

TOUCHSTONE

EQUAL OPPORTUNITIES AND ANTI-DISCRIMINATORY PRACTICE AND POLICY

Other Related Policies:

- Diversity policy
- Sexual and Religious Discrimination policies
- Recruitment and Selection procedure
- Whistleblowing policy
- Violence in the Workplace procedures
- Supervision and Appraisal procedures

INTRODUCTION

The purpose of this document is to outline the organisation's policy concerning equality of opportunity in employment and service delivery. It is applicable to all members of the Board of Trustees, Touchstone's employed staff, volunteers, and the people it serves. It is a fundamental policy of Touchstone and all other policies will be reviewed and developed in line with this.

Legislation

Touchstone will comply with the following legislation:

The Equality Bill (2005)
The Race Relations Act 1976 and RRA Amendment Act (2000)
The Disability Discrimination Act 1995 and 2005
The Sex Discrimination Act (as amended) 1975
The Gender Recognition Act 2004
The Civil Partnership Act 2004
The Employment Equality (Religion and Belief) regulations 2003
Employment Equality (Sexual Orientation) regulations 2003
Sex Discrimination (Gender Reassignment) regulations 1999
The Human Rights Act 1998
The Data Protection Act 1998
The Equal Pay Act (as amended) 1970
Employment Equality Age Regulations 2006
Single Equalities Bill (2006)

1 POLICY STATEMENT

- 1.1 Touchstone recognises that discrimination exists in society, and is committed to developing and promoting ways of working that ensure that employees and service users are not subjected to direct or indirect discrimination
- 1.2 Touchstone wholeheartedly supports the principles of equal opportunities in employment and service delivery, and opposes all forms of unlawful or unfair discrimination. For example, on the grounds of colour, race, nationality, ethnic or national origin, preferred language, deafness, religion or belief, gender, sexuality, disability, appearance, marital or caring status, age or class, those subject to mental health legislation, mental health status, refugee or asylum seeking. This will be promoted to all stakeholders and expected of all partnering organisations.
- 1.3 Touchstone is committed to equality of opportunity in its provision of services. To this end all who approach it for services will be treated fairly and equally. Any form of discrimination, harassment or abuse will not be tolerated, and appropriate action will be taken in line with legislation and Touchstone policies.
- 1.4 We believe that it is in the best interests of Touchstone, its employees and the people and communities it serves, to ensure that the human resources, talents and skills available throughout society are considered when employment opportunities arise. To this end, within the framework of law, we are committed, wherever practicable, to achieving and maintaining a workforce which broadly reflects the communities in which we operate. Every possible step will be taken to ensure that individuals are treated equally and fairly, and that decisions on recruitment, selection, training and development, are based solely on objective and job related criteria. An action plan, which is regularly reviewed and overseen by SMT and the Diversity Action Group, will drive forward Touchstone's performance in relation to diversity and the development of equality of opportunity.

2 ACTION TO IMPLEMENT POLICY

- 2.1 In order to put this policy of equal opportunities into anti-discriminatory practice in the day-to-day operation of the organisation we will:-
- Set an action plan containing achievable objectives and targets, and review it annually at Quality Standards Committee;
 - Monitor existing employees, the Board and applicants for new jobs in order to meet equality targets annually at a full Board meeting;
 - Collect accurate data by the analysis of staff returns at Organisation-Wide Away Day on equal opportunities;
 - Examine and review existing procedures for recruitment, selection, training and development as per the policy review timetable;
 - Ensure staff are able to report any forms of discrimination experienced to their line managers, give feedback on the usage of policies and procedures e.g. grievance, and access to a whistleblower via supervision and appraisals;
 - Ensure that all services will be equally accessible to deaf and hearing users, as well as people who do not have English as a first language. Community

language interpretation, including access to British Sign Language, will be available upon request to all service users. All services are accessible by voice or text phone

- Monitor the application of the Equal Opportunities Policy;
- Provide appropriate Diversity and Equal Opportunities training every year and re-offered to all staff every 2 years;
- Review the policy every three years;
- Review objectives annually at Diversity Action Group and take steps within legislation to rectify discrepancies via formal reporting to SMT;
- Review as required the needs of people with disabilities in relation to employment and service delivery via monitoring to the Board and Minimum Standards Committee.

