



Equality, Diversity and Inclusion

Version	1.0
Ratified by:	Executive Committee
Date ratified:	19 th June 2023
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Date issued:	1 st September 2023
Review date:	August 2024
Target audience:	Staff, Trustees and Volunteers

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1. Introduction

Harpenden Mencap recognises that certain individuals and groups face discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality and ethnic or national origins), religion or belief, sex and/or sexual orientation.

The aim is for our workforce to be truly representative of all sections of society and the people we support, and for each employee to feel respected and able to give their best.

Harpenden Mencap is committed to ensuring that there is no unlawful discrimination towards our staff or the people we support who currently use, or who wish to use our services and facilities.

2. Policy Statement

Harpenden Mencap is an equal opportunity employer and is committed to treating all its employees and job applicants equally. We will avoid unlawful discrimination in all aspects of employment including recruitment and selection, promotion, transfer, opportunities for training, pay and benefits, other terms of employment, discipline, selection for redundancy and dismissal.

It is Harpenden Mencap's policy to take all reasonable steps to employ and promote employees on the basis of their abilities and qualifications without regard to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality and ethnic or national origins), religion or belief, sex and/or sexual orientation. In this policy, these are known as the 'protected characteristics'.

3. Aims

The aims of this policy are:

- To demonstrate how Harpenden Mencap recognises, respects and values diversity in its trustees, employees, volunteers and service users;
- To set out how principles of equality and diversity are implemented and integrated across all aspects of Harpenden Mencap's work;
- ☑To ensure Harpenden Mencap meets its legal obligations in relation to the Equality Act 2010 and other equality legislation.

4. Scope

All trustees, staff and volunteers of Harpenden Mencap must abide by this policy. The policy covers:

- Employment at Harpenden Mencap;
- The role of trustees and volunteers. Whilst the equalities Act 2010 applies to paid employment, it is Harpenden Mencap's intention that the overall aims and principles should cover trustees and volunteers;
- ☑The delivery of services to people with a learning disability and their carers.

Employees have a duty to co-operate with Harpenden Mencap to ensure that this policy is effective, to ensure equal opportunities and to prevent discrimination. Action under Harpenden Mencap's disciplinary procedure will be taken against any employee who is found to have committed an act of improper or unlawful discrimination.

Serious breaches of the equal opportunities policy will be treated as potential gross misconduct and could render the employee liable to summary dismissal. Employees

should also bear in mind that they can be held personally liable for any act of unlawful discrimination.

Employees must not harass, bully or intimidate other employees for reasons related to one or more of the protected characteristics. Such behaviour will be treated as potential gross misconduct under the organisation's disciplinary procedure. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

Employees should draw the attention of their line manager to suspected discriminatory acts or practices. Employees must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or who has provided information about such discrimination. Such behaviour will be treated as potential gross misconduct under Harpenden Mencap's disciplinary procedure. Employees should support colleagues who suffer such treatment and are making a complaint.

Harpenden Mencap also recognises that it has a duty to ensure that the services it provides are available on a fair and equitable basis to people with a learning disability and their carers in Harpenden. Whilst it is recognised that Harpenden Mencap will not be able to meet all the demands made upon its services, there will be a publicly available list of priorities and eligibility criteria which will be reviewed on a regular basis.

5. Roles and Responsibilities

Trustees: Trustees have responsibility for approving and reviewing the policy on a regular basis. They must also take reasonable steps to ensure that the policy is being implemented and to act in accordance with the policy.

Chief Executive Officer (CEO): The CEO has overall responsibility for this policy and for taking steps to ensure that the policy is being implemented throughout the organisation.

Managers: Managers are required to familiarise themselves with the content of the policy and apply it fairly and consistently. They must:

- Act in accordance with the policy;
- Communicate the policy to other staff and volunteers and to ensure it is being implemented correctly;
- To monitor performance of the policy and report and concerns to the Chief Executive Officer.

Employees: -Employees should familiarise themselves with the content of this policy and act in accordance with its contents.

