



Empowering Young People

# EQUAL OPPORTUNITIES AND DISCRIMINATION POLICY

HAYLE YOUTH PROJECT  
VERSION 2.0



# Equal opportunities and Discrimination Policy

## Contents

Version Control .....	2
Introduction and Policy Statement.....	3
Policy Objectives .....	3
Scope.....	4
Definitions.....	4
Roles and Responsibilities.....	6
Policy .....	7
Promoting Equal Opportunities .....	7
Fair Employment Practices.....	7
Gender and Ethnic Pay Gap.....	8
Combatting and Sanctioning Breaches of Policy.....	9
Applying Equality Across our Policies.....	9
Reasonable Adjustments.....	9
Ensuring Fair Service Provision .....	10
Reporting Harassment Procedure .....	10
Stage 1: Informal Procedures.....	10
Stage 2: Formal Stages .....	11
The Investigation .....	11
The Decision and Appeal.....	12
The Sanctions .....	12
Unfounded Complaints .....	13
Appeal.....	13
Malicious or Vexatious Complaints.....	13
Monitoring and Reviewing.....	13
Related Documents.....	14



## Version Control

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2.0	Policy Pros	April 2022	April 2023	Reviewed and updated
2.0	Policy Pros	March 2023	April 2023	Reviewed no changes



# Equal opportunities and Discrimination Policy

## Introduction and Policy Statement

Hayle Youth Project (HYP) is an equal opportunities employer and is committed to opposing all forms of discrimination, victimisation, or harassment in the workplace. We wish for all HYP staff, service providers, and partner organisations to work in a productive and joyful environment where every individual is valued. We recognise the benefits of a diverse workforce which represents our community and brings with it a wealth of skills, knowledge, and experience.

We will not tolerate discrimination on any grounds and operate an active equal opportunity policy, which applies at all stages from recruitment and selection through to termination of employment on either part, and in certain circumstances after employment has ceased. Our non-discriminatory practices also extend to third party service providers, contractors, and partners and it is our policy that all decisions regarding tendering and recruitment will be made on the grounds of fair and objectively justified criteria alone.

Where job applicants have a disability the needs of the applicant will be reviewed in relation to the job specification and all possible steps will be taken to ensure that they do not suffer from any disadvantage in the recruitment process.

It is our policy that all HYP staff are expected to conduct themselves in a manner that is not discriminatory and HYP will take all possible steps to ensure that equal opportunity is maintained throughout the organisation. To this end, we expect the same treatment from our service providers, contractors, and partners.

The approach taken to marketing and to the strategies adopted for providing services to clients will be compatible with this policy and encompass the core values of HYP in that equal opportunity will be at the forefront of our actions. More information on equality of service provision and what is expected of our service users can be found in the HYP Equality and Diversity Policy.

## Policy Objectives

The policy's purpose is to:

- Ensure that HYP do not unlawfully discriminate. This includes employment, recruitment, pay and benefits, terms and conditions, training and advancement, flexible working, disability, termination, partnerships, and the procurement and/or engagement of third-party staff.
- Provide a framework where we and our staff oppose and avoid all forms of unlawful discrimination and promote inclusivity.



# Equal opportunities and Discrimination Policy

## Scope

This policy applies to all staff including employees, agency workers, volunteers, self-employed contractors, Associate Trustees/Trustees, any anyone working with, for, or on behalf of HYP, all of whom must be aware of this equal opportunity policy and abide by its terms.

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.

This policy is intended for use internally but may be shared with stakeholders on request.

## Definitions

**Equality** means ensuring everyone in your setting has equal opportunities, regardless of their abilities, their background, or their lifestyle.

**Equal Opportunity** means giving everyone the same opportunities and not discriminating. However, it does not mean that everyone must be treated the same as some individuals may require additional support to be given an equal opportunity, for example, where a job applicant requires reasonable adjustments to attend an interview.

**The Protected Characteristics** – The Equality Act 2010 states that it is unlawful to discriminate due to any of the following: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex, and sexual orientation.

For this purpose of this policy, 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, another sex, and the same and opposite sex.

Gender reassignment relates to anyone who is planning to, is undergoing, or who has undergone a transition. This transition does not need to involve surgery, but the individual must be living as their non-birth sex. An individual who chooses to cross-dress is only protected under law if they are discriminated against if the harasser or victimiser thought that they were transitioning (discrimination by perception).



