



## **Diversity and equal opportunities policy**

This policy was reviewed: **10 April 2017**

### **Summary of the policy**

We want to make sure that people with a Foetal Alcohol Spectrum Disorder (FASD), their families and supporters can use our support and services. To achieve this we are committed to a work environment where everyone is treated with dignity and respect and where we value the differences that a diverse workforce brings to the organisation. This increases the range of skills and talents within NOFAS-UK and makes us a stronger organisation.

### **Key points**

- NOFAS-UK believes everyone should have equal chances in life no matter what their ability, ethnicity, gender, beliefs, circumstances or life experiences.
- We want to make sure that our services are available to everyone.
- We value difference and want to recruit and retain diverse workforce.
- We will comply with all relevant equality legislation and challenge discriminatory practice.

**This policy does not form part of an employee's contract of employment with NOFAS-UK and may be subject to change.**

# The policy

## NOFAS-UK policy statement

NOFAS-UK's vision is for a society where all people with FASD are valued equally, listened to and included. To achieve this, NOFAS-UK will:

- listen to people with FASD
- fight for the changes that people with FASD, and their families and supporters, want and need
- support all people living with FASD in all parts of their lives
- give excellent information and advice
- work with people and groups that want the same things we do

We believe that our vision and mission can only be achieved if we make full use of the talents and resources of all our employees and volunteers. We want to be a diverse organisation, where individual differences are recognised and valued and where discriminatory attitudes or practices are challenged.

Diversity means the broad range of visible and non-visible differences that characterise people. Some of these characteristics include race, age, colour, first language, ethnic or national origin, religion/community background, belief, gender or gender re-assignment, disability, appearance, sexual orientation, pregnancy, marital or civil partnership status, responsibility for dependants and HIV status.

At NOFAS-UK we acknowledge neurodiversity and believe everyone should have equal chances in life, no matter what their ability, ethnicity, gender, beliefs, circumstances or life experiences may be.

- We want to make sure that our services and support are available to everyone and that they are used by people from different communities.
- We value difference and want to recruit and retain a diverse workforce to increase the range of skills and talents in NOFAS-UK. This makes us stronger as an organisation.

In carrying out this Policy, we will:

- Comply with the relevant equality legislation (see *Appendix A*) and challenge discriminatory practice.
- Make every effort to attract people from all groups, either to work for NOFAS-UK, to act as volunteers, to use our services or to be members.
- Regularly review our policies to ensure that they do not have an adverse impact on any of the people mentioned above, or those with "protected characteristics" under current equality legislation in England, Wales and Northern Ireland.
- Have in place a policy on harassment and bullying.
- Take seriously and investigate urgently any alleged discrimination or harassment by a NOFAS-UK employee, a user of NOFAS-UK services, a NOFAS-UK volunteer, or any other third party working in partnership with NOFAS-UK
- Ensure that our services are relevant and accessible to all those who use them or want to use them.

- Provide advice and support to our employees about promoting a work environment which is inclusive and trusting and where good employee relations are promoted.
- Regularly review and evaluate this Policy.

## **Services**

We are committed to achieving equality of opportunity in access to our services. We aim to achieve a consistent approach to diversity and equal opportunities in the delivery of all our services. We also expect people working on our behalf to demonstrate their commitment to diversity and equality in the work that they do.

We want to ensure that our services are welcoming to all people with FASD, and accessible to people from all communities.

To achieve this we will:

- Build close links with all sections of the community in all areas where we provide services and actively encourage those groups to benefit from our services.
- Be aware of our commitment to equal opportunities when appointing contractors/other agencies to work on our behalf or when entering into partnerships.
- Monitor procedures and practices to ensure that they are fair.
- Develop and implement action plans to address any inequalities which become apparent from our monitoring.
- Ensure that employees are aware of the needs and sensitivities of the people we support from different groups.
- Ensure that employees are aware of and implement local measures to promote fair treatment of the people we support.
- Understand potential barriers to accessing our services and take measures to remove them.
- Investigate urgently any claim of discrimination or harassment.
- Ensure that all the people we support into external employment understand their rights and obligations under the equal opportunities policy of their employing organisation.

## **Failure to adhere to the policy**

- We will do our utmost to protect employees and the people we support from discriminatory behaviour by any individual or group within the organisation.
- Discriminatory behaviour on the part of employees will be dealt with under the disciplinary procedure.
- If we find that non-contracted workers are behaving in a discriminatory manner, we will cease to use their services.
- Allegations of discriminatory behaviour by members or volunteers will be dealt with by the complaints procedure or other appropriate procedure.
- Allegations of discriminatory behaviour on the part of the people we support will be dealt with initially by advice and counseling. The ultimate sanction is exclusion of the person we support from the service.

## **Responsibilities of all members, employees and volunteers**

All employees, volunteers and non-contracted workers are expected to support and work within NOFAS-UK Diversity and Equal Opportunities Policy.

The Leadership Team will:

- Ensure that NOFAS-UK complies with relevant equality legislation.
- Ensure that the policy and its related action plans are implemented, monitored and regularly reviewed.
- Take responsibility for setting our diversity strategy and for monitoring its implementation.

All members, employees and volunteers will:

- Contribute to a working environment where all are treated with dignity and respect.
- Not harass, abuse or intimidate other employees, potential employees, the people we support, visitors or others with whom they may have contact in the course of their work.

### **The key words or phrases for this policy are:**

Diversity, equal opportunities, equality, ethnicity, discrimination.

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Diversity, equal opportunities, equality, ethnicity, harassment, discrimination.

## **Appendix A**

### **A summary of The Equality Act 2010**

The Equality Act came into force on 1<sup>st</sup> October 2010 and applies to all employees working in England and Wales, but not those in Northern Ireland. Equality/anti discrimination laws in place prior to October 2010 such as the Sex Discrimination Act, Race Relations Act, Disability Discrimination Act and Equal Pay Act still apply to employees in Northern Ireland.

#### **The Equality Act**

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.

Staff should not discriminate against or harass a member of the public 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, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

## **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 to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

**Indirect discrimination** is where a provision, criterion or practice is applied 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, and pregnancy and maternity).

**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 an employee 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 clients or customers. For an employer 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 an employee 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 or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint.

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