EQUALITY AND DIVERSITY POLICY

1 Policy statement

1.1 Promoting equality and valuing diversity are fundamental to our mission.

1.2 The principles of inclusiveness, tolerance and fairness underpin our Society.

1.3 This policy exists to ensure equal access to the employment and service opportunities that are available in every dimension of our activities. It sets out our approach to equal opportunities and the avoidance of discrimination at work. It applies to all aspects of employment with us, including recruitment, pay and conditions, training, appraisals, promotion, conduct at work, disciplinary and grievance procedures, and termination of employment.

1.4 We will not accept unfair discrimination or less favourable treatment on the grounds of race, colour, nationality, ethnic or national origin, gender, sexual orientation, age, religion or belief, disability, marriage and civil partnership, gender re-assignment, pregnancy and maternity or trade union activity (see section 6 for definitions) as an employer or in the running of the Society.

1.5 This policy is fully supported by the Council and Executive Director who have given clear direction and leadership that the promotion of equality is a priority.

1.6 The commitments in this policy underpin all other Society policies.

1.7 This policy covers all trustees, members, employees, consultants and interns and anyone else working under the UKES name.

1.8 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2 Who is responsible for this policy?

2.1 The Council has overall responsibility for the effective operation of this policy with day-to-day responsibility for its implementation passed over to the Executive Director.

2.2 The Council and Executive Director have a specific responsibility to operate within the boundaries of this policy, ensuring that all members and staff understand the standards of behaviour expected of them and take action when behaviour falls below its requirements.

2.3 Members and staff should disclose any instances of discrimination of which they become aware to the Council or Executive Director.

2.4 Questions about this policy and requests for training or information on issues of discrimination should be directed to the Executive Director

2.5 This policy is reviewed annually by the Executive Director in consultation with the Council.

2.6 The Executive Director has responsibility for ensuring that any person who may be involved with investigations or administrative tasks carried out under this policy receive regular and appropriate training to assist them with these duties.

2.7 Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting the Executive Director.

3 Policy aims

3.1 The aim of this policy is to create an organisation where:

- decisions are fair and based on merit, competence, and potential
- we take account of individuals' experiences and needs
- unfair discrimination is not tolerated

3.2 We understand that to do this we will need to address the root causes and impacts of stereotyping, prejudice, discrimination, harassment and victimisation as well as the indirect discrimination that can unintentionally arise from policies, practices and procedures.

3.3 Through this policy we also aim to

- attract and retain members, trustees, staff, consultants, interns, volunteers and supporters, staff that reflect the diverse communities in which we operate and who are committed to our equality principles

- build an organisational culture that is open and inclusive and where people feel safe, where differences are accepted, engagement is apparent and the contributions of all are encouraged, valued and respected

- mainstream equality into every aspect of our activities including employment, fundraising, funding, marketing, publishing, events and procurement so that we can meet the needs of all our stakeholders.

4 Policy implementation

4.1 In order to translate this policy into action we will:

- engage with, and learn from our stakeholders in the development and delivery of an equality action plan and on our work more broadly

- implement tailored positive actions to respond to the evidence we collect

- level the playing field for disabled people through the provision of reasonable adjustments for disabled individuals

- ensure that all our staff and volunteers, including Council members and consultants working with the Society for more than a month, will be required to familiarise themselves with this policy. Equality principles will be embedded into all relevant induction training for new staff and volunteers. Where Council members and staff have not previously received Equality and Diversity training, arrangements will be made to provide them with appropriate support

- communicate this policy to all our stakeholders so that they are aware of our commitment to treat them fairly and their obligation to operate in line with this policy

- take appropriate action when incidents occur which breach this policy (see section 13)

- regularly monitor and review the success of this policy in promoting equality and evaluate the relevance and effectiveness of our action plan.

