



# EQUALITY AND DIVERSITY POLICY

This Equal Opportunities policy is a summary of SSBA commitment to and work on promoting equality of opportunity in all of our services. It includes a commitment to keep our performance under review and to adopt or introduce new policies as necessary in order to meet the primary aim of achieving equality of opportunity for all.

This policy replaces the previous Equal Opportunities Policy as the content was defined mainly by the legislation in place at the time of creation. This document has been designed to take a broader overview whilst building on previous experiences. It covers the procedures and systems established to measure and monitor our performance both in eliminating discrimination and in implementing good practice.

This policy looks beyond the traditional concept of disadvantaged groups and recognises the need to value each individual, in their own right, regardless of whether or not they belong to any particular section of society. The purpose of this policy is to ensure that all committee members, staff and tenants are able to fully participate and contribute their best towards the aims of the organisation and that no-one feels excluded from being able to do so.

## **1. General Statement of Intent**

*“SSBA is committed to ensuring and promoting diversity and equality of opportunity in employment and provision of services for all people within its range of work.”*

SSBA will treat all staff and tenants equally regardless of race, colour, ethnic origin, religion, cultural background, sexual orientation, sex, disability, age, marital or parental status (domestic circumstances), illness (such as HIV or Aids), employment status, membership of trade unions or political beliefs or any other unjustifiable criteria.

## **2. Legislation and Code of Practice**

SSBA has a duty to comply with the following legislations:-

- ◆ Sex Discrimination Act 1975 (amended 1986)
- ◆ Race Relations Act 1976 (Amended 2000)
- ◆ Disability Discrimination Act 1995
- ◆ Equal Pay Act 1970 (Amended 1984)
- ◆ Asylum and Immigration Act 1996
- ◆ Rehabilitation of Offenders Act 1974
- ◆ Protection against Harassment Act 1997
- ◆ Sex Discrimination (Gender Reassignment) Regulations 1999
- ◆ Equality Act 2010

*See appendix A for further details about the above legislations*

SSBA also has duty to comply with the following requirements, guidelines and good practice:-

- ◆ Commission for Racial Equality – Employment Code of Practice
- ◆ Disability Rights Commission Code of Practice
- ◆ Human Rights Act 1998

### 3. Responsibilities

#### STAFF

All staff have a responsibility to ensure that this policy is put into practice, but specific responsibilities fall upon those who are involved in the recruitment and training and development of students.

#### COMMITTEE MEMBERS AND SENIOR MANAGEMENT

The Management Committee has a corporate responsibility for ensuring that this policy underpins all aspects of our work.

The Senior Managers of SSBA are responsible to the Director and subsequently the Management Committee for the operation, monitoring and review of the policy.

### 4. Equal Opportunities Commitments

#### EQUAL TREATMENT

SSBA will treat all committee members, staff and tenants equally regardless of race, colour, ethnic origin, religion, cultural background, sexual orientation, sex, disability, age, marital or parental status (domestic circumstances), illness (such as HIV or Aids), employment status, membership of trade unions or political beliefs or any other unjustifiable criteria.

SSBA is committed to the active pursuit of an Equal Opportunities Policy which addresses the need and right of everyone to be treated with respect

and dignity in an environment in which a diversity of backgrounds and experiences are valued. SSBA aims to ensure that no prospective or existing tenant or member of staff should receive less favourable treatment on any grounds which are not relevant to ability and attainment.

## GENDER

Women and men can experience discrimination and disadvantage in terms of employment and service delivery and may experience sexist behaviour both in public and in the home. We will investigate and take appropriate action on all reported cases of sexual harassment.

SSBA will comply with the Sex Discrimination Act 1975 and will ensure that staff and tenants receive:-

- ◆ Equal access to services and resources
- ◆ Equality of opportunity in employment and career development.

## RACE

SSBA recognises that racism has a profound impact on peoples' lives from ethnic communities. Negative assumptions about people based on their colour, accent, religion, dress, culture and ethnic origin create the barriers, which may prevent our students from receiving appropriate education and access to employment.

We will comply with the Race Relations Act 1976, the Race Relations (Amendments) Act 2000, and the Commission for Racial Equality (CRE) Code of practice for equality and employment.

