

ClarkJamesGroup™

DIVERSITY AND INCLUSION POLICY

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POLICY OVERVIEW

We promote a supportive and inclusive culture and believe people can bring value to the workplace no matter what background or culture. Diversity and inclusion can bring benefits and we feel that we work better with improved services if we have a supportive environment. People have visible and non-visible differences, and we find that if we respect these differences, our colleagues, clients, and others benefit.

This policy covers how we treat everyone when:

- carrying out our functions
- whenever we plan policies
- when we provide or commission services
- when we employ or fulfil our role as an employer

We oppose all forms of unlawful discrimination.

We do not tolerate any form of intimidation, bullying or harassment.

Principles

We are committed with our workforce to:

- provide equality and fairness to all our employees and to those applying to work for us
- recognise and value individual differences and input of all our team
- avoid stereotypical assumptions or bias, conscious or otherwise
- select applicants based on their aptitude and ability for:
 - employment
 - promotion
 - training
 - any other benefit
- promoting dignity and respect for each employee. We will identify and address issues affecting health, wellbeing, and ability to perform well
- developing training programmes to meet employees' needs, learning styles and ability
- offering training programmes on diversity and inclusion
- promote equality in the workplace. We recognise key life stages and events which include caring duties
- encourage anyone who feels they have been subject to discrimination to raise their concerns so we can apply corrective measures
- keep in touch with employees who are 'not fit for work' during periods of sickness absence
- apart from in exceptional circumstances, keeping a job applicant's gender identity confidential.

We will not:

- tolerate any intimidation, harassment, or bullying
- tolerate discrimination based on any protected characteristic listed in the Equality Act 2010. The protected characteristics are:
 - age
 - disability
 - gender reassignment
 - marriage and civil partnerships
 - pregnancy and maternity
 - race (which includes colour, nationality and ethnic or national origins)
 - religion or belief
 - sex
 - sexual orientation

We may bring disciplinary action against those who breach these principles.

Employees can be held personally liable for any act of unlawful discrimination.

Equality Duty

By law, in carrying out our public functions, we must take positive steps to:

- eliminate discrimination, harassment, and victimisation
- advance equality of opportunities
- nurture good relations with those who share a protected characteristic and those who do not

This includes information about those who share a protected characteristic who are:

- employees
- people affected by our policies or practices

Types of Discrimination

Direct discrimination

Where a person is treated less favourably than another because of a protected characteristic.

i.e., not promote a pregnant employee because she is due to go on maternity leave. This would be direct discrimination on the protected characteristic of the employee's sex and maternity.

Associative discrimination

Where a person is directly discriminated against or harassed due to being associated with another person who has a protected characteristic.

Perceptive discrimination

Where there is a perception that someone has a particular protected characteristic when they do not.

Indirect discrimination

When there is a policy that applies in the same way for everybody but disadvantages someone with a protected characteristic and you are affected as part of that group. Those using the policy must show that there is a good reason for it. A policy can include a practice, a rule, or an arrangement. It makes no difference whether anyone intended the policy to disadvantage someone or not.

Justification of discrimination

Direct discrimination could be justified where there is an occupational requirement. The occupational requirement must be:

- imperative to the post
- a proportionate means of achieving a legitimate aim

Indirect discrimination could be justified if it is proportionate and has a legitimate aim.

However, there are strict conditions these defences must meet, and managers must discuss if the justifications are appropriate.

Harassment

Unwanted conduct, related to one of the protected characteristics, which has the purpose or effect of:

- violating a person's dignity
- or, creating an intimidating, hostile, degrading, humiliating or offensive environment

Employees or the public can complain of behaviour they find offensive even if it is not directed at them and the complainant need not have the relevant characteristic themselves.

Those who commit severe acts of harassment may be guilty of a criminal offence.

The bullying of an individual, which is related to a protected characteristic can be unlawful behaviour.

Bullying is defined as being offensive, using intimidating, malicious or insulting behaviour. It is an abuse or misuse of power. It undermines, humiliates, denigrates, or injures an individual or a group of employees.

This type of conduct is usually sustained.

Victimisation

An individual is subject to a detriment when, for example, an employee is denied a promotion because they:

- made or supported a complaint
- raised a grievance
- re suspected of submitting a complaint or grievance

or

- denying a member of the public our services because they:
 - made or supported a complaint
 - raised a grievance or we suspect they have done so

It will not be victimisation if the person acted maliciously or made or supported a false complaint.

Failure to make a reasonable adjustment

We are committed to supporting employees and the public accessing our services who have a disability by making reasonable adjustments.

By law, we must make reasonable adjustments. These ensure we do not disadvantage disabled people compared to those who are not disabled. They fall into three areas:

- changing practices, policies, and procedures
- physical feature, for example, a barrier
- providing extra equipment or getting someone to do something to assist you

Examples of reasonable adjustments include, but are not limited to:

- re-arranging seating or furniture in the office space
- provision of a reader, interpreter, or signer
- additional or modified equipment, such as specialised seating or software

Where an employee requires an adjustment to their working arrangements, they should discuss this with their manager as soon as possible.

Race, Religion or Belief

We will not tolerate racism of any form.

We have adopted a declaration condemning extremism and racist behaviour in all its forms.

