

EQUALITY AND DIVERSITY POLICY & PROCEDURE

1. Declaration of intent

1.1 North Staffs Mind (NSM) believes all people have the right to be treated fairly and with respect and is committed to encouraging equality and diversity among our workforce, and eliminating unlawful discrimination in every aspect of our work. The aim is for our workforce to be truly representative of all sections of society and our service users, and for each employee to feel respected and able to give their best.

1.2 The organisation, in providing services, is also committed against unlawful discrimination of users of our services or the general public.

1.3 Equal opportunities does not mean treating everybody the same – it means recognising people's differences and adapting the way we work in order to ensure that everyone is provided with a fair and equal chance.

2. The Scope of this Policy

2.1 This policy applies to all service users, applicants, volunteers and staff employed by NSM.

Service users:

2.2 We aim to provide quality services to all sections of the community. No person attempting to access a service shall be unlawfully discriminated against because of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality and ethnic or national origin), religion or belief, sex (gender), and sexual orientation.

Employment and volunteering:

2.3 The aim of our policy is to ensure that no job applicant, employee or volunteer shall be unlawfully discriminated against because of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality and ethnic or national origin), religion or belief, sex (gender), and sexual orientation. NSM will strive to redress any imbalance that may become evident.

3. Equal and Diversity in Service Delivery

3.1 NSM will aim to ensure that all its services are free from discrimination and fully accessible. We will achieve this by:

- a) Developing services in consultation with service users and other stakeholders. We will seek to include marginalised groups, particularly service users, in decision making, policy development and development of services.

- b) Providing services which are flexible and responsive to the changing needs of the community.
- c) Making information on services widely available, in appropriate formats, and where necessary targeted at groups which are under-utilising NSM's services to ensure maximum awareness of provision and increased take-up.
- d) Regularly reviewing and monitoring service delivery and levels of customer satisfaction.
- e) Providing an accessible (Easy Read) Complaints Procedure for service users to ensure there is no discrimination in service allocation and delivery.
- f) Developing an action plan to improve access to our services (see Accessibility Strategy – December 2016).
- g) Developing positive action programmes to target and address the needs of groups that are not accessing NSM's services.
- h) Working with other organisations to publicise and extend our services.
- i) Working with other organisations to ensure that mental health and wellbeing is taken into account when assessing need.
- j) Using equality impact assessments to improve our work by promoting equality and diversity and ensuring that policies/procedures don't discriminate against service users.
- k) Providing staff and volunteers with equality and diversity training to ensure they understand their obligations toward service users under this policy

4. Equality and Diversity in Employment

4.1 The organisation is committed to encouraging equality and diversity in the workplace recognising that it is good practice and makes strong business sense, and to creating a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.

4.2 All employees, whether part-time, full-time or temporary, will be treated equally, fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

4.3 We make our policy real by:

- a) Operating fair and rigorous recruitment and selection procedures
- b) Recruiting in open competition, **unless there is a legitimate business case not to.**
- c) Training staff and managers in the requirements of the Equality & Diversity, and Dignity at Work (Anti-Harassment) Policies.
- d) Adopting an Equality & Diversity action plan.

- e) Monitoring recruitment and periodically auditing the make-up of the workforce, regarding information such as age, gender, ethnic background, sexual orientation, religion or belief, and disability.
- f) Undertaking staff surveys and putting action plans into practice.
- g) Having fair grievance and disciplinary procedures and ensuring that staff are encouraged to use them where appropriate.
- h) Periodically reviewing terms and conditions of employment, policies and procedures to ensure there is no unfair bias and to take account of changes in the law.
- i) Opposing and avoiding all forms of unlawful discrimination. This includes in pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities.

5. Equal opportunities in recruitment

5.1 NB This section considers the equal opportunities aspects of recruitment and should be read in conjunction with the detailed Recruitment and Selection Policy and Procedures within the Staff Handbook.

5.2 To ensure good equality practices, NSM will:

- Regularly review selection criteria (job description and person specification) to ensure that they are justifiable and necessary for the effective performance of the role..
- Involve no fewer than three people in the selection interview and recruitment process and have offered these individuals training in equal opportunities.
- Seek diversity within the composition of shortlisting/interview panels.
- Record reasons for selection and rejection of applicants for all vacancies.