5 Legal duties

5.1 This policy is the instrument through which we comply with our obligations under the Equality Act 2010 as an employer and a service provider (an organisation is a service provider if it provides goods, facilities or services to the general public or section of it, regardless of whether these are free or paid for). The Society is therefore a service provider as set out in the Act. As such all our stakeholders need to understand the protections and obligations conferred on them by the Act

5.2 The purpose of the Act is that everyone has the right to be treated fairly at work or when using services. It protects people from discrimination by employers and service providers on the basis of nine protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex/gender
- sexual orientation

5.3 Trade union representatives and members also have legal protection against unfair treatment on the grounds of trade union activity. We will not treat members or employees unfairly on the grounds of trade union membership or non-membership. Unfair treatment includes dismissal.

5.4 In accordance with the Act, you must not unlawfully discriminate against or harass other people including current and former employees, job applicants, clients,

customers, suppliers and visitors. This applies in the workplace, outside the workplace (when dealing with customers, suppliers or other work-related contacts) and on work-related trips or events including social events.

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

Direct discrimination: This occurs where, because of a protected characteristic, a person receives worse treatment than someone who does not have that characteristic. For example, a member is turned down for a workshop grant because the assessors believe their disability will prevent them from organising it effectively.

Discrimination by Society: This is discrimination against someone because they associate with another person who possesses a protected characteristic. For example, a man is treated less favourably at an event because of his friendship with an individual who is transgender, or an employee is treated less favourably because they have a disabled child and are perceived as less flexible in their work as a result.

Perception discrimination: This is discrimination against an individual because others think (incorrectly) that they possess a protected characteristic. For example, an employee is not offered the chance to represent her company at a major event because her line manager believes she has mental health issues.

Indirect discrimination: This occurs when there is a provision, criterion or a practice that applies to everyone but which particularly disadvantages people with a protected characteristic compared with people who do not have that characteristic. Indirect discrimination can be justified. An example - an insistence that a new role must be a full-time role, meaning that current part-time/job-share employees cannot apply; statistically more women than men are part-time employees because of childcare. This may be discrimination unless the business can justify why this role must be full-time.

Harassment: This includes sexual harassment and other unwanted conduct related to a 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 (See UKES Anti-Harassment and Bullying Policy.)

Victimisation: This occurs when a person is treated less favourably than someone else because they have complained about discrimination, or are suspected of doing so or have supported someone else who has.

Disabled people are specifically protected against discrimination 'arising from disability'. For example, they would be protected from an employer penalising them from taking regular comfort breaks to manage chronic pain when they would reasonably be expected to know that the employee has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim.

5.6 Disabled people also have a legal right to reasonable adjustments from their service provider or employer. For example, through the provision of specific software, furniture or lighting.

5.7 A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled.

5.8 Finally, it would be discrimination to treat transgender people less favourably for being absent from work because they are undergoing gender reassignment than they would be treated if they were absent because they were ill or injured.

5.9 We expect our trustees, members, employees, consultants, interns and volunteers to behave in accordance with the above provisions.

5.10 We will make our commitment to equality clear in our working with members, supporters and donors.

6 Definitions and further explanations

6.2 This policy is based on the following definitions and explanations.

6.2 Disability is defined by the Equality Act as a physical or mental impairment that has a substantial and long-term adverse effect on ability to carry out normal day-to-day activities. Long-term means has lasted, or is expected to last, for 12 months. Included in this definition are:

- physical impairments (including asthma, diabetes, epilepsy etc.)
- sensory impairments such as hearing impairment or visual impairment
- severe facial disfigurement
- progressive conditions such as cancer, multiple sclerosis or HIV infection
- people who have had impairment in the past but have since recovered (such as cancer, mental health issues).

6.3 The Society supports the social model of disability that states that disability is created by society's barriers and not by particular medical conditions or impairments. Removing these barriers, which hinder people who have impairments, can therefore reduce disability. Barriers can be:prejudice and stereotypes

- inflexible organisational procedures and practices
- inaccessible information
- inaccessible buildings
- inaccessible transport

6.4 *Diversity*: is used to describe the process of valuing differences in individuals' attitudes, cultural perspectives, beliefs, ethnic background, sexuality, skills, knowledge and life experiences. Diversity recognises and celebrates difference as something which is positive and beneficial to us all.

