



EQUALITY AND DIVERSITY

Introduction

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies and strengthens the law and removes inconsistencies.

This policy updates the previous policy and aims to outline South Lakeland Mind's commitment to ensuring equality of opportunity and equal treatment for staff, workers, volunteers, trustees and service users in terms of employment and access to services; and to provide guidance on anti-discriminatory practice.

1.1 Scope

The policy applies to employees directly employed via agencies, contractors in terms of employment, trustees and service users in terms of service provision. This policy applies specifically to discrimination and equality of opportunity in respect of '*protected characteristics*' as defined in the *Equality Act 2010*.

- Age
- Disability
- Race
- Sex
- Religion or cultural beliefs
- Gender reassignment
- Marital status and civil partnership
- Sexual orientation
- Pregnancy and maternity

The policy applies across a range of employment policies and practice, including those relating to discipline, grievance, harassment and complaints.

1.2 Responsibilities

South Lakeland Mind values its staff, contractors, workers, trustees and service users, and expects them to be treated in a respectful manner. Accordingly, all have a responsibility to treat others with dignity and respect and do all they can to ensure that the policy works in practice.

As part of their induction all staff, volunteers, contractors and service users will be made aware of the Equality and Diversity policy and its impact on their role.

The Chief Officer is responsible for providing advice and guidance on equality and diversity

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issues, and to ensure the policy document is kept up to date.

The South Lakeland Mind board of trustees has overall responsibility for the effective operation of this policy.

1.3 Aims

South Lakeland Mind aims to:

- Promote equality of opportunity
- Celebrate and value diversity
- Eliminate unlawful direct and indirect discrimination.

South Lakeland Mind will provide equality of opportunity and equal treatment as an integral part of good practice. The organisation is committed to a working environment in which the contribution and needs of everyone are fully valued and recognised. We will support our staff, volunteers, trustees, service users and contractors in not tolerating any inappropriate, violent or abusive behaviour from colleagues, other organisations or service users.

1.4 General purpose

South Lakeland Mind's practices will ensure that staff, workers, volunteers, trustees and service users will not be discriminated against on any grounds including age, disability, race, sex, religion or cultural beliefs, gender reassignment, marital status and civil partnership, sexual orientation, pregnancy and maternity.

South Lakeland Mind's commitment to anti-discriminatory practice is related to all kinds of discrimination as set out below:

- **Direct discrimination** - where someone is treated less favourably than another because they have a protected characteristic.
- **Indirect discrimination** - when a requirement or condition is applied which has a detrimental effect on a particular group or individual. This applies even if there was not a deliberate intention to discriminate.
- **Associative discrimination** - direct discrimination against someone because they associate with another person who has a protected characteristic.
- **Perceptive discrimination** - direct discrimination against someone because others think they have a protected characteristic even if they do not possess that characteristic.
- **Harassment** - unwanted conduct related to a protected characteristic, which violates a person's dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for them. This applies even if the conduct is not directed at the individual or if they do not have the protected characteristic.
- **Third party harassment** - potential liability for the harassment of staff by others such as service users.
- **Victimisation** - when someone is treated badly because they have made or supported a complaint under the Equality Act, or it is thought that they have done so.

1.4 Employment practices

South Lakeland Mind aims to promote equality and diversity as an employer and to ensure that no job applicant or employee receives less favourable treatment or is disadvantaged by conditions

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or requirements that cannot be shown to be justifiable in the context of the policy. Selection, recruitment, training, promotion and employment practices will be subject to regular review to ensure that they comply with the Equality & Diversity Policy.

All training opportunities will be promoted widely to all appropriate employees and not in such a way so as to exclude particular groups. South Lakeland Mind regards discrimination, abuse, harassment, victimisation or bullying of staff, service users or others in the course of work as disciplinary offences that could be regarded as gross misconduct.

1.5 South Lakeland Mind as Service Provider

In developing its service South Lakeland Mind will seek to ensure access to its service users. This will include, wherever practicable, making specific access arrangements for service users for any protected characteristic, which may apply. This will include, wherever practicable, making specific access arrangements for its service users with disabilities or learning difficulties, or any other protected characteristic which may apply such as religion or belief. South Lakeland Mind will attempt to ensure that none of its policies discriminate directly or indirectly against any group or individual.

Every effort will be made to ensure the services offered by South Lakeland Mind reflect the composition of the community it services by monitoring and publishing details of service user statistics by protected characteristics.

1.6 Complaints

Any employee who has a concern regarding the application of this policy should make use of the Complaints Procedure and any claims of inequality will be thoroughly investigated.

Any volunteer or contractor who has a concern regarding the application of this policy should contact the Chief Officer who will be responsible for investigating the complaint.

Any service user who has a concern regarding the application of this policy should contact the Chief Officer who will be responsible for investigating the complaint.

1.7 Data Collection

South Lakeland Mind complies with the requirement of the Data Protection Act. Any data, either qualitative or quantitative, required in order to monitor the requirements or the impact of the Equalities Act 2010, will be collected where it is reasonable, proportionate and practical to do so. Any such requirements will be notified to South Lakeland Mind service users and will follow a common data format.

This policy will be reviewed on an on-going basis and amended in line with new developments in Equality and Diversity best practice.

1.8 Single Equality Duty

Introduction

The Equality Duty was created by the Equality Act 2010 and replaces the following equality duties (EDs):

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- Race Equality Duty
- Disability Equality Duty
- Gender Equality Duty

The Equality Duty ensures that all public bodies (and any organisation that carries out a public function) are subject to the duty. It ensures that organisations subject to the duty consider the needs of all individuals in their day-to-day work. South Lakeland Mind is currently commissioned to run specific day services on behalf of Cumbria Adult Social Care and the Cumbria Primary Care Trust. In the delivery of those services it is therefore required to comply with the duty in a proportionate way.

The Equality Duty came into force in April 2011 and covers the 9 protected characteristics as identified in the South Lakeland Mind Equality and Diversity Policy.

The Equality Duty has three aims. It requires public bodies and those carrying out public functions 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.

Having *due regard* means consciously thinking about the above three aims of the Equality Duty as part of the process of decision-making.

South Lakeland Mind will monitor and evaluate the effectiveness of policies, procedures and services in meeting equality standards by regular reviews. Compliance with the ED involves consciously thinking about the three aims of the ED as part of the process of decision-making. Simple records will be kept of how decisions are reached to demonstrate how the ED has been considered.

This policy is intended as a statement of intent and does not constitute a binding contractual or personal agreement. But it will be monitored and revised in the light of service user, staff or volunteer experience or comments and any operational changes and legislative or other external considerations. Interpretation and any matters not specifically covered by the policy will be decided by the Chief Officer and / or Trustees.

Policy Approved by Board of Trustees: December 2011

Revision(s) approved: 14th August 2014

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If at any time it seems appropriate to review the policy sooner than the review date, such as through a change in the law, then this should be done without delay.