

Equality and Diversity Policy

1. Our commitment to Equality and Diversity

One of the core organisational values within Autism East Midlands is to promote high quality services that care for, support and protect the people living in and accessing our services.

Equality is not about treating everyone the same but about valuing a person 'as an equal' regardless of their characteristics and ensuring people are treated in accordance to their needs in order to achieve an equal or fair outcome.

An equal society values human diversity and recognises that diversity brings a range of skills, knowledge, values, styles, perspectives and ideas. Freedom from discrimination and equality of opportunity are basic rights of every person.

Autism East Midlands is committed to challenging inequality and celebrating diversity in order to promote fairness and equality. This will support people achieving their own potential and a good quality of life.

Everyone should be able to access Autism East Midlands services, facilities and information in ways that suit their needs. Individuals, family members, carers, professionals and staff must have trust and confidence to report incidents of abuse or discrimination.

Diversity within the needs of the staff membership and of the service users is supported by processes such as flexible working arrangements and the extension of day service provision to include evenings and weekends.

2. Our Legal Duties

Under the Equality Act 2010 Autism East Midlands has legal duties to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct; and
- advance equality of opportunity and foster good relations between people.

The duties include nine 'protected characteristics':

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

Autism East Midlands acknowledges and understands its legal duties and will use this legislation and national guidance as a framework to improve and maintain standards and be accountable to the people living, accessing and working in our services.

Equality obligations and considerations will be built into our everyday work from strategic planning, policy and decision making through to how we support and / or deliver services and employ our staff.

This requires a commitment, ownership, leadership as well as performance monitoring, scrutiny and engagement with individuals, families, professionals and other organisations.

3. Why do we have an Equality and Diversity Policy?

We have an Equality and Diversity Policy to help ensure we treat people fairly and comply with the law. Prejudice and discrimination can affect the lives of many people; some people receive unfair treatment as a result of negative stereotyping, assumptions, ignorance or intolerance. This means that some people are not provided with the same opportunities as others and are not treated with the dignity and respect they deserve, Autism East Midlands is committed to working consistently towards achieving the eradication of discrimination and provision of an inclusive environment for all.

Discrimination can be unwitting, when someone does not realise they are discriminating unlawfully. This can occur when people develop policy and practice based on their own preferences, needs and values and they do not stop to consider the different needs of others. The law however does not recognise ignorance as a defence.

4. Our Supporting Policies, Structures and Processes

In order to reduce the risk of unlawful discrimination we have a number of supporting policies, structures and processes in place in addition to this policy. These include, but are not limited to:

- Recruitment Policy
- Procedures for reporting incidents of discrimination and Hate Crime.
- Service User Involvement Policy
- Comments and Complaints policies
- Regular supervision and appraisal procedure for all staff
- Autism East Midlands Quality Assurance self assessment audit framework
- Flexible working policy

5. Responsibilities

As a provider of services it is important that Autism East Midlands staff understand about equality and diversity and how to operate in a non discriminatory and inclusive way.

Employees and staff working on behalf of Autism East Midlands can be held personally liable for acts of unlawful discrimination where Autism East Midlands has taken all reasonable steps to prevent such an act and educate staff.

All Staff must comply with this policy and breaches may lead to disciplinary action.

Everyone who uses Autism East Midlands services should be treated in line with this policy. This includes service users, families, professionals, staff and any other persons involved in Autism East Midlands services / support.

The Senior Management Team will ensure good governance of Autism East Midlands and will have overall responsibility to ensure the policy is consistently applied and taken into account when setting strategic direction and reviewing performance.

Registered Managers and Assistant Managers must ensure all staff are aware of the policy and trained to meet its requirements and that equality is clearly incorporated in to policy, design and delivery of services.

6. Key Principles

Autism East Midlands expects **ALL** staff to adhere to five key principles:

1. Ensure acceptable behaviour.
2. Respond to complaints and incidents in a positive and pro-active way.
3. Provide access to services, facilities and information.
4. Recruit and employ people fairly.

