

# DISABILITY POSITIVE EQUALITY AND DIVERSITY POLICY

## Revision History

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## Document Control

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# 1 POLICY STATEMENT

This policy sets out **Disability Positive** (*hereinafter referred to as the "Company"*) approach to equality and diversity. The Company is committed to promoting equality and diversity and promoting a culture that actively values difference and recognises that people from different backgrounds and experiences can bring valuable insights to the workplace and enhance the way we work.

The Company aims to be inclusive, committed to providing equal opportunities throughout employment including in the recruitment, training and development of employees, and to pro-actively tackling and eliminating discrimination.

The Company considers that equality means breaking down barriers, eliminating discrimination and ensuring equal opportunities and access for all groups both in employment, and service delivery.

We consider diversity to mean celebrating difference and valuing everyone. Each person is an individual with visible and non-visible differences and by respecting this, everyone can feel valued for their contributions which is beneficial not only for the individual but for the Company too.

We acknowledge that equality and diversity are not inter-changeable but inter-dependent. There can be no equality of opportunity if difference is not valued and harnessed.

# 2 PURPOSE

The purpose of this policy is to ensure a professional and consistent approach to Equality and Diversity and ensure that the Company meets its legal, statutory and regulatory requirements under the Human Rights Act 1998 and Equality Act 2010.

# 3 SCOPE

This policy applies to all staff within the Company (*meaning permanent, fixed term, and temporary staff, any third-party representatives or sub-contractors, agency workers, volunteers, interns and agents engaged with the Company in the UK or overseas*). Adherence to this policy is mandatory and non-compliance could lead to disciplinary action.

## 4 COMMITMENT

Every staff member is entitled to a working environment that promotes dignity, equality and respect for all. The Company will not tolerate any acts of unlawful or unfair discrimination (including harassment) because of a protected characteristic:

- Sex
- Age
- Race
- Gender Reassignment
- Disability
- Marriage and Civil Partnership
- Religion or Belief
- Sexual Orientation
- Pregnancy and Maternity

Discrimination on the basis of work pattern (part-time working, fixed term contract, flexible working) which is unjustifiable will also not be tolerated.

We are also aware that some people demonstrate more than one of these characteristics and, as such, can endure discrimination relating to more than one of them.

We are committed to fulfilling our duties and responsibilities under the Equality Act 2010 and related equality and human rights legislation and codes of practice.

In particular, the Company recognises that it has moral and social responsibilities that go beyond the provisions of the Human Rights Act 1998 and Equality Act 2010 and that it should support and contribute to the wider process of change through all aspects of its employment and service delivery in order to eliminate discrimination and promote equality and diversity.

The Company is committed to taking positive steps to ensure that:

- All people are treated with dignity and respect, valuing the diversity of all.
- Equality of opportunity and diversity is promoted.
- Services are accessible, appropriate and delivered fairly to all;
- The mix of its employees, volunteers and trustees reflects, as far as possible, the wider population of Cheshire and is also representative of the community we serve.

Further to this, the Company aims to always protect and preserve the rights and freedoms that belong to all individuals regardless of their nationality and citizenship. We believe that human rights are fundamentally important in maintaining a fair and civilised society. This is in line with the Human Rights Act 1998, and the 16 rights and freedoms it upholds.



The Company has been awarded the Disability Confident Leader Symbol. As well as maintaining a skilled workforce of people with lived experience of disability, long term conditions and caring responsibility, to represent the community we serve; we are taking an active leadership role in encouraging and helping other employers on their journey to becoming Disability Confident.

## 4.1 RECRUITMENT

Selection for employment at the Company will be on the basis of aptitude and ability. Further detail is set out in the Company's **Recruitment and Selection Policy**. Where possible, the Company will capture applicants' diversity demographics as part of its recruitment processes to promote the elimination of unlawful discrimination.

## 4.2 TRAINING

Staff members are required to participate in annual training and development activities within the Company, to encourage the promotion of the principles of this policy.

All staff will be encouraged to develop their skills and fulfil their potential and to take advantage of training and development opportunities within the Company. Further detail is set out in the Company's **Induction Policy** and **Training and Development Policy**.

## 4.3 PROMOTION

All promotion decisions will be made on the basis of merit and will not be influenced by any of the protected characteristics listed above. Promotion opportunities will be monitored to ensure equality of opportunity at all levels. Where appropriate, steps will be taken to identify and remove unnecessary or unjustifiable barriers to promotion.

All employees will be encouraged to develop their skills and fulfil their potential and to take advantage of progression opportunities within the Company.

Selection for promotion will be on the basis of aptitude and ability.

