



## **Dudley Mind**

### **Equal Opportunities and Anti-Discriminatory Practice Policy**

#### **1. Scope**

- 1.1. This policy applies to all Dudley Mind employees, service users, trustees and volunteers.

#### **2. Statement**

- 2.1. Dudley Mind believes that all people have the right to be treated fairly and with respect. We are committed to promoting equality and diversity in all our services and to give equality of opportunity to our diverse service user and employee group. This does not mean treating everyone the same – it means recognising people's differences and adapting the way we work in order to ensure that everyone is given a fair and equal chance. The application of this policy therefore affects staff, service users, trustees, volunteers and any other individual who has contact with Dudley Mind.
- 2.2. We believe that the active promotion of equality of opportunity is essential to the provision of a high quality service.
- 2.3. The organisation will not tolerate unjustified direct or indirect discrimination against any person because of a protected characteristic or any other criterion not relevant to the point at issue.
- 2.4. It is also the responsibility of all staff in their daily actions, decisions and behaviour to endeavour to promote these concepts, to comply with all relevant legislation and to ensure that they do not discriminate against colleagues, service users, volunteers or any other person associated with the organisation.
- 2.5. Dudley Mind is committed to a continuing programme of action to make this policy effective and bring it to the attention of all staff, service users, volunteers, contractors, stakeholders and anyone else we work with.
- 2.6. A full copy of the equal opportunities and anti-discriminatory practice policy is on our website [www.dudleymind.org.uk](http://www.dudleymind.org.uk) and at head office.

#### **3. Policy**

- 3.1. As an employer and provider of service to the community, Dudley Mind accepts the responsibility to promote equal opportunities and challenge discrimination wherever it occurs.
- 3.2. Dudley Mind values the diversity of the cultural, ethnic and religious backgrounds of the communities in which we work. We aim to reflect this diversity in our workforce.
- 3.3. The policy will be implemented in accordance with the appropriate statutory requirements and full account will be taken of all available guidance and in particular any relevant Codes of Practice.
- 3.4. Dudley Mind recognises that some users of its services may, because of their past or present distress or illness, say or do things which would otherwise be unacceptable and incompatible with Dudley Mind's Equal Opportunities and Anti-discriminatory Practice Policy. Dudley Mind will do all it can to challenge such behaviour. In cases where intervention is possible an approach will be adopted which aims to alter attitudes and behaviour while maintaining support for the distressed person.
- 3.5. Breaches of the policy may lead to disciplinary action, termination of volunteer placements or withdrawal of services.

#### **4. Anti-discriminatory practice**

- 4.1. Dudley Mind is committed to ensuring that anti-discriminatory practice is promoted throughout the organisation. The organisation aims to develop its workforce to become fully sensitive to the diversity of the local community.
- 4.2. Dudley Mind will work actively with staff members and service users in order to promote and encourage a positive attitude towards difference. Individuals will be encouraged to extend their awareness of social and cultural settings beyond their immediate experience.
- 4.3. Dudley Mind aims to empower its employees to recognise and to challenge any discriminatory or oppressive language and behaviour, and to be pro-active in presenting positive images of the diversity of people that make up our society.
- 4.4. The organisation will take all reasonable steps to ensure that work settings and care settings value differences in identities, cultures, religions, beliefs, abilities and social practices. We aim to ensure that work settings and care settings are welcoming, non-threatening and stimulating places to be, places where individuals are valued because of their differences and not in spite of them.

#### **5. Responsibility for Equal Opportunities/ Implementation**

- 5.1. The Board of Dudley Mind has overall responsibility for the effective operation of this policy.
- 5.2. However, all employees, volunteers and service users have a duty as part of their involvement with Dudley Mind to do everything they can to ensure that the policy works in practice.
- 5.3. Dudley Mind will bring to the attention of all employees, job applicants, volunteers and service users the existence of this policy, and will provide such training as is necessary to ensure that the policy is effective and that everyone is aware of it. Reference to the policy will be included in contract documents with outside agencies.
- 5.4. Those responsible for recruiting volunteers to work at Dudley Mind must ensure that they are aware of Dudley Mind's Equal Opportunities and Anti-discriminatory Practice policy and adhere to it while working with Dudley Mind volunteers.

## **6. Service users and access to services**

- 6.1. We aim to ensure that no applicant for our services receives less favourable treatment because of a protected characteristic.
- 6.2. There are written eligibility criteria for all of the services operated by Dudley Mind. Assessment procedures are reviewed to ensure that individuals are offered a service entirely on the basis of their relevant needs and circumstances.
- 6.3. All those who use our services will be given equality of opportunity. Any applicant who feels that they have been unfairly denied access to a service has the right of appeal to Dudley Mind's CEO who will respond to their concerns in writing.
- 6.4. Anyone who feels that they have been denied equality of opportunity whilst in receipt of service offered by Dudley Mind will be encouraged to use the complaints procedure so that their concerns can be investigated and responded to.
- 6.5. Staff are expected to make service users aware of their rights and obligations with regard to equal opportunities. This may mean that staff are required to act as advocates on service users' behalf, but it can also mean that staff are required to point out unacceptable behaviour on the part of service users.
- 6.6. As described in para. 3.4 above support contracts will outline boundaries of any unacceptable behaviour. (Please refer to Warnings, Barrings & Evictions Policy and Procedure.)

