



TC02 – Equality and Diversity Policy and Procedure

Purpose

TOPCATS is committed to anti-discriminatory practice for everyone who uses our service. TOPCATS respects and values the diversity which exists in the wider community. We are committed to challenging discriminatory attitudes and work towards ensuring respect for all and preparing children and Young People for life in a diverse society.

To comply with the following:

- Equality Act 2010
- Part-time Workers (Prevention of Unfavourable Treatment) Regulations 2000
- Agency Workers Regulation 2010
- Employment Rights Act 1996
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)
- Trade Union and Labour Relations Act 1992
- Best employment practice with respect to Equality of Opportunities Young People and employees.
- The aims and objectives of the Equality and Diversity Policy are:
 - To encourage, promote and celebrate diversity in all our activities and services;
 - To ensure equal access to jobs and volunteer opportunities;
 - To ensure compliance with current legislation on discrimination and equality;
 - To create environments free from harassment and discrimination;
 - To maximise the use of resources in the best interests of staff, volunteers and the Young People;
 - To confront and challenge discrimination where and whenever it arises, whether it is between colleagues, or in any other area relating to TOPCATS' work;

- To make a willingness to accept and implement this policy a necessary qualification for any position in TOPCATS;
- To ensure, through positive action and so far as is practicable, that all TOPCATS premises and services are accessible to all people including those with disabilities;
- To ensure that employment and advancement within the organisation is determined by objective criteria and personal merit;
- Ensure that all children and adults are encouraged and able to achieve their full potential;
- Respect and value differences between people;
- Prepare children for life in a diverse society;

- Acknowledge the existence of prejudice and take steps to prevent it;
- Make our environment a place where everyone feels welcomed and valued;
- Improve our knowledge and understanding of beliefs, cultures and disabilities and additional needs;
- Access staff training when the opportunities arise.

Scope

All employees, job applicants, volunteers and Young People.

Policy

Introduction

- TOPCATS strives for high standards both as an employer and as a provider of services. In doing so, we recognise the need for encouraging diversity and wholeheartedly support a policy of equal opportunities in all areas of our work and responsibilities.
- This policy provides guidance to enable all who work with or for TOPCATS to comply with anti-discrimination legislation. Failure to follow the procedures in the policy may lead to disciplinary or other appropriate action.
- TOPCATS aims and objectives will be achieved through action planning, effective monitoring and a willingness to tackle problems where they arise. Through our training, publications, interaction with members and other activities, TOPCATS will ensure that those we work with know our statements of policy.
- TOPCATS will review, on an annual basis the content and implementation of its Equality and Diversity Policy and strategy. Where evidence is found of ineffectiveness, immediate remedial action will be taken to ensure implementation.

Definitions

- Equal Opportunities ensure that policies, procedures and practice within TOPCATS do not discriminate against the people within it and those who come into contact

with it. It is about treating people fairly and equally regardless of who they are, their background, culture, ethnic origin and their lifestyle.

- Diversity ensures that all people are valued as individuals and are able to maximise their potential and contribution to TOPCATS and to the community. It recognises that people from different backgrounds can bring fresh ideas and a different approach, which can make the way we work and learn more fun, more creative, more efficient and more innovative and more beneficial to TOPCATS.
- A number of characteristics are protected under the Equality Act 2010:
 - Race, including nationality, ethnic or national origin
 - Sex
 - Pregnancy or Maternity
 - Disability, including physical, sensory, HIV, cancer, mental health or leaning disability
 - Age
 - Religion or belief
 - Sexual orientation
 - Gender re-assignment
 - Married or civil partnership status
- Discrimination can take place in a number of ways:
 - Indirectly; e.g. by not requiring applicants to have British qualifications
 - Harassment; e.g. intimidating someone because of their religion
 - Victimisation; e.g. treating adversely someone who has complained in the past, such as a whistle-blower
 - Directly; e.g. by not appointing someone because of their ethnic origin
 - Association; e.g. because a partner has a re-assigned gender
 - Perception; e.g. because thought to be disabled even though they are not
 - Also see Harassment Policy for guidance in cases where harassment may occur.
- Positive Action refers to measures taken in order to assist employees who have been under-represented in specific areas, to reach a level of workplace knowledge and competencies that is comparable with 'representative' employees. These measures would normally take the form of additional training and making reasonable adjustments to the physical environment, job roles, assessments or documents and equipment. Since the Equality Act 2010, employers can also choose to hire candidates from under-represented groups provided that they are as qualified for the role as other applicants.
- We acknowledge the right of employees, under the Employment Rights Act 1996, to request flexible working and this is covered in a separate policy: Flexible Working Policy and Procedure

