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Equal Opportunities and Diversity Policy

The Trust Board has granted the Chief Executive of the Sandwell Children's Trust the authority to approve this document.

Equal Opportunities and Diversity Policy

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Our Commitment

Sandwell Children's Trust is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and service provision. The Trust believes that having a workforce with a rich mix of backgrounds, knowledge, abilities and skills enhances our ability to deliver high quality services to the broadest range of children, young people and families. The Trust aims to build and maintain a diverse workforce that reflects the communities that the Trust works within.

This policy is intended to assist Sandwell Children's Trust 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.

Sandwell Children's Trust's promise to staff

A safe, welcoming and inclusive workplace culture, where individuals are valued, respected and listened to.

Equality of opportunity to access and benefit from professional and personal development activities.

Support and guidance on challenging discrimination, prejudice, bullying, harassment or victimisation.

A range of family friendly and flexible working practices that are accessible to all staff regardless of their age, disability, gender identity, marital status, parental status, race, nationality, ethnic origin, religion or belief, sex, sexual orientation, trade union membership or employment status e.g. part-time workers.

What Sandwell Children's Trust expects from the people who work for us

To recognise and challenge all forms of discrimination and prejudice in the workplace.

To treat colleagues, children, young people and families, with respect, dignity and fairness.

To listen to the variety of views and opinions of others, but to constructively challenge those who express views and opinions which may show a lack of respect, sensitivity or regard to others.

To acknowledge and celebrate diversity, with colleagues, children, young people and families.

To ensure that there is equality of opportunity for all children, young people and families to participate and be consulted, listened to and involved in activities designed to benefit them and improve the services they use.

The Law

The Equality Act 2010 makes it unlawful to discriminate directly or indirectly in recruitment, employment or service provision 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.

Employees must also 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

Discrimination in employment and service provision happens because of prejudice, misconception and stereotyping which in turn hinders the proper consideration of an individual's talents, skills, abilities, potential and experience. It can be direct or indirect, intentional or not intentional. What is most important is that certain forms of discrimination are not just unfair they are illegal.

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

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

Perceptive discrimination is direct discrimination or harassment against an individual because others think they possess a particular protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Indirect discrimination can occur where there is a condition, rule, policy or practice in the organisation that applies to everyone but particularly disadvantages people who share a protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination). Indirect discrimination can be justified if it can be shown to be a proportionate means of achieving a legitimate aim. A legitimate aim might be any lawful decision made in running the organisation, but if there is a discriminatory effect, the sole aim of

reducing costs is likely to be unlawful. Being proportionate means being fair and reasonable, including showing that you have looked at 'less discriminatory' alternatives to any decision you make.

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 does not matter whether or not this effect was intended by the person responsible for the conduct. Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees can complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

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.

Victimisation occurs where an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010; or because they are suspected of doing so. An employee is not protected from victimisation if they have acted maliciously or made or supported an untrue complaint.

There is no longer a need for a complainant to compare their treatment with someone who has not made or supported a complaint under the Equality Act 2010.

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.

Discrimination arising from disability occurs when a disabled person is treated unfavourably because of something connected with their disability and this unfavourable treatment cannot be justified. Treatment can be justified if it can be shown that it is intended to meet a legitimate objective in a fair, balanced and reasonable way. This form of discrimination can occur only if the employer knows, or can reasonably be expected to know, that the disabled person is disabled.

Promoting equal opportunities: employment practices

Sandwell Children's Trust will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. The Trust is committed, wherever practicable, to achieving and maintaining a workforce which broadly reflects the local community in which we operate. The Trust's commitment to equal opportunities and a diverse workforce can be evidenced in the following specific areas.

Attracting suitable applicants

Sandwell Children's Trust will:

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

Avoid requirements relating to length of experience (which could discriminate against women or young people) and residence in the UK (which could discriminate on racial grounds).

Where professional qualifications are relevant, make clear that comparable overseas professional qualifications are acceptable, if possible.

Consider whether the job needs to be performed on a full-time basis or whether it is open to part-time working or home-working. Wherever possible, jobs will be advertised with the statement that part-time hours will be considered.

Place advertisements in publications/media which are likely to reach all potential applicants.

Incorporate an equal opportunities statement in all job adverts.

Ensure that recruitment literature and advertisements avoid stereotypical images and make it clear that applications are welcome from all suitably qualified candidates.

Ensure that agencies assisting in recruitment operate appropriate diversity policies and procedures when acting on behalf of the Trust.

