

Equality, Diversity and Inclusion Policy

Chwarae Teg are committed to promoting equality, diversity and inclusion in all its activities and within the mind-set of all employees, in order to retain a positive organisational culture where everybody can achieve and prosper.

Equality, diversity and inclusion is at the heart of Chwarae Teg’s mission and is embedding within our DNA. Chwarae Teg has a unique opportunity to affect positive change within society and we recognise that in order to reach our maximum potential as a business, we need to foster the same ideologies within our own working practices.

This policy extends to those employed by Chwarae Teg, our trustees, volunteers, those on external/internal secondments or work placements, our customers and suppliers and all third parties carrying out business in the name of Chwarae Teg, collectively referred to as ‘our people’.

Definitions of some of the key concepts within equality, diversity and inclusion are found in appendix 1.

Introduction

We want to maintain a working environment that values the individual and group differences within our work force. We want to embrace the diversity of backgrounds and perspectives of our people, which in turn can increase their talent, creativity and contributions. We are committed to encouraging team-working and employee voice, through various channels, to enable diverse and innovative thinking which will contribute to the success of the organisation.

Chwarae Teg is committed, not only to our legal obligations not to discriminate, but also to the positive promotion of equality of opportunity and equality of outcome for all our stakeholders. We retain a focus on embedding transparent processes that provide consistency of approach and on increasing diversity across the workforce. However, we also recognise there are barriers at the socio-cultural and political level to society achieving true meritocracy, and therefore, there may be instances where Chwarae Teg take positive action, as recognised under the Equality Act 2010, as a means to tackle historical inequalities that continue to shape society and the labour market.

Our Commitment to Equality:

Chwarae Teg will not discriminate against or treat an individual differently on the grounds of any of the 9 protected characteristics, as defined within the Equality Act 2010. These are: Age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marital status/civil partnership and pregnancy and maternity.

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The 9 Protected Characteristics:

1. **Age** - a person belonging to a particular age (for example 70-year olds) or range of ages (for example 18 to 25-year olds).
2. **Disability** - a person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities*.
3. **Gender reassignment** - the process of transitioning from one gender to another.
4. **Marriage and civil partnership** - marriage is a union between a man and a woman or between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).
5. **Pregnancy and maternity** - pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
6. **Race** - a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
7. **Religion and belief** - any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
8. **Sex** - a man or a woman.
9. **Sexual orientation** - whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

* The Equality Act 2010 defines a disabled person according to the medical model of disability, in which a person's impairment is seen as disabling. At Chwarae Teg we acknowledge the Equality Act 2010 definition and will not discriminate against an individual on these grounds. However, Chwarae Teg have adopted the social model of disability, which recognises that disability is caused by how society is organised. Disability refers to the barriers that people with impairments and/or long-term health conditions experience in their day-to-day life, which can be attitudinal, institutional, communicational and/or environmental. By adopting the social model of disability Chwarae Teg commits to identifying and removing the disabling barriers that are within our control, such as management practices, the way work is organised and how physical spaces are designed.

Our commitment to protect people from discrimination extends to people with part-time, agency or fixed term contract status and to those who may hold trade union, or other affiliated, membership. Chwarae Teg seeks to eliminate discrimination across all aspects of our work and against any personal characteristic, including those that are not protected in law, as above.

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Types of discrimination:

1. **Direct discrimination** - where an individual treats someone less favourably “because of” an individual’s protected characteristic. Examples of direct discrimination are: Dismissing someone because of a protected characteristic, deciding not to employ them, refusing them training, denying them a promotion, or giving them adverse terms and conditions because of a protected characteristic.
2. **Indirect discrimination** - if an employer or organisation has policies or practices which apply equally to everybody, they may be committing indirect discrimination if those policies disadvantage someone with a protected characteristic. Examples of indirect discrimination are: Requiring all employees to work on religious days (indirect religion discrimination), implementing a recruitment practice that demands candidates hold UK qualifications (indirect race discrimination), implementing only full time working hours (indirect gender discrimination, as female employees are more likely caregivers and need flexibility/part time work).
3. **Combined Discrimination** - this allows individuals to make a combined claim of direct discrimination based on two protected characteristics.

You don't have to have a protected characteristic yourself to be discriminated against. If someone thinks you have a characteristic or associates you with somebody who has a characteristic and treats you less favourably, that's direct discrimination by perception or direct discrimination by association respectively.

