



# **Equal Opportunities and Diversity Policy**

**Reviewed May 2011**  
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## **Introduction**

Kingston Mencap complies with all requirements of relevant legislation or regulation with regards to ensuring equality of opportunity for all members, staff and volunteers, regardless of disability, age, race, gender, religion or sexual orientation.

This policy states how Kingston Mencap will seek to involve all its members including those with a learning disability in the operation of the Group and its activities.

Kingston Mencap will provide information to its members on an accessible format and in the different languages used by the population on request.

Kingston Mencap collects diversity data from its employees, members and volunteers and uses it to monitor participation levels of different groups. Where the diversity data collected does not reflect the local community, then Kingston Mencap will where possible review its activities to identify where changes need to be made to become more inclusive of under-represented groups.

## **Responsibilities of all employees, volunteers and members**

All employees, volunteers and members are expected to support and work within Kingston Mencap's Equal Opportunities and Employment Policy.

The Trustee Committee will:

- Ensure that Kingston Mencap complies with equal opportunities legislation.
- Ensure that the policy and its related action plans are implemented, monitored and regularly reviewed.
- Take responsibility for setting our diversity strategy and for monitoring its implementation.

All club leaders will:

- Take action to promote a club where people are valued and have dignity.
- Promote anti-discriminatory practice.
- Take responsibility for the application of this policy within their work area.
- Keep up to date with equality legislation and good practice by attending training and information opportunities.

All employees, volunteers and members will:

- Contribute to an environment where all are treated with dignity and respect.
- Not harass, abuse or intimidate other current or prospective employees, volunteers, the people we support, visitors or others with whom they may have contact with in Kingston Mencap.

## **Employment**

### **Our Commitment**

Kingston Mencap is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against the people we support.

We want to make sure that people with a learning disability, their families and supporters can use our support and access our activities and clubs we provide.

This policy is intended to assist Kingston Mencap to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. Kingston Mencap has a separate harassment and bullying policy, which deals with these issues.

### **Equal opportunities in employment**

Kingston Mencap will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

Kingston Mencap will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if Kingston Mencap considers it has good reasons, unrelated to any protected characteristic, for doing so. Kingston Mencap will comply with its obligations in relation to statutory requests for contract variations. Kingston Mencap will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Kingston Mencap cannot lawfully discriminate in the selection of employees for recruitment or promotion, but Kingston Mencap may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that Kingston Mencap identifies as being under-represented in particular types of job.

### **Customers, suppliers and other people not employed by Kingston Mencap**

Kingston Mencap will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by Kingston Mencap.

Employees should report any bullying or harassment by customers, suppliers, visitors or others to the Chair of the Trustees Committee who will take appropriate action.

### **Employee responsibilities**

Every employee is required to assist Kingston Mencap to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, Kingston Mencap 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 employees or customers are disciplinary offences and will be dealt with under Kingston Mencaps disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

### **Grievances**

If you consider that you may have been unlawfully discriminated against, you may use Kingston Mencap's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the harassment and bullying policy.

Kingston Mencap will take any complaint seriously and will seek to resolve any grievance that it upholds. 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.

## **Employees, Volunteers and Members**

### **Considering the views of Employees, Volunteers and Members**

Kingston Mencap will consider the views and needs of employees, members and volunteers from different backgrounds. Kingston Mencap will:

- Look at how we could communicate more effectively (formally and informally).
- Encourage the involvement of employees, members and volunteers in planning and decision making.

### **Kingston Mencap Policies and Procedures**

Kingston Mencaps policies and procedures are designed to treat individuals solely according to their ability to meet the requirements expected of an employee or volunteer.

This will ensure that employees and volunteers are treated as unique individuals.

