



EQUALITY, DIVERSITY & INCLUSION POLICY

POLICY NUMBER

HR 15

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SCOPE

This policy applies to all Groundwork North Wales (the “Organisation”) employees, trustees, volunteers, suppliers and partners

1. Introduction and Background

- 1.1. The success of the Organisation depends on our people, our partners and our suppliers. The way we deliver our services is strengthened by capitalising on what is unique about individuals, drawing on their different perspectives and experiences, and by accessing the strengths and expertise of a diverse range of partners and suppliers.
- 1.2. The Organisation will constantly strive to create productive environments, representative of and responsive to different cultures and groups, where everyone has an equal chance to succeed. Our contracts, projects and programmes will be designed to ensure that everyone is equally able to access interventions and that equality, diversity and inclusion is encouraged and celebrated.
- 1.3. To achieve this, we need to make sure that the Organisation puts equality, diversity and inclusion into effect in both employment and service delivery.
- 1.4. The Organisation’s commitment to equality, diversity and inclusion is more than promoting equal opportunities and eradicating discrimination, bullying, victimisation and harassment. We are actively committed to implementing the Equality Act 2010, encouraging and promoting the positive contribution of our staff, partners and suppliers. We will ensure that this is reflected in our practices, policies and services provided.
- 1.5. This policy describes the role of the Organisation in promoting equality, diversity and inclusion across its operations, programmes, and supply chains. Commitment to this policy is required by all the Organisation’s employees and trustees, subcontractors, delivery partners, customers and service beneficiaries, referred to collectively as the ‘stakeholders’.

2. Equality, Diversity, Inclusion and the Groundwork Business

- 2.1. Working alongside communities, public bodies, private companies and voluntary sector organisations, the Organisation develops and delivers initiatives which cut across economics, social issues and the environment. To create real change that means carrying out work that:

- builds people's skills and improves job prospects
- redesigns our neglected open spaces for twenty-first century use
- helps people make their own decisions about their area
- motivates and develops young people
- promotes greener ways of living and working

To achieve our vision of sustainable vibrant, healthy and safe communities, the Organisation must work inclusively as an employer, as a contractor, and as a supplier or partner to all these roles.

3. Responsibilities

Our Board of Trustees has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law. Day to day operational responsibility for this policy, including regular review of this policy, has been delegated to the Chief Executive Officer.

- 3.1. Every employee, trustee, volunteer, subcontractor, supplier and beneficiary is required to assist the Organisation meet its commitment to promote equality, diversity and inclusion in employment, service provision and procurement and to avoid unlawful discrimination.
- 3.2. The Organisation's management team will be responsible for ensuring that managers monitor the implementation of this policy by their staff, volunteers, suppliers and partners.
- 3.3. Acts of discrimination, harassment, bullying or victimisation against employees, trustees, sub contractors, suppliers or customers are disciplinary offences and will be dealt with under the Organisation disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal, termination of contract or withdrawal of services.
- 3.4. Employees can be held personally liable as well as, or instead of, the Organisation for any act of unlawful discrimination. Employees who commit acts of harassment are committing a criminal offence and will be reported to the Police for investigation

4. Policy Approval & Commitment

This Equality, Diversity & Inclusion Policy carries a commitment to its principles at the highest level and has been agreed by the Senior Leadership Team and Trust Directors. It is approved and authorised for use by the Board of Directors. This policy will be reviewed at least annually following consultation with our HR Advisers.

5. Legislation

This policy has been developed within the framework of existing legislation within the Equality Act 2010, which was brought in to combine all the previous anti-discrimination laws, and added further protected characteristics (see Section 7.8 below).

- Sex Discrimination Act (1975)
- Race Relations Act (1976), Race Relations (Amendment) Act 2000
- Employment Relations Act (1999)
- Disability Discrimination Act (1995)
- Equal Pay Act (1970)
- Employment Rights Act (1996)
- Harassment Act (1997)
- Data Protection Act (1998)
- Human Rights Act (1999)
- Equality of Employment (Sexual Orientation) Regulations (2003)
- Equality of Employment (Religion or Belief) Regulations (2003)
- Employment Equality (Age) Regulations (2006)

5.1. Implications of the Legislation

Both the Organisation and any individual member of staff concerned may be liable to legal proceedings if found to be in contravention of the Race Relations Act, Sex Discrimination Act, Disability Discrimination Act, and/or the Equality of Employment Regulations with regards to Sexual Orientation, Religion or Belief and Age. The Organisation will take all reasonable practicable steps to prevent acts of discrimination.

