



Equality, Diversity and Inclusion Policy and Procedure

Policy & Procedure Implementation Checklist

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Version Number:	5
Approved by Board of Trustees on:	<i>Reported to the September 2023 Board Meeting</i>
Effective from:	<i>1st September 2023</i>
Date of next review:	<i>1st September 2025</i>
Diversity / Equality Impact Assessment required:	<i>This amendment includes reference to recognising a young person and employee's chosen name and sex.</i>
Data protection compliant:	Yes
Staff training / update required:	<i>All staff to be updated via October 2023 Staff Newsletter</i>

Equality, Diversity and Inclusion Policy Summary

The Policy outlines BACKUP's commitment to fostering an environment where diverse backgrounds and experiences are valued. In summary, the Policy aims to promote equality, diversity, and inclusion across all areas of BACKUP's operations.

- *It covers all staff, volunteers, and young people and is based on the Equality Act 2010.*
- *The Act protects against discrimination based on 9 personal characteristics:*
 - *sex*
 - *age*
 - *religion or belief*
 - *race*
 - *disability*
 - *sexual orientation*
 - *marriage or civil partnership*
 - *pregnancy or maternity*
 - *gender reassignment.*
- *Discrimination can be direct, indirect, harassment, or victimization.*
- *BACKUP staff are expected to recognise a transgender employee or young person's preferred name and gender to the greatest extent possible.*
- *The policy outlines intended outcomes like reflecting the community served.*
- *Trustees are responsible for implementing and monitoring the policy.*
- *Staff must comply and be aware of barriers discrimination can take.*
- *The policy will be publicised and made accessible. Training will be provided.*
- *Reasonable adjustments will be made for disabilities.*
- *Anonymous data on applicants will be collected and monitored for inequality.*
- *Progress will be reported annually and the policy reviewed after incidents.*

Policy

1. Statement

1.1. BACKUP is committed to developing and maintaining an organisation in which differing ideas, abilities, backgrounds and needs are fostered and valued; where those with diverse backgrounds and experiences are both able and feel able to participate and contribute. We are committed to treating people equally and value openness, accessibility, fairness and transparency.

1.2. The charity defines:

Equality	making sure everyone can access the same opportunities – but also recognising that some groups or individuals require more treatment and support to get them to an even playing field
Diversity	taking into account and valuing the differences between people
Inclusion	how safe and welcome people feel working at, for, alongside and receiving support from, BACKUP.

1.3. This policy covers all staff employed by BACKUP, all BACKUP volunteers and everyone who receives a service from the charity and is based upon the 2010 Equality Act, which replaced:

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003[5]
- Employment Equality (Age) Regulations 2006

- 1.4. Many of the sections within the previous pieces of legislation dealing with discrimination had overlapped, and the Act simplified the law and made it easier for all to understand and apply.

Procedure

1. The Equality Act and protected characteristics

1.1. The Act makes it unlawful to discriminate against someone on the grounds of any of the following characteristics:

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

which are referred to as '*protected characteristics*'.

Sex

1.2. A reference to a person who has a particular protected characteristic is a reference to a man or to a woman.

1.3. Under the Equality Act 2010, 'sex' is understood as binary, being a man or a woman. For the purposes of the Act, a person's legal sex is their biological sex as recorded on their birth certificate. A trans person can change their legal sex by obtaining a Gender Recognition Certificate. A trans person who does not have a Gender Recognition Certificate retains the sex recorded on their birth certificate for the purposes of the Act.¹ (See paragraph 2.7, below for further information.)

¹ [What the Equality Act says about the protected characteristics of sex and gender reassignment | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/what-the-equality-act-says-about-the-protected-characteristics-of-sex-and-gender-reassignment)

Religion or belief

- 1.4. Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief is one that affects life choices and includes man-made climate change, spiritualism and ethical veganism.

Sexual orientation

- 1.5. The Equality Act 2010² defines sexual orientation as:

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- (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.

² [Equality Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Gender reassignment

1.6. The Equality Act 2010² defines gender reassignment as:

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- (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.

1.7. BACKUP is aware that discussions around access to single sex spaces and the interpretation of protected characteristics can be contentious. However, the charity is committed to acting within the requirements of the law and aims to ensure that all staff and young people³ feel safe and are free from harassment.

2. Discrimination

2.1. The main types of discrimination are:

- **Direct**
 - This occurs where a person is treated differently because he/she has protected characteristics (e.g. race or sex).
 - Direct discrimination may even occur by association (where a person is treated differently because he/she is associated with a person who has a protected characteristic) or by perception (because a person appears to have a protected characteristic he/she is treated differently).

³ BACKUP uses the term “*young people*” to refer to the people who need to use its services; as opposed to service users, customers or clients.