5. Meet specific needs.

Principle One: Ensure Acceptable Behaviour

Treat everyone with dignity and respect:

- Treat people fairly and according to their needs. Try not to make assumptions.
- Be patient and helpful particularly if someone has difficulties communicating, understanding or with mobility.
- Communicate clearly.
- Be courteous and polite; respect property and culture particularly

Think about how your actions will affect others

- Be aware the effect your own behaviour and body language has on others. Recognise and guard your own prejudices. We all have a right to hold our own thoughts, beliefs and ideas, but this does not mean we have a right to express these thoughts if they lead to discrimination or cause offence or harass people.
- Do not act in a way that would humiliate, offend, degrade, intimidate, frighten, threaten, undermine or abuse someone. Do not promote or allow others to act in this way.
- Do not use language or images which would be regarded as racist, sexist, homophobic, transphobic or insulting about disability, age, or religion and belief. Do not promote or allow this.

Help people change for the better

- Where possible, tell people if their behaviour has been unacceptable and advise on appropriate alternatives so they are given the opportunity to change. Tackle things, however small, at an early stage so they do not get worse.

Principle Two: Respond to Complaints and Incidents in a Positive and Pro-active Way.

Everyone has the right to complain in good faith about discrimination without being victimised at any time. This means people should be able to raise concerns without feeling awkward, threatened or isolated.

Discrimination can include harassment, not being able to access a service or information, or being treated less favourably or unfavourably because of a protected characteristic. If someone complains about discrimination:

Handle complaints properly:

- Handle complaints sensitively, using complaints procedure. Listen to concerns with care.
- Those receiving the complaint about discrimination should accept the incident is discriminatory (for example racist or sexist) as perceived by the victim. This is unless, and until such time, it is reasonably proved otherwise (following an investigation into the matter).
- Provide or make arrangements for appropriate support for all those involved.

Resolve matters positively:

- Resolve matters as quickly as possible. Where possible, matters should be resolved informally and at source, before they escalate.

- Explore the options to resolve issues. For example, mediation, advocacy, contacting appropriate personnel or agencies to advise on good practise or the best course of action.
- Where mistakes have happened, the organisation should admit to them and learn from them.

Principle Three: Provide Access to Services, Facilities and Information

It is Autism East Midlands aim to provide a welcoming, friendly environment which is easily accessible to all, to take steps to improve access to services, facilities and information where needed and to be honest about what we can and cannot do.

Make sure information is accessible:

- Follow standards set out for each individual by the Speech and Language Team to aid communication with the people who access our services. In particular consider the needs of all people accessing Autism East Midlands services as well as families and professionals and take steps to make information accessible and easy to read as possible.
- Staff must be aware that each individual's needs shall differ and therefore they will need to ensure they are person centred in their approach to making information accessible.

Provide alternative formats when needed:

- Provide alternative formats in line with individual needs. In particular, provide information in a different format if someone is unable to access information they need in it's original format, this might include, large print, Easy Read words or symbols, Makaton, PECS or resources in other languages, alongside use of information technology.
- Autism East Midlands also have a legal duty to anticipate reasonable adjustments for disabled people and make information readily available in alternative formats where there is an anticipated need.

Make sure meetings and events are easy to access:

- When organising meetings or events Autism East Midlands has a duty to make sure we know of any special requirements such as diet, access or communication support is required and to ensure venues are accessible for all.
- Arrange meetings in good time so that necessary communication support is put in place in preparation and that staff find out what specialist support may be needed to best support individuals, families, professionals.
- Take account of people's ability to get to meetings and events such as public transport link, disabled parking bays, gradients or steps around the building, an individual needing staff support.
- Consider commitments caring responsibilities and religious holidays including the implications of fasting when setting a date and time.

Monitor and review services (including policy and practice):

Senior Management Team will need to ensure that services are monitored and reviewed effectively to ensure they meet equality duties:

- Carry out Quality Assurance audits to check for any positive or negative impacts a service or policy may have on individuals. Ensure we are working in a person centred way, gaining the views of individuals, families and professionals and acting

responsibly by acting on any issues or concerns raised and that we evidence how we have done this and what the results were.

- Audits will be carried out by way of the Safeguarding and Quality Assurance Manager completing spot audits, Managers auditing their service and peer auditing across all services. Following the audit actions will be set and timescales given to implement and make improvements or adjustments where needed.
- Involve all people involved with and accessing Autism East Midlands services as far as possible seek views and use for making improvements or adjustments if needed.