5.2. Codes of Practice

The Commission has issued codes of Practice for Racial Equality and the Equal Opportunities Commission that set out the practices, which employers should adopt in order to ensure equal opportunities at work. A Voluntary Code on Age Discrimination has been introduced. The Code does not have statutory provisions, but lay down well-defined operating practices for employers, which if not followed, may result in action through Employment Tribunals. In such a case, the Tribunal will have regard to the extent to which an employer had followed the guidelines contained in the Codes of Practice.

6. The Nature of Discrimination

This policy refers to several forms of discrimination. These are explained below:

- **Direct Discrimination** results from treating a person less favourably on the grounds of a relevant protected characteristic.
- **Associative Discrimination** is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
- **Perceptive Discrimination** 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** is where a provision, criterion or practice is applied which is such that it would be to the detriment of a considerably larger proportion of the relevant group with a particular protected characteristic to which the individual belongs, than to others, which is not objectively justifiable and which is to the individual's detriment.
- **Victimisation** occurs if someone is given less favourable treatment than others because they have exercised their rights under the policy, or the relevant legislation, or brought to the attention of others, acts of discrimination (e.g. by making a complaint or providing information on discrimination).
- **Harassment** is where there is unwanted conduct related to one of the protected characteristics which has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person, or is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.
- **Third Party Harassment** - This applies to sex, ages, disability, gender re-assignment, race, religion or belief and sexual orientation. The Equality Act makes you potentially liable for harassment of your employees by people (third parties) who are not employees of your company such as customers or clients. Groundwork can only be liable if the harassment occurred on at least two previous occasions, is aware that it has taken place, and has not taken reasonable steps to prevent it from happening again.

- ***Failure to make reasonable adjustments*** is where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage
- ***Discrimination arising from a disability*** is where a person is treated unfavourably because of something connected with their disability and this unfavourable treatment cannot be justified.

7. The Organisation as an Employer

7.1. The Organisation is committed to:

- welcoming and valuing equality, diversity and inclusion amongst our staff, trustees and partners for the range of skills, experience and perspectives it brings
- building our reputation as an ethical and truly inclusive organisation where people want to work
- providing an excellent service to all our stakeholders by working in partnership and understanding their needs.
- meeting our organisational goals by encouraging and enabling all to fulfill their potential
- recognising we can always do more to become truly inclusive and committing to regular self-assessment and improvement.
- working towards the elimination of discrimination (whether direct, indirect, associative, perceptive or harassment)
- creating positive cultures throughout where equality, diversity and respect are core values and at the centre of all our activities
- encouraging positive action to overcome disadvantage and discrimination and to enable people to achieve their full potential
- enabling the highest possible standards to be achieved in delivery of our services and employment practices and the promotion of equality and diversity through our work internally and externally

7.2. The Organisation will ensure that it actively promotes equality to job applicants, persons under contract personally to do work, apprentices, employees, and ex-employees on the grounds of the protected characteristics, people resident in areas of deprivation and where relevant, other disadvantaged groups not protected in law.

7.3. The Organisation will ensure that no job applicant, person under contract personally to do work, apprentice, employee, or ex-employee experiences discrimination or

harassment due to a relevant protected characteristic, another's perception of their possessing a particular relevant protected characteristic, or due to their association with another person possessing a particular relevant protected characteristic.

