

# Equality & Diversity Policy

## **1. Introduction**

Path believes that equality of opportunity for all is desirable and is beneficial to society as a whole; that everyone has a role to play in minimising disadvantage and maximising opportunity; and that this will lead to a fairer and more effective society. Specifically, Path is committed to eliminating discrimination and encouraging diversity amongst its workforce.

One of the ways that Path contributes to this is through working to address inequalities arising from homelessness, poor housing and poverty. Another is by the implementation and enforcement of this policy. The context for this is that Path is committed at all levels to achieving and promoting equality of opportunity, in terms of how we work within our organisation re staff, how we work with people needing services and how we work with others, including partners.

Valuing equality and diversity therefore plays a key role in:

- Recruiting and managing staff
- Providing services
- Promoting the organisation and its values

Path aims to positively manage and promote diversity, welcoming, recognising and utilising the benefits of our diverse society. Path also has legal obligations, as well as moral commitments, in terms of equality. This policy notes key aspects of these.

The legal aspects to equality of opportunity are now drawn together in the Equality Act 2010. It replaced all the existing equality law including:

- The Equal Pay Act 1970 (and as amended)
- Sex Discrimination Act 1975 & 1986
- Disability Discrimination Act 1995 (and as amended)
- European Law
- Race Relations Act 1976, 2000 & 2003
- Employment Rights Act 1996
- Employment Act 2002
- Employment Equality Regulations:
  - Religion or Belief Regulations 2003
  - Sexual Orientation Regulations 2003
  - Age Discrimination Regulations 2006

Over and above the provisions directly set out in this policy and related procedures, Path adheres to specific legal responsibilities in the field of equality:

- The Human Rights Act 1998

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- The Work And Families Act 2006
- Employment Equal Treatment Framework Directive 2000 (as amended)
- Mental Health (Discrimination) Act 2013

## 2. Definitions

**Equality** is a provision that all people should be treated similarly, unconstrained by artificial barriers or prejudices or preferences.

**Diversity** is about acceptance and respect for others irrespective of their race, ethnicity, gender, sexual orientation, socio-economic status, age, physical abilities, religious beliefs, political beliefs, or other ideologies.

**Direct discrimination** takes place when a person is treated less favourably than others (in the same circumstances) on the grounds of their race, sex, disability etc.

**Indirect discrimination** means applying a condition, or requirement, which adversely affects one particular group more than another, and cannot be justified in terms of the requirements for performing a job.

**Unlawful discrimination** is treating someone less favourably on grounds such as protected characteristics (see below); ie it is unlawful to discriminate on grounds like sex, race, disability, religion, sexual orientation and age. Trade union activities, part time or fixed term employment status, gender re-assignment and pregnancy are other examples. This can be direct, indirect, through harassment or victimisation.

**Anti-discriminatory practice** is action taken to prevent discrimination against people on the grounds of race, class, gender, disability etc. Anti-discriminatory practice promotes equality by implementing anti-discrimination policies in the workplace.

**Harassment** is any behaviour which is unwelcome, unreciprocated or offensive to the individual receiving it. It can include comments, actions, jokes and suggestions. It is often intimidating and threatening. Sometimes it can be persistent and sometimes it can take the form of an isolated incident. It can be directed to one person or a group of people. It can involve physical contact or be verbal, written or silent.

## 3. The Equality Duty

The Equality Duty is a duty on public bodies and others carrying out public functions. It ensures that public bodies consider the needs of all individuals in their day to day work.

This Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of our activities on different people,

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and how inclusive services can support and open up people's opportunities, we are better placed to deliver policies and services that are efficient and effective.

The Equality Duty has three aims. It requires public bodies to have due regard to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **Foster good relations** between people who share a protected characteristic and people who do not share it.

Path's approach and service delivery both directly share and adhere to these aims. This affects how Path acts as an employer, develops, evaluates and reviews policy and designs, delivers and evaluates services.

### **4. Policy**

Path expects and requires that everyone be treated fairly, respectfully and without prejudice. We value diversity and expect others to be equally accepting; and will not tolerate prejudicial behaviour.

Path's commitment, therefore, is to create an environment where individual differences and contributions are valued. This policy, and the use of supervision, training, culture and conduct, as well as policy implementation, are utilised to advance and achieve that. The policy is to be read, understood and adhered to by all members of staff and any partners / sub-contractors working under it as part of any Path-led partnership.