We will not tolerate any discrimination based on a person's religion or belief.

Any behaviour or use of language which incites racism, targets or intimidates members of ethnic or religious communities, including antisemitism, is unacceptable conduct.

In understanding what antisemitism is, we apply the working definition provided by the International Holocaust Remembrance Alliance (IHRA). [Read the definition of antisemitism on the IHRA website.](#)

Trans Equality

We are committed to promoting a safe environment where people can be open about their identity. We believe all individuals should be able to self-identify and to express their preferences.

Trans people have equal recruitment and employment opportunities. We will support employees through any transitioning process.

We would encourage employees, who are seeking to transition, to discuss this openly with their manager. This will ensure relevant support is put in place.

Definitions

'Trans' described people whose gender identity differs from their sex assigned at birth. They can be people who:

- are planning or have had medical help such as hormones or surgery
- are not planning any medical intervention
- may be intending to, in the process of, or have undergone gender reassignment
- are non-binary (not solely male or female). They:
 - may define themselves as both, neither or something different
 - may or may not have medical interventions to align their body with their non-binary gender identity

Rather than assume, it is best to ask someone how they wish to be addressed. We encourage trans people to be open with us. We can then arrange appropriate levels of support, education and training to be put in place.

We recognise that terminology regarding trans people is evolving. Employees may self-identify, and managers and colleagues will respect this.

- transitioning - the steps a trans person may take to live in a gender with which they identify. Each person's transition will be different. Not all trans people want medical intervention. Transitioning may involve telling friends and family, dressing differently, or changing official documents.
- acquired gender - used in the Gender Recognition Act 2004 to describe a person's gender after transitioning.
- gender identity - a person's deeply felt experience of gender which may not be the same as the sex assigned to them at birth.

- gender expression - how a person chooses to outwardly express their gender. A person who does not conform to normal expectations of gender. They may not identify as trans.
- gender binary - the classification of sex and gender into two distinct and disconnected forms of male and female.
- non-binary person - a general term for a person who does not identify as solely male or female. They may identify as both, neither or something else.
- gender fluid - having a gender identity which varies over time.
- cross dresser - someone who chooses to wear clothes not normally associated with their assigned gender.
- transsexual person - legal and medical term for someone who lives (or wishes to live) permanently in the opposite gender to that assigned at birth.
- legal sex - the sex recorded on a person's birth certificate. This can be changed by applying to the Gender Recognition Panel.
- gender dysphoria - a medical term for serious distress because of a mismatch between a person's biological sex and gender identity. They have an overwhelming desire to live in a different gender to that assigned at birth.
- gender reassignment - the process of transitioning from one sex to another. It can include medical interventions as well as changing names, pronouns, dressing differently and living in their self-identified gender. It is a characteristic protected by the Equality Act 2010.
- gender recognition certificate - signifies full legal rights in the acquired gender. It allows a replacement birth certificate to be issued.

This list is not exhaustive.

Equality Act 2010

Gender reassignment is one of the nine protected characteristics covered by the Equality Act 2010. The Act protects a person from discrimination, harassment and victimisation if they are involved with gender reassignment.

There is no requirement for the person to be under medical supervision. It is not necessary to have any medical diagnosis or treatment to gain this protection.

People are also protected if they are discriminated against because:

- they are wrongly perceived to be trans
- or, of their association with trans people or issues

Gender Recognition Act 2004

The Gender Recognition Act 2004 allows trans people to apply for a gender recognition certificate (GRC). This will give trans people legal recognition in their acquired gender. It will enable them to get a new birth certificate.

The Act safeguards the privacy of an individual with a GRC. It defines gender recognition information as "protected information" except in certain specific circumstances (for example, to prevent or investigate crime). It is a criminal offence to disclose such information without the individual's consent.

Trans people are not required to apply for a GRC. It will not be a pre-condition for transitioning at work and requesting it could be considered harassment.

Supporting employees through transition

We will provide support to an employee's transition. The type and level of support will take account of the individual's view on how they wish to proceed.

The manager will agree with the employee the support they require and develop an action plan. Help is also available from HR.

Pension

An employee will need to amend their pension records to reflect a gender change.

There may be some implications surrounding the GRC, marital status and nominations for benefits.

Raising an issue

An employee may use our grievance policy and procedure:

- if they consider they have been unlawfully discriminated against based on any of the protected characteristics
- if they have a complaint involving alleged bullying or harassment

Alternatively, employees may raise issues in confidence with a senior manager.

A member of the public may use our complaints policy for similar complaints.

Employee support

Some external organisations exist to provide advice, guidance, and support:

- Equality and Human Rights Commission (EHRC) - statutory body with responsibility for protecting, enforcing, and promoting equality across all protected characteristics.
- The Gender Trust - recognised as an authoritative centre for professional people who encounter gender identity-related issues in the course of their work.
- The Beaumont Society - a support network that promotes a better understanding of the conditions of trans, transvestism and gender dysphoria.
- Gender Identify Research and Education Society - initiates, promotes, and supports research, particularly to address the needs of people who have a strong and ongoing desire to live and be accepted in the gender in which they identify.
- Stonewall - a charity that works with organisations to support LGBT staff by offering inclusive, equal and inspiring working environments.