

# The Old Bath House and Community Centre

## Equality and Diversity Policy

### Introduction:

This policy outlines The Old Bath House and Community Centre's (OBHCC) commitment to promoting equality of opportunity and treatment for staff, volunteers, contractors, trustees and users in terms of employment and access to services. It outlines OBHCC's commitment to addressing any discriminatory behaviour or practice within the organisation.

### The Law:

It is unlawful to discriminate **directly** or **indirectly** in recruitment or employment because of a 'protected characteristic.' The Equality Act (2010) defines the protected characteristics as being:

- Age
- Disability
- Sex
- Gender reassignment
- Pregnancy
- Maternity
- Race (which includes colour, nationality, caste and ethnic or national origins)
- Sexual orientation
- Religion or belief
- Marriage or in a civil partnership.

It may also be unlawful to discriminate after employment, e.g. refusing to give a reference for a reason related to a protected characteristic.

It is unlawful to discriminate against or harass a member of the public or service user in the provision of services or goods, or to fail to make reasonable adjustments to overcome barriers to using services caused by disability (for example, 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). Service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

OBHCC will take all reasonable steps to ensure that we and our staff, volunteers and trustees do not unlawfully discriminate against any person, in line with all relevant legislation and good practice guidance (see Appendix 1).

## Types of Unlawful Discrimination:

- **Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. However, discrimination may be lawful if there is an occupational requirement which is core to a job role and a proportionate means of achieving a legitimate aim.
- **Indirect discrimination** means implementing a rule, policy or way of doing things that has a worse impact on someone with a protected characteristic than someone without, when this cannot be objectively justified.
- **Harassment** is where there is unwanted behaviour related to a protected characteristic which has the purpose or effect of violating someone's dignity or which creates a hostile, degrading, humiliating or offensive environment, regardless of whether this effect was intentional or unintentional.
- **Associative discrimination** is where the individual who is treated less favourably does not have a protected characteristic but is discriminated against because of their association with someone who does e.g. the parent of a disabled child.
- **Perceptive discrimination** is where the individual who is discriminated against or harassed does not have a protected characteristic but they are perceived to have a protected characteristic.
- **Third-party harassment** occurs where an employee is harassed by third parties such as service users, due to a protected characteristic.
- **Victimisation** is treating someone unfavourably because they have taken some form of action relating to the Equality Act, i.e. because they have supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.
- **Failure to make reasonable adjustments** is where a rule, policy or way of doing things has a worse impact on someone with a protected characteristic 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.

## **Statement of Intent:**

OBHCC aims to:

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

OBHCC will provide equality of opportunity and treatment for staff, contractors, volunteers, trustees and users. The organisation is committed to maintaining a working environment in which the contribution and needs of everyone are fully valued and recognised.

OBHCC will support staff, workers, trustees and contractors in not tolerating any inappropriate, violent or abusive behaviour from colleagues, users or other organisations.

OBHCC will ensure its working practices do not discriminate against staff, workers, trustees or users on any grounds, including protected characteristics. OBHCC believes that all forms of discrimination are unacceptable, regardless of whether there was any intention to discriminate or not.

OBHCC will consider taking “positive action” where it may help people overcome their disadvantages and offer them the same chances as everyone else.

## **Scope:**

The policy applies to staff, agency staff, contracted staff, contractors, trustees, volunteers and users in terms of service provision. It applies across all other employment policies including the Grievance and Disciplinary Policies.

## **Responsibilities:**

**Trustees** – the trustees of OBHCC have overall responsibility for developing, monitoring and reviewing all OBHCC policies, including this policy, to ensure all policies promote equality and diversity throughout the organisation. Trustees are responsible for making changes to policy, monitoring operational practice, and addressing issues of discrimination that have been identified within the organisation.

**Chair of Trustees** – the Chair of Trustees has responsibility for providing advice and guidance on equality and diversity issues to staff and volunteers, and ensuring the “Equality and Diversity” policy is implemented within OBHCC and its daily working practices. The Chair of Trustees is responsible for responding to any concerns raised

by staff, contractors, volunteers, trustees or users, and dealing with any discriminatory practices that are highlighted.

**Staff, contractors and volunteers** – staff, contractors and volunteers have a responsibility to treat others with dignity and respect. They have a duty to cooperate with OBHCC to ensure this policy is effective in promoting equal opportunities and in preventing discrimination to staff, contractors, volunteers, trustees and users. They have a responsibility to report suspected discriminatory acts, practices or cases of bullying or harassment to the Chair of Trustees for action.

**Users** – users are encouraged to promote equality and diversity within their groups and to respond to reports of discriminatory behaviour and practice experienced by their members. Users are expected to treat other users and OBHCC staff and volunteers with dignity and respect. Users are encouraged to report concerns about discriminatory practice or behaviour within the Centre to Centre staff and trustees.

## **Equality, diversity and anti-discrimination in practice:**

### **Recruitment:**

OBHCC will recruit paid workers, trustees and volunteers in line with this policy, by:

- advertising posts in such a way as to encourage applications from groups experiencing discrimination;
- preparing job descriptions which do not disadvantage potential applicants with conditions or requirements that cannot be shown to be justifiable in the context of the role, and person specifications which recognise that relevant experience can be as valuable as qualifications or previous paid employment;
- ensuring that interview and selection is based solely on factors relevant to the requirements of the post;
- providing a copy of this policy to prospective applicants for all posts.

