

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 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. Equality 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 a Plain Language Complaints Procedure for service users to ensure there is no discrimination in service allocation and delivery.
- f) Developing a strategic action plan out our Accessibility Strategy to improve access to our services, which will be reviewed on a six-monthly basis (see Accessibility Strategy, December 2020).
- 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 do not discriminate against service users.
- k) Developing equality and diversity training for staff and volunteers 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 will work to 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) Developing training opportunities for staff and managers in the requirements of the Equality & Diversity, and Dignity at Work (Anti-Harassment) Policies.
- d) Developing and implementing an Equality & Diversity strategic 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 should aim to be suitably representative of the various ethnic groups within the membership of the organisation and wherever possible, shall include an external representative (e.g., from a relevant funding agency, or service users). Members of staff may 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 health issues, 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 opportunity 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 periodically review:

- The age, gender, and ethnic composition of the workforce of the organisation and changes in distribution over 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 Training on NSM's Equality & Diversity policy and Dignity at Work (Anti-Harassment) policy will be developed for all staff and volunteers. They will 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 an 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 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 acknowledges 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 strategic 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 intends that volunteers actively support the Equality & Diversity Policy. In turn, NSM aims 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 strategic 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. It is available on the NSM website (nsmind.org.uk) and hard copies can be made available to service users and other stakeholders on request.

Date of Implementation	August 2011
Date of last review	December 2020
Date of next review	September 2022

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 e.g., 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.

APPENDIX 2

Complaints Procedure

Introduction

North Staffs Mind is committed to ensuring that all services and activities are of the highest quality. However, we recognise that there may be occasions when some service users may feel we fall below their expectations. Our Complaints Procedure helps us to respond clearly and properly to complaints.

We believe that complaints provide valuable feedback that helps us to improve our services and activities.

We

- acknowledge that complaints do happen
- are committed to investigating all complaints fully and fairly
- ask that a complaint must be made **within 12 months** of the alleged cause for complaint to allow us to investigate fully and accurately
- will not use complaints to apportion blame but to investigate every complaint in a fair, consistent, and professional manner
- have an appeals process should the complainant not be happy with the result of the response to the complaint
- regard complaints as a valuable and important part of customer feedback
- will ask complainants what they want the outcome of their complaint to be or if they can suggest solutions to the issue raised
- will deal with complaints in confidence unless this may place others at risk

What is a complaint?

A complaint is an expression of dissatisfaction. A complaint may be made by an individual or a group, by a client or service user, stakeholder, or member of the public. It can relate to the way in which a person has been treated, to the service which they have received or to the policies and procedures of North Staffs Mind.

Complaints can be made to North Staffs Mind in different ways – in person, by letter, email, audiotape, phone, or fax.

Who is this procedure for?

This procedure should be used by any member of the public, client or service user or stakeholder.

The purpose of the procedure is to investigate the complaint in a fair and consistent manner, in order to satisfy complaints and concerns and to learn lessons for North Staffs Mind's ongoing service improvement and organisational development.

Complaints procedure

There are 3 stages to the procedure, and we undertake to resolve any issues at the lowest level, wherever possible.

Stage 1 – Making an informal complaint:

If you are dissatisfied with any aspect of our work, you should speak to the staff member concerned or their line manager in the first instance.

If you prefer the issue can be taken up with the Complaints Officer instead. The Complaints Officer will have an initial conversation with you to find out what you would like to see happen and if there is a simple solution that can address your concerns informally.

This will be completed within 14 days of NS Mind receiving the complaint.

Where an informal complaint is made, we aim to resolve it promptly and satisfactorily in order to prevent it leading to a formal complaint. If you are not satisfied with the results of this stage, you can go on to Stage 2 (see below). If you prefer that we deal with your complaint formally from the start you can go straight to Stage 2.

Stage 2 – Formal complaint (including investigation):

If you are not satisfied with the response you receive at Stage 1 or wish to make the complaint formal from the start you should outline your complaint by letter, fax, email, or audiotape and send it to the Complaints Officer at 83 Marsh Street, Hanley, Stoke on Trent ST1 5HN, marked 'Private and Confidential'. Formal complaints can also be made to the Complaints Officer in person or via a phone call.

If the complaint is about the Chief Executive, it should be addressed to the 'Chair of the Council of Management' at the above address and marked 'Private and Confidential.'

If you wish to make a complaint about our Council of Management, you should contact either of the following with your concerns:

- national Mind www.mind.org.uk
- the Charity Commission www.gov.uk/complain_about-charity

Complaints will be acknowledged by letter within 7 working days from the date they are received.

Complaints may be made by a 'third party,' a person authorised to act on your behalf – for example, an advocacy service such as Asist (www.asist.co.uk). Any complaint made in this way will be considered carefully to ensure that our response in no way breaches confidentiality.

A thorough investigation into the circumstances surrounding the complaint will be undertaken by the Complaints Officer. Once the investigation is complete, we will decide whether there are grounds for the complaint and what, if any, recommended actions need to be taken as a result.

You will receive a full response to your complaint within 20 working days from the start of the investigation, in writing, from the Complaints Officer.

If you are not satisfied with the response to your complaint, you will be given the opportunity to speak to a Senior Manager and given the option to appeal (Stage 3).

Stage 3 – Appeal:

If you remain unhappy with our response to your complaint you should let us know the reason(s) by letter, fax, email, or audiotape **within seven working days** of you receiving the written response to your complaint.

Reasons for dissatisfaction will be brought to the attention of our Chief Executive (or the Chair of the Council of Management where relevant).

An Appeals Panel, normally comprising three members, including a member of the Council of Management, will be convened to consider the appeal. Panel membership will be restricted to people who have had no previous involvement in the complaint.

The decision of the review process will be final. The Chief Executive or the Chair will communicate in writing within 28 working days of receiving the expression of dissatisfaction from the complainant.

Involvement of third-party organisations

You may have the right to take your complaint to an external body/third-party organisation as follows:

- BACP (British Association of Counselling and Psychotherapy) (www.bacp.co.uk) for complaints about our Adult and Children and Young People counselling services.
- The Fundraising Regulator (www.fundraisingregulator.org.uk) for complaints about our fundraising activities.

Complainants can also contact Mind mind.org.uk (NAMH, National Association for Mental Health) for an independent review of North Staffs Mind's Complaints Procedure. Please note that Mind will only become involved after our complaints procedure has been exhausted and will act in this role only with the agreement of all parties concerned. Any involvement would be limited to a review of the complaints process, not an investigation of the complaint.

Date of Implementation	June 2006
Date of last review	December 2020
Date of next review	December 2021