



Touch Trust Equality and Diversity Policy and Procedure

PURPOSE:

To set out the approach of Touch Trust with regard to equality and inclusion in the workplace, and externally with service users, contractors and stakeholders.

WHO THIS POLICY APPLIES TO:

All staff members
Service users
Trustees
Contractors
Stakeholders

RELATED POLICIES AND PROCEDURES:

All policies and procedures

INTRODUCTION

This document contains a policy statement (Part One) and procedural guidance (Part Two). The functions of each are set out briefly below.

Part One – Policy Statement. The policy statement sets out the broad framework of principles within which the particular area of work will be carried out. It sets out the organisation's broad style and approach to the issue, including any aims and guiding principles.

Part Two – Procedural Guidance. The procedural guidance sets out the detail staff require to carry out their duties in this particular area of work. It also sets out the specific tasks involved in undertaking this area of work and identifies who is responsible for carrying them out.

1. Policy Statement

AIMS AND PRINCIPLES

1. Sets out the expectations of Touch Trust in relation to the standards of behaviour which all employees should display towards those with whom they come into contact within the course of their work.
2. Protects employees and aims to prevent situations that may result in false allegations.
3. Describes the steps that employees should take if they experience bullying and harassment;
4. Establishes the roles and responsibilities of all employees.

Touch Trust's approach to bullying and harassment is based on and reflects the principles of the UK Equality Act 2010 and best practice guidance that supports Touch Trust as an employer and in service delivery.

All Touch Trust paid employees, temporary workers, volunteers, subcontractors, professionals and visitors are required to adhere to this policy. Everyone has a duty to respect each other, to work in a professional way and to promote a friendly and inclusive working environment.

Touch Trust will monitor carefully the extent of any bullying and harassment and will make staff aware of this policy. Training will be provided for all staff and line managers.

Touch Trust places fairness, dignity and respect, equality and inclusion of all individuals at the heart of its organisation, both in relation to service delivery, employment of staff, volunteers, trustees, suppliers, professionals and the general public.

The trustees will not tolerate any form of bullying, harassment, disrespect, victimisation or any other unjustifiable unfair treatment. This applies across all 9 protected characteristics of the Equality Act 2010, and across all individual differences. (see appendices for the legislative framework)

Any person suspected of noncompliance with this policy will be subject to Touch Trust disciplinary procedures.

This policy cannot address every possible situation but will clearly express Touch Trust's philosophy and the general principles employees should apply while working for Touch Trust.

2. Procedural Guidance

Manager's responsibilities

All managers across the organisation should be aware of their role in promoting Equality and inclusion and of their obligation to ensure that all decisions, plans, policies, practices and procedures relating to any Touch Trust function undergo effective assessment to identify the impact on those with protected characteristics. Whilst doing this, they must ensure that they have due regard to the general Equality duty and any specific duties. The key aim is that all trustees, staff and service users feel that they are valued, heard, involved, included and that their needs are taken into consideration when making decisions. This also includes when change or new policies or working practices are introduced. No one person should be left feeling isolated, excluded, ignored or rejected.

Staff responsibilities

Treat others with dignity and respect in accordance with the core values.

- Undertake their role in promoting equality and diversity and ensure any decision, practice or procedure they have responsibility for is effectively assessed for its impact upon those with protected characteristics;
- Challenge and report bullying, harassment, discrimination, and unacceptable behaviour.
- Meet his or her equality objectives;
- Understand and comply with legal requirements regarding age, disability, gender, gender reassignment, sex (gender), sexual orientation, religion or belief, pregnancy and maternity and marriage and civil partnership;
- Engage constructively with managers and colleagues in undertaking the annual performance review process;
- Draw attention to potential good practice;
- Seek support and advice as needed to deal with equality and diversity issues in their day to day work;
- Complete frankly and return promptly workforce monitoring and employee survey questionnaires.

What is harassment?

Harassment is “unwanted” conduct related to 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 partnerships. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant does not need to possess the relevant characteristic himself or

herself. Employees are also protected from harassment because of perception and association.