5.3 There will be a written job description and person specification for every vacancy and new post. The job description and person specification shall be checked and agreed for direct and indirect discrimination, including culture-bound assumptions and ageism before the recruitment procedures commence. All jobs will be advertised in a way so as not to discriminate unlawfully and will clearly state the minimum requirements for the post. Applicants will be made aware that general life experience and voluntary as well as paid work are valued at NSM. NSM has a detailed policy on the Recruitment of Ex-Offenders.

5.4 Staff and trustees responsible for short-listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application, so that all applications are processed in the same way. Brief notes shall be made on each application indicating clearly why the applicant has, or has not, been short-listed or appointed.

5.5 Interviews for paid posts will be conducted by a panel of no fewer than three members, including **where possible** at least one man and one woman. Interview panels shall be suitably representative of the various ethnic groups within the membership of the organisation and wherever possible, shall include an external representative (eg from a relevant funding agency, or service users). Members of staff will be involved at all stages of the selection process in an advisory role **where service users are involved**.

5.6 An open invitation will be given to short-listed applicants with a mental health problem or disability to discuss their specific needs and requirements. NSM will take all reasonable steps to ensure that the specific needs of disabled employees or employees with mental health problems are met.

5.7 During each interview, notes should be taken and at the end of the interview a form completed for each candidate, assessing their response to the topics and themes raised. These should be reviewed at the end of the interview process by the panel to see that each candidate has been fairly treated.

5.8 All questions that are put to the applicants will relate to the requirements of the role. If it is necessary to assess whether personal circumstances will affect the performance of the role (for example, if the role involves unsociable hours or extensive travel) this will be discussed objectively, without detailed questions based on assumptions about race, age, sex (gender), religion or belief, ethnic or national origin, sexual orientation, disability or mental illness, marriage and civil partnership, pregnancy and maternity, or parental/domestic obligations. It is the responsibility of the Chair, or any other member of the Panel to stop inappropriate questions being asked.

5.9 Selection tests which are used will be limited to questions relating to the particular role requirements. The tests will measure the individual's actual or inherent ability to do or train for the role. Any selection tests that are used will be reviewed regularly in order to ensure that they remain relevant and free from any unjustifiable bias, either in content or in scoring.

5.10 An equal opportunities monitoring form should be included in the application packs for all posts advertised. The Equality & Diversity policy and the purpose of monitoring should be clearly explained on the form. Data provided by applicants on the monitoring form will not be considered as part of the short-listing process and all forms will be separated from the full applications on receipt at NSM.

5.11 EO monitoring data for each recruitment process undertaken will be compiled into a report for presentation annually to the Council of Management, when the trustees will take an overview on equality and diversity issues and practices. NSM will regularly monitor the effects of selection decision and personnel practices and procedures in order to assess whether equality of opportunity is being achieved.

5.12 In addition, NSM will from time to time review:

- The age, gender and ethnic composition of the workforce of the organisation and changes in distribution over period of time, including monitoring the composition of the workforce;
- The selection decisions for recruitment, promotion, transfer and training according to the gender, age, racial group or specific disability/mental illness of candidates, and the reasons for those decisions;
- The selection criteria and personnel procedures to ensure that they do not include requirements or conditions which constitute, or may lead to, indirect or direct discrimination.

6. Equal opportunities in the recruitment of volunteers

6.1 The principle of equal opportunities in recruitment shall apply to the recruitment of volunteers, within the separate procedure set out in the Volunteer Policy.

Volunteer placements will be open to individuals irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality and ethnic or national origin), religion or belief, sex (gender), and sexual orientation upon successful completion of a DBS check. The role specification will set out any equality dimensions and will be checked to ensure there are no discriminatory requirements. If, during the recruitment process, a volunteer demonstrates hostility to, or a clear lack of support for equal opportunity policy, he/she will automatically be deemed to be unsuitable for a volunteer position at NSM.

7. Training

7.1 All new staff and volunteers will be provided with a thorough induction into the organisation, be made aware of training and development opportunities available to them, and be positively encouraged to take them up. A comprehensive induction checklist is available to record the induction process and allows for identification of immediate training/development needs at an early stage of their employment.

