



the brain injury association

Equity, diversity and inclusion policy

1. Introduction

We are committed to ensuring equity, diversity and inclusion for our employees and across all our services, promoting understanding of the principles and practices of equality and justice. We are committed to working within the framework of the law and promoting best practice, ensuring that our workplaces are free from unlawful or unfair discrimination on the grounds of race, nationality, ethnic or national origin, gender (including gender reassignment), marital status, disability, age, sexual orientation, maternity and pregnancy and religious or philosophical beliefs. These are known as protected characteristics.

We aim to ensure that all staff are able to achieve their full potential and that all employment decisions are taken without reference to irrelevant or discriminatory criteria. We will promote dignity and respect for all and foster a culture where individual differences and the contributions of all staff are recognised and valued. We have adopted this policy as a means of helping Headway achieve these aims.

This policy is non-contractual and may be amended from time-to-time.

2. Application

This policy covers all aspects of our organisation to include how our employees, volunteers and service users are treated by Headway. It covers but is not limited to:

- recruitment.
- pay and conditions of employment.
- training and continuing professional development.
- promotion.
- appraisals.
- grievances and disciplinary matters.
- ending employment.
- giving references.

- access to our services.
- how beneficiaries and partners and supporters are treated.

This policy applies to all employees, apprentices, consultants, officers, contractors, interns, volunteers, job applicants, agencies, and casual workers.

If you are an employee, this policy does not form part of your contract of employment and we may amend it at any time.

You should read this policy in conjunction with our other policies, including Headway's harassment and bullying, recruitment, and grievance policies.

3. Our commitment and aims

We will not tolerate discrimination or harassment and are committed to promoting equal opportunities for those who work for us, with us and those who access our services.

We will treat our staff, supporters, volunteers, partners and those accessing our services fairly and continue to review our policies and practices in relation to equity, diversity and inclusion to ensure we are accessible and relevant to all.

We take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, volunteers, and any others in the course of Headway's work and activities. We will never victimise anyone who makes a legitimate complaint to us about harassment or discrimination, or who supports a colleague in their complaint.

This policy is underpinned by the following further commitments and aims:

- To provide an environment free from all forms of unlawful discrimination, including victimisation and harassment.
- To provide a workplace capable of allowing everyone to achieve their greatest potential, and where individuals are willing to give their best.
- To ensure a charity-wide understanding of the message promoted by this policy.
- To ensure all staff and volunteers, through inductions and training, understand their rights and responsibilities under this policy.
- To ensure there is equal access to training, development, pay and promotion for all staff.
- To maintain our commitment to recruiting based on ability to do the job, aiming to be truly representative of all sections of society to include our volunteers, service users.

- To amend this policy if we think it has become outdated, or circumstances suggest to us that it needs updating.
- To protect staff, volunteers, and service users wherever possible, from being victimised or treated less fairly if they make or support a complaint in good faith under this policy; and
- To wherever possible, make reasonable adaptations for employees or volunteers, who have additional needs to enable them to fulfil their role.

4. Implementing equality of opportunity

If you are employed by or volunteer for Headway you are expected to conduct yourself in a manner that is not discriminatory, and we will take all possible steps to ensure that equal opportunity is maintained. These steps include:

- i. Using fair and objective criteria in recruitment and employment decisions. Our selection procedures will be reviewed from time to time to ensure that they are appropriate for achieving our objectives and avoiding unlawful discrimination.
- ii. Person and job specifications being limited to those requirements which are necessary for the effective performance of the job. Interviews will be conducted on an objective basis.
- iii. In accordance with recommended practice, the make-up of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief and disability will be monitored on an anonymous basis at all levels.
- iv. Where possible, reviewing working patterns to enable us to offer flexible working to staff who require it. Where necessary, special provision will be made for staff returning to work following a break for domestic or health reasons.
- v. Staff and volunteers in the course of their work and delivery of services implement equality of opportunity.
- vi. All staff having a right to equality of opportunity and a duty to implement this policy. Breach of the Equity, diversity and inclusion policy is potentially a serious disciplinary matter. Anyone who believes that they may have been disadvantaged on discriminatory grounds is entitled to raise the matter through the grievance procedure.

