



City Gateway Equality and Diversity Policy and Guidance

Related policies

Bullying and Harassment Policy
Safeguarding Policy and Guidance
PREVENT Policy
Learner Behaviour Policy
Data Protection Policy
Staff Equal Opportunity Monitoring Policy
Complaints Procedure

Policy and Guidance Document Content

City Gateway Equality and Diversity Policy and Guidance	1
Related policies	1
Policy and Guidance Document Content	1
1. Background	2
1.1 Our commitment	2
1.2 The law	2
1.3 The City Gateway Context	2
1.4 Definitions	3
2. Equality	4
2.1 City Gateway's Equality Commitments	4
2.2 Dignity at work	4
2.3 Young people, volunteers partners, other people not employed by City Gateway.....	5
2.4 Equality Training	5
2.5 Staff and volunteer responsibilities.....	5
2.6 Grievances	6
2.7 Monitoring and review.....	6
3. Diversity.....	6
3.1 Leadership.....	6
3.2 Recording Equality and Diversity Data	6
3.3 Policy development.....	7
3.4 Diversity Training.....	7
3.5 Communication, marketing and consultation	7
3.6 Resources	7
3.7 Measurement.....	8



1. Background

1.1 Our commitment

- i. City Gateway is an Equal Opportunities organisation. As such, we maintain a strong commitment to promote equality in line with the Public Sector Equality Duty, (Equality Act 2010), and strive to ensure that all staff and service users have equal access, to services, supported by a culture of equality and diversity, promoting participation for all.
- ii. City Gateway is committed to providing equal opportunities in employment and to avoiding unlawful discrimination and unfair discrimination in employment and against volunteers and service users.
- iii. City Gateway values the differences that a diverse workforce brings to the organisation.
- iv. City Gateway values the enhanced learning environment that a diverse service user group brings to the organisation.
- v. City Gateway will not discriminate because of age, disability (including HIV status), discrimination arising from a disability (including that of a family member), gender reassignment, marriage and civil partnership, pregnancy and maternity, race (which includes colour, nationality and ethnic or national origins), religion or belief, sex, sexual orientation or postcode. It will not discriminate because of any other irrelevant factor and will build a culture that values meritocracy, openness, fairness and transparency.
- vi. The policy is applicable to all employees, volunteers, service users, communities and partners, whether permanent or temporary. The policy applies to all processes relating to employment and training and to any dealings with customers and clients. Decisions relating to customers and communities will be based on business-related criteria only and any irrelevant information will not form part of the process.
- vii. This policy is intended to assist City Gateway to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.
- viii. Striving to ensure that the work environment is free from harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. City Gateway has a separate Bullying and Harassment policy, which deals with these issues.

1.2 The law

- i. It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".
- ii. Discrimination after employment may also be unlawful, for instance refusing to give a reference for a reason related to one of the protected characteristics.
- iii. Staff should not discriminate against or harass a member of the public in the provision of our services.
- iv. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

1.3 The City Gateway Context

In Tower Hamlets postcode gangs and related violence is a recurrent issue. In response to this, we have added postcodes as a protective characteristic for the purpose of this policy and related procedures.

As an organisation we have a long and successful history in working with service users from a range of cultures and backgrounds. We work to ensure all service users and their data are protected in line with both this Equality and Diversity Policy and the Data protection Act. As an organisation we acknowledge that not all of our service users, when they first come to us have the capacity in terms of both language and concepts to understand either equality or diversity issues directly, or how information on these issues is used. To ensure all service users are treated fairly in the recording and use of Equality and Diversity data, as an organisation we:

1. Enable service users to review and update the information held on them in regards to equality and diversity



2. We allow service users to not divulge information they deem to be personal to themselves
3. We record if a service user is unable to understand or answer questions about equality and diversity
4. We maintain a commitment to work with service users to ensure they are developing an understanding of equality and diversity issues.
5. We ensure service users understand how equality and diversity data is used, prior to recording.

City Gateway aims to maintain positive relationships between staff and with service users; it is critical, therefore, that all staff are aware of their duties and requirements in line with equality and diversity under the Equal Opportunities Act 2010. This is embedded through effective training and monitoring within all elements of service delivery, including teaching, learning, assessment, IAG, youth work and all other support services.

1.4 Definitions

Positive action

The Equality Act 2010 allows an employer to take positive action if job applicants or employees who share a particular protected characteristic suffer a disadvantage connected to that characteristic or if their participation in an activity is disproportionately low. Employers can offer, for example:

- develop selective training programmes
- advertise in such a way as to encourage applications; and/ or
- train staff responsible for recruitment and selection.

Positive discrimination

Offering someone a job or promotion on the basis of their gender or race is positive discrimination and is illegal. Quotas (as opposed to targets) are also illegal.

