

Equal Opportunities, Equality and Diversity Policy

1.0 AIMS

- 1.1 The aim of this policy is to promote equal treatment in employment and the services it provides irrespective of disability, race, colour, ethnic or national origin, gender, sexual orientation, marital status, age, religion, or any other criterion not relevant to the point at issue, and that this is managed in such a way that Mind in the Vale of Glamorgan complies with Equal Opportunities legislation and Codes of Practice.

2.0 POLICY

- 2.1 Mind in the Vale of Glamorgan is committed to achieving equal opportunities in employment and the services it provides. No user of Mind in the Vale of Glamorgan's services, employee, volunteer or job applicant should receive less favourable treatment because of:- sex, colour, ethnic origin, age, race, disability, religion, sexual orientation, marital status, or any other criterion not relevant to the point at issue.
- 2.2 As an employer and provider of a service to the community, Mind in Vale of Glamorgan accepts the responsibility to promote equal opportunities and challenge discrimination wherever it occurs. This document sets out the main consequences of this commitment and the action to be taken in order to achieve equal opportunities.
- 2.3 It is the responsibility of all staff, volunteers and service users to ensure that no other service user, volunteer or employee receives less favourable treatment than any other on the grounds stated in Para. 2.1 of this policy.
- 2.4 Mind in the Vale of Glamorgan recognises that some clients and users of its services may, because of their past or present distress or illness, say or do things which would otherwise be unacceptable and incompatible with our Equality and Diversity Policy. Where this is the case we will do all we can to challenge such behaviour. In cases where intervention is possible an approach will be adopted which aims to alter

attitudes and behaviour while maintaining support for the distressed client.

3.0 SCOPE

- 3.1 This policy and the behaviours and practices that it aims to promote applies to all employees, volunteers and service users. Similarly all agency workers, consultants and contractors engaged to deliver services on our behalf, but not directly employed by the company, will also fall within the scope of this policy.
- 3.2 The policy forms an important part of how the company functions as a responsible employer, but also has clear implications for how we provide our services and the way in which we treat our service users, suppliers and other stakeholders.

4.0 RESPONSIBILITY

- 4.1 The Board of Mind in the Vale of Glamorgan has overall responsibility for the effective operation of this policy. However, all employees, volunteers and service users have a duty as part of their involvement with Mind in the Vale of Glamorgan to do everything they can to ensure that the policy works in practice.

5.0 EMPLOYMENT

- 5.1 We aim to ensure that no job applicant or employee receives less favorable treatment on the ground of age, gender, religion, belief, cultural or ethnic origin, race, nationality, disability, sexuality or marital status. Selection criteria and procedures are reviewed to ensure that individuals are selected, promoted and treated entirely on the basis of their relevant merits and abilities.
- 5.2 To ensure the effectiveness of this policy as an employer attention will be focused on, but not restricted to the following key areas:-

Recruitment - Ensuring new or replacement posts are filled in accordance with this policy, including,

- Recruitment activity that is under-pinned by up to date and objective job descriptions/person specifications, accurate job adverts, appropriate media selection etc.
- Training for employees engaged in recruitment selection
- Monitoring wherever practicable, the age, race, disability, gender, religion or belief or sexual orientation of all job applicants
- Periodic review of any recruitment policies to eliminate any discriminatory practices and implement improvements with best practice

Selection - Appointments, promotions, development opportunities, or redundancies shall be determined according to objective performance and/or capability criteria only.

Pay and Conditions - Mind in the Vale of Glamorgan will endeavour to ensure transparent conditions of employment and rewards that are fair and equitable.

Training and Development - Employees have a right not to be discriminated against either directly or indirectly in the provision of and undertaking of training. Opportunities will be made available for all employees to receive training based on an assessment of their training needs at appraisal, in line with the needs of the Charity.

- 5.3 Once in post all employees will be given equality of opportunity. The organisation recognises that on occasion it may be appropriate to facilitate special equipment or training in order to enable employees to progress within the organisation.
- 5.4 Mind in the Vale of Glamorgan has a written policy on the use of volunteers and is committed to ensuring that all potential volunteers are treated fairly and equally. However this does not necessarily mean that the selection process will be the same for every volunteer - it will be proportionate to circumstances and to the specific role that is being undertaken. It will also reflect any regulatory or contractual (ie funding) requirements that may apply to each particular service.

6.0 PROVISION OF SERVICES

- 6.1 We aim to ensure that no applicant for our services receives less favourable treatment on the ground of age, gender, religion, belief, cultural or ethnic origin, race, nationality, disability, sexuality or marital status.
- 6.2 All those who use our services will be given equality of opportunity. Any applicant who feels that they have been unfairly denied access to a service has the right of appeal.
- 6.3 Anyone who feels that they been denied equality of opportunity whilst in receipt of service offered by Mind in the Vale of Glamorgan will be encouraged to use the complaints procedure so that their concerns can be investigated and responded to.
- 6.4 Staff are expected to make service users aware of their rights and obligations with regard to equal opportunities. This may sometimes mean that staff are required to act as advocates on service user's behalf. It can also mean that staff are required to point out unacceptable behaviour on the part of service users, if some aspect of this behaviour is affecting the rights and opportunities of others. Where appropriate, support plans will outline boundaries of unacceptable behaviour.
- 6.5 Mind in the Vale of Glamorgan reserves the right to withdraw services to any service user if that person behaves in a discriminatory, disruptive or abusive manner to any member of staff, volunteer, service user or other person.

