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6.1 KCSC Equality & Diversity Policy

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1. Our Commitment

Kensington and Chelsea Social Council (KCSC) is committed to providing equal opportunities in employment and to avoiding unlawful discrimination. We oppose all forms of unlawful and unfair discrimination or victimisation.

The purpose of this policy is not contractual but indicates the way we wish to address diversity in the workplace and equality and fairness for all service users, staff and volunteers. Compliance with this policy should also ensure that staff do not commit unlawful acts of discrimination.

This policy applies to all employees and workers. It covers all aspects of employment including job adverts, recruitment, induction, pay and benefits, terms and conditions of service, training and development, promotion, change management, grievance and disciplinary issues and ending employment.

This policy and the associated arrangements shall operate in accordance with statutory requirements and other KCSC policies.

In addition, this policy will be considered in relation to any guidance or Codes of Practice issued by the Equality and Human Rights Commission, any Government Departments, and any other statutory bodies.

2. The Law

It is unlawful to discriminate directly or indirectly in recruitment or employment, or in the provision of goods and services to members of the public or service users, based on protected characteristics. Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

Protected characteristics are:

- a) Age
- b) Disability
- c) Sex
- d) Gender reassignment
- e) Pregnancy
- f) Maternity (including explicit protections for breastfeeding)
- g) Race (which includes colour, nationality, caste and ethnic or national origins)
- h) Sexual orientation
- i) Religion or belief (including no religion)
- j) Marriage or Civil Partnership

3. Types of Unlawful Discrimination:

3.1 Direct discrimination

is where a person is treated less favourably than another because of a protected characteristic. In limited circumstances, employers can directly discriminate against an individual in relation to the protected characteristic of Age where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

3.2 Indirect discrimination

is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not. Indirect discrimination can be lawful if an employer can demonstrate objective justification, showing the decision to be a proportionate means of achieving a legitimate aim.

3.3 Harassment

is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It may be intentional, obvious, or violent, but it can also be unintentional or subtle and insidious.

Forms of harassment can include, but are not limited to:

- Racial slurs
- Personal insults
- Derogatory jokes and banter
- Offensive or insensitive messages (including email)
- Isolation or non-cooperation and exclusion
- 'outing' someone as transgender
- asking intrusive questions about someone's gender identity or transition
- Persistent and/or malicious use of the incorrect pronoun or 'deadnaming'

3.4 Associative discrimination

is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic. It does not cover harassment because of marriage and civil partnership, and, according to guidance from the Government and the Advisory, Conciliation and Arbitration Service (ACAS), pregnancy and maternity). It also does not cover instances related to indirect discrimination.

3.5 Perceptive discrimination

is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

3.6 Third-party harassment

occurs where a staff member is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as service users.

3.7 Victimisation

occurs where a staff member is treated less favourably because they have committed or it is believed they may commit a "protected act". "Protected acts" include bringing legal proceedings related to discrimination against the employer or the perpetrator, or the giving of evidence at a disciplinary or grievance hearing or at tribunal, or making complaints about the perpetrator or the employer about their alleged discriminatory practices. However, a staff member is not protected from victimisation if they acted maliciously made or supported an untrue complaint.

3.8 Failure to make reasonable adjustments

is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage. This covers reasonable adjustments made for disabled service users and an obligation to think ahead and address any barriers for candidates applying for job roles and for current staff working for KCSC.

4. Equal Opportunities in employment

KCSC will seek to avoid unlawful discrimination in all aspects of employment as follows:

4.1 Recruitment and promotion

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job.

Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability.

Disability and personal or home commitments will not form the basis of employment decisions except where they are shown to be a proportionate means of achieving a legitimate aim.

4.2 Working practices

KCSC will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices

KCSC will refuse such requests only if KCSC considers it has good reasons, unrelated to any protected characteristic, for doing so.

KCSC will comply with its obligations in relation to statutory requests for contract variations. KCSC will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

KCSC will not discriminate unlawfully, nor tolerate any unlawful discrimination by its staff, against service users using or seeking to use the services provided by KCSC.

4.3 Gender reassignment

Transgender or 'trans' is an umbrella term for somebody who experiences gender incongruence, gender diversity or gender dysphoria, meaning they do not align to the sex they were assigned at birth. KCSC will consider any possible support to employees who inform us of their intention to transition.



5. Training

KCSC will raise awareness of and provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision-making where equal opportunities issues are likely to arise.

As part of the induction process, all staff will be made aware of KCSC's Equality and Diversity and Dignity at Work policies, so that they understand their rights and responsibilities and what they can do to help create a working environment free of bullying and harassment.

All employees are encouraged to discuss their career prospects and training needs with their manager on a regular basis. Opportunities for promotion and training will be communicated and made available to everyone on a fair and equal basis.

6. Responsibilities of Managers

The Chief Executive has overall responsibility for ensuring this policy is implemented.

Managers are responsible for:

1. Taking steps to ensure that their teams are aware of this policy, the arrangements and the reasons for the policy.
2. Grievances occurring within their team concerning discrimination are dealt with properly, fairly and as quickly as possible.
3. Proper records are maintained.

7. Responsibilities of Staff

Responsibility for ensuring that there are no unlawful discrimination rests with all staff and the attitudes of staff are crucial to the successful operation of fair employment practices.

All members of staff should:

1. Comply with this policy and arrangements.
2. Not discriminate in their day-to-day activities or induce others to do so.
3. Not victimise, harass or intimidate other staff or groups who have, or are perceived to have one of the protected characteristics.
4. Ensure no individual is discriminated against or harassed because of their association with another individual who has a protected characteristic.
5. Inform their manager if they become aware of any discriminatory practice.
6. All staff are required to assist KCSC in meeting its commitment to avoid unlawful discrimination both in employment and to service users and the public.
7. Staff can be held personally liable as well as, or instead of, KCSC for any act of unlawful discrimination. Staff who commit serious acts of harassment may be guilty of a criminal offence.

8. Acts of discrimination, harassment, bullying or victimisation against staff or customers are disciplinary offences and will be dealt with under KCSC's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

8. Grievances

Staff who consider that they may have been unlawfully discriminated against should use KCSC's grievance procedure to make a complaint. If the complaint involves bullying or harassment, the grievance procedure is modified as set out in the Dignity at Work policy.

KCSC will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

9. Monitoring and review

KCSC will regularly review this policy to ensure its continuing compliance with relevant employment legislation and the continuing success of its implementation by:

- Ensuring there are no suspected practices in breach of this policy
- Ensuring that selections are carried out in a non-discriminatory manner
- Promoting a harmonious working environment
- Eliminating discrimination and harassment
- Periodically judging effectiveness of this policy
- Updating the policy in accordance with changes in the law.

KCSC will maintain information on staff who have been involved in certain relevant processes such as Disciplinary, Grievance and Bullying & Harassment. Additionally KCSC will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

Information provided by job applicants and staff for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the General Data Protection Regulation (GDPR).

10. Related policies and documents

- Bullying and harassment policy
- Dignity at Work policy
- Flexible working policy
- Training and development policy