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Equality, Diversity and Inclusion Policy

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Equality, Diversity and Inclusion Policy
People Services

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4.0	Nov 2021	Annual review - inclusion of explicit reference to social model of disability and how service users can raise EDI complaints. Move to two year review period.	EDI Lead/ SMT/ People Committee
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1. Policy statement

Victim Support is committed to supporting and promoting Equality, Diversity and Inclusion (EDI). This includes tackling all forms of discrimination and inequality in both the workplace and the services the organisation provides. This commitment is embraced by our Board of Trustees and informs all of our activities and their impact on our service users, employees, volunteers and other stakeholders.

The aim of the policy is to:

- create a positive culture throughout Victim Support, where equality, diversity, inclusion and respect are core values and at the centre of all our activities
- work towards the elimination of all forms of discrimination
- ensure staff, volunteers and trustees are engaged with the development and implementation of this policy
- encourage positive action to overcome disadvantage and discrimination
- ensure the highest possible standards are achieved in the delivery of our services to victims and witnesses and in our employment practices
- ensure equality, diversity and inclusion is promoted through our work, both internally and externally.

1.1 Definitions

Protected characteristics

Protected characteristics refer to the nine characteristics that are protected in the Equality Act (2010). The nine protected characteristics are: age, disability, gender reassignment¹, marriage/ civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.

Equality

Equality is about fairness, it is not about treating everyone in the same way, but it recognises that everyone's needs are met in different ways. It is based on the legal obligation to comply with anti-discrimination legislation. Equality protects people from being discriminated against on the grounds of the protected characteristics.

Diversity

¹ 'Gender reassignment' is the legal term used within the Equality Act to refer to people that don't identify with their sex assigned at birth. The term 'trans' is more inclusive of all trans people, including those that identify as non-binary and is less focussed on medical transition and so throughout the rest of this document the term trans or trans identity will be used.

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Diversity is about valuing all visible and non-visible differences and recognising and accepting that harnessing these differences creates an environment where everyone feels valued. A diverse approach aims to recognise value and manage differences to enable all employees to contribute and realise their full potential.

Inclusion

Inclusion is about positively striving to meet the needs of different people and taking deliberate action to create environments where everyone feels respected and able to achieve their full potential.

Positive action

Positive action means the steps that an employer can take to encourage people from specific groups with different needs or with a past track record of disadvantage or low participation to apply for jobs.

An employer can use positive action where they reasonably think (on the basis of some evidence) that:

- people who share a protected characteristic suffer a disadvantage connected to that characteristic
- people who share a protected characteristic have needs that are different from the needs of people who do not share it
- participation in an activity by people who share a protected characteristic is disproportionately low

Positive action can also be taken with regard to service delivery when the below three conditions are met:

You must reasonably think that a group of people who share a protected characteristic and who are, or who could be, using your services:

1. suffer a disadvantage linked to that characteristic
2. have a disproportionately low level of participation in this type of service or activity; or
3. need different things from this service from other groups

The intention of Positive Action is to:

- meet the group's different needs
- enable or encourage the group to overcome or minimise that disadvantage; or
- enable or encourage the group to participate in that activity.

2. Guidelines

Victim Support is committed to:

- creating an inclusive environment in which individual differences and the contributions of our employees, trustees and volunteers are recognised and valued
- creating a working environment that promotes dignity and respect for all
- a zero-tolerance approach to discrimination, bullying and harassment on the grounds of age, disability, trans identity (including gender identity and gender expression), marriage and civil partnership, pregnancy and maternity, race, religion and belief (including lack of belief), sex, and sexual orientation in employment, volunteering and service delivery
- implementing inclusive recruitment practices
- ensuring development and progression opportunities are available to all
- regularly reviewing service provision to ensure it is accessible, fair and appropriate to all groups within society
- providing information and training to all employees, trustees and volunteers to ensure that they are fully aware of EDI issues and their responsibilities relating to these areas
- ensuring the EDI strategy is fully implemented
- ensuring that no person or group of people will suffer detrimentally in promotion or dismissal
- ensuring workplace benefits are accessible to all
- monitoring our EDI service user data to enable us to set targets and address gaps to enhance our service to victims and witnesses
- monitoring our EDI workforce data so that we can work towards ensuring we reflect the communities we serve
- assessing the impact of our policies, practices and services among different communities and groups of people, including but not limited to the protected characteristics
- promoting the benefits of embracing EDI internally and externally
- embedding EDI into our policies, procedures and everyday practice
- ensuring the importance of equality, diversity and inclusion is communicated during the induction process
- regularly monitoring and reviewing this policy to ensure that inclusive practice is embedded.

