

Policy Statement

ENS recognises the importance of equality, diversity and inclusion. We operate in an increasingly diverse community, and we understand that the people who provide and use our services have diverse characteristics and different experiences, needs and aspirations.

Understanding, valuing and effectively managing these differences can create greater participation, and help bring about success at an individual, team and organisational level. ENS is committed to creating an inclusive working environment where individual differences are valued and respected, in which individuals are able to fulfil their potential and maximise their contribution. All staff have a duty of care to be aware of and to apply this policy. ENS are fully committed to this policy and endeavour to ensure its full implementation.

ENS has a strong and clear commitment to equality, diversity and inclusion. It is our policy that all eligible persons shall have equal opportunity for employment and advancement in the Company on the basis of their ability, qualifications and aptitude for the work. All individuals have the right to equality of opportunity and to a principled and harmonious working environment where they are treated with dignity and respect.

It is our aim to provide opportunities for all sections of the community and continue to strive to create an inclusive working environment in which differences are recognised and valued.

We all want to work in a harmonious workplace where we feel valued, respected and included, irrespective of gender, including gender reassignment, marital or civil partnership status, race/ethnic origin, religious belief or political opinion, disability, having or not having dependants, sexual orientation and age.

In order to provide a high quality service, ENS needs to attract, recruit, develop and retain the very best of people at all levels. Our approach is based on three key principles:

- ▶ Equality – we promote equality of opportunity by seeking to remove barriers, eliminating discrimination and ensuring equal opportunity and access for all groups of people.
- ▶ Diversity – we accept each person as an individual. Our success is built on our ability to embrace diversity – and we believe that everyone should feel valued for their contributions. By working together we will deliver the best possible service for our staff and stakeholders.
- ▶ Inclusion – we create a working culture where differences are not merely accepted, but valued; where everyone has the opportunity to develop in a way that is consistent with, and adheres to, ENS values of impartiality, honesty, integrity and objectivity. Our aim is to be an organisation where people feel involved, respected and connected to our success.

ENS is committed to a policy of promoting equality of opportunity, providing an inclusive workplace and eliminating any unfair treatment or unlawful discrimination. This applies to all employment policies and practices including those relating to:

- ▶ Recruitment and selection, including promotion career progression;
- ▶ Terms and conditions of employment;
- ▶ Working environment;
- ▶ Training and development; and
- ▶ Redundancy and re-deployment.

Equality, Diversity & Inclusion

Policy Background

The Equality Act 2010 was phased in due to its complex and overarching legal framework, replacing over 116 separate pieces of legislation into one single Act. The Act simplifies, strengthens and harmonises the current legislation (pre 2010) to provide Britain with a new discrimination law, which protects individuals from unfair treatment and promotes a fair and equal society. The 9 main pieces of legislation that have merged are:

- ▶ The Equal Pay Act 1970
- ▶ The Sex Discrimination Act 1975
- ▶ The Race Relations Act 1976
- ▶ The Disability Discrimination Act 1995
- ▶ The Employment Equality (Religion or Belief) Regulation 2003
- ▶ The Employment Equality (Sexual Orientation) Regulation 2003
- ▶ The Equality Act 2006 Part 2
- ▶ The Equality Act (Sexual Orientation) Regulation 2007

As an organisation we are aware of the importance of this Act in relation to service users and staff and to the good governance of the organisation generally.

The Policy

The Equality and Human Rights Commission (EHRC) from time to time, publishes guidance, develops different Codes of Practice in line with a timetable set by government. The basis upon which the Equality Act is structured is Protected Characteristics and how they apply both in the workplace and in everyday life.

Protected Characteristics - Definition and Explanation

Age

Means a person or persons belonging to a particular age group. An age group includes people of the same age and people of a particular range of ages. Where people fall in the same age group they share the protected characteristics of age.

Disability

Within the Act, a person has a disability if they have a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities. For the purposes of the Act, these words have the following meanings:

‘Substantial’ means more than minor or trivial.

‘Long-term’ means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions).

‘Normal day-to-day activities’ includes everyday things like eating, washing, walking and going shopping.