6.5 *Equality*: is about making sure that people are treated fairly and given fair chances. It is not about treating everyone the same. Achieving equality of outcomes means meeting different needs in different ways. When mentioned in policies the word equality usually implies a focus on those characteristics covered by legislation

6.6 *Equity*: This means that the exercise of human rights leads to outcomes which are fair and just.

6.7 *Gay/lesbian*: emotionally and sexually attracted to people of the same sex. The term gay is most commonly applied to men. The term usually applied to women who are sexually and emotionally attracted to other women is lesbian.

6.8 *Gender*: refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women. It also refers to the relations between men and women, girls and boys and those between women and those between men.

6.9 *Gender mainstreaming*: means ensuring that women's and men's concerns and experiences are integrated into the design, implementation, monitoring and evaluation of our strategies, policies, programmes, projects and workplace culture. The aim of gender mainstreaming is gender equality; an outcome where women's and men's rights and needs are recognised and addressed.

6.10 *Gender reassignment:* a person who is proposing to undergo, is undergoing or has undergone a process to change their sex. To qualify for protection from discrimination a transsexual person does not have to show that they are under medical supervision.

6.11 *Homosexual*: A more official term for people who are sexually and emotionally attracted to members of the same sex. Not so commonly used by lesbian, gay and bisexual people to describe themselves.

6.12 *Mainstreaming*: the seamless integration of equalities issues into the policy making and service delivery process – planning, development, implementation and evaluation. And a way to ensure that promoting equality is not reliant on the commitment of a few individuals but part and parcel of our everyday business.

6.13 *Monitoring*: for equality data to check if people with protected characteristics are participating and being treated equally. For example, monitoring the representation of women, or disabled people, in the workforce or at senior levels within organisations.

6.14 *Positive action*: a range of lawful actions that seek to overcome or minimise disadvantages (e.g. in employment opportunities) that people who share a protected characteristic have experienced, or to meet their different needs.

6.15 *Positive discrimination*: Treating someone with a protected characteristic more favourably to counteract the effects of past discrimination. It is generally not

lawful *although the duty to make reasonable adjustments is an exception where treating a disabled person more favourably may be required by law.*

6.16 *Race:* Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, nationality (including citizenship) ethnic or national origins. It includes Anglo-Roma Gypsies, Irish, Scottish and Welsh Travellers.

6.17 *Reasonable adjustment:* Where a disabled person is at a disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage by (i) changing provisions, criteria or practices, (ii) altering, removing or providing a reasonable alternative means of avoiding physical features and (iii) providing auxiliary aids.

6.18 *Religion or belief:* includes any religion and lack of religion, in other words individuals are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.

6.19 *Sex*: refers to whether a person is a man or a woman (of any age).

6.20 *Sexual orientation*: Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

6.21 *Stereotyping:* making assumptions about an individual or group based on a particular attribute.

6.22 *Transsexual person*: a person who has the protected characteristic of gender reassignment. This may be a woman who has transitioned or is transitioning to be a man, or a man who has transitioned or is transitioning to be a woman. The law does not require a person to undergo a medical procedure to be recognised as a transsexual.

7 Disabilities

7.1 If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

7.2 If you experience difficulties at work because of your disability, you may wish to contact the Executive Directorto discuss any reasonable adjustments that would help overcome or minimise the difficulty. The EDI Officer or the Director may wish to consult with you and your medical adviser about possible adjustments. We will consider the matter carefully and try, within reason, to accommodate your needs. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where possible.

7.3 We will monitor the physical features of our premises to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary, we will take reasonable steps to improve access.