4. **Discrimination by perception** - This allows individuals to make a claim for direct discrimination where they believe they have been treated less favourably because they are *perceived* to have a protected characteristic. An example of discrimination by perception is where an employer decides not to promote a female employee because they believe her to be pregnant irrespective of whether she is pregnant or not.
5. **Discrimination by association** - This allows individuals to make a claim for direct discrimination where they believe they have been treated less favourably because of a third party’s protected characteristic. i.e. informal carers. An example of discrimination by perception is an employee is overlooked for promotion because their partner has undergone gender reassignment.

Harassment is also a form of discrimination under the Equality Act 2010. Our people should be treated with dignity and respect and not be subject to harassment, bullying or victimisation (for further information around bullying and harassment and for a process to follow if you feel you have been subject to, or witness to, bullying or harassment, please read our Anti-Bullying and Harassment Policy).

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- 6. **Harassment** - behaviour that is deemed offensive by the recipient. People can complain of the behaviour they find offensive even if it is *not* directed at them. Harassment may involve physical acts or verbal and non-verbal communications and gestures.
- 7. **Harassment by a 3rd party** - employers are potentially liable for the harassment of their staff or customers by people they don't employ directly, e.g. a contractor. If they are aware the harassment has occurred on more than two occasions and they have done nothing to stop it.

INTERSECTIONALITY

“By intersectionality we mean the way in which power structures based on factors such as gender, race, sexuality, disability, class, age and faith interact with each other and create inequalities, discrimination and oppression...one single form of discrimination cannot and should not be understood in isolation from another.”^[1]

Intersectionality describes the way that the characteristics of our identity shape our experiences, our access to power, and our privilege. Understanding intersectionality is essential to being able to achieve equality and embrace diversity.

At Chwarae Teg we recognise that when these characteristics are only considered in isolation, understanding of an individual’s combined experience is limited, or misunderstood. In practice, this can mean only the experiences and perceptions of those representing the majority, or ‘norm’ within an environment are considered, with policies and practices designed only to fulfil their needs.

Chwarae Teg seeks to apply an intersectional lens to all that we do, including implementation of workplace policies and processes and in creating and defining our organisational culture. To support this approach we encourage openness and seek the views of our people on a regular basis via the establishment of a complaints process, an employee forum, 1:1 discussion, focus groups, surveys, exit interviews and by providing opportunities for (anonymised) employee voice across the organisation.

We encourage our people to question their own assumptions and unconscious biases, to be open to the unique experiences of others and to challenge practices or attitudes that impact upon retaining a respectful and inclusive experience for all.

Equality of Outcome and Positive Action:

As well as providing equality of opportunity, Chwarae Teg believes in attaining a fair outcome for all. We recognise that sometimes there are cultural and structural inequalities that can prevent, or impact upon, an individual’s participation. Therefore, attaining equality of

^[1] Chwarae Teg *Deeds not Words Summary Report: Review of Gender Equality in Wales (Phase Two)*, 2019

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outcome, in this sense, can require treatment that is not the same for everybody as action may be required to tackle inequalities, so that people are able to compete equally.

Positive action is a range of measures allowed under the Equality Act 2010 which can be lawfully taken to encourage and train people from under-represented groups to help them overcome disadvantages in competing with other applicants or colleagues.

Chwarae Teg may decide to take steps towards positive action, where we have a justified reason to think that people with a protected characteristic are under-represented in the workforce or suffer a disadvantage because of that characteristic. We will only use positive action as a proportionate way of addressing the under-representation or disadvantage.

Chwarae Teg has committed to being a Disability Confident employer. Under the Disability Confident scheme, Chwarae Teg may implement a guaranteed interview to people with a disability, if they meet the minimum criteria set for the role they have applied for. The person with the disability would need to obtain the job on merit or equal merit (i.e. a tie-break situation) and through the application of acknowledged positive action. In keeping with Chwarae Teg’s recruitment process, equal merit must be established using justifiable assessment criteria, based upon the person specification for the job in question. Hence, where two candidates for a job or promotion are of equal merit, but one of the two has a protected characteristic that is under-represented in the workforce or suffers a disadvantage because of that characteristic, the one with the protected characteristic may be lawfully offered the job or promotion. When determining equal merit, a range of assessment criteria must be considered, including: Overall ability, competence, experience, qualification and other essential/desired criteria.

Chwarae Teg may also take positive action by targeting certain under-represented groups when determining how and where to advertise job advertisements, by declaring our interest in applications from certain underrepresented groups and within recruitment campaigns, for example, organising or attending open days or events that target certain under-represented groups.

