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## **1. General Statement**

1.1 Mind in Brighton and Hove believes in equality of opportunity for all, in challenging inequality and discrimination particularly in relation to minority and socially excluded groups. We are committed to challenging inequality, discrimination and stigma on the grounds of mental distress.

1.2 No service user, employee, volunteer or job applicant should receive less favourable treatment because of their gender, race, ethnicity, age, disability, religion, cultural background, sexual orientation, marital status or any other criteria.

1.3 Mind in Brighton and Hove recognises that many people in our society experience discrimination. Discrimination is acting unfairly against a group or individual through for example exclusion, verbal comment, denigration, harassment, victimisation, a failure to appreciate needs or the assumption of such needs without consultation.

Discrimination can be direct or indirect (where there is a policy, practice or procedure that applies to everyone but has an effect which particularly disadvantages a particular group and cannot be justified).

1.4 All forms of discrimination are unacceptable, regardless of whether there was any intention to discriminate or not. Staff, volunteers and service users have a responsibility to abide by this policy to ensure in equal opportunities and prevent discrimination. Staff, volunteers and service users should draw the attention of the relevant line manager to any suspected discriminatory acts or practices or cases of bullying or harassment.

1.5 Mind in Brighton and Hove recognises that some service users may, due to past or present distress, say or do things not otherwise compatible with the Equality and Diversity Policy. We will do all we can to challenge such behaviour and wherever possible we will aim to support people to alter attitudes and behaviour while maintaining support for the distressed client.

## **2. Scope of this Policy**

This policy applies to all staff, volunteers and service users.

## **3. Preparation**

This policy has been prepared by Helen Jones.

## **4. Date approved by Management Committee**

The Management Committee approved this Policy at its June 2010 Governance Meeting.

## 5. Agreed review points

This Policy will be reviewed annually or in light of any legislative changes.

## 6. Definitions used in this Policy

### *Definitions of Discrimination*

**Protected Characteristics** The protected characteristics as listed in the Equality Act 2010 are sex, sexual orientation, marriage or civil partnership, gender reassignment, race, religion or belief, age, disability, pregnancy and maternity.

**Direct Discrimination** is when you treat someone less favourably than others because of a protected characteristic, whether or not the person possesses that protected characteristic. For example not employing someone because they are a woman or they are a particular race or because they are a carer of a disabled person. Only direct age discrimination is capable of justification

**Indirect Discrimination** is when a policy, practice or procedure that applies to everyone has an effect which particularly disadvantages people who share a protected characteristic.

**Detriment arising from disability** This is a new type of disability discrimination that has been introduced by the Equality Act 2010. It is when an employer treats an employee unfavourably because of something arising in consequence of the employee's disability, and it cannot be justified in relation to the job. For example, dismissing someone because of their poor attendance record when their absence was as a consequence of a disability, and without the employer being able to show that the dismissal was a proportionate means of achieving a legitimate aim.

**Duty to make reasonable adjustments** Where a provision, criterion or practice puts a disabled person at a substantial disadvantage in relation to others who are not disabled, the employer/ service provider has a duty to take reasonable steps to avoid the disadvantage, including changes to physical features, providing auxiliary aids and providing information.

**Harassment** is unwanted conduct related to a relevant protected characteristic (sex, sexual orientation, gender reassignment, race, religion or belief, age, disability) that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment. This includes protection against third-party harassment where the employer has failed to take reasonable practicable steps to prevent the harassment.

**Victimisation** is when a person is treated badly because they have made a complaint about discrimination or have given evidence in a discrimination

case.

**Positive discrimination** is unlawful.

**Positive action** is proportionate steps taken to enable or encourage people who share a protected characteristic to overcome or minimise a disadvantage, to meet their needs or to participate, when the organisation reasonably thinks that people who share the protected characteristic suffer the disadvantage, or have needs that are different, or a disproportionately low number of such people participate in an activity. Examples would include setting equality targets (but *not* quotas which are unlawful); encouraging people from particular groups to apply where they are under-represented; training for promotion or skill training for employees from under-represented groups who show potential.

## 7. Purpose of this Policy

7.1 The purpose of this policy is to ensure that discrimination on the basis of gender, race, ethnicity, age, disability, religion, cultural background, sexual orientation, marital status or any other criteria is challenged at all times.