## Equal opportunities and Discrimination Policy

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Sex relates to the gender an individual identifies with whether binary, non-binary, gender fluid, genderqueer, and transgender.

**Direct Discrimination** – treating someone less favourably because of a Protected Characteristic e.g., excluding a person from accessing a service or job opportunity unfairly and/or unlawfully because of a disability. Unfairly and/or unlawfully does not mean excluding an individual for a legitimate reason, for example it would be legal to exclude an individual from a job as a driver if they were blind and could therefore not obtain a driving licence.

**Indirect Discrimination** – a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others and is not justified. e.g., excluding employees from applying for a promotion due to the number of years of experience required (therefore discriminating by age in some cases) or excluding job applicants by a control stating that all staff must work on a Saturday, therefore excluding Jewish applicants who observe the Sabbath and cannot work on Saturdays. Such a requirement would be discriminatory unless it can be justified.

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

**Discrimination by Perception** is direct discrimination against an individual because others think they possess a protected characteristic regardless of whether the person does possess that characteristic.

**Harassment** is defined as unwanted conduct that has the purpose or effect of violating the dignity of people in the workplace or of creating an intimidating, hostile, degrading, humiliating or offensive environment and includes unwanted physical contact including sexual harassment.

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.

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, personal or life choices.

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

- Banter or jokes related to sexuality, race or religion, disability, religious beliefs, or sexual orientation.
- 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 and which could affect the dignity of the individual in the workplace. By

## Equal opportunities and Discrimination Policy

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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.

**Third Party Harassment** relates to an employee being harassed in relation to a protected characteristic by third parties not employed by HYP. HYP are liable if the harassment has occurred on at least two previous occasions, we were aware that it had taken place and have not taken reasonable steps to prevent it from happening again.

**Victimisation** - causes disadvantage, damage, harm, or loss to an individual due to them making a complaint under this policy and/or supporting a victim in their complaint.

All staff and service providers should understand they, as well as HYP, can be held liable for acts of harassment, victimisation, and unlawful discrimination in the course of their employment or service provision against fellow staff, service users, suppliers, and the public.

### Roles and Responsibilities

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

The HYP community includes all staff (including non-employees), Associate Trustees/Trustees, Executive Board members, young people, parents/carers, and visitors.

For our Manager, Deputy Manager, Executive Board and Associate Trustees/Trustees this means:

- Ensuring that this policy is disseminated amongst staff, service providers, and partners.
- Ensuring the timely review and update of this policy, as necessary.
- Appropriately investigating and managing complaints of discrimination, harassment, victimisation, and/or bullying and ensuring that appropriate action is taken
- Ensuring that robust procedures are in place to ensure non-discriminatory practices in relation to recruitment, procurement, employment, advancement, training, and termination, and other conditions of employment/service provision.
- Those involved in decisions relating to recruitment, selection, the allocation of training opportunities, promotion, redundancy selection, and changes to the terms and conditions of employment will be suitably trained in fair and legal practices, and all such decisions will be open to peer review.

# Equal opportunities and Discrimination Policy

For our staff and service providers this means:

- Treating every individual encountered during their work as an individual, fairly, with dignity and respect.
- Never taking part in any form of discriminatory, bullying, harassing or victimising behaviour.
- Having a basic awareness of the equality legislation, types of discrimination and the protected characteristics.
- Stepping in to stop and eliminate discriminatory behaviour when it occurs.
- Reporting any incidents to a manager where they feel that they have witnessed or have been a victim of discriminatory behaviour.
- Promoting the values of equality and diversity amongst young people, their parents/carers, visitors, suppliers, partners, and other stakeholders.
- Challenging harmful stereotypes in and of our community.
- Undertaking or cooperating with investigations into breaches of this policy.

## Policy

### Promoting Equal Opportunities

HYP promotes equality of opportunity by:

- Clearly defining roles and responsibilities, training managers and staff about such under this policy.
- Training employees and anyone working for us on equal opportunities and discrimination using this policy.