Human Resources: HR will maintain and update this policy and any associated guidance to ensure that it is in line with organisational and legislative changes, and will:

- Provide advice and guidance in the application of the policy;
- Provide support and advice at formal meetings;
- Ensure that appropriate records are maintained of formal proceedings.

6. Employment at Harpenden Mencap

6.1. Tackling direct discrimination

Direct discrimination occurs when, because of one of the protected characteristics, a job applicant or an employee is treated less favourably than other job applicants or employees are treated or would be treated.

The treatment will still amount to direct discrimination even if it is based on the protected characteristic of a third party with whom the job applicant or employee is associated and not on the job applicant's or employee's own protected characteristic. In addition, it can include cases where it is perceived that a job applicant or an employee has a particular protected characteristic when in fact they do not.

Discrimination after employment is also unlawful if it arises out of and is closely connected to the employment relationship, for example refusing to give a reference or providing an unfavourable reference for a reason related to one of the protected characteristics.

Harpenden Mencap will take all reasonable steps to eliminate direct discrimination in all aspects of employment.

6.2. Tacking indirect discrimination

Indirect discrimination is treatment that may be equal in the sense that it applies to all job applicants or employees but which is discriminatory in its effect on, for example, one particular sex or racial group.

Indirect discrimination occurs when there is applied to the job applicant or employee a provision, criterion or practice (PCP) which is discriminatory in relation to a protected characteristic of the job applicant's or employee's. A PCP is discriminatory in relation to a protected characteristic of the job applicant or employee, if:

- It is applied, or would be applied, to persons with whom the job applicant or employee does not share the protected characteristic;
- The PCP puts, or would put, persons with whom the job applicant or employee shares the protected characteristic at a particular disadvantage when compared with persons with whom the job applicant or employee does not share it;
- It puts, or would put, the job applicant or employee at that disadvantage, and
- It cannot be shown by Harpenden Mencap to be a proportionate means of achieving a legitimate aim.

Harpenden Mencap will take all reasonable steps to eliminate indirect discrimination in all aspects of employment.

6.3. Tackling victimisation

Victimisation occurs when an employee is subjected to a detriment, such as being denied a training opportunity or a promotion, because they have raised or supported a grievance or complaint of unlawful discrimination, or because they have issued employment tribunal proceedings for unlawful discrimination or they have given evidence in connection with unlawful discrimination proceedings brought by another employee. However, an employee is not protected if they give false evidence or information, or make a false allegation, and they do so in bad faith. Post-employment victimisation is also unlawful, for example refusing to give a reference or providing an unfavourable reference because the former employee has done one of the protected acts set out above.

Harpenden Mencap will take all reasonable steps to eliminate victimisation in all aspects of employment.

6.4. Staff recruitment

The recruitment process will be conducted in such a way as to result in the selection of the most suitable person for the job in respect of abilities and qualifications. Harpenden Mencap is committed to applying its equal opportunities policy at all stages of recruitment and selection.

Advertisements will aim to positively encourage applications from all suitably qualified people. When advertising job vacancies, in order to attract applications from all sections of the community, Harpenden Mencap will, as far as reasonably practicable:

- Ensure advertisements are not confined to those areas or publications which would exclude or disproportionately reduce the numbers of applicants with a particular protected characteristic;
- Avoid setting any unnecessary provisions or criteria which would exclude a higher proportion of people with a particular protected characteristic.

Where vacancies may be filled by promotion or transfer, they will be published to all eligible employees in such a way that they do not restrict applications from employees with a particular protected characteristic.

However, where, having regard to the nature and context of the work, having a particular protected characteristic is an occupational requirement and that occupational requirement is a proportionate means of achieving a legitimate aim, Harpenden Mencap will apply that requirement to the job role and this may therefore be specified in the advertisement.

The selection process will be carried out consistently for all jobs at all levels. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question. Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment, promotion or transfer will be assessed objectively against the requirements for the job.

With disabled job applicants, Harpenden Mencap will have regard to its duty to make reasonable adjustments to work provisions, criteria or practices or to physical features of work premises or to provide auxiliary aids or services in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.