7.0 SUPPLIERS AND EXTERNAL CONSULTANTS

- 7.1 Equal treatment should be afforded to all suppliers, contractors, consultants and agents and Mind in the Vale will take immediate action to address any incidence of discrimination.
- 7.2 Whilst the company will endeavour to ensure any supplier we engage with has adopted comparable equal opportunities practices, it is

acknowledged that many suppliers will not have developed their own formal policies. In such circumstances the supplier should confirm they abide by the general principles contained within this policy.

8.0 IMPLEMENTATION

8.1 Mind in the Vale of Glamorgan will bring to the attention of all employees, job applicants, volunteers and service users the existence of this policy, and will provide such training as is necessary to ensure that the policy is effective and that everyone is aware of it. Reference to the policy should be included in contract documents with outside agencies.

8.2 Those responsible for recruiting volunteers to work in Mind in the Vale of Glamorgan services are responsible for ensuring that they are aware of the Equal Opportunities Policy and adhere to it while working as volunteers.

9.0 EQUAL OPPORTUNITIES MONITORING

9.1 The collection, recording and analysing and reporting of information is essential to a process of continuous improvement and general policy compliance.

9.2 Systems will be put in place in order to record and monitor whether the company is complying with legislation and its own policies.

10.0 RELATED POLICIES AND PROCEDURES

10.1 The following highlights several policies and procedures but is not an exhaustive list

- Disciplinary Procedure
- Grievance Procedure
- Recruitment Policy and Procedure
- Training and Development Policy
- Bullying and Harassment Policy
- Complaints Policy

Guidance Notes - Discrimination and the Legislative Framework

Discrimination Issues - Interpretation

Discrimination usually takes three forms; Direct Discrimination (including Harassment), Indirect Discrimination and Victimisation. Mind in the Vale of Glamorgan has a separate covering Bullying and Harassment a copy of which can be obtained from the Administration Manager.

Victimisation can be present in any discrimination case and its interpretation along with others is outlined below.

Victimisation

Victimisation means treating a person less favourably than others because, in good faith, that person had a complaint of discrimination or harassment or where, in good faith, that person is assisting another in any complaint or proceedings connected with a complaint.

Direct Discrimination

Direct discrimination is treating a person less favourably than another on the grounds of age, sex, sexual orientation, marital status, race, religion or belief, disability, etc. Direct discrimination can apply to employment, provision of goods, facilities and services etc. For employers, this specifically includes recruitment, selection, promotion, redeployment, termination, training or any other term or condition of employment.

An example of direct sex discrimination would be a stated policy that certain jobs are open to men (or women) only. An example of direct race discrimination would be refusing to select an individual for promotion on the grounds of race.

Indirect Discrimination

Indirect discrimination can occur when an unjustified provision, criterion or practice is imposed which, on the face of it, is apparently the same for all but which has a disproportionately adverse affect on one sex, racial group,



persons of a particular age, religion or belief, sexual orientation or disability, national origin, etc.

For example, the number of people from a racial group or of one sex that can meet a particular job criterion is considerably smaller than the rest of the population owing to unnecessary and unjustifiable criteria in relation to language ability, age, number of year's experience.

Indirect Discrimination is unlawful whether intentional or not.

Legislative Framework

Relevant Laws

The following list introduces the main legislation that has implications for the Company as an employer and provider of services.

- Equalities Act 2010
- Human Rights Act 1996
- Public Interest Disclosure Act 1998 ("Whistleblowers" Act) - offers protection to workers who disclose information outside the company in cases where the matter has been raised internally and has not been resolved as a result.

Equality Act 2010

The Equality Act 2010 unifies and supercedes all previous legislation effecting equality and discrimination, and establishes a focused approach to Equality Law. It includes regulations for, employment, the provision of services, education and accessibility of buildings, websites and transport. Fundamentally, it defines several 'protected characteristics' and broadly extends the same rights and protections to members of all the protected groups.

In addition to unifying existing legislation, the Equality Act introduces a number of new regulations. Most significant of these is the Public Sector Equality Duty, which requires all Public Sector Organisations to comply with the Equality Act by fulfilling specific guidelines.

Protected Characteristics.

The discrimination, harassment and victimisation of a person, or group of people, who identify with any of these protected characteristics is unlawful, including institutional discrimination and failure to provide fair access through negligence.

- Age
- Disability

- Gender
- Gender Reassignment (transgender/transsexual)
- Marriage and Civil Partnership
- Pregnancy & Maternity
- Race (including ethnicity, nationality and cultural identity)
- Religion & Belief (including non - or absence of belief)
- Sexual Orientation

Human Rights Act 1998

Convention Rights guaranteed by the act are:-

- Right to life;
- Right to the prohibition of torture;
- Prohibition of slavery and forced labour;
- Right to liberty and security;
- Right to a fair trial;
- No punishment without the law;
- Respect for private and family life;
- Freedom of thought, conscience and religion;
- Freedom of expression.

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