3 ACTION PLAN

Objective	Target/Monitoring	Responsibility/Monitoring
Employment:		
<ul style="list-style-type: none"> • Ensure the procedure for recruitment and selection is fair and equal • Ensure the workforce reflects the communities we serve, and is in line with legislation • Ensure the provision of fair and just terms and conditions of employment which support the recruitment and retention of all staff. 	<ul style="list-style-type: none"> • Review procedures annually • Employ at least 50% women, 40% Black and Asian people, 15% disabled people and 10% LGBT staff, across the whole organisation and individual targets to be set for each team. • To be monitored within the Joint Negotiating & Consultation Committee 	<ul style="list-style-type: none"> • CEO and Board • CEO/Board • The Board

Objective	Target/Monitoring	Responsibility
Training:		
<ul style="list-style-type: none"> • All staff will receive training and development to enable them to reflect on how E & D affects their role and how they can better promote equality through their individual and team practice and in line with their needs (as determined by the TNA and appraisal process) • Board Members will have access to training on Anti-discriminatory practice • Anti-discriminatory training will be organised across the organisation on a regular basis • Initiatives to increase under represented groups to entry management level • Enable relevant staff to work with excluded communities using Community Development Work approach 	<ul style="list-style-type: none"> • 100% staff to have attended at least one E & D training course within 1 year of employment • Governance audit of skills mix • Every year and repeated for all staff every 2 years. • Promote uptake of Certificate In Mental Health and Social Care, Certificate in Management Studies, Leadership Courses • Ensure relevant staff attend the 10 Essential Shared Capabilities training 	<ul style="list-style-type: none"> • Training & Development lead and CEO via annual report to Board • Chair of Board/CEO • Training & Development lead/CEO • Team Manager/Operations Director/Training & Development lead • Operations Director/CEO/Training & Development lead

Service Provision:		
<ul style="list-style-type: none"> • Monitor service uptake • Evaluate trends in service uptake with a view to setting targets • Inform service users of policy and complaints procedure in relation to diversity and equality • All complaints will be dealt with seriously, and practices reviewed 	<ul style="list-style-type: none"> • Complete corporate dashboard and report on performance, at least annually to Board • Regular information to QSC • Ensure it is part of introducing new service users to Touchstone • Record all complaints and review practice and report twice yearly to the Board and Compliments & Complaints panel 	<ul style="list-style-type: none"> • Operations Director • Operations Director and Service Managers • All staff and monitor as part of service user evaluation • CEO/Compliments & Complaints Service User panel
Board:		
<ul style="list-style-type: none"> • Touchstone will aim to have an appropriate representation of people on its board 	<ul style="list-style-type: none"> • At least 50% women and 20% BME people 	<ul style="list-style-type: none"> • Chair of Board
Other:		
<ul style="list-style-type: none"> • Ensure that Equal Opportunities policy is used widely • Ensure EO policy is applied in publications 	<ul style="list-style-type: none"> • Apply policy in engaging contractors, consultants and potential partner agencies by using an Approved Contractors list • Use in advertising and publicity material as appropriate 	<ul style="list-style-type: none"> • Finance Director • Service Managers and CEO

Agreed: Feb 2010

Review date: 2012 – CEO/DAG/JNC

SUPPLEMENTARY INFORMATION

Equality legislation

The legal obligation to deliver quality services requires an awareness of relevant legislation and its importance in delivering the National Service Framework Strategy. Some legislation imposes a particular duty on public sector authorities and bodies.

For detailed information on the relevant legislation and links to where each can be found, please see Section Legislation.

The Equality Bill – CEHR role

The Equality Bill, introduced into Parliament on 18 May 2005, is divided into three parts.