Use an application form rather than a CV wherever practicable so that all applicants are competing on the same basis.

Consider the availability and accessibility of application forms and ensure that a number of methods are possible e.g. by post and online.

Ensure that recruitment solely or primarily by word of mouth is kept to an absolute minimum as this might unnecessarily restrict opportunities and could limit the diversity of the organisation.

Monitor returns of application forms to identify any concerns in failing to attract a broad range of individuals.

Recruitment and selection

Sandwell Children's Trust will:

Wherever possible, ensure short-listing is done by more than one person.

Ensure that selection decisions are based on objective, non-discriminatory, job-related criteria, consistently applied to all candidates.

Invite applicants to identify any special arrangements they may need at interview.

Make reasonable adjustments for applicants to attend job interviews to ensure that no applicant is disadvantaged because of his or her disability e.g. to time, location, tests.

Ensure that all those involved in recruitment and selection have had appropriate training in recruitment interviewing, diversity and equal opportunities, or receive the appropriate guidance from Human Resources.

Ensure that selection decisions for any post are taken by more than one person.

Ensure that membership of recruitment panels takes into account, so far as possible, the range of candidates being seen.

Not ask personal or intrusive questions, for example, relating to marriage plans or family intentions.

Ensure that questions relating to a person's disability are only asked where relevant to the ability to do the job, with reasonable adjustments where necessary.

Take particular care not to be influenced by any personal information that may be volunteered.

Ensure that selection criteria and reasons for the selection or rejection of individual candidates are recorded. Interview notes will be retained securely by HR in line with data protection legislation.

Ensure that the applicant is clear about what the role entails so that they can fully consider whether the job might conflict with their religious or other beliefs.

Monitor the results of recruitment processes with particular regard for decisions which appear to be inconsistent.

Training and development

Sandwell Children's Trust will:

Ensure that opportunities for training and development are made available to all staff on a fair and equal basis.

Ensure applications for training courses and sessions are considered fairly.

Train all those responsible for internally delivering training and development in equal opportunities and diversity issues.

Ensure that diversity and equal opportunities issues are addressed fairly and equitably in all management-related courses such as competency-based interviewing, managing discipline and grievance, managing appraisals, coaching for high performance and supervision training.

Consider whether the times at which training is provided might be discriminatory, particularly if training takes place outside normal working hours.

Consider the cultural or religious requirements of staff e.g. dietary needs

Consider whether any special arrangements need to be made e.g. wheelchair access.

Monitor who takes part in training in terms of age, gender, ethnic origin and disability.

Monitor learning activities across departments to ensure staff are not excluded.

Appraisals

Sandwell Children's Trust will:

Ensure that annual appraisals are conducted fairly and are based on objective, written criteria and competencies.

Ensure that all completed appraisals are reviewed and agreed by another manager (usually the appraiser's line manager).

Act on learning and development needs identified in personal development plans.

Retain notes of appraisals and discussions.

Promotion

Sandwell Children's Trust will:

Ensure that opportunities for promotion are made known to all staff and are made available to everyone on a fair and equal basis.

Ensure all candidates for promotion are considered against objective and consistent criteria. Written records of reasoning behind promotion decisions will be retained.

Ensure that, where promotions are subject to internal references, verbal or informal references will be fair and non-discriminatory.

Ensure that extended use of temporary promotion is discouraged where it will give one individual an unfair advantage over others.

Restructuring Processes

Sandwell Children's Trust will:

Ensure that managers demonstrate ahead of any formal restructuring processes that they have given due regard to equality considerations and the impact on staff with protected characteristics.

Making reasonable adjustments and removing barriers for disabled people

Sandwell Children's Trust will:

Make such adjustments as are reasonable to enable a disabled employee to carry out his/her duties. These may include, but are not limited to, provision of specialist equipment and training, job redesign, retraining, flexible hours, remote working and/or redeployment to a suitable alternative vacancy.

Work proactively to remove barriers from the working environment for disabled people. This includes physical access to premises; access to benefits of employment; terms and conditions of employment; recruitment; and arrangements for recruitment, performance assessment, promotion and retention.

Religious observance during working hours

Sandwell Children's Trust will:

Endeavour, on request, to alter an employee's working pattern so that breaks can be granted at times that coincide with their needs for religious observance.

Alternatively, where appropriate, endeavour to grant employees reasonable unpaid time off during working hours for religious observance insofar as this is possible and practicable, taking into account the needs of the organisation and whether or not such arrangements might cause disturbance or disruption to other members of staff and/or their work patterns.