Implementing this Policy:

In order to fulfil our commitment to equality, diversity and inclusion best practice, Chwarae Teg will provide the following assurances, under the defined headings, to all its people:

Organisational culture and compliance

- Actively monitor all areas of employment (including: recruitment and selection, access to development and promotional opportunities, transfers and selection for redundancies, pay and benefits, recognition, references, grievances and disciplinary action, work allocation and any other employment related activities) to ensure there

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is equal treatment for all employees and that action will be taken where any disparity is found.

- Seek to challenge and investigate discriminatory behaviour and enforce the disciplinary procedure when necessary.
- Ensure that all staff and Board members are aware of and fulfil their obligations regarding equality and diversity issues via
 - Ensuring understanding of this policy
 - Providing equality and diversity awareness raising to all employees, volunteers and trustees, as appropriate.
- Report to a People and Organisational Development Committee (sub-committee of the Board of Directors) on compliance with this policy
- Equality impact assess all new policies to ensure that the policy does not discriminate against any equality strand or group of people.
- Encourage our people to actively promote an inclusive environment and to respectfully challenge processes and behaviours that may inhibit inclusion, in addition to the behaviours outlined in our DNA (see appendix A).
- Monitor the diversity of our workforce via data collection and analysis.
- Regularly seek employee voice to assess satisfaction levels e.g. Via the Employee Forum, staff engagement surveys, discussion and focus groups.
- Encourage a culture of open communications and psychological safety in which to explore diversity of employee needs.
- Provide supportive measures and reasonable adjustments, where able, to accommodate employee needs.

Recruitment & Selection

- Advertisements for posts will be reviewed to eliminate any unnecessary terminology, non-inclusive or bias language/imagery.
- Advertisements for posts will give sufficiently clear and accurate information, including availability of flexible working, to enable potential candidates to make informed decisions.
- Ensure all recruitment agencies acting for Chwarae Teg are aware of their requirement not to discriminate and to follow Chwarae Teg’s specifications to ensure a fair selection process.
- Have a job evaluation process in place to ensure all job descriptions and specifications will include only requirements that are justifiable for the effective performance of the job and that requirements are assessed against capacity levels.
- We follow a fair process for setting and reviewing salaries across the organisation, as referenced within Chwarae Teg’s Total Reward Policy.
- Endeavour to recruit from the widest pool of external candidates possible, whilst circulating all opportunities internally (exceptional circumstances may apply in cases where an employee has been successfully recruited for a temporary/fixed term contract role and the terms of employment for that role changes e.g. the role becomes permanent)

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- Ensure that recruitment shortlisting is anonymised with fairness and transparency within decision-making
- Ensure that selection practices are thorough, are determined against defined criteria, fairly benchmarked and scored, so that all appointments are made on merit.
- All employees involved in the advertising, recruitment and selection process are provided guidance on unconscious bias, our legal obligations and best practice.
- Where it is necessary to ask questions relating to personal circumstances, during the recruitment process, these will be related purely to job requirements and asked to all candidates.
- Take steps to ensure diversity within the workforce and at board level, to include potential positive action (see Positive Action below).
- Commit to being a disability confident employer.

Learning & Development

- Encourage all employees to discuss their career prospects and training needs with their Line Manager, either within or in addition to regular Achieve meetings.
- Encourage all employees to access training and other career development opportunities as appropriate to their experience, abilities and interests.
- Provide core training to all employees, regardless of a protected characteristic, part-time or fixed term contract status. i.e. internal workshops
- Retain a training and CPD log for all employees, as part of the Achieve process, for the purposes of recording and assessing learning and development.
- Assess all requests for additional training at Senior Management Team level, who will monitor expenditure and distribution of training across all areas of the organisation, to ensure fairness within spend and all employees have opportunity to develop.
- Consider all employees for internal promotion/secondments/job change, solely on their merits following a fair and transparent recruitment process.

Service Delivery

- Endeavour to promote the inclusion of marginalised, vulnerable or under-represented groups. We will implement the most appropriate method of positive action to address imbalance and promote inclusion.
- Ensure our selection and tendering processes address and include equality considerations.
- Encourage our partners to work with us and adopt our equality principles.

Responsibilities

All our people have a responsibility to adhere to and promote this policy. Therefore, all our people have a responsibility to respect others, to not discriminate or harass others and to report any such behaviour, of which they become aware, to the People Team.

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The People Team are responsible for monitoring and reviewing this policy and for ensuring that all employment-related policies, procedures and practices adhere to this policy.

All Line Managers are responsible for implementing this policy.

