



Equality, Diversity & Inclusion Policy

Key contact: *Operations Manager*

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Policy Summary

This policy sets out our commitment to equality, diversity and inclusion in all aspects of TDC's activities – our work with individuals, communities and partners across Brighton & Hove, and our management of staff and volunteers. It highlights how equality, diversity and inclusion are indivisibly linked to TDC's values and to its vision and mission. It explains how we, as staff, can expect to be treated and our responsibility for our behaviour towards others; it signposts to other sources of information and guidance, including to relevant TDC policies and procedures. Implementation of the policy will help TDC to comply with the requirements of the Equality Act 2010.

1. Purpose

TDC's vision is for Brighton & Hove to be an inclusive, healthy and resilient city, free from inequality. Our mission is to empower excluded people and communities to tackle inequality together. Our values guide us in all that we do:

Equality – “None of us can truly thrive whilst some of us are in poverty”

Inclusion – “There is no ‘them and us’ only us!”

Diversity – “Our diversity is our strength”

This policy will support TDC to work towards its vision and mission, and to uphold and promote its values. It will also help TDC to meet its legal obligations with respect to the Equality Act 2010.

2. Policy statement and aims

- We are committed to the achievement of equal opportunities; this is central to our mission.
- We will be proactive in all matters relating to equality of opportunity, diversity and inclusion.
- We recognise that we can't be an inclusive organisation without having fair and equal practices.
- We value and will celebrate the richness brought to our organisation by a diverse population, both staff and communities.
- We believe that discrimination is unacceptable and we will not tolerate it.
- Breach of this policy will be regarded as misconduct and could lead to disciplinary proceedings (see TDC *Grievance & Disciplinary Policy*).

The aims of this policy are to:

- support TDC to achieve and maintain best practice in all areas of equal opportunities
- ensure we recruit and support a diverse and representative workforce
- provide equal access to learning and development opportunities for our staff, volunteers and community members.
- ensure all colleagues (paid and voluntary) and the communities we work with are treated with fairness, dignity and respect.

- ensure we listen to people and design services according to what they say they need.
- help us meet our meet our legal responsibilities as set out by the Equality Act 2010.

3. Who and where does this policy apply

Everyone who works or volunteers for TDC - this policy applies to employees, consultants, trustees, and volunteers. It sets out how we can expect to be treated as employees, how we treat each other, and how we embed our values in our work.

Partners - we expect any organisation working in partnership with TDC to share our values around Equality, Diversity and Inclusion, and to support us in championing best practice.

Communities we work with - we will take steps to ensure good practice, as stated in this policy, is followed by the communities we work with, providing support and guidance where needed to ensure this happens.

Funders and Commissioners - we expect any funder or commissioner to follow best practice in Equality, Diversity and Inclusion and accept how TDC works in relation to this policy.

4. Roles and responsibilities

The Board is responsible for approving the policy and monitoring the implementation of the EDI action plan.

Chief Executive has overall responsibility for championing equality, diversity and inclusion and ensuring that the policy is consistent with the fundamental principles; and that the necessary resources, support and leadership are provided to ensure this policy can be meaningfully implemented.

Senior Leadership Team (SLT) is responsible for regular review of the EDI action plan and submission of quarterly reports to the Board.

Directors, Managers and Coordinators are responsible for ensuring that the Equality, Diversity and Inclusion Policy is implemented in their areas of responsibility, and for role modelling inclusive behaviour and providing support to their staff and volunteers.

The Operations Manager is responsible for taking action in relation to equal opportunities in employment matters, for monitoring the effectiveness of the policy and for ensuring appropriate provision of training, development and support to staff.

All members of the staff team are responsible for:

- their own actions and for ensuring that they always act in a way that is consistent with our Equality, Diversity and Inclusion Policy
- raising awareness of this policy with any community members, volunteers or partners we work with
- challenging any unjust practices that are witnessed and proactively supporting people to take responsibility for equality practices.

5. Implementation

TDC will develop policies, codes of practice and guidance to support implementation of this policy. These developments will take place against a clear and published action plan.

For further information on other aspects of implementation of the policy see:

Appendix 4 - How our language can support Inclusion

Appendix 5 - How we use best practice in our employment processes

Appendix 6 - What training and support we will give to our staff and volunteers

Appendix 7 - How we will use feedback to learn and improve

The details of this policy will be communicated and promoted to all current staff and new starters.

This policy is available to all staff, volunteers, community members and to the public. It can be accessed by staff via Sharepoint, and TDC's HR platform, and by the public via TDC's website. Please contact the Quality Manager (via info@trustdevcom.org.uk) if you require a copy in an alternative format.

6. Monitoring and review

The EDI action plan will be reviewed quarterly by SLT, and progress reports will be submitted to the Board of Trustees.