Third party harassment

This already applies to sex. Legislation is extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation.

The Equality act makes an organisation potentially liable for harassment of the employees by people (third parties) who are not employees of the organisation such as customers or clients. An organisation will only be liable when harassment has occurred on at least two occasions and is aware that it has taken place, and has not taken 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 or raised grievance under the equality act or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the act.

What is 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 perception discrimination below) or because they associate with someone who has a protected characteristic. (See discrimination by association below)

Discrimination by association

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic, this already applies to race, religion or belief and sexual orientation. Now it is extended to cover age, disability, gender reassignment and sex.

Discrimination by perception

This is direct discrimination against an individual because others think they possess a particular protected characteristic. Discrimination by perception applies even if the person does not actually possess that characteristic. This is discrimination already applies to age, race, religion or belief, sexual orientation. It is now extended to cover disability and gender reassignment and sex.

Indirect discrimination

Indirect discrimination can occur when there is a condition, rule, policy or even a practice in the organisation that applies to everyone but particularly disadvantaged people who share a protected characteristic.

This already applied to age, race, religion or belief, sex or sexual orientation, marriage and civil partnership. It is now extended to cover disability and gender reassignment. Indirect discrimination can be justified if an organisation can show that it acted reasonably in managing its 'business' i.e. that it is 'a proportionate means of achieving' "a legitimate aim". A legitimate aim might be any lawful decision made in running the business or organisation. Being proportionate really means being fair and Reasonable, including showing that an organisation has looked at 'less discriminatory' alternatives to any decision which is made.

What is bullying?

"Persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair penal actions which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence which may cause them to suffer stress"

The effects of bullying are humiliating, degrading, hostile and offending.

Although the above definition refers to the word "persistent", a one off event or incident can be constructed as bullying, if it is deemed so by the recipient or other on lookers, or by any managers hearing a complaint or grievance about the relevant incident. The following list is not exhaustive and gives examples of bullying behaviour.

- Aggressive behaviour, shouting or threats, impolite or discourteous behaviour;
- Unwelcome sexual innuendo or attention;
- Unwelcome inappropriate touching;
- Spreading malicious rumours or insulting someone;
- Ridiculing or demeaning someone especially in public;
- Excluding a person either deliberately or indirectly;
- Behaviour or decision making which is based on improper prejudice;
- Making unjustified, persistent criticisms;
- Being over bearing or neglecting to supervise properly; or otherwise mis-using power, authority or position;
- Making threats or comments, which are without foundation, about job security;
- Setting unfair, dangerous or impossible tasks;
- Insinuation that job security, training or holidays are dependent on "favours".

The remit of this policy extends to include the behaviour/attitudes/actions of employees when they are away from their usual place of work, though where employees from the organisation are meeting together on a work related event. This could be on training courses, residential courses, conferences, meetings and social events. These events could be held away from Touch Trust premises or out of normal business and shift hours. Examples include, though are not limited to, external training courses, celebrations, parties, leaving lunches, drinks, dinners, sports event and clubs. When visiting other establishments e.g. public houses,

theme bars or speciality bars (including LGBT or female only) restaurants with specific themes/ food selections or cinemas, employees are asked to consider;

- Are all people in the group comfortable with the suggested chosen venue;
- That all people in the group are happy to have been consulted;
- Is it possible to choose another venue for part or all of the particular occasion?

Employees are asked to accept that it is an individual's choice not to attend particular eating and entertainment venues and make their choices free from ridicule, harassment or bullying.

Employees are asked to use their common sense when choosing venues for eating, entertainment or drinking.

Private events where people are not on duty, or where the event is not connected to work in any way, even though the event includes work colleagues, are not covered by this policy. (e.g. hen parties, birthday parties)

All employees, managers and trustees are asked to remember that Touch Trust will investigate any behaviour or reported behaviour that could bring Touch Trust into disrepute should any behaviour or reported behaviour reach the public domain.
