

Equality, Diversity and Inclusion Policy

The Veterans Charity

Purpose

The Veterans Charity is committed to promoting equality and diversity as well as promoting an inclusive culture. It is the charity's prerogative to actively value differences and recognises that people from different backgrounds and experiences can bring valuable insights to the charity's operations. The charity is also committed to compliance with relevant equality legislation, the Equality Act 2010. The charity aims to pro-actively tackle discrimination and aims to ensure that no individual or group is directly or indirectly discriminated against for any reason with regard to employment, volunteering or accessing its services.

The Veterans Charity is also mindful of the provision in discrimination law for the circumstances when an organisation may need to justify discrimination rather than have a disproportionate effect. This could be, for instance, where there is a conflict with other legislation that the charity has to comply with. In such circumstances the charity is committed to following the required proper assessment and objective justification of any decision in order to demonstrate that the provision, criterion or operational practice is proportionate and safe.

The Veterans Charity maintains a workplace culture in which everyone is treated with dignity and respect, and is free from harassment, bullying, victimisation and discrimination. This policy has been designed to provide a framework for understanding, managing and preventing any unsatisfactory conduct that may occur so that;

- a. An individual feels confident in bringing forward complaints if they feel they have been subjected to discrimination, harassment, bullying or victimisation
- b. All reported allegations of discrimination, harassment, bullying and /or victimisation will be investigated promptly, positively and in confidence
- c. Any perpetrator found to have committed any forms of discrimination, harassment, bullying and/ or victimisation will be subject to the Charity's disciplinary policy and procedures.

Policy Statement

The Veterans Charity is committed to ensuring that all members of staff, job applicants and event participants are treated in an environment of dignity, respect and free from any form of discrimination with regard to nine of the protected characteristics as outlined by the Equality Act 2010 which are:

- a. Age
- b. Disability
- c. Gender reassignment
- d. Marriage and civil partnership
- e. Pregnancy and maternity
- f. Race (includes colour, nationality and ethnic origins)
- g. Religion and or belief
- h. Sex
- i. Sexual orientation

In addition, all members of staff, job applicants and event participants are treated fairly in an environment which is free from any form of discrimination with regard to;

- a. Caring responsibilities,
- b. Part-time employment
- c. Spent convictions.

This Equality Diversity and Inclusion policy provides a clear framework for translating our commitment into action. It outlines the responsibilities of the CEO, Management Team, Line Managers and individuals to comply with the Equality Act 2010. The charity strongly committed to its full and active implementation.

The Veterans Charity will not tolerate processes, attitudes and behaviour that amounts to direct discrimination, associative discrimination, discrimination by perception, indirect discrimination including harassment (harassment by a third party), victimisation and bullying through prejudice, ignorance, thoughtlessness and stereotyping.

Scope

This policy applies to the employees, volunteers and event participants of The Veterans Charity and all job applicants regarding recruitment.

This policy applies also to sub-contractors. The charity will monitor the performance of contractors and/or third parties and take all necessary steps to ensure good performance and compliance with appropriate behaviours. However, if any issues become apparent with regards to diversity or equality in relation to any contractor or third party, these will be taken very seriously by the charity and raised in the strongest terms as appropriate with the contractor or third party.

Values and Standards

The Veterans Charity prides itself of its essential support to those who have served in the British Armed Forces. The charity believes the values and standards are essential to the workplace as they are to our armed forces. They are more than just words and the charity expects all staff to behave and conduct their selves to the highest standards at all times. The values guide and develop us into the sort of people we should be and equally the Standards explain how we should behave.

Values

Courage (Physical and Moral)

- Doing the right thing on a difficult day.

Discipline

- Doing things properly and setting the right example.

Respect for Others

- Treat others as you would expect to be treated.

Integrity

- Being honest with yourself and your colleagues.

Loyalty

- Support the charity and your colleagues

Selfless Commitment

- Putting other's needs before your own.