Victim Support is committed to developing and maintaining a workplace culture of inclusivity and respect. Any discriminatory behaviour demonstrated by employees, volunteers, service users or trustees will be appropriately challenged in a polite and constructive manner and where necessary further action will be taken.

3. Legal requirements

In valuing EDI, Victim Support is committed to go beyond the legal minimum regarding equality and work towards best and exemplary practice. However, current equality legislation and associated codes of practice are taken into account, including, but not limited to the:

- Equality Act 2010
- Employment Rights Act 1996
- Part time working regulations 2000
- Rehabilitation of Offenders Act
- Equal Pay Act 1970
- Employment Equal Treatment Framework Directive 2000 (as amended)

The above legislation serves to protect individuals against all forms of discrimination because of a particular protected characteristic.

Under Equality legislation, it is unlawful to:

- discriminate directly against anyone and treat them less favourably than others on the grounds of the protected characteristics of: age, disability (including discrimination arising from a disability and failure to make reasonable adjustments), trans identity, marriage and civil partnership, pregnancy and maternity, race, religion and belief (including lack of belief), sex and sexual orientation. This also includes discrimination based on perception of the person e.g. a belief that someone is gay or a belief that someone is disabled even if this is not actually true.
- discriminate against someone for reasons relating to their association with a person on the grounds of the protected characteristics of age, disability, trans identity, race, religion or belief, sex and sexual orientation.
- discriminate indirectly against anyone by applying a criterion, provision or practice which disadvantages people with a protected characteristic (age, disability, trans identity, marriage and civil partnership, race, religion and belief (including lack of belief), sex and sexual orientation) unless the person applying the provision can justify it as a proportionate means of achieving a legitimate aim.
- subject someone to harassment for reasons relating to age, disability, trans identity, race, religion and belief (including lack of belief), sex and sexual orientation. This includes behaviour that an individual finds offensive on these grounds even if the behaviour is not directed at the individual. It is unlawful to treat a person less favourably because they either submit to, or reject, sexual harassment or harassment related to their sex.

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- victimise someone because they have made, or intend to make, a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination in line with the Equality Act.

See appendix 1 and 2 for further information regarding direct discrimination, harassment and victimisation.

3.1 Staff and volunteers raising EDI concerns

For staff please refer to the [Dignity at Work Procedure](#) regarding how to deal specifically with grievances (complaints) of bullying, harassment and victimisation and see the [Volunteer Handbook](#) and [Volunteer Management Policy & Procedures](#) for details of how complaints raised by and in relation to volunteers are handled.

3.2 Service users raising EDI concerns

For service users please refer to the '[Complaint about Victim Support](#)' section of our website for details regarding how to raise any complaints, including those related to discrimination and harassment on the basis of age, disability, trans identity (including gender identity and gender expression), marriage and civil partnership, pregnancy and maternity, race, religion and belief (including lack of belief), sex, and sexual orientation.

3.3 Related Policies

All VS policies and procedures support and embed our EDI policy. Please also see the following relevant documents:

- [Code of conduct](#)
- [Complaints Policy and Procedure](#)
- [Concerns at Work Flowchart](#)
- [Dignity at Work Procedure](#)
- [Whistleblowing Policy](#)
- [Volunteer Handbook](#)
- [Volunteer Management Policy & Procedures](#)

The [EDI pages of Surf](#) also contain further line manager guidance, fact sheets and resources regarding a range of EDI topics.

