

## Equality and Diversity

### EQUALITY STATEMENT

Lambourne End Limited is committed to eliminating discrimination and encouraging diversity amongst our workforce and our beneficiaries. Our aim is that our workforce and participants will be truly representative of all sections of society and each employee, volunteer and user feels respected and able to give of their best.

To that end the purpose of this policy is to provide equality and fairness for all in our employment and usage and not to discriminate on grounds of gender; marital status; race; ethnic origin; colour; nationality; national origin; disability; sexual orientation; religion/belief; or age. We oppose all forms of unlawful and unfair discrimination.

Everyone who has an involvement with the Centre will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees and participants will be supported and encouraged to develop their full potential. The talents and resources of the Centre community will be fully utilised to maximise the efficiency of the organisation.

Our commitment:

- To create an environment in which individual differences and the contributions of all our staff and beneficiaries are recognised and valued.
- Every employee and user is entitled to work and participate in an environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff and users.
- Equality in the workplace is good management practice and makes sound business sense.
- Breaches of our equality policy will be regarded as misconduct and could lead to disciplinary proceedings.

This policy is fully supported by senior management. The policy will be monitored and reviewed annually.

### EQUAL OPPORTUNITIES/DIVERSITY

Lambourne End Limited is active in challenging discrimination and positive in seeking to provide equality of opportunity for those it serves and this policy has been reviewed and update in line with the Equality Act 2010. This relates to fair treatment for all who work in the Organisation and those whom we serve.

We believe that any behaviour in our Company that results in treating individuals or groups without respect or dignity, or in a way that is degrading or humiliating, whether it

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breaks the law or not, must stop. All cases of such behaviour will be investigated and we will treat all complaints fairly, quickly, and with confidentiality.

You have the right to be given equal opportunity in all aspects of employment and participation and should be treated fairly with dignity and respect in all matters and not subjected to discrimination or harassment on the grounds of gender, race, colour, ethnic origin, nationality, sexual orientation, gender reassignment, age, part time working, fixed term working, marital status, disability, trade union activity, religious and political belief and we expect you to behave in such a manner towards your colleagues.

The aim of this policy is to:

- Encourage employees and beneficiaries to take an active role against any form of harassment or discriminatory behaviour
- Deter employees and beneficiaries from participating in any form of harassing or discriminatory behaviour
- Demonstrate to all employees and beneficiaries that they can rely upon the Company's support in claims of harassment and discrimination at work

Every employee has an obligation to act in accordance with this policy, both in the workplace and at times and places associated with the workplace including work related social gatherings and social media, and you must behave in a way that does not discriminate towards colleagues, customers or suppliers. This policy applies to all of the Company's working practices in relation to employment and vocational training including recruitment and selection, terms and conditions of employment, salary, promotion, transfer and termination of employment etc. This policy also applies to employees working abroad or who are required to travel abroad as part of their job.

### PROTECTED CHARACTERISTICS

Under the Equality Act 2010 the following characteristics are protected from acts of discrimination. They are known as '**protected characteristics**':

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race or ethnic origin
- Religion of belief
- Gender
- Sexual orientation

require minor changes as the label for this group is incorrect

Pregnancy and Maternity = protected from discrimination under 'prohibited conduct' but is not a listed 'protected characteristic'

Gender = Not protected characteristic under Equality Act 2010

### DISABILITY

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A disability is a physical or mental impairment that has a substantial and long-term adverse effect on normal, day-to-day activities which would include things like using a telephone, reading a book or using public transport. The Company will provide equal opportunities for disabled people in all areas of employment including recruitment, training, promotion, transfer, redeployment and in terms and conditions of employment. The Company recognises its duty under the Equality Act 2010 to make reasonable adjustments to working arrangements or premises where these discriminate against disabled employees. Employees should ensure the Company is aware of their disabilities to enable the Company to make reasonable adjustments. Reasonable adjustments are things like altering the working hours, adjusting a person's duties or buying equipment to assist them carry out their work. Disabled persons are protected from direct and indirect discrimination, unless it is a proportionate means of achieving a legitimate aim. The employee will refrain from asking questions about an employee's health on appointment unless it is a health and safety requirement or to establish reasonable adjustments to enable them to carry out the post.

### **GENDER REASSIGNMENT**

The expression "gender reassignment" applies to either a man or woman who decides to live permanently as the opposite sex regardless of whether or not they decide to undergo any medical procedures.