8 Recruitment and selection

8.1 Recruitment, promotion, and other selection exercises such as redundancy selection will be conducted on the basis of merit, against objective criteria that avoid discrimination. Shortlisting should be done by more than one person and with the involvement of the EDI Officer where possible. Our recruitment procedures should be reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities.

8.2 Vacancies should generally be advertised to a diverse section of the labour market. Advertisements should avoid stereotyping or using wording that may discourage particular groups from applying. They should include a short policy statement on equal opportunities and a copy of this policy will be made available on request.

8.3 We take steps to ensure that our vacancies are advertised to a diverse labour market and, where relevant, to particular groups that have been identified as disadvantaged or underrepresented in our organisation. Where appropriate, the Council may approve the use of lawful exemptions to recruit someone with a particular Protected Characteristic, for example, where the job can only be done by a woman. The advertisement should specify the exemption that applies.

8.4 Job applicants should not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic. For example, applicants should not be asked whether they are pregnant or planning to have children.

8.5 Job applicants should not be asked about health or disability before a job offer is made. There are limited exceptions which should only be used with the approval of the Council. For example:

- questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments)
- questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment
- positive action to recruit disabled persons
- equal opportunities monitoring (which will not form part of the selection or decision-making process).
- Where necessary, job offers can be made conditional on a satisfactory medical check.

8.6 We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts,

to satisfy current immigration legislation. The list of acceptable documents is available from the Director or UK Visas and Immigration.

8.7 To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our organisation, we monitor applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment. The information is removed from applications before shortlisting, and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.

9 Training and promotion and conditions of service

9.1 Training needs will be identified through regular appraisals. You will be given appropriate access to training to enable you to progress within the Society and all promotion decisions will be made on the basis of merit.

9.2 Workforce composition and promotions will be regularly monitored to ensure equality of opportunity at all levels of the Society. Where appropriate, steps will be taken to identify and remove unjustified barriers and to meet the special needs of disadvantaged or underrepresented groups.

9.3 Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all of you who should have access to them and that there are no unlawful obstacles to accessing them.

10 Termination of employment

10.1 We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

10.2 We will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

11 Part-time and fixed-term work

11.1 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.

12 Monitoring and implementation

12.1 Ultimate responsibility for monitoring the implementation of this policy rests with the Council. However, each and every individual involved in the Society needs to play their part in translating policy into practice.

12.2 On a day-to-day basis breaches of this policy could occur at a number of levels some requiring a more urgent response than others. Serious cases of deliberate discrimination may amount to gross misconduct resulting in dismissal.

12.3 Members, employees, consultants and interns should speak to the Executive Director or use the existing feedback process depending on the seriousness and urgency of the issue.

12.4 Should a member, employee, consultant or intern experience or witness more severe breaches of this policy, perhaps involving direct discrimination against an individual or bullying and harassment then there are a number of options including:

- speaking to the individual(s) involved
- contacting the Executive Director
- talking to your trade union representative

12.5 Whichever option you chose you are strongly encouraged to take action.

12.6 If members or employees find examples of indirect discrimination in the Society policies and procedures you should bring this to the attention of the Executive Director and / or the Council immediately. They can then consider the issue and respond as appropriate.

12.7 Complaints will be treated in confidence and will be investigated as appropriate. Cases of this nature will then most likely be dealt with through the Society's Complaints Policy.

12.8 There must be no victimisation or retaliation against members or staff who complain about discrimination. However, making a false allegation deliberately and in bad faith will be treated as misconduct.

12.9 We will take action where needed to address any inequalities that surface through the implementation of this policy

12.10 A formal annual review of the policy and action plan will be led by the BISA Governance sub-committee. The review will focus on tracking progress, identifying challenges to delivery and devising ways to overcome these as well as checking that the policy aims and actions remain relevant.

13 UKES policies that support equality and diversity

Although the principles set out in this policy underlie all our policies at UKES, this policy should particularly be read in conjunction with the following policies:

- Code of Conduct

Updated: 26th September 2024