



Empowering Young People

Equal Opportunity and Discrimination Policy

September 2020

1.0 POLICY STATEMENT

HYP is an equal opportunities employer and is committed to opposing all forms of discrimination, victimisation or harassment in the workplace. We will not tolerate discrimination, victimisation or harassment based upon the protected grounds set out below.

“We will not tolerate discrimination on any grounds and we operate an active equal opportunity policy. However, we cannot operate to stamp out discrimination unless we are made aware that this is happening. The equal opportunities policy will apply at all stages from recruitment, throughout employment to issues of termination of employment and in certain circumstances after your employment has finished. In particular please note: We will not discriminate in deciding with whom to deal with or in the provision of services or in the selection, recruitment and treatment of staff; All recruitment procedures followed will be on the basis of fair and objectively justified criteria that do not apply any requirements or conditions that are not necessary for the needs of the post or the business. Where job applicants have a disability the position of the Applicant will be reviewed and all possible steps will be taken to ensure that the Applicant does not suffer from any disadvantage in the recruitment process. Throughout your employment you are expected to conduct yourself in a manner that is not discriminatory and HYP will take all possible steps to ensure that equal opportunity is maintained. The approach taken to marketing and to the strategies adopted for providing services to clients will be compatible with this policy.”

1.1 WHO THIS POLICY APPLIES TO

The aim of this policy is that all members of staff know that they are able to work in an environment that is free from discrimination, victimisation and harassment and you are able to achieve your full potential in your job. Discrimination, harassment or victimisation will be regarded most seriously and will be treated as gross misconduct under HYP’s disciplinary procedure. HYP will make decisions without reference to discriminatory criteria. All members



Empowering Young People

of staff must be aware of this equal opportunity policy and should abide by its terms at all times.

It is everyone's responsibility in the HYP community to promote equal opportunity.

The HYP community includes all staff, trustees, management committee members, young people, parents/carers and visitors.

HYP reserve the right to amend this policy and the procedures contained within it as it sees fit or apply a different policy as appropriate.

1.2 MONITORING

It is the responsibility of the project and deputy project managers to ensure that all aspects of this policy are operated throughout the organisation.

All aspects of this policy will be kept up to date and under review as per HYP's documentation review policy.

1.3 PROTECTED CHARACTERISTICS

HYP will not tolerate discrimination, harassment or victimisation based upon gender, race, disability, religion, sexual orientation, age, marriage, civil partnership, pregnancy, maternity, gender reassignment.

Race includes colour, nationality, ethnic or national origin.

For this purpose, a person is defined as disabled if they have a physical or mental impairment that has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities. Religion includes religious beliefs or similar philosophical beliefs. This protection extends to perceived as well as actual religion or belief and discrimination by association. The protection also extends to discrimination by persons of a religious belief towards a non-believer. Sexual orientation includes orientation towards persons of the same sex (lesbians and gay people), the opposite sex (heterosexuals) and the same and opposite sex (bisexuals).





Empowering Young People

1.4 THE TYPES OF DISCRIMINATION

In a number of areas, the law protects employees and discriminatory conduct or omissions are set out by government legislation. There are specific concepts of discrimination, which make it clear what is unlawful. These are:

- Direct Discrimination
- Discrimination by Association
- Perception Discrimination
- Indirect Discrimination
- Harassment
- Third Party Harassment
- Victimisation

Whilst these concepts may appear technical it is of importance since we may incur liability if you, in the scope of the duties entrusted to you, act in a way that is discriminatory or is harassing or victimising a person or a particular group of people.

Direct Discrimination

This is where an individual is treated less favourably than another because they have a protected characteristic. It is direct discrimination as you would not have treated a person who did not possess that characteristic in the same way. An example would be promoting a man to a supervisory job when a woman is apparently better suited or preventing a person from receiving job training when others without that characteristic are allowed to do it.

