

Equal Opportunities, and Anti-Discriminatory Practice Policy

October 2018

Our Commitment

Reaching People is committed to providing an environment where everyone is respected and valued. At REACHING PEOPLE we work to eliminate all forms of discrimination and actively challenge perceived discrimination or inequality wherever this is seen.

Our policy is underpinned by the principles of the Human Rights Act:

- **Fairness** - right to a fair hearing
- **Respect** – respecting people’s right to privacy and confidentiality
- **Equality** – freedom from discrimination
- **Dignity** - freedom from inhuman and degrading treatment
- **Autonomy** – the right to be involved in decisions that affect you

These are known as the FREDA principles.

Providing equality of opportunity means understanding and appreciating the diversity of our own staff/representatives, those of our member organisations and the service users and local communities. REACHING PEOPLE actively encourages people to challenge discrimination and promote equality of opportunity for all.

Equality of opportunity does not mean treating everybody exactly the same. It means recognising that all people are individual and unique and therefore we will aim to adapt the way we work in order to ensure that everyone is treated fairly, equally and have access to the same opportunities as is reasonably practicable.

The organisation operates within the guidelines of the Commission for Racial Equality’s Code of Conduct and complies fully with the requirements of the Disability Discrimination Act, the Race Relations Act, the Sex Discrimination Act, and any other relevant legislation that may be in force.

We aim to ensure that everyone using our services, our employees and member organisations are not discriminated against due to (but not exclusive to) age; gender; religion; cultural or ethnic origin; race; disability; HIV status; sexuality orientation or marital status.

Service Provision and Service Users:

We will endeavour to ensure that no person to whom services are provided, under a Reaching People contract, will receive less favourable treatment on irrelevant, inappropriate or illegal grounds, particularly including (but not exclusive to) age; gender; religion; cultural or ethnic origin; race; disability; HIV status; sexual orientation or marital status.

There is a written criteria regarding eligibility for accessing the services that REACHING PEOPLE provides. Needs assessments are reviewed to ensure that a service is offered purely on the basis of a Service User’s relevant needs and circumstances.

Anyone who feels they have been denied equality of opportunity whilst in receipt of services offered by REACHING PEOPLE will be encouraged to feedback to us and if this is not acted upon to use the complaints procedure so that concerns can be investigated and responded to.

All contracts delivered by, or on behalf of, Reaching People put a high priority on ensuring that all service users are aware of their rights and obligations with regard to equal opportunities.

Where appropriate, service user individual support plans will outline boundaries of unacceptable behaviour and REACHING PEOPLE reserves the right to withdraw services to any Service User if that person behaves in a discriminatory, disruptive, threatening, abusive or illegal manner to any Employee, Volunteer, or other Service User.

Anti-discriminatory Practice:

REACHING PEOPLE is committed to ensuring that anti-discriminatory practice is promoted throughout its membership. REACHING PEOPLE will work actively with members' staff in order to promote and encourage a positive attitude, recognition, understanding and acceptance of diversity, uniqueness and difference.

We will seek to hold members' meetings in different locations thereby exposing member organisations to the diversity which the membership embraces.

The organisation takes all reasonable steps to ensure that our offices are welcoming and non-threatening, where individuals are valued because of who they are and of any differences, rather than in spite of them.

The Law

It is unlawful to discriminate directly or indirectly in recruitment or employment 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". Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

Subject to limited exceptions in some circumstances for religion or belief and sexual orientation, it is unlawful to discriminate directly or indirectly, harass or victimise a member of the public based on any of the protected characteristics in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services 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 make use of services. In addition, because Leicestershire AIDS Support Services provides public services, we have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Protected Characteristic Definitions

The Equality Act 2010 protects individuals with protected characteristics however REACHING PEOPLE is committed to creating a work environment free of harassment, bullying and discrimination, where

everyone is treated with dignity and respect whether or not they have protected characteristic. Protected characteristics are defined as:

Age

Age refers to an individual's age group and when it refers to a group of individuals people who share the protected characteristic of age, it means they are in the same age group.

An age group can:

- mean individuals of the same age or a range of ages
- be wide such as 'people under 50'
- be narrow such as 'people in their mid-50s' or people born in a particular year
- be relative, such as 'older than me' or 'older than us'
- be linked to actual or assumed physical appearance which may bear little relation to chronological age such as 'the grey workforce'.

An individual could therefore belong to various age groups: a 19 year old could, for example, belong to groups that include 'young adults', 'teenagers', 'under 50s', 'under 25s' or '19 year olds'.

Disability

An individual is a disabled person (someone who has the protected characteristic of disability) if they have a physical and/or mental impairment which has what the law calls 'a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'.

There is no need for an individual to have a medically diagnosed cause for their impairment; what matters is the effect of the impairment not the cause.

