

1. Introduction and purpose of the policy

1.1 MindOut believes in equality of opportunity for all, in challenging inequality and discrimination particularly in relation to minority and socially excluded groups. We are committed to challenging inequality, discrimination and stigma on the grounds of mental distress.

1.2 MindOut is a project run by and for LGB&T people with experience of mental health issues. Within these parameters, no service user, employee, volunteer or job applicant should receive less favourable treatment because of their gender, race, ethnicity, age, disability, religion, cultural background, sexual orientation, marital status or any other criteria.

1.3 MindOut recognises that many people in our society experience discrimination. Discrimination is acting unfairly against a group or individual through for example exclusion, verbal comment, denigration, harassment, victimisation, a failure to appreciate needs or the assumption of such needs without consultation.

Discrimination can be direct or indirect (where there is a policy, practice or procedure that applies to everyone but has an effect which particularly disadvantages a particular group and cannot be justified).

1.4 All forms of discrimination are unacceptable, regardless of whether there was any intention to discriminate or not. Staff, volunteers and service users have a responsibility to abide by this policy to ensure in equal opportunities and prevent discrimination. Staff, volunteers and service users should draw the attention of the relevant line manager to any suspected discriminatory acts or practices or cases of bullying or harassment.

1.5 MindOut recognises that some service users may, due to past or present distress, say or do things not otherwise compatible with the Equality and Diversity Policy. We will do all we can to challenge such behaviour and wherever possible we will aim to support people to alter attitudes and behaviour while maintaining support for the distressed client.

1.6 The purpose of this policy is to ensure that discrimination on the basis of gender, race, ethnicity, age, disability, religion, cultural background, sexual orientation, marital status or any other criteria is challenged at all times. We aim to remove any barriers, bias or discrimination that prevent individuals or groups from realising their potential and contributing fully to the organisation's performance and to develop an organisational culture that positively values diversity.

MindOut will challenge discrimination in its own policies and ensure that all policies comply with equalities legislation.

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2. Preparation and review

This policy will be reviewed every 3 years by the Director
Should any substantive changes be necessary, the Director will refer the revised policy to the Board of Trustees for its approval.

3. Definitions used in this policy

Protected Characteristics as listed in the Equality Act 2010 are sex, sexual orientation, marriage or civil partnership, gender reassignment, race, religion or belief, age, disability, pregnancy and maternity and caring responsibility.

Direct Discrimination is when you treat someone less favourably than others because of a protected characteristic, whether or not the person possesses that protected characteristic. For example not employing someone because they are a woman or they are a particular race.

Indirect Discrimination is when a policy, practice or procedure that applies to everyone has an effect which particularly disadvantages people who share a protected characteristic.

Detriment arising from disability is a new type of disability discrimination that has been introduced by the Equality Act 2010. It is when an employer treats an employee unfavourably because of something arising in consequence of the employee's disability, and it cannot be justified in relation to the job. For example, dismissing someone because of their poor attendance record when their absence was as a consequence of a disability, and without the employer being able to show that the dismissal was a proportionate means of achieving a legitimate aim.

Duty to make reasonable adjustments is where a provision, criterion or practice puts a disabled person at a substantial disadvantage in relation to others who are not disabled, the employer/ service provider has a duty to take reasonable steps to avoid the disadvantage, including changes to physical features, providing auxiliary aids and providing information.

Harassment is unwanted conduct related to a relevant protected characteristic (sex, sexual orientation, gender reassignment, race, religion or belief, age, disability) that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment. This includes protection against third-party harassment where the employer has failed to take reasonable practicable steps to prevent the harassment.

Victimisation is when a person is treated badly because they have made a complaint about discrimination or have given evidence in a discrimination case.

Positive discrimination is where you make a decision in someone's favour because of his or her particular characteristic, e.g race, gender or disability. Positive discrimination is usually unlawful, unless it falls within one of the very limited exceptions contained in the anti-discrimination legislation in relation to disability or as a genuine occupational requirement.

Positive action is proportionate steps taken to enable or encourage people who share a protected characteristic to overcome or minimise a disadvantage, to meet their needs or to participate, when the organisation reasonably thinks that people who share the protected characteristic suffer the disadvantage, or have needs that are different, or a disproportionately low number of such people participate in an activity. Examples would include setting equality targets (but not quotas which are unlawful); encouraging people from particular groups to apply where they are under-represented; training for promotion or skill training for employees from under-represented groups who show potential.

4. Related MindOut policies

Recruitment and Selection
Harassment and Bullying
Staff Conduct
Complaints policy

5. Legal background for this Policy

The Equality Act 2010 aims to consolidate, simplify and expand existing discrimination law (some of which are listed below). Its main provisions came into force from October 2010.

