

## Equal Opportunities Policy

Diversity within an organisation's workforce and Management Committee is of enormous advantage, ensuring that talent and potential is properly identified and developed.

### **A Diverse Workforce**

Equal opportunities and ensuring a diverse workforce is important for all employers. It isn't just important because there are laws about it but because it is of enormous benefit to Malvern Special Families as talent and potential are distributed across the population.

The benefits include:

- ensuring our staff really does represent the community we serve,
- being able to attract and keep the very best staff,
- improving staff morale and productivity,
- avoiding losing good staff,
- avoiding under-using and under-valuing able staff,
- managing all staff better,
- helping to develop good practice.

### **The Law for Employers**

It is unlawful to discriminate because of someone's sex, sexual orientation, marital status, gender reassignment, race, colour, nationality, ethnic origin, and religion or because of a disability (including mental illness). It is also unlawful to discriminate because of pregnancy, childbirth, or maternity leave, because a person is a member or non-member of a trade union or because they are part-time workers or on a fixed term contract.

The main acts

#### ➤ Equalities Act 2010

- The act replaced previous anti-discrimination laws with a single act to make the law simpler and to remove inconsistencies. This makes the law easier for people to understand and comply with. The act also strengthened protection in some situations.
- The act covers nine protected characteristics, which cannot be used as a reason to treat people unfairly. Every person has one or more of the protected characteristics, so the act protects everyone against unfair treatment. They protected characteristics are:
  - age
  - disability
  - gender reassignment
  - marriage and civil partnership
  - pregnancy and maternity
  - race
  - religion or belief
  - sex
  - sexual orientation
- The Equality Act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person.
- The act prohibits unfair treatment in the workplace, when providing goods, facilities and services, when exercising public functions, in the disposal and management of premises, in education and by associations (such as private clubs).

Previous Acts of law include:

- *Race Relations Act 1976, 2000 Amendment and 2003 Amendment Regulations*
- *Equal Pay Act 1970*
- *Sex Discrimination Act 1975, 1986 Amendment and Employment Equality (Sex Discrimination) Regulations 2005*
- *Employment Equality (Sexual Orientation) Regulations 2003*
- *Sex Discrimination (Gender Reassignment) Regulations and Gender Recognition Act 2004*
- *Disability Discrimination Acts 1995 and 2005*
- *Employment Equality (Religion or Belief) Regulations 2003*
- *Employment Equality (Age) Regulations 2006*
- *Rehabilitation of Offenders Act 1974*

Ex-offenders have certain employment rights if their convictions become 'spent', including not having to declare spent convictions and protecting them against dismissal or exclusion. However Malvern Special Families is exempt from this due to nature of its work with vulnerable children and adults. On 29 January 2013 judges ruled that CRB checks are 'incompatible' with the Human Rights Act and consequently there was revised legislation. From 29 May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure under the Exceptions Order. Malvern Special Families will only ask an individual to provide details of convictions and cautions that we are legally entitled to know.

## Definitions of Discrimination

**Direct Discrimination** is when you treat someone less favourably than others for unlawful means, for example not employing someone because of their gender or disability.

**Indirect Discrimination** is when an employer has a policy, practice or procedure that applies to everyone but might disadvantage a particular group, and which cannot be justified in relation to the job.

**Harassment** is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment.

**Victimisation** is when you treat someone less favourably or discriminate against him or her because they have pursued or intend to pursue their rights relating to alleged discrimination.

Positive discrimination is unlawful.

**Positive action** to address imbalances in the workforce is allowed in particular circumstances. Examples would include setting equality targets (but *not* quotas which are unlawful); encouraging people from particular groups to apply where they are under-represented; training for promotion or skill training for employees from under-represented groups who show potential.

## The Equal Opportunities Policy

Malvern Special Families wholeheartedly supports the principle of equal opportunities in employment. We aim to encourage, value and manage diversity and we recognise that talent and potential are distributed across the population. Not only are there moral and social reasons for promoting equality of opportunity, it is in the best interest of this organisation to recruit and develop the best people for our jobs from as wide and diverse a pool of talent as possible. That diversity adds value.