## 4.4 DURING EMPLOYMENT

The benefits, terms and conditions of employment and facilities available to staff within the Company will be reviewed on a regular basis to ensure that access is not restricted by unlawful means and to provide appropriate reasonable adjustments to meet the needs of individuals.

Staff members within the same responsibility level or performing similar functions/roles within the Company will be treated equally with regard to all

aspects of their terms of employment (i.e. salary banding and working conditions).

## 4.5 DISCIPLINARY AND DISMISSAL

All disciplinary and dismissal decisions will be made fairly on the basis of evidence following a thorough investigation and will not be influenced by any of the protected characteristics listed above.

## 5 BREACHES OF THE POLICY

No form of intimidation, bullying or harassment will be tolerated. If you believe that you may have suffered discrimination because of any of the above protected characteristics, you should consider the appropriateness and feasibility of attempted informal resolution by discussion in the first instance with your team manager or another colleague in a relevant position of seniority. You may decide in the alternative to raise the matter through the Company's **Bullying and Harassment Policy** or **Grievance Policy** as detailed in the Employee Handbook. For types of discrimination see the Appendix 1 to this Policy.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the appropriate procedure. The Company will ensure that individuals who make such allegations in good faith will not be victimised or treated less favourably by the Company as a result. However, false allegations of a breach of this policy which are found to have been made in bad faith will be dealt with under the Company's Disciplinary Policy.

A person found to have breached this policy may be subject to disciplinary action under the Company **Disciplinary Policy** as detailed in the Employee Handbook.

Staff members may also be personally liable for any acts of discrimination prohibited by this policy that they commit, meaning that they can be sued by the victim.

## 6 WHEN DOES THIS POLICY APPLY?

This policy applies to all conduct in the workplace and also to conduct outside of the workplace that is related to your work (e.g. at meetings, social events and social interactions with colleagues) or which may impact on the Company's reputation (e.g. the expression of views on social media, contrary to the commitments expressed in this policy, that could be linked to the Company).

## 7 RESPONSIBILITIES

The Company expect all staff to take personal responsibility for the application of this policy. As part of your induction, you are expected to read and familiarise yourself with this policy, ensure that this policy is properly observed and fully complied with. The Company will also ensure that all staff are provided with the time, resources and support to learn and understand the equality and diversity policy and expectations.

This policy is also of particular relevance to trustees, team managers and other staff concerned with recruitment, training and promotion procedures and employment decisions which affect others.

The Head of Finance and HR will be responsible for ensuring implementation and regular auditing including completion of Equality Impact Assessments to assess policies and procedures for any impact in relation to employment and service delivery.

## 8 PATTERNS AND ANALYSIS

The anonymised equality and diversity data (e.g., job applicants, starters, leavers, dismissals, and grievances) is reviewed quarterly by the Chief Executive Officer to identify any patterns or reoccurring issues. An overview management report is presented to the Human Resources and Remuneration Committee 3 times per year.

The Company is dedicated to improving our performance, services and functions through the auditing of our equality and diversity data. Where gaps or patterns are identified, we put corrective actions and mitigating solutions into place as soon as possible.

## APPENDIX 1

### Types of discrimination

There are various types of discrimination prohibited by this policy. The main types are:

#### 1) Direct discrimination

Direct discrimination occurs where one person is treated less favourably than another because of a protected characteristic set out in this policy. By way of example, refusing to promote a pregnant employee on the basis that she is shortly due to go on maternity leave would be direct discrimination on the protected characteristic of the employee's pregnancy.

Other types of direct discrimination are:

- Associative discrimination - this is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example, an employee is discriminated against because his/her son is disabled.
- Perceptive discrimination - this is direct discrimination against an individual because others think they possess a particular protected characteristic. For example, where co-workers believe the individual is gay. It applies even if the person does not actually possess that characteristic.

#### 2) Indirect discrimination

Indirect discrimination occurs when an unjustifiable requirement or condition is applied, which appears to be the same for all, but which has a disproportionate, adverse effect on one group of people. This is discrimination even though there was no intention to discriminate. For example, a requirement for UK based qualifications could disadvantage applicants who have obtained their qualifications outside of the UK; this could amount to indirect discrimination on the grounds of race.

#### 3) Victimisation

Victimisation is where an employee is treated less favourably than others because they have asserted legal rights against the Company or assisted a colleague in doing so. For example, victimisation may occur where an employee has raised a genuine grievance against the Company and is demoted as a result.

#### 4) Harassment

Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual." It is important to remember



that it is not the intention of the harasser but how the recipient perceives their behaviour, which determines whether harassment has occurred. Please see the Company's Bullying and Harassment Policy, for further details of how the Company will deal with bullying and harassment.