The first part establishes the Commission for Equality and Human Rights (CEHR) to promote equality, enforce anti-discrimination legislation and promote understanding and awareness of human rights. The CEHR will build on the work of the Commission for Racial Equality (CRE), the Disability Rights Commission (DRC) and the Equal Opportunities Commission (EOC), as well as taking responsibility for the new equality areas of religion and belief, sexual orientation and age. For the first time, institutional support for human rights will be provided by the CEHR.

The second part of the Equality Bill outlaws discrimination on the basis of religion or sexual orientation in the provision of goods, facilities and services.

The third part introduces a public sector duty to promote equality of opportunity between women and men.

Race Duty

The Race Relations (Amendment) Act 2000 introduced a new duty on public authorities to proactively promote race equality. Public authorities were therefore required to:-

- eliminate unlawful race discrimination;
- promote equality of opportunity;
- promote good relations between persons of different racial groups; and
- have systems and processes in place to meet these obligations.

Early evaluations suggested that the race duty has had a positive effect in helping public authorities to be more aware of the different impact of policies and services on different racial groups. A report¹ published in 2003 found that nearly 70 per cent of respondents felt that their work on the public duty had produced positive benefits.

¹ Schneider Ross/CRE, **Towards Racial Equality** (London: CRE 2003)

Disability Duty

In April 2005 the Disability Discrimination Act (DDA) 2005 introduced a public sector duty to promote equality for disabled people. This will be implemented in December 2006.

Gender Duty

As for race and disability, the Government has chosen the statutory 'public sector duty' route for gender, as it believes this is most effective changing the way public services are delivered. Public authorities will be responsible for proactively promoting equality themselves, rather than relying on the traditional reactive model of discrimination being tackled through challenges brought by individuals.

Extension of the Sex Discrimination Act 1975 to cover all public functions

The Sex Discrimination Act (SDA) 1975 currently protects women and men against unlawful discrimination by public authorities when they are acting either as employers, or, to the relatively limited extent that the SDA currently provides, service providers. Policy-making, regulatory and enforcement activities, some administrative functions and some aspects of service delivery are not clearly covered.

The Government is using the Equality Bill to extend the SDA's prohibition against sex discrimination to cover the exercise by public authorities of all public functions. This change will bring the SDA into line with race and disability anti-discrimination legislation.

However, there is general acceptance that some services need to be tailored to the specific needs of women or men if they are to be provided effectively. The Equality Bill therefore allows public authorities to continue to provide some services separately for each sex, only to one sex, or to each sex in a different way, where this is the most effective way to deliver them. This will allow public authorities to continue to provide essential services such as refuges for victims of domestic violence, or referral centres for victims of sexual assault, to operate on a single sex basis.

Other equality focused work: the Equalities Review

Consultation has been announced in February 2005, which consists of two work streams. Trevor Phillips is leading the first work stream, the Equalities Review, which will look at the long-term and underlying causes of inequality and disadvantage. The review is intended to report to the Prime Minister in the summer of 2006.

The second work stream is the Government-led Discrimination Law Review. This will condense the current myriad of provisions into a single, modern Equality Bill, taking into account the emerging experience of public duties, and consider the case for their further development and extension.

Diversity resources

- **Legislation**

The Gender Recognition Act 2004

This Act affords transsexuals legal status in the gender that they live in. It means that transsexual people can marry in their acquired gender, obtain a birth certificate recognising the acquired gender, and obtain benefits and a state pension just like anyone else of that gender.

The Civil Partnership Act 2004

This Act allows same-sex couples to make a formal and legal commitment to one another by entering into a civil partnership through a statutory civil registration procedure.

See also the [*Civil Partnership Act Guide for Employers*](#), published by the Equality Challenge Unit

Employment Equality (Religion or Belief) Regulations 2003

Employment Equality (Sexual Orientation) Regulations 2003

Both sets of Employment Equality Regulations outlaw discrimination in employment and vocational training on the grounds of sexual orientation and religion or belief respectively. They outlaw direct discrimination, indirect discrimination, harassment and victimisation.

