

Our commitment

Ashford Place (AP) is committed to providing equality of opportunity both in employment and service delivery and to avoiding unfair or unlawful discrimination. We believe that everyone should be treated fairly regardless of their race, ethnic or national origin, religion or belief, gender whether birth gender or reassigned, sexual orientation, disability, age, marital or civil partnership status, pregnancy and maternity – Protected Characteristics as defined in the Equality Act 2010. This policy is intended to assist putting these commitments into practice. It applies to all employees and workers, including casual workers, volunteers and agency staff (“workers” for the purposes of this policy), where relevant.

Our aim is that we provide a working environment free from harassment, intimidation or discrimination, in which current and potential workers feel comfortable and confident that they will be treated fairly and equally. The principles of non-discrimination and equality of opportunity also apply to the way in which we treat trustees, visitors, clients, service users, suppliers, partners, stakeholders and former colleagues.

We seek to ensure that no one suffers, either directly or indirectly, as a result of unlawful discrimination. This extends beyond the individual’s own characteristics, to cover discrimination by association and perception.

We recognise that an effective Equality Policy will help all workers to develop to their full potential, which is clearly in the best interests of both individuals and our organisation.

We expect everyone who works for us to be treated with, and to treat others, with respect. Harassment or bullying will not be tolerated; we have a separate Anti-Harassment and Bullying Policy which should be read alongside our Equality and Diversity Policy.

This policy is not contractual, and sets out how we will manage equality and diversity issues within the organisation. It may be varied, replaced or terminated by us at any time.

The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of a ‘protected characteristic’. The Equality Act 2010 defines the protected characteristics as being age, disability, sex, gender identity, pregnancy/maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership.

Discrimination after employment may also be unlawful, for example, refusing to give a reference for a reason related to one of the protected characteristics.

It is also unlawful to discriminate against or harass a member of the public or service user in the provision of services or goods or to fail to make reasonable adjustments to overcome barriers to using services caused by disability.

The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Types of unlawful discrimination

- **Direct Discrimination** occurs when someone is treated less favourably than another person because of a protected characteristic. For example, if a manager does not select a pregnant woman for promotion even though she meets all of the competencies because they are pregnant.
- **Associative discrimination** occurs when someone discriminates against someone because they associate with another person who possesses a protected characteristic. Marriage/civil partnership status and pregnancy/maternity are not protected characteristics for this category. An example might be when a manager does not give a job-applicant the role, even though they have met all of the competencies for the role, just because the applicant tells the employer they have a disabled partner.
- **Discrimination by perception** occurs when someone discriminates against an individual because they think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. This is covered by the same group as associative discrimination. An example of this is when a manager selects a person for redundancy because they incorrectly think they have a progressive condition (i.e. that they are a disabled person).
- **Indirect discrimination** occurs when a seemingly neutral provision, criterion or practice that applies to everyone places a group who share a characteristic e.g. type of disability at a particular disadvantage. An example of this is when an employer decides to apply a “no hats or headgear” rule to staff. If this rule is applied in exactly the same way to every member of staff, then staff who may cover their heads as part of their religion or cultural background (such as Sikhs, Jews, Muslims and Rastafarians) will not be able to meet this requirement of the dress code and may face disciplinary action as a result. Unless the employer can objectively justify using the rule, this will be indirect discrimination. This applies to all protected characteristics except pregnancy and maternity.
- **Detriment arising from a disability** arises when you treat a disabled person unfavourably because of something connected with their disability. This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person had a disability. This type of discrimination is only lawful if the action can be justified and the employer can show that is a proportionate means of achieving a legitimate aim. An example of this when an employer imposes a “no beards” rule as a part of a dress code and tells staff they will be disciplined if they do not comply. The employee is a disabled person who has a skin condition which makes shaving very painful. They have been treated unfavourably (threat of disciplinary action) because of something arising from their disability (their inability to shave). Unless the employer can objectively justify the requirement, this may be a detriment arising from a disability. It may also be a failure to make a reasonable adjustment.
- **Victimisation** occurs when an employer is treated unfavourably, disadvantaged or subjected to a detriment because they have made or supported a complaint of discrimination or raised a grievance under the Equality Act, this policy or the Harassment, and Bullying policy or because they are suspected of doing so. (However, an employee is not protected from victimisation if they have maliciously made or supported an untrue complaint). An example, of this is when an employee requests flexible working and their manager refuses their request because they previously supported a colleague in a complaint of discrimination.