All related policies and procedures are available on VS's online Surf site for staff and volunteers, and this online version is the current approved procedure.

Any subject area mentioned in this document that you cannot find in an on-line policy or supporting procedure should be brought to the attention of VS's Assistant Director for People Services.

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4. Equal Opportunities

Victim Support is committed to equal opportunities in employment and service delivery. We will take every possible step to ensure that no person working with the organisation or seeking employment with us, or anyone using our services; will receive less favourable treatment or will be disadvantaged by requirements or conditions that cannot be shown to be justifiable on the grounds of their age, disability (including mental health), gender identity, gender expression, trans status, marriage or civil partnership status, pregnancy or maternity, race, colour, ethnic origin, religion or belief, sex or sexual orientation. We will also not discriminate on the grounds of trade union membership or political activities, socio-economic status, responsibility for dependents, part-time status or fixed-term contract status or any other reason which cannot be shown to be justified.

Selection criteria and procedures are reviewed regularly to ensure that individuals are selected and treated on the basis of their relevant merits and abilities. Our aim is that our workforce will be truly representative of all sections of society. Everyone should feel respected and valued and able to achieve their full potential. Victim Support aims to ensure it values and represents the diversity of communities both locally and nationally.

Victim Support is aware of the intersecting and multiple forms of discrimination people can face as a result of having multiple marginalised identities and that often this intersection is linked with poverty. We endeavour to acknowledge and understand the diverse experiences of our staff, volunteers and service users. We aim to provide services that are free of judgement and that are tailored to the needs of each individual.

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5. Reasonable adjustments

Under the Equality Act 2010 employers and organisations have a responsibility to make sure that disabled people can access employment and services as easily as non-disabled people. This is known as the ‘duty to make reasonable adjustments’.

Disabled people can experience discrimination if an employer or organisation doesn’t make a reasonable adjustment. This is known as a ‘failure to make reasonable adjustments’.

Victim Support is committed to supporting all disabled staff, volunteers and service users and wherever possible will ensure reasonable adjustments are put in to place for those that need them. For further information and the process regarding reasonable adjustments see the [Line Manager guidance - Supporting Disabled employees](#) and [Service Accessibility Procedure](#).

Victim Support uses the social model of disability in its approach to supporting disabled employees, volunteers and service users, acknowledging that it is people that are disabled by barriers in society, not by their impairment or difference.

6. Breaches of policy

All complaints of discrimination will be sensitively investigated and, if proven, will result in appropriate action for the perpetrator. Any employee or volunteers found to be in breach of this policy could be subject to disciplinary action and/or their continued engagement with Victim Support should be questioned.

In line with the Complaints Policy and Procedure if a service user complaint concerns alleged discrimination under the Equality Act the EDI flag should be set and the EDI category should show the type of discrimination alleged (if known). This will automatically alert the national EDI Lead.

7. Responsibilities

All staff, volunteers and trustees must adhere to this policy. The Senior Management Team and the Chair of the Board of Trustees are accountable for ensuring the policy is implemented.

Role of all employees, volunteers and trustees

- act in ways that respect and value the diversity of others.
- not discriminate unfairly against service users or other members of the organisation.
- challenge and report any behaviour towards a colleague or service user that could be interpreted as discriminatory.
- understand what is expected of them in terms of their performance, their behaviour and their conduct towards others.
- set a positive example at all times.
- complete appropriate mandatory Foundation EDI learning.
- VS encourages all staff to complete their anonymous EDI data on the Wave HR system. This data enables organisational understanding of how our teams represent the communities we serve and any actions that need to be taken to better represent these communities.

