



Equality and Diversity Policy and Procedure

Description

Action for Children is committed to promoting equality, valuing diversity and working inclusively across the whole organisation. These principles are upheld in behaviours and practices – as an employer, service provider, and campaigning organisation.

As an organisation that provides services and campaigns for improved outcomes for children and young people, it will ensure that employees and volunteers are equipped to challenge all forms of discrimination, even if the behaviour is undertaken by service users or partners. As a major provider of children's services in the UK, Action for Children has a duty to safeguard and promote the welfare of children and young people, as a shared responsibility with parents and other agencies. Action for Children has a responsibility to safeguard and promote the well-being of all service users, by being responsible for the quality, efficiency and effectiveness of their work.

Action for Children works proactively to identify and remove or reduce any barriers and inequalities in the access to our employment opportunities and service provision, through consultation, impact assessment, monitoring, reporting, action planning and review. The aim is to break down all barriers of discrimination, prejudice, fear or misunderstanding, which can damage service effectiveness for service users and carers.

Who does this Policy Apply to?

This policy applies to all of our Employees, Casual Workers, Contractors, Foster Carers, Independent Visitors, Volunteers, and Agency Workers.

This procedure does not form part of any contract of employment and it may be amended at any time.

This policy applies to all Action for Children Group Companies. Although the name 'Action for Children' has been used throughout this policy, you should interpret that as a reference to the particular Action for Children group company that you work for.

Responsibilities

- You should have a clear understanding of this policy and when it should be applied.
- You must fully adhere to the policy at all times.

Principles

- Action for Children confirms its commitment and vision for equality, diversity and human rights through our core values, mission statement and strategic plans.
- Action for Children respects, understands and celebrates diversity in order to ensure an innovative, supportive and creative workforce.
- Equality, diversity and working inclusively is promoted in Action for Children's governance arrangements, decision-making and partnership working arrangements.
- Action for Children strives to ensure equality, diversity and working inclusively are embedded throughout the organisation and recognised and promoted in process, procedure and behaviour.



- The monitoring of equality, diversity and working inclusively underpins the commitment to increase diversity of the workforce.
- Action for Children embeds a culture that treats all its members and employees with dignity and respect in an environment that is fair and does not either lead to unfair discrimination or exclusion of others.
- We intend that diversity should be managed so that everyone has equality of opportunity, through a fair and consistent approach. This principle applies to service users as well as staff.
- We recognise that sometimes this will mean treating people differently. This commitment is relevant to all we do, how we manage ourselves and how we deliver our services.

Supersedes:	Equality and Diversity Policy and Procedure
Policy Area:	People
Issued by:	People Department
Responsible Manager:	Chief People Officer
Policy Effective Date:	24 th June 2019
Policy Review Date:	June 2022
Consultation Approval Date:	May 2019
The policy and procedure will be reviewed in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately	

Core Policy Procedure

1. Equality and the Law

1.1. Action for Children adheres to the relevant equality legislation to effectively tackle disadvantage and discrimination which makes it unlawful to discriminate against people with a 'protected characteristic'.

1.2. They are:

- age (or perceived age)
- disability
- sex
- gender reassignment
- marriage and civil partnership
- race, colour, nationality, ethnic or national origins
- religion or belief
- sexual orientation
- pregnancy and maternity

Although not protected characteristics under the Equality Act, the following two are afforded similar protection under other legislation:

- trade union membership
- part time and fixed term employees

The above list is not exhaustive, and we recognise that people can be discriminated against in other ways too. However, these key strands give a strong foundation to build upon. This policy also applies to recruitment, selection, training, promotion, discipline and dismissal with regards to the protected characteristics.