- Where employees are being recruited to or promoted to any position that is exempt from the Rehabilitation of Offenders Act we may ask the following question of applicants:
 - “Do you have any convictions, cautions, reprimands or final warnings that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)?”
- Applicants to exempted positions will be subject to a Disclosure and Barring Service (DBS) check. Risk assessments will be undertaken where relevant information is revealed either at interview or from a subsequent check.
- Employees should also remember that it is unlawful to discriminate against anyone because they are either a member of a trade union or are not a member.
- TOPCATS also urges staff, whether permanent, casual or temporary, and volunteers to be aware of the less obvious and insidious types of discrimination which result from general assumptions and pre-conceptions about the capabilities, attitudes, interests and characteristics of individuals.

Our understanding of Diversity and Equal Opportunities

Diversity is a management approach that means recognising each individual's personal merit and not allowing them to be disadvantaged by stereotyping or prejudice, nor by any conditions or requirements that cannot be shown to be justifiable.

Therefore TOPCATS will actively encourage diversity to maximise achievement, creativity, innovation and good practice and to bring benefits to individuals and communities.

We encourage all people who work with us and for us to contribute to an environment in which people feel comfortable in expressing how they feel and what they need, knowing they will be treated with respect and that their contribution will be valued.

We embrace equal opportunities as outlined above and the spirit and intentions of legislation that outlaws discrimination and promotes equality and diversity.

The way in which we work, train and learn within TOPCATS reflects both the mission and objectives of the organisation.

We will address these principles in all areas and particularly the following:

- Communicating our expectations
- Recruitment and promotion
- Interviews and selection
- Training, including induction training
- Benefits and terms and conditions of employment
- Young Person delivery

- Furthermore, TOPCATS will monitor the composition of its workforce and the Young People's base and take appropriate action if it appears that this policy is not fully effective in all areas of its operation.

Implementation

Expectations

Responsibility for implementing and developing the policy rests with the Management. The overall coordinating responsibility for equal opportunities and management of diversity also rests with the Management. However, TOPCATS believes that all who work with or for the organisation have an individual responsibility to accept the policy and ensure a personal involvement in its application and to cooperate actively to make the environment we desire a reality. Therefore:

TOPCATS expects individuals:

- To cooperate with measures introduced by TOPCATS to ensure equality of opportunity, diversity, non-discrimination and positive reinforcement;
- Not to harass, abuse or intimidate any other employee, job applicant, volunteer, trustee, Young Person in relation to any of the characteristics described in the Definition section above or for any reason whatsoever.
- To inform Management if they suspect discrimination is taking place in any shape or form.
- To raise matters through the grievance procedure if they are the subject of discrimination.
- To follow the Whistleblowing Policy and Procedure if they have a reasonable belief that the matter related to (and only if it relates to) the public interest.

No employee or other person covered by the scope of this policy will suffer detriment where matters are raised in good faith or reasonable belief.

Management at TOPCATS:

- To ensure that proper records of employment decisions are maintained and consistent with this policy and regular reviews of employment practices are carried out;
- To ensure that grievances are dealt with in a fair and consistent manner and in line with our grievance policy and procedure;
- To ensure that individuals within their area of responsibility are aware on a day to day basis of their legal obligations, and of the organisation's equality and diversity policy;
- To ensure that the highest standards of Equality of Opportunities practice are observed in the delivery of TOPCATS services and to undertake training and

development opportunities to ensure that their competence is maintained at all times.

