

Equality Policy

Equality Policy statement for ESED

Our commitment:

East Sussex Early Days CIC (ESED) is committed to providing equal opportunities in our organisation and to avoiding unlawful discrimination of our staff/volunteers and against those who we are providing the service for.

This policy is intended to assist ESED to put this commitment into practice. Compliance with this policy should also ensure that members of staff/volunteers do not commit unlawful acts of discrimination.

Striving to ensure that our organisation is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities.

The Law (further info in appendix 1)

It is unlawful to discriminate directly or indirectly 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"**.

Workers/volunteers should not discriminate against or harass anyone whilst carrying out their duties. It is unlawful to fail to make reasonable adjustments to overcome barriers to accessing our service/support 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 access. In addition, ESED has an obligation to think ahead and address any barriers that may impede disabled people from accessing the service.

Types of unlawful discrimination

There are many types of unlawful discrimination. It is essential that workers, volunteers and service users are aware of these and how they may affect them. Further information is included in Appendix 2. Our staff and users involved directly in our organisation will not discriminate unlawfully against anyone not directly associated with our organisation.

Staff/volunteers should report any bullying or harassment by others to their manager who will take appropriate action.

Training

ESED will provide training in equal opportunities to staff/volunteers and others likely to be involved in the service or other decision making where equal opportunities issues are likely to arise. East Sussex Early Days CIC will provide training to all existing and new members of staff/volunteers and others engaged to work at our premises to help them understand their rights and responsibilities under this policy and what they can do to help create an environment free of bullying and harassment. ESED will endeavour to provide additional training to senior staff members to enable them to deal more effectively with complaints of bullying and harassment.

Your responsibilities

Members of staff/volunteers are required to assist East Sussex Early Days CIC to meet its commitment to provide equal opportunities and avoid unlawful discrimination. Members of staff/volunteers can be held personally liable as well as, or instead of, ESED for any act of unlawful discrimination. Members of staff who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against other staff, volunteers, service users are disciplinary offences and will be dealt with by ESED appropriately. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Monitoring and review

This policy will be monitored periodically by ESED to judge its effectiveness and will be updated in accordance with changes in the law. In particular, ESED will monitor the ethnic and gender composition of our service users and the number of staff, children and young people with disabilities, and will review its Equality Policy in accordance with the results shown by the monitoring.

If changes are required ESED will implement them.

Agreed by : Jenny Baldwin, ***** Date: 29/01/2024 Review due date: 29/01/2025

Appendix 1 - The Law

Equality Act 2010

The Equality Act 2010 came into force on 1 October 2010. The purpose of the Equality Act 2010 is to simplify discrimination legislation and create a more consistent and effective framework, while at the same time extending discrimination protection. The Act defines direct discrimination as less favourable treatment because of a protected characteristic.

The protected characteristics under the Equality Act 2010 are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

Indirect discrimination against individuals because they have a relevant protected characteristic is also covered, although pregnancy and maternity does not come under the indirect discrimination provisions in the Equality Act 2010.

Employers will be liable for acts of unlawful discrimination committed by their employees against other employees or customers in the course of their employment unless they can show that they took such steps as were reasonably practicable to prevent those acts.

There is no limit on compensation for unlawful discrimination, which includes compensation for injury to feelings and personal injury.

Section 158 of the Equality Act 2010 permits employers to take positive action in the form of proportionate measures to encourage or train people from an under-represented group to apply for jobs, overcome a perceived disadvantage or meet specific needs based on a protected characteristic. For example, an employer could facilitate women having access to childcare facilities, or provide certain religious groups with time off for religious observance.

Section 159 of the Equality Act 2010 permits employers in specific circumstances to recruit or promote a person with one protected characteristic in preference to another person who

does not have the protected characteristic. For example, an employer could appoint a female candidate to a senior role over a male candidate where there are few women in senior roles in the organisation and both candidates are of equal merit.

The general public sector equality duty came into force on 5 April 2011, which requires public authorities to have due regard to the need to: eliminate discrimination, harassment, victimisation and other conduct prohibited under the Equality Act 2010; advance equality of opportunity; and foster good relations. The duty applies to all of the protected characteristics, except marriage and civil partnership, which is only covered by the first part of the duty, i.e. the need to eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act.

The Equality Act 2010 makes it unlawful to discriminate directly or indirectly, or harass customers or clients because of the protected characteristics of disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation in the provision of goods and services.

Appendix 2 - Types of unlawful discrimination:

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing membership to a young person because she is pregnant.

Indirect discrimination is where a type of practice or applied criteria is put on staff, children or young people that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership).

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Third-party harassment occurs where a member of staff 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 children and young people.

For the group to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

Victimisation occurs where a member of staff is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, members of staff are not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

There is no longer a need for a complainant to compare his/her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind member of staff raises a grievance that the group is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings; such behaviour could amount to victimisation.

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 group has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.