Definition is wrong

### **SEXUAL ORIENTATION**

Sexual orientation is defined as:

- Orientation towards persons of the same sex (homosexual)
- Orientation towards persons of the opposite sex (heterosexual)
- Orientation towards persons of the same sex and opposite sex (bisexual)

### **RELIGION OR BELIEF**

Includes any religion, religious belief or similar philosophical belief. It also includes a lack of religion, in other words, employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief.

### **AGE**

An "age group" is defined as "a group of persons defined by reference to age, whether by reference to a particular age or a range of ages". Age discrimination can also occur in relation to someone's apparent age. Whilst there is no longer a default retirement age, it is not unlawful however, to impose an age restriction if it is a proportionate means of achieving a legitimate aim and can be justified.

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The Equality Act 2010 continues to allow employers to have a default retirement age of 65. In addition there are a number of Codes of Practice which although are not legally binding, we support as far as possible, and recognise that Employment Tribunals will refer to when determining the reasonableness of an employers actions. These codes include the Code of Practice on Age Diversity 1999, Code of Practice on the Protection of the Dignity of Women and Men at Work as well as the Codes of Practice supplied by the Commission for Racial Equality (CRE) and the Equal Opportunities Commission. Any breaches of this policy will be considered wholly unacceptable behaviour, and subject to a thorough investigation, could lead to disciplinary action up to and including dismissal, including summary dismissal. The effectiveness of this policy will be monitored.

## DISCRIMINATION

### TYPES OF DISCRIMINATION

There are many types of discrimination both direct and indirect. The responsibility for avoiding acts of discrimination lies with both you and the Company. All forms of discriminatory behaviour will be treated as a disciplinary offence. The main types of discrimination are as identified below:

#### **Direct Discrimination**

Where a person or group are treated less favourably than another person because of a "Protected Characteristic" they have or are thought to have, or because they associate with someone who has a protected characteristic

#### **Associative Discrimination**

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

#### **Perceptive Discrimination**

This applies to age, race, religion or belief, sexual orientation 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.

#### **Indirect Discrimination**

This applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender reassignment. Indirect Discrimination can occur when there is a rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic.

#### **Harassment**

This is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile,

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degrading, humiliating or offensive environment for that individual. This 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 it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

### **Third Party Harassment**

This applies to sex, age, disability, gender reassignment, race, religion or belief and sexual orientation. Under the Act, the company could potentially be liable for harassment of employees by third parties who are not employees of the company, such as customers or clients.

### **Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a 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 need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

### **Post Employment**

Where someone is discriminated against or harassed, in certain circumstances, after the working relationship has ended.

## **HARASSMENT AND BULLYING**

The Company is committed to preventing harassment and bullying in the workplace. It is unlawful and can be a threat to Health and Safety at Work and is a serious breach of the Equal Opportunities policy. Harassment, including racial/sexual harassment can be defined as "unwanted conduct related to a 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."

Bullying is defined as any unsolicited and unwelcome act that humiliates, intimidates or undermines the individual involved.

There are a wide range of behaviours which may cause alarm or distress, and could be regarded as harassment, including bullying as well as acts of race, sex or disability discrimination. These behaviours may range from extremes such as violence to more discreet forms like ignoring someone.

Even a single act or comment can constitute harassment and there have been a number of cases where the individual generating the harassment has had to compensate the victim personally. Under current legislation, harassment is a criminal offence liable to imprisonment and / or a fine of up to £5,000.

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### **Forms of Harassment and / or Bullying**

Forms of harassment and/or bullying may include (but is not limited to):

- Physical Violence
- Jokes of an abusive or offensive nature, gossip, slander, offensive language
- Obscene gestures, posters or graffiti of an abusive or offensive nature
- Isolation or non cooperation and exclusion from social activities
- Treating a colleague in a bullying manner or intimidating way
- Physical contact, unwanted and unnecessary
- Sectarian songs, letters or rhymes
- Sarcasm
- Use of slang names for members of particular racial groups or persons suffering from certain disabilities
- Unfounded criticism
- Deliberately ignoring someone
- Setting unattainable targets at work
- Offensive or abusive e-mails, text messages, letters, faxes, memos, phone calls etc.
- Violation of a person's dignity or demeaning them
- Verbal degradation/hostility

### **Forms of Sexual Harassment**

Sexual Harassment can take the form of (but is not limited to):

- Unsolicited advances and propositions
- Coercion to sexual favours
- Unwanted physical contact
- Lewd comments
- Pornographic and sexually explicit material
- Unwanted sexual advances
- Suggestions or pressure for sexual activity
- Spying, pestering and/or stalking a colleague with unwelcome attentions, including emails, phone calls, text messages, faxes and letters
- Intimidating conduct including the display of sexually explicit materials in the workplace
- Derogatory gender based remarks/jokes of a sexual nature
- Suggestions that sexual favours may further an employee's career or that refusal may hinder it

## **PRE-EMPLOYMENT CHECKS**

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The company may request medical information from employees in order to determine if reasonable adjustments are needed for the selection process and in order to determine if the applicant can carry out a function that is essential to the job.