### Fair Employment Practices

HYP is an equal opportunities employer and will ensure that:

- All job specifications and descriptions are set before the advertisement of a role, which will function as objective criteria when shortlisting and choosing suitable individuals for a role.
  - Please note: As part of our tendering requirements, we will require DBS (Disclosure and Barring Service) checks for criminal record history for job applicants.





## Equal opportunities and Discrimination Policy

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- The most effective ways will be employed to bring job vacancies to the attention of potentially disadvantaged groups.
- Recruitment literature will not imply that there is a preference for one group of applicants against another unless there is a genuine occupational requirement that will be clearly stated. For example, there is a requirement to drive for business.
- Every applicant shall be given equal opportunity whatever their personal status except in the matter of an offending background where the criminal record history relates to the requirements of the post.
- Interviews will be well structured and conducted by two individuals to minimise unconscious bias and ensure that questioning is fair and legal.
- The application of any recruitment, training, and promotion will be solely based on job requirements and the individual's ability and fitness for that work.
- Appropriate training will be provided to enable employees and self-employed contractors to perform their roles effectively.
- Encouragement is given to all employees and self-employed contractors to take advantage of opportunities for training, advancement and where appropriate a permanent position.

### Gender and Ethnic Pay Gap

To combat gender and ethnic inequality, HYP will:

- Not discriminate unlawfully based on gender or ethnicity concerning recruitment and/or selection.
- Pay individuals of all genders and ethnicities the same amount for the same role or where roles are comparable.
- Encourage individuals of all genders and ethnicities to apply for training and promotions.
- Offer and promote family-based leave and benefits to individuals of all genders and ethnicities and ensuring that pay and benefits are equally applied.
- Offer learning opportunities, paid and unpaid time off, and subsidised or self-funded training to students, apprentices, and staff of all genders and ethnicities in a non-discriminatory manner.

# Equal opportunities and Discrimination Policy

## Combatting and Sanctioning Breaches of Policy

HYP will:

- Intervene where our staff (not just our employees) are subject to discrimination, harassment, or victimisation by any colleague or stakeholder and make it clear that such behaviour is unacceptable.
- Take seriously all complaints of harassment, victimisation, and unlawful discrimination, investigate every claim, and sanction individuals or groups who fail to meet our standards and/or act legally and with integrity.
- Report crimes to the police or relevant authority where necessary.
- Provide support to staff who have suffered harm.

## Applying Equality Across our Policies

HYP will:

- Abide by the UK legislation regarding the Equality Act 2010 and other legislation such as pregnancy and maternity, adoption, paternity, and other family law when issuing new or reviewing current policies and procedures.

## Reasonable Adjustments

HYP acknowledges that we must ensure that we consider reasonable adjustments for disabled job applicants, current employees, and potential or in contract self-employed contractors.

Beyond the law, we acknowledge that organisations failing to hire and retain disabled individuals are losing out on qualified talent and unique skills.

We will, where practicable and are made aware that an individual has a disability, give due consideration to all proposed reasonable adjustments, and implement them where practicable and where they will meaningfully benefit the individual.

We recognise that the costs of making reasonable adjustments to accommodate disabled staff and clients are often low, and will consider all requests for reasonable adjustments, however, if as a charitable organisation we are not able to make such adjustments we will:

- Inform the individual of why the reasonable adjustment is not practicable.
- Where possible, discuss alternative arrangements which could be offered.



# Equal opportunities and Discrimination Policy

## Ensuring Fair Service Provision

HYP will ensure that the services we offer do not unfairly or unlawfully discriminate on the grounds of the protected characteristics or any other inconsequential factor.

Our staff and partners have a duty to ensure that our service users and their families/carers are treated fairly and equitably whilst recognising that some individuals require additional support, and we will work with the appropriate services to provide such support.

## Reporting Harassment Procedure

### Stage 1: Informal Procedures

In the first instance, you (the recipient of conduct that is considered to amount to discrimination, harassment, and/or victimisation) may seek to resolve the matter on an informal basis. This may involve three stages:

- If you consider it appropriate and you are confident in doing so, 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 perpetrator.
- You may seek confidential advice from your line manager before proceeding further. 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, who may, at your request, arrange an informal meeting between yourself and the perpetrator, at which an attempt may be made to resolve matters. Alternatively, your line manager may approach the perpetrator on your behalf and have an informal discussion, making it clear that breaches of this policy will not be tolerated.