Make sure buildings are accessible:

- Make reasonable adjustments to avoid a substantial disadvantage to people, ensure facilities are available, lifts, disabled parking etc.

Principle Four: Recruit and Employ People Fairly

Employees and people applying for a job must not be discriminated against because of a protected characteristic. This means that people must be provided equality of opportunity in all aspects of recruitment, selection, appraisal, training, promotion / transfer, work allocation, supervision, reward, recognition, retirement, redundancy, career development and any other conditions of employment or work environment.

All staff must be treated fairly and their diversity valued, recognising the different experiences, skills and knowledge people have and the different contributions they make.

Staff must also be provided with a work environment where they are free from harassment or other barriers to performing their role. This means creating a culture in which staff also contribute to a positive working environment for the benefit of everyone.

Advertising jobs openly:

When advertising jobs, make sure that they draw the attention of a wide range of applicants, in line with employment policies. In special circumstances such as redundancy and redeployment, priority can be given to internal candidates.

Use non-discriminatory job criteria and take positive action to ensure a diverse workforce:

- When creating job descriptions and person specifications, do not include criteria that could directly or indirectly discriminate against someone. 'Essential criteria' should be just that and should not be excessive. Desirable criteria should only be used in a competitive situation (except for applicants with disabilities who will be shortlisted on essential criteria only).
- Only use criteria (skills, knowledge and attributes) directly relevant to the job. Do not use qualifications, length of experience and local government experience as 'essential criteria' unless required by law or government regulations and consider transferable qualifications, skills and knowledge.
- Genuine Occupational Qualifications / Requirements may apply to some jobs. For example, where a female service user requires / seeks a female worker to carry out intimate care, state the relevant legal clause in advertisements where this applies.
- Give fair consideration to applications from people seeking to work part time or job share.
- Lawful positive action may be taken to achieve a workforce that reflects our wider community at all levels.

- Advertisements and interview procedures must reflect the job description and person specification (which is non-discriminatory), follow equality standards, and should promote our commitment to equality.
- Tests may be used to check suitability objectively. Any selection tests must be relevant and validated by Human Resources to ensure that they are free from cultural, racial, gender or any other form of bias so that they do not indirectly discriminate.
- Do not ask candidates questions (formally or informally) that are not directly relevant to the job (for example, questions about family life or hobbies).
- Other than in the following circumstances, do not ask questions about disability or health prior to job offer:
 - diversity monitoring (provided this is clearly anonymous and properly separated),
 - checking ability to carry out the functions of the role or selection tests,
 - checking if any reasonable adjustments are needed,
 - occupational requirements
 - and for positive action purposes.

Monitor and review employment practice:

- Employment policies need to adhere to Codes of Practices and best practice to ensure they are not discriminating and are promoting equality of opportunity.
- Monitoring (the collection of men/women, racial groups, disabled people and other relevant characteristics, and use the information to take action to address any imbalance under workforce strategy.
- Personal data collected for monitoring purposes must be done so on a voluntary and anonymous basis, in line with Data Protection rules.
- The reasons for monitoring should be clearly stated in order to encourage a positive return rate. Inform staff who are asking questions of the sensitivities of monitoring and why this is being carried out.

Principle Five: Meet Specific Needs

Autism East Midlands approach must not be based on assumption that everyone is White British, heterosexual etc. The way we operate and the images and language we use should reflect and be sensitive to the diverse communities we have, however small.

The categories below reflect 'protected characteristics' as defined within the legal framework:

Age Equality

Applies to: All people of all ages; those at most risk of prejudice and discrimination are younger and older people:

- Do not use as a determining factor for physical or mental performance or as the deciding factor for access to services or employment including recruitment, training and promotion opportunities.
- Age specific services, conditions and benefits may be provided if they meet a General or Specific Exception, or can be objectively justified or for positive action purposes. General and Special Exceptions include:
 - Where another piece of legislation allows or requires people to be treated differently such as age limits to adopt or foster.

- Where a charity caters for a particular age range.
- Any kind of concession.