Standards

Lawful

- Obey the law at all times

Appropriate Behaviour

- Do not offend others

Total Professionalism

- Be the best at what you do

Legal Authority to Deny Services or Employment

With regards to the paid or unpaid employment of individuals, the Equality Act 2010 states in Schedule 9 Work (Exceptions), Chapter 1, paragraph 1, sub paragraph 1, that the charity (A) does not contravene a provision previously mentioned in the act by applying in relation to work a requirement to have a particular protected characteristic, if A shows that, having regard to the nature or context of the work:

- a. It is an occupational requirement,
- b. The application of the requirement is a proportionate means of achieving a legitimate aim, and
- c. The person to whom A applies the requirement does not meet it (or A has reasonable grounds for not being satisfied that the person meets it).

The Veterans Charity is also protected by the Equality Act 2010 with regards to the provision of a benefit or services. It is listed with the Equality Act 2010, Schedule 9 Work (Exceptions), chapter 1, paragraph 19, sub paragraph 1, that the charity (A) does not contravene a provision previously mentioned within the Act in relation to the provision of a benefit, facility or service to an individual or group (B) if A is concerned with the provision (for payment or not) of a benefit, facility or service of the same description to the public.

Definition of Equality and Diversity

Equality can be described as breaking down barriers, eliminating discrimination and ensuring equal opportunity and access for all groups both in employment and services; the basis of which is supported and protected by legislation.

Diversity can be described as celebrating differences and valuing everyone. Each person is an individual with visible and non-visible differences and by respecting this everyone can feel valued for their contributions which is beneficial not only for the individual but for the charity. Equality and Diversity are not inter-changeable but inter-dependent. There can be no equality of opportunity if difference is not valued and harnessed.

Definition of Disability

The Disability Discrimination Act 1995 defines a disabled person as someone with “a physical or mental impairment, which has a substantial and a long-term adverse effect on his ability to carry out normal day-to-day activities”

Training

The charity is committed to ensuring its staff and managers are aware of equality and diversity and aims to ensure that adequate training is provided so that managers are able to operate this policy

Diversity and equality forms an integral part of the charity's induction package. Managers are to ensure that all new entrants are made aware of the charity's Equality, Diversity and Inclusion Policy. The details of this policy will be proactively communicated and promoted across all current staff in addition to new starters.

Discrimination

Discrimination may take seven main forms and is defined in law along with the protective characteristics associated with each provision as listed below:

Direct discrimination

This occurs when someone is treated less favourably than another person because of a protected characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage & civil partnership, pregnancy and maternity. For example, a manager does not select a pregnant woman for promotion even though they meet all of the competencies because they are pregnant. This is probably direct discrimination and cannot be justified.

Associative discrimination

This occurs when someone discriminates against someone because they associate with another person who possesses a protected characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation. An example of this is when a manager does not give a job-applicant the role, even though they have met all of the competencies for the role, just because the applicant tells the employer they have a disabled partner. This is probably associative discrimination because of disability by association.

Discrimination by perception

This occurs when someone discriminates against an individual because they think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation. An example of this is when a manager selects a person for redundancy because they incorrectly think they have a progressive condition (i.e. that they are a disabled person). This is probably discrimination by perception because they believe the individual is disabled.

Indirect discrimination

This occurs when a seemingly neutral provision, criterion or practice that applies to everyone places a group who share a characteristic e.g. type of disability at a particular disadvantage. Indirect discrimination may be justified if it can be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate

aim. An example of this is when an employer decides to apply a “no hats or headgear” rule to staff. If this rule is applied in exactly the same way to every member of staff, then staff who may cover their heads as part of their religion or cultural background (such as Sikhs, Jews, Muslims and Rastafarians) will not be able to meet this requirement of the dress code and may face disciplinary action as a result. Unless the employer can objectively justify using the rule, this will be indirect discrimination.

