



INFORMING - ADVISING - SUPPORTING - EMPOWERING
Parents & Carers of Children & Young People with Additional Needs & Disabilities

Equality & Diversity Policy

VERSION CONTROL

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PURPOSE AND OBJECTIVES

POINT is committed to ensuring that all current, past and future team members, service users, and business associates are treated fairly and with respect. We recognise and value peoples' differences and their contributions and this expectation is fully supported by our Trustees.

The aim of this policy is to ensure that relevant parties are aware of their duties and responsibilities with regards to Equality and Diversity and the remedies available if the policy is breached.

POINT will not tolerate any breaches of this policy and will actively seek a resolution whether informally or formally.

OWNERSHIP

This policy is owned by the POINT Directors, and it is their responsibility to ensure its fair and consistent implementation. Trustees will conduct random checks to ensure that this Policy is adhered to and will act upon any discrepancies in an appropriate and proportionate manner.

SCOPE

This policy applies to all POINT current, past and future team members, service users and business partners.

OUR COMMITMENT

Our Commitment is to create an environment in which individual differences and contributions are recognised and valued and to safeguard an environment that promotes dignity and respect to all.

No form of victimisation, discrimination, bullying or harassment will be tolerated.

POINT is committed to ensuring that no party shall receive less favourable treatment on the basis of their perceived or actual age, disability, race including colour, nationality, ethnic or national origin, religion, belief or lack of religion, sex (including gender, marital status, civil partnership, pregnancy or maternity, gender reassignment (being or becoming a transsexual person), transgender or sexual orientation, working hours or physical characteristics.

Each of these strands is known as a protected characteristic and forms the basis for modern equality legislation.

DEFINITIONS

Equality means ensuring fair practice for everyone by promoting an environment that is free from discrimination or less favourable treatment because of a persons' "status" under one of the protected characteristics listed above, whether that status be perceived or actual.

Diversity is about recognising, valuing and taking account of people's different backgrounds, knowledge, skills and experience and using those differences to create a productive and effective workforce. The proactive management of diversity combats prejudice, stereotyping and harassment promoting dignity at work and a culture that values everyone.

Equality and Diversity means freedom from discrimination, either direct or indirect as well as recognising that people have different skills, strengths and development needs and ensuring that the best use is made of their experience and potential.

DISCRIMINATION

An individual is discriminated against when subjected to less favourable or detrimental treatment because of their perceived or actual Age, Disability, Race, Religion or Belief, Sex (including gender, marital status, pregnancy or maternity, or gender reassignment or Sexual orientation, Working hours (part-time, full-time or fixed-term employees) or Physical Characteristics.

Whilst discrimination can be described as being indirect or direct, perception plays a major role in determining discrimination, as someone may perceive that they have been discriminated against, even though the perpetrator may not be aware of this.

In order to safeguard against this reasonable standards of behaviour and language must be observed at all times. It is the responsibility of all individuals to ensure that they observe these standards and it is the responsibility of the Directors in the first instance to ensure that these standards are being met.

- **Indirect Discrimination**

Indirect discrimination is the consequence of assuming everyone is the same. It occurs when a rule, policy or practice exists which applies to everyone but particularly disadvantages those who share a protected characteristic.

Rules, policies, procedures that unjustifiably disadvantage people because they are of a specific ethnic origin is an example of indirect discrimination e.g. for special occasions or times of special significance, some religions require jewellery to be worn to signify their faith. However, a dress code policy which does not permit jewellery to be worn in the workplace could be perceived as being indirect discrimination.

POINT is committed to ensuring that no rule, policy or practice exists within its remit which disproportionately places particular groups of people at a disadvantage.

- **Direct Discrimination**

Direct discrimination is the consequence of treating someone differently. It occurs when someone is treated less favourably than another person because of their status in relation to a protected characteristic.

An employer refusing to employ, promote or train someone because they are of a particular sexual orientation is an example of direct discrimination. Another example is an employer dismissing someone because they have disability. Victimisation and harassment are also forms of direct discrimination and as such are unlawful.

- **Associative Discrimination**

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. An example of this could be that someone is treated less favourably because they have a disabled child or partner.

With this in mind POINT will, within reasonable boundaries of knowledge, not allow a detriment to be suffered by any party due to their association with someone who possesses a protected characteristic.

- **Discrimination by Perception**

This is discrimination against an individual because others think they possess a protected characteristic and applies even if the person does not actually possess that characteristic.

An example of this could be someone who is treated less favourably by their colleagues because they are perceived to be gay.

- **Victimisation**

Victimisation occurs when a person is subjected to a detriment, such as being denied a training opportunity or a promotion because he or she made or supported a complaint or raised a grievance under this policy, or because he or she is suspected of doing so, or being about to do so.

This means that if a person has made or is making an accusation of discrimination in good faith it is unlawful to discriminate against them for having done so, or because they intend to do so or it is suspected that they intend to do so.

However, this does not apply if a person has made or supported a complaint which they knew to be untrue or fabricated and which was made with malicious or vexatious intent.

- **Harassment**

Harassment is defined as unwanted conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

All team members have the right to be treated fairly at work and to work in an environment of dignity, trust and respect. POINT takes seriously all complaints of harassment and the interests of both the recipient and the alleged offender will be taken into consideration.