We will monitor and publish our progress on achieving greater equality and diversity in our annual report, on our website and in our Board reports.

The policy will be reviewed annually.

7. Equality Impact Assessment

This Equality Impact Assessment (EIA) helps TDC to consider whether a policy discriminates or unfairly disadvantages people from a range of groups and helps us think through actions that can be taken to mitigate impact and advance equality, diversity and inclusion..

1. Impact on different groups: could this policy discriminate or unfairly disadvantage people in the following groups?					
Specific groups to consider ¹	Potential impact on this group	Positive Impact High Low None	Negative Impact High Low None	Actions taken to mitigate impact and advance equality, diversity and inclusion	Resource implication
Age (18+)	Potentially positive	Low			
Disability Hearing impairment Visual impairment Physical disability Learning disability Mental health need	Potentially positive	Low			
Gender reassignment	Potentially positive	Low			
Marriage and civil partnership		None			
Pregnancy and maternity					

¹ All of the terms in bold is the terminology used in the [Equality Act 2010](#).

Race People from diverse ethnic backgrounds, refugee/asylum seekers, people with English as an additional language	Potentially positive	Low			
Religion or belief	Potentially positive	Low			
Sex Men, women, non-binary, intersex	Potentially positive	Low			
Sexual orientation	Potentially positive	Low			
People with caring responsibilities - unpaid	Potentially positive	Low			
People from lower socio-economic backgrounds and people living in areas facing deprivation	Potentially positive	Low			
People with low levels of English	Potentially positive	Low			
Homeless and insecurely housed people - people on the street; staying temporarily with friends /family; in hostels or B&Bs	Potentially positive	Low			
People with low levels of literacy or health literacy: (e.g. poor understanding of health services)	Potentially positive				

poor language skills).					
Intersectionality (include any other relevant information relating to the intersection of any of these protected groups)					

2. What involvement or consultation has been done in relation to this policy? What are the results?

The policy has been produced with input from the Race Equality Task Group (which comprises both internal and external stakeholders).

3. Impact summary: summarise whether the proposed policy will have a disproportionate impact on any of the groups listed above and what actions if any will be taken

No negative impacts have been identified.

Appendix 1 - Definitions

Equality

Ensuring people are not treated less favourably or unjustifiably, specifically based on one or more of the protected characteristics as defined by the Equality Act (see *Appendix 2*). Everyone is valuable, everyone is needed. Tackling economic, social and health inequalities enables everyone to play their full part – which benefits us all

Diversity

Recognising and valuing the benefits of different perspectives, backgrounds and experiences. Celebrating differences and valuing everyone. Each person is an individual with visible and non-visible differences and by respecting this everyone can feel valued for their contribution.

Inclusion

Actively embracing people with diverse perspectives, backgrounds and experiences; and creating an environment that enables us all to feel a sense of belonging, where we can achieve the extraordinary together.

We are enriched by the diverse range of people within our communities. We recognise that discrimination exists and that when we proactively support people to participate, including our most excluded and vulnerable citizens, everyone gains.

Appendix 2 – What does the law say?

The Equality Act (2010)

The Equality Act (the Act) became law in 2010. It covers everyone in Britain and protects people from discrimination, harassment and victimisation. The Act protects people in the workplace and in wider society. It sets out the different ways in which it is unlawful to treat someone.

For full details of the Act see <https://www.gov.uk/guidance/equality-act-2010-guidance>

This site also provides useful information about the Act:

<https://www.equalityhumanrights.com/en/advice-and-guidance/your-rights-under-equality-act-2010>

Who is protected by the Act?

Under the Act there are nine *protected characteristics*:

- age
- gender reassignment
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion or belief
- sex
- sexual orientation

It is against the law to discriminate against anyone on the basis of any of these characteristics.

Situations in which people are protected from discrimination:

Under the Act individuals are protected from discrimination:

- when in the workplace
- when using public services like healthcare (for example, visiting your GP) or education (for example, at your college)
- when using businesses and other organisations that provide services and goods (like shops, restaurants, and cinemas)
- when using transport
- when joining a club or association (for example, a local football team)
- when having contact with public bodies like the local council or government departments

How can you be discriminated against?

There are four main types of discrimination – see *Appendix 3* for more information on discrimination.

Codes of Practice

The Act is supported by Codes of Practice which provide detailed explanations of the provisions of the Act. They are designed to help organisations (including managers, HR departments, trades union representatives) apply the law.

There are separate Codes of Practice for:

- Employment
- Equal Pay
- Services

For more information see <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

Appendix 3 – What is discrimination and why is it not ok?

