HR Policy Number 2

# Equality and Diversity Policy

**Version History**

| Version | Brief Summary of Change | By Whom | Date signed off by CEO |
|---------|-------------------------|---------|------------------------|
| V1.0 | | Emma Patey, Harriet Jacobs | April 2012 |
| V1.1 | | Emma Patey | April 2014 |
| V1.2 | | Emma Patey | April 2016 |
| V1.3 | Amalgamation of Kaleidoscope and ARCH policy | Emma Patey | March 2017 |

*Review date: March 2019*

## 1. OUR AIM

Kaleidoscope/ARCH is fully committed to the principles of equality of opportunity and is responsible for ensuring that no job applicant, employee, intern, contractor, client or other persons with whom we deal, receives less favourable treatment and are not subjected to unfair discrimination.

Kaleidoscope/ARCH wants to ensure a working environment free from discrimination, harassment, intimidation and victimisation where everyone will receive equal treatment and be valued for their individual contribution to the business and be treated with respect and honesty.

Our policy is designed to ensure that current and potential employees, service users, visitors and contractors are offered the same opportunities regardless of their age, gender, disability, race, ethnic origin, nationality, colour, parental or marital status, pregnancy or maternity, religion or belief, trade union involvement, class or social background, sexual orientation or political belief.

We recognise that an effective Equal Opportunities policy will help all staff to develop to their full potential, which is clearly in the best interests of both our staff and our business. We want to ensure that we not only observe the relevant legislation but also do whatever is necessary to provide genuine equality of opportunity.

Kaleidoscope/ARCH will ensure that there will be open access to all those who wish to participate in all aspects of their work activities and that they are treated fairly.

## 2. PURPOSE

This policy has been produced to prevent/tackle any potential/current discrimination or other unfair treatment, whether intentional or unintentional, direct or indirect, associative or perceived, against its employees, clients, service users, visitors or contractors

## 3. LEGAL REQUIREMENTS

Kaleidoscope/ARCH is required by law not to discriminate against its current, past or perspective employees, service users, clients or contractors and recognise its legal obligations under, and will abide by the requirements of the Equality Act 2010, which has consolidated and replaced all previous acts outlined below:

- Equal Pay Act 1970
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Acts 1975, 1986 & 1999
- Race Relations Act 1976 and the Race Relations Amendment Act 2000
- Disability Discrimination Act 1995
- Human Rights Act 1998
- Children Act 1998
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion and Belief) Regulations 2003
- Gender Recognition Act 2004
- Civil Partnership Act 2004
- Employment Equality (Age) Regulations 2003

We shall also abide by any later amendments to the above Acts/regulations, or future Acts/regulations which are relevant to Kaleidoscope/ARCH.

## 4. PROTECTED CHARACTERISTICS

The table below indicates the current "protected characteristics", detailed by Employment law governing Bullying, Harassment, Victimisation and Discrimination. This does not mean that any form of Bullying, Harassment, Discrimination or Victimisation of any kind will be tolerated by Kaleidoscope/ARCH, **but gives employees an indication to use as a guide.**

| | |
|---|---|
| Disability | Gender including Equal Pay |
| Race , including Ethnic background or Colour | Age |
| Religion or belief | Sexual Orientation |
| Marital Status, or civil partnership | Gender reassignment |
| Pregnancy and Maternity | |

## 5. DISCRIMINATION, HARASSMENT AND VICTIMISATION

Discrimination can take the following forms:

### 5.1 Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

### 5.2 Discrimination by Association

Applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

### 5.3 Perception Discrimination

Applies to age, race, religion or belief, sexual orientation, disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

### 5.4 Indirect Discrimination

Applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender reassignment.

Indirect discrimination can occur when a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it is 'a proportionate means of achieving a legitimate aim'.

Being proportionate really means being fair and reasonable, including showing that we have looked at 'less discriminatory' alternatives to any decision made.

When decisions are made about an individual, the only personal characteristics taken into account will be those which, as well as being consistent with relevant legislation, are necessary to the proper performance of the work involved.