### **POSITIVE ACTION**

The company may take positive action to encourage employees or job applicants, with a protected characteristic, to apply for a post within the company. Positive action may include guaranteeing an interview for applicants who apply and who come under one of the protected characteristics, or by offering development or training to equip those with a protected characteristic with the necessary skills or knowledge to become proficient in that job.

### **EQUAL PAY**

The company is committed to ensuring equality of pay between men and women and will strive to ensure that our employees will receive equal pay for work of equal value. Pay and benefits will be regularly reviewed and monitored to ensure pay parity. Staff are entitled to ask and receive a reply as to how their pay has been arrived at. Decisions regarding pay and benefits and salary reviews will be made with equal pay in mind.

### **EQUAL OPPORTUNITIES COMPLAINT PROCEDURE**

- If you have been subjected to treatment that you feel is inconsistent with the equal opportunities policy you must make a complaint about that treatment.
- It is the joint responsibility of everyone management and employees, to recognise harassment, bullying and discrimination when it happens and take the necessary steps to stop it.
- In defining whether a given action or attitude constitutes harassment, bullying or discrimination, it is essential to remember that it is the perception of the recipient(s) not the intention of the perpetrator(s) that is key.
- If you have witnessed an offence under this policy you also must raise a complaint.
- Your Complaints Officer is HR Initiatives - contact them by phone (01438 742056), e-mail ([info@hrinitiatives.co.uk](mailto:info@hrinitiatives.co.uk)) or during their visits.

### **Stage 1 Informal Action**

If you have reason to make a complaint you may want to take one or more of the following steps:

- Inform the harasser to stop
- Seek help or guidance from an instructor colleague, supervisor, manager etc



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- If you are too upset or embarrassed to speak directly to the harasser, you may write a letter to them stating what behaviour is causing offence, how it affects you and asking them to stop. Keep a copy of this letter, and any notes of incidents and occurrences with dates and times

Any of the above people may speak to the harasser, requesting them to stop. Most problems will cease once the harasser knows their behaviour is unacceptable and in breach of the equal opportunities policy.

### Stage 2 Formal Action

Making the formal complaint:

If the informal action does not result in the harassment ceasing, or where it is considered more serious harassment has taken place, then the individual should report the facts in writing to the Complaints Officer which can be processed through a representative if preferred.

This should detail the:

- Name of the alleged harasser
- Nature of the alleged harassment
- Dates and times when the alleged harassment occurred
- Names of any witnesses
- Action already taken, if any, by you to stop the alleged harasser.

### Investigation of the complaint

In all instances, allegations will be treated seriously and with the utmost confidentiality for all concerned. On receipt of the formal complaint action will be taken to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another area of work or suspension with pay until the matter is resolved.

The complaint will be thoroughly investigated by the Complaints Officer normally within 5 working days of receiving a complaint. In the absence of one of these people, and in the case of extenuating circumstances, a substitute of appropriate status would be acceptable. No person who has been involved in the complaint being investigated will be responsible for the investigation.

During the investigation the Complaints Officer will interview both the complainant and accused, interview witnesses, if any, and ascertain all the relevant facts. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter. During an investigation, all parties involved may be accompanied by a colleague or TU representative of their choice.

### Reports



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When the investigation has been concluded a draft report of the findings and the Complaints Officer's proposed decision will be sent in writing to you and the alleged harasser.

If you or the alleged harasser are dissatisfied with the draft report or the proposed decision, this should be raised with the Complaints Officer within 5 working days of receiving the draft. Any points will be considered by the Complaints Officer before the final report is sent, in writing, to you and the alleged harasser.

### Further Action

If the report concludes that the allegation is well founded, the harasser will be subject to disciplinary action in accordance with the disciplinary procedure, and as such may also appeal against any action taken against them. The resulting disciplinary action will also consider whether it is necessary to transfer the offender to avoid further conflict within the working environment.

If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if the report concludes that the complaint was both untrue and was brought with malicious intent, disciplinary action may be taken against you.

If the complaint is not upheld but the Complaints Officer believes that the current working relationship cannot be maintained, then either party may be asked to relocate.

The Complaints Officer may recommend mediation to help both parties to find a course of action that is acceptable to them and allows each to retain their dignity. This is only possible with the agreement of both parties.

Signed:



Date: 01/09/2023

Position: CEO