

## Equity, Diversity & Inclusion Policy

Date of Policy: May 2021

Date of next policy review: May 2022

### Related Policies:

Complaints, compliments & Comments Policy, Safeguarding Policy, Recruitment, Selection & Induction Policy, Company handbook, Whistleblowing Policy.

### Relevant legislation:

The Equalities Act 2010

Public Equality Duty

The Human Rights Act 1998

### Governance Framework:

Charity Governance Code principle 6

Charity Commission guidance – Public Benefit (PB1)

---

## 1. Legislation

Underpinning the Equity, Diversity and Inclusion Policy is The **Equality Act** 2010 and the public sector Equality Duty. The Act establishes nine 'protected characteristics', on the grounds of which it is unlawful to discriminate against a person. These are:

- Age (all ages and age groups)
- Disability (physical and mental impairments)
- Gender reassignment (people who are proposing to undergo, are undergoing or have undergone gender reassignment)
- Marriage and civil partnership
- Pregnancy and maternity
- Race (including ethnic or national origin, colour and nationality)
- Religion or belief (including an organised religion or a lack of religion, a religious or philosophical belief or a lack of belief)
- Gender (women and men)
- Sexual orientation (gay, lesbian, bisexual and heterosexual orientation) or the perceived sexual orientation or the sexual orientation or perceived sexual orientation of a family member, friend or associate for example.

**Established in 1986**

#### Head Office:

Polysec House, Blackpole Trading Estate West, Hindlip Lane, Worcester, WR3 8TJ

#### Patron: HRH the Princess Royal

YSS is a company limited by guarantee registered in England and Wales under number 4024428 and registered as a Charity number 1081992

**Get in touch!**

 [yss.org.uk](http://yss.org.uk)

 [info@yss.org.uk](mailto:info@yss.org.uk)

 **01905 730 780**

 **@OfficialYSS**

 **@OfficialYSS**

As a public-funded body, YSS also has duties to promote equality – The **Equality Duty**. This requires YSS to consciously consider and embed the three duties into its activities and have 'due regard' to the need to:

- a) Eliminate unlawful discrimination on the grounds of a protected characteristic.
- b) Advance Equality of Opportunity. Having due regard of the need to advance equality of opportunity means actively considering how YSS can:
  - Remove or minimise disadvantages faced by staff, volunteers and service users due to a protected characteristic
  - Take steps to meet the needs of staff, volunteers and service users with each protected characteristic including where those needs are different from the needs of those who do not share the relevant protected characteristic, and
  - Encourage people with each protected characteristic to participate.
- c) Foster good relations between people who share a protected characteristic and people who do not, means identifying opportunities in our activities to tackle prejudice and promote understanding between people who share a protected characteristic and those who do not.

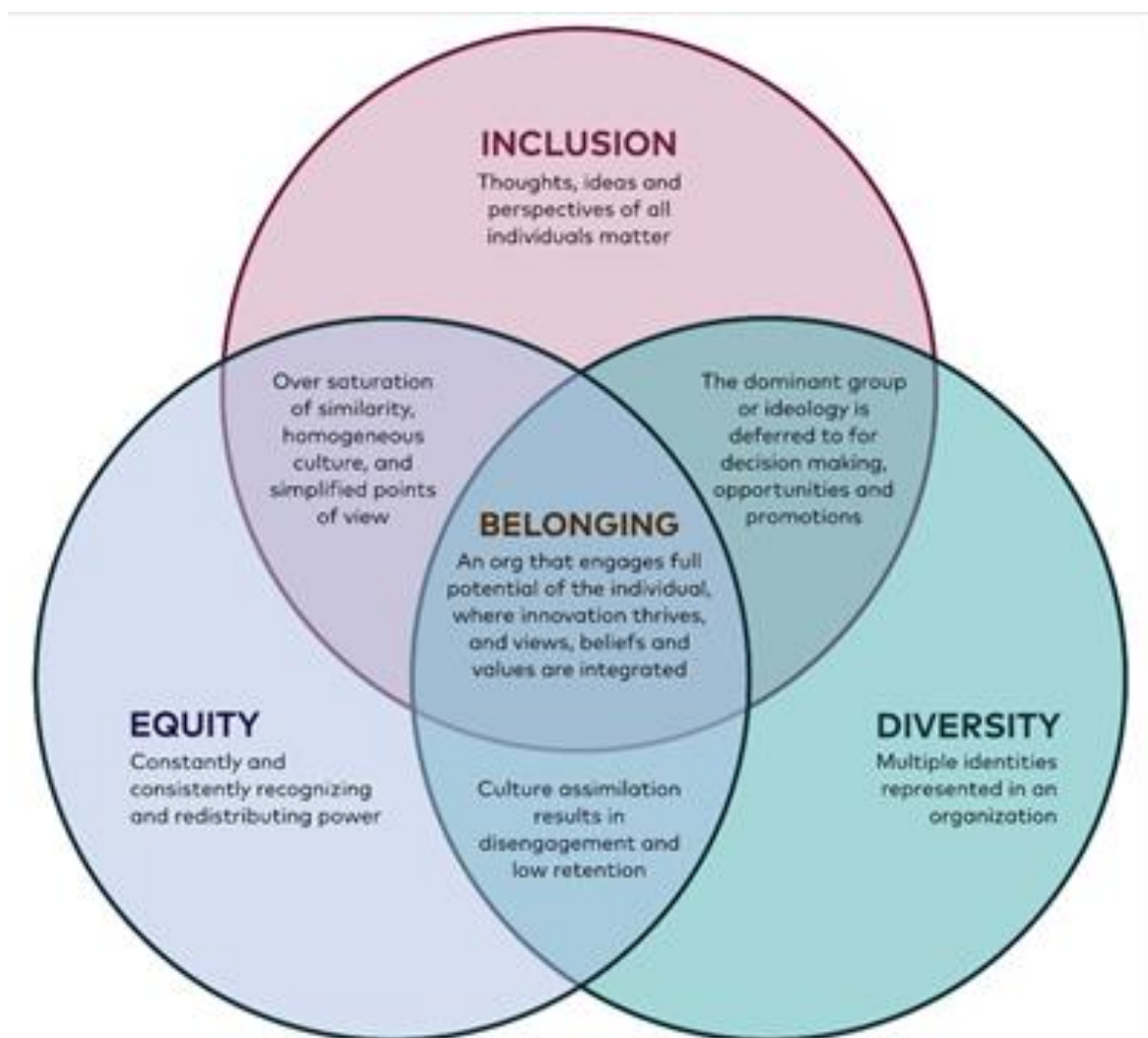
**Human Rights Act 1998:** Human rights apply regardless of where people are from, what they believe or how they choose to live their life. Human rights can never be taken away, although they can sometimes be restricted (for example if a person breaks the law, or in the interests of national security). They are:

