



## **Equality and Diversity Policy and Procedure**

### 1. Introduction

1.1 Pop Arts strives for high standards both as an employer and as a provider of services. In so doing, we recognise the need for and strongly support the encouragement of diversity in our work and wholeheartedly support a policy of equal opportunities in all areas of our activities and responsibilities.

1.2 This Policy provides guidance to enable all who work with or for Pop Arts to comply with anti-discrimination legislation. The Policy will also address anti-discrimination issues involving areas that currently fall outside any legislation.

1.3 Failure to follow the procedures in this Policy may lead to disciplinary or other appropriate action.

1.4 The aims and objectives of this Policy will be achieved through action planning, effective monitoring and a willingness to tackle problems where they arise. Through our training and other activities, Pop Arts will inform those we work with of this Policy and Procedure document.

1.5 Pop Arts urges staff, trustees, stakeholders and service users to be aware of the less obvious types of discrimination which result from general assumptions and pre-conceptions about the capabilities, interests and characteristics of individuals.

1.6 Pop Arts is committed to reviewing this Policy on an annual basis. We will also regularly examine the implementation of the Equality and Diversity Policy and Procedures. Where evidence is found of ineffectiveness, immediate remedial action will be taken to ensure implementation.

### 2. Aims & Objectives

2.1 The aims and objectives of the Equality and Diversity Policy are:

- To encourage, promote and celebrate equality and diversity in all Pop Arts' activities and services
- To ensure equal access to services, jobs and volunteer opportunities
- To ensure compliance with legislation on discrimination and equality (including the Equality Act
- and any other legislation which becomes law)

- To promote equal opportunities in other areas not currently covered by legislation
- To create environments free from harassment and discrimination
- To maximise the use of resources in the best interests of trustees, staff and service users
- To confront and challenge discrimination where and whenever it arises whether it be between colleagues, or in any other area relating to Pop Arts' work
- To make a willingness to abide by and implement this Policy a necessary condition of employment for any position within Pop Arts
- To ensure that employment and advancement within Pop Arts is determined by objective criteria and personal merit.

### 3. Definitions

3.1 Equal Opportunities - Pop Arts aims to ensure that policies, procedures and practices do not unfairly discriminate against our employees, volunteers, stakeholders and service users. Pop Arts aims to treat people fairly and equitably regardless of who they are, their background or their lifestyle.

3.2 Diversity - Pop Arts aims to ensure that all people are valued as individuals and are able to maximise their potential and contribution. It recognises that people from different backgrounds can bring fresh ideas and a different approach that can make the way we work and learn more fun, more creative, more efficient and more innovative.

3.3 Direct Discrimination - as defined in law, occurs when a person is dealt with less favourably than other people because of a 'protected characteristic'. These are defined in the Equality Act 2010 as being:

- Age – a person of a particular age group, but does not apply to those under the age of 18.
- Disability – a person who has a physical, sensory or mental impairment, where the impairment has a substantial and long term effect on the person's ability to carry out day-to-day activities.
- Gender Reassignment – a person who is proposing to undergo, is undergoing or has undergone a process, or part of a process, for the purpose of reassigning the person's gender by changing physiological or other attributes of gender.
- Marriage or Civil Partnership – a legal contract between spouses that establishes rights and obligations between them, between them and their children, and between them and their in-laws.
- Civil partners must be treated the same as married couples.
- Pregnancy and Maternity – a person who is pregnant has a protected characteristic for the whole pregnancy and for a period of 26 weeks from the day they give birth (in the case of a still born child the 26 week period exists if the birth takes place after the 24th week of pregnancy). A person who has given birth and is breast-feeding has a protective characteristic when accessing premises, services and public functions.
- Race – a person or group of people defined by their race, colour, nationality, including citizenship, and ethnic or national origins. A racial group can include more than two distinct

racial groups; e.g. Black Britons would comprise of those people who are both black and who are British citizens.

- Religion or Belief - a person's religion, religious or philosophical belief, lack of religion or lack of religious or philosophical belief. A belief will affect a person's choices or the way they live for it to be considered a protected characteristic.
- Sex – a person who is legally defined as a man or a woman.
- Sexual Orientation – a person's attraction towards a person of the same sex, another sex, or people of both sexes.

3.4 Associated Discrimination is direct discrimination against a person because they associate with another person who possesses a protected characteristic.

3.5 Discrimination by Perception is direct discrimination against a person because it is perceived that they possess a particular protected characteristic.

3.6 Indirect Discrimination occurs when an apparently neutral practice, provision or criterion puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and when applying the practice, provision or criterion cannot be objectively justified.

3.7 Victimisation means subjecting a person to detrimental treatment because they are or are believed to be bringing proceedings under the Equality Act; giving evidence or information in connection with proceedings under the Equality Act; doing any other thing for the purposes or in connection with the Equality Act or making an allegation that a person has contravened the Equality Act. A person must be able to act against unlawful discrimination without fear of reprisals or being subjected to a detrimental effect.

e.g. a patient makes a complaint to a service provider where they were obtaining treatment

3.8 Harassment means unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment.

Sexual harassment is any conduct of a sexual nature that is unwanted by the recipient, including verbal, non-verbal and physical behaviours, and which violates the victim's dignity or creates an intimidating, hostile, degrading or offensive environment for them. Harassment can be sexual, racial, ageist, directed against people with disabilities or indeed related to any protected or other characteristic exhibited by the individual.