7.2 All staff and volunteers will receive training on NSM's Equality & Diversity policy and Dignity at Work (Anti-Harassment) policy, and be made aware of their rights and responsibilities within the policy. Responsibilities include staff conducting themselves to help NSM provide equal opportunities in employment, and prevent bullying, harassment, victimisation and unlawful discrimination.

8. Disciplinary and Grievance Procedures

8.1 It will be made clear to all employees that discrimination, abuse or harassment on the grounds of race, age, gender, disability, mental health problem or sexuality – if proven – is a dismissable offence. NSM also has a Dignity at Work (Anti-

Harassment) Policy, which should be considered alongside the Equality & Diversity Policy.

8.2 If an employee or volunteer believes they have been unfairly treated or harassed on any of the grounds covered in this policy, they should alert their manager or the Chief Executive and, if appropriate, use the Grievance Procedure.

9. Implementation

9.1 Employment procedures and practices will be undertaken strictly in accordance with the following and all other ensuing relevant legislation:

- The Race Relations Act 1976, as amended in 2000 and 2003
- The Sex Discrimination Act 1975, as amended in 1999, 2005
- The Equal Pay Act 1970, as amended in 1984, 2003
- The Disability Discrimination Act 1995, as amended in 2005
- The Rehabilitation of Offenders Act 1974
- The Employment Equality (Age) Regulations 2006
- The Employment Equality (Sexual Orientation) Regulations 2003 and Sexual Orientation Regulations 2007
- The Employment Equality (Religion or Belief) Regulations 2003
- The Human Rights Act 1998
- The Equality Act 2010

9.2 In order to implement this Equality & Diversity Policy NSM accepts that it needs to ensure that all members and staff involved in selection and recruitment within the organisation are given adequate and appropriate training in:

- I. Interview techniques
- II. Codes of practice
- III. Disciplinary and grievance procedures as contained in NSM policy documents.

10. Responsibility for the policy

10.1 All staff, managers and trustees have a duty to implement NSM's Equality & Diversity Policy. The Chief Executive is responsible for the policy's day-to-day implementation and the production of an Equality & Diversity action plan to ensure that the policy has practical application and impacts on the working practices of the organisation. The Council of Management has responsibility for reviewing the policy as necessary.

10.2 NSM hopes that volunteers will actively support the Equality & Diversity Policy. In turn, NSM hopes to provide a working environment free of discrimination and harassment, which promotes equality of opportunity for volunteers.

10.3 Managers are responsible for ensuring their staff and volunteers receive induction, equal opportunities and anti-harassment training.

11. Review

11.1 NSM will monitor and review the effectiveness of the Equality & Diversity Policy and Equality & Diversity action plan on an annual basis. A report on overall activity/plans will be presented annually to the Council of Management.

12. Information

12.1 This policy forms part of the induction package and staff handbook. Copies can be made available to service users and other stakeholders on request.

APPENDIX 1

Definitions of equality and diversity

Working definitions are as follows:

Equality

Equality is associated broadly with the legislative framework. Its thrust is focused on rights and responsibilities and anti-discrimination. Equality involves the development of practices to ensure that groups which continue to be disadvantaged gain access to opportunities for full participation in society, with legal sanctions directed against those who violate this principle.

Diversity

Diversity adds an extra dimension to equality of opportunity. It encompasses all types of difference beyond those covered by the legislation, and focuses principally on the individual. Diversity includes every kind of difference that makes each person unique and distinct.

Diversity seeks to increase people's awareness, celebration and positive acceptance of individuals and their differences. Valuing diversity involves the demonstrable inclusion of diverse employees and service users by having policies, procedures and practices that take their diverse needs and preferences into account.

Aims of the Equality Act 2010

- **Harmonise** discrimination law – it harmonises definitions and concepts across all strands of discrimination. Examples of concepts include 'discrimination by perception' and 'indirect discrimination'.
- **Strengthen** the law to support progress on equality – it extends existing discrimination law eg. outlawing age discrimination in goods and service provision in 2012 and has extended the concept of discrimination by association to all nine protected characteristics.
- **Replace** all existing equality legislation, including the Equal Pay Act – The Equality Act consolidates all existing law preventing discrimination on any one of the nine protected characteristics (as well as equal pay law) into one Act. The Act covers discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- **Applies** to England, Scotland and Wales.

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