7.2 We aim to remove any barriers, bias or discrimination that prevent individuals or groups from realising their potential and contributing fully to the organisation's performance and to develop an organisational culture that positively values diversity.

7.3 Mind will challenge discrimination in its own policies and ensure that all policies comply with equalities legislation.

## 8. Related Mind in Brighton and Hove Policies

Recruitment and Selection – 1.1  
Complaints Procedure for Staff – 2.2  
Complaints Policy for Service Users – 2.6  
Harassment and Bullying – 2.4  
Maternity, Paternity and Adoption – 3.2  
Staff Conduct – 5.7

## 9. Legal background for this Policy

### 9.1 *The Equality Act 2010.*

The Equality Act aims to consolidate, simplify and expand existing discrimination law (some of which are listed below). Its main provisions will come into force from October 2010.

The provisions of the Act are:

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- Introducing a new public sector duty to consider reducing socioeconomic inequalities (in force from April 2011)
- Putting a new integrated Equality Duty on public bodies (in force from April 2011)
- Using public procurement to improve equality
- Banning age discrimination outside the workplace (in force from 2012)
- Requiring gender pay and employment equality publishing
- Extending the scope to use positive action
- Strengthening the powers of employment tribunals
- Protecting carers from discrimination
- Clarifying the protection for breastfeeding mothers
- Banning discrimination in private members' clubs
- Strengthening protection from discrimination for disabled people
- Protecting people from dual discrimination - direct discrimination because of a combination of two protected characteristics (in force from April 2011).

**9.2 Race Relations Act 1976, 2000 Amendment and 2003 Amendment Regulations**

- It's unlawful to discriminate against someone on the grounds of race, colour, nationality – including citizenship – or ethnic origins in employment, education, housing and the provision of goods, facilities and services.
- The 2000 Amendment placed enforceable duties on public authorities to promote equality.
- The penalties for race discrimination can be high since there is no limit on compensation and there is no length of service requirement in bringing a claim.

**9.3 Equal Pay Act 1970**

It's unlawful to discriminate between women and men in contracts of employment, including pay and other benefits.

**9.4 Sex Discrimination Act 1975, 1986 Amendment, Employment Equality (Sex Discrimination) Regulations 2005 and Gender Equality Duty 2007**

- It's unlawful to discriminate against someone on the grounds of sex or marital status in employment, education, housing and the provision of goods, facilities and services.
- Less favourable treatment of women on the grounds of pregnancy or maternity leave is also defined as a form of discrimination.
- Sex based harassment - i.e. harassment based purely on the victim's sex; harassment of a sexual nature - i.e. physical activity of a sexual nature or non-physical activity of a sexual nature such as offensive jokes or vulgar comments; sexual harassment on grounds of gender reassignment

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status; and harassment on grounds of rejection of harassment or submission to harassment are expressly prohibited.

- The penalties for sex discrimination can be high since there is no limit on compensation and there is no length of service requirement in bringing a claim.

The Gender Equality Duty requires public authorities to promote gender equality.

**9.5 Employment Equality (Sexual Orientation) Regulations 2003, Equality Act (Sexual Orientation) Regulations 2007**

- It's unlawful to discriminate against someone on the grounds of their sexual orientation, whether lesbian, gay, heterosexual or bisexual in employment or vocational training.
- Discrimination relating to perceived sexual orientation is also unlawful.
- The penalties for sexual orientation discrimination can be high since there is no limit on compensation and there is no length of service requirement in bringing a claim.
- The Equality Act also made it unlawful to discriminate in the provision of goods, facilities and services on the grounds of sexual orientation.

**9.6 Sex Discrimination (Gender Reassignment) Regulations and Gender Recognition Act 2004**

- It's unlawful to discriminate against someone on the grounds that they have undergone, are undergoing or intend to undergo gender reassignment in employment and vocational training.
- A person who has undergone gender reassignment also has the right not to be discriminated against as a person of their acquired gender.

**9.7 Civil Partnership Act 2004**

- Same sex partnerships are recognised and those who undergo the ceremony have the same rights as married couples.

**9.8 Disability Discrimination Acts 1995 and 2005 and the Disability Equality Duty 2006**

- It's unlawful for any employer or service provider, regardless of size, to discriminate against someone on the grounds of their disability.
- Employers and service providers have a duty to make reasonable adjustments to enable a disabled person to work or use a service.
- The penalties for disability discrimination can be high since there is no limit on compensation and there is no length of service requirement in bringing a claim.
- A disability is defined as a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal

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day-to-day activities. Since December 2005, this also included people with cancer, HIV and multiple sclerosis.