Discrimination by Association

Discrimination by association is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perception Discrimination

HYP, Humphry Davy Lane, Hayle, Cornwall, TR27 4AR
info@teamhyp.co.uk 01736 755790 www.hyp.co.uk



COMMUNITY
FUND



Hayle Town Council
Konsel an dre Heyl



BOW
GAF
Barbara Ward
Children's
Foundation

The
Elmgrant
Trust

Charity No: 1124306



Empowering Young People

Perception discrimination is direct discrimination against an individual because others think they possess a protected characteristic regardless of whether or not the person actually does possess that characteristic.

Indirect Discrimination

Indirect discrimination occurs when a condition, rule, policy or practice is applied which puts a person at a particular disadvantage when compared to other persons. If this condition, rule, policy or practice has a disproportionate effect on a person or a particular group of people it will be indirect discrimination. An example is if a dress code does not allow employees to wear hats or scarves in the office it would be indirectly discriminating against Sikh men or Muslim women who wear turbans or hijabs. Indirect discrimination can only be justified if the condition, rule, policy or practice is a proportionate means of achieving a legitimate aim. Circumstances where this will apply will be very rare. If you think that any discrimination could be justified you must check with your Line Manager before any steps are taken. Failure to do so may result in disciplinary action.

Harassment

You would be submitting another person to harassment if you engage in unwanted conduct relating to a relevant protected characteristic which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading or offensive environment for that person. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Harassment can also be behaviour that an individual finds offensive even if it is not directed at them and the complainant need not possess the relevant characteristic themselves.

Employees are also protected from harassment because of perception and association.

HYP does not tolerate any form of harassment, whether it be based upon any of the protected characteristics above or simply on grounds of personality. If you feel that you are the victim of harassment you should follow the provisions of the harassment policy set out below.

HYP, Humphry Davy Lane, Hayle, Cornwall, TR27 4AR
info@teamhyp.co.uk 01736 755790 www.hyp.co.uk



**COMMUNITY
FUND**



Hayle Town Council
Konsel an dre Heyl



**BOW
CAF**
Barbara
Ward
Children's
Foundation

**The
Elmgrant
Trust**

Charity No: 1124306



Empowering Young People

This explains the steps that HYP will take in relation to complaints of harassment.

Please note that we will regard harassment as including any of the following. This is not an exhaustive list:

- Sexual or racial banter or banter related to disability, religious beliefs or sexual orientation. This should be avoided at all times.
- The display of any material that has sexual or racist connotation or is related to disability, religious beliefs or sexual orientation. This includes posters, post cards etc.
- Verbal or non-verbal conduct or other behaviour that is directed to someone because of their disability (or a protected characteristic) and which could affect the dignity of the individual in the workplace. By way of example: comments about an individual's ability to carry out the job because of disability may amount to harassment.

It should be noted that any of the above committed outside the workplace or outside working hours will be regarded by HYP as harassment if it affects the working environment. A single act or incident can amount to harassment.



Empowering Young People

Third Party Harassment

Third party harassment is where an employee is harassed and the harassment is related to a protected characteristic, by people (third-parties) who are not employees of the organisation, for example external trainers, staff contracted by HYP or visitors to HYP. HYP are liable if the harassment has occurred on at least two previous occasions, we were aware that it has taken place and have not taken reasonable steps to prevent it from happening again.

Victimisation

This is treating a person less favourably because he or she has made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. HYP will not tolerate victimisation.

1.5 HARRASSMENT PROCEDURE

Stage 1: Informal Procedures

In the first instance, the recipient of conduct that is considered by the employee to amount to harassment may seek to resolve the complaint on an informal basis. This may involve three stages:

- If you consider that you are the recipient of such conduct you may prefer to resolve the matter by speaking to the individual concerned and pointing out that the conduct is not acceptable because it is unwanted and is interfering with the working environment. This is acceptable to HYP but you should not feel that this step must be taken if you feel uncomfortable about speaking to the harasser.
- You may seek confidential advice from your line manager. Any advice will be confidential and will not be reported to anyone at HYP without your consent.
- You may take the matter up with your line manager or if you prefer and an informal meeting can be arranged between yourself and the individual about whom you have a complaint at which an attempt may be made to resolve matters. Alternatively the individual may be approached and informal discussions held if you request.