People who have had a disability in the past that meets this definition are also protected by the Act.

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Progressive conditions considered to be a disability

There are additional provisions relating to people with progressive conditions. People with HIV cancer or multiple sclerosis are protected by the Act from the point of diagnosis. People with some visual impairments are automatically deemed to be disabled. Where people share the same disability, they share the protected characteristics of disability.

Gender Reassignment

This is defined for the purpose of the Act as where a person has proposed, started or completed a process to change his or her sex. A transsexual person has the protected characteristics of gender reassignment.

A woman making the transition to being a man and a man making the transition to being a woman both share the characteristic of gender reassignment, as does a person who has only just started out on the process of changing his or her sex and a person who has completed the process.

Marriage and Civil Partnership

This refers to people who have the common characteristics of being married or of being civil partners. A heterosexual man and a heterosexual women who are married to each other and a man and another man who are civil partners and a woman and another woman who are civil partners all share the protected characteristic of marriage and civil partnership.

- ▶ People who are not married or civil partners do not have this protected characteristic.
- ▶ A person who is engaged to be married is not married and therefore does not have this protected characteristic.
- ▶ A divorcee or a person whose civil partnership has been dissolved is not married or in a civil partnership and therefore does not have this protected characteristic.

Pregnancy and Maternity

A woman remains protected in her employment during the period of the pregnancy and any statutory maternity leave to which she is entitled. This is now separate from protection on grounds of sex, which is not available to a women during her pregnancy and maternity. It is unlawful to take into account an employee's period of absence due to pregnancy related illness when taking a decision about her employment.

Race

For the purposes of the Act 'race' includes nationality and ethnic or national origins. People which have or share characteristics, of colour nationality or ethnic or national origins can be described as belonging to a particular racial group.

Examples:

- ▶ Colour includes black or white.
- ▶ Nationality includes being a British, Australian or Swiss Citizen.
- ▶ Ethnic or national origins include being from a Roma background or of Chinese heritage.
- ▶ A racial group could be 'Black Britons' which would encompass those people who are both black and who are British citizens.

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Religion or Belief

This covers people with religious or philosophical beliefs. To be considered a religion within the meaning of the Act, it must have a clear structure and belief system.

The Act includes the following examples:

The Baha 'I' faith, Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Rastafarianism, Sikhism and Zoroastrianism.

To be considered a philosophical belief for the purposes of the Act, it must be:

“Genuinely held; be a belief and not an opinion or viewpoint; be a belief as to a weighty and substantial aspect of human life and behaviour; attain a certain level of cogency, seriousness, cohesion and importance; and be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others”

The Act cites as examples of philosophical beliefs: Humanism and Atheism.

A cult involved in illegal activities would not satisfy this criteria nor would allegiance to a particular football team.

People who are of the same religion or belief share the protected characteristic of religion or belief.

Sex (formerly gender)

For the purposes of the Act, sex means being a man or a woman. Men share the sex characteristics with other men and women with other women.

Sexual Orientation

This is defined in the Act as a person's sexual orientation towards:

- ▶ People of the same sex as him or her (in other words the person is a gay man or a lesbian).
- ▶ People of the opposite sex from him or her (the person is heterosexual).
- ▶ People of both sexes (the person is bisexual)

People sharing a sexual orientation mean that they are of the same sexual orientation and therefore share the characteristics of sexual orientation.

TYPES OF DISCRIMINATION

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 perceptible discrimination below), or because they associate with someone who has a “Protected Characteristic” (see discrimination by association below).

Discrimination by Association

Already applies to age, race, religion or belief and sexual orientation, now extended to cover disability, gender reassignment and sex. This is direct discrimination against an individual because they associate with another person who possesses a “Protected Characteristic”.

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Perceptive Discrimination

Already applies to age, race, religion or belief and sexual orientation, now extended to cover 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.

Indirect Discrimination

Already applies to age, race, religion or belief, sex, sexual orientation and civil partnership, now extended to cover disability and gender reassignment.