See also TDC's *Anti-bullying, harassment and discrimination policy*

Discrimination can take different forms and each is defined in law. The main forms of discrimination are:

1. Direct discrimination

This means treating one person worse than another person because of a protected characteristic.

For example:

A promotion comes up at work. The employer believes that people's memories get worse as they get older so doesn't tell one of her older employees about it, because she thinks the employee wouldn't be able to do the job.

Discrimination by association is a type of direct discrimination and occurs when someone discriminates against an individual because they associate with another person who possesses a protected characteristic.

For example:

A manager does not give a job applicant the role, even though they have met all the competencies, because the applicant tells the employer they have a disabled partner.

Discrimination by perception is another type of direct discrimination. This happens when someone discriminates against an individual because they think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

For example:

If a manager selects a person for redundancy because they incorrectly think the person has a progressive condition (ie they are disabled).

Dual Discrimination (also referred to as *combined or intersectional discrimination*) is another form of direct discrimination and occurs when someone is treated less favourably because of a combination of two relevant protected characteristics².)

For example:

A policy preventing employees from wearing headscarves would discriminate against Muslim women. The policy would not necessarily affect other women or Muslim men so could not be said to be purely sex or religious discrimination - rather it is the combination of being both female and Muslim.

² NB. As of October 2022 this type of discrimination is not yet covered by the Equality Act
Equality, Diversity & Inclusion Policy POL 01 v2 March 2023

2. Indirect discrimination

This can happen when an organisation puts a rule or a policy in place which has a worse impact on someone with a protected characteristic than someone without one. It makes no difference whether anyone intended the rule or policy to disadvantage a particular group or not.

Examples:

#1 A local authority is planning to redevelop some of its housing. It decides to hold consultation events in the evening. Many of the female residents complain that they cannot attend these meetings because of childcare responsibilities.

#2 A job advert that says applicants must have spent 10 years working in a relevant role. The employer could be discriminating indirectly based on age because the advert excludes young people who may still have the skills and qualifications needed.

Discrimination arising from disability is when someone is treated unfairly because of something connected to their disability rather than the disability itself.

A man is disciplined for losing his temper at work. However, this behaviour was out of character and is a result of severe pain caused by cancer, which his employer knows about. The disciplinary action is unfair treatment. This treatment is because of something (ie the loss of temper) which arises in consequence of the worker's disability (ie the cancer).

3. Harassment

This means people cannot be treated in a way that violates their dignity, or creates a hostile, degrading, humiliating or offensive environment. There are three types of harassment which are unlawful under the Act:

Harassment related to a relevant protected characteristic.

For example:

A manager makes racist remarks about the local Gypsy and Traveller site stating that it should be shut down as people from this community were causing problems in the neighbourhood. A colleague from a Traveller background finds the manager's behaviour degrading and offensive.

Sexual harassment is when someone engages in unwanted behaviour which is of a sexual nature. 'Of a sexual nature' can cover verbal, non-verbal or physical conduct including unwelcome sexual advances, inappropriate touching, forms of sexual assault, sexual jokes, displaying pornographic photos or images, or sending emails with material of a sexual nature.

Less favourable treatment of someone because they submit to or reject sexual harassment or harassment related to sex

Examples:

#1 An employee rejects his manager's sexual advances and as a result the manager does not put him forward for promotion.

#2 A tutor makes sexual advances towards a student who freezes and is unable to demonstrate her rejection. This is witnessed by another member of staff who changes their opinion of her for not rejecting the tutor's behaviour and subsequently does not let her contribute to discussions in tutorials.

Third party harassment is a form of harassment related to a protected characteristic (for example, race or sexual orientation) that is carried out by someone who isn't employed by the employer but who employees come into contact with at work. This could include clients, contractors, or visitors from another organisation. Employees have limited legal protection if they are harassed at work by a third party³. Generally, employers are not liable for the harassment of an employee by a third party unless the employer has failed to take action and this failure also relates to the employee's protected characteristic.

4. Victimisation

This means people cannot be treated unfairly if they are taking action under the Equality Act (such as making a complaint of discrimination), or if they are supporting someone else who is doing so.

Examples:

#1 An employee makes a complaint of sexual harassment at work and is dismissed as a consequence.

#2 An employee requests to work flexibly and their manager refuses their request because the employee had previously supported a colleague in a complaint of discrimination.

³ This has been the case since the third party harassment provisions (section 40 of the Equality Act 2010) were repealed in 2013.

Appendix 4 – How our language can support inclusion

At TDC we recognise that:

- Language is powerful and it can help to shift attitudes and behaviours.
- Inclusive language can help to promote and embed equality, diversity and inclusion.
- People have different individual personal preferences about language and identity, and language is always evolving and changing.
- This means there are no definitive rules; adopting some key principles will help us adopt an inclusive approach.