5. How the law defines discrimination

Discrimination may be direct or indirect, and it may be intentional or unintentional. The following list gives you a general description of the types of acts that may both breach this policy and be unlawful. Sometimes actions can be intentional and sometimes unintentional. We include examples of both types in this list:

Direct discrimination

Direct discrimination occurs where someone is treated less favourably than others for a reason connected to a protected characteristic. For example, rejecting an applicant on the basis of their race because they 'would not fit in' would be direct discrimination, as would refusing to promote someone because they are pregnant.

Indirect discrimination

Indirect discrimination occurs when someone is disadvantaged by an unjustified provision, criterion or practice applied to all staff that also puts other people with the same protected characteristic at a particular disadvantage. For example, a requirement to work full time puts women at a particular disadvantage because they generally have greater childcare commitments than men. Such a requirement would have to be objectively justified for a good business reason.

Associative discrimination

This is where somebody is treated less favourably because of the personal characteristics of somebody else. For example, treating an employee less favourably because their parents are Jehovah's Witnesses.

Perceived discrimination

This occurs where someone is treated less favourably because someone wrongly believes they have a particular protected characteristic. For example, treating an employee less favourably because someone thinks he is gay, when in fact he isn't gay.

Harassment

Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose of violating someone's dignity or creating an intimidating, hostile, humiliating, or offensive environment (see Headway's Harassment and bullying policy for further information).

Examples of harassment are name calling, lewd comments, excluding colleagues, making insensitive jokes, and displaying pornographic material to colleagues.

Victimisation

Victimisation is also prohibited. Victimisation is less favourable treatment of someone who has complained or given information about discrimination or harassment or supported someone's complaint.

Victimisation has a much more restricted legal meaning than in real life. It happens when a worker has complained about harassment or discrimination, or has supported a colleague in their complaint, and is then treated less favourably as a result.

Examples: an employee who is treated less favourably because they spoke up on behalf of one of their colleagues in a harassment investigation, or an employee who is dismissed under a pretext because they have complained of discrimination.

There are other actions which can be unlawful under the equal opportunities legislation. Examples include:

- failure to make reasonable adjustments to minimise certain disadvantages suffered by a disabled employee (or job applicant);
- instructing another person (or applying pressure on them) to discriminate;
- knowingly assisting somebody else when they carry out a discriminatory act; and
- discriminating against somebody believed to have a protected characteristic, whether or not they actually do, or because they associate with a third party who does.

6. How we carry out our responsibilities and duties

Management and the wider workforce are essential to ensuring the success of this policy. We all have a legal responsibility to comply with it, and any of us – however senior or junior we are – may be personally liable for unlawful discrimination if we breach its terms.

Overall responsibility for the effective implementation and operation of the policy lies with management, specifically with the board of trustees and Chief Executive. Everyone working at managerial level is expected to act in full accordance with this policy, lead by example, and attain and maintain appropriate standards of behaviour within the teams they manage.

The ethos and standards covered by this policy can only be achieved and maintained if everyone in our workforce cooperates fully. It is important to understand that you have a legal responsibility to comply. If you breach this policy, you may also make the charity liable for your actions. We expect you to take personal responsibility for adhering to this policy's aims and commitments and for drawing any actual or potential breaches to our attention.

7. How we enforce this policy and handle breaches

We will investigate any complaint or allegation you raise regarding a potential breach of this policy. If you believe you have been harassed or discriminated against you should contact your manager or the Chief Executive as soon as possible. If you want to take formal action, you will need to follow our grievance procedure and read our policy on harassment and bullying.

You will face disciplinary action if we find you have harassed or discriminated against anyone else in breach of this policy. Sometimes this type of behaviour may amount to gross misconduct, in which case you may be dismissed without notice.

Occasionally, people make complaints knowing they are not true. They might do this to avoid or deflect disciplinary action. We view any complaint made in bad faith as an act of misconduct and this will normally lead to disciplinary action. In some cases, bad faith complaints may lead to summary dismissal for gross misconduct.

8. How we monitor whether this policy is working

We may record and analyse information about equal opportunities within the workplace, and when you join Headway you give us consent to gather and process this data about you. We use the information to make sure this policy is working properly and to refine it where that is needed. We also use the information to review the composition of our workforce, and to promote workplace equality.