- 1.3 As an employer and service provider, Action for Children opposes all forms of discrimination and intolerance in the workplace and service settings and will take a zero-tolerance approach to bullying, harassment and victimisation. We aim to ensure that all service users, those working for the organisation and visitors will receive appropriate treatment and will not be disadvantaged by conditions or requirements which cannot be shown to be justified.
- 1.4 This policy applies when at work and/or undertaking work-associated activities, including work related social events. It may also be used for behaviours outside the workplace which are against our values and could be considered as breaching this policy. People managers have a responsibility to ensure that discrimination does not occur within their teams.
- 1.5 Such behaviours and actions but are considered misconduct or gross misconduct under our [Code of Conduct](#) and will be dealt with through the [Disciplinary Policy and Procedure](#). In addition, individuals can be personally liable for discriminating against another individual.
- 1.6 We will also endeavour to ensure that our workplace and our people policies and practices do not unreasonably exclude or disadvantage those of our job applicants and employees who have disabilities.
- 1.7 Any concerns of a safeguarding nature must be acted upon under the relevant procedure within the [Safeguarding Framework](#) which may include but is not limited to the:
- [Child Protection Procedure](#), [Safeguarding Adults at Risk Procedure](#)
 - [Allegations and Concerns Against Staff, Volunteers, Carers and Trustees Procedure](#)
 - [Standards of Care Procedure](#)
- 1.8 Action for Children's [Complaints Policy and Procedure](#) and [Whistleblowing Policy and Procedure](#) each act to support an equal, fair and diverse workforce and working environment. We will comply with the duty to make reasonable adjustments that is imposed on us in relation to such persons.

2. Definitions

2.1 These definitions are relevant to set out how these types of behaviours may occur in practice e.g. how disciplinary and grievance procedures are followed and selection criteria applied in redundancy situations.

2.2. Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because:

- they have a protected characteristic,
- they are thought to have a protected characteristic
- they associate with someone who has a protected characteristic

Association and Perception

Direct discrimination also covers a situation where someone is treated less favourably than another person because they are thought to have a protected characteristic or because they associate with someone who has a protected characteristic.

2.3 Indirect Discrimination

Indirect discrimination occurs when a policy or practice that applies to everyone particularly disadvantages people who share a protected characteristic.

2.4 Discrimination Arising from Disability

A person discriminates against a disabled person if he/she treats them unfavourably because of something arising in consequence of their disability, and this treatment cannot be justified as a proportionate means of achieving a legitimate aim. Action for Children will not discriminate against employees, volunteers or service users.



2.5 Harassment

- Harassment is defined as: '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'.
- Harassment applies to all protected characteristics except for pregnancy and maternity, and marriage and civil partnership.

The legislation specifically prohibits three types of harassment:

- Harassment related to a 'relevant protected characteristic'
- Sexual harassment
- Less favourable treatment of a service user because they submit to or reject sexual harassment related to sex or gender reassignment.

2.6 Victimisation

Victimisation occurs when an employer or service provider subjects a person to a detriment because the person has carried out (or you believe they have or may carry out) what is referred to as a 'protected act'.

A Protected Act is any of the following:

- bringing proceedings under the Act
- giving evidence or information in proceedings brought under the Act;
- doing anything which is related to the provisions of the Act;
- making an allegation that another person has done something in breach of the Act.

The term 'detriment' has not been defined under the law, but it can be reasonably inferred that if an action has the effect of putting a person at a disadvantage or if it makes their position worse, such treatment will amount to a detriment.

The victim need not have a protected characteristic in order to be protected from victimisation under the Act; for example, they could have been supporting a person with a protected characteristic who is making a claim. Claims for victimisation can only be brought by individuals and not groups.

3. Raising Concerns

- 3.1 If you feel that you have been discriminated against on any grounds set out in this policy, you should initially raise the concerns with your line manager, verbally or in writing. Where the concerns relate to the line manager, you should raise your concern with your manager's manager. Alternatively, you may wish to discuss your concern with a work colleague, the People Department or your trade union representative who can assist you (see section 6 of this policy for contact details).
- 3.2 You will not be victimised in any way for making such a complaint in good faith. Complaints will be dealt with seriously, in confidence and as soon as possible.
- 3.3 Where resolution cannot be achieved through informal discussion, you may put forward a grievance in line with the procedure set down in the [Resolution of Grievance Policy and Procedure](#). Alternatively, the [Dignity at Work Policy and Procedure](#) may be followed.

4. Service Provision

- 4.1 The safety and protection of children, young people and vulnerable adults is of paramount concern and all staff must be aware of their duty to safeguard those who use our services in accordance with Action



for Children's [Safeguarding Policy](#) and duty to safeguard as outlined within the [Code of Conduct](#). Safeguarding procedures within Action for Children's [Safeguarding Framework](#), must always take precedence over any other procedure running concurrently or also being followed as a result of a concern regarding a child, young person or adult at risk and a safeguarding issue.