Chwarae Teg’s Board of Trustees have responsibility for driving forward our work on equality and diversity, as relevant to the functions and services that they have responsibility for.

The Chief Executive has the ultimate responsibility for Equality, Diversity and Inclusion within Chwarae Teg.

Making a Complaint:

Any employee/agency worker/volunteer who feels they have been discriminated against, or believe they have witnessed discrimination, should raise the matter in accordance with Chwarae Teg’s Grievance Procedure. A copy of the Grievance Procedure can be found internally on SharePoint.

Any employee/agency worker/volunteer who feels they have been subject to, or believe they have witnessed, harassment, bullying or victimisation, is encouraged to raise the matter under Chwarae Teg’s Anti-Bullying and Harassment Policy, which can also be found on SharePoint.

Any instance of discrimination, harassment, bullying or victimisation that is brought to Chwarae Teg’s attention, may be dealt with, as appropriate, in line with Chwarae Teg’s Disciplinary Policy (also found on SharePoint).

Any external stakeholder who feels they have been discriminated against or been subject to harassment, bullying or victimisation, or who believe they have witnessed discrimination, bullying, harassment or victimisation, should raise the matter as a complaint using the following contact details:

Email: complaintsofficer@chwaraeteg.com
 Post to: Complaints Officer: PRIVATE and CONFIDENTIAL,
 Chwarae Teg,
 1st Floor Anchor Court,
 Keen Road,
 Cardiff,
 CF24 5JW

Any employee who is found to have committed an act of discrimination, or breached this policy in any other way, will be subject to action under the Disciplinary Procedure, up to and including dismissal. Non–employees will be subject to appropriate formal action that may, depending on the circumstances, involve terminating any contract or agreement.

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The Company will also take seriously any malicious or, in its opinion, unwarranted allegations of discrimination and will take appropriate action, disciplinary or otherwise, where necessary.

Further Information:

Further sources of information on Equality, Diversity and Inclusion, can be accessed within the following links:

- ACAS: www.acas.org.uk
- Disability Rights UK: www.disabilityrightsuk.org
- Equality & Human Rights Commission: www.equalityhumanrights.com
- Gov.UK: www.gov.uk/browse/employing-people
- Stonewall: www.stonewall.org.uk
- Fit For Work Service: fitforwork.org
- Mental Health At Work: www.mentalhealthatwork.org.uk

The policy has been reviewed and revised in January 2021
 It replaces the previous version.
 The policy will be implemented from January 2021
 The next review date will be January 2023 in order to evaluate if any changes are required unless changes become necessary before that date.

Signed by:
 Cerys Furlong
 January 2021

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APPENDIX 1

EQUALITY: Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents. It is also the belief that no one should have poorer life chances because of the way they were born, where they come from, what they believe, [how they chose to live their lives] or whether they have a disability. <https://gladstone.uoregon.edu/~asuomca/diversityinit/definition.html>

EQUALITY OF OUTCOME: Equality of outcome is based on the concept of equity and goes beyond securing equality of opportunity. Equity is the quality of being fair, which can require treatment that is not the same, in order to ensure a fair outcome for all. This approach recognises that there are cultural and structural inequalities that could prevent participation and therefore action may be required to tackle these inequalities so that people are able to compete equally.

DIVERSITY: Diversity is about empowering people by respecting and appreciating what makes them different. Diversity allows for the exploration of these differences in a safe, positive, and nurturing environment. It means understanding one another by surpassing simple tolerance to ensure people truly value their differences.

INCLUSION: Inclusion is an organisational effort and practices in which different groups or individuals having different backgrounds are culturally and socially accepted and welcomed, and equally treated. These differences could be self-evident... or they could be more inherent, such as educational background, training, sector experience, organisational tenure, even personality, such as introverts and extroverts. Inclusion is a sense of belonging.

SOCIAL MODEL OF DISABILITY: The Social Model of Disability turns the Medical Model approach on its head in arguing that society, not impairment, is the problem. Disability is viewed as something which is imposed on people with impairments (whether they have a physical impairment, sensory impairment, learning difficulty or mental health condition) by a society which creates barriers to equality. These barriers include:

- Lack of access in and around the built environment including transport systems (environmental barriers)
- Policies and procedures that prevent the full participation of disabled people within education, the workplace and the wider community (institutional barriers)
- Attitudes that regard disabled people as inferior, helpless, weak and vulnerable (attitudinal barriers).

Disability Wales. *An introduction to the Social Model of Disability*
<http://www.disabilitywales.org/resources/>

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