Any selection tests which are used will be limited to questions relating to the particular job and/or career requirements. The tests will measure the individual's actual or inherent ability to do or to train for the work or career. Thus, questions or exercises on matters which may be unfamiliar to applicants with a particular protected characteristic will not be included in the tests if they are unrelated to the requirements of the particular job. The tests which are used will be reviewed from time to time in order to ensure that they remain relevant and free from any unjustifiable bias, either in content or in scoring mechanism.

All applications will be processed in the same way. The staff responsible for short-listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application.

All applicants will be interviewed by at least two interviewers. All questions that are put to the applicants will relate to the requirements of the job.

If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about any of the protected characteristics.

6.5. Staff training, transfer and promotion

Harpenden Mencap will take such measures as may be necessary to ensure the proper training, supervision and instruction for all line managers in order to familiarise them with the Charity's policy

on equal opportunities, and in order to help them identify discriminatory acts or practices and to ensure that they promote equal opportunity within the departments for which they are responsible. The training will also enable line managers to deal more effectively with complaints of bullying and harassment.

Harpenden Mencap will also provide training to all employees to help them understand their rights and responsibilities under the equal opportunities policy and what they can do to create a work environment that is free from discrimination, bullying and harassment.

All persons responsible for selecting new employees, employees for training or employees for transfer or promotion to other jobs will be instructed not to discriminate because of one or more of the protected characteristics.

Where a promotional system is in operation, the assessment criteria will be examined to ensure that they are not discriminatory. The promotional system will be checked from time to time in order to assess how it is working in practice.

When a group of workers who predominantly have a particular protected characteristic appear to be excluded from access to promotion, transfer and training and to other benefits, Harpenden Mencap's systems and procedures will be reviewed to ensure there is no unlawful discrimination.

6.6. Terms of employment, benefits, facilities and services

All terms of employment, benefits, facilities and services will be reviewed from time to time in order to ensure that there is no unlawful direct or indirect discrimination because of one or more of the protected characteristics.

6.7. Equal pay and equality of terms

Harpenden Mencap is committed to equal pay and equality of terms in employment. It believes its male and female employees should receive equal pay where they are carrying out like work, work rated as equivalent or work of equal value. In order to achieve this, Harpenden Mencap will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

6.8. Grievances and complaints

All allegations of discrimination will be dealt with seriously, confidentially and speedily. Harpenden Mencap will not ignore or treat lightly grievances or complaints about unlawful discrimination from employees. Such complaints should be raised promptly under the terms of Harpenden Mencap's grievance procedure.

If the complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

Employees will not be penalised for raising a grievance, even if it is not upheld, unless the complaint was both untrue and made in bad faith.

6.9. Monitoring equal opportunity

Harpenden Mencap will regularly monitor the effects of selection decisions and personnel practices and procedures in order to assess whether equal opportunity is being achieved. This will also involve considering any possible indirectly discriminatory effects of its standard working practices. If changes are required, Harpenden Mencap will implement them. Harpenden Mencap will also make reasonable adjustments to its standard working practices to overcome substantial disadvantages caused by disability.

7. Access to Harpenden Mencap Services

Harpenden Mencap provides services specifically for people with a learning disability and their carers. Access to services is limited in this way through the Charities Exemption in the Equalities Act 2010, which allows us to limit access on the basis that we aim to tackle a particular disadvantage faced by people with the protected characteristic of learning disability.

Harpenden Mencap is committed to the elimination of harassment, discrimination and prejudice experienced by individuals and groups and will not tolerate abusive behaviour, including:

- Attacks on individuals or groups on any of the above grounds;
- Discriminatory name-calling, insulting remarks, jokes or threats;
- Writing such remarks on walls or other places;
- Encouraging other people to harass or discriminate against another individual or group;
- Provocative behaviour, such as wearing racist badges/fascist insignia;
- Bringing into the premises materials such as leaflets and magazines which in any way support the aforementioned discrimination.

Harpenden Mencap will challenge any such behaviour whenever it occurs and will seek to ensure that service users are able to participate in our activities without experiencing discrimination in any form.