

## **Art Shape Equal Opportunities Policy**

### **POLICY**

#### 1. EQUAL OPPORTUNITIES STATEMENT

##### **DEFINITIONS**

Disability is:

- 1.1 'The disadvantage or restriction of activity caused by a contemporary social organisation, which takes little or no account of people who have impairments and thus excludes them from participation in the mainstream of social activity'. (UPIAS 1979).

##### **Social Model of Disability**

- 1.2 The social model of disability is a rejection of the idea that disability is the necessary outcome of the physical, sensory or intellectual impairments rather it states that disability is a form of oppression, a form of discrimination generated by society which takes no or little account of disabled peoples' needs.
- 1.3 The medical model states that disability is a physical condition of the individual, and the individual must deal, or cope, with it as best s/he can.
- 1.4 Based on the social model of disability the term disabled people has been adopted as the acceptable term used to describe this group. It included people with physical and sensory impairments, learning difficulties and mental/emotional distress.

##### **Fundamental Principles**

- 1.5 Art Shape recognises equality and value of all people and is committed to acting in this belief through all internal policies and practices and in external relations with other agencies.
- 1.6 Art Shape will work in alliance with people in campaigning and advocating the removal of the barriers that exclude people from the equal opportunity of access and involvement in the arts.
- 1.7 Art Shape is committed to eliminating discrimination from all its employment practices and as a service provider. It is the policy of Art Shape that no job applicant, employee, volunteer, member or user of a service will receive less favourable treatment on the grounds of sex, race, colour, nationality, ethnic origins, marital status, impairment, trade union activities, HIV Aids, political beliefs, religion, sexual orientation, age or against people who may be ex offenders.
- 1.8 Art Shape recognises the Social Model of disability.
- 1.9 Art Shape will seek to redress the effects of segregation, social and economic disadvantage, marginalisation and stereotyping (a) in our own work as a specialist arts and disability organisation, (b) through alliances and support with specialist organisations campaigning against other forms of discrimination.

#### **SECTION 1**

- 1.10 Equal Opportunities commitments must be guided by the following principles which are generally applicable but for purposes of emphasis are specified under headings of particular relevance :

##### **RECRUITMENT**

###### **Gender**

- 1.11 All job descriptions and/or person specifications should describe tasks without sex bias and all applications should be processed in the same way, regardless of sex or marital status.
- 1.12 The interviewee will not be asked questions related to child care or family provision.

###### **Race or Ethnic Origin**

- 1.13 All written materials must be free from ethnic or cultural bias and provided in appropriate community language.

- 1.14 Job advertisements may be placed in the minority press and in community centres where appropriate.
- 1.15 Interviewers should be aware of possible misunderstandings that can occur between persons of different cultural backgrounds.
- 1.16 Discretion will be given to applicants submitting an application form in their second language or using some level of assistance. Pre prepared application form will be accepted.

#### **Disability**

- 1.17 The criteria for the selection of personnel must only relate to the essential criteria of the job.
- 1.18 Application forms will be accepted in all other formats ie. taped, Braille.
- 1.19 Interviewers should not ask questions directly related to the persons disability, but on their ability to do the job.
- 1.20 At least one interviewer should have attended a Disability Equality Training course and should be conversant with recruitment and selection procedures. The interview panel should always consist of not less than two people

#### **Age**

- 1.21 Age should not be used as an indicator in the recruitment and selection process.

#### **HIV / Aids**

- 1.22 The Board of Directors is committed to support the struggles of other oppressed groups. Therefore all reasonable steps will be taken to ensure that discrimination does not occur on matters related to HIV/Aids.

### **TRAINING & DEVELOPMENT**

#### **General Provision**

- 1.23 Access to training provision must be fairly provided for all.
- 1.24 A training strategy should be developed for all employees, volunteers, Board of Directors and members and they should be encouraged to participate in advancement opportunities.
- 1.25 Considerations relating to a persons access to training or secondments should be based solely upon the individuals potential and capabilities. No assumptions should be made relating to the sex, race, colour, nationality, ethnic origins, marital status, impairment, trade union activities, HIV Aids, political beliefs, religion, sexual orientation, age or against people who may be ex offenders.

#### **Maternity Provision**

- 1.26 The Board of Directors will not use maternity leave as an obstacle to career development.

#### **Disability**

- 1.27 All training courses will be held in accessible venues with appropriate levels of support and personal assistance.
- 1.28 All materials and information must be available in appropriate format and/or language ie. Braille, audio, large print.
- 1.29 Employees who are accepted to attend guide dog training will be released from work duties.