3.9 Harassment by a third party means unwanted, repeated conduct by a third party based on a protected characteristic, which has the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person and where the employer does nothing to prevent it from reoccurring. A third party is defined in law as not being the employer or employees of the employer, such as customers or clients.

3.10 Positive Action can be taken when it is clear that a group of people who share a protected characteristic and who are, or could become, employees, volunteers or service users, suffer a disadvantage linked to that characteristic, have disproportionately low levels of participation, or have different needs from a service as compared to other groups.

The positive action must be proportionate and aim to increase participation, meet different needs or overcome disadvantage. The positive action must be appropriate to its aim and other actions would be less effective in achieving this aim or likely to cause greater disadvantage to other groups. Positive action could take the form of additional training or providing a job application form in other languages to encourage applicants from these communities. Positive discrimination at the point of selection for employment is not permissible.

#### 4. Policy Statements Diversity

4.1 Pop Arts encourages all people it works with and for to contribute to an environment in which people feel comfortable expressing how they feel and what they need, knowing they will be treated with respect and that their contribution will be valued.

4.2 Pop Arts through its Mission Statement and Aims and Objectives supports the spirit and intentions of legislation that outlaws discrimination and promotes equality and diversity.

4.3 Pop Arts will make reasonable adjustments to working practices, equipment and premises and offer, where appropriate, additional support to trustees, staff and volunteers to ensure they are able to take a full and active part in Pop Arts's work.

4.4 Pop Arts will endeavour to deliver services in a way that genuinely recognises the importance of an inclusive society that brings opportunities and access, not barriers to individuals.

#### Equal Opportunities

4.5 Pop Arts strives to be an equal opportunities employer and promotes equality of opportunity through all of its activities. No job applicant, employee, trustee or service user should receive less favourable treatment on the grounds of race, colour, nationality, ethnic or national origin, sex, gender, marital or civil partnership status, caste, caring responsibility, sexual orientation, age, physical, sensory or learning disability, mental health, religious beliefs, class, HIV status, employment status, unrelated criminal convictions, and union activities.

## 5. Equality and Diversity Procedures

5.1 Pop Arts recognises that passive policies do not provide equality nor do they encourage diversity in employment / training /services. Consequently, Pop Arts will seek to promote equality and diversity.

5.2 Responsibility for adopting, implementing and developing this Policy rests with the Trustees.

5.3 However, Pop Arts believes that all who work with or for Pop Arts have an individual responsibility to abide by the Policy and ensure a personal involvement in its application and to co- operate actively to ensure that a fair and equitable environment is a reality. Therefore Pop Arts requires all such individuals:

- to implement measures introduced by Pop Arts to ensure equality of opportunity, diversity and non discrimination;
- not to harass, victimise, abuse or intimidate any other employee, volunteer or service user on the grounds of race, colour, nationality, ethnic or national origin, sex, gender, marital or civil partnership status, caste, caring responsibility, sexual orientation, age, physical, sensory or learning disability, mental health, religious beliefs, class, HIV status, employment status, unrelated criminal convictions and union activities; and
- immediately to inform the Pop Arts Trustees if they suspect discrimination is taking place.

## 6. Recruitment, Interviews, Selection & Promotion

6.1 In line with the intentions of this Policy, and the Recruitment Policy, Pop Arts strives to ensure that Trustees, staff and volunteers reflect the wider community. The Recruitment Policy includes equality and diversity implementation guidelines.

## 7. Training

7.1 Appropriate training will be provided to enable trustees, staff and volunteers to perform their jobs / roles effectively. The training offered will take into account the needs of all people.

7.2 Briefing on this Policy will form part of the Induction Procedure for Trustees and staff.

7.3 Pop Arts will strive to ensure that all training offered will be accessible to all participants.

## 8. Enforcement

8.1 Pop Arts recognises the need for a continuing commitment to genuine equal opportunities and diversity within Pop Arts. The effectiveness of the Policy's aims and objectives can only be judged by how the Policy operates in practice.

- Any job applicant who believes that they have been treated unfairly and contrary to the intention of this Policy should raise the issue with the Chair of Trustees.
- Any service user who feels aggrieved as a result of discrimination or unfairly treated in a way contrary to the intention of this Policy should raise the issue directly with the Pop Arts Chair of Trustees.
- Pop Arts will not treat lightly or ignore grievances from members of disadvantaged groups on the assumption that they are over-sensitive about discrimination.

### 8.2 Enforcement – Discipline

- Any member of staff suspected of being in breach of this Policy will be subject to disciplinary action.
- All incidents of direct discrimination are disciplinary offences.
- All incidents of indirect discrimination are disciplinary offences.
- Any volunteer, including any Trustee, found to be in breach of this Policy will be counselled on his / her actions and may, where necessary, be asked to leave Pop Arts.
- Any service user found in breach of this Policy will, where appropriate, be counselled on his / her actions and may, where necessary, be referred back to their organisation or refused future services from Pop Arts.