In implementing our policies and procedures we will:

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- Monitor practices to ensure that our procedures are fair and that employee and volunteer applicants are considered solely on the basis of merit and ability.
- Develop and implement action plans to address any inequalities which become apparent from our monitoring.
- Aim to attract and select the best employees and volunteers from all sections of the community through the application of valid, reliable and fair recruitment and selection methods.
- Ensure that all employees and volunteers are effectively inducted into Kingston Mencap and know the relevant policies, procedures and standards of expected behaviour.
- Ensure that employees and volunteers are encouraged to achieve their full capacity and potential.
- Promote conditions where innovation, teamwork and participation can flourish.
- Ensure that environments are not intimidating, hostile, degrading, humiliating or offensive.
- Actively review where we might encourage people with a learning disability in Kingston Mencap to become an employee or volunteer and ensure that we use practices, which do not exclude people with a learning disability.
- Where possible, make publications available in other languages, to reflect the UK's multicultural society.

### **Clubs and Activities**

We are committed to achieving equality of opportunity in access to our clubs and activities. We aim to achieve a consistent approach to diversity and equal opportunities in the delivery of all our clubs and activities. We also expect people working on our behalf to demonstrate their commitment to diversity and equality in the work that they do.

We want to ensure that our clubs and activities are welcoming to all people with a learning disability, and accessible to people from all communities.

To achieve this we will:

- Build close links with all sections of the community in all areas where we provide clubs and activities and actively encourage those groups to benefit from those clubs and activities.
- Be aware of our commitment to equal opportunities when appointing contractors/other agencies to work on our behalf or when entering into partnerships.
- Monitor procedures and practices to ensure that they are fair.
- Develop and implement action plans to address any inequalities which become apparent from our monitoring.
- Ensure that employees and volunteers are aware of the needs and sensitivities of the people we support from different groups.
- Ensure that employees and volunteers are aware of and implement local measures to promote fair treatment of the people we support.
- Understand potential barriers to accessing our clubs and activities and take measures to remove them.
- Investigate urgently any claim of discrimination or harassment.

- Ensure that all the people we support into external employment understand their rights and obligations under the equal opportunities policy of their employing organisation.
- Where possible, make publications available in other languages, to reflect the UK's multicultural society.

### **Arrangements for publicising our policy**

Kingston Mencap will make available a summary of our Equal Opportunities and Diversity Policy to all existing and prospective trustees, employees and volunteers as well as the people we support.

Kingston Mencap's Equal Opportunities and Diversity Policy will be available in large print or Braille, or in an audio or electronic format on request.

### **Failure to adhere to the policy**

- We will do our utmost to protect employees, volunteers and the people we support from discriminatory behaviour by any individual or group within the organisation.
- Discriminatory behaviour on the part of employees or volunteers will be dealt with under the disciplinary procedure.
- If we find that employees or volunteers are behaving in a discriminatory manner, we will cease to use their services.
- Allegations of discriminatory behaviour by members, employees and volunteers will be dealt with by the complaints procedure or other appropriate procedures.
- Allegations of discriminatory behaviour on the part of the people we support will be dealt with initially by advice and counseling. The ultimate sanction is exclusion of the person we support from the service.

### **Support and advice for trustees, club leaders and volunteers**

Kingston Mencap provides a means of providing support and advice for employees and volunteers to raise issues of concern.

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## **Appendix 1 Legislation Notes**

There is no specific legal requirement that an employer must have an equal opportunities policy. However having such a policy in place may assist in reducing the risk of unlawful discrimination occurring and is an essential part of a possible reasonable steps defence to a claim of unlawful discrimination.

The employer must also have a policy to deal with issues of harassment and bullying. This equal opportunities policy is drafted on the basis that the employer will have a separate harassment policy.

There is no specific legal requirement to monitor the composition of the workforce but it is good practice to do so. The following may be used where monitoring is undertaken. Further guidance is available at the Equalities and Human Rights Commission website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Kingston Mencap will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process. 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 1998.

### **The law**

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

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

Staff should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful 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**

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**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

**Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

**Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint.



**Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.