Sex Discrimination (Gender Reassignment) Regulations 1999

These Regulations make it unlawful to discriminate on grounds of gender reassignment in employment and vocational training. They amended the Sex Discrimination Act 1975 with effect from 1 May 1999.

The Human Rights Act 1998

The Human Rights Act 1998 makes certain rights and freedoms guaranteed by the European Convention on Human Rights (ECHR) enforceable in UK courts, although the ECHR has not been incorporated in its entirety.

The Disability Discrimination Act 1995 (amended in 2005)

The Disability Discrimination Act (DDA) 1995 gives disabled people rights in the areas of employment, access to goods, facilities and services and buying or renting land or property. This Act also allows the Government to set minimum standards so that disabled people can use public transport easily

The Race Relations Act 1976

This Act provides protection from race discrimination in the fields of employment, education, training, housing, and the provision of goods, facilities and services.

Race Relations (Amendment) Act 2000

This Act amended the 1976 Act, fulfilling recommendation 11 of the *Stephen Lawrence Inquiry Report* and prohibiting race discrimination in all public functions, (with only a few limited exceptions).

The Data Protection Act 1998

This Act gives individuals certain rights regarding information held about them and places obligations on those who process information. Personal information covers both facts and opinions about the individual. Anyone processing personal information must notify the Information Commissioner's Office (ICO) that they are doing so, unless their processing is exempt. There is a charge for notification.

For more information, see the [Data Protection Act](#) fact sheet published by the Information Commissioner.

The Sex Discrimination Act (as amended) 1975

The Sex Discrimination Act (SDA) 1975 prohibits sex discrimination against individuals in the areas of employment, education, the provision of goods, facilities and services and in the disposal or management of premises. It also prohibits discrimination in employment against married people.

The Equal Pay Act (as amended) 1970

This Act gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and the woman are doing:-

- like work;
- work rated as equivalent under an analytical job evaluation study; or
- work that is proved to be of equal value.

The employer will not be required to provide the same pay and benefits if it can prove that the difference in pay or benefits is genuinely due to a reason other than one related to sex.

For more information, see [Making Equality Simple](#), published by the National Council for Voluntary Organisations.

Diversity Action Plan – September 2009

Objective	Action Required	Person Responsible	By When
<p>Objective 1 All staff to operate within a culture that promotes diversity</p>	<ul style="list-style-type: none"> • Staff to be representative of the communities Touchstone serves (see employment objective at point 3 of Equal Opportunities and Anti-Discriminatory Practice & Policy) • Each team to agree service-based diversity targets and outline required actions in TAPs • Good practice to be identified and disseminated across Touchstone by all staff • DAG to be used as a way of sharing Good practice across the organisation • DAG to review all policies across the organisation to ensure Diversity issues considered as per published timescales 	<p>Senior Management Team / Management Team</p> <p>Operations Director/Service Managers</p> <p>Service Managers</p> <p>DAG</p> <p>DAG</p>	<p>Now and Ongoing</p> <p>Sept 2009</p> <p>Now and Ongoing</p> <p>Monthly meetings</p> <p>Monthly meetings</p>
<p>Objective 2 Value staff as a resource</p>	<ul style="list-style-type: none"> • Incorporating Strategic Business Plan objectives, to be reviewed every 2 years • To ensure a rolling programme of equalities training is delivered to all staff to enable staff to be valued and to minimise potential for harassment/discrimination in the workplace • Training should reflect individual needs of each team and be relevant to 	<p>Senior Management Team</p> <p>T & D lead/CEO</p> <p>Service Managers/Operations Director</p>	<p>Now and Ongoing</p> <p>End of each person's induction and in line with needs identified in appraisals</p> <p>As outlined in TAPS/Training plan</p>