Reserve the right to refuse to grant some or all of the time off requested, where an employee requests time off at a particularly busy time or at a time when the employee's absence would otherwise cause difficulties for the organisation, or where the amount of time off requested is unreasonable or excessive (taking into account the needs of the organisation).

Treat all employees, whatever their religion or belief, equally in respect of requests for time off for religious observance or requests for alterations to their working patterns for religious reasons.

Ask all employees, on a voluntary basis, to disclose their religion or belief to Human Resources so that any religious needs can be assessed and fair consideration given to what facilities and arrangements it might reasonably provide for staff.

Provide food storage and food heating facilities. These are available to all employees. Employees must ensure that all food placed in the fridges or cupboards provided, is stored in sealed containers at all times. This is for the benefit of all employees, some of whom may wish to ensure that their food does not come into contact with, for example, pork or other meat products.

Service users, suppliers and other people not employed by the organisation

Sandwell Children's Trust will not discriminate unlawfully against service users using, or seeking to use, facilities or services provided by the organisation. As part of the Trust's commitment to promoting social equality and justice, we undertake to ensure that our services are available to children, young people and families from the most disadvantaged sections of the community, and are designed to meet their needs. The Trust aims to publicise its services in a number of languages and through outlets that reach disadvantaged groups within the community. Anti-discrimination work, such as translation, interpretation and the provision of other specialist support, will be undertaken as appropriate.

Employees should report any bullying or harassment by service users, suppliers, visitors or others to their manager who will take appropriate action.

All contracts with suppliers, as far practicable, will include wording that ensures that those undertaking the contract understand the stance taken by the organisation.

Individual responsibilities

Sandwell Children's Trust aims to be an inclusive organisation where everyone is treated with respect and dignity, and where there is equal opportunity for all. The co-operation of all those who work for the Trust, or who access the Trust's services, is essential for the success of this policy.

Management responsibilities

It is the responsibility of all managers, from directors and heads of service to team managers, to:

Ensure that the standards established within this policy are adhered to within their own area of responsibility;

Familiarise themselves with the procedures in all equal opportunities documentation;

Ensure that they are not instructing employees to act in a discriminatory manner;

Ensure that they are not putting pressure on employees to discriminate;

Bring the details of the policy and procedure documents to the attention of all staff;

Ensure that information on equal opportunities is incorporated in all induction processes for new or temporary staff and is supported by ongoing training.

Respond to allegations of discrimination and harassment fairly, quickly and effectively

Prioritise their teams attendance at equality training to equip them with the competences needed to comply with this policy

Individual responsibilities

It is the responsibility of employees at all levels to:

Co-operate with any measure introduced to ensure equality of opportunity and avoid unlawful discrimination;

Report any discriminatory acts or practices;

Not induce or attempt to induce others to practice unlawful discrimination;

Not victimise anyone as a result of them having reported or provided evidence of discrimination;

Not harass, abuse, bully or intimidate others

Breaches of policy

Behaviour or actions against the spirit and/or the letter of the laws on which this policy is based will be treated seriously and appropriate action will be taken.

Employees can be held personally liable as well as, or instead of, the organisation 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 service users are disciplinary offences and will be dealt with under the organisation's disciplinary procedure.

Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Grievances

If an employee considers that they have been unlawfully discriminated against, they may use the Trust's grievance procedure to make a complaint. If the complaint involves bullying or harassment, the grievance procedure is modified as set out in the bullying and harassment policy.

If a service user or someone working for the Trust in a different capacity believes an employee or agent has unlawfully discriminated against them, they should be encouraged to use the organisation's complaints procedure.

The Trust will take any complaint seriously and will seek to resolve any grievance that it upholds. An employee will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

Use of the organisation's grievance procedure does not affect an employee's right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

Harassment and bullying

Sandwell Children's Trust has a separate policy concerning issues of bullying and harassment and how complaints of this type will be dealt with.

Monitoring and review

This policy will be monitored periodically by the organisation to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the Trust will monitor the age, ethnic and gender 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.

The Trust asks all applicants and staff to complete a diversity monitoring form.

The information provided will help to:

- Develop and improve practices;
- Build and maintain equality of opportunity and diversity across the organisation, and;
- Demonstrate the Trust's commitment to promoting equality and valuing and respecting diversity in all that we do as an employer and service provider.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance

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