At TDC we will:

- ask people how they identify and how they would like to be referred to, and apply this across all identities, including race, gender, age, ability/disability
- respect people's privacy to share information about themselves if and when they wish to
- use language that acknowledges diversity and conveys respect to all people
- be specific about the ethnic groups we are referring to, only using collective terminology where appropriate and necessary. Where collective terminology is needed, TDC will always be guided by context, and not adopt a blanket term. Where there is a need to refer to more than one ethnic group at a time, TDC will use terms such as 'ethnically diverse communities' or 'minoritised communities' to reflect the diversity of its stakeholders.
- not use acronyms or initialisms such as 'BME' or 'BAME'
- use language that recognises individuals' lived experiences within groups
- always be transparent about our approach to language
- acknowledge if we make mistakes and use inappropriate language; we will apologise and learn from our mistakes to ensure we communicate more inclusively
- be adaptable and remain open to changing our approach to language in the future.

Appendix 5 – How we use best practice in our employment processes

TDC's EDI policy is designed to support the elimination of discrimination and ensure fair treatment for all staff, volunteers and community members.

We recognise that because of discrimination some people have not had the opportunity to obtain qualifications or experience. This in turn can lead to restricted job and training opportunities. This means that not everyone is able to compete for jobs on equal terms.

- We are committed to achieving a representative workforce and Board that reflects and creates opportunities for the communities with which TDC works.
- We are committed to building a supportive community for our staff and volunteers, with equal access to learning and development opportunities throughout their time with TDC.
- We will create progression pathways for community members and volunteers to provide development opportunities with TDC, to help people gain experience and increase employability.

We acknowledge that we may have inadvertently developed systems and styles of working (including recruitment and selection practices) that present barriers and prevent some people achieving their full potential.

- We are committed to eliminating discrimination from all our recruitment, selection and staff management practices; and to adopting best practice to ensure we recruit the best person for the job and provide them with the environment and support they need to flourish in their role.
- We will create an environment in which individual differences and the contributions of all our staff are recognised and valued
- We recognise everyone has different commitments and strive to be as flexible as possible while ensuring the job can be completed.

We will ensure cultural considerations are made when planning TDC events and activities to allow everyone to mark the cultural celebration days that are important to them and to share them with others. We will give employees and volunteers the opportunity to share information with us – if they so choose - about their needs, preferences, beliefs and background. We are committed to creating an inclusive culture that supports diverse religious and cultural identities.

We will use workforce data to carry out equality monitoring. Data will only be used for this purpose and will be treated confidentially. We will monitor recruitment and selection procedures to ensure discrimination is not occurring.

Other TDC policies provide more information, including:

- Recruitment and Selection policy
- Induction policy
- Volunteer Management policy

Appendix 6 – What training and support we will give our staff and volunteers

TDC will ensure that all staff have received appropriate training so that they can fulfil their responsibilities under this policy. As a minimum this will include:

All new starters will receive introductory training on Equality, Diversity and Inclusion at TDC as part of their induction within three months of joining TDC. People will be supported to learn and show that they:

- understand their workplace responsibilities as stated by the Equality Act 2010
- have knowledge of the protected characteristics that are covered by the law
- understand what is meant by discrimination
- understand what kinds of behaviour would constitute a breach of this policy and be regarded as misconduct
- understand the importance and relevance of this policy and how it applies to the work we do with communities in Brighton and Hove.

All staff with responsibilities for recruitment, selection and staff management will undertake additional training relevant to their role with the aim of supporting managers to:

- create an inclusive culture
- recognise and challenge inappropriate behaviour
- champion diversity in the workplace

Appendix 7 – How we will use feedback to learn and improve

At TDC:

- We recognise the importance of feedback and its value for organisational learning and development.
- We are committed to respond positively to constructive criticism and/or complaints we receive in relation to EDI – regardless of where this comes from (staff, volunteers, community members, partners, visitors, etc).
- We will take appropriate action to protect staff from discriminatory behaviour by any individual (inside or outside TDC), or in the course of their duties. This includes any necessary escalation internally or externally to partners, commissioners, or other organisations we work with.
- We will take all claims of discrimination on the part of TDC (or someone working on behalf of TDC) very seriously and will take appropriate action against those concerned.
- We will encourage and support staff, volunteers and community members to speak out and give feedback if they see any bad practice in relation to EDI. We recognise that this can be challenging and will develop specific advice to enable people to put forward their concerns effectively.

Please refer to the following policies for guidance on how to take forward any allegations or complaints:

- Anti-bullying, Harassment and Discrimination policy
- Grievance & Disciplinary policy
- Complaints policy

Policy control table

Policy title	Equality, Diversity and Inclusion
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