Objective	Action Required	Person Responsible	By When
<p>Expectations in relation to Equality and Diversity to be communicated at all levels.</p>	<p>practice/actions identified in Diversity sections of TAP</p>	<p>HR lead/Operations Director</p>	<p>Twice yearly</p>
	<ul style="list-style-type: none"> • To ensure evaluation of the impact of training delivered is submitted to the Senior Management Team 		
	<ul style="list-style-type: none"> • Impact of Diversity Training shared with DAG 		
	<ul style="list-style-type: none"> • To ensure that Touchstone has a current anti-discriminatory equal opportunities policy which is publicised to all staff and service users 	<p>HR lead/Operations Director</p>	<p>Twice yearly</p>
	<ul style="list-style-type: none"> • All teams to nominate a member of DAG 	<p>Team Managers</p>	<p>Annually</p>
	<ul style="list-style-type: none"> • SUs to be included in DAG 	<p>DAG Operations Director</p>	<p>By Dec 2009 Now and Ongoing</p>
	<ul style="list-style-type: none"> • DAG agenda to be incorporated into Team Meeting Agendas 	<p>HR Lead</p>	<p>Now and Ongoing</p>
<ul style="list-style-type: none"> • Appraisals to require evidence of how staff have contributed to diversity in course of their work 	<p>Communications Group/Business Dev Director Operations Director</p>	<p>Now and Ongoing</p>	
<ul style="list-style-type: none"> • All Touchstone communications to be audited for diversity 			
<ul style="list-style-type: none"> • All buildings to be audited for access by disabled people/service users 		<p>Now and Ongoing</p>	

Objective	Action Required	Person Responsible	By When
<p>Objective 3 Ensure staff composition reflects all diverse communities</p> <p>Internal policies to be reviewed to eliminate potential bias</p>	<ul style="list-style-type: none"> • Monitor composition of workforce in recruitment, selection and promotion <ul style="list-style-type: none"> • Act on findings in line with targets • Advertise recruitment externally to attract a range of audiences, where appropriate <ul style="list-style-type: none"> • Database of resources developed to know where/how to address particular diversity needs (places to advertise, email lists etc) • Analyse recruitment data and provide annual reports <ul style="list-style-type: none"> • Ensure these reports go to DAG for review • Explore innovative ways of recruiting, that encourage a more diverse workforce • Ensure Trustee recruitment reflects diverse communities <ul style="list-style-type: none"> • All staff to assist with suggesting potential new Trustees from BME backgrounds • Equal opportunities monitoring of trustees to take place • Actively advertise board recruitment as widely as possible • Monitor the disciplinary grievance procedures/formal complaints by trends, impacts – particular 	<p>HR lead</p> <p>Operations Director HR lead</p> <p>DAG</p> <p>HR lead/Board</p> <p>HR lead</p> <p>HR lead</p> <p>Board</p> <p>All Staff</p> <p>CEO/Admin Manager</p> <p>HR lead</p> <p>HR lead</p> <p>HR lead to report as required to Board of Trustees</p>	<p>Ongoing cycles at recruitment stage</p> <p>Ongoing cycle at recruitment stage</p> <p>Now and Ongoing</p> <p>Annually</p> <p>Ongoing</p> <p>Ongoing cycles at recruitment stage Ongoing</p> <p>Now and Ongoing</p> <p>Annually</p> <p>Ongoing</p> <p>Ongoing</p>

	<p>groups</p> <ul style="list-style-type: none"> Trend information given to DAG in a way that preserves anonymity 		
<p>Objective 4 Ensure publicity material reflects Touchstone's commitment to promote diversity</p>	<ul style="list-style-type: none"> To develop an organisation-wide Public Relations Strategy <ul style="list-style-type: none"> Establish a minimum standard for accessible communication (font size, plain English etc) To include statement which states Touchstone's position in all advertisements: Mindful employer, Stonewall Advertise in plain and simple language times, and translate information as required Promotion of work in a range of publications that reflect the diverse groups Touchstone works with 	<p>Comms Group/Bus DD</p> <p>Comms Group/Bus DD</p> <p>HR lead/Operations Director</p> <p>HR lead</p> <p>Operations Director/Business Dev Director</p>	<p>Dec 2009</p> <p>Dec 2009</p> <p>Ongoing</p>

