

**Brandon**

**Live free**

the learning disability charity

# Equality and Diversity Policy

March 2014



**INVESTORS  
IN PEOPLE**

[www.brandontrust.org](http://www.brandontrust.org)

## **1. OUR VALUES**

### **1.1 Our Values & Commitment**

Brandon is committed to developing a culture that rewards ability and performance and is fair, open and transparent. We are committed to eliminating discrimination and encouraging diversity amongst our workforce. We will not discriminate on the grounds of any of the following protected characteristics: - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

We believe that everyone should be treated with the same respect and dignity and that these values help staff in achieving our mission, working in a person-centered way to enable everyone we support to move towards living their life

We fully support the ethos that every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.

We value the rich diversity and creative potential that people with different backgrounds and abilities bring to our workforce. Diversity can be in the form of visible or non-visible differences and includes factors such as sex, age, background, race, disability, personality and work style.

Our policy has been accredited by the WMF as meeting their Common Standard for Equalities in Public Procurement. In addition, we have been awarded the right to use the 'positive about disability' symbol.

### **1.2 Service Delivery**

While respecting each employee's differences we recognise it is essential to have a consistent approach to each individual we support, based on careful planning and consultation. We recognise that in helping individuals we support make choices, we must base these on their own wants and needs rather than our own personal beliefs and preferences.

Our aim is to harness differences to create a productive environment in which all of us can feel valued, where our talents can be fully used to deliver our values in line with our framework of behavioural core competencies.

### 1.3 Who Is Covered By The Policy?

This policy covers all individuals working at all levels and grades, including senior managers, officers, directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term employees, volunteers, casual workers and agency staff.

Our fundamental approach is to treat people as individuals. However, if we become aware of groups of people who are under-represented within the organisation, or of a number of individuals with a shared background who perceive themselves to be disadvantaged, we may respond to this by introducing positive, proactive, initiatives focused on this particular group.

### 1.4 Unlawful Discrimination & Our Regulatory Responsibilities

We will not tolerate discrimination against anyone on the basis of the following below characteristics. The explanatory wording provided in respect of each is not binding and any changes in the definitions of these characteristics under the Equality Act 2010 will be deemed to be incorporated into this policy:-

- **Age** - When referring to a person belonging to a particular age or range of ages.
- **Disability** - A person has a disability if she/he has a physical or mental impairment, which has substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
- **Gender Reassignment** - The process of transitioning from one gender to another. Since the introduction of the Equality Act 2010, there is no need for an individual to be under medical supervision in order for them to rely on this protected characteristic.
- **Marriage and Civil Partnership** - Marriage is defined as a formal union between a man and a woman or any subsequent or additional meaning given under the Marriage (Same Sex Couples) Act 2013. Civil partners must be treated the same as married couples.
- **Pregnancy and Maternity** - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the child's birth. In the work context, the protected period is from the start of a woman's pregnancy to the end of her maternity leave.
- **Race** - Race refers to a group of people defined by their race, colour or nationality (including citizenship), ethnic or national origins.

- **Religion or belief** - Belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). In order to come within the statutory definition, a belief should affect your life choices or the way you live.
- **Sex** - A man or a woman.
- **Sexual orientation** - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Any type of discrimination by or against an employee is generally prohibited unless there is a specific legal exemption. In particular, the following types of discrimination are prohibited and constitute disciplinary offences:

**Direct discrimination** occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their race because they would not "fit in" would be direct discrimination.

**"Less favourable treatment"** may take the form of bullying or harassment. **Bullying** includes "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient".

**Harassment** is described below.

Since the introduction of the Equality Act 2010, direct discrimination has been extended to include:-

- **Discrimination by perception** – discrimination due to an incorrect perception that a person has one of the protected characteristics, e.g. not short listing a candidate with particular name.
- **Discrimination by association** – discrimination due to being associated with somebody who has a protected characteristic, e.g. calling somebody's husband a racially offensive name.
- **Discrimination by instruction** – instructing somebody or putting in place a rule or policy or a way of doing things that has a worse impact on someone with a protected characteristic than someone without one, when this cannot be objectively justified.

**Indirect discrimination** occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage.

For example, a requirement to work full time puts women at a particular disadvantage because they generally have greater childcare commitments than men. Such a requirement will need to be objectively justified.

**Harassment** related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment may be persistent or it may only occur as an isolated incident. The key issue is whether the actions or comments are viewed as demeaning and unacceptable to the recipient.

**Victimisation** is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment, or supported someone else's complaint.

We adhere fully to the relevant national minimum standards for care homes and domiciliary care providers and the quality assessment framework for supported living service.

## 2. **BENEFITS OF THIS APPROACH**

Brandon's values and standards as a service provider are fundamental to our work and so we apply the same approach to our role as an employer.

Explicitly and actively managing equality and diversity issues impacts on every aspect of people's experience, of working with Brandon Trust. It can:-

- Improve the quality and quantity of new recruits.
- Improve motivation, commitment, performance and creativity
- Make best use of people's potential through training, development and career progression
- Improve attendance and retention
- Harness the wide variety of experiences, qualities and skills of the diverse workforce to the advantage of the people we support

The bottom line is it can improve the outcomes for the people we support.

### **3 YOUR PERSONAL RESPONSIBILITY**

#### **3.1 Your Personal Duties**

As employees or bank workers we all have two positive duties, to:-

1. Ensure our own behaviour complies with this policy. Be aware that these duties extend to conduct near the work-place and at work-related social functions
2. Take action if we become aware of unacceptable behaviour by others, either by speaking to the person involved or reporting it to an appropriate manager depending on the seriousness of the incident.