### **Employment Practices:**

OBHCC will promote equality and diversity in the workplace by:

- providing relevant training to meet the needs of staff and volunteers, to enable them to carry out their jobs;
- recognising and responding to the individual needs of staff and volunteers - especially those who are carers or who have disabilities - and ensuring that, within the available resources, the necessary support is provided to enable

them to work effectively;

- ensuring staff and volunteer are not given less favourable treatment, or disadvantaged by conditions or requirements of the job that cannot be shown to be justifiable in the context of the role, and ensuring reasonable adaptations are made to enable them to do their job effectively;
- ensuring that staff or volunteers who, in the course of their work display attitudes contrary to this policy to any person whether by word, behaviour or other manner, shall be liable to disciplinary action. Discrimination, abuse, harassment, victimisation or bullying of staff, volunteers, users or others, in the course of work any work connected with OBHCC are disciplinary offences and may be treated as gross misconduct.

### **Trustees Conduct:**

The Board of Trustees shall promote equality and diversity, and protect staff, volunteers, contractors and users from discrimination through their work by:

- accommodating the needs of volunteers and trustees to enable them to fully participate including reimbursing travel costs;
- providing information in a way that is accessible, for example in large print or community languages, for trustees meetings and general meetings;
- meeting in premises with facilities which are physically accessible to those participating, or making electronic means of access available as required;
- responding swiftly and diligently to concerns raised over discriminatory behaviour, practice or policy at OBHCC and taking the necessary action to resolve the issues raised, including instigating the disciplinary process if appropriate.

### **Training:**

The Chair of Trustees will ensure that all new trustees, staff, contractors and volunteers receive induction on this policy.

OBHCC will provide basic online training in equality, diversity and anti-discriminatory practice for all staff, volunteers and trustees and this shall be documented in the individual Training Plans/Records.

The Chair of Trustees will ensure that training is made available to support staff and volunteers to be able to do fulfil their roles effectively in line with individual needs.

Training opportunities will be published widely to all appropriate staff and volunteers, and not in such a way as to exclude particular groups.

**Service Provision:**

OBHCC aims to develop its service provision to be inclusive and anti-discriminatory, through:

- identifying and responding to the needs of those groups experiencing discrimination and altering priorities and methods of service delivery where necessary;
- encouraging users to promote equality, diversity and anti-discriminatory practice within their groups;
- actively seeking to promote the Centre and its projects to groups and individuals with protected characteristics;
- seeking the views of users through an annual Users Feedback Questionnaire;
- regular analysis of user profiles, to monitor the extent to which services are being taken up by groups experiencing discrimination.

**Data Collection:**

OBHCC complies with the requirement of the Data Protection Act. Any data, whether 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 OBHCC users and will follow a common data format.

**Third parties:**

OBHCC will not unlawfully discriminate in dealings with third parties.

**Complaints and Sanctions:**

OBHCC will treat seriously any complaints of unlawful discrimination on any of the stated grounds made by staff, volunteers, trustees, users or other third parties, and will take action where appropriate.

All complaints made by external parties will be investigated in accordance with OBHCC's Complaints Procedure and the complainant will be informed of the outcome.

In the event of an investigation concerning a complaint against a member of staff or volunteers, OBHCC's Grievance Policy and Procedures will be followed and any action necessary dealt with under OBHCC's Disciplinary Procedure.


Complaints will be monitored annually and any outcomes/action recorded.

**Review:**

The Trustee Board shall regularly monitor and evaluate the effectiveness of this policy in achieving the stated aims. This process shall be undertaken at least annually, shall review each component of the policy, and shall aim to seek the views of those representing the interests of the groups referred to in this policy.

This policy is effective from **6<sup>th</sup> January 2025** and should be reviewed annually.

Name: David Lovesy, Chair of Trustees

Signature:  \_\_\_\_\_

Date: 6<sup>th</sup> January 2025

### ***Appendix 1: Relevant Legislation***

We will take all reasonable steps to ensure that we and our staff do not unlawfully discriminate under:

- the Rehabilitation of Offenders Act 1974;
- the Employment Rights Act 1996;
- the Human Rights Act 1998;
- the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000;
- the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002;
- the Civil Partnership Act 2004
- the Work and Families Act 2006;
- the Equality Act 2010 and Public Sector Equality Duty (s.149 of the Equality Act 2010.)

any other relevant legislation in force from time to time relating to discrimination in employment and the provision of goods, facilities or services.



## ***Appendix 2: Glossary of terms***

### **Protected Characteristics**

The protected characteristics as listed in the Equality Act 2010 are sex, sexual orientation, marriage or civil partnership, gender reassignment, race, religion or belief, age, disability, pregnancy and maternity.

### **Disability**

Under the Equality Act 2010, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

### **Gender reassignment**

A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The person does not have to be under medical supervision.

### **Race**

Race includes colour, nationality and ethnic or national origins. A racial group can be made up of two or more different racial groups (eg Black Britons).

### **Religion or belief**

Under the Equality Act 2010, religion includes any religion. It also includes lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.

### **Sexual orientation**

Includes bisexual, gay, heterosexual, and lesbian people.

### **Direct discrimination**

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**

This is direct discrimination against someone because they are linked or associated with another person who possesses a protected characteristic.

### **Perceptive discrimination**

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

**Indirect discrimination**

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic and which cannot be justified in relation to the job.

**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”.

**Third party harassment**

Harassment of employees by people (third parties) who are not employees of your company, such as clients. OBHCC has a duty to prevent harassment and may be liable if aware that harassment has occurred on at least two previous occasions and does not take reasonable steps to prevent it from happening again.

**Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint about discrimination or harassment, or raised a grievance under the Equality Act; or because they are suspected of doing so. However, an employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

**Positive action**

Some people with protected characteristics are disadvantaged or under-represented in some areas of life, or have particular needs linked to their characteristic. They may need extra help or encouragement if they are to have the same chances as everyone else. The new positive action provisions held within the Equalities Act 2010 enable service providers to take proportionate steps to help people overcome their disadvantages or to meet their needs.