The person with responsibility for Equality and Diversity will:

- Actively promote the benefits of employee and participant diversity, in employment, services and training and other activities;
- Seek the views and opinions of employees, volunteers, the Young People and their relatives/carers on the operation of the policy in his/her locality/area of responsibility, in particular to meet the diverse needs of the Young People who attend TOPCATS;
- Offer advice and guidance to members of staff, volunteers and organisations in TOPCATS's equality and diversity policy and procedures;
- Ensure that Management is supported in their role with regard to the Equality and Diversity Policy and Procedures;
- Ensure that Management is appraised regularly on the state of equal opportunities and diversity within TOPCATS and the public domain;
- Ensure that the Equality and Diversity Policy and associated documents are reviewed on an annual basis and any amendments or additions are cascaded to all employees, agencies and those who have a business relationship with TOPCATS;
- Review and approve policies, procedures and practices that impact on equal opportunities and diversity in practice;
- Coordinate the delivery of an equality and diversity strategy and action plan to be monitored and reviewed on a regular basis;
- Facilitate training and open discussion on equal opportunities and diversity issues as appropriate;
- Ensure reasonable adjustments are made to working practices, equipment and premises and offer, where appropriate, additional support to staff and volunteers to ensure that they are able to play a full and active part in TOPCATS's work;
- Where new processes are planned, ensure that an Equality Impact Assessment is carried out to establish if any discrimination is likely to occur as a result of the change, and to plan any remedial actions.

Admissions

- TOPCATS is open to all members of the community.
- TOPCATS welcomes all children/young people and parents/carers and families equally.
- All parents and carers can have access to our Equality & Diversity policy.

General

- TOPCATS handle questions about difference honestly, sensitively and openly.

- TOPCATS treats everyone with respect and with consideration of their diversity.
- TOPCATS provide a welcoming atmosphere with approachable staff.
- TOPCATS offers children a secure environment in which to explore their own culture
- TOPCATS actively seek ways to counter the learning of negative attitudes and behaviour towards differences.
- TOPCATS check that our resources reflect diversity and do not promote negative stereotypes.
- TOPCATS will differentiate and adapt our activity to ensure that young people with disabilities/additional needs can participate successfully in our service.

Recruitment and Promotion

- TOPCATS strives to ensure that all our employees, job applicants, volunteers and Young People reflect the wider community.
- TOPCATS will provide clear and accurate information on vacant posts through advertisement, covering job descriptions, person specifications and interview arrangements and all participants are judged against explicit and fair criteria. Wherever appropriate, vacancies will be advertised sufficiently widely to reach the widest possible range of candidates, either internal and/or external with positive action used where needed.
- Applicants will be informed through all recruitment material of TOPCATS's commitment to equal opportunities and diversity and the existence of this policy.
- TOPCATS will ensure that all staff have an understanding and knowledge of equality and diversity, and the characteristics of protected groups via the induction process and ongoing training and/or discussion.
- Care will be taken to ensure that 'essential' and 'desirable' requirements in Person Specifications are not discriminatory.
- TOPCATS will not use discriminatory job titles.

Interviews and Selection

- So far as reasonably possible, short-listing and interview panels will reflect the gender, disability and ethnic makeup of TOPCATS.
- The interview panel or person will take extreme care not to ask discriminatory questions unrelated to the requirements of the job.

Training

- In line with the intentions of this policy, TOPCATS will not discriminate in the provision of training courses, promotion, mentoring, secondment or other opportunities wherever possible.

- Appropriate training will be provided to enable staff and volunteers to perform their jobs effectively. The training offered will take into account the needs of all people.
- Briefing on this policy will form part of the first day Induction Procedure for all staff, including Lead Staff and volunteers.
- Staff and volunteers are encouraged to discuss their development and training needs, through a process of regular support and annual appraisals, to include an annual skills audit of employees.