We will:-

- ◆ Ensure that our enrolment policies do not discriminate against black or minority ethnic communities.
- ◆ Ensure that the particular needs of local communities in specific geographical areas are met by setting targets for enrolments to these categories of student.
- ◆ Take positive steps to encourage applicants from under-represented groups to apply for courses, employment and other services.
- ◆ Investigate and take appropriate action on all reported cases of racial harassment

## SEXUALITY

SSBA is committed to removing the discrimination that people face in their lives due to their sexuality and/or life choices ie, gay men, lesbians or transgender individuals.

There is no legal protection against this form of discrimination in employment or service provision. However, it is our aim that these

employees and tenants will be given the same conditions and benefits that are given to other employees and tenants.

We will investigate and take appropriate action on all reported cases of inappropriate harassment.

## DISABILITY

SSBA recognises that people with a disability do not have fair and equal access to services and employment.

We will remove the barriers that obstruct people with disability and will comply with the Disability Discrimination Act 1995, Disability Rights Commission's code of practice and the Equalities Act 2010.

We will:-

- ◆ Wherever possible seek to meet the needs of people with a disability
- ◆ Investigate and take appropriate action on all reported cases of disability harassment
- ◆ Wherever possible, alter offices and workspaces to make them more accessible for people with a disability or try to accommodate them at one of our external sites that may be more appropriate for their needs.

## HIV/AIDS

We will ensure that we will not discriminate against committee members, employees or tenants with HIV. We will not demand HIV tests on appointment and will have specific procedures to deal with sickness and confidentiality, which recognise and protect members of committee members, staff or tenants who have HIV.

## CULTURAL OR RELIGIOUS BELIEFS

SSBA will respect and value the cultural or religious beliefs of committee members, employees, tenants and visitors and will recognise that they might need to wear particular dress and observe prayer times and religious holidays. We will, wherever possible, vary or adapt working requirements to ensure these are met. Wherever possible, we will not restrict mode of dress or presentation. We will ensure equal access to employment and services. Wherever possible and appropriate we will design accommodation to meet religious needs.

## AGE

SSBA will not discriminate against committee members, staff or tenants because of their age. SSBA recognises that certain people because of their age have specific needs and will take this into account.

## 5. Positive Action

SSBA will seek to implement anti-discriminatory practice in order to actively promote the interests of those members of the community who are subject to unfair discrimination and disadvantage and will if necessary take positive action to ensure true equality of opportunity for all people.

## 6. Targets

SSBA will establish systems and targets as appropriate and will regularly monitor our performance and achievements against these targets. Updates will be provided to the Director and the Management Committee.



## 7. Training

SSBA will ensure all staff and committee members are informed of relevant legislation and currently accepted good practice with regard to equal opportunities and are trained to work in an anti-discriminatory manner. Specialist training will also be provided as appropriate to enable staff to work more effectively with particular minority groups.

*See appendix B for definitions of different forms of discrimination*

## **8. Publicity**

SSBA will ensure that the commitment to equal opportunities and relevant specific policies are adequately publicised in order that everyone is fully aware of what is expected.

We will ensure that promotional materials and information present a positive image of disadvantaged groups and that all relevant sections of the community are included.

We will look for new and innovative ways to address equality and diversity issues and will actively promote the approach of SSBA within the sector and the wider community.

## **9. Implementation and monitoring**

Responsibility for the review and improvement of the Equality and diversity performance will lie with the Management Committee, the Director and the staff. Together they will monitor all targets, propose changes and amendments where necessary. The senior staff are responsible for reporting performance to the Director who then will report direct to the Management Committee.

Targets will be set annually, relevant to the composition of the communities in which we operate for employment and management committee membership.

## **10. Equal Opportunities Strategy**

SSBA's employment policies will be open and accountable. It will give equal access to individuals from all sections of the community.

SSBA will carry out monitoring of staff employment figures with reference to equal opportunities and will establish targets where necessary to ensure equal access to our services to all communities.

SSBA will provide a sensitive customer care service. It will take particular care in implementing its harassment policy, including sexual and racial harassment. We will ensure that our staff, tenants and committee members are aware of our policy on equal opportunities and are informed that sexual, racial or other harassment will not be tolerated.