- 7.4. The Organisation will ensure that an individual will not be victimised if they carry out one of the following protected acts:
- bringing proceedings under the Equality Act 2010;
 - giving evidence or information in connection with such proceedings;
 - doing anything which is related to provisions of the Equality Act 2010;
 - making an allegation that someone else has done something in breach of the Equality Act 2010.
- 7.5. Other policies and decisions relating to the Organisation's terms and conditions of work, pay and benefits, leave and flexible working arrangements, access to facilities, pensions, dress codes, appraisals and performance management, promotion and transfer, handling of grievance and disciplinary, procurement of equipment, IT systems, software, and websites, evacuation procedures, and treatment of employees when their employment ends, are reviewed against this policy in order to ensure a consistent approach to promoting equality of opportunity and ensuring anti-discriminatory practice.
- 7.6. The Organisation will not lawfully discriminate in the selection of employees for recruitment or promotion.
- 7.7. The Organisation may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group which the Organisation identifies as being underrepresented in particular types of job.
- 7.8. Employees should report any bullying or harassment by customers, suppliers, visitors or others, whether or not it is directed at them, to their manager who will take appropriate action and begin relevant investigations as detailed in the Grievance policy (HR 20).
- 7.9. The diversity of the communities we serve is reflected and protected at all levels within our workforce through the following 10 'protected characteristics':

(1) Sex

Women and men are fully and properly represented and rewarded for their contribution throughout all levels of the organisation through:

- challenging gender stereotypes
- supporting employees in balancing their life at work and at home

(2) Gender reassignment

Employees who plan to undergo, are undergoing, or have undergone gender reassignment are protected against all forms of discrimination and harassment. The Organisation will take positive steps to support a transgender person and ensure they are treated with dignity and respect.

(3) Marriage and Civil Partnership

Employees are treated fairly and equally in the workplace irrespective of their marital, civil partnership or family status

(4) Race

The racial and cultural diversity of our communities is represented at all levels of the organisation through:

- challenging racial stereotypes
- understanding, respecting and valuing racial and cultural difference and perspectives
- encouraging and enabling members of minority ethnic groups to volunteer or work for Groundwork at all levels

(5) Disability

The abilities of disabled people are recognised and valued at all levels of the organisation through:

- focussing on what employees can do rather than on what they cannot
- challenging stereotypes about people with disabilities and in particular, not making false assumptions that disabled people are unable to do certain things
- making appropriate adjustments in the workplace so that all employees can reach their full potential regardless of any disability

(6) Age

Age diversity within the workforce is promoted and valued through:

- challenging age stereotyping, recognising that the new ideas and fresh approaches can come from anyone irrespective of their age
- recognising the benefits of a mixed-age workforce

(7) Religion or Belief

Employees are treated fairly in the workplace irrespective of their beliefs, religious beliefs or faith. Employees are also expected to recognise the individual freedom of belief and right to protection from intolerance and persecution of other individuals and groups.

Note: The expression of beliefs and opinions should not contravene Groundwork's values or its capability to carry out its work.

(8) Sexual orientation

People are treated fairly in the workplace irrespective of their sexuality through:

- respecting the rights of everyone irrespective of whether or not they are open about their sexuality
- respecting different lifestyles even if someone's lifestyle conflicts with one's own beliefs
- challenging negative stereotypical views

(9) Pregnancy and Maternity

The Organisation will never unfairly treat a pregnant woman in the work place because they are pregnant are breast feeding or have recently had a baby and will never suffer a disadvantage or be treated unfavourably example of these include:

- Never being subjected to unfair treatment because of pregnancy or maternity.
- Suffering a disadvantage because of pregnancy or maternity through Groundworks Policies or procedures, rules or practices.
- Or suffering unwanted behaviour because of pregnancy or maternity.

(10) Political Opinion or Affiliation

Under the Enterprise and Regulatory Reform Act 2013 (ERRA) employees have the right not to be dismissed because of (or where the principle reason for dismissal is) their political opinion or affiliation. Unlike other protected characteristics, the protection currently only applies to dismissal, and does not provide protection from other detriments falling short of dismissal, such as refusal to offer promotion or to deny access to training.