In relation to physical impairment:

- Conditions that affect the body such as arthritis, hearing or sight impairment (unless this is correctable by Reaching People or contact lenses), diabetes, asthma, epilepsy, conditions such as HIV infection, cancer and multiple sclerosis, as well as loss of limbs or the use of limbs are covered.
- HIV infection, cancer and multiple sclerosis are covered from the point of diagnosis.
- Severe disfigurement (such as scarring) is covered even if it has no physical impact on the person with the disfigurement, provided the long-term requirement is met (see below).
- People who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist, are automatically treated as disabled under the Act.
- Mental impairment includes conditions such as dyslexia and autism as well as learning disabilities such as Down's syndrome and mental health conditions such as depression and schizophrenia.

The other tests to apply to decide if someone has the protected characteristic of disability are:

- The length the effect of the condition has lasted or will continue: it must be long term. 'Long term' means that an impairment is likely to last for the rest of the person's life, or has lasted at least 12 months or where the total period for which it lasts is likely to be at least 12 months. If the person no longer has the condition but it is likely to recur or if the person no longer has the condition, they will be considered to be a disabled person.

- Whether the effect of the impairment is to make it more difficult and/or time-consuming for an individual to carry out an activity compared to someone who does not have the impairment, and this causes more than minor or trivial inconvenience.
- If the activities that are made more difficult are 'normal day-to-day activities' at work or at home.

Whether the condition has this impact without taking into account the effect of any medication the person is taking or any aids or assistance or adaptations they have, like a wheelchair, walking stick, assistance dog or special software on their computer.

For example:

Someone who has ADHD might be considered to have a disability even if their medication controls their condition so well that they rarely experience any symptoms, if without the medication the ADHD would have long-term adverse effects.

Progressive conditions and those with fluctuating or recurring effects are included, such as depression, provided they meet the test of having a substantial and long-term adverse effect on an individual's ability to carry out normal day-to-day activities.

Disability (Further information)

Further equal opportunities information on disability are found in Appendix 1

An individual with HIV is deemed to have a disability from the point at which he or she is diagnosed as being HIV Positive.

Gender reassignment

Gender reassignment is an individual process (rather than a medical process) which involves an individual expressing their gender in a way that differs from or is inconsistent with the physical sex they were born with.

This personal process may include undergoing medical procedures or, as is more likely for school pupils, it may simply include choosing to dress in a different way as part of the personal process of change.

An individual will be protected because of gender reassignment where they:

- make their intention known to someone – it does not matter who this is, whether it is someone at school or at home or someone like a doctor:
- once they have proposed to undergo gender reassignment they are protected, even if they take no further steps or they decide to stop later on
- they do not have to have reached an irrevocable decision that they will undergo gender reassignment, but as soon as there is a manifestation of this intention they are protected
- start or continue to dress, behave or live (full-time or part-time) according to the gender they identify with as an individual
- undergo treatment related to gender reassignment, such as surgery or hormone therapy, or
- have received gender recognition under the Gender Recognition Act 2004.

It does not matter which of these applies to an individual for them to be protected because of the characteristic of gender reassignment.

This guidance uses the term 'transsexual person' to refer to someone who has the protected characteristic of gender reassignment.

Pregnancy and maternity

The protected characteristic of pregnancy and maternity is not defined as such by the Equality Act 2010. However, s.18 of the Act provides that the forms of unfavourable treatment listed below constitute pregnancy and maternity discrimination, and it is therefore clear that these aspects of pregnancy and maternity are covered. Section 18 covers unfavourable treatment of a woman, during the "protected period" in relation to a pregnancy of hers, because of:

- her pregnancy; or
- illness suffered by her as a result of pregnancy;

An individual also discriminates against a woman if they treat her unfavourably because:

- she is on compulsory maternity leave; or
- she is exercising or seeking to exercise, or has exercised or sought to exercise, the right to ordinary or additional maternity leave.

Race

Race means an individual's:

- ethnic or national origin and a racial group is composed of people who have or share a colour, nationality or ethnic or national origins.
- colour, and/or
- nationality (including citizenship).

An individual has the protected characteristic of race if they belong to a particular racial group, such as 'British people'.

Racial groups can comprise two or more racial groups such as 'British Asians'

Religion or belief

The protected characteristic of religion or belief includes any religion and any religious or philosophical belief. It also includes a lack of any such religion or belief.

A religion need not be mainstream or well known to gain protection as a religion. It must, though, be identifiable and have a clear structure and belief system. Denominations or sects within religions may be considered a religion. Cults and new religious movements may also be considered religions or beliefs.

Belief means any religious or philosophical belief and includes a lack of belief.

'Religious belief' goes beyond beliefs about and adherence to a religion or its central articles of faith and may vary from person to person within the same religion.

A belief which is not a religious belief may be a philosophical belief, such as humanism or atheism.