### 5.5 Harassment

The current definition of harassment – as applied to any "protected characteristic" of discrimination covered by the applicable legislation.

*"Unwanted conduct related to a relevant 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". (ACAS 2010)*

It is behaviour that is unwanted, unreciprocated and uninvited.

*Harassment is described as* inappropriate actions, behaviour, comments or physical contact that is objectionable or causes offence to the recipient.

Kaleidoscope/ARCH is committed to ensuring that its current or prospective employees, service users, contractors, customers and any other people, with whom we deal, are able to conduct their activities free from harassment or intimidation.

### 5.6 Victimisation

Victimisation is defined *as* when someone is treated less favourably than others because he or she has taken action against Kaleidoscope/ARCH under one of the relevant Acts/regulations (as previously outlined) or provided information about discrimination, harassment or inappropriate behaviour.

Kaleidoscope/ARCH regards discrimination, harassment or victimisation, as described above, as gross misconduct and any employee, or contractor who discriminates against, harasses or victimises any other person will be liable to appropriate disciplinary action, up to and including dismissal. You are advised to read the Bullying, Harassment or Victimisation Policy for further information.

### 6. RESPONSIBILITY, IMPLEMENTATION AND COMMUNICATION

The HR Manager, along with the Chief Executive, are responsible for ensuring that this Equal Opportunities Policy is followed and to deal with any actual or potential breaches.

All employees or contractors have responsibilities to respect, act in accordance with and thereby support and promote the spirit and intentions of the policy and, where appropriate, individual work programmes will be amended to include equality related tasks.

A copy of this document will be available to all staff (both permanent and contract).

Kaleidoscope/ARCH will take measures to ensure that its employment practices are non-discriminatory.

Kaleidoscope/ARCH will ensure that any consultants and advisers used can demonstrate their commitment to the principles and practice of equality and that they abide by this policy.

The policy will be part of the staff handbook and reference will be made to it in any codes of conduct. It will also be covered in all staff induction training.

The policy will apply for 2 years before a formal review takes place, unless any proposal to the Chief Executive, or legislation change, requires an interim review and/or amendment.

Appropriate disciplinary action will be taken against any employee, who violates the Equal Opportunities Policy.

An individual may raise any grievance and no employee, will be penalised for doing so unless it is untrue and not made in good faith.


## 7. OTHER POLICY DOCUMENTATION

Further information and guidance for Kaleidoscope/ARCH employees on equality and diversity is available by referring to the following company policies:

- Bullying, Harassment  or Victimisation
- Disciplinary
- Flexible Working
- Grievance
- Planned Family Leave
- Recruitment
- Redundancy
- Retirement
- Sickness Absence
- Training And Development
- Whistle-Blowing.


## 8. EQUALITY IMPACT ASSESMENT

As stated, Equality Impact Assessments (EIAs) will be carried out before every creation and review of policies that relate to equality.  They will become a major part of the reviewing and update of policies process, in which we can build a robust procedure for responding to EIA's.

By carrying out EIAs we plan to make a change to our services that will benefit many different types of people.

Our initial procedure for carrying out the assessments will be to assess our services and policies for implications relating to the various equality strands.  In practice this will mean that we should assess all new policies and functions and work through a list of existing ones to assess their possible impact on people who may be disabled, people from different races and ethnicities, women, men, gay, bisexual and transgender people.  Once this is done, we should action plan for improvements to relevant policies, functions etc.

The overall aim of the assessments is to ensure that all types of people can easily access our services and that our policies take their needs into account.

Impact assessments must cover the six equality dimensions as covered by legislation:

- Race or Ethnicity
- Gender

- Disability
- Age
- Sexual Orientation
- Religion and Belief

When carrying out an EIA, the issues for consideration should include the number of people likely to be affected, the financial and human resources involved, the extent of the proposed change and the wider public policy implications

Chief Executive
March 2017

*Appendix 1:*

| ARCH Trawsnewid y Dyfodol Transforming Futures | Kaleidoscope |
| --- | --- |
| **Equality Impact Assessment Toolkit** | |

This toolkit acts as a guide to explain how to complete each section of the Equality Impact Assessment (EIA).