8. The Organisation and its Partners and Suppliers

- 8.1. The Organisation and its partners and suppliers shall continue to actively work towards positively promoting equality and eliminating discrimination on the grounds of age, disability, sex, gender reassignment, race, sexual orientation, religion or belief, pregnancy or maternity status, marital or civil partnership status, referred to collectively as the 'protected characteristics' as detailed in Section 7.9.
- 8.2. The Organisation and its partners and suppliers must promote a culture where discriminatory behaviour by its employees, volunteers, trustees and other stakeholders are routinely challenged in a polite and constructive manner so the person making them has a chance to correct their behaviour. If they are unwilling to change their behaviour, then disciplinary action should result and/or their continued engagement with the Organisation should be considered as set out in section 12 of this policy.
- 8.3. All complaints of discrimination will be sensitively investigated and, if proven, will result in appropriate action for the perpetrator. Any employees or other stakeholders that are found to breach this policy could be subject to disciplinary procedures as set out in their terms of employment, service contract or partnership agreement and/or their continued engagement with the Organisation should be considered. Any Federation Trust members or suppliers that are found to breach this policy could be subject to disciplinary measures as outlined in the Organisation's disciplinary procedures for employees and sub-contractors.

9. Equality in Practice

The right to equality of opportunity, fair treatment and protection from discrimination applies across all areas of the Organisation's activity in its capacity as an employer, service provider and community organisation.

10. Employment Practices

The Organisation aims to maintain and extend a fair working environment for all employees through the revision and development of policies to promote equal opportunities and diversity in employment at every stage. The stages include:

- Advertisement
- Recruitment and Selection
- Induction
- Training and Development
- Promotion, Retention and Retraining
- Terms and Conditions of Employment
- Capability/performance management
- Absence management
- Job design/ workplace adaptations
- Flexible working
- Discipline
- Grievance
- Dismissal or Redundancy
- Providing references

In addition the Organisation will take steps to protect an individual's health, safety and wellbeing, including the right to enjoy dignity at work and protection from bullying and harassment in the workplace. Each of the Organisation's recruitment campaigns will be reviewed to ensure the process is free from potential acts of discrimination and that all associated literature, such as job adverts, job descriptions and person specifications do not disadvantage any individual or particular group.

11. Volunteering

The Organisation recognises that volunteers make a significant contribution to the Trust and its communities, providing skills, expertise and additional capacity for planning and delivering a wide range of activities. Volunteers involved with the Organisation include the Board of Trustees, community volunteers, graduate volunteers, trainees and individuals. The Organisation aims to ensure that volunteers are protected from discrimination by:

- Treating volunteers with respect and dignity, enabling equal access to Trust activities and relevant communications, recognising achievements and providing opportunities for appropriate training and development.
- Understanding the barriers to volunteering faced by some groups of people and helping to overcome social disadvantage to promote participation in volunteering

and social inclusion to achieve a volunteer membership that reflects the composition of the wider community.

- Working with individuals to understand and exceed their desired outcomes from volunteering, whether these are for personal development, work experience, skills and training, achievement of qualifications, social integration, community development or to break a cycle of unemployment.

12. Provision of Facilities and Services to the Public

The Organisation aims to ensure that no individual or group of individuals suffers discrimination on the basis of a protected characteristic as a result of services provided by the Trust. Customers accessing any such services can expect an environment free from harassment by employees of the Organisation.

To make services equally accessible to customers it may be necessary to deliver the service in a different way, recognising that equality of opportunity does not always flow from the same treatment.

This relates to any facilities or services provided by the Organisation irrespective of location, including but not limited to:

- Customers accessing community, youth, training and education, energy or employment services
- Adult learning provision and apprenticeship/trainee programmes
- Sustainable business services advice and delivery of training courses
- Programmes of work relating to land and design services and contract delivery
- Marketing, IT or other expertise provided to external organisations
- Visitors to the Organisation's premises attending meetings and events by invitation
- Companies or individuals using the Organisation's facilities for short or long-term rental

13. Activities and Events

The Organisation recognises its activities will be more effective if they promote inclusion and support can be derived from all areas of the workforce and sectors of the community. In order to achieve this the Organisation will ensure that:

- Action is taken to provide equal access for the relevant people in line with this policy in planning meetings, events, activities or training and in the delivery of other services. Consideration will need to be given for example to accessible venues, caring responsibilities, part-time working and religious and cultural observances.
- People from all areas of the community are encouraged to join events and that no individuals or groups are discriminated against. Community cohesion and development activity targeted at under-represented groups will be used to promote social inclusion and wider engagement in the Organisation's activities and volunteering opportunities.
- The range of activities undertaken will aim to reflect the diversity of the workforce and local communities and utilise the skills and experiences of the individuals within them.

