

# EQUAL OPPORTUNITIES POLICY



## **Purpose**

Head In The Game regards Equal Opportunities as fitting with Head In The Game's aim to overcome inequality in society, and a means of ensuring the provision of high quality services. Head In The Game will work with the relevant statutory requirements as stated in the Equalities Act 2010.

## **Scope**

Head In The Game believes that all entitled to be treated with respect and dignity, this applies to participants, potential participants, agents, trustees, employees, volunteers.

## **Inputs**

Equality Act 2010, Protection of Freedoms Act 2012, Employment Rights Act (1996), Asylum and Immigration Appeals Act 1993, Data Protection Act 1998, Rehabilitation of Offenders Act 1974 (See 1.9 Definitions, Exemptions for Posts with Safeguarding Considerations), Part Time Workers (Prevention of Less Favourable Treatment) Regulations (2000), Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations (2002)

## **Outputs**

A service that does not discriminate against its participants, potential participants, agents, trustees, employees, and volunteers.

Author

Project Founder/Lead Review Date: September 2022

Approved by: Board Members

## **Description**

Head In The Game aims to ensure that no person shall experience direct or indirect unlawful discrimination in relation to the protected characteristics outlined in the Equality Acts of sex, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, age, disability, race, religion and belief. Additionally, Head In The Game will not discriminate on any other criteria which cannot be shown to be justifiable. This minimises the risk the CIC is exposed to in terms of a legal challenge and fits with Head In The Game's vision to challenge the inequalities in our society.

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Head In The Game believes that diversity among the workforce, participants and volunteers brings unique insight and generates innovative solutions. All employees will receive training around equal opportunities and receive support and guidance in the practical application of equal opportunities in the workplace. The Organisation's Board will review the effectiveness of the policies, procedures and performance in Equal Opportunities. Appropriate action plans and Equality Impact Assessments may be developed and implemented.

## **Definitions**

**Direct Discrimination** - This is when a person is treated less favourably than another person in similar circumstances because of the person's protected characteristic.

**Indirect Discrimination** - This is when a condition or requirement is applied equally to all groups (e.g. male and female) but where it adversely affects one group more than the other and is not genuinely necessary.

**Discrimination by Association** - This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

**Perception Discrimination** - This is also direct discrimination against an individual because others think they possess a particular protected characteristic.

**Harassment** - This is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

**Victimisation** - This occurs when an employee is treated badly because they have made or supported a complaint, or raised a grievance under the Equality Act, or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

**Positive Action** - Not to be confused with Positive Discrimination, this is the action taken to help redress an imbalance that may have arisen because of past discrimination or disadvantage.

**Positive Discrimination** - Discrimination (of any sort) will normally be unlawful. Positive discrimination is the practice of treating a person more favourably than another based entirely on something that is genuinely irrelevant e.g. the individual's gender or race etc.

**Genuine Occupational Qualification** - A genuine occupational qualification is any genuine and relevant requirement that the post-holder should be of a particular gender or race, etc, in order to satisfactorily carry out their duties.

**Regulated Activities** - Many Head In The Game roles and volunteering opportunities constitute "regulated activities" defined within the Protection of Freedoms Act 2012. A decision will be made on a "role by role" basis as to whether or not a role is covered by the relevant definition before undertaking an appropriate DBS check.

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## **Exemptions for Posts with Safeguarding Considerations**

Individuals who have been barred from working in regulated activities will not be allowed to take up work with Head In The Game except in certain non-regulated roles such as administration without access to participants or their records. Enhanced DBS checks will be taken up for prospective post-holders in identified roles which include regulated activity, and those with a criminal record will be risk-assessed in line with Head In The Game's DBS Risk Assessment document and some will be deemed unsuitable for frontline work. This exclusion criterion is legal and justified.

Though Head In The Game is not necessarily bound by the Public Sector Equality Duty, as a provider of commissioned public services it will do all it can to support the all the principles, namely to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it

## **Equal Opportunities in Employment**

No person will be treated unfairly in relation to: Pre-employment – e.g. with regard to recruitment and selection decisions.

**Employment** - e.g. with regard to pay, terms and conditions of employment, access to training, development and promotion.

**Post-employment** - e.g. with regard to the provision of references Specific justifiable exclusion criteria or genuine occupational requirements may apply to certain occupations. These will be legal, open and service-related.