Role of line managers

Every line manager has a responsibility to:

- set a positive example by ensuring that their actions and behaviours promote EDI.
- stop inappropriate behaviour as soon as they become aware of it.
- support and implement action that Victim Support takes to improve diversity, inclusion and equal opportunities, where that action has been agreed as national policy or as a specific local initiative.
- encourage employees to maximise their contribution to the work of Victim Support and support them to reach their full potential.
- provide appropriate learning opportunities to staff and volunteers in order to put the EDI policy into practice.
- ensure that mandatory EDI learning is completed by all staff and volunteers
- encourage all staff and volunteers to complete their EDI monitoring data
- ensure staff and volunteers are aware of and carry out their responsibilities under the law and this policy.

Departments and services also have EDI responsibilities that are specific to their functions:

Support Services

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- have an understanding of how crime impacts people from different communities in different ways
- actively engage with underrepresented and marginalised communities to ensure that they feel able to access our services
- ensure that services are provided in a way that is tailored to the individual needs of each service user and are accessible
- collect service user EDI data so that it can be used to analyse who accesses our services

Business Development

- ensure that EDI and accessibility is considered from the outset and throughout the bidding process

Communications and Governance

- all communications internally and externally will be written, designed and communicated with accessibility in mind
- diverse imagery will be used where relevant to represent the diverse communities we serve

Finance

- we will ensure that persons engaged in any aspect of procurement on the behalf of Victim Support will work in accordance with our values and standards as outlined in this policy

Fundraising

- fundraising opportunities and activities must be accessible to all and reflect the values of VS

Technology

- we will ensure that technology enables and empowers staff and volunteers to be able to carry out their roles to the best of their abilities
- accessible technology will be made available wherever possible to those that need it in order to carry out their duties. Equipment will be made available within the Technology team SLAs, all request should be sent to the IT Service Desk

Knowledge and Insight

- lead on increasing the declaration rates for EDI service user data to enable analysis of who accesses our services and their satisfaction with the services provided
- produce research that takes consideration of the adverse impact of crime on minority and marginalised communities
- amplify the voices of victims from minority and marginalised communities

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- use our ability to influence policy and change makers to ensure that the criminal justice system is accessible to all

People Services

- ensure that mandatory EDI learning is provided and completed by all staff and volunteers
- provide additional EDI related learning and development opportunities to ensure that all staff and volunteers are equipped with the tools to provide support to a diverse range of service users
- ensure that our offices, buildings and spaces are safe and accessible for all people
- monitor grievances for EDI related complaints and address any issues raised
- Collect and analyse EDI data to enhance recruitment practices for staff and volunteers to ensure that we are representative of the communities we serve
- Embed equality, diversity and inclusivity into all employment and volunteering practices

This policy will be communicated widely within the organisation to all employees, volunteers and trustees and also made available on Surf (Intranet) and the website.

8. Status of policy

This policy is not a contractual term of employment. It is intended to act as a general framework only. It may be varied in any way and at any time where Victim Support reasonably deems this to be necessary.

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Appendix 1: Types of discrimination

Direct discrimination

This occurs where someone is treated less favourably directly because of:

- a protected characteristic they possess; and/or
- a protected characteristic of someone they are associated with, such as a friend, family member or colleague - this is direct discrimination by association; and/or
- a protected characteristic they are thought to have, regardless of whether this perception by others is actually correct or not - this is direct discrimination by perception

Indirect discrimination

This occurs when a policy, rule or procedure applies to everyone but has a disproportionate impact on people with a protected characteristic. It is usually less obvious than direct discrimination and can often be unintentional.

Associative discrimination

This means treating someone less favourably than another person because they are associated with a person who has a protected characteristic.

Perceptive discrimination

This means direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person doesn't actually possess that characteristic.