Young People

- TOPCATS will endeavour to deliver services in a way that genuinely recognises the importance of an inclusive society that brings opportunities and access, not barriers and disempowerment, to individuals.
- TOPCATS strives to ensure that our Young Persons characteristics reflect the community from which they are drawn.
- TOPCATS will seek to ensure that our Young People are aware of their responsibilities to comply with the equality and diversity policy in their relations with other Young People, staff, and visitors to TOPCATS.
- Clear and accurate information on services available through TOPCATS will be publicised through open advertisement wherever appropriate to reach all potential Young People and their carers interested in attending.
- All advertising or informational material will not imply any preferred group, unless a genuine qualification exists limiting a vacancy to a particular group.
- Applicants for vacancies will be informed through all promotional and informational material of TOPCATS' commitment to Equal Opportunities and Diversity and the existence of this policy, and will make it clear that the policy applies to the Young People and their families as much as it does to employees/volunteers and other visitors.
- Person specifications may include 'essential' and 'desirable' requirements that are necessary and justifiable. Care and, where necessary, advice is needed to ensure that guidelines for admission are not discriminatory and are in line with laid down criteria.
- Vacancy and service descriptions and titles that are discriminatory will be avoided.

Enforcement

- TOPCATS recognises the need for a continuing commitment to genuine equal opportunities and diversity within the organisation. The effectiveness of the policy's aims and objective can only be judged by how the policy operates in practice.

Grievances

- Any staff member or volunteer who feels that they have been a victim of unlawful discrimination or unfairly treated in a way contrary to the intention of this policy should raise the issue through TOPCATS' established Grievance Procedure.
- Any Young Person, and in addition their relatives/carers, who feel that they have been unfairly treated in a way contrary to the intention of this policy should make a complaint through TOPCATS' Complaints, Compliments and Suggestions Policy and Procedure which will be directly reported to the Manager (Anne-Marie Battrick).
- Any job applicant who believes that they have been treated unfairly and contrary to the intention of this policy should raise the issue with Management.
- All incidents of discrimination by staff are disciplinary offences and will be dealt with under the Disciplinary Procedure.
- All incidents of discrimination by Young Persons will be dealt with in the first instance by the Management, and in the event of a failure to agree satisfactory remedies, this becomes a safeguarding issues and will be dealt with by Customer First.
- Incidents of victimisation, harassment or bullying will be dealt with in accordance with TOPCATS' Harassment Policy and Procedure. Where incidents of victimisation and harassment by employees or Young Persons are proven, the issue will be dealt under TOPCATS' Disciplinary Procedure.
- TOPCATS will not treat lightly or ignore grievances from members of disadvantaged groups on the assumption that they are over-sensitive about discrimination. All complaints/grievances will be dealt with consistently.

Disciplinary Procedure

- Any members of staff found to be in breach of this policy will be subject to disciplinary action. Any volunteer found to be in breach of this policy will be counselled on their actions and may, where necessary, be removed from TOPCATS' volunteer register.
- Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to serious breaches of this procedure.
- Any Young Person found in breach of this policy will, where appropriate, be counselled on their actions and may, where necessary, be refused future services from TOPCATS.

Monitoring

- The collection/analysis of data is vital in informing change and improving performance. Where appropriate, statistics on TOPCATS' services will be collected and analysed in relation to equality and diversity matters. We will review employee turnover and seek information on reasons for leaving through exit interviews. Local and national data or statistics will be used to benchmark our performance.
- Management will annually review equality of opportunity relating to TOPCATS' services. Recruitment and selection procedures will be monitored and reviewed annually by Management. All aspects of personnel policies and procedures shall be kept under review in order to ensure that they do not operate against the Equal Opportunities Policy.
- In order to determine the impact of this policy it is important that a monitoring system is developed, which will measure commitment, progress and effectiveness and good practice. The Equality and Diversity Policy and Procedure will be monitored and reviewed as follows:
 - The policy will be an annual agenda item at TOPCATS' quality team meetings.
 - Management will undertake an annual policy review for TOPCATS. All relevant parties will be encouraged to submit comments for consideration.
 - Where it appears that there may have been, or there is, a breach of the policy, Management will investigate the circumstances and action will be taken to counter any proven breach of policy. If the breach involves the Manager then the Senior Deputy Manager will carry out the investigation and vice versa. If it is found that the policy is excluding or discouraging the development of staff or volunteers or restricting the Young People, Management will take steps to re-adjust the policy.