Gender Identity and Sex Equality

Covers: Men, women, gender re-assignment, gender identity, pregnancy and maternity. Those most at risk of prejudice and discrimination are women (who are often parents / carers of young children and older dependents), men with caring responsibilities and people undergoing or who have undergone gender re-assignment. When there is an imbalance of men or women, the minority gender may be disadvantaged:

- Managers must support staff undergoing gender re-assignment so they are able to work in a safe and positive environment and follow guidance provided by Human Resources.
- Flexible working can help staff balance their lives inside and outside of work. Where necessary, managers should support male and female staff in making choices about their parenting, caring and work roles.
- Male and female staff will be paid the same for doing work of equal value and a job evaluation system in use.
- Managers and learning providers should provide male and female staff equal opportunities for career development.
- Care should be taken not to reinforce gender stereotypes in the workplace.

Disability Equality

Applies to: Disabled people (covered by the definition under the Equality Act 2010) including: people with a physical impairment, sensory impairment, learning disability or difficulty, mental health condition, long term health condition or illness, cognitive impairment or severe disfigurements.

Most frequent barriers faced by disabled people include: physical access to facilities, including transport, buildings, streets, communications access (written word or images, speech or sounds); attitudes and assumptions made; and stressful situations.

Take positive action:

- Take steps to meet needs and achieve equal outcomes even if this requires 'more favourable treatment'. For example, putting parking bays for disabled drivers near to the entrance, adjusting an application process, providing support of advocacy.
- Encourage social, educational and economic inclusion in order that disabled people can take control over their own lives.

Make reasonable adjustments to overcome barriers for disabled people:

Follow relevant points under principle 3 and 4. Reasons should be given where it is not possible to make an adjustment.

Staff with a disability must be asked usually during the yearly appraisal process, what can be done to make sure they can develop and use their abilities at work.

Action must be taken to ensure that key staff develop an awareness of disability.

Make reasonable adjustments so that buildings are accessible and welcoming to disabled people:

- Where possible, people with physical disabilities should be able to access buildings and environments through the same routes as other people. By making main

entrances and routes fully accessible people can get around the building independently and easily:

- Provide clear and simple signage and maps which use easy words and symbols to aid communication of information.
- As part of access improvement plans, adjust entry systems, reception points, waiting and public meeting rooms and security barriers so that people with communication or physical mobility difficulties can get through and communicate as easily as people without:
- Check that doors are wide enough and automatic doors allow enough time to get through.
- Are there toilet systems in place and staff know how to use them?
- Put buttons to open doors/access lifts at a height suitable for wheelchair users and keep them free from obstruction to allow wheelchair users to access them
- Consider evacuation procedures for disabled people in the event of an emergency. Wheelchair accessible fire exits should be clearly signposted and where there is more than one floor, safe areas with a means of communication should be provided.

This whole section is based on the premise that it is a physical mobility issue, loss of sight has not been considered, nor access points for those with loss of hearing,

Racial Equality

Applies to: All people; skin colour, race, national origin, nationality, settled and travelling communities of Travellers and Gypsies, ethnicity (shared history, cultural traditions, ancestral origin, language).

We need to ensure we do not adopt a 'colour blind approach' or focus too much on cultural diversity. This means we should recognise the relevance of racial equality and ensure we challenge inequalities as well as celebrate diversity.

- Having a 'colour-blind approach': this is where racial equality is not seen as relevant in predominantly White areas and ethnic minority communities are ignored. In some cases 'low numbers' has led to low prioritisation, despite the fact that people from ethnic minority communities are more likely to experience barriers in accessing services, discrimination or Hate Crime. Ethnic minorities are perceived as 'the problem' but 'the problem' is often other people's perceptions or a result of embedded social inequalities such as a poor understanding of needs including language support, cultural awareness and the need to build trust and confidence between ethnic minority communities and public services. 'Invisibility' can result in products made only for paler skin and pictures always of White people.
- Focusing too much on 'cultural diversity': this approach recognises the need to respect, accommodate and celebrate different cultures and traditions but does not address racial prejudice and discrimination. The organisation will fail to take steps to tackle disproportionate under or over representation in access to services or employment or address racism head on, even deny racism exists.

Religion and Belief Equality

Applies to: All people – 'believers' and 'non-believers', including those who follow a particular faith or religion, and those who do not such as atheists and agnostics.

- Managers at different locations will need to consider the needs of staff to observe their daily prayer and seek a solution that is reasonable, dignified and fair.