Harassment

Harassment is defined as 'unwanted conduct' and must be related to a relevant protected characteristic or be 'of a sexual nature'. It must also have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Generally, harassment:

- includes bullying, nicknames, threats, jokes, 'banter', gossip, inappropriate questions, excluding an employee, insults or unwanted physical contact
- can be verbal, written or physical
- is based on the victim's perception of the unwanted behaviour rather than that of the harasser, and whether it is reasonable for the victim to feel that way
- can also apply to a person who is harassed because they are perceived to have a protected characteristic, whether they actually have it or not
- can also apply to a person who is harassed because they are associated with someone with a protected characteristic

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- can also apply to a person who witnesses harassment because of a protected characteristic and which has a negative impact on their dignity at work or the working environment, irrespective of whether they share the protected characteristic of the person who is being harassed

Victimisation

Victimisation is when a person is treated less favourably than others for:

- making an allegation of discrimination, and/or
- supporting a complaint of discrimination, and/or
- giving evidence relating to a complaint about discrimination, and/or
- raising a grievance concerning equality or discrimination, and/or
- doing anything else for the purposes of (or in connection to) the Equality Act

Victimisation may also occur because a person is suspected of doing one or more of these things.

A person is protected under the Equality Act if they make, or support, an allegation of victimisation in good faith - even if the information or evidence they give proves to be inaccurate. However, a person is not protected if they give, or support, information or evidence in bad faith - in other words maliciously.

The Equality Act generally applies all of these types of discrimination to each of the protected characteristics but there are a few exceptions:

	Direct	Indirect	Harassment	Victimisation
Age	Y	Y	Y	Y
Disability	Y	Y	Y	Y
Gender Reassignment	Y	Y	Y	Y
Marriage and Civil Partnership	Y*	Y	X	Y
Pregnancy and Maternity	Y*	X	X	Y
Race	Y	Y	Y	Y
Religion or Belief	Y	Y	Y	Y
Sex	Y	Y	Y	Y
Sexual Orientation	Y	Y	Y	Y

* Not by association or perception

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Appendix 2: Examples of discrimination and harassment based on protected characteristics

Below are examples of behaviours and actions that could constitute discrimination, harassment and victimisation on the grounds of a protected characteristic. This list is by no means exhaustive but illustrates actions and behaviours that could be unlawful.

Age

Direct Discrimination on the grounds of age:

- an employer refuses to allow an employee to do a training course because they think the employee is 'too old', but allows younger colleagues to do the training.

Indirect discrimination on the grounds of age:

- a 22 year old employee finds out they are not eligible to be promoted because their employer has a policy that only workers with a post graduate qualification (such as a Masters) can be promoted. Although this applies to everyone it disadvantages people of their age because they are less likely to have that qualification.

Harassment on the grounds of age:

- during a training session at work, the trainer keeps commenting how slow an older employee is at learning how to use a new software package because of his age. The employee finds this distressing.

Victimisation on the grounds of age:

- a colleague complains of being called an 'OAP' at work. You help them complain to your manager. Your manager treats you badly as a result of getting involved.

Disability

Direct discrimination on the grounds of disability:

- during an interview, a job applicant tells the potential employer that he has multiple sclerosis. The employer decides not to appoint him even though

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he's the best candidate they have interviewed, because they assume he will need a lot of time off sick

Indirect discrimination on the grounds of disability:

- a job advert states that all applicants must have a driving licence. This puts some disabled people at a disadvantage because they may not have a licence because, for example, they have epilepsy. If the advert is for a bus driver job, the requirement will be justified. If it is for a teacher to work across two schools, it will be more difficult to justify.

Harassment on the grounds of disability:

- a disabled person is regularly sworn at and called names by colleagues at work because of her disability.

Victimisation on the grounds of disability:

- an employee has made a complaint of disability discrimination. The employer threatens to sack them unless they withdraw the complaint.

Gender Reassignment/ Trans Identity

Direct discrimination on the grounds of trans identity:

- an employee informs their manager that they intend to transition. Their employer then transfers them from their current role against their wishes because they don't want the employee to have client contact.

Indirect discrimination on the grounds of trans identity:

- Indirect discrimination happens when an employer has a policy or way of working that puts trans people at a disadvantage.

Harassment on the grounds of trans identity:

- a trans man is having a drink in a pub with friends, the landlord keeps misgendering the customer calling him 'Madam' and 'she' when serving drinks, despite him complaining about it.

Victimisation on the grounds of trans identity:

- a non-binary person is being harassed by a colleague at work, they make a complaint about the way their colleague is treating them and is then sacked.