In terms of the law, whether at work as an employee or using a service, the message (or purpose) of the Equality Act is that everyone has the right to be treated fairly at work or when using services. It protects people from discrimination on the basis of certain characteristics, known as protected characteristics and they vary slightly according to whether a person is at work or using a service.

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*There are nine protected characteristics your employees might have. These are:*

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

*There are eight protected characteristics of people who use services. These are:*

- *Disability*
- *Sex (gender)*
- *Gender reassignment*
- *Pregnancy and maternity*
- *Race*
- *Religion or belief*
- *Sexual orientation*
- *Age (under discussion)*

It is unlawful, as well as wrong, to discriminate against or harass someone because of any of these characteristics. Path is committed to protecting (people with) those characteristics and more, as below:

- Age
- Disability
- Race (including ethnic origin, colour, citizenship, nationality, and national origin);
- Religion or Belief (or lack of)
- Gender (sex)
- Sexual Orientation
- Gender Reassignment
- Marriage and Civil Partnership (applies only to someone who actually personally has this characteristic)
- Pregnancy and Maternity
- Responsibility for dependents
- Trade Union representation

For Path it is important to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics;
- Meet the needs of people with protected characteristics; and
- Encourage people with protected characteristics to participate in public life or in other activities where their participation is low
- Manage diversity so as to affirm difference and maximise the positive benefits of having a diverse workforce and / or client group

In practice, this means, for instance, ensuring fair access to services, fair treatment and even 'exit' from services. Much of this is achieved by treating people as individuals, respecting and responding to their individual needs, including – for example – in terms of where and how we see and communicate with them; and is part of our assessment and

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engagement process. For Path, this is part of an approach and culture that promotes fairness, equality and diversity, especially but not only in terms of the protected characteristics.

As noted above, this policy may also be utilised and adhered to as part of partnership work with other organisations, with commitment to this policy being acknowledged and committed to within the sub-contracting agreement. Where that is the case, members of staff from other organisations who are part of the contract, service and / or team led by Path are – purely for the purpose of this policy – covered the same way as if they were Path staff members.

### **5. Recruitment**

As an equal opportunities employer, Path is fully committed to establishing and maintaining a working environment in which recruitment and promotion is based upon merit.

We will:

- ensure that no employee or job applicant is treated less favourably on the grounds of the above protected characteristics.
- ensure that selection decisions will be made on ability using objective, job related criteria.
- provide terms and conditions, training, promotion and appraisal without regard to any protected characteristic.
- state to all employees that any acts of discrimination, including harassment will be grounds for serious disciplinary action and complaints will be raised through the grievance procedure.

To this end, within the framework of the law, we are committed, wherever practicable, to achieving and maintaining a workforce representative of the local communities in which we operate. We will monitor the implementation of this policy via a programme of action (implementation plan) which will be regularly reviewed and updated.

Overall responsibility for the application of the policy rests with the Director. However, all employees of Path have a personal responsibility under the policy, in particular all managers and supervisors.

To that end, Path will take the following approach:

#### **A. Attracting suitable applicants**

- Review job descriptions to ensure they do not contain any potentially discriminatory criteria that are not essential for the role.

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- Advertise vacancies so that they are likely to best reach potential applicants.
- Encourage the participation of relevant staff in drafting suitably open advertisements.
- Ensure that recruitment literature makes it clear that applications are welcome from all suitably qualified candidates and that it avoids stereotypical images.
- Include in any recruitment details of flexibilities where they are available.
- Promote this policy so that it is accessible to potential applicants (via website).
- Monitor returns of application forms to identify any concerns in failing to attract a broad range of individuals; and respond to any issues or gaps.

### **B. Recruitment and Selection (including promotion)**

- Ensure that selection decisions are based on objective, non-discriminatory, job-related criteria, consistently applied to all candidates.
- Ensure that identifying information is separated from applications prior to short-listing.
- Invite applicants to identify any special arrangements they may need.
- Ensure that all those involved in recruitment and selection have appropriate skills for recruitment interviewing.
- Ensure that selection decisions for any post are taken by more than one person.
- Ensure that selection criteria and reasons for the selection or rejection of individual candidates are recorded.
- Ensure that decisions in relation to promotion opportunities, including temporary promotion are non-exclusive and that extended use of temporary promotion is discouraged where it will give one individual an unfair advantage over others.
- Monitor the results of recruitment processes with particular regard for decisions which appear to be inconsistent.