14. Communications

The Organisation recognises the importance of good internal and external communications in promoting equality and diversity, and the positive impact this has on the Organisation's reputation as an equal opportunities employer and service provider. Examples of this include:

- The use of images on the website and in printed publications showing the positive contribution made to the Organisation's activities by people from all areas of the community.
- Positive use of all types of media to challenge stereotypes and commonly held assumptions about certain individuals or groups of individuals, for example that young people don't volunteer.
- The use of project evaluation, case studies, press releases and celebration of achievements to promote the benefits of on-going engagement and participation within under-represented groups in our communities.
- Communication via social networking sites and mobile technologies to plan activities and engage and retain individuals or groups of people who may be less responsive to other methods of communication and for whom social networking is the norm.

15. Tendering, Procurement and Sub-contracting

Managers involved in tendering, procurement and sub-contracting activity will take reasonable steps to ensure the Organisation can protect its workforce and customers from potential discrimination which may arise as a result of these processes. This means working whenever possible with ethical organisations whose commitment to equality and diversity is in line with the Organisation's own approach.

While large organisations or entities delivering or managing contracts on behalf of government will themselves be subject to the Public Sector Equality Duty, it may be necessary to establish the equality and diversity credentials of parties not already known to the Organisation. In practice this does not need to be onerous and would involve simple steps such as:

- Looking at a company's website to establish its mission and objectives
- Asking how a commitment to equal opportunities, diversity and inclusion can be demonstrated through supplier selection questionnaire, obtaining a copy of the policy if one exists
- Performing an internet search for relevant news articles etc

Undertaking the actions above cannot guarantee protection from discrimination but are reasonable to establish an acceptable level of confidence, whereas a failure to make such enquiries can leave the employer liable for third party harassment should this arise.

16. Diversity at Work

Diversity refers to any differences between individuals that make them unique, for example background, culture, personality, work-style, physical attributes, accent, language and so on. People also have diverse interests, hobbies, preferred music styles, ambitions and fears. Practically any characteristic makes people diverse. Unlike the nine protected characteristics covered by equality legislation designed to redress the effects of past discrimination, these other differences are not protected by law.

The Organisation recognises that certain groups or individuals in our local communities may experience prejudice arising from their socio-economic status and related social disadvantage(s) which may include:

- Lack of access to training and education, health facilities and public transport
- Housing issues, debt, poverty, addiction
- The effects of crime or a criminal record
- Caring responsibilities, lone parenting

- Language barriers; long-term unemployment and dependence on benefits, low skill/ low pay jobs, lack of job prospects
- Low self-esteem and lack of confidence

It is important to recognise differences exist in order to be able to value everyone as an individual. Using the example of social disadvantage it can be seen that treating everybody the same is unlikely to result in equality of opportunity. The social justice argument for diversity that people should have equal access to employment and services further highlights the need to be flexible in achieving this fair and consistent treatment and ensuring individuals are not 'mainstreamed' outside normal society.

People need to be treated differently in ways that are tailored to their needs but aligned to business needs and objectives.

17. Promoting and Managing Diversity

The business case for diversity means going beyond the minimum standards required by equality law. Managing and promoting diversity can bring about the following benefits:

- Building a workforce which is representative of the communities it serves;
- Enhancing the organisation's reputation as an ethical employer, aware of its corporate social responsibilities;
- Understanding how actions and initiatives taken to promote diversity are supporting business goals;
- Ensuring individuals can all give their best contribution and draw on their unique skills and experiences to contribute to the success of the organisation;
- Creating open and inclusive workplace cultures in which everyone feels valued;
- Having the ability to bring about cultural change;
- Engaging with employees in a way that can influence personal behaviours;
- Fostering innovation and creativity in the design and delivery of activities and events;
- Ensuring the needs of people, communities and businesses are interrelated to create healthy societies.

