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## EQUALITY, DIVERSITY & INCLUSION POLICY

### 1 Open Country:

- Believes that no person should suffer oppression or lack of opportunity based on these protected characteristics under the Equality Act 2010:

**ethnic or national origin, race; gender; age; disability (including mental illness); religion or belief; sexual orientation; gender reassignment; pregnancy and maternity; marital status or civil partnership status**

but also should not be discriminated against for their:

**political beliefs; health; responsibility for dependents; appearance; social class; income level or criminal record**

- Believes that all people have equal rights to work towards social justice and to participate in decision-making processes and local action.
- Believes that voluntary action is a means of combating disadvantage and contributes to the improvement of the quality of life for groups, communities and individuals and their empowerment.
- Believes that it has a role in affirming and enabling all people to collectively play an active part in their community.

### 2 Open Country is committed to the principles of the Equality Act 2010. It will:

- Seek to eliminate oppression and lack of opportunity within its work (including employment, volunteering, membership, governance and services).
- Work towards a just and participatory society.
- Challenge oppression and inequality.
- Give priority to working with those whose full participation in society is limited by economic, political or social disadvantage.
- Positively promote its core values in all areas of its work and structure.
- Implement ways of working that ensure equality of opportunity, participation, co-operation, democratic involvement and accountability.
- Fulfil all legislative requirements concerning equal opportunities.
- Encourage members and others with whom Open Country works to adopt and practice a similar policy.

The Board of Trustees is responsible for implementing and monitoring this policy in conjunction with the advice and assistance of the widest possible constituency. The Board will review this policy, the guidelines and their implementation annually.

## **EQUALITY, DIVERSITY & INCLUSION POLICY GUIDELINES**

These guidelines for action have been produced to aid the practical implementation of Open Country's Equality, Diversity & Inclusion Policy and to:

- Be a useful checklist
- Be specific enough to be useful, without being impossibly detailed
- Allow space for further developments of the policy in future

### **1 Membership**

Open Country aims to have a membership that fully reflects disabled people. To seek to ensure this we will:

- 1.1 encourage disabled people to join our activities.
- 1.2 actively encourage all voluntary organisations on our mailing list to become participating members.
- 1.1 annually monitor the composition of our membership and further encourage under-represented groups to become involved.

### **2 Board of Directors/Trustees**

Open Country aims to have a Board membership that fully reflects the areas we are working in. To seek this to ensure this we will:

- 2.1 annually monitor the composition of the Board in advance of the annual process of nominations to the Board and, if necessary, encourage under-represented groups to make nominations to the Board.
- 2.2 where necessary, co-opt individuals from under-represented groups on to the Board.
- 2.3 provide induction and support to all new Board members.
- 2.4 ensure that all Board members know that expenses are available and ensure that they are paid promptly.
- 2.5 at each meeting of the Board ensure that all Board members are responsible for ensuring that the conduct and decisions are in accordance with the spirit of our policy.

### **3 Services**

Open Country aims to provide services to many disabled people in Yorkshire and beyond, within the limits of our constitution and Vision. Open Country is working towards creating a welcoming and inclusive atmosphere to all and will positively encourage and assist disadvantaged and under-represented groups to use its services. We will, where appropriate:

- 3.1 consult with special interest groups to determine their needs.
- 3.2 provide special sessions to encourage involvement by groups who do not currently use our services.
- 3.3 ensure when planning a new piece of work that we consider the need of under-represented groups.
- 3.4 monitor our services regularly in relation to equal opportunities.

### **4 Access to all activities, meetings and events**

Open Country aims to make its service provision as accessible as possible. At all times we will seek to create a friendly and welcoming atmosphere for all, taking into account, where appropriate:

- 4.1 people's dependent and child care responsibilities.
- 4.2 different religious and cultural needs.
- 4.3 different sexual orientations.
- 4.4 personal safety.
- 4.5 timings of meetings.
- 4.6 single sex provision.
- 4.7 dates of major religious festivals.
- 4.8 access to public transport.
- 4.9 physical access including toilets.
- 4.10 dietary requirements.
- 4.11 access to information in large print, on tape, on computer disk or in Braille.
- 4.12 access to signers and induction loops.

### **5 Recruiting and employing staff**

Open Country recruits on the basis of the best candidate for the job, irrespective of any protected characteristics or other factors. Open Country will follow all legal requirements when recruiting and employing staff and also undertakes to follow current good practice. We will:

- 5.1 ensure that all those involved in the recruitment and employment of staff are aware of the policy and have received a briefing on implementation.
- 5.2 advertise in a range of publications, media and locations as appropriate.
- 5.3 state that Open Country is seeking to be an equal opportunities employer.
- 5.4 consider all jobs for their suitability for job share/flexi-time/part-time/term-time working and, where this has been agreed, indicate this in adverts.
- 5.5 consider ways and means of employing disabled people.
- 5.6 use clear language and avoid jargon in all adverts, application forms, job descriptions and person specifications.