#### **Religious Needs**

- 1.30 Where cultural and religious needs conflict with work requirements, allowances will be made in order for attendance of religious activities ie. Ramadan.

#### **Racial and Sexual Harassment**

- 1.31 The Board of Directors will not accept any form of discrimination and harassment based upon factors of race or gender. The Sex Discrimination Act and Race Relations Act makes it illegal for the employment environment to become hostile or offensive to women or ethnic groups.
- 1.32 Racial and sexual harassment is a disciplinary offence. Anyone subjected to this form of discrimination may raise the matter as appropriate under the Grievance Procedure.

### **MONITORING & REVIEW**

#### **Grievance**

- 1.33 Anyone who feels that they have been subjected to unfair treatment, discrimination or harassment in direct contravention to this policy is encouraged to lodge a formal complaint through the organisations Grievance

Procedure.

### **Monitoring**

- 1.34 The Board of Directors is responsible to draw up specific guidelines for the implementation of this policy and to monitor its effectiveness.
- 1.35 This policy will be reviewed on a regular basis.

## **SECTION 2**

- 1.36 Art Shape's achievement of equal opportunities in its arts practice will be guided by the following principles :
- Working mutual respect between all people involved.
  - Art Shape will employ artists who can encourage people to believe in their creativity and offer appropriate artistic and personal experience.
  - Art Shape recognises the professional skills of the artists and will promote appropriate respect for them
  - Art Shape will actively encourage and develop disabled artists.
  - We will ensure that quality materials and equipment are provided.
  - Arts programmes should always be ready to develop and grow by listening to feedback.
  - Art Shape has a commitment to work within a regional and national context through tours, exhibitions, conferences, shared projects and collaborative networking to avoid duplication of effort.
- 1.37 Art Shape will co-operate with other arts promoters, health authorities, social services to ensure that they are encouraged to develop a response for disabled consumers.

## **2. EQUAL OPPORTUNITIES POLICY**

### **PURPOSE AND SCOPE**

- 2.1 Art Shape is fully committed to upholding the principle of equal opportunities in its work and its employment practices. Its policy is to ensure that no-one receives more or less favourable treatment on the grounds of sex, sexuality, marital status, colour, race, nationality, ethnic or national origins, religion, age or disability, or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.
- 2.2 This policy covers to everyone working with Art Shape including employees, contracted artists, volunteers and the Board of Directors. It also applies to job applicants. It governs how the people that work with Art Shape interact with participants in Art Shape workshops, classes and other activities

### **THE KEY PRINCIPLES UNDERPINNING THIS POLICY ARE:**

- Treating people as individuals with fairness and respect
- Making decisions that affect people's employment, development and progression on the basis of merit, ability and potential
- Being clear that all forms of unfair or unlawful discriminatory behaviour **are unacceptable**

The only acceptable means of distinguishing between employees of the Company is on the basis of a person's ability to do the job.

### **RESPONSIBILITIES**

- 2.3 The Company is committed to the continuing provision of Equal Opportunities for all staff and clients and the responsibility for the policy's effective implementation lies with each individual.
- 2.4 All employees are expected to behave in the workplace in ways that are consistent with this policy and are encouraged to challenge behaviour that undermines these principles.
- 2.5 Management at all levels in Art Shape have a special responsibility to lead by example and set high standards of workplace behaviour. Actions that conflict with this policy will not be tolerated.
- 2.6 The Board of Directors is responsible for monitoring and evaluating the policy.

## **APPLYING THE POLICY**

Art Shape is:

- 2.7 Making all staff aware of the provisions of this policy and will provide training and guidance for all employees. New employees will be introduced to this policy during the Company Induction in their first week of employment.
- 2.8 Committed to ensuring all members of staff have equality of opportunity to apply for new roles in the organisation.
- 2.9 Ensuring that everyone involved in recruitment and selection are trained to select employees on an equal basis and that all individuals are treated with dignity and respect.
- 2.10 Developing new employment policies and procedures that will create a workplace that is free from harassment and bullying.
- 2.11 Each individual associated with the Company whether or not an employee, is individually responsible for implementing the Company's commitment to the principle of equality.

## **RECRUITMENT**

- 2.12 Equal Opportunities starts with recruitment. The only acceptable factor in appointing an individual to a post is the ability of that individual to perform that job. In order to make an objective and fair decision as far as possible, the following procedure will be adopted:
  - Applicants for all posts will be given as much clear and accurate information as possible through advertisements and interviