behaviours, through training and referral to SNCS management.

SNCS Board of Trustees and members of staff understand that SNCS can be held legally responsible for anyone acting in a way that is classed as Unlawful Discrimination, Harassment or Victimisation who is employed by SNCS or acting as an agent for SNCS whether or not they knew about or approved of what the member of staff, volunteer or agent did.

A breach of the SNCS equality policy will be dealt with under SNCS Disciplinary and Grievance procedures.

This policy statement will be made available to all new staff and volunteers. SNCS will keep its policies under review and will implement changes where these could improve the equality of opportunity.

SNCS has signed up to be a Disability Confident Employer.

Types of Discrimination

Direct Discrimination – this occurs when someone is treated less favourably than another person because of a Protected Characteristic they have or are thought to have (see Perception Discrimination below), or because they associate with someone who has a Protected Characteristic (see Discrimination by Association below).

Discrimination by Association applies to Race, Religion or Belief and Sexual Orientation., Age, Disability, Gender Reassignment and Sex. This is Direct Discrimination against

someone because they associate with another person who possesses a Protected Characteristic.

Perception Discrimination applies to Age, Race, Religion or Belief and Sexual Orientation, Disability, Gender Reassignment and Sex. This is Direct Discrimination against an individual because others think they possess a particular Protected Characteristic. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination applies to Age, Race, Religion or Belief, Sex, Sexual Orientation and Marriage and Civil Partnership, Disability and Gender Reassignment. Indirect Discrimination can occur when you have a condition, rule, Policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a Protected Characteristic. Indirect Discrimination can be justified if you can show that you acted reasonably i.e. it is 'a proportionate means of achieving a legitimate aim'. A *legitimate aim* might be any lawful decision made to run SNCS but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make.

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 Partnership. Members of staff and volunteers will now be 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. Members of staff and volunteers are also protected from Harassment because of perception and association

Third Party Harassment applies to Sex, Age, Disability, Gender Reassignment, Race, Religion or Belief and Sexual Orientation. The Equality Act makes you potentially liable for Harassment of your members of staff and volunteers by people (third parties) who are not your members of staff or volunteers, such as service users. SNCS will only be liable when Harassment has occurred on at least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

Victimisation occurs when a member of staff or volunteer is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. A member of staff or volunteer is not protected from Victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Equalities Act 2010.

Definition of Disability

The Equality Act 2010 defines a Disability as a 'physical or mental impairment' that has 'a substantial and long-term adverse effect' on an individual's ability to carry out 'normal day-to-day activities'. A substantial adverse effect is a negative effect that is more than trivial, and the effect is long-term if it has lasted or is expected to last for more than twelve months. It does not matter what the name of the impairment is.

If the impairment is caused by a medical condition, it is the effect of the condition when it is not treated that is considered. This includes progressive medical conditions such as HIV, cancer and multiple sclerosis and medical conditions such as diabetes. It also applies to

effects of a medical condition such as obesity and if a Disability is a side effect of taking drugs (e.g. steroids) for a medical condition.

Role of SNCS Board of Trustees

The Board of Trustees will consider any information brought to its attention in relation to adherence to this policy and will ensure any action to address inequalities in practice is taken.

The Board of Trustees confirms that data will not at any time be used to discriminate against someone or harass or victimise them.

In reporting or publishing data SNCS will ensure that confidentiality for applicants, members of staff, volunteers or service users is not breached, in line with General Data Protection Regulations that came into effect on 25 May 2018.

The Policy will be incorporated into all aspects of SNCS business strategy.

Procedures

See Appendix A

This policy was agreed at a meeting of the Trustees:

Signed.....

Name..... JONATHAN BAXTER

Date..... 10/1/2022

Shirley Neighbourhood Care Scheme Equalities Policy Procedures (Appendix A)

The following information explains how Shirley Neighbourhood Care Scheme (SNCS) will put Equality into practice.

The Board of Trustees aims to ensure that the Policy is implemented and will apply the Policy in relation to all its decisions.

All members of staff and volunteers will be provided with a copy of the Policy and asked to read this. The Policy will be made available to all service users, potential members of staff and volunteers, other agents, contractors and suppliers on request.

The Board of Trustees and all members of staff and volunteers will be required to confront Discrimination in the most appropriate way using the Guidance provided. SNCS will challenge and follow SNCS Discipline procedures for anyone not following the Policy.

