



**DISABILITY
RESOURCE
CENTRE**

**EQUALITY & DIVERSITY
POLICY**

September 2011

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EQUALITY AND DIVERSITY and DIVERSITY STATEMENT

The Waltham Forest Disability Resource Centre has produced the Equality and Diversity Policy to reflect the introduction of the Equality Act in October 2010.

The Act brings together for the first time the legal requirements on equality that the Centre needs to follow, it affects equality law at work and in delivering services.

The Equality Act replaces the following equality laws:

The Equal Pay Act 1970
The Sex Discrimination Act 1975
The Race Relations Act 1976
The Disability Discrimination Act 1995

The new law protects people whether at work or using a service so they have the right to be treated fairly.

It protects employees from discrimination on the basis of certain characteristics. These are known as protected characteristics and are as follows:

Age
Disability
Gender reassignment
Marriage and civil partnership
Race
Religion or belief
Sex (gender)
Sexual orientation
Pregnancy and maternity

It protects people who use services from discrimination in the following protected characteristics:

Age (over 18's, coming into force in 2012)
Disability
Gender reassignment
Marriage and civil partnership
Race
Religion or belief
Sex (gender)
Sexual orientation

The Waltham Forest Disability Resource Centre will take all reasonable steps to employ, train and promote employees on the basis of their experience, abilities and qualifications without regard to race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, marital and civil partnership status, age or disability, pregnancy and maternity status.

The Waltham Forest Disability Resource Centre will also take all reasonable steps to provide a work environment in which all employees are treated with respect and dignity and that is free of harassment based upon an employee's race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, marital status and civil partnership, age or disability pregnancy and maternity status. The Waltham Forest Disability Resource Centre will not condone any form of harassment, whether engaged in by employees or by outside third parties who do business with the Waltham Forest Disability Resource Centre.

Employees have a duty to co-operate with the Waltham Forest Disability Resource Centre to ensure that this policy is effective in ensuring Equality and Diversity and in preventing discrimination or harassment. Action will be taken under the Waltham Forest Disability Resource Centre's disciplinary procedure against any employee who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this Equality and Diversity and Dignity at Work statement will be treated as potential gross misconduct and could render the employee liable to summary dismissal. Employees should also bear in mind that they can be held personally liable as well as, or instead of, the Waltham Forest Disability Resource Centre for any act of unlawful discrimination.

Employees should draw the attention of their line manager to suspected discriminatory acts or practices or suspected cases of harassment. Employees must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or harassment or who has provided information about such discrimination or harassment. Such behaviour will be treated as potential gross misconduct in accordance with the Waltham Forest Disability Resource Centre's disciplinary procedure.

The Disability Resource Centre shall be for the benefit of all service users over age of 16, volunteers and visitors irrespective of their , colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation gender reassignment, marital or civil partnership status, age, disability, or ex-offender status (In order to protect the users of the Centre staff are exempt from Section 4(2) of the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975), and that they be free from intentional and

unintentional discrimination of any kind whilst at the Centre or on DRC transport.

With reference to the Rehabilitation of Offenders Act the Waltham Forest Disability Resource Centre aims to promote equality of opportunity for all with the right mix of talent, skills and potential. The Waltham Forest Disability Resource Centre welcomes applications from diverse candidates. Criminal records will be taken into account for recruitment purposes only when the conviction is relevant. Having an unspent conviction will not necessarily bar anyone from employment; it will depend on the circumstances and background of the offence.

We accept that some groups mentioned above are underrepresented in the DRC and recommend the Centre provides for these groups individually through, for example, special activity groups, publicity and contact aimed specifically at these groups, and other appropriate ways for these groups to be supported in the Centre.

This policy is endorsed by the DRC Management Committee. Responsibility for its effective implementation, management, monitoring and review lies with everybody.

Signed

Chair 

Date September 2011

MANAGEMENT COMMITTEE

The Management Committee has prime responsibility within the DRC to ensure the Equality and Diversity Policy is upheld, but the success of this policy depends on the co-operation and commitment of all.

To do this, Management Committee members need to have a full understanding of all Equality issues, the new Equality Act and protected characteristics as defined in the Act.

All Management Committee members should undertake Equality and Diversity training.

The Management Committee has responsibility for raising awareness about Equality and Diversity issues amongst the users.

The Management Committee must ensure it regularly discusses Equality and Diversity issues in the Centre. It should undertake monitoring of the progress of the Equality and Diversity Policy at least twice per year or when legislation demands.

The Management Committee has responsibility to organise open discussions involving everyone in the Centre: -

- Management Committee
- Users
- Staff
- Volunteers

with regards to participation in the Centre and the progress of Equality and Diversity.

The composition of the Management Committee should reflect the population who are eligible to use the service. If necessary, the Management Committee should use its powers to co-opt new members if a particular group or groups are under- represented.

Protected Characteristics – definitions.

Age

Where this is referred to, it refers to a person belonging to a particular age (eg 32 year olds) or range of ages (eg. 18-30 year olds).

Disability

A person has a disability if s/he has a physical or mental impairment which has a 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

Marriage and civil partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and Belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (eg Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex

A man or woman

Sexual orientation

Whether a person's sexual attraction is towards, their own sex, the opposite sex or to both sexes.

DEFINITIONS OF DISCRIMINATION

This includes:

- Treating a person worse than someone else because of a protected characteristic (known as **Direct discrimination** defined as less favourable treatment of a person compared with another person because of a protected characteristic). Although in the case of pregnancy and maternity direct discrimination this can occur if they have protected characteristic without needing to compare treatment to someone else.
- Putting into place a rule of 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 (known as **Indirect discrimination**)
- Treating a disabled person unfavourably because of something connected with their disability when this cannot be justified (known as **Discrimination arising from disability**).
- Failing to make reasonable adjustments for disabled people.

Harassment

- Unwanted conduct which has the purpose or effect of violating someone's dignity or which is hostile, degrading, humiliating or offensive to someone with a protected characteristic or in a way that is sexual in nature.

Victimisation

- Treating someone unfavourable because they have taken (or might be taking) action under the Equality Act or supporting somebody who is doing so.

The Equality Law also protects people from being discriminated against:

- By someone who wrongly perceives them to have one of the protected characteristics (**Perception discrimination**)
- Because they are associated with someone who has a protected characteristic. This includes the parent of a disabled child or adult or someone else who is caring for a disabled person. (**Discrimination by association**)

DEFINITIONS OF HARASSMENT

Bullying and harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour include, but are not limited to, the following:

- unwelcome sexual advances, requests for sexual favours, other conduct of a sexual nature
- subjection to obscene or other sexually suggestive or racist comments or gestures, or other derogatory comments or gestures related to an anti-harassment protected characteristic
- the offer of rewards for going along with sexual advances or threats for rejecting sexual advances
- jokes or pictures of a sexual, sexist or racial nature or which are otherwise derogatory in relation to an anti-harassment protected characteristic
- demeaning comments about an employee's appearance
- questions about an employee's sex life
- the use of nick names related to an anti-harassment protected characteristic
- picking on or ridiculing an employee because of an anti-harassment protected characteristic
- isolating an employee or excluding him or her from social activities or relevant work-related matters because of an anti-harassment protected characteristic.

Bullying may be characterized as:

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Some of the Definitions of Bullying

- a) spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- b) copying memos that are critical about someone to others who do not need to know
- c) ridiculing or demeaning someone – picking on them or setting them up to fail

- d) exclusion or victimization
- e) unfair treatment
- f) overbearing supervision or other misuse of power or position
- g) unwelcome sexual advances – touching, standing too close,
- h) display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- i) making threats or comments about job security without foundation
- j) deliberately undermining a competent worker by overloading and constant criticism
- k) preventing individuals progressing by intentionally blocking promotion or training opportunities.

Reporting complaints

All allegations of discrimination or harassment or bullying will be dealt with seriously, confidentially and speedily. The Waltham Forest Disability Resource Centre will not ignore or treat lightly grievances or complaints of discrimination or harassment or bullying from employees, volunteers, service users or visitors.

With cases of harassment or bullying, while the Waltham Forest Disability Resource Centre encourages employees, volunteers, service users or visitors who believe they are being harassed or bullied to notify the offender (by words or by conduct) that his or her behaviour is unwelcome, the Waltham Forest Disability Resource Centre also recognises that actual or perceived power and status disparities may make such confrontation impractical.

Finally, an employee harasses another employee if they or a third party engage in unwanted conduct of a sexual nature or that is related to gender reassignment or sex, the conduct has the purpose or effect of violating the other employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee, and because of that other employee's rejection of or submission to the conduct, they treat that other employee less favourably than they would treat them if they had not rejected, or submitted to, the conduct.

The unwanted conduct will still amount to harassment if it is based on the anti-harassment protected characteristic of a third party with whom the employee is associated and not on the employee's own anti-harassment protected

characteristic, or if it was directed at someone other than the employee, or even at nobody in particular, but they witnessed it. In addition, harassment can include cases where the unwanted conduct occurs because it is perceived that an employee has a particular anti-harassment protected characteristic, when in fact they do not.

Conduct may be harassment whether or not the person intended to offend. Something intended as a "joke" or as "office banter" may offend another person. This is because different employees find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them.

Behaviour which a reasonable person would realise would be likely to offend an employee will always constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With other forms of behaviour, it may not always be clear in advance that it will offend a particular employee, for example, office banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or conduct, that such behaviour is unacceptable to him or her. A single incident can amount to harassment if it is sufficiently serious.

If you wish to make a complaint of discrimination or harassment or bullying, you should follow the grievance procedure or the complaints procedure.

Any employee, volunteer, service user or visitor who is found to have discriminated against or harassed or bullied a person in violation of this policy will be subject to disciplinary action under the Waltham Forest Disability Resource Centre's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee or volunteer liable to summary dismissal or a service user or visitor being banned from the Centre. In addition, managers who had knowledge that such discrimination or harassment or bullying had occurred in the Centre but who had taken no action to eliminate it will also be subject to disciplinary action under the Waltham Forest Disability Resource Centre's disciplinary procedure.

EMPLOYMENT

There should be a balance of staff representing people with disabilities from all groups in the Equality and Diversity Statement. In particular we should:

- ü Encourage more Women Drivers
- ü Have some people on the staff group who use British Sign Language and other Community languages.

With reference to the Rehabilitation of Offenders Act the Waltham Forest Disability Resource Centre aims to promote equality of opportunity for all with the right mix of talent, skills and potential. The Waltham Forest Disability Resource Centre welcomes applications from diverse candidates. Criminal records will be taken into account for recruitment purposes only when the conviction is relevant. Having an unspent conviction will not necessarily bar anyone from employment; it will depend on the circumstances and background of the offence.

The DRC is committed to abide by the following Acts.

- ü Equalities Act 2010
- ü Equal Pay Act 1970
- ü Rehabilitation of Offenders Act 1974

RECRUITMENT, ADVERTISING AND SELECTION

The recruitment process will be conducted in such a way as to result in the selection of the most suitable person for the job. The Waltham Forest Disability Resource Centre is committed to applying its Equality and Diversity policy statement at all stages of recruitment and selection.

Advertisements will encourage applications from all suitably qualified and experienced disabled people. When advertising job vacancies, in order to attract applications from all sections of the community, the Waltham Forest Disability Resource Centre will, as far as reasonably practicable:

1. Ensure advertisements are not confined to those publications which would exclude or disproportionately reduce the numbers of applicants from protected characteristics groups
2. Avoid prescribing any unnecessary requirements which would exclude a higher proportion of protected characteristics groups

3. Where vacancies may be filled by promotion or transfer, they will be published to all eligible employees in such a way that they do not restrict applications from employees of any protected characteristics group
4. Ensure that the setting of age limits as a criterion of any specific job is justifiable.

