

Equality, Diversity & Inclusion Policy Statement

2017/18



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York Learning is a service provided and delivered by York Council.

Equality and Diversity Statement

York Learning is committed to providing equal rights, equal opportunities and mutual respect for everyone with whom the Service has contact. We recognise that people may be disadvantaged in a range of circumstances and we will actively work to engage with all our employees to understand, reduce and ultimately eliminate this disadvantage.

We have embedded equality and diversity into everything we do.

Equal Opportunities Actions

We will;

- Adhere to, and actively support, City of York Council's equal opportunities policies on culture, disability, gender, sexuality and race.
- Ensure all staff understand and follow all equal opportunities policies.
- Challenge negative perceptions and behaviour that discriminate against any individual or group on the basis of their culture, disability, gender, sexuality or race.
- Strive to develop and promote Service responses and practices that are fully inclusive and accessible for all.
- Respond to individual and group needs and concerns on the basis of respect, individuality and equality.

Our work will be progressed in a way that ensures that the voice of learners are heard and have influence on the provision of services for themselves and their community.

Implementation

All staff will have access to a copy of the Equal Opportunities Policy and comply with it.

York Learning monitor its own policy and practices and regularly review its services to ensure that there are no procedures, practices or barriers that discriminate against users or employees.

This will include:

- Close monitoring of feedback from service users to identify any perceived discrimination in the way they were treated by York Learning staff.
- Staff monitoring of current issues and acceptable terminology, bringing these to the attention of colleagues and adjusting our working practices accordingly
- Identification of potential areas of direct or indirect discrimination that are leading to under-use of the service.

The following principles will define our service:

- The location of York Learning, and any venues it uses for regular, planned activities complies with the Equalities Act (2010) guidelines.
- Any special language or communication needs will be identified and whatever steps are necessary to provide a consistent quality of service and information will be taken.
- The environment and information will reflect the diversity of our service users, colleagues and community.
- We will endeavour to reflect the diverse nature of society through notices, displays, materials and publications by using positive images and/or use of languages.
- York Learning will seek to actively encourage use of the service by all groups/ individuals.

Breaches

Where a service user feels that they have encountered discrimination by York Learning, the complaints procedure will be activated. Appendix 1 outlines the types of unlawful discrimination.

Areas of particular concern will be logged, discussed at team meetings and any appropriate action taken in line with York City Council's Equal Opportunities Policy.

Where there is evidence of discrimination by another party, the details will be referred to the appropriate organisation for investigation.

Legal Context

The Service welcomes and abides by all statutory provisions on equality and diversity. The Equality Act, 2010, recognises nine "protected characteristics":

- Race;
- Disability;
- Gender;
- Age;
- Sexual orientation;
- Religion and belief;
- Gender reassignment;
- Pregnancy and maternity;
- Marriage and civil partnerships.

Under the Act, the Service has a "public duty" to give due regard to:

- Eliminate discrimination, harassment and victimisation;
- Advance equality of opportunity. This includes the need to:
 - Remove or minimise disadvantage experienced by persons who share a protected characteristic;
 - Take steps to meet the needs of people who share a protected characteristic that are different from the needs of people who do not share the protected characteristic. This includes taking steps to take account of

- disabled people's impairments, even when that means treating disabled people more favourably or using positive action to achieve this duty;
- Encourage persons with a protected characteristic to participate in public life or any other activities where participation is disproportionately low.
 - Foster good relations – which can include tackling prejudice and promoting understanding between people of different groups.

THE EQUALITY ACT: 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.

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

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. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

Previous equality legislation recognised disability-related discrimination. The Equality Act 2010 replaces this with two new causes of action in relation to disability – indirect discrimination (see above) and **discrimination arising from a disability**. The latter occurs when a disabled person is treated less favourably because of something connected to their impairment.

Failure to make reasonable adjustments happens when an organisation fails to make reasonable adjustments for a disabled person, to avoid the disabled person being placed at a substantial disadvantage when compared to a non disabled person.

In the majority of cases, the Service will be legally liable if a court found that discrimination, harassment or victimisation had occurred. However, it is also important to realise that individuals can also be held responsible for their own actions.

Customers, suppliers and other people not employed by the Service

The Service will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the Company.

Employees and learners should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

The Service will seek to choose suppliers who work within an Equalities Framework. This requirement is reflected in the tender process and documentation. Where a supplier is found to have breached the E&D requirements of the Service and the Equalities Act the contract will be terminated with immediate effect.