



Policies and Procedures

Document 20 – Equality, Diversity and Inclusion Policy

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1) The Policy

It is the aim of the policy to ensure that people from all sections of the community have genuine equal opportunities to gain employment with Musica Kirklees. Musica Kirklees will take appropriate and reasonable steps to remove all barriers and obstacles to such equal opportunities.

Musica Kirklees will commit to ensuring that all present and potential employees receive equally favourable treatment on their merits.

When delivering our service to the general public, Musica Kirklees will act in accordance with all appropriate legislation to ensure that it does not subject any person to conditions or requirements which cannot be justified.

Musica Kirklees wishes to involve local people in decisions which affect their music education. Musica Kirklees will monitor performance, respond effectively to complaints and plan ahead to meet needs identified within the community.

Musica Kirklees wishes to involve all sections of the community in its activities, regardless of socio-economic status. Musica Kirklees supports and accepts the Kirklees Priority Passport from those who are economically deprived.

2) The Equality Act 2010

- i) This Policy covers the provisions set within the Equality Act 2010. Musica Kirklees is committed to protect the nine protected characteristics set within the Act. These are:-
 - Age
 - Disability
 - Gender reassignment
 - Marital status
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Gender
 - Sexual orientation
- ii) No one protected characteristic has a higher priority than any other.
- iii) Claims of discriminations can be made on the groups of a single protected characteristic, for example if an employee is female or multiple characteristics, for example if an employee is female and also because she is a particular age.

3) Types of Discrimination

- i) There are certain types of discrimination. These include Direct and Indirect Discrimination, Harassment and Victimisation.
- ii) Direct discrimination occurs when someone is treated less favourably directly because of:-
 - A protected characteristic they possess – this is ordinary direct discrimination
 - A protected characteristic of someone they are associated with such as a friend, family member or colleague – this is direct discrimination by association
 - A protected characteristic they are thought to have, whether correct or not – this is direct discrimination by perception
- iii) Indirect discrimination is where a provision, criterion or practice is applied equally to a group of employees, but has the effect of putting those who share a certain protected characteristic at a particular disadvantage when compared to others without the characteristic in the group and the employer is unable to justify it.
- iv) Harassment is defined as unwanted conduct – see dignity at work policies and procedures for further details.
- v) Victimisation is when an employee suffers what the law terms a 'detriment' – something that causes disadvantage, damage, harm or loss due to:-
 - Making an allegation of discrimination
 - Supporting a complaint of discrimination
 - Giving evidence relating to a complaint about discrimination
 - Raising a grievance concerning equality or discrimination
 - Doing anything else for the purposes of the Equality Act 2010

4) Age

- i) The Equality Act protects employees from discrimination, harassment and victimisation due to age.
- ii) This may include an individual being younger or older than a comparable employee.
- iii) Under the Act, there are limited exceptions in some areas. These include pay and other employment benefits which are allowed based on length of service as well as the National Minimum Wage, redundancy payments, insurance and pensions.

5) Disability

- i)* Under the Act, a person is disabled in they have a physical or mental impairment which usually lasts more than a year and this effects their ability to carry our normal day to day activities.
- ii)* In order to accommodate a disability Musica Kirklees would consider a reasonable adjustment to the individual's physical or working environment.
- iii)* This would have the effect of removing or minimising the impact of an individual in order for them to undertake the duties from their job.
- iv)* Musica Kirklees would endeavour to work with the employee when deciding what reasonable adjustments would need to be made. The focus is on the employee's ability to function on a day to day basis rather than on medical diagnosis.
- v)* The potential for discrimination could occur if Musica Kirklees is aware that an individual has a disability. In such circumstances, Musica Kirklees should be ready to discuss what constitutes a reasonable adjustment.

6) Gender Reassignment

- i)* The Equality Act protects employees from discrimination, harassment and victimisation relating to gender reassignment.
- ii)* An individual who proposes to, starts or has completed a process to change their gender is referred to as a transgender.
- iii)* Musica Kirklees will not treat a transgender employee less favourably for being absent from work due to proposing to undergo, undergo or have undergone gender reassignment. This should be treated no differently to the individual being absent due to being ill or injured.
- iv)* In law, cross-dressers are not regarded as transgender as they do not intend to live in the gender opposite to their sex at birth on a permanent basis. If, however cross-dressers have been harassed due to being perceived as transgender, this may be treated as discrimination based on the relevant protected characteristic.
- v)* Musica Kirklees also has a Transgender Policy which applies to students (see Policy and Procedures number 16).

7) Marital Status

- i)* The Equality Act protects employees from direct discrimination (although not the forms by association or by perception), indirect discrimination and victimisation because of marriage or civil partnership.
- ii)* Single people and couples in relationships which are not legally recognised are not protected.