## **11. Neighbourhoods**

SSBA is committed to promoting equality and diversity and encouraging community cohesion in the neighbourhoods that we operate in. We will do this by getting involved with the local community and other voluntary groups and individuals. We will support events and projects with staff time, expertise and knowledge.

## **12. Support Services**

SSBA is committed to enabling and encouraging all individuals to be able participate in decision making which affects them on a personal, local and organisational level.

### **13. Development**

SSBA is committed to ensuring that the services we provide cater for the needs of different communities we serve and that there is equality of access for all.

### **14. Complaints or comments**

SSBA will give a full hearing to any person who believes that they have been treated in such a way which is not consistent with the equal opportunities policy. Individuals should inform the Director to initiate a complaint. Where appropriate the management committee will take action and if necessary implement any disciplinary procedures.

### **15. Employment**

#### **Recruitment and Selection**

Candidates for all posts shall be selected, promoted and treated on the basis of their relevant merits and abilities. It is important that everyone involved in staff selection will be trained in undertaking fair and objective recruitment in accordance with the SSBA's Recruitment Policy.

#### **Development and Training**

General Training – opportunities for development and training shall be shared equally amongst all staff. Individuals will be not discriminated against in the provision of training and given equal opportunity to attend and participate. Appropriate help will be made available to an individual whose first language is not English or to those individuals who are not familiar with the culture and customs in Britain.

#### **Cultural and Religious Needs**

Some employees may have particular cultural or religious needs (eg. The opportunity to observe prayer time and other religious rites, special dietary

requirements, or allowing special clothing to be worn). Wherever it is reasonably practicable, SSBA will endeavour to meet such needs.

## **Disabilities or Special Health Needs**

SSBA will make reasonable adjustments to the workplace to accommodate individuals who have a disability or a special health need. These may include:

- Adjustments to the premises (eg. ramps, siting of door handles and light switches, re-orienting offices to allow wheelchair access)
- Reallocation of some duties
- Alterations to working hours
- Enabling reasonable time off for treatment, assessment or rehabilitation
- Redeploying an employee to a suitable vacancy
- Making reference material available in alternative formats (eg. large print,
- Adaptation or purchase of specialist equipment (hands free headset)

## **Discipline and Grievance**

Unlawful or undesirable discrimination will not be tolerated by SSBA. Whilst every opportunity will be taken to raise awareness about what is acceptable behaviour, and to learn from previous experience, where necessary recourse will be made to SSBA's Disciplinary Procedure. For example in cases of racial or sexual harassment or bullying.

A member of staff who has, in good faith, taken action, or complained about discrimination shall not, for that reason, receive less favourable treatment than any other member of staff.

Particular care must be taken to deal effectively and promptly with all complaints of discrimination, victimisation and harassment. It should not be assumed that those who make such complaints are "over sensitive"

## **Harassment and Bullying at Work**

All staff should work in a collaborative and co-operative manner and afford mutual respect and courtesy with each other. Accordingly, staff shall recognise and have due regard to the environment in which the dignity of individuals is respected and free from harassment.

Whilst harassment has no definition in employment legislation, it is essentially unacceptable behaviour that is based on perceived differences which is unreasonable, unwelcome and/or offensive. To ensure that this is effected, all staff are required to adhere to SSBA's Harassment Policy and Procedure.

## **Flexibility in Employment/Terms and Conditions**

SSBA will ensure that all agreed policies will be applied equally to all staff.

SSBA will develop a flexible working policy and will ensure that all staff have equal access to flexible working practice in line with the provision of the Policy.

SSBA will not unfairly discriminate in the provision of access to general staff facilities and benefits.

## APPENDIX A

### Legislation

MMHG's Equality and Diversity Policy will be implemented in accordance with the statutory requirements as laid down in the following legislations:

#### **1. Sex Discrimination Act 1975 (amended 1986) and Equal Pay Act 1970 (amended 1983)**

These Acts require that employers do not discriminate, either directly or indirectly, between men and women, or married and unmarried people, in recruitment or in any other way in their treatment of employees. Equal treatment, in respect of pay, terms of contract or employment, must be given to men and women doing the same or broadly similar work or work which is of equal value.