Harassment can be in the form of:

- non-verbal communications (e.g. written communications, email, internet images, social media, attachments, photographs, gestures)
- verbal communications (e.g. face to face, in groups, telephone)
- visual signs (e.g. facial expressions, body language)
- physical contact (e.g. inappropriate touching), which can make the individual feel;
 - upset
 - intimidated
 - humiliated
 - uneasy

It is often the case that the recipient has perceived their distress to be a form of harassment and when addressed, the offender is not aware of causing this distress. This is why it is important that these types of situations are preferably dealt with informally in the first instance. Nevertheless, with more serious cases and when the informal approach has failed, formal procedures should be followed.

- **Bullying**

Bullying is a persistent form of behaviour that can be perceived as abusive, intimidating, malicious or offensive and therefore is a form of harassment.

This in turn makes the recipient feel vulnerable, which may undermine their self-esteem, an outcome of which could be stress at work.

Bullying can take the form of face-to-face, written and email communication and all types will be investigated as appropriate. Examples include:

- Verbal or physical threats and intimidation
- Persistent negative comments
- Humiliating someone in front of others
- Persistent criticism
- Offensive or abusive personal remarks
- Reducing someone's effectiveness by withholding information

This list is not exhaustive but shows some examples of unacceptable behaviour.

- **Third Party Harassment**

An employer can be held liable in the case of harassment of its team members by third parties, over whom the employer does not have direct control, unless the employer has taken reasonable steps to prevent the third party from doing so.

The third party harassment provisions protect team members on the grounds of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. Harassment based on perception and association is also covered, for instance a team member who is harassed because of their spouse's religious beliefs or because they are perceived to be gay would also be protected.

POINT is committed to ensuring that all team members are protected from harassment at all times. This includes harassment by third parties such as contractors, visitors and customers.

Workers, visitors, clients, suppliers or customers who come into contact with our team members are therefore made aware of this policy and that they are expected to behave in line with it.

However, due to the core function of our business, it is recognised to be impossible to eliminate completely some types of abusive behaviour (e.g. problematic customers). Therefore, all team members should also be armed with the knowledge that they have the power to terminate an encounter if they have a reasonable belief they are being harassed because of their status in relation to a protected characteristic (e.g. end a call with an abusive customer in line with departmental call handling guidelines).

Where a team member believes that they have suffered harassment of this type they have a vital responsibility of informing their manager of this as soon as possible to ensure that POINT can take all reasonable steps to safeguard against future instances of this type.

Should this fail to be observed the company reserves the right to absolve itself of liability should a similar situation arise in the future due to a prior lack of knowledge.

DEALING WITH HARASSMENT, BULLYING & VICTIMISATION

In most circumstances, incidents should be dealt with on an informal basis and if this does not satisfy the recipient then a more formal procedure will be followed (third party harassment should be dealt with separately in line with the above process).

For more serious cases, formal proceedings may be followed immediately. The recourse for employees or volunteers who have been subject to discrimination at work is to address the situation in the following way:

Step 1

Firstly, the recipient of such behaviour must make it clear to the offender that their behaviour is unacceptable and must stop. This may be communicated by the recipient or by another person i.e. colleague or Trustee.

In the majority of cases the offender is unaware that their behaviour could be considered to be unacceptable and as such raising the issue directly with them is sufficient for the behaviour to stop.

Step 2

If this behaviour continues or if the initial breach is so serious that informal resolution is not a foreseeable option, the recipient should formalise the process by using the Grievance procedure whereby a letter of complaint is submitted or the grievance reporting form is completed and a formal meeting is convened.

At this point a full investigation will take place. This will be handled discreetly by all persons involved. In the meantime, depending on the seriousness of the allegation, the investigating trustee could decide that the alleged harasser may be transferred to another work area or suspended during the investigation. The recipient may choose to move instead of the alleged offender.

At the grievance meeting, it will be decided whether the complaint is substantiated, and if so, will thereafter be treated as a disciplinary offence. The alleged offender may appeal the outcome of the disciplinary in accordance with the Disciplinary Appeals procedure. An outcome of the meeting may also be that no action will be taken and therefore an explanation will be provided to the recipient

For full details of the grievance and disciplinary procedures, please refer to your Induction and Development Portfolio or seek advice from your line manager.

RESPONSIBILITIES

- **Individual**

All team members have a personal responsibility not to behave in a manner that could cause offence to others or be considered a breach under this policy and to report any instances of behaviour or conduct which could reasonably be considered to breach this policy (including third party harassment). Whilst this policy focuses on the standards expected with regards to Equality and Diversity (and remedies where those standards are breached) in relation to all POINT team members also have a responsibility to apply the same standards to our customers and suppliers.

All team members must comply and support this policy.

- **Line Management**

Directors will be responsive and supportive to those individuals making formal complaints.

Furthermore, they will support and comply with this policy, ensuring that all team members within their remit receive Equality & Diversity training appropriate to their role.

BREACHES OF THIS POLICY

Any breach of this policy may result in action being taken under our Disciplinary Policy and may, in serious cases, also result in criminal charges.

MONITORING

The Directors of POINT will be responsible for the monitoring of Equality & Diversity and will review all related policies & procedures on a regular basis to ensure their effectiveness. In addition, any investigations under this policy may prompt its further cascade or amendment as appropriate.

THE LAW

There are several pieces of legislation that combat discrimination and promote equal opportunities and diversity. These were harmonised in the Equality Act 2010 and include:

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Rights Act 1996
- Race Relations (Amendment) Act 2003
- Employment Equality (Religion or Belief Regulations) 2003
- Employment Equality (Sexual Orientation Regulations) 2003
- Employment Equality (Age) Regulations 2006
- The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000