Dual Discrimination

This occurs when someone is treated less favourably because of a combination of two relevant protected characteristics. This means that it will be possible for an applicant to claim that they have been treated less favourably not just because of their race but also because of their gender. For example, because the individual is an Asian woman. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

Detriment arising from a disability

Detriment arising from a disability occurs when you treat a disabled person unfavourably because of something connected with their disability. This type of discrimination is unlawful and where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person had a disability. This type of discrimination is only lawful if the action can be justified, and the employer can show that is a proportionate means of achieving a legitimate aim. An example of this when an employer imposes a “no beards” rule as a part of a dress code and tells staff they will be disciplined if they do not comply. The employee is a disabled person who has a skin condition which makes shaving very painful. They have been treated unfavourably (threat of disciplinary action) because of something arising from their disability (their inability to shave). Unless the employer can objectively justify the requirement, this may be a detriment arising from a disability. It may also be a failure to make a reasonable adjustment.

Victimisation

This occurs when an employee is treated unfavourably, disadvantaged or subjected to a detriment because they have made or supported a complaint of discrimination or raised a grievance under the Equality Act, this policy or the Dignity and Respect at Work policy or because they are suspected of doing so. (However, an employee is not protected from victimisation if they have maliciously made or supported an untrue complaint). An example, of this is when an employee requests to work flexibly and their manager refuses their request because they supported a colleague in a complaint of discrimination.

Third party harassment

This occurs when an employee is harassed by someone who does not work for the employing organisation such as a customer, visitor, client, contractor or visitor from another organisation. The employer will become legally responsible if they know an employee has been harassed on two or more occasions by someone and it may also be different individuals each time and fails to take reasonable steps to protect the employee from further harassment.

What is Harassment?

Harassment is unwanted conduct because of the Protected Characteristics, listed in the Equality Act 2010, 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.

Harassment takes place whether the reason for the conduct is deliberate or is an unintended effect of the conduct. An individual does not have to explicitly claim that behaviour was 'unwanted' for it to be seen as harassment. In many cases unintentional conduct or even conduct that is intended to be funny or friendly, may amount to harassment. An individual could also feel harassed or offended even when the inappropriate behaviour or comment is not made towards or about them personally. Harassment can never be justified.

Harassment can take a variety of different forms and can be written, verbal, non-verbal or transmitted electronically. Examples may include (list not exhaustive):

- a. Insults, name-calling, offensive language and gestures
- b. Making inappropriate jokes or banter
- c. Repeatedly ignoring someone
- d. Subjecting someone to unwelcome attention, ridicule or humiliation
- e. Malicious gossip or spread of rumours
- f. Intimidating, coercive or threatening actions
- g. Isolation, non-cooperation or deliberate exclusion
- h. Inappropriate comments about someone's appearance
- i. Intrusive questions or comments about a person's private life
- j. Review or display of offensive images and literature
- k. Spying or stalking
- l. Inappropriate physical contact or unwelcome sexual approaches

Harassment is both a criminal offence and grounds for a civil action under the Protection from Harassment Act 1997. Also, if the reason is that someone is being harassed is because of who they are (e.g. because of race, sex, disability for example) it would also be unlawful discrimination under the Equality Act 2010. Harassment is a form of discrimination and is illegal where it takes place because of one or more "Protected Characteristics". These are described below along with some examples:

- a. **Age** - e.g. insults or jokes about a person's age, life expectancy (e.g. by giving them an offensive birthday card).
- b. **Disability** - e.g. jokes or insults about a disability or perceived disability, ignoring, mocking ridiculing or denying opportunities.
- c. **Gender reassignment** - e.g. transgender jokes, name calling, refusal to call someone by their chosen name or pronoun, humiliation, comments about toilet or changing room use, exclusion.
- d. **Race** – e.g. expressions of racist language, jokes or banter, views or stereotypes, display or racist materials or exclusion/refusing to work with someone because of their race. It can also include offensive remarks about dress, culture or customs which have the effect or ridiculing or undermining and individual, fostering hatred and/or prejudice towards individuals of particular ethnic groups.
- e. **Religion or belief** – e.g. jokes or insults about items of clothing, religious objects, religious beliefs or rituals. It can also include harassment of people with no religious belief.
- f. **Sex** – e.g. unwanted conduct by either sex that is sexual in nature. It can include conduct ranging from the invasion of personal space and/or inappropriate touching to serious assault. It can include intrusive questions or remarks about a person's sex life, comments or ridicule about appearance or

dress, unwanted sexual advances, sexually explicit remarks or innuendoes and/or pressure for sexual favours, displays or distribution of pornographic or sexually suggestive material. It can also include the use of demeaning, gender-specific terminology.

- g. **Sexual orientation** – e.g. Harassment related to sexual orientation can include homophobic remarks, jokes, banter or gossip, offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behaviour/abuse relating to HIV status. It most frequently affects individuals who are gay, lesbian or bisexual, but can sometimes be directed at heterosexuals too.

What is bullying?

Bullying may be characterised as unwanted offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, belittle or injure the recipient. Typically, bullying is one person or a group of people taking offensive action against another.

Bullying may be face-to-face, verbal (i.e. telephone, tele/web conference etc.) written, by electronic communication method (e.g., email, social media etc.) and can involve the use of visual images (e.g. displaying inappropriate posters, sharing inappropriate pictures or embarrassing photographs of colleagues). Bullying may be hard to detect, as it may not be obvious to others. The recipient may accept some inappropriate behaviour before the cumulative effect becomes persistent and on-going.

Bullying behaviour might include (list not exhaustive):

- a. Ridiculing a person
- b. Shouting or screaming at a person
- c. Unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance
- d. Setting someone up to fail, e.g. withholding necessary information or deliberate work overload
- e. Persistently 'singling out' a person without good reason
- f. Deliberately excluding, isolating or ignoring an individual
- g. Making threats or negative comments about a person's abilities, future or failures without foundation
- h. Spreading malicious rumours, or insulting someone
- i. Overbearing supervision or other misuse of power or position
- j. Making threats or comments about job security without foundation
- k. Deliberately undermining a competent worker by overloading and constant criticism
- l. Preventing individuals progressing by intentionally blocking promotion or training opportunities

Complaints of Discrimination, Harassment or Bullying

The Veterans Charity takes all claims of discrimination, harassment and bullying very seriously and will take appropriate action against those concerned. This covers all behaviour including remarks and insinuation, both verbal and non-verbal, which cause offence.

Any member of staff who is subject to discrimination, harassment or bullying is encouraged to contact their line manager at the nearest opportunity. This policy provides details of the steps that can be taken to deal with such an issue.

If a worker (engaged through or subcontracted) considers they have been discriminated against they should raise their complaint directly with their employer.

Taking Action – informal resolution

How to deal with complaints at the earliest opportunity

The charity encourages employees, volunteers and even event participants to raise concerns informally at the earliest opportunity to prevent matters from escalating and becoming more difficult to resolve. Sometimes people are not aware that their behaviour is inappropriate, and an informal discussion can lead to a greater understanding and an agreement that the behaviour will stop.

An individual can be recommended to keep a diary of the instances of harassment or bullying, including dates and times and the description of the behaviour and its impact on them as well as details of actions taken. After any informal or formal meetings, management are to keep a file note of the areas discussed and agreed.

It is up to the individual to decide which approach is appropriate to address the situation. The following approaches do not have to be made in the order they appear in this guidance. At any point, staff are encouraged to seek support and advice from their line manager.

Direct approach

Staff can choose to initiate direct action themselves with the perpetrator(s) and make them aware that they find their behaviour or actions unacceptable or inappropriate and they want it to stop. Actively highlight that if their behaviour persists, they will need to take further action. This can be done face to face or the staff may find it easier to do so in writing.