The Sex Discrimination Act also gives individuals a right of direct access to industrial tribunals for legal remedies for unlawful discrimination, and established the Equal Opportunities Commission in 1976 to help enforce the legislation and promote equal opportunities and provide information and advice. The Equal Opportunities Commission has 3 main tasks:

- ◆ Working to end sex discrimination
- ◆ Promoting equal opportunities for women and men
- ◆ Reviewing and suggesting improvements to the Sex Discrimination and Equal Pay Acts

#### **2. Race Relations Act 1976 (Amended 2000)**

This Act makes it unlawful to discriminate against a person, either directly or indirectly, in the field of employment, training and education on the grounds of colour, race, nationality, or ethnic or national origins. The Act gives individuals a right of direct access to employment tribunals for legal remedies for unlawful discrimination in employment.



The Race Relations (Amendment) Bill 2000 has extended the 1976 Act to all activities of the police and other public bodies, for those activities previously excluded from the Act, however, it is unlawful only to discriminate directly or by victimisation. Indirect discrimination was specifically excluded. The Act also expects public bodies to be pro-active in promoting Race Equality.

The 1976 Act also established the Commission for Racial Equality to promote equal opportunities and provide information and advice, and gave the Commission powers of investigation and enforcement.

### 3. Disability Discrimination Act 1995

It is against the law for an employer to treat a disabled person less favourably than someone else because of their disability. In order to help a disabled person to do the job, the act states that employers have to look at the changes they could make in the workplace or the way in which tasks are carried out and to make those changes if they are reasonable.

Reasonable adjustments include:

- ◆ making alterations to premises;
- ◆ allocating some of the disabled person's duties to another person;
- ◆ transfer to another vacant job;
- ◆ alter working hours;
- ◆ change the place of work;
- ◆ allowing absence during working hours for rehabilitation, assessment or treatment;
- ◆ providing additional training;
- ◆ acquire or modifying equipment;
- ◆ modifying instructions or reference manuals
- ◆ provide a reader or interpreter;
- ◆ provide supervision

In determining whether it is reasonable for an employer to have to take a particular step in order to comply, regard shall be taken, in particular, to: -

- ◆ the extent to which taking the step would prevent the effect in question;
- ◆ the extent to which it is practicable for the employer to take the step;
- ◆ the financial and other costs which would be incurred by the employer in taking the step
- ◆ and the extent to which taking it would disrupt any of his activities;
- ◆ the extent of the employer's financial and other resources;
- ◆ the availability to the employer of financial or other assistance with respect to taking the step.

It is important to recognise that disability can occur as a result of congenital disability, onset of illness in later life, accidental injury or becoming frail through old age. Disabled people are not a homogenous group and are defined under the Disability Discrimination Act 1995 as anyone “with a physical or mental impairment which has a substantial and long term adverse effect upon the ability to carry out normal day-to-day activities”.

#### **4. Asylum and Immigration Act 1996**

This Act became effective from 27 January 1997 and only to people appointed after this date. It creates a criminal offence of employing a person who does not have the permission to work in the UK. It also provides a new defence for employers who make certain checks before taking on new employees. It does not apply to self-employed or agency workers. Employers are advised to retain or copy all relevant documents and to keep them for 6 months after the individual has left the company. Employers are subject to a £5000 fine if they are found to have employed an illegal immigrant without checking for documentation. A fine will be levied against the employer but senior individuals may also be guilty of negligence.

#### **5. Rehabilitation of Offenders Act 1974**

The aim of this Act is to make working life easier for those who have been convicted of a criminal offence. The period of time, which must elapse before a conviction becomes spent, varies from 3 months to 10 years, according to the nature of the offence and the age of the offender. The general rule that a person need not disclose spent convictions when asked about her/his previous record does not apply in certain cases. The exceptions are made for general protection of the public. In the employment field they cover jobs in the following areas:-

- ◆ national security;
- ◆ looking after the young, the old, the sick and the handicapped;
- ◆ administration of justice; and
- ◆ banking and insurance.

#### **6. Gender Reassignment Regulations 1999**

These measures aim to prevent discrimination against transsexual people on the grounds of sex in pay and treatment in employment and vocational training. Discrimination on the grounds of gender reassignment is discrimination on the grounds of sex. It is possible for people to obtain official documents in their new identity. These include a passport, driving

licence and National Insurance Number. Pay falls under the 1975 Sex Discrimination Act, rather than the Equal Pay Act i.e. equal pay for equal work. It is not unlawful to discriminate for general occupational requirements.