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Marriage and Civil Partnership

Direct discrimination on the grounds of marriage and civil partnership:

- a woman works night shifts in a distribution warehouse but is dismissed when she gets married because her employer thinks a married woman should be at home in the evening.

Indirect discrimination on the grounds of marriage and civil partnership:

- Indirect discrimination happens when an employer has a policy or way of working that puts people who are married or in a civil partnership at a disadvantage.

Victimisation on the grounds of marriage and civil partnership:

- This is when you are treated badly because you have made a complaint of marriage or civil partnership related discrimination. It can also occur if you are supporting someone who has made a complaint of marriage or civil partnership related discrimination.

Pregnancy and Maternity

Direct discrimination on the grounds of pregnancy and maternity:

- Refusing to promote a pregnant employee because the employer assumes they will not be able to take on the additional duties.

Victimisation on the grounds of pregnancy and maternity:

- A pregnant employee is fired as a consequence of filing a complaint after getting demoted once they informed their employer they were pregnant.

Race

Direct discrimination on the grounds of race:

- A letting agency will not let a flat to a prospective tenant because of their race.

Indirect discrimination on the grounds of race:

- Indirect discrimination happens when an employer has a policy or way of working that puts people of a particular race at a disadvantage.

Harassment on the grounds of race:

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- A young British Asian man keeps being called a racist name by colleagues. His colleagues say it is just banter, but the employee is insulted and offended by it.

Victimisation on the grounds of race:

- the young man in the example above wants to make a formal complaint about his treatment. His manager threatens to sack him unless he drops the complaint.

Sex

Direct discrimination on the grounds of sex:

- a nightclub offers free entry to women but charges men to get in.

Indirect discrimination on the grounds of sex:

- An employer decides to change shift patterns for staff so that they finish at 5pm instead of 3pm. Female employees with caring responsibilities could be at a disadvantage if the new shift pattern means they cannot collect their children from school or childcare.

There are three types of harassment relating to sex.

The first type of harassment is the same as for all of the protected characteristics. It is when someone makes you feel humiliated, offended or degraded.

For example:

- A manager makes comments that there is no point promoting women because they go off to have children. Even though he doesn't direct these comments at a particular female employee, one of his staff is very upset by this and worries about her career. This could be considered harassment.

The second type of harassment is called sexual harassment. This is when someone makes you feel humiliated, offended or degraded because they treat you in a sexual way. This is known as 'unwanted conduct of a sexual nature' and covers verbal and physical treatment, like sexual comments or jokes, touching, or assault. It also covers sending emails of a sexual nature, or putting up pornographic pictures.

For example:

- A university lecturer makes sexual jokes to one of his female students and implies that she will pass her exams if she sleeps with him.

The third type of harassment is when someone treats you unfairly because you refused to put up with sexual harassment.

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For example:

- A manager invites one of his female employees home after they have been out for a drink. She declines. A couple of weeks later she is turned down for a promotion. She believes this is because she turned down her boss's proposition.

It can also cover unfair treatment even if you had previously accepted sexual conduct.

For example:

- The employee above did have a brief relationship with her boss. After it ended, she applied for a promotion but was turned down. She believes this is because the relationship with her manager had ended.

Sexual Orientation

Direct discrimination on the grounds of sexual orientation:

- at a job interview, a woman makes a reference to her girlfriend. The employer decides not to offer her the job, even though she is the best candidate they have interviewed.
- a hotel owner refuses to provide a double bedroom to two men.

Indirect discrimination on the grounds of sexual orientation:

- Indirect discrimination happens when an organisation has a particular policy or way of working that applies to everyone but which puts people of a specific sexual orientation at a disadvantage.

Harassment on the grounds of sexual orientation:

- colleagues keep referring to an employee as 'the only gay in the office' although he has asked them to not keep referring to his sexual orientation. The colleagues say this is just banter but the worker is upset and offended by it.
- An employee has recently come out as bi and members of their team repeatedly call them 'greedy' and say that they 'just haven't made their mind up yet'.

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