Many Head In The Game roles and volunteering opportunities (those that involve regulated activity with vulnerable adults and young people) are exempt from the provisions of the Rehabilitation of Offenders' Act 1974 due to the nature of the work involved. This means that it is a legal requirement that details of any/all convictions or cautions recorded, regardless of whether they are considered 'spent' must be disclosed. Having a spent or unspent conviction will not necessarily bar a person from employment with Head In The Game as it will depend on the circumstances and background of the offence(s) and relevance to the nature of the work to be undertaken.

The current situation is that the Disclosure and Barring Service (DBS) is responsible for the disclosure of criminal records and for the barring function. The safeguarding regulations introduced in October 2009 continue to apply.

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These include:

- As Head In The Game works with young people and vulnerable adults, should we dismiss or remove a member of staff or a volunteer because they have harmed a child or vulnerable adult (or there is a risk of harm), or we would have done so if they had not left, we must report this to the Disclosure and Barring Service (DBS).
- A person who is barred by the DBS from working with children or vulnerable adults will be breaking the law if they work or volunteer or try to work or volunteer with Head In The Game.
- Should Head In The Game knowingly employ someone who is barred to work with those groups, we will also be breaking the law. These rules are subject to change, therefore Head In The Game reserves the right to regularly update this policy, as necessary in line with changes to legislation and government guidance.

Head In The Game will recheck all staff in DBS-checkable posts every three years and staff must inform the project lead immediately should they receive a conviction, caution or warning. Head In The Game will actively encourage members of disadvantaged or under-represented groups in society to apply for employment. Head In The Game recognises its responsibilities under the Equality Act 2010 to make reasonable adjustments to employ and maintain the employment of people with disabilities. This duty applies when any “physical feature” of the workplace or any “arrangements” made by or on behalf of the employer substantially disadvantages a disabled person compared to a non-disabled person. Head In The Game will take such steps as are reasonably practicable to prevent that disadvantage.

A “physical feature” includes anything on the premises arising from the design of the building or its construction or from an approach/access to, or exit from the building such as fixtures, fittings, furnishings, equipment, materials or any other physical element or quality whether temporary or permanent. The “arrangements” made by or on behalf of Head In The Game determine to whom employment should be offered and any term, condition or arrangement on which, employment, promotion, transfer, training or any benefit is offered or afforded. The duty applies in recruitment and during employment (e.g. arrangements for using premises, job offers, contractual arrangements, working conditions, termination of employment etc). Head In The Game’s employees must comply with the Equal Opportunities Policy. They have individual responsibility to ensure they do not discriminate against any staff member, tenant, residents, participant, contractor or other persons involved with the work of the organisation or collude with the discrimination of others. Any staff member wishing to complain about discrimination should use the Grievance Procedure. If harassment or victimisation on the grounds outlined in this policy has occurred, the staff member should use the procedure outlined in the Dignity at Work Procedure.

The following actions by staff will be considered gross misconduct which may lead to dismissal even for a first offence:

- Harassment
- Bullying
- Victimisation
- Acts of discrimination

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- Deliberate pressure on others to carry out acts in contravention of the Equal Opportunities in Employment Policy or the Equal Opportunities in Head In The Game Operations Policy,
- Wilful or negligent failure to act following a complaint of discrimination. For further information relating to harassment, bullying and victimisation, please refer to the Dignity at Work Procedure. Staff are expected to challenge any discrimination they come across, where safe to do so, in an appropriate way and to promote the ideals of equality of opportunity to external organisations as appropriate. Agency staff, volunteers and trustees should refer to Head In The Game's external complaints process to raise concerns, although the principles of the Dignity at Work Procedure still apply.

### **Equal Opportunities in Operations**

Head In The Game provides a comprehensive range of support services to people who are homeless or threatened with homelessness and those who require support in maintaining a tenancy.

Head In The Game aims to:

- Ensure that Participants and potential Participants have fair and equal access to Head In The Game's accommodation, within the criteria outlined in the Allocations and Lettings procedure and in line with regulatory requirements
- Ensure that Participants and potential Participant have fair and equal access to Head In The Game's services and that they receive equal treatment regardless of age, disability, gender, gender reassignment, marital status, parental status, race, religious or other beliefs, and sexual orientation
- Treat all allegations of discrimination or harassment seriously. Any discrimination is unacceptable to Head In The Game and any member of staff, volunteer or Board member found to be acting in a discriminatory manner will face disciplinary action. Day to day responsibility for the implementation of this policy lies with the Chief Executive, although all staff, volunteers, trainers, consultants, Board members and others working on behalf of Head In The Game have an obligation to ensure the positive application of this policy in all aspects of their work. Staff have recourse to the grievance procedure if they feel they have been discriminated against in breach of this policy. Head In The Game will follow equal opportunities in engaging consultants, contractors and suppliers.

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