- The Disability Equality Duty requires public authorities to promote disability equality.

**9.9 Employment Equality (Religion or Belief) Regulations 2003 and the Equality Act 2006**

- It's unlawful to discriminate against someone on the grounds of their religion, religious belief or similar philosophical belief in employment, vocational training and education and when providing goods, facilities and services.
- Belief is considered to be philosophical systems which are similar to religion. People who have no religion or belief (such as atheists or agnostics) are also protected under the Act.

Religious harassment is defined as a form of discrimination.

**10. Access to Mind's services**

10.1 All information about Mind services, all promotional materials and publicity will be judged in the light of the promotion of equal opportunities and those considered to be discriminatory will not be used.

10.2 Mind will ensure that all service environments are welcoming and display positive imagery which represents the diversity of the communities within which we work.

10.3 Access to and delivery of our services will plan to anticipate and respond positively to the needs of minority communities, including outreach into those communities.

10.4 Mind will audit its services in line with the requirements of the Disability Discrimination Act, see 9.8, and wherever possible make adjustments to improve physical access to our premises.

10.5 Mind will maintain up to date information on access to services which offer support to minority communities.

10.6 Information and promotional materials will be made available in translation and in formats such as large print, Braille and on tape on request.

10.7 Mind will provide access to interpreters on request.

10.8 A choice of gender, sexual orientation, ethnicity and/or age of worker will be offered to service users wherever possible.

10.9 Mind will strive to maintain a diverse staff and volunteer group which

reflects local communities.

## **11. Anti discriminatory practice**

11.1 All staff, volunteers and service users will be made aware of their rights and responsibilities under this policy.

11.2 Discriminatory behaviour, discriminatory practice, discriminatory policies and discriminatory language will be challenged, both within Mind's services and when working in partnership.

11.3 Mind will take appropriate action in relation to identified discrimination. The person/people concerned will be required to cease, if the discrimination persists then action will be taken, e.g. through use of the Complaints Policy, Grievance Policy, Harassment and Bullying Policy.

11.4 Where discriminatory practice has been identified and the person/people concerned have been requested to cease, action will be taken if it persists.

## **12. Staff and volunteer training**

12.1 All staff and volunteers will take part in diversity training to include anti-discriminatory practice and cultural competence

12.2 Staff and volunteer training programmes will include training on working with minority communities.

12.3 Staff and volunteers will receive training on the use of equalities monitoring processes.

## **13. Monitoring and development**

13.1 Mind will monitor the diversity of service users, results of monitoring will feed into planning and development of all services.

13.2 Monitoring information will be used to identify gaps in service and lack of access by minority communities.

13.3 Strategic planning will include the development of resources aimed at improving access for under-represented groups, including outreach to those groups.

13.4 Strategic planning will be informed by evidence of need within local minority communities.

13.5 Staff and volunteers will be required to complete equalities monitoring and gaps minority group representation in the staff and volunteer group will be identified and action taken to recruit to improve representation.

***13.6 All Mind's policies and service protocols will undergo periodic Equality Impact Assessments***

**14. Community Engagement**

14.1 Mind will actively seek to make links with local groups which represent minority communities and will aim to develop joint working wherever possible.

14.2 Mind will seek opportunities to consult with local minority communities on its strategic development.

14.3 Mind will carry out and support the development of research into the mental health needs of local communities.

**15. Equality and Diversity Officer**

15.1 The Equality and Diversity Officer (EDO) is responsible for making sure that staff and volunteers are aware of changes in legislation, developments in good practice and changes to relevant Mind policies.

15.2 The EDO will ensure that service users have the opportunity to participate in reviewing equalities policies

15.3 The EDO will report on Mind's progress with regard to this policy.

15.4 The EDO will ensure that staff and volunteer training programmes include equality and diversity issues and anti-discriminatory practice.

15.5 If the EDO is a member of staff, adequate paid time will be allowed away from usual duties to attend meetings, training events and to undertake the duties listed. If the EDO is a Trustee, then Mind will reimburse any expenses incurred.

15.6 The EDO will not represent any particular views, opinions or interests nor will they have the responsibility to discipline staff or service users or raise grievances.

15.7 The EDO will be available in an advisory capacity in the case of a grievance involving discrimination.