The selection process will be carried out consistently for all jobs at all levels. All applications will be processed in the same way. The staff responsible for short-listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application. Wherever possible, all applicants will be interviewed by at least two interviewers and all questions asked of the applicants will relate to the requirements of the job. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.

SUPPORT

Positive action should be taken for all staff in need of support.

TRAINING

The Waltham Forest Disability Resource Centre will train managers in the Waltham Forest Disability Resource Centre's policy on Equality and Diversity and in helping them identify discriminatory acts or practices or acts of harassment or bullying. Managers will be responsible for ensuring they actively promote equality for all.

The Waltham Forest Disability Resource Centre will also provide training to all employees to help them understand their rights and responsibilities in relation to dignity at work and what they can do to create a work environment free of bullying and harassment.

Everyone should have access to training. The effectiveness of training should be monitored.

Basic Sign Language training should be made available for staff.

TERMS OF EMPLOYMENT, BENEFITS, FACILITIES AND SERVICES

All terms of employment, benefits, facilities and service will be reviewed from time to time, in order to ensure that there is no unlawful discrimination on the grounds of protected characteristics.

EQUAL PAY

The Waltham Forest Disability Resource Centre is committed to equal pay in employment. It believes its male and female employees should receive equal pay for like work, work rated as equivalent or work of equal value. In order to achieve this, the Waltham Forest Disability Resource Centre will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

MONITORING EQUAL OPPORTUNITY AND DIGNITY AT WORK

The Waltham Forest Disability Resource Centre will regularly monitor the effects of selection decisions and personnel and pay practices and procedures in order to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices.

SERVICE USERS STAFF AND VOLUNTEERS

All service users, staff and volunteers have a right to participate in and have a voice in the DRC according to the Equality and Diversity Statement.

All service users, staff and volunteers should respect the right of people with disabilities, from all groups in the Equality and Diversity Statement, to participate in the Centre.

RESPONSIBILITY

All service users, staff and volunteers must be made aware of their responsibility to uphold the Equality and Diversity Policy.

If there is unacceptable behaviour under the Equality and Diversity Policy by any user, this must be dealt with as seriously as for any Management Committee member, staff or volunteer, and could lead to warnings, restrictions or ultimately to exclusion from the Centre.

COMPLAINTS/PROBLEMS

Any service user, member of staff or volunteer, who becomes aware of a valid complaint/problem under the Equality and Diversity Policy, **MUST**

personally ensure that is properly reported, by following the Complaints Procedure.

The Complaints procedure has been reviewed in the light of the Equality and Diversity Policy.

PRIORITIES

An aim of the DRC is to maximise user's choice within the Centre. However the choice of users to undertake some activities can affect other users and priorities may have to be decided in order to achieve Equality and Diversity for all.

TRANSPORT

Our aim is to ensure, where possible, that users have a right to travel with a male or female driver/escort if they choose.

We recognise that transport is such a crucial issue that the Transport Policies should be considered in the light of the Equality and Diversity Policy.

PUBLICITY

In order to attract the widest range of users from different groups, publicity about the DRC should be made as widely as possible.

In order to attract users from groups who are under-represented, we will ensure this includes: -

- Publicity in audio and Braille.
- Publicity materials translated into different languages.
- Visits to appropriate Community Groups and Centres to do talks/displays etc. For example, places of worship, ethnic minority community groups, youth centres and others.
- Publicity in other disability publications/newsletters.

All publicity about the DRC should aim to include 'positive images' of disabilities from all the groups in the Equality and Diversity Statement, in the Annual Report and in Leaflets.

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To be reviewed: September 2012