Action for Children will record and respond to all safeguarding concerns, including those relating to discrimination, unequal or unfair treatment on the basis of protected characteristics under the [Safeguarding Framework](#).

- 4.2 All complaints about the services we provide will be recorded in accordance with the [Complaints Policy and Procedure](#). Through the recording of basic demographic information on complainants and more detailed information recorded on nature of the complaint, the Complaints Manager will be able to ascertain whether there are trends to suggest perceived discrimination against any particular groups. Should trends be identified, recommendations will then be made on the approach required to rectify the issue.
- 4.3 Internal groups such as the Celebrate! LGBT staff network are recognised by Action for Children as providing an opportunity for the organisation to address issues to improve the quality of working lives, service and care in a non-discriminatory manner.
- 4.4 Action for Children also has a responsibility to actively seek the views of service users about the services provided and ensure that this information is utilised to change services accordingly. Children, families, carers and members of the public can use Action for Children not only to gain information about services but also to be referred to specialist advocacy services. Finally, Action for Children will ensure that those who wish to contribute to the development and shaping of services are enabled to do so.
- 4.5 Action for Children provides many opportunities to assist in determining the quality of service provision and therefore the improvement of services. For those who may be in groups at risk of discrimination, such issues may impact on an individual or on a whole group. Action for Children can also make a contribution to ensuring that minority groups can access appropriate advocacy services and can be actively involved in shaping present and future service provision.

5. Equality Impact Assessments

- 5.1 Action for Children commits to undertaking equality impact assessments as good practice. The purpose of an Equality Impact Assessment (EIA) is to improve the work we do by promoting equality and ensuring that policies and functions do not discriminate either directly or indirectly against staff and service users.
- 5.2 Equality Impact Assessments are intended to make sure individuals and teams think carefully about the likely impact of their work, attitudes and behaviour on staff and service users, and take action to improve the services provided.
- 5.3 Equality Impact Assessments are not an end in themselves but the start of a continuous monitoring and review process and should be carried out on all current strategies, policies and procedures as part of a 3-year rolling programme. It is part of the manager's responsibilities for their team and or department.
- 5.4 All job applicants are asked for voluntary information on race, disability, age, gender, sexual orientation and religion or belief. This information included in the quarterly workforce information report showing the numbers and proportions of those candidates selected for recruitment and promotion in the above categories.
- 5.5 Our Head of Inclusion aims to review and analyse the workforce monitoring information in order to monitor compliance with the statutory requirements. This is in order to ascertain whether there is evidence that individuals from under-represented groups:



- Do not apply for employment or promotion, or that fewer apply than might be expected.
- Are not short-listed, recruited or promoted at all, or are appointed in a significantly lower proportion than their rate of application
- Are under-represented in terms of appraisal, training, or in jobs of higher pay, status or authority
- Are concentrated in certain departments, divisions, nations, job categories or specific bandings
- Feature disproportionately in Disciplinary, Dignity at Work and Grievance investigations

6. Further Points of Support

- 6.1 If you require further support, guidance or clarification on any aspects of this policy and procedure please contact your line manager in the first instance or refer to the People Portal on Thomas <https://peopleportal.actionforchildren.org.uk/>
- 6.2 Action for Children People Advice Team:
- By requesting a service through Remedyforce on Thomas <https://thomas.actionforchildren.org.uk/> in the first instance
 - If you are unable to access Remedyforce, you can phone 01923 361655 and select option 2
- 6.3 Trade Unions: Contact details: [Thomas - Our Trade Union Partners](#) or contact National Helplines: UNISON 0800 0857 857, UNITE 0800 1691 102
- 6.4 Employee Assistance Provider:
- Health Assured is Action for Children's Employee Assistance Provider. 24 hour helpline 0800 030 5182.
 - Health Assured also offer a structured, confidential telephone counselling service, for a maximum of six sessions. You can call the helpline to request it.
- 6.5 Free Independent Advice:
- In England, Scotland, Wales and Guernsey you may contact ACAS (Advisory Conciliation and Arbitration Service) by phoning 0300 123 1100 or refer to their website www.acas.org.uk
 - In Northern Ireland you may contact the Labour Relations Agency by phoning 028 9032 1442 or refer to their website <https://www.lra.org.uk/>