HYP, Humphry Davy Lane, Hayle, Cornwall, TR27 4AR
info@teamhyp.co.uk 01736 755790 www.hyp.co.uk



COMMUNITY
FUND



Hayle Town Council
Konsel an dre Heyl



The
Elmgrant
Trust

Charity No: 1124306



Empowering Young People

No disciplinary action will arise at this stage as this is intended to be an informal procedure which will enable you to resolve the matter without any further action by HYP. However, if you consider that a criminal offence has been committed (i.e., assault or a sexual offence) you should seek the assistance of your line manager, to make a formal complaint to the police. Where a serious criminal offence is alleged your line manager, will discuss with you whether reconsideration should be given to a report to the police. You may be offered compassionate paid leave in certain circumstances or, if you feel that you need such leave, you should not hesitate to request it.

Stage 2: Formal Stages

If you have not been able to resolve matters on an informal basis or you consider the outcome to be unsatisfactory, you are entitled to make a formal complaint. The procedure that will be adopted is as follows:

- You should make your formal complaint in the first instances to your line manager. This may initially be oral but you will be asked to put your complaint in writing so that the nature of the complaint is clear. It is recognized that the complaints may be sensitive and difficult to formulate and you should seek assistance from your line manager in formulating such complaint.



Empowering Young People

Investigation

The next stage will involve the investigation of your complaint. This will be carried out with sensitivity and with respect to you and the person against whom the complaint is made. The investigation will remain confidential and everyone who is interviewed will be told that they are not to discuss the matter with anyone and that breach of confidentiality is a disciplinary matter. The investigation will be carried out as follows:-

- The investigation will be carried out as expeditiously as possible. It will be conducted by someone who is not connected with any of the allegations and who is at least a grade above the person against whom the complaint is made.
- The investigator will carry out the investigation as he or she considers most appropriate. This is likely to involve interviewing all concerned. Anyone who is interviewed will be permitted to be accompanied by a friend, colleague or trade union representative.
- Notes will be taken of the interviews and those interviewed will receive copies to ensure that they agree with the notes. The investigator will concentrate on the facts of the complaint and will avoid, wherever possible, embarrassing or intimate details. The complainant and harasser's witness statements will not be provided to any other party.
- At all stages you will be kept informed of the progress of the investigation and are entitled to ask how the investigation is progressing.
- During the investigation consideration will be given, wherever possible, to the complainant and harasser being kept apart at work. You will not be moved to any position that is detrimental to you or if you object to being moved. You are entitled to ask for compassionate leave but this will not be required of you.

The decision

Once the investigating officer has carried out this investigation he or she will prepare a report. This will be submitted either to the project manager or to a member of the management committee who will decide whether the complaint has been conducted effectively. He/ she

HYP, Humphry Davy Lane, Hayle, Cornwall, TR27 4AR
info@teamhyp.co.uk 01736 755790 www.hyp.co.uk



COMMUNITY
FUND



Hayle Town Council
Konsel an dre Heyl



BOW
CAF
Barbara Ward
Children's
Foundation

The
Elmgrant
Trust

Charity No: 1124306



Empowering Young People

may wish to make further enquiries or hold a meeting in order to come to his/ her conclusion. A decision will normally be issued within 7 days of receipt of the investigator's report.

If you are not satisfied with the outcome of the investigation you have the right to appeal. This should be submitted in writing to the project manager stating your full grounds of appeal.

The sanctions

If the complaint is upheld, consideration will be given to the wishes of the complainant as to what should be done.

This may involve:

- Moving the harasser to another post. It should be noted that the question of disciplinary action against the harasser is a separate matter.
- If the complainant so wishes, moving him/her to a different place or post. The complainant will be not required to move if this is not acceptable.
- The complainant may be given leave or financial assistance to enable the complainant to recover from the effect of the harassment.

If the complaint is not upheld, because there is insufficient evidence, and the parties cannot work together consideration may still be given to any steps that can be taken to resolve the situation.

Complaints that are malicious, known by the complainant to be unfounded, or made in bad faith may result in disciplinary action.

As an equal opportunities employer, HYP monitors and keeps records of any complaints to ensure that harassment is being dealt with effectively and eradicated from the workplace.