Types of unlawful discrimination:

Direct discrimination is where a person is treated less favourably than another on the basis of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

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 provision, rule, policy or practice is applied to everyone but particularly disadvantages people who have a protected characteristic and it cannot be shown to be a proportionate means of achieving that 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. 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 for association with another individual who has a protected characteristic.

Perceptive discrimination is where an individual is directly discriminated against based on a perception that he/she has a particular protected characteristic when he/she does not in fact have that protected characteristic.

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 clients or customers. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);



- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she 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 he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments and is then systematically excluded from all meetings; such behaviour could amount to victimisation.

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 with 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. Definition of a disabled person is a person with “a physical or mental impairment which has a substantial and long-term effect on their ability to carry out normal day-to-day activities”¹.

2. Equality

2.1 City Gateway’s Equality Commitments

- City Gateway will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. A GOR will be included in adverts should a requirement exclude a protected characteristic. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.
- Recruiting managers will not discriminate against protected characteristics when shortlisting and appointing candidates and training on equality and diversity is provided including unconscious bias, (there is a useful free tool for recruiting managers²
- City Gateway will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if City Gateway considers it has good reasons, unrelated to any protected characteristic, for doing so. City Gateway will comply with its obligations in relation to statutory requests for contract variations. City Gateway will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.
- City Gateway will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs³ (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.
- City Gateway cannot lawfully discriminate in the selection of employees for recruitment or promotion, but City Gateway may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that City Gateway identifies as being under-represented in particular types of job.

2.2 Dignity at work

City Gateway has a separate policy concerning issues of bullying and harassment on any grounds, and how complaints of this type will be dealt with.

¹ <http://www.disabilityrightsuk.org/understanding-equality-act-information-disabled-students#three>

² <http://race.bitc.org.uk/all-resources/toolkits/five-5-points-progress-toolkit-know-yourself-unconscious-bias-tool>

³ Being implemented in early 2016

2.3 Young people, volunteers, partners, other people not employed by City Gateway

- i. City Gateway will not discriminate unlawfully against service users, volunteers, partners, or others using or seeking to use the facilities or services provided by City Gateway.
- ii. Employees should report any bullying or harassment by service users, volunteers, partners or others to their manager who will take appropriate action.

2.4 Equality Training

- i. City Gateway will provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision-making where equal opportunities issues are likely to arise.
- ii. City Gateway will provide training to all existing and new employees and others engaged to work at City Gateway to help them understand their rights and responsibilities under the Bullying and Harassment Policy and what they can do to help create a working environment free of bullying and harassment. City Gateway will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

2.5 Staff and volunteer responsibilities

- i. Every employee and volunteer is required to assist City Gateway to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. All employees are responsible for the promotion and advancement of this policy.
- ii. Staff are expected to record, handle and update all equality and diversity data sensitively, explaining how the data is used, in line with the Data Protection Act 1998.
- iii. All data held on service users' equality and diversity characteristics should be done so to benefit the service user; as such they will be provided with the opportunity to look at adjustments and interventions that support the protection and continued participation of the service user.
- iv. Employees can be held personally liable as well as, or instead of, City Gateway for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.
- v. Behaviour, actions or words that transgress the policy will not be tolerated and will be dealt with in line with City Gateway's disciplinary policy.
- vi. Acts of discrimination, harassment, bullying or victimisation against employees, volunteers, trainees or partners are disciplinary offences and will be dealt with under City Gateway's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.
- vii. Objectives relating to fair and inclusive practices will be included in all employees' performance indicators and will form an integral part of performance reviews throughout the year.
- viii. City Gateway recognises the importance of appointing a named member of staff to handle any concerns regarding equality and diversity.

Where there is an allegation or complaint relating to inequality by a member of staff this will be investigated and responded to by the HR manager, where there is an allegation or complaint relating to inequality by a service user this will be investigated and responded to by the following⁴:

- For CGAP provision this will be the Head of Education and Training
- For CG provision this will be:
 - Women's Programmes the Head of Women's Programmes
 - Children and Families Projects the Children and Families Manager
 - Apprenticeship and Adult Provision the Head of Employment Services

Significant equality and diversity issues that arise should be escalated to either the Chair of the Board of Governors for CGAP provision or Chair of the Board of Trustees for CG provision⁵, (note that these designations are pending the decision being formalised at the next Trustees and Governors AGM – at the beginning of February 2016).

⁴ Contact names and details can be found at Appendix A to this policy

⁵ Contact names and details can be found at Appendix A to this policy



2.6 Grievances

- i. If you consider that you may have been unlawfully discriminated against, you may use City Gateway's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the Bullying and Harassment Policy.
- ii. City Gateway will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.
- iii. Use of City Gateway's grievance procedure does not affect your right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

2.7 Monitoring and review

- i. This policy will be monitored periodically by City Gateway to judge its effectiveness and will be updated in accordance with changes in the law. In particular, City Gateway will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs³ (including promotion) and the number of people with disabilities within these groups. City Gateway will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, City Gateway will implement them.
- ii. Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.
- iii. The policy will be reviewed on an on-going basis to reflect changes in the law, demographics and internal business requirements. Progress relating to the policy will be recorded annually and a full report will be presented to the senior management team to debate progress and review the policy status.