In addition, specific responsibilities fall upon the Director of People and Resources (who has overall strategic and administrative responsibility for this policy), senior managers, line managers and individual employees, particularly those involved in recruitment and employee administration.

Failing in these duties will breach this policy.

#### **3.2 Consequences of Breaching this Policy**

Breaches of this policy will not be tolerated and will be dealt with as a disciplinary matter. Unlawful discrimination in any area of the protected characteristics may be regarded as gross misconduct and can lead to your dismissal.

#### **3.3 Responsibilities of Non-Employees**

This policy is also relevant for people other than Brandon employees:-

- Contractors - we require any contractors acting on behalf of Brandon Trust to treat people (including people we support and staff) with respect and dignity and not to unlawfully or unfairly discriminate against them or to harass or bully them.

People we support - we have an expectation that individuals we support will not unlawfully discriminate against staff. Should they do so this will be addressed with them.

### **4 HOW OUR VALUES ARE IMPLEMENTED**

#### **4.1 This Policy**

This policy does not form part of your contract of employment and may be amended at any time.

## 4.2 Diversity Strategy and Action Plan

At an organisational level this policy will be implemented through a diversity strategy and action plan. Progress will be monitored and reviewed regularly.

The Director of People and Resources has responsibility for this policy and the Diversity Strategy and Action Plan. This policy will be reviewed at least every three years. We will continue to review the effectiveness of this policy to ensure it is achieving its objectives. As part of this process, we will monitor the composition of the workforce and of job applicants and the career progression of our staff.

## 4.3 Line management

All managers must set an appropriate standard of behavior, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regard to equal opportunities. Managers will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice. The Director of People and Resources has overall responsibility for equal opportunities training.

All managers and supervisors will be provided with written instructions explaining the importance of equality when recruiting, selecting, training, promoting, disciplining and dismissing employees.

## 4.4 Communication

We communicate this policy to all applicants and employees, by:-

- including a statement welcoming applicants from all sectors of the community in all job ads. All ads also include logos confirming our membership of the “Focus on Disability” and “Investors in People” schemes.
- providing a copy of this policy to everyone who applies to work with us.
- briefing all new employees on our approach to diversity as part of their corporate induction.
- communicating this policy to all employees through inclusion in our Handbook and on the intranet.

We provide everyone we support with an accessible leaflet explaining how to speak up if they are unhappy with any aspect of their service.

#### 4.5 Training

We are committed to ensuring that all staff receive training on diversity issues. We will also provide training to all those involved in selecting or managing staff. This will ensure that employees are familiar with the law and our policy.

#### 4.6 Recruitment

We aim to ensure that no job applicant suffers discrimination because of any of the protected characteristics above. Our recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate. Shortlisting of applicants should be done by more than one person wherever possible.

Job advertisements should avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying. They should include an appropriate short policy statement on equal opportunities and a copy of this policy shall be sent on request to those who enquire about vacancies.

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. We promote open recruitment methods such as the use of job centres, careers services and press advertisements. Where appropriate, Human Resources 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.

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 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 not available to recruiting managers and any reports generated are anonymised and solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.



## 4.7 Breaches

Breaches of the policy will be dealt with as a disciplinary matter (see section 3.2). Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to serious breaches of this policy.

## 5. WHAT TO DO IF YOU BELIEVE YOU ARE BEING DISCRIMINATED AGAINST

Our commitment to eliminating bullying and harassment and procedure for dealing with it is set out in the Grievance Policy and Procedure. This is held on the Brandon Trust Handbook on the intranet.

### 5.1 What To Do

We will not tolerate discriminatory behaviour. If you feel this is happening to you, you have the following options:-

#### 5.1.1 People We Support

People we support should report this using the **Complaints** procedure.

#### 5.1.2 Staff and Casual Bank Workers

If you are concerned that you are being unfairly treated or discriminated against do seek help straight away. Support and advice is available from

- your colleagues
- your line manager
- Human Resources
- your local union representatives
- confidential Employee careline on 0844 381 4008

Staff should report their concerns using the **Grievance Policy and Procedures**; they will be dealt with in a fair, speedy and sensitive manner

- In many instances a direct approach to the person may resolve the situation as they may be unaware of the impact of their behaviour. Ask the person to stop their behaviour, making clear what it is you are finding offensive and / or unacceptable and explaining the effect it is having on you
- If you do not feel it appropriate to (or are not able to) approach the person direct, raise the issue with your line manager.

- If the person involved is your line manager (and / or you do not feel able to approach your line manager) raise it with your senior manager.

### 5.1.3 Job Applicants

Job applicants should report any complaints of discrimination to the **Director of People and Resources** within 2 weeks of hearing the outcome of their application.

## 6. DIVERSITY MONITORING

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our organisation, we will monitor employees' ethnic group, gender and disability. Provision of this information is voluntary and it will not adversely affect any decision related to an individual's employment.

This information will be kept in respect of all employees, transferred employees, employees taking up training / development opportunities, promoted employees, disciplined / dismissed employees and departing employees. Reports generated from this information are anonymised and solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.

## 7. FURTHER INFORMATION

### *Other relevant policies:-*

- Grievance Policy & Procedure
- Flexible Working policy
- Employing People with Disabilities Policy
- Attendance Policy
- Maternity Policy
- Shared Parental Leave Policy
- Paternity Policy
- Adoption Policy

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