	Action Required	Person Responsible	By When
	<ul style="list-style-type: none"> To establish a main list of relevant voluntary/community organisations which will assist dissemination of Touchstone's vacancies. This will be assessed to monitor effectiveness To <u>ensure public</u> events regularly <u>held</u> in community settings To maintain external links/participate in at least three community events per year, in line with Strategy 	<p>Human Resources with the assistance of CDS/TSC</p> <p>Service Managers</p> <p>Senior Management Team</p> <p>Senior Management Team</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>

	<ul style="list-style-type: none"> To be on high profile boards as relevant, raising good practice (NIMHE) ISP awards, for example 		
<p>Objective 5 Ensure all service users / staff experience fairness and equality</p>	<ul style="list-style-type: none"> To monitor informal/formal complaints by staff and service users Ensure staff attend training on code of conduct, equality and diversity <ul style="list-style-type: none"> Ensure all teams include diversity & equality training in team training plan at least annually Ensure service user involvement and influence on work of DAG either by sitting on it, or DAG reporting to service users Ensure views of Service User Involvement Project/N4U are incorporated into policy/actions by undertaking regular feedback and monitoring of compliments/complaints 	<p>Senior Management Team All Managers</p> <p>Team Managers</p> <p>DAG</p> <p>Senior Management Team / Management Team</p>	<p>Ongoing</p> <p>Ongoing</p> <p>By Sept 2009</p> <p>Ongoing</p>

Objective	Action Required	Person Responsible	By When
<p>Objective 6 Consider diversity in all decisions taken at Strategic Business Plan / Team Action Plan / Board levels</p>	<ul style="list-style-type: none"> • All reports to indicate whether any implications for diversity to include decision taken at: <ul style="list-style-type: none"> - Board - Senior Management Team - Management Team - Team meetings 	Senior Management Team / CEO	Ongoing
<p>Objective 7 All staff to receive diversity training at start of employment</p> <p>Commitment from Board to be evidenced</p> <p>Equalities and diversity training to be offered to all staff and regularly repeated</p>	<ul style="list-style-type: none"> • Diversity and Equality training to be completed by all staff as part of induction • To ensure Board offered diversity and equality training annually • Training and diversity issues to be reported to the Board of Trustees regularly <ul style="list-style-type: none"> • Trustees share highlights with DAG • DAG develop diversity training resources around particular – themes – eg list of trainers with specialisms • To be identified via: <ul style="list-style-type: none"> - Training needs analysis/Complaint/Grievance or Disciplinary - Diversity and Equality issues to be explicitly included on supervision and appraisal staff agendas 	<p>Team Managers</p> <p>CEO to incorporate into Board Training Plan</p> <p>CEO</p> <p>Chair of Board DAG</p> <p>Training lead / Senior Management Team</p>	<p>Within 6 months</p> <p>Ongoing</p> <p>Ongoing</p> <p>Immediate / Ongoing</p>

Objective	Action Required	Person Responsible	By When
<p>Objective 8 Touchstone will work at local levels to develop effective consultation with all stakeholders</p>	<ul style="list-style-type: none"> • Touchstone will liaise with stakeholders through: <ul style="list-style-type: none"> a) Internal/external meetings b) Events c) Internally via Joint Negotiating & Consultation Committee (JNCC) / SUIP – To consult on the impacts of its policies / procedures 	<p>All / Senior Management Team</p>	<p>Ongoing</p>
<p>Ensuring equal opportunities policy is widely used</p>	<ul style="list-style-type: none"> • Require contractors, consultants and potential partners to have equality policies and link this to approved supplier list. 	<p>CEO / Senior Management Team</p>	<p>Ongoing</p>
<p>Service provision</p>	<ul style="list-style-type: none"> • Touchstone will monitor service uptake of all sites on equality/diversity through keeping record of current service users/referrals and corporate dashboard 	<p>Quality Standards Committee (QSC) / Senior Management Team / Team Managers</p>	<p>Now and Ongoing</p>
	<ul style="list-style-type: none"> • Identify any gaps in service contract/provision and raise effectively through Service Level Agreement reporting to funders 	<p>Contract / Operations Director</p>	<p>Now and Ongoing</p>