The Organisation is committed to managing diversity and supporting a culture of inclusion.

18. Training and Awareness

Equality, diversity and inclusion training will be used to reiterate and embed the concepts covered in this policy. It is important that everyone understands their responsibilities and the behaviours expected of them. A copy of the policy is given to all staff and volunteers during induction and the principles explained. At this stage people should understand why a policy is necessary and what it is intended to achieve.

All of the Organisation's staff, trustees and volunteers will receive general awareness training and regular refresher training. Special interest training, briefings and updates will be provided as and when required. Individual staff may from time to time identify a training need relating to a specific area of equality or diversity, which they wish to understand in more detail in order to apply it in their role. This type of training will be provided on a needs/benefit basis.

All participants involved in training programmes will receive equality and diversity training within their training induction programme. In addition the Organisation will strive to raise awareness of equal opportunities issues and encourage individuals involved in its activities to be sensitive to the needs of others.

Line managers will receive support in operating the Organisation's employment policies and procedures in order to facilitate fair and consistent decision-making. Occasionally senior managers will be required to attend training on a specific area of equality and diversity and cascade this information to their peers.

The Organisation will publish this policy on its website. It will make the policy available at tender and contracting stage as well as during the induction of new employees and trustees and within the employee handbook. The policy will also be communicated at staff meetings.

19. Grievances and Complaints

19.1. Employees

Employees who consider that that they may have been unlawfully discriminated against, bullied or harassed may use the Organisation's Grievance policy to make a complaint. The Organisation will take any complaint seriously and will seek to resolve any grievance that it upholds. Employees will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

19.2. Subcontractors and Suppliers

Subcontractors or suppliers who consider that they may have been unlawfully discriminated against, bullied or harassed should use the Organisation's complaints process to make a complaint.

19.3. Customers

Customers who consider that they may have been unlawfully discriminated against, bullied or harassed may use the Organisation's Complaint's policy to make a complaint.

19.4. Use of the Organisation's Complaints' policy does not affect any statutory rights.

20. Monitoring and Review Arrangements

Monitoring, reviewing and setting targets for continuous improvement is an essential part of managing the effectiveness of the the Organisation's EDI Policy in practice.

20.1. Collection and monitoring of data – employment of staff and volunteers

To facilitate the ongoing monitoring process, Groundwork will maintain records of the sex, marital status, disablement, age, gender ethnic origin, religion or belief and other socio-economic characteristics of all employees and job applicants. Such records will be used solely for the purpose of monitoring the equality of opportunity. Analysis of short-listing and selection decisions for employment, promotion, transfer and access to training as well as the composition of the workforce will be carried out. The results of monitoring will be collated and provided for review by Finance & Hr Subgroup and Senior Leadership Team. The results will be used to determine the effectiveness of the implementation of the policy and to identify where any adjustments need to be made to ensure that equal opportunities are afforded to all applicants and staff.

20.2. Collection and monitoring of data – participants on Groundwork provision

Groundwork will maintain the records of the sex, marital status, disablement, age, gender, ethnic origin, religion or belief and other socio-economic characteristics of participants on youth, employment and training provision to assess participation, retention, achievement and progression rates. The results of monitoring will be reviewed to assess the effectiveness of the Organisation's provision in ensuring equality of access and outcomes for participants by relevant Team Managers and the Finance & HR subgroup. Following review, any targets and actions to achieve improvement will be set.

20.3. Collection and monitoring of data – compliance with the General Data Protection Regulation

Under the General Data Protection Regulation (GDPR), it is possible to gather and analyse information about employees, applicants, learners or participants for diversity monitoring purposes, as long as the organisation has the legal basis for processing the data and, where applicable, are able to meet the rules that relate to processing Special Categories of Personal Data (e.g. race, sexual orientation). At the Organisation we will use this data to monitor the effectiveness of our diversity and inclusion policy, which would meet the legal basis for processing this data. All personal data will be processed and managed in line with our GDPR Compliant Data Protection Policy.