8) Pregnancy and Maternity

- i)* The Equality Act protects an employee from one type of direct discrimination and victimisation because of their pregnancy or for taking/seeking to take maternity leave.
- ii)* If a woman who is pregnant or on maternity leave, Musica Kirklees would not treat her unfavourably due to her pregnancy or maternity leave.

9) Race

- i)* The Equality Act protects employees from discrimination, harassment and victimisations because of the protected characteristic of Race.
- ii)* This may include different elements from the following:-
 - Race
 - Colour
 - Ethnic Origin
 - National Origin
 - Nationality
- iii)* Race is an umbrella term for the other four aspects (colour, ethnic origin, national origin and nationality).
- iv)* Colour. Examples of colour include black and white however this can overlap with the concepts of ethnic origin and national origin.
- v)* Ethnic Origin. This may include racial, religious and cultural factors which give a group of people a distinct social identity with a long and shared history.
- vi)* National Origin. Birthplace, geographical area and history can be key factors. Examples include Welsh and English.
- vii)* Nationality. This is usually the recognised state of which the employee is a citizen (ie British). For example what is indicated on their passport.

10) Religion or belief

- i)* The Equality Act protects employees from discrimination, harassment and victimisation because of religion or belief.
- ii)* The law also protects those that have no religion or belief.
- iii)* Religion is defined as any religion with a clear structure and belief is defined as any religious or philosophical belief. A belief must satisfy various criteria including that it is a weighty and substantial aspect of human life and behaviour, worthy of respect in a democratic society and does not conflict with the fundamental rights of others.

11) Gender

- i)* The Equality Acts protects both male and female employees from discrimination, harassment and victimisation due to the gender of a person.
- ii)* Also refer to Policies and Procedures Document re Dignity at Work

12) Sexual Orientation

- i)* The Equality Acts protects employees from discrimination, harassment and victimisation due to sexual orientation. This applies equally to bisexual, gay, heterosexual and lesbian orientation.

13) Application of the Policy

- i) Recruitment and Selection Processes
 - Musica Kirklees will recruit staff by adhering to Document 24 – Safer Recruitment Policy.
 - Job descriptions and recruitment advertisements will be written on the basis of essential and justifiable requirement of the position
 - The shortlisting, appointment and rejection decisions will be transparent and justifiable.

- ii) Staff Development
 - Equal access will be given to all staff in respect to their initial induction sessions, Staff Training and Continuing Professional Development.

- iii) *Appraisal*
 - Probation and appraisal procedures will be clear and transparent and will be applied fairly across all staff.

- iv) Disciplinary and Grievance
 - Disciplinary and grievance procedures will be applied fairly and transparently for all staff in line with Policy Documents 3 (Disciplinary Procedure for Employees), 4 (Grievances and Disputes), 9 (Complaints and Investigations).
 - Allegations of discrimination, harassment or inappropriate behaviour will be dealt with under the appropriate disciplinary procedures for staff.

- v) Implementation of the Policy
 - The Policy will apply to the Board of Directors, all teaching and administration staff, volunteers, work placement students and contractors.
 - Musica Kirklees will aim to develop and promote a culture of equality and diversity.
 - Musica Kirklees will aim to develop and promote a culture of dignity, courtesy and respect.
 - Musica Kirklees will aim to support all students and staff on the nine protected characteristics of the Equality Act 2010.
 - Musica Kirklees will aim to prevent all forms of unlawful discrimination.
 - Musica Kirklees will aim to deal with all forms of discrimination consistently and effectively.

14) The Role of the Board of Directors

- i)* The Board of Directors will ensure effective policies are in place.

15) The Role of the Senior Management Team

- i)* Members of the Senior Management Team will ensure that appropriate action is taken when discrimination is alleged, and/or bullying and harassment and grievances and complaints are raised.
- ii)* The SMT will follow the policies and procedures pertaining to the above.
- iii)* Ensure that colleagues are aware of their responsibilities with regard to conduct.

16) The Role of the Middle Management Team

- i)* Set an example by treating staff and students within Musica Kirklees with dignity and respect.
- ii)* Deal with complaints/allegations fairly, quickly, thoroughly and confidentially.
- iii)* Ensure that consideration is given to equality and diversity within their management remit.

17) The Role of the Employee

- i)* Every employee has an individual responsibility to treat others in a fair and non-judgemental matter. It is an expectation that positive attitude and relationships be promoted.
- ii)* Every employee should not harass, victimise, intimidate or abuse others in the event of them having complained about, reported or provided evidence of discrimination.
- iii)* Any employee found guilty of unlawful discrimination or harassment will be subject to Musica Kirklees taking disciplinary action against an individual. This may lead to where appropriate, dismissal for gross misconduct.