## **7. The Protection from Harassment Act 1997**

This Act states that harassment is a criminal offence and as such, a person guilty of an offence under this Act, is liable, on summary conviction, to imprisonment for a term not exceeding six months, or a fine or both.

## 8. The Human Rights Act 1998

The Human Rights Act 1998 came into force throughout the UK on 2 October 2000, giving effect to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Public authorities will have to respect Convention rights and it will be unlawful for a public authority to act in a way, which is incompatible with a Convention right.

The Convention rights are as follows: -

- ◆ Right to life.
- ◆ Prohibition of torture.
- ◆ Prohibition of slavery and forced labour.
- ◆ Right to liberty and security.
- ◆ Right to a fair trial.
- ◆ No punishment without lawful authority.
- ◆ Right to respect for private and family life.
- ◆ Freedom of thought, conscience and religion.
- ◆ Freedom of expression.
- ◆ Freedom of assembly and association.
- ◆ Right to marry.
- ◆ Prohibition against discrimination.
- ◆ Protection of property.
- ◆ Right to education.
- ◆ Right to free elections.

## 9. The Equalities Act 2010

The Equalities Act 2010 came into force on 1 October 2010.

It:

- ◆ Provides powers to extend age discrimination protection outside the workplace
- ◆ Clarifies protection against discrimination by association, for example in relation to a parent who cares for his/her disabled child

- ◆ Extends protection from discrimination on the grounds of gender reassignment to school pupils
- ◆ Extends discrimination protection in the terms of membership and benefits for private clubs and associations
- ◆ Creates a unified public sector duty, intended to promote equality in public policy and decision-making, existing provisions being extended to the protected
- ◆ characteristics of sexual orientation, age and religion or belief, and proposes a new public sector duty related to socio-economic inequalities
- ◆ Provides for legislation requiring that employers review gender pay differences within their organisations and publish the results
- ◆ Provides for changes to the way that individual claims are enforced, and gives employment tribunals wider powers to make recommendations for the collective benefit of employees
- ◆ Allows a Minister to amend UK equality legislation to comply with European law without the need for primary legislation
- ◆ Extends the period for which all-women shortlists may be used for parliamentary and other elections until 2030 and allows parties to reserve places on shortlists of candidates for people on the grounds of race or disability.

## **APPENDIX B**

### **Definitions of Discrimination**

#### **1. Direct Discrimination**

Takes place when a person or group of people is treated less favourably than other people in the same or similar circumstances. For example, choosing not to employ somebody who meets the requirements for the job because they are black, or married with children, or because they have a disability, or because they are gay or lesbian, would all constitute direct discrimination.

#### **2. Indirect Discrimination**

Takes place when a requirement or condition has the effect of discriminating unfairly and unjustifiably between one group or individual and another. This can be quite unintentional. However, particular attention must be taken to avoid this form of discrimination since it tends to occur more readily and frequently than direct discrimination. For example, standard entry qualifications applied automatically across a wide range of jobs, may lead to a situation where applicants are asked to meet requirements which are not actually relevant to the needs of the job. Insisting on higher language standards than are necessary for safe and effective job performance would tend to disqualify people for whom English is not their first language, at a higher rate than others. Insisting on an unnecessary physical requirement could discriminate against one sex in favour of another, and so on.

#### **3. Harassment**

This is defined as individual or repeated, and unwelcome comments, actions, suggestions or physical contact that is found objectionable by a person from a particular group covered by the Equal Opportunities Policy, and would cause them discomfort in their job. Harassment cannot be justified on the grounds that it was carried out in jest.



#### **4. Victimisation**

Takes place where a person is given less favourable treatment than others in the same circumstances because it is suspected or known that s/he brought proceedings under the Race Relations Act, or gave evidence or information relating to such proceedings, or alleged that discrimination has occurred.

#### **5. Pressure or instructions to discriminate**

It is unlawful for a person to instruct or attempt to put pressure on another person to contravene the Race Relations Act. Such pressure need not be applied directly: it is unlawful if it is applied in such a way that the other person is likely to hear about it.