Putting Equality into practice

1. The Board of Trustees aims to ensure that the Policy is implemented and will apply the Policy in relation to all its decisions.
2. The Policy and Procedures will be provided to members of staff and volunteers and will be available to service users to enable them to fully understand and contribute to the development of the Policy.
3. The Equality Policy will be incorporated into the other Policies of SNCS and reviewed regularly together with progress in delivering the Action Plan for its implementation.
4. The Principles set out in the Policy will be used to ensure that any changes in SNCS are implemented fairly. This will include rearrangement of the workplace and promotion.

Implementing Training

5. SNCS is a small organisation employing four paid members of staff. Equal Opportunities training (on line) is required as part of the Induction process for new staff.
6. Volunteers are not required to train in Equal Opportunities however a copy of this Policy will be made available to them. Any questions can be referred to the SNCS office manager.

Confronting Discrimination

7. Discrimination against individuals with any of the Protected Characteristics is inappropriate and illegal. Confronting Discrimination of all types includes confronting an individual when it is safe to do so, whistle blowing, reporting an organisation when

necessary and educating others. 'Confronting' is seen as an educational and campaigning process.

8. Confronting an individual; individuals may make remarks or jokes about a person with a Protected Characteristic. It may be possible to intervene directly with a remark such as 'What a disgusting sentiment', or it may be possible to point out that the remark is against the law. Individuals representing SNCS should not get involved in an argument and should terminate the exchange. They should not endanger themselves or other individuals but may make it clear that they want nothing to do with an individual who holds discriminatory views.
9. If members of staff or volunteers see Discrimination taking place or are being discriminated against, letting others know this is happening and raising awareness may be enough to stop the discriminatory practice. If this is not enough, then they should leave the immediate location and report the Discrimination.
10. If individual action is not appropriate, a discriminatory situation should always be noted and reported to the Line Manager. A report may then be made to another organisation such as the Equality and Human Rights Commission, the police or Social Services. The Trustees of SNCS may decide to work with other organisations locally or nationally to counter Discrimination.
11. It may be necessary for SNCS to support an individual to taking a case through the court processes to eliminate the Discrimination.
12. SNCS has a role to educate others in recognising, understanding and eliminating discriminatory practices. Demystifying 'difference' helps to reduce Discrimination in all its form.

Challenging Discrimination

13. The Equality Act 2010 can be used to challenge Discrimination in a variety of situations including the process of job application, as an employee or as a recipient of services including education services. SNCS may be challenged by a Disabled person if Discrimination is evident in its dealing with potential or actual employees or in providing services. 'Challenging' is usually a legal process.
14. SNCS should not ask questions about Health or Disability as part of the job selection process. However, once a job has been offered, a medical questionnaire can be used, and questions about Health asked. SNCS should be aware that there is a possibility of challenge on the grounds of Discrimination should a job offer be withdrawn. SNCS is allowed to ask questions of applicants where reasonable adjustment is an issue, such as whether the applicant is able to undertake a key task, and what adjustment may be required to enable him/her to do so.
15. SNCS must provide all services on the same terms and to the same standards for all users of its services. Where required, SNCS should make reasonable adjustments to enable a person with any particular Disability to access services. SNCS can be challenged and prosecuted if it has failed to make a service available or has failed to make reasonable adjustment in order to make a service available

Monitoring Equality

16. This Policy will be monitored periodically to judge its effectiveness and will be updated in accordance with changes in the law. The SNCS office manager will report to the Board of Trustees on any actions or activities taken to improve equal opportunities in the workplace.

Gathering and storing information

17. Applicants, members of staff and volunteers and service users must be told why they are being asked for monitoring information. People may be concerned about responding fully and honestly; they may be concerned that the information will be used to Discriminate against them, or they may have had a previous bad experience where the information was used in the wrong way. This is especially true for job applicants and for particular characteristics, such as disabled people with a mental health condition.
18. Members of staff, volunteers and applicants can be sent a copy of the Procedure as reassurance.
19. Privacy and Confidentiality – individual data needs to be shared on a 'need to know' basis and should be protected and stored in line with the General Data Protection Regulations (GDPR).
20. In particular, if someone is a transsexual person (someone with the Protected Characteristic of Gender Reassignment) who has a Gender Recognition Certificate, it may be a criminal offence to disclose this without permission.
21. As a small organisation ensure that members of staff cannot be individually identified when sharing or publishing information.