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 and you do not wish to report it, your line manager will discuss with you whether reconsideration should be given.

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.



# Equal opportunities and Discrimination Policy

## Stage 2: Formal Stages

If you (the complainant) have not been able to resolve matters on an informal basis, you consider the outcome to be unsatisfactory, or if the complaint is related to serious or unlawful discrimination or victimisation you are entitled to make a formal complaint to your line manager.

This may initially be oral in the first instance; however, you will, at some stage be asked to put your complaint in writing so that the nature of it is clear.

If your line manager is the subject of the complaint, you may seek to complain to another member of the management team.

It is recognised that the complaints may be sensitive and difficult to formulate, and you should seek assistance from your line manager or another manager in formulating such a complaint should you require it.

## The 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 (referred to as the subject of the complaint or individual concerned).

The investigation will remain confidential and everyone who is interviewed will be informed that they must not discuss the matter with anyone unconnected to the investigation team, and that breach of confidentiality is a disciplinary matter.

The investigation will be carried out as expeditiously as possible by someone who is not connected with any of the allegations and normally by an employee who is at least a grade above the subject of the complaint.

The investigator will carry out their duties impartially and to a level of detail they consider most appropriate, which is likely to, at a minimum, involve interviewing all parties concerned.

Anyone who is interviewed has the right to be accompanied by a colleague or trade union representative. HYP also permits friends to act as companions.

Notes will be taken of any 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, recording embarrassing or intimate details. Your statement and the statement of the subject of the complaint 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.



## Equal opportunities and Discrimination Policy

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During the investigation consideration will be given, wherever possible, to you and the subject of the complaint 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 in the event that you have suffered harm, but such leave will not be mandatory unless you are considered unfit for work.

### The Decision and Appeal

Once the investigator has collated their evidence, they will prepare a report which will be submitted either to the Project Manager or to a member of the Management Committee who will decide whether the investigation has been conducted effectively. If the investigation is found to be lacking detail, they may wish to make further enquiries or hold a meeting to discuss the legal and appropriate action given the details at hand in order to come to a decision as to what, if any sanctions will be applied.

A decision will normally be issued, in writing, to the complainant and subject of the complaint within seven days of receipt of the investigator's report.

### The Sanctions

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

This may involve:

- Moving the subject of the complaint to another post.
- If the complainant so wishes, moving them to a different place of work or post.
- The subject of the complaint being subject to disciplinary action and/or reported to the police where necessary; or
- In the case of a subcontractor or service provider their contract being reviewed and suspended or terminated; or
- In the case of the subject of the complaint being a service user, family member or carer, visitor, or supplier, HYP issuing a warning or sanctions against the individuals.

The complainant may be given leave or financial assistance to enable them to recover from the effect of the harassment.



# Equal opportunities and Discrimination Policy

## Unfounded Complaints

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.

If the complaint is found to be unsubstantiated for any other reason, for example if the action or behaviour was found to be legitimate and legal management techniques or a legitimate and supported business decision, the complaint will be considered closed.

The complainant has the right to appeal under this policy where either of the above were found.

## Appeal

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 Management Committee stating your full grounds of appeal.

The appeal should not be a full rehearing of the case but should state why the procedure was not adopted correctly or provide further evidence to support your complaint.

## Malicious or Vexatious Complaints

Complaints that are malicious or vexatious and are known by the complainant to be unfounded or made in bad faith may result in disciplinary action being taken against the complainant.

## Monitoring and Reviewing

This policy should be reviewed periodically to ensure that it remains compliant with current legislation, meets best practice, and is not discriminatory.

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.

The results of monitoring will be reviewed by the Associate Trustees/Trustees and Management Committee at regular meetings.

Where evidence or trends indicating that our culture, policy, procedures, or workforce require intervention, an action plan will be initiated.

The version number on new policies is always 1.0 and should be increased by one whole number each time the policy is edited other than to make simple changes, where they may increase in increments of 0.1.





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# Equal opportunities and Discrimination Policy

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## Related Documents

- Grievance and Disciplinary Policy



**COMMUNITY**  
FUND



**Hayle Town Council**  
*Konsel an dre Heyl*



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

**The  
Elmgrant  
Trust**

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