- 5.7 use a standard application form and ask only for information relevant to the post to be filled.
- 5.8 write and review job descriptions and person specifications to ensure that they are accurate and fair.
- 5.9 send to all applicants for the post: a job description; a person specification;
- 5.10 details of the main conditions of service; and standard application form and monitoring form; and the policy.
- 5.11 undertake short-listing only on the job description, person specification and an agreed scoring system.
- 5.12 ensure the interviewing panel agrees a structure and common set of questions for the interview.
- 5.13 ensure that questions asked are fair, non-discriminatory and in accordance with good practice.
- 5.14 consider the needs of any disabled candidate & if necessary, seek advice.
- 5.15 make a selection based only on the candidates' performance in relation to the job description and person specification.
- 5.16 offer all unsuccessful candidates feedback on why they were not selected.
- 5.17 consider sympathetically the needs of staff who have childcare or other caring responsibilities, who are pregnant or about to become parents, or who have medical needs.
- 5.18 take disciplinary action against staff/volunteers who use discriminatory behaviour.
- 5.19 make available a grievance procedure to any member of staff (or volunteer) who considers themselves to have been discriminated against and ensure that they are aware of how to implement it.

## 6 Implementing and monitoring

Open Country regards the implementation of its Equality, Diversity & Inclusion Policy as a continuing process – a marathon, not a sprint. We will:

- 6.1 ensure that all staff, volunteers, and Board members have access to a copy of the policy and the guidelines.
- 6.2 provide training and guidance to ensure that all staff, Board members and volunteers understand their responsibilities under the policy and guidelines.
- 6.3 Publicise the policy and include it within the annual report and website.
- 6.4 On an ongoing basis, examine our procedures, service and work practices, to identify areas where improvements can be made.
- 6.5 Ensure the Board reviews the policy/ guidelines and their implementation.

This Policy is to be read in conjunction with our 'Recruitment Policy' and 'Training Policy'.

Policy prepared by:	David Shaftoe
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Last updated by David Shaftoe on:	15 <sup>th</sup> July 2023
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## ***Appendix 1: Equality and Diversity and Supporting Information***

### **Types of discrimination:**

#### Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone with a protected characteristic (see discrimination by association below).

#### Discrimination by association

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

#### Perception discrimination

This 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

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A *legitimate aim* might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make.

#### Harassment

Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual". Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

#### Third party harassment

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. You will only be liable when harassment has occurred on at

least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

### Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

(Source: 'ACAS The Equality Act – What's new for employers?')

### The Social Model of Disability

The social model of disability says that disability is caused by the way society is organised, rather than by a person's impairment or difference. It looks at ways of removing barriers that restrict life choices for disabled people. When barriers are removed, disabled people can be independent and equal in society, with choice and control over their own lives.

Disabled people developed the social model of disability because the traditional medical model did not explain their personal experience of disability or help to develop more inclusive ways of living.

(An *impairment* is defined as the limitation of a person's physical, mental or sensory function on a long-term basis.)

(Source: Scope.co.uk)

## **Appendix 2: Protected Characteristics defined in the Equality Act 2010.**

The following characteristics are protected characteristics—

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

## **Age**

(1) In relation to the protected characteristic of age

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular age group;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same age group.

(2) A reference to an age group is a reference to a group of persons defined by reference to age, whether by reference to a particular age or to a range of ages.

## **Disability**

(1) A person (P) has a disability if;

(a) P has a physical or mental impairment, and

(b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.

(2) A reference to a disabled person is a reference to a person who has a disability

(3) In relation to the protected characteristic of disability;

(a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability;

(b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.

(4) This Act (except Part 12 and section 190) applies in relation to a person who has had a disability as it applies in relation to a person who has the disability; accordingly (except in that Part and that section);

(a) a reference (however expressed) to a person who has a disability includes a reference to a person who has had the disability, and

(b) a reference (however expressed) to a person who does not have a disability includes a reference to a person who has not had the disability.

(5) A Minister of the Crown may issue guidance about matters to be taken into account in deciding any question for the purposes of subsection (1).

(6) Schedule 1 (disability: supplementary provision) has effect.

## **Gender reassignment**

(1) A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

(2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.

(3) In relation to the protected characteristic of gender reassignment;

(a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person;

(b) a reference to persons who share a protected characteristic is a reference to transsexual persons.

### **Marriage and civil partnership**

(1) A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner.

(2) In relation to the protected characteristic of marriage and civil partnership

(a) a reference to a person who has a particular protected characteristic is a reference to a person who is married or is a civil partner;

(b) a reference to persons who share a protected characteristic is a reference to persons who are married or are civil partners.

### **Race**

(1) Race includes colour; nationality; ethnic or national origins.

(2) In relation to the protected characteristic of race;

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular racial group;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same racial group.

(3) A racial group is a group of persons defined by reference to race; and a reference to a person's racial group is a reference to a racial group into which the person falls.

(4) The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group.

### **Religion or belief**

(1) Religion means any religion and a reference to religion includes a reference to a lack of religion.

(2) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.

(3) In relation to the protected characteristic of religion or belief;

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief;



(b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.

## **Sex**

In relation to the protected characteristic of sex;

(a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same sex.

## **Sexual orientation**

(1) Sexual orientation means a person's sexual orientation towards;

(a) persons of the same sex,

(b) persons of the opposite sex, or

(c) persons of either sex.

(2) In relation to the protected characteristic of sexual orientation;

(a) a reference to a person who has a particular protected characteristic is a reference to a person who is of a particular sexual orientation;

(b) a reference to persons who share a protected characteristic is a reference to persons who are of the same sexual orientation.