Malvern Special Families recognises that many people in our society experience discrimination. Discrimination is acting unfairly against a group or individual through for example exclusion, verbal comment, denigration, harassment, victimisation, and a failure to appreciate needs or the assumption of such needs without consultation.

Discrimination can be direct or indirect (where there is a requirement or condition on all, but which has an adverse impact on a particular group and cannot be justified).

All forms of discrimination are unacceptable, regardless of whether there was any intention to discriminate or not. Employees have a duty to co-operate with Malvern Special Families to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination. Employees should draw the attention of their line manager to suspected discriminatory acts or practices or cases of bullying or harassment.

## Statement of Intent

- Malvern Special Families aims to create a culture that respects and values each other's differences, that promotes dignity, equality and diversity, and that encourages individuals to develop and maximise their true potential.
- We aim to remove any barriers, bias or discrimination that prevent individuals or groups from realising their potential and contributing fully to our organisation's performance and to develop an organisational culture that positively values diversity.
- We are committed wherever practicable, to achieving and maintaining a workforce that broadly reflects the local community in which we operate.
- Every possible step will be taken to ensure that individuals are treated fairly in all aspects of their employment at the association.
- Our aim is that the workforce will be truly representative of all sections of society. Selection for employment or promotion or any other benefit will be on the basis of merit and ability only. Selection for training will be on the basis of job requirement only. Intimidation, harassment and bullying will not be tolerated and may lead to disciplinary action.
- The Association will challenge discrimination in its own policies. It aims to provide equality and fairness for all job applicants, employees whether part-time, full-time, fixed term or temporary, volunteers and Management Committee members irrespective of gender, marital status, race, ethnic origin, colour, nationality, national origin, religion or belief, disability, sexual orientation, gender reassignment or age.
- Our organisation works with children and vulnerable adults, this type of work requires employees to undertake enhanced criminal record disclosure checks.

## Implementation

- The CEO is responsible for the policy's day-to-day implementation. Consultation will take place with the service manager on the implementation and development of this policy. Malvern Special Families has drawn up an action plan detailing how it will deliver this policy and challenge discrimination in other policies.
- It is the responsibility of the management committee to monitor effectiveness, and to review and develop the policy where necessary. Monitoring and review will take place annually.
- Each employee, volunteer, consultant, trainer, facilitator or management committee member is responsible for their own compliance with this policy. Breaches of the Equal Opportunities Policy will be regarded as misconduct and could lead to disciplinary action against employees, appropriate action against a member of the management committee, termination of contracts for services of consultants or trainers, or withdrawal of volunteer agreements.
- Employees who feel they have been discriminated against should raise the matter with their line manager. Initially the employee and manager should aim to resolve the matter informally. It may be that discriminatory action is unwitting and easily resolved once the problem is clear.
- If they are dissatisfied with the outcome, the complaint is very serious, or their line manager is the cause of the complaint, the employee should raise the matter, in writing, as a formal grievance under the Grievance Procedures.
- The Association will ensure that all new employees, volunteers, and management committee members will receive induction on the policy and action plan and that consultants, trainers and facilitators will be fully informed.

## In practice

**Malvern Special Families is fully committed to the active promotion of equality of opportunity for all children, families, staff and volunteers in the club. The policy is intended to provide and maintain equality of opportunity for all children, parents/carers, staff and volunteers, and will reflect the needs of members and future members of the club.**

- The club will ensure that everyone in the community has access to information about the club.
- The club will ensure that its services are open and available to all parents/carers and children in the local community with children and/or teenagers with disabilities/special needs.