A belief need not include faith or worship of a god or gods, but must affect how an individual lives their life or perceives the world.

For a belief to be protected by the Equality Act:

- It must be genuinely held.
- It must be a belief and not an opinion or viewpoint based on information available at the moment.
- It must be a belief as to a weighty and substantial aspect of human life and behaviour.
- It must attain a certain level of cogency, seriousness, cohesion and importance.
- It must be worthy of respect in a democratic society.
- It must be compatible with human dignity and not conflict with the fundamental rights of others.

Sex

An individual's sex refers to the fact that they are male or female. In relation to a group of people, it refers to either men or women or to either boys or girls.

Sexual orientation

Sexual orientation means the attraction an individual feels towards one sex or another (or both), which determines who they form intimate relationships with or are attracted to.

- Some people are only attracted to those of the same sex (lesbian women and gay men).
- Some people are attracted to people of both sexes (bisexual people).
- Some people are only attracted to the opposite sex (heterosexual people).

Everyone is protected from being treated worse because of sexual orientation, whether they are bisexual, gay, lesbian or heterosexual.

Sexual orientation discrimination also covers discrimination connected with manifestations of that sexual orientation.

Marriage or Civil Partnerships

Marriage and Civil Partnership means people who are married or who are civil partners. A married man and a woman in a civil partnership both share the protected characteristic of marriage and civil partnership.

Under the Equality Act 2010, marriage is not defined, but the code of practice states that it means "any formal union of a man and a woman which is legally recognised in the UK as a marriage". A civil partnership is one that is registered under the Civil Partnership Act 2004, including those registered outside the UK.

Discrimination

Discrimination is where an individual or group of individuals is treated less favourably because of a protected characteristic.

Direct Discrimination

This tends to be obvious discrimination, for example, a female candidate with the best qualifications and experience does not get an interview, but a male candidate with fewer qualifications does.

Or, if she is already in a job, she is ignored for promotion, the job going to a less qualified male worker.

Indirect Discrimination

Indirect discrimination is when a working condition or rule disadvantages one group of people more than another. For example, saying that applicants for a job must be clean shaven puts members of some religious groups at a disadvantage.

Indirect discrimination is unlawful, whether or not it is done on purpose. It is only allowed if it is necessary for the way the business works, and there is no other way of achieving it. For example, the condition that applicants must be clean shaven might be justified if the job involved handling food and it could be shown that having a beard or moustache was a genuine hygiene risk.

Harassment

Some harassment is unlawful discrimination and serious harassment may be a criminal offence.

Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Examples of harassment would include: physical conduct ranging from unwelcome touching to serious assault; unwelcome sexual advances; demeaning comments about an individual's appearance; unwelcome jokes or comments of a sexual or racial nature or about an individual's age; excluding an individual because he/she is associated or connected with someone with a protected characteristic, e.g. his/her child is gay, spouse is black or parent is disabled; repeated name calling related to an individual's religion or belief, ignoring an individual because he/she is perceived to have a protected characteristic (whether or not he/she does, in fact, have that protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be a transsexual; the use of obscene gestures; and the open display of non-work related pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others. Behaviour that any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him/her, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct that unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

A single incident can be harassment if it is sufficiently serious.



Right to Report Harassment / Bullying

REACHING PEOPLE will treat all complaints of harassment seriously and will investigate them promptly, efficiently and in confidence. The process below provides a framework for resolving complaints of harassment or bullying and for stopping any behaviour that is causing offence or distress.

How to make a complaint

Before raising a formal complaint, the person is encouraged in the first instance to talk directly and informally to the person whom he/she believes is harassing him/her and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence, and request that it stop. It may be that the person whose conduct is causing offence is genuinely unaware that his/her behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action. Where a victim would like support to make such an approach, he/she should contact a manager or the Company Administrator.

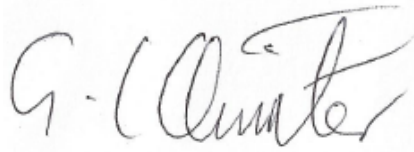
If, however, the victim feels unable to take this course of action, or if he/she has already approached the person to no avail, or if the harassment is of a very serious nature, he/she may elect to raise a formal complaint. See the Complaints Procedure for further information. In bringing a complaint of harassment/bullying, the individual should be prepared to state:

- the name of the person whose behaviour he/she believes amounts to harassment or bullying;
- the type of behaviour that is causing offence, together with specific examples if possible;
- dates and times when incidents of harassment or bullying occurred, and where they occurred;
- the names of any people who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person; and
- any action that the person has already taken to try to deal with the harassment.

Your Responsibilities

Everyone is required to assist REACHING PEOPLE to meet its commitment to provide equal opportunities and uphold the integrity of this policy.

Individuals can be held personally liable as well as, or instead of, REACHING PEOPLE, for any act of unlawful discrimination.

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