- Direct discrimination may be failing to promote a person, dismissing them, or not employing them in the first place because of their protected characteristic.
- **Indirect**
 - This form of discrimination is not as obvious and can be unintentional. Indirect discrimination occurs when an organisation has a policy, requirement or practice that appears to apply to all, but its effect in practice disadvantages a particular group of people with a protected characteristic.
 - Indirect discrimination may require for example that a person should be of a certain height, or have worked for a long time before being eligible to apply for a particular role.
 - If the height/age requirement cannot be justified the organisation may be found to be discriminating against a particular group of people who find it difficult to meet the requirement
- **Harassment**
 - This occurs where the conduct or behaviour is unwanted and relates to one or more of the protected characteristics. The conduct must have the effect or purpose of violating a person's dignity or creating a hostile, intimidating, degrading, humiliating or offensive environment for the person receiving it.
 - Harassment can include name calling, threats, jokes, banter, being excluded, insults, and unwanted physical contact.
- **Victimisation**
 - Victimisation happens when a person is treated differently because he/she has made an allegation of or supported a complaint of discrimination. It can even be where the person has given evidence relating to a complaint of discrimination, or raised a grievance concerning discrimination.
 - Examples of victimisation could include situations where an employee, having brought a discrimination claim against their employer and having remained in employment, was ostracised as a consequence.

3. Change of name and personal pronouns

- 3.1 BACKUP will support any young person, or member of staff who wishes to change their name, or use different pronouns (provided the name change is not offensive or insulting). Name changes can be informal, or can be made official when done by Deed Poll.

- 3.2 Where a young person or employee makes an informal name change, BACKUP will commit to prioritising their chosen name and pronouns in all communication. In some instances of external communication regarding young people or employees, an individual's legal name will have to be used for purposes of identification, but the preferred name will always be included and indicated.
- 3.3 BACKUP staff are expected to recognise a transgender employee or young person's preferred name and gender to the greatest extent possible.
- 3.4 Changing name and title does not change a person's legal sex. This can only be achieved by getting a Gender Recognition Certificate.

4. Outcomes

- 4.1. The intended outcomes of this Policy are:
- BACKUP acts in compliance with relevant statutory requirements, specifically the Equality Act.
 - BACKUP's workforce better reflects the community we serve.
 - there are no significant differences in the employment experience of those with protected characteristics and those without
 - BACKUP employees understand and respond effectively to the diverse needs of the communities we serve in order to promote equal access to our services.

5. Statement of responsibility for policy and procedure

- 5.1. The Board of Trustees, acting through its Chair is responsible for
- Implementing and monitoring the policy and procedure;
 - Agreeing any Operational Plan of Action that works towards eliminating any discriminatory practices.
- 5.2. Employees are expected to:
- To comply with the letter and spirit of this policy.
 - To be aware of the various behaviours and barriers that discrimination can take and understand the negative impact that these can have.

6. Developing and publicising our policy

- 6.1. A copy of our policy will be made available through our website to all applicants for employment, staff, partners and young people.

7. Implementing the policy

- 7.1. BACKUP will seek to make our services accessible to applicants from disadvantaged groups for housing or employment.
- 7.2. BACKUP will aim to establish a work culture that values diversity, inclusiveness, and respect, and empowers our staff to reflect those values in their dealings with clients, stakeholders, and the public.
- 7.3. We will ensure that Trustees, volunteers and staff are aware of this policy at induction and then through follow on training.
- 7.4. We will take steps to help users of our services understand this policy and know how to alert the relevant Service Manager or Director of instances of discrimination or harassment.
- 7.5. We will investigate urgently any claim of discrimination or harassment, using the timescale and process set out in our Complaints Policy, and report the outcome to the Board of Trustees.

8. Reasonable adjustments

- 8.1. Discrimination against a disabled person occurs where an employer fails to comply with a duty to make reasonable adjustments imposed on them in relation to that disabled person, the employer must:
- avoid the substantial disadvantage where a practice applied by or on behalf of the employer puts a disabled person at a substantial disadvantage compared to those who are not disabled.
 - Remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a disabled person at a substantial disadvantage compared to those who are not disabled.

- Provide an auxiliary aid where a disabled person would, but for the provision of that auxiliary aid, be put at a substantial disadvantage compared to those who are not disabled.

8.2. BACKUP will strive to ensure that reasonable adjustments are made for staff and young people, *wherever possible and practical*.

9. Monitoring this policy

9.1. Because BACKUP defines equality as essentially being about fairness and ensuring that we all have the best possible chance to succeed in life, whatever our background or identity, we are aware that this sentiment is fairly pointless if we are not able to monitor and act on inequality.

9.2. However, as a relatively small organisation, we are conscious of the time, effort and cost associated with meaningfully achieving our stated commitment to equality, diversity and inclusion. We will collect and monitor details of the sex, disability and

ethnic origin of all applicants for housing or employment and report these results to the Board of Trustees annually.

9.3. We will seek opportunities to update the Board of Trustees, householders, volunteers and staff on current practice and to monitor whether residents are aware of this policy.

10. Reviewing this policy

10.1. The Director of Business and Director of Services will report annually to Board on the charity's performance, based on the monitoring information collected, and on progress with any specific initiatives agreed in the previous year's report. The Board of Trustees will agree a plan of action for the forthcoming year to enable BACKUP to better meet the stated aims of this policy.

10.2. The Board of Trustees will review this policy after every incident in addition to the organisation's policy and procedure review timetable.

This policy is due for renewal on the
1st September 2025

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Registered Charity Number 1064698. Company Number 3399617.