

Achieving for Children Equality and Diversity Policy

Introduction

Achieving for Children's (AfC's) commitment to equality and diversity is enshrined in Achieving for Children's promise which states that:

'We will embrace diversity and champion inclusion'

This means that we respect cultural difference and value diversity in order to enrich our organisation and meet the needs of the communities we serve, and we identify and address inequalities.

As an organisation, we are focused on providing equality of opportunity and tackling discrimination, harassment and intimidation. We are also focused on achieving the highest standards in service delivery, decision-making and employment practice. Equality of opportunity for children, young people and families and the workforce is an important part of our commitment to equality and diversity.

Background and context to equality and diversity policy

Achieving for Children recognises its responsibilities under equality and diversity legislation and implements its duties as set out under the Equality Act 2010¹.

The act covers nine protected characteristics on the grounds upon which discrimination is unlawful².

- **Age:** referring to a person belonging to a particular age (for example, 32 year olds) or range of ages (such as 18 to 30 year olds)
- **Disability:** a person has a disability if they have a physical or mental impairment which has a substantial and long term adverse effect on that person's ability to carry out normal day-to-day activities
- **Gender reassignment:** the process of transitioning from one gender to another
- **Marriage and civil partnership:** marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters
- **Pregnancy and maternity:** pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
- **Race:** refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins;

¹ Details of equality and diversity legislation can be found in the appendix to this policy

² Details of different types of discrimination can be found in the appendix to this policy

- **Religion or belief:** religion has the meaning usually given to it, but belief includes religious and philosophical beliefs including lack of belief (for example, atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition
- **Sex:** a reference to a man or to a woman
- **Sexual orientation:** whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Achieving for Children will not tolerate less favourable treatment on the grounds of any of the protected characteristics or on any other grounds that cannot be justified.

Aims of the policy

Achieving for Children will:

- aim to eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- aim to advance equality of opportunity between those who share a relevant protected characteristic and those who do not share it
- foster good relations between those who share a relevant protected characteristic and those who do not share it, and promote community cohesion between different communities
- ensure we meet our duties under the Equality Act 2010. We are committed to improving equality practice for children, young people and families and for staff in Achieving for Children, and will make adequate resources available to do this.

Objectives of the policy

To ensure:

- services are easily accessible and are capable of responding to the different and changing needs of our children, young people and families
- we are able to identify and take action to combat discrimination in service delivery on the grounds of any of the protected characteristics, or on any other ground, which cannot be justified
- vulnerable children, young people, families and carers are identified and supported
- economic inequalities are addressed in partnership with other organisations
- heritage and diversity is celebrated
- consultation and engagement activities are effective and inclusive of all children, young people and families
- equality is promoted in partnerships, procurement and when commissioning our services

- we are able to identify and take action to combat discrimination in employment practice on the grounds of any of the protected characteristics, or on any other ground, which cannot be justified
- Achieving for Children's workforce is committed to equality and reflective of the diverse communities it serves

Implementing the policy

We will do this by:

- ensuring the Achieving for Children Joint Committee and Achieving for Children Senior Leadership Team oversee and scrutinise our progress against the Equality Duty
- ensuring our staff are aware of the Equality and Diversity Policy and receive appropriate training
- monitoring all areas of employment, including recruitment, promotion, training opportunities, pay, grievances and disciplinary action, to ensure there is equal treatment for all employees and that action is taken where any disparity is found
- ensuring that all contractors and organisations providing services on our behalf have rigorous and appropriate equality policies covering employment and service delivery which meet the requirements of the Public Sector Equality Duty
- linking with performance improvement plans, external and internal inspections, and reviews that cover equality performance in services areas as part of wider improvement measures
- ensuring that equality objectives are regularly set, monitored and reviewed as part of the business planning process, and an equality analysis (EA) schedule is established and actions resulting from EAs are monitored. We will report our progress against the Public Sector Duty as set out in the Equality Act on in our annual equalities report
- ensuring that all service restructures or reorganisations, and all new services, policies or functions are subject to EA, and all services delivered by Achieving for Children carry out an EA as appropriate on regular basis
- working with children, young people and their families to help develop, monitor and review our policies, practices, functions and services

Roles and responsibilities for implementing, monitoring and reviewing equality and diversity

- The Achieving for Children Senior Leadership Team are responsible for ensuring that Achieving for Children are operating with a legal and contractual framework.
- The Achieving for Children Chief Executive has overall responsibility for driving forward Achieving for Children's work on equality and diversity relevant to the functions and services they deliver.

- The Deputy Chief Executive has overall responsibility, alongside the Strategy and Transformation Team, for supporting managers and employees in driving forward all of Achieving for Children’s work on equality and diversity and in meeting its equality duty.
- The Achieving for Children Joint Committee will be expected to provide challenge to ensure that that Achieving for Children Board and Chief Executive are fulfilling their roles effectively.
- This policy will be reviewed on 1 April 2019 by the Achieving for Children Equalities Lead to judge its effectiveness, or updated sooner in accordance with changes in legislation.

Date created	August 2017
Signed by:	Ian Dodds, Deputy Chief Executive, April 2018
Equality Analysis completed (yes/no):	Not applicable

Equality and Diversity legislation

The new Equality Act came into force on 1 October 2010. It brings together over 116 separate pieces of legislation into one single act. Combined, they make up a new act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

The act simplifies, strengthens and harmonises the previous legislation to provide a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society. The nine main pieces of legislation that have merged are:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007

The Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations) came into force on 10 September 2011. The Regulations set out the specific public sector equality duties that certain public bodies must comply with. The aim of the specific duties is to help public bodies comply with the general duty to promote equality in the workplace contained in the Equality Act 2010, which has been in force since 5 April 2011.

General Equality Duty

The General Single Equality Duty requires public bodies, in the exercise of their functions, to be aware of the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between those who share or have different protected characteristics. The duty explains that being actively aware of the need to advance equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Types of unlawful discrimination

Types of unlawful discrimination are set out below.

- **Direct discrimination** is where an individual is treated less favourably than another because of a protected characteristic. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.
- **Indirect discrimination** is where a condition, rule, or practice is applied that applies to everyone, but particularly disadvantages people who share a protected characteristic 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. Staff will 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. It does not matter whether or not this effect was intended by the person responsible for the conduct.
- **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 because others think that the individual has a particular protected characteristic. It applies even if the person does not possess the characteristic (other than marriage and civil partnership, and pregnancy and maternity).
- **Discrimination arising from disability** is when a disabled person is given unfavourable treatment where the reason for the unfavourable treatment is not the disability itself, but something that arises in consequence of the disability. Unlike direct discrimination, in this case, there is no need for the disabled person to compare themselves with anyone else. They just need to show that they were treated unfavourably and that this treatment was linked to their disability.
- **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 customers. For an employer to be liable:
 - the harassment must have occurred on at least two previous occasions
 - it must be aware that the previous harassment has taken place
 - it must have failed to take reasonable steps to prevent harassment from happening again

- **Victimisation** occurs when an employee is subjected to a detriment because they 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 they acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare their treatment with someone who has not made or supported a complaint under the act.
- **Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared to someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.