- The right to have and express your own opinions
- The right to an education
- The right to a private and family life
- The right not to be mistreated or wrongly punished by the state.

## 2. Terminology

Why do we refer to Equity, Diversity and Inclusion (EDI)?

EDI represents a new way of thinking beyond basic diversity and equality practices to incorporate the notion of power distribution.



### **3. Policy statement**

The overall purpose of this Policy is to identify and establish key EDI principles and structures for YSS and to ensure that YSS meets its legal duties.

As an employer and provider of services to the community, YSS is fully committed to promote and deliver equality of opportunity for all our service users, staff and volunteers and to challenge discrimination whenever it occurs.

Equity, Diversity and Inclusion are essential to YSS's mission. As an organisation, we will implement this as a priority in all our work.

We are committed to promoting equal access to our services and consulting with others in our working methods.

YSS will:

- Consider all aspects of power-sharing, both internally and externally
- Provide and promote equality of opportunity in service delivery and employment.
- Aspire to greater diversity in order to reflect the communities that we serve
- Establish diversity as a key value: we know that significant advantages flow from being in tune with the diverse needs of all.
- Recognise that expertise can lie in our communities and the people we work with, not just within ourselves.
- Recognise that better outcomes and ownership are achieved when communities are empowered and given the resources and support to create their own solutions.

It is the responsibility of all trustees, staff, volunteers and service users to ensure that no other service user, member of staff/volunteer or trustee receive less favourable treatment than any other.

YSS recognises that some users of our services may say or do things, which would otherwise be unacceptable and incompatible with our stated policy. YSS will challenge such behaviour. In cases where intervention is needed, a suitable approach will be adopted which aims to alter attitudes and behaviour while maintaining support for the service user.

We also recognise that whilst there are many examples of good practice throughout the organisation, we need to do more to identify and share this within, across our projects, and with our partners. In this way, we will become more confident about what we do, and develop even better approaches.

This document provides the framework of policies that apply and guidance on how YSS will handle complaints of discrimination, harassment and bullying.

This document will be reviewed on a yearly basis as part of the organisation's strategic review and planning. YSS will from time to time engage third parties in the review of its policies.

#### 4. Strategic planning

The Trustees are responsible for the strategic planning for the organisation. The CEO is responsible for its Execution; along with the SMT. Managers consider any negative impact on employees, volunteers and service users arising from organisational policy changes.

YSS will respect and seek to utilise to their full potential, the diverse skills, talents and experiences of all its staff, volunteers and service users. To this end YSS will actively engage with staff, volunteers and service user groups in the development of this Policy, with a view to recruit a Steering group.

Equity, Diversity and Inclusion will be adopted as a cross cutting theme in our main strategy and we have included at Appendix 3, the EDI strategy principles.