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Reviewed by the MSF trustees September 2021

- Treat all children and their parents/carers with equal concern and value.
- The club will encourage the involvement of parents/carers by making them welcome and by respecting the differences in families, their language and culture and by encouraging them to contribute in whatever way they can.
- The club will ensure that all children are respected and their individuality and potential recognised, valued and nurtured.
- The children will be offered activities to give them the opportunity to explore acknowledge and value similarities and differences between themselves and others.
- Any discriminatory remarks or behaviour will be challenged and children will be encouraged to understand the effect of any such remarks or behaviour.
- Books, posters and all resources will be checked regularly to ensure they positively and accurately reflect society.
- Malvern Special Families will ensure that the club's recruitment policies and procedures are open, fair and non-discriminatory.
- Malvern Special Families will endeavor to recruit a staff team that reflects the make-up of the club's local community.
- All staff members and volunteers will have access to the same training opportunities.
- Malvern Special Families will ensure that all members of staff are aware of, and understand, the Equal Opportunities policy as it relates to all aspects of its work.
- Malvern Special Families will support and encourage staff to act as positive role models to children by displaying and promoting tolerant and respectful behaviour, language and attitudes and challenging any discriminatory incident, according to the provisions set out in the staff disciplinary procedures.

### **British Values**

The British Government defined its concept of 'British Values' in its 2011 Prevent Strategy, and since 2014 the Department for Education has required all schools and childcare settings to "promote the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs".

Malvern Special Families respects the UN Convention on the Rights of the Child (UNCRC) is embedded in its ethos and culture; this Convention is based on many of the same values as those listed in the Department for Education's definition of British Values.

Our specialist clubs welcome and value everyone, whatever their ability, ethnicity, religion, gender, sexuality or background. We believe we have a vital role in combating discrimination and promoting fairness, justice and equality through our work and in the role models we offer. We teach the children to be responsible citizens and positive representatives of the United Kingdom within the wider world.



# Equal Opportunities Monitoring Form

Malvern Special Families wishes to employ the best possible staff, and therefore intends to ensure equality of opportunity. No job applicant will be discriminated against on the grounds of gender, ethnic origin, sexual orientation, age, disability, marital status, personal religious views, unrelated criminal convictions, being HIV positive or having AIDS.

In order to ensure that this policy is effective, we monitor job applicants according to the categories listed overleaf. Completion of this form is voluntary, but your help is appreciated. You are welcome to complete all or some of the form as you prefer.

The information you give will be confidential to Malvern Special Families and will not be used for selection purposes.

Equal Opportunities Monitoring Form	
Post Applied for:	
	Please place an "x" in the relevant box?
<b>I define my gender as:</b>	Female <input type="checkbox"/> Male <input type="checkbox"/> Prefer not to say <input type="checkbox"/>
<b>I define my ethnic origin as:</b>	
ASIAN -e.g. Indian, Pakistani, Bangladeshi.	<input type="checkbox"/>
ASIAN -British e.g. Scottish, Welsh, English, etc.	<input type="checkbox"/>
SE ASIAN –e.g. Chinese, Japanese.	<input type="checkbox"/>
BLACK –African.	<input type="checkbox"/>
BLACK –British e.g. Scottish, Welsh, English, etc.	<input type="checkbox"/>
BLACK – Caribbean.	<input type="checkbox"/>
BLACK –other e.g. American	<input type="checkbox"/>
WHITE –British, Welsh, English, etc.	<input type="checkbox"/>
WHITE – European.	<input type="checkbox"/>
WHITE –Irish.	<input type="checkbox"/>
WHITE –other e.g. Australian, American, etc.	<input type="checkbox"/>
MIXED ETHNIC ORIGIN –please define:	<input type="checkbox"/>
OTHER –please define:	
Prefer not to say:	<input type="checkbox"/>
<b>I define my sexuality as:</b>	
Lesbian/ Gay	<input type="checkbox"/>
Bisexual	<input type="checkbox"/>
Heterosexual	<input type="checkbox"/>
Prefer not to say:	<input type="checkbox"/>
<b>Do you consider yourself to have a disability?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say <input type="checkbox"/>
If Yes please specify:	
<b>What age band are you in?</b>	18-25 <input type="checkbox"/> 26-40 <input type="checkbox"/> 41+ <input type="checkbox"/>
<b>Where did you see this position advertised?</b>	
Thank you for your assistance.	