Approach with support

In some cases, the employee may not feel comfortable facing the person alone and may therefore choose to approach the alleged perpetrator with the support of a trusted colleague, or with an appropriate person of their own gender, age range, sexuality, religion, race, or with someone who is aware of disability issues or other relevant circumstances.

Manager approach

In some cases, employees may not feel confident approaching the perpetrator themselves and can ask for the initial approach to be made on their behalf by their line manager or another appropriate manager.

If this approach is not possible because the complaint is against their line manager, and they feel unable to approach them, they should raise the issue with the next most senior manager to their line manager who should seek to uncover more information accordingly.

Managers should attempt to find out the facts as soon as possible by meeting with the staff member to understand the nature and severity of the issue followed by a discussion with the alleged perpetrator. A third meeting may involve bringing both parties together if there is a good chance of resolution. The complainant may have already informed the relevant manager what action they feel comfortable with, and his/her views should be taken into consideration but are not binding on the manager and/or the charity.

Potential resolutions the manager could propose include:

- a. An apology by the perpetrator.
- b. Training to improve working relationships of individuals or whole teams.

If the situation cannot be resolved informally or the behaviour does not stop, the next step is for the complainant to make a formal complaint. If at any point the manager becomes aware of complaints of a serious nature (for instance assault) they must proceed immediately to a formal investigation by alerting the charity's Chief Executive Officer.

Making a formal complaint

If at any time, regardless of whether formal or informal action has been taken, an employee wishes to make a formal complaint under the complaints policy, they should do this in writing as soon as the incident has taken place or within two weeks of the last incident (if there are a series of incidents).

Employees should keep detailed notes as well as details of any witnesses to the incident(s) and copies of any relevant paper or electronic communication. Try to include as much information on the formal complaint form as you can, and a list of examples can be found in the complaints policy.

Complainants should be aware that once a formal complaint has been received it cannot be retracted and the charity has a duty to act on the information received, to inform alleged perpetrators of the complaint and give them an opportunity to put their case in response before any decisions are made.

Possible outcomes of a formal complaint

The investigating officer will outline their findings and their decision in an Investigation Report, with recommendations about which formal action should apply. The full investigation report would not be sent to both the complainant and the alleged perpetrator in the interests of protecting witnesses. However, the report will be circulated to the charity trustee's for clarity and authorisation in specific cases.

If the investigating officer findings state that the complaint is not upheld no further action will be taken. If the complaint is partly or fully upheld the investigating officer will make recommendations in the report which may include:

- a. Initiating disciplinary procedures against the perpetrator.
- b. A review of current working arrangements and reporting lines, if appropriate.
- c. Training intervention for the perpetrator.
- d. A separate investigation of other individuals or issue revealed as part of this investigation, if appropriate.

The complainant will be advised that action is being taken, if it is upheld, to resolve the complaint but **will not** be advised of the details / outcome of any subsequent disciplinary action taken against the perpetrator as a result of the

complaint. Disciplinary action will also be taken if a staff member's complaint is found to have been submitted maliciously or in bad faith.

Responsibility

All staff has a responsibility to guard against any form of discrimination and avoid any action which goes against the spirit of this policy. Staff at all levels must ensure that there is no discrimination in any of their decisions or behaviour. This includes the provision that all staff must:

- Report any suspected discriminatory acts or practices
- Not induce or attempt to induce others to practice unlawful discrimination
- Co-operate with any measures introduced to ensure equality of opportunity
- Not victimise anyone as a result of them having complained about, reported or provided evidence of discrimination
- Do not harass, abuse or intimidate others.

However, whilst all staff have a collective responsibility to ensure this policy is successfully implemented, there are also specific responsibilities within this.

The Trustee's and the Chief Executive Officer (CEO)

These individuals have the responsibility of providing leadership on the equality and diversity strategy and policy as well as acting as overall champions to ensure the policy is implemented. This is enforced by communicating the policy and facilitating training and development initiatives on equality and diversity.