We have a Recruitment and Selection Policy and Procedures that actively encourage applications from people with differing characteristics and we are committed to continuous improvement in accommodating the needs of all of our employees, volunteers and service users (present and future) with protected characteristics.

YSS collects information from both its workforce and service users according to the categories in the table below:

	Gender	Race/ethnicity	Age	Disability	Sexual orientation	Religion
Employees /volunteers	✓	✓	✓	✓	✓	✓
Service users	✓	✓	✓	✓	✓	

The EDI Steering Group will exist to ensure YSS delivers our EDI agenda in line with legislation. One of the trustees will chair the group and be responsible for the provision of reports to the Board. Members will consist of a multi-disciplinary group to ensure full representation of employees, volunteers and service users.

#### 5. Appendices

Appendix 1: Definitions

Appendix 2: Vicarious Liability

Appendix 3: EDI Strategy Principles

## APPENDIX 1

### DEFINITIONS

**Direct discrimination** occurs when an individual is treated less favourably than people because of a protected characteristic, for example, refusing to employ an individual because of their race or sexual orientation.

The law also protects people from being discriminated against:

- By someone who wrongly **perceives** them to have one of the protected characteristics, e.g. a staff member is treated less favourably because an individual mistakenly thinks that they have a protected characteristic (other than marriage and civil partnership and pregnancy and maternity)
- Because they are **associated** with someone who has a protected characteristic, e.g. a person is treated less favourably because their sibling, parent, carer, friend or partner has a protected characteristic, such as disability.
- Because of **pregnancy and maternity** e.g. treating a woman unfavourably because of a pregnancy or within 26 weeks of her having given birth (including unfavourable treatment because of breastfeeding during this period).

It may not be direct discrimination against a male employee to offer a female employee more favourable treatment because of her pregnancy.

The Equality Act also covers **Indirect Discrimination**. Indirect discrimination would occur if YSS were to apply a practice to all staff or service users, which had the effect of putting a person with a protected characteristic at a disadvantage. For example, if YSS were to refuse all request for flexible working, this may have the effect of putting women or carers at a disadvantage because women often take on greater care responsibilities. A practice will not be unlawful where it is a proportionate means of achieving a legitimate aim.

**Harassment** occurs where a person engages in unwanted conduct, which has the purpose or effect of violating another person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. This includes conduct of a sexual nature. Examples of harassment include name-calling and making innuendos. Treating a person less favourably because they have either rejected or submitted to harassment related to sex or gender reassignment will also be harassment.

Staff must not engage in any conduct, which could potentially offend another member of staff, volunteer or service user or make that person feel intimidated, humiliated or degraded.

**Victimisation** occurs when an individual is treated detrimentally because they have made a complaint or intend to make a complaint about discrimination or harassment or have given evidence or intend to give evidence relating to a complaint about discrimination or harassment. Management and staff must not penalise any individuals who make a complaint of discrimination. This applies to all staff and volunteers, including those who are the subject of a complaint, mentioned as a witness, asked to give relevant evidence, or are supportive of the alleged discrimination.

## **APPENDIX 2**

### **VICARIOUS LIABILITY**

1. All employers are initially held responsible for the discriminatory acts of their employees. If an employee takes an action that has a discriminatory effect, the employer would be deemed responsible, except where they have taken clear steps to ensure that such discriminatory acts do not happen.
2. The Equality Act 2010 places responsibility on to individuals and not just the employer. If an employee, in the course of employment, commits unlawful discrimination, both the individual and the employer are held responsible regardless of whether or not the employer knew or approved of the action. However, if it can be proved that all reasonable, practicable action was taken by the employer to prevent the employee from discriminating then this may be a defence.

## **APPENDIX 3**



### **EDI Organisational Approach**

EDI is an organisational priority and we all have a shared responsibility to make it happen and keep it alive.

We have made the conscious decision not to adopt a separate EDI strategy. Instead we will ensure that EDI is a cross cutting theme in our main strategy and that we look at everything through an EDI lens. The principles of equity, diversity and inclusion are embedded in the organisation and help to deliver the charity's public benefit.

#### **The Founding Principles for our EDI approach consist of:**

Principle 1 – We focus on what matters most.

- Develop Service Users' Insights groups.
- Training to develop our knowledge and become more conscious of individual/group bias.
- Understand the obstacles to access and inclusion.

Principle 2 - Leading by example and embed EDI in our work and interactions.

- Recognise that there is always room for improvement (this is a sector-wide issue).
- Create an organisation-wide EDI group.
- Comply with legal obligations and have due regard for external strategies.
- The EDI group and Service Users' Insights groups are core components of the YSS structure.

Principle 3 – YSS is a welcoming organisation, where individuals feel safe to work, volunteer and receive support.

- Encourage intersectional perspectives from different people, with different views.
- Listen and engage.
- Recruitment practices that appeal to a broad cross section of the population.