EIAs are a way of looking at current and new policies in an in depth way to assess the impact they may have on different equality groups (race, disability, age, gender, religion or belief, sexual orientation and other socially excluded communities or groups).

**The aims of EIAs are to:**
- Allow more contact with the diverse groups in the community.
- Change the way you think about work and the decision made.
- Help to think more about the needs of various groups, so that equality is at the heart of everything you do.

**EIAs can be used to:**
- Stop direct and indirect discrimination from happening now and in the future.
- Highlight diversity as a strength and an integral part of work.
- Make sure services are accessible to everyone in the community.
- Help to improve the way service users are treated.
- Help with decisions that need to be made.
- Ensure legislation is complied with.

**When to assess:**
- Before a new policy is created and existing one is to be reviewed.
- Before completing a full assessment a preliminary EIA should be completed. It is a screening process to see if the policy has an impact on any of the equality groups.

**The key steps for completing an EIA:**
1. Clear aims and objectives
2. Collecting information
3. What is the impact?
4. What are the differences?
5. Consultation
6. Decision
7. Publish results

**1. Aims and objectives:**
- What is the aim of the policy?
- Who is the policy going to benefit and how?
- What outcomes do you want to achieve?
- What barriers are there to achieving these outcomes?

## 2. Collecting information:
- Data about the people who use the service
- Satisfaction or complaints feedback
- Previous EIAs
- Your knowledge and the knowledge of people in the team.

## 3. What is the impact?
- Who does and doesn't use the service?
- What do different minority groups think?  (You might think the policy is accessible and addresses the needs of those groups, but asking them might give a totally different view)
- Does it really meet their varied needs?
- Are some groups less likely to get a good service?

Being accessible can include how physically accessible the service is or how intellectually accessible it is i.e. use of jargon or language that is too complex.

## 4. What are the differences?
- Are any groups affected in a different way to others as a result of the policy?
- Is this difference a negative one?
- Does this policy either directly or indirectly discriminate?
- Is the aim of the policy to create equal opportunities through positive action?
- Explain your reasons.

## 5. Consultation
- Ensure that the way you ask for views is open, inclusive and accessible for everyone.
- Use methods appropriate for the policy or service being looked at.
- Make sure that anyone who may be affected by, or with an interest in the policy are asked for their views.
- Use a wide variety of community based and practical approaches.
- Use previous consultations and improve on them if you can.

## 6. Make a decision
- Clearly show how the policy was decided on.
- What will be its main effects and benefits?
- Make sure that you record how these decisions were made.

## Future monitoring
It is important to:
- Set up a way of regularly monitoring your policy, that includes collecting and reviewing equality information.
- Carry out a review and feed this into the annual review cycle.
- Carry out any amendments to your policy as a result of the monitoring.

## 7. Publishing results
- Results should be published and monitored in an accessible and user friendly way.
- Publicly record what is to be done and the decisions made.
- Let people who have given their views know how these have been used.

Ensure language used is jargon free.

*Appendix 2:*

| | |
|---|---|
| ARCH Trawsnewid y Dyfodol Transforming Futures | Kaleidoscope |

## Equality Impact Assessment: Preliminary Form

This preliminary form should be completed before undergoing the full Equality Impact assessment.

It is a screening process, which will identify those polices that require a full EIA, by looking at:
- Negative, positive impacts on any of the equality groups.
- Opportunities to promote equality for these groups.
- Prioritises if and when a full EIA should be completed.
- Justifies reasons for why a full EIA is not going to be completed.

| **Title of the policy:** |
|---|
| **Type of policy:** |
| Existing and being reviewed ☐    or   A new development    ☐ |

| 1. What is the aim of the policy? |
|---|
|  |
| 2. Who is the policy going to benefit? |
|  |

| 3. Thinking about each group below, does, or could the policy have a negative impact on members of the equality groups below? | | | |
|---|---|---|---|
| **Group** | **Yes- negative** | **No- positive / no impact** | **Unclear** |
| **Age** | | | |
| **Disability** | | | |
| **Race** | | | |
| **Gender** | | | |
| **Transgender** | | | |
| **Sexual orientation** | | | |
| **Religion or belief** | | | |
| **Other socially excluded groups** | | | |