3. Diversity

3.1 Leadership

City Gateway will:

- identify a senior level champion for leading the diversity strategy
- secure top-level ownership and sponsorship for the programme
- appoint an Executive Member who is responsible for organisational culture and ethos, who will be responsible for ensuring that there is a positive culture of inclusivity and work with the Principle Equality and Diversity Officer to ensure that positive practice is built into organisational culture
- include equality and diversity questions as part of the annual staff survey to ensure all staff feel they have equality at work
- include data gathered on equality and diversity as part of the annual planning process to ensure that all programmes are able to meet the needs of current service users and attract 'Missing' Service users
- write an annual Equality and Diversity Strategy that specifically targets current barriers to engagement and achievement; and
- use equality and diversity data to inform the organisational recruitment strategy.

3.2 Recording Equality and Diversity Data

City Gateway will:

- ensure all service users are provided with the opportunity to provide data around the protected characteristics at initial assessment and registration
- review and update the equality and diversity data held on service users during their reviews
- give service users the opportunity to not provide details on protective characteristics through providing a 'prefer not to say' option; and



- allow for a variance of understanding of equality and diversity issues, and record a lack of capacity to understand the questions, while maintaining a commitment to working with individuals to increase their understanding of equality and diversity issues.

3.3 Policy development

City Gateway will:

- benchmark existing policy statements from other organisations and advisory groups
- development strategies for narrowing the attainment gap between groups
- develop human resources and other policies (outlining vision, scope, responsibility, accountability and measurements); and
- cascade new policies with chief executive endorsement through all staff briefings.

3.4 Diversity Training

City Gateway will:

- ensure that all new starters receive an induction pack with detailed information on equality and diversity at City Gateway
- provide appropriate training and development opportunities throughout the year, including management track training sessions and annual updates for all staff
- use equality and diversity data to inform the training strategy
- consult key stakeholders on the organisational learning requirements
- evaluate suppliers' training and secure budget for training design and delivery
- integrate diversity into mainstream training and development programmes
- establish education programmes for all staff (including programmes that move from awareness to behavioural change); and
- integrate diversity competencies into development programmes and assessment and selection processes for staff, volunteers and trainees.

3.5 Communication, marketing and consultation

City Gateway will:

- establish key lines of communication across the organisation through consultation with service users and staff
- ensure that communication and marketing imagery and graphics are inclusive, reflect and reinforce the words within the documentation
- distribute a top-level communications plan to senior management for team briefings and develop "reporting back" communication lines to ensure feedback; and
- ensure that mainstream organisational communications reinforce the inclusive messages and become embedded into day-to-day processes.

3.6 Resources

City Gateway will:

- establish formal reporting lines for monitoring progress against targets and objectives
- direct and embed equality and diversity across all organisational delivery through the Operations Board
- direct and embed equality and diversity across organisational practices through the Executive



3.7 Measurement

City Gateway will:

- capture all available workforce and service user metrics from existing databases to benchmark against sector companies, demographics and best practice standards
- agree the aspirational targets for the workforce and service user composition over a five-year period with the chief executive, the board and senior management teams
- set a bench mark using the annual staff survey, on equality and diversity issues and implement an improvement plan against these findings
- use data effectively to narrow the attainment gap between groups, through termly reporting and the annual equality and diversity strategy
- develop relationships with external benchmarking bodies to assess progress (with, for example, Race for Opportunity, Opportunity Now, the Employers Forum on Age and the Equality and Human Rights Commission); and
- monitor the number of disciplinary issues that are raised with an equality and diversity issue and the subsequent disciplinary measures.

Policy Owner: Quality and Excellence Manager

This policy is signed-off by: Chief Operations Officer

Dated: 08 Mar 2016

This policy will be reviewed every two years

Next review date : Mar 2018



Contact details for managers responsible for dealing with equality and diversity issues

Role	Name	Contact Details
HR Manager	Sasha Chipperfield	0203 727 6296
Head of Education & Training	Joe Prendiville	0203 727 6243
Head of Women's Programmes	Lisa-Raine Hunt	0207 515 7878
Children and Families Manager	Andie Warwick	0203 727 6292
Head of Employment Services	Matt Archer	0203 727 6348
Chair of Governors	Jacquie Driver	Governor contact – governance administrator – 0203 727 6309
Chair of Trustees	Dirk Patterson	Trustee contact – governance administrator – 0203 727 6309