- Cultural and religious festivals, Sabbaths and holidays should be acknowledged and recognised across the organisation so that leave is not unreasonably withheld from staff who may wish to celebrate them.
- Managers will need to consider requests for extended leave for religious pilgrimage or funerals and such requests must not be unreasonably refused. Where necessary, unpaid leave should be considered if annual or compassionate leave has been used up.
- Respect people's rights to dress in accordance with a genuine religious requirement (e.g. clothing, headwear or jewellery). Dress restrictions should only apply where there is a substantial and proven risk to health, safety and security or the dress is proven to interfere with a member of staff's ability to perform their duties, or any other substantial and objective reason.

Sexual Orientation Equality, marriage and Civil Partnership

Applies to: All people including heterosexual people. But gay, lesbian and bisexual people are most at risk of prejudice and discrimination. Marriage and Civil Partnership status.

- Acknowledge same sex relationships and give partners equal access to services and benefits available to heterosexual and married couples.
- When asking questions about marital status also include civil partnership, however people should not be expected to classify either/or unless this is relevant (i.e. applying for a civil partnership ceremony). Only ask questions that may reveal marital/partnership status or sexual orientation if it is essential and do not force people to disclose such information. Where relevant, 'spouse/partner' should be used instead of just 'spouse' or just 'husband/wife'.
- Encourage a culture of openness about sexual orientation, recognising at the same time that some staff may not be 'out' for family reasons, or for fear of how they may be treated, or may just choose not to be out, either at work or out of work. This is legitimate personal choice which should be supported by our policies and practices. It does not need or invite justification. Everyone should avoid the assumption that people are 'heterosexual until forced to prove otherwise'.

Policies which tackle inequalities for those most at risk, however small in numbers, can benefit everyone.

Glossary

Prejudice: Making a negative judgement based upon little or no facts. Making assumptions. Pre-judging someone.

Negative Stereotyping: Using common traits or caricatures to describe someone or a group in a way which leads to prejudice and discrimination. Assuming that 'all people are that way' if they have that appearance, nationality or gender etc.

(Unlawful) Discrimination: Can be – direct, indirect, positive, harassment, victimisation and institutional.

Direct Discrimination: Treating someone less favourably.

Indirect Discrimination: A provision, criteria or practice which puts someone at a disadvantage and cannot be reasonably justified.

Positive Discrimination: Offering opportunities to someone because of their race, gender etc. Usually unlawful but can be allowed in limited circumstances under a Genuine Occupational Requirement.

Harassment: Unwanted conduct which has the purpose or effect of violating dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Victimisation: Treating someone less favourably because they have made a complaint or allegation of discrimination, or given evidence in good faith.

Institutional Discrimination: The collective failure of an organisation to provide an appropriate and professional service to different people. It can be detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping which disadvantages people.

Hate Crime: Criminal acts which are motivated by, for example. Someone's hatred of or prejudice towards another's race, religion, sexual orientation or disability.

Positive Action: Providing people with opportunities to complete or contribute on an equal basis. Raising awareness. Making reasonable adjustments.

Reasonable Adjustments: An adjustment that is needed to help overcome a barrier or a disabled person. For an adjustment to be considered 'unreasonable' and therefore not carried out, the cost or inconvenience would have to far outweigh the benefit.

Lesbian, gay, bisexual, heterosexual, transsexual / transgender, Intersex:

- Sexual orientation is 'who you are attracted to'. Heterosexual people are naturally attracted to people of the opposite sex. The term homosexual, for historic reasons, is widely heard as offensive and therefore lesbian and gay or bisexual are preferred terms (LGB for short). Lesbian women, and gay men are naturally attracted to people of the same sex. Bisexual people are naturally attracted to people of both sexes.
- Your sex is your biological make up which defines if you are physically male or female. Some people are born intersex in which their sex is ambiguous.
- Your gender is defined by which sex you 'feel you are' which is a result of how the brain is structured: undergone a hormonal and/or surgical sex change so that the physical sex corresponds more closely with their true gender. People who are transgender /transsexual may be heterosexual, lesbian, gay or bisexual which is determined by their orientation (not their gender or sex)
- Transvestites dress in the normal style of the opposite gender. How someone dresses does not determine sexual orientation or gender. For example a male transvestite may still identify as a heterosexual man.

Inclusive: Making sure that all people can participate, whatever their background or circumstances.

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