**If the answer is "Yes" or "Unclear", consider doing a full EIA.**

| 4. Does, or could the policy help to promote equality from members of the equality groups. | | | |
|---|---|---|---|
| **Group** | **Yes- positive** | **No- negative / no impact** | **Unclear** |
| **Age** | | | |
| **Disability** | | | |
| **Race** | | | |
| **Gender** | | | |
| **Transgender** | | | |
| **Sexual orientation** | | | |
| **Religion or belief** | | | |
| **Other socially excluded groups** | | | |

**If the answer is "No" or "Unclear", consider doing a full EIA.**

| 5. Do you have any feedback data from the equality groups that influences, affects or shapes this policy? | | | |
|---|---|---|---|
| **Group** | **Yes- negative** | **No- positive / no impact** | **Unclear** |
| **Age** | | | |
| **Disability** | | | |
| **Race** | | | |
| **Gender** | | | |
| **Transgender** | | | |
| **Sexual orientation** | | | |
| **Religion or belief** | | | |
| **Other socially excluded groups** | | | |

**If the answer is "Yes" or "Unclear", no one knows or opinion is divided, consider doing a full EIA.**

| 6. Using the assessments in questions 3, 4, and 5, should a full assessment be carried out on this policy? |
|---|
| **YES** ☐          **NO** ☐ |

7. How have you come to this decision?

8. What is your priority for doing the full EIA?

**High** ☐     **Medium** ☐     **Low** ☐

| ARCH Trawsnewid y Dyfodol Transforming Futures | Kaleidoscope |
|---|---|
| **Equality Impact Assessment Form** ||

| **1. Title of policy:** | **2. People involved with completing the EIA:** |
|---|---|
| **3. Is this policy**: <br> Existing and being reviewed ☐     or   A new development   ☐ ||

| **Step 1: Aims** |
|---|
| What is the aim of the policy? |
| Who is the policy going to benefit and how? |
| What outcomes do you want to achieve? |
| What barriers are there to achieving these outcomes? |

**Step 2: Collecting information**

What existing data/information do you have?

Using your existing data, what does it tell you?

**Step 3: Is there an impact on some groups in the community?**

Ethnicity or race:

Gender and transgender:

Age:

Disability:

Religion or belief:

| Sexual orientation: |
| :--- |
| |

| Other socially excluded groups or communities (e.g. rural community- socially excluded, carers, areas of deprivation, low literacy skills): |
| :--- |
| |

**Step 4: What are the differences?**

| Are any groups affected in a different way to others as a result of the policy |
| :--- |
| |

| Does the policy either directly or indirectly discriminate? **YES** ☐ **NO** ☐ |
| :--- |

| If yes, how are you going to change this? |
| :--- |
| |

**Step 5: Consultation**

| Who have you consulted with? |
| :--- |
| |

| If you have not consulted yet, please list who and how you are going to consult with specific groups or communities. |
| :--- |
| |

**Step 6: Decision**

| If you are in a position to change or introduce the policy, clearly show how it was decided on. |
| :--- |
| |

|  |
| --- |
| What changes or benefits have been made as a result of your consultation? |
| If you ARE in a position to introduce the policy, but still have information to collect or actions to complete to ensure all equality groups have been covered, please list with timescales. |
| If you ARE NOT in a position to go ahead what actions are you going to take?  (List actions with timescales). |
| How are you going to monitor the policy, how often and who will be responsible? |

**Employee Confirmation of Acceptance of Terms and Conditions of Equality and Diversity Policy**

I confirm that I have read and understand the above mentioned Equality and Diversity Policy and guidelines contained therein. I confirm I understand that any breach of these rules or any other rules that may be imposed in future, (confirmed in writing), will be deemed as Gross Misconduct, and may warrant disciplinary action according to the Company Disciplinary procedure up to and including summary dismissal.

Employee Name: _____

Signed: _____

Date: _____

*Copy to be held by employee and the original to be held on employee personnel file.*