The provisions of the Act are:

- Putting a new integrated Equality Duty on public bodies (in force from April 2011)
- Using public procurement to improve equality
- Banning age discrimination outside the workplace (in force from 2012)
- Requiring gender pay and employment equality publishing
- Extending the scope to use positive action
- Strengthening the powers of employment tribunals
- Protecting carers from discrimination
- Clarifying the protection for breastfeeding mothers
- Banning discrimination in private members' clubs
- Strengthening protection from discrimination for disabled people
- Protecting people from dual discrimination - direct discrimination because of a combination of two protected characteristics (in force from April 2011).
 - **Race Relations Act 1976, 2000 Amendment and 2003 Amendment Regulations**
 - **Equal Pay Act 1970**

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- **Sex Discrimination Act 1975, 1986 Amendment, Employment Equality (Sex Discrimination) Regulations 2005 and Gender Equality Duty 2007**
- **Employment Equality (Sexual Orientation) Regulations 2003, Equality Act (Sexual Orientation) Regulations 2007**
- **Civil Partnership Act 2004**
- **Disability Discrimination Acts 1995 and 2005 and the Disability Equality Duty 2006**
- **Employment Equality (Religion or Belief) Regulations 2003 and the Equality Act 2006**

6. Principles

6.1 Access to services

- All information about MindOut services, all promotional materials and publicity will be judged in the light of the promotion of equal opportunities and those considered to be discriminatory will not be used.
- MindOut will ensure that all service environments are welcoming and display positive imagery which represents the diversity of the communities within which we work.
- Access to and delivery of our services will plan to anticipate and respond positively to the needs of minority communities, including outreach into those communities.
- MindOut will audit its services in line with the requirements of the Disability Discrimination Act and wherever possible make adjustments to improve physical access to our premises.
- MindOut will maintain up to date information on access to services which offer support to minority communities.
- Information and promotional materials will be made available in translation and in formats such as large print, Braille and on tape on request.
- MindOut will provide access to interpreters on request.
- A choice of gender, sexual orientation, ethnicity and/or age of worker will be offered to service users wherever possible.
- MindOut will strive to maintain a diverse staff and volunteer group which reflects local communities.

6.2 Recruitment and Selection

MindOut as an employer, will treat all employees and job applicants equally and fairly and not unlawfully discriminate against them. This applies equally to voluntary positions and anyone undertaking work experience with us. This

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will, for example, include arrangements for recruitment and selection, terms and conditions of employment, access to training opportunities, access to promotion and transfers, grievance and disciplinary processes, selection for redundancies, work allocation and any other employment related activities. MindOut recognises the benefits of having a diverse workforce and will take steps to ensure that:

- we endeavour to recruit from the widest pool of qualified candidates practicable;
- employment opportunities are open and accessible to all on the basis of their individual qualities and personal merit;
- where appropriate, positive action measures are taken to attract applications from all sections of society and especially from those groups which are underrepresented in the workforce;
- selection criteria and processes do not unlawfully discriminate on the grounds of sex (including marital status, gender reassignment, pregnancy, maternity and paternity), sexual orientation (including civil partnership status), religion or belief, age or disability; other than in those instances where MindOut is exercising permitted positive action or a permitted exemption;
- wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will be used to recruit suitable staff to meet the special needs of particular groups;

6.3 Anti-discriminatory practice

All staff, volunteers and service users will be made aware of their rights and responsibilities under this policy.

- Discriminatory behaviour, discriminatory practice, discriminatory policies and discriminatory language will be challenged, both within MindOut's services and when working in partnership.
- MindOut will take appropriate action in relation to identified discrimination. The person/people concerned will be required to cease, if the discrimination persists then action will be taken, e.g. through use of the Disciplinary Policy, Complaints Policy, Grievance Policy, Harassment and Bullying Policy.
- Where discriminatory practice has been identified and the person/people concerned have been requested to cease, action will be taken if it persists.

6.4 Staff and volunteer training

All staff and volunteers will take part in diversity training to include anti-discriminatory practice and cultural competence

- Staff and volunteer training programmes will include training on working with minority communities.
- Staff and volunteers will receive training on the use of equalities monitoring processes.

6.5 Monitoring and development

MindOut will monitor the diversity of service users, results of monitoring will feed into planning and development of services. MindOut will monitor and record equal opportunities information about staff, on the basis of age, gender, ethnicity, and disability.

We will store equal opportunities data as confidential personal data and restrict access to this information. Equal opportunities information will be used for exclusively for the purposes of equal opportunities monitoring and have no bearing on opportunities or benefits.

- Monitoring information will be used to identify gaps in service and lack of access by minority communities.
- Strategic planning will include the development of resources aimed at improving access for under-represented groups, including outreach to those groups.
- Strategic planning will be informed by evidence of need within local minority communities.
- Staff and volunteers will be required to complete equalities monitoring and gaps in minority representation in the staff and volunteer group will be identified and action taken to recruit to improve representation.

6.6 Community Engagement

MindOut will actively seek to make links with local groups which represent minority communities and will aim to develop joint working wherever possible.

- MindOut will seek opportunities to consult with local minority communities on its strategic development.
- MindOut will carry out and support the development of research into the mental health needs of local communities.

7. Equality and Diversity Officer

The Equality and Diversity Officer (EDO) is responsible for making sure that staff and volunteers are aware of changes in legislation, developments in good practice and changes to relevant MindOut policies.

- The EDO will ensure that service users have the opportunity to participate in reviewing equalities policies
- The EDO will report on Mindout's progress with regard to this policy.
- The EDO will ensure that staff and volunteer training programmes include equality and diversity issues and anti-discriminatory practice.
- If the EDO is a member of staff, adequate paid time will be allowed away from usual duties to attend meetings, training events and to undertake the duties listed. If the EDO is a Trustee, then Mind will reimburse any expenses incurred.
- The EDO will not represent any particular views, opinions or interests nor will they have the responsibility to discipline staff or service users or raise grievances
- The EDO will be available in an advisory capacity in the case of a

grievance involving discrimination.