## **7. Employment**

- 7.1. The recruitment and selection process is crucially important to any equal opportunities policy.
- 7.2. We will endeavour through appropriate training to ensure that employees, service users, trustees and others making selection and recruitment decisions will not discriminate in making these decisions. All applicants for jobs with us will receive fair treatment and will be considered solely on their ability to do the job.
- 7.3. Selection criteria and procedures are reviewed to ensure that individuals are selected, promoted and treated entirely on the basis of their ability in relation to the specific role that is being undertaken. It will also reflect any regulatory or contractual (ie. funding) requirements that may apply to each particular service.
- 7.4. Dudley Mind may take positive action in the recruitment of employees or job applicants who share a particular protected characteristic and suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low. This means that we may take a protected characteristic into consideration when deciding who to recruit or promote. However, this will only be done in cases where we can prove that people with that particular characteristic face particular difficulties in the workplace or are disproportionately under-represented in our workforce or in the particular job for which there is a vacancy. In addition it will only occur where candidates are "as qualified as" each other for a particular vacancy. This does not mean they have to have exactly the same qualifications as each other, it means that our selection assessment on a range of criteria rates them as equally capable of doing the job. In these circumstances, we may choose to use the fact that a candidate has a protected characteristic as a 'tie-breaker' when determining which one to appoint. Nevertheless we will always consider the abilities, merits, and qualifications of all of the candidates in each recruitment or promotion exercise.
- 7.5. Dudley Mind wishes to see its workforce broadly reflecting the community in which we work and will take positive steps to redress any imbalances in the workforce.
- 7.6. Once in post all employees will be given equality of opportunity. Including fair access to training and advancement opportunities. The organisation recognises that on occasion it may be appropriate to facilitate special equipment or training in order to enable employees to progress within the organisation.
- 7.7. Dudley Mind has a written policy on the use of volunteers and is committed to ensuring that all potential volunteers are treated fairly and equally. However this does not necessarily mean that the selection process will be the same for every volunteer - it will be proportionate to circumstances and to the specific role that is being

undertaken. It will also reflect any regulatory or contractual (ie funding) requirements that may apply to each particular service.

7.8. It is the responsibility of every individual member of staff to participate in the equal opportunities training that is provided.

## **8. Monitoring & Review**

8.1. The organisation audits the age, gender and ethnic origin of staff and users in the quality monitoring reports produced by each service. This process also monitors the number of successful and unsuccessful applications and exits from each service. Dudley Mind may then target recruitment or service delivery at certain sections of the community in the light of this information.

8.2. On an annual basis the organisation collates and presents to the Board the information it has been gathering and produces a summary review of equal opportunities issues. The organisation can then monitor its performance against any equality access targets it has set.

8.3. This policy will be reviewed at least every twelve months, and will be updated according to changes in legislation or circumstances.

## **9. Related policies and legislation and regulations**

Dudley Mind Recruitment and Selection Procedure  
Dudley Mind Harassment and Bullying Policy  
Dudley Mind Training Policy  
Dudley Mind Staff Code of Conduct  
Dudley Mind Service Eligibility Criteria  
Dudley Mind Volunteer Policy  
Dudley Mind Employment Of Colleagues with a Disability Policy  
Dudley Mind Recruitment of Ex-Offenders Policy  
Dudley Mind Maternity Policy & Procedure  
Equality Act 2010

Dudley Mind reserves the right to change the provision of the Equal Opportunities and Anti-Discriminatory Practice Policy by amendment, addition, deletion or substitution of new procedures from time to time at its discretion. Those affected will be consulted and notified of any changes by appropriate means.

Amended: December 2011

To be reviewed: December 2012

## **Appendix 1 : Types of discrimination: definitions**

### **Direct 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).

#### **Example:**

Paul, a senior manager, turns down Angela's application for promotion to a supervisor position. Angela, who is a lesbian, learns that Paul did this because he believes the team that she applied to manage are homophobic. Paul thought that Angela's sexual orientation would prevent her from gaining the team's respect and managing them effectively. This is direct sexual orientation discrimination against Angela.

### **Discrimination by association**

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

#### **Example:**

June works as a project manager and is looking forward to a promised promotion. However, after she tells her boss that her mother, who lives at home, has had a stroke, the promotion is withdrawn. This may be discrimination against June because of her association with a disabled person.

### **Perception discrimination**

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

#### **Example:**

Jim is 45 but looks much younger. Many people assume that he is in his mid 20s. He is not allowed to represent his company at an international meeting because the Managing Director thinks that he is too young. Jim has been discriminated against on the perception of a protected characteristic.

## **Indirect discrimination**

Already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. Now extended to cover disability and gender reassignment.

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, ie that it is 'a proportionate means of achieving a legitimate aim'. A *legitimate aim* might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make. Annex 1 contains an example of indirect discrimination.

### **Example:**

A small finance company needs its staff to work late on a Friday afternoon to analyse stock prices in the American finance market. The figures arrive late on Friday because of the global time differences. During the winter some staff would like to be released early on Friday afternoon in order to be home before sunset – a requirement of their religion. They propose to make the time up later during the remainder of the week. The company is not able to agree to this request because the American figures are necessary to the business, they need to be worked on immediately and the company is too small to have anyone else able to do the work.

The requirement to work on Friday afternoon is not unlawful indirect discrimination as it meets a legitimate business aim and there is no alternative means to available.