It is also the responsibility of the Trustee's and CEO to support managers in investigating issues relating to potential discrimination, including those matters concerning members of the general public associated with events organised by The Veterans Charity.

Line Managers

These individuals have the responsibility of implementing this policy as part of their day-to-day management of staff and in applying employment policies and practices in a fair and equitable way. This is done by

- Ensuring equality and diversity issues are addressed in performance.
- Ensuring all staff act in accordance with the Equality, Diversity and Inclusion policy providing necessary support and direction
- Effectively manage and deal promptly when investigating issues relating to potential discrimination, including those matters concerning beneficiaries, event participants and the general public that visit charity events.

Staff

All employees, volunteers and sub-contractors have the responsibility of implementing the policy in their day-to-day work and their dealings with colleagues, beneficiaries and event participants. It is an individual responsibility to ensure their own behaviour is appropriate to the policy and that they treat people with respect and dignity. All staff must notify their line manager of any concerns with regard to the conduct of other employees, service users, the public or third parties.

Non-Compliance

Non- Compliance with the Equality, Diversity and Inclusion Policy will not be tolerated at any level. Any behaviour from staff or individual's on charity's events which breaches the policy will be regarded as misconduct, with the exception for serious offences such as discrimination on protected grounds. Serious offences including harassment, bullying, or victimisation will be treated as gross misconduct and may lead to disciplinary action including dismissal from employment without notice.

Glossary of Terms

Harassment

Harassment is defined as someone who harasses another person.

A person (A) harasses another (B) if—

1. 'A' engages in unwanted conduct related to a relevant protected characteristic, and/or if the conduct has the purpose or effect of;
 - a. violating B's dignity, or
 - b. creating any of the following environments, but not limited to, for person 'B';
 - i. Intimidating
 - ii. Hostile,
 - iii. Degrading,
 - iv. Humiliating
 - v. Offensive
2. 'A' engages in unwanted conduct of a sexual nature, and/or the conduct has the purpose or effect referred to in subsection 1.
3. 'A' or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex, with the purpose or effect referred to in subsection 1
4. Because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.

Harassment is unlawful and this is behaviour is of an intimidating or hostile nature. It can be directed at women and men, service users and staff alike. It is uninvited, unwelcome behaviour, which causes a degree of distress to the recipient.

Particular actions or behaviour could be seen as harassment even if not aimed directly at the recipient and not intentionally offensive. It should be remembered that **the impact** of the behaviour determines harassment and not **the intent**.

Bullying

There is no legal definition, but Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. This is behaviour which is not necessarily based on a difference of race or gender or any other equality strand. Bullying involves belittling or intimidation of an individual and may arise from the misuse of managerial status or as a result of certain physical and mental characteristics. Bullying may also constitute harassment under this policy and be unlawful under employment equality regulations.

Positive action

Positive action describes measures targeted at a particular group that are intended to offset the disadvantages arising from existing attitudes, behaviours and structures. e.g. the provision of training/ targeted advertising and recruitment literature for people of a particular racial group, or either sex, who have been under-represented in certain occupations or grades. Positive action should not be confused with positive discrimination (i.e. choosing people solely on the grounds of their gender or racial origin, regardless of their capabilities), which is illegal in the UK.

Vicarious Liability

This occurs when one person is liable for the negligent actions of another person, even though the first person was not directly responsible for the injury. For instance, an employer can be vicariously liable for the acts of a worker.

Review and Monitoring

The charity undertakes monitoring to inform and improve our workplace practices. If through monitoring any discrimination is identified The Veterans Charity will take corrective action to eliminate it.

In addition, a Staff Survey is conducted in order to gain the views of all employees and volunteers which include a section on the working environment. The charity will use the information from the Staff Survey to identify potential areas of improvement.

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