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your organisation that applies to everyone but particularly disadvantages people who share a “Protected Characteristic”. Indirect discrimination can be justified if you can show that you acted reasonably in managing your organisation, i.e. that it is “a proportionate means of achieving a legitimate aim.” A legitimate aim might be any lawful decision you make in running your organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

Being proportionate essentially means being fair and reasonable, including showing that you’ve looked at “less discriminatory” alternatives to any decision you make.

Harassment

Harassment is “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.”

Harassment applies to all “Protected Characteristics” except for pregnancy and maternity, and marriage and civil partnership. Employees will now be able to complain of behaviour they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Third Party Harassment

Already applies to gender, now extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation.

The *Equality Act* makes you potentially liable for harassment of your employees by people (third parties) who are not employees of your organisation, such as customers or clients. You will only be liable when harassment has occurred on at least 2 previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint; or raised a grievance under the *Equality Act*; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

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There is no longer a need to compare treatment of a complaint with that of a person who has not made or supported a complaint under the Act.

Pregnancy and Maternity

The “Protected Characteristics” are the same as under the old *Sex Discrimination Act 1975*. Women who are pregnant are protected against unfair workplace practices because of their pregnancy.

Equal Opportunities Policy

The organisation is committed to a policy of equal opportunities for all and requires all employees to abide by and adhere to this general principle, and to the requirements of the Code of Practice laid down by the Equality and Human Rights Commission.

In particular in this organisation:

- ▶ Discrimination on the grounds of race, colour, ethnic or national origin, religion, class, disability, special needs, on grounds of sex or marital status, or membership or non-membership of a trade union will not be practiced or tolerated
- ▶ The organisation expects all employees, of whatever grade or authority, to abide by and adhere to this general principle
- ▶ Staff will be promoted, employed and treated fairly on the basis of their ability and merits and accordingly to their suitability and no one will be disadvantaged by a condition or requirement that is not justified by the genuine needs of their job or of the proposed job
- ▶ The organisation is committed to challenging any form of discrimination it encounters
- ▶ In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the organisation will be based on merit, qualifications and abilities
- ▶ Employees or service users with questions or concerns about any type of discrimination in the organisation are encouraged to bring these issues to the attention of the organisation management or owner
- ▶ Any breach of this policy should be reported to the on-duty manager or to a senior, responsible member of organisation staff; breaches will be dealt with through the organisation’s disciplinary procedures.

Procedure for Dealing with Complaints of Discrimination

Employees or contracted staff who believe that they are subject to discrimination at work, either by the organisation or by another employee, can have recourse to this organisation’s grievance procedure as set out in their terms of employment. Some discriminatory acts may contravene the *Sex Discrimination Act 1975* or the *Race Relations Act 1976*. These and other forms of discrimination will be taken seriously by the organisation. Failure to comply with the Equal Opportunities Policy and proven acts of discrimination by an employee will be handled under the organisation’s disciplinary procedure.

Complainants should:

- ▶ Record the details of what happened or of the specific nature of the complaint
- ▶ Record details of when and where any occurrence took place
- ▶ Record the names and contact details of witnesses if appropriate.

All complaints should be dealt with in a professional and confidential manner.

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Related Guidance

Equality Act Codes of Practice <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

Protected Characteristics <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

Discrimination: your rights <https://www.gov.uk/discrimination-your-rights>

The Human Rights Act <https://www.equalityhumanrights.com/en/human-rights/human-rights-act>

Report Hate Crime <https://www.gov.uk/report-hate-crime>

Skills for Care Equality and Diversity <https://www.skillsforcare.org.uk/Learning-development/ongoing-learning-and-development/equality-and-diversity/Equality-and-diversity.aspx>

Training Statement

All staff, during induction are made aware of the organisations policies and procedures, all of which are used for training updates. Every ENS worker completes mandatory Equality and Diversity training during their induction. All policies and procedures are reviewed and amended where necessary and staff are made aware of any changes.

Related Policies
<ul style="list-style-type: none"> Adult Safeguarding Dignity and Respect Female Genital Mutilation Maternity, Paternity, Adoption & Shared Leave Meeting Needs Recruitment and Selection Religion & Belief Sexuality Social Inclusion