Equal opportunities in employment

- All staff will be required to attend training on diversity and inclusion
- We will check the understanding and implementation of the policy through staff surveys and quality audits.
- Recruitment and selection will, as far as possible, be conducted on an objective basis and will focus on the applicants' suitability for the job and their ability to fulfil the job requirements. Our interest is in the skills, abilities, qualifications, experience, aptitude and the potential of individuals to do the job. Recruitment procedures will be reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities and sufficiently diverse sectors of the community are reached.
- Job opportunities and training will be communicated to all workers and made available on a fair and equal basis.
- We will ensure that our policies including pay, benefits and any other relevant issues associated with terms and conditions of employment are created and applied without regard to a protected characteristic, or indeed any other characteristic unrelated to the performance of the job. These will be reviewed regularly to ensure there is no unlawful discrimination.
- We will consider any requests for flexible working in a way which aims to balance the needs of the individual and our organisation.
- We will make reasonable adjustments to the workplace and/or working arrangements for applicants and employees with disabilities, where they cause disadvantage to the person.
- When dealing with disciplinary matters, care will be taken to ensure that employees are not dismissed or disciplined for conduct or performance which would be overlooked or condoned in others, because of a protected characteristic.
- We will not discriminate against individuals who have left our organisation by providing references that are not based on factual information, nor fail to provide one based on a protected characteristic.
- We have no fixed retirement age and anyone who wishes to work beyond state pension age may choose to do so.

Service users, suppliers and others

We aim to make our services as accessible and responsive as possible to all existing and potential service users, and to provide a service that recognises and respects their differences.

We will not discriminate unlawfully against service users using or seeking to use the services we provide.

We reserve the right to withdraw our services to any service user if that individual behaves in a discriminatory, disruptive or abusive manner to any worker.

Communication and training

All workers will be made aware of this policy and a copy will be provided as part of the induction to our organisation.

We will provide information and guidance to those involved in recruitment or other decision making where equal opportunities issues are likely to arise to help them understand their responsibilities and to avoid the risk of discrimination.

Responsibilities

The overall responsibility for implementing and monitoring the effectiveness of this policy rests with the board of trustees, delegated to the chief executive.

All workers, irrespective of their role or seniority, are responsible for supporting the organisation to promote equality of opportunity and not discriminating unlawfully or harassing colleagues or potential colleagues, nor encouraging others to do so or tolerating such behaviour.

If you believe that you have been discriminated against, or treated in a way which is contrary to this policy, and have not been able to resolve the concern informally, you should report this to your line manager or the Chief Executive under the Grievance Procedure. We take any complaint seriously and you will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

If you witness what you believe to be discrimination you should report this to your line manager or the Chief Executive as soon as possible.

If you are bullied or harassed by a service user, supplier, contractor, visitor or other, or if you witness someone else being bullied or harassed, you are asked to report this to your manager who will take appropriate action.

Employees can be held personally liable as well as, or instead of, the organisation for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence. Acts of discrimination, harassment, bullying or victimisation against workers or customers are disciplinary offences and will be dealt with under our disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Monitoring and review

This policy will be monitored periodically to judge its effectiveness and will be updated in accordance with changes in the law. We will report to the board of trustees on any actions or activities undertaken to improve equality of opportunity. Any information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 2018.

Any queries about this policy should be addressed to your line manager or the Chief Executive.