### **6. Service provision**

In terms of clients, services and support shall be offered equally within Path's broad catchment area, targeted only for the purpose of better meeting the needs of those (likely

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to be) needing Path services. In general, we shall aim to understand and respond to the needs of our clients, including in terms of their abilities and any barriers they may face.

That is reflected in our processes, such as for assessment and support planning, which are based around each individual's needs and provide a formal framework for addressing issues such as physical accessibility, language and learning or other needs. When relevant, we shall endeavour, for instance, to use interpretation or other relevant services, ensuring that clients are not further disadvantaged by language. Equally, in terms of physical access, we are actively flexible about where we see clients, to better meet their needs.

We are committed to treating potential and actual clients fairly, including being aware of and respecting the protected characteristics. We shall therefore ensure that Path staff members are made aware of those and of this policy.

### **7. Discrimination**

Path will therefore not unfairly discriminate (directly or indirectly, perceived or associative) against anyone in relation to a protected characteristic, which include: trade union activity; membership or non-membership of the Freemasons or other organisations; domestic situation; and whether in or applying for full, part-time, or job share work. (These are examples only. Other forms of discrimination will be tackled).

In terms of racism, Path accepts the Macpherson definition of institutional racism contained in the Stephen Lawrence Inquiry report:

*The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.*

**So the expression of prejudice or active discrimination by any Path worker, volunteer, contractee or client will not be tolerated.**

The only relevance of such issues is in maximising an individual's input into Path or ensuring the most appropriate support for them. Therefore it is unacceptable for anyone whose beliefs include negative prejudice (such as homophobia) to work within Path.

As noted, the Equality Act 2010 makes it unlawful to discriminate against in relation to a protected characteristic. This means that discriminating against a person because of their race, colour, nationality, ethnic, or national origins is against the law. Path will not only comply with but promote that law, such as through challenging negative discrimination.

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Further, Path will promote anti-discriminatory practice, acting and encouraging others to prevent discrimination against people on the grounds of race, class, gender and disability.

### **8. Equality of Opportunity**

The Equality Act 2010 also notes the duty of local authorities and providers to actively promote race equality, which Path is committed to doing. In terms of recruitment of workers and volunteers, and their supervision and support, individuals are to be evaluated according to their abilities and output, their support needs and Path's needs as an agency. (These are covered in more detail in separate policies, such as on recruitment.)

Path is also aware of and complies with other acts, including Health and Safety, Minimum Wage and others.

### **9. Promotion of the policy**

Other policies and procedures operate similarly, ensuring fair representation and treatment. We also expect and require workers to promote equality of opportunity and to challenge negative discrimination in their work at all times. This is done via systems (assessments etc) that promote equality and diversity, as well as by individual attitudes and actions (of staff).

In terms of staff attitudes and understandings, Path is committed to providing training on Equality and Diversity to staff members; this policy and other relevant information is included in new worker induction, along with on-line training. Prior to that, we include an understanding of and commitment to equality of opportunity as an essential in all roles and therefore it is addressed in recruitment. Training needs are assessed at induction and Equality training is made available and promoted to workers and is actively monitored as part of annual appraisals, ensuring that all members of staff receive suitable training. Equally, this policy and related issues and opportunities are explored and promoted through staff and team meetings, while the policy is available to all via our website.

Path will continue to introduce measures to combat negative discrimination in our employment practice and our service delivery. Indeed, equality of opportunity is a theme running through Path policies (recruitment, entitlements, conditions of service, appraisals). Alongside that is a culture of supportive challenging, where members of staff address issues and concerns individually, in team meetings and other ways, including promoting different understandings and approaches, generally or for specific cases.

As noted, Path has an **Equality Implementation Plan** at all times, overseen by the Director, which notes how Path is implementing this policy, what specific actions are to be taken to improve our management and practice, by whom and by when. This is reviewed and updated at least annually, including through formal review at operational management meetings; and updated during the year as actions progress. The Plan includes matters such as training and equality audits, as well as reviews of other policies against Equality



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criteria. (Specific commitments include annual equality survey of staff and board.) This regular reviewing by management ensures shared commitment and understanding at the top of Path to the issues of equality and diversity, with commitment to responding by measures such as reviewing policies, practice, paperwork, training, physical environment or promotion of jobs or services.

When promoting our services, Path will continue to endeavour to make information appropriate and accessible. Work to further build and maintain relationships with appropriate other services will continue, including, ensuring that our services are accessible and relevant to all who need them. (Access to Path's services are mostly by referral.)

Through partnerships, forums and multi-agency meetings we shall continue to promote the rights of our clients and, generally, fair, equal and efficient responses to people in housing need. Meanwhile, this policy is promoted via literature, our website and other means to all stakeholders.

### **Third Party Harassment**

Path values all employees and as such we take very seriously the harassment of employees by a third party during the course of employment. (This might be negative attitudes or discrimination from others, experienced by a Path worker as part of doing their job.) We are committed to taking such steps as is reasonably practicable to prevent third party harassment from occurring; and to address and end it if / when it does.

Internally, that might include grievance and / or disciplinary action; externally, that might include management level interventions and follow-up.

For clients, we will encourage clients to be aware of their rights and, if harassment occurs, offer support to address it, such as through advocacy.

### **10. Responsibilities**

Path follows employment legislation aimed at reducing discrimination. This includes: enshrining a commitment to diversity; offering information in multi-lingual formats; offering flexible working arrangements and extended maternity leave; providing appropriate areas for things like taking medications or pumping for nursing mothers; and ensuring that equipment and access for those with different ability levels are as available as possible are all ways in which companies can prove a commitment to celebrating diversity.

Path will therefore:

- i. Seek to comply with all laws designed to protect the rights of people (Equality Act 2010 and any amendment thereof)
- ii. Keep a close watch on, and constantly review, this policy to ensure that it makes a positive contribution towards the removal of all forms of discrimination.

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- iii. Encourage and ensure change in individual behaviour and attitudes within its operations, to achieve the objectives of this Policy.

On behalf of the board, the Director of Path has overall responsibility for this policy. Path will also aim to have an operational lead, working with the Director and others to further develop and implement Path's commitment to equality and diversity.

**11. Implementation and Monitoring of this policy** shall be carried out through initial induction, supervision and appraisals of all workers and volunteers (with direct reference to this policy), as well as by the management of Path, assessing opportunities and issues as they arise and develop.

In terms of monitoring accessibility and effectiveness of our services, we shall:

- use our database to monitor and record the needs presented to us and our response.
- Evaluate this (service managers and the Director) on a regular basis, considering the breadth or reach of services and how to ensure or improve fair access.
- on an annual basis, review the profile of who we reach and support, refining how and where we promote services, the literature and systems we have and other ways where we can better reach and respond to those most needing us.

As noted above, Path has an Equality Implementation Plan, which is used to set tasks and targets and which is monitored regularly and formally reviewed annually at management level. Further, this policy shall be formally reviewed at board level annually.

This policy will be made available to service users in a number of ways. One of these is through key policies being available on request, as promoted in our literature. We shall also continue to discuss the aims and content of this and other policies with clients. Further actions include, as implied above, regular workforce surveys, monitoring the profile of the staff team.

This policy will also be made available on our website, particularly accessible therefore to partner agencies and referrers.

**Breaching of this policy by volunteers or employees** shall be tackled, through supervision/line management – or, where relevant, via the Path Disciplinary policy - and any issues or concerns should therefore be passed to supervisors, who will then consult with the Director or other supervisors, as appropriate.

Any behaviour not consistent with this policy will be addressed with the person concerned but any actions judged to be serious or persistent may, after due process, result in a termination of the relationship between Path and the individual(s) working for Path. Anyone felt to be unable to fully support this policy as a whole will not be eligible for appointment at Path in the first place.

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**Breaching of this policy by clients** will be addressed by the appropriate manager, who shall address the behaviour in question with the person concerned. Where particular action or persistent behaviour is felt to compromise Path's attempts to comply with and promote this policy, and/or may conflict with the rights and opportunities of other clients, Path may be unable to continue to provide support to the client breaching of the policy. When and if this is the case attempts will be made to identify and secure alternative support for the client concerned.

Where a client feels that Path has breached the policy (such as by feeling that they have been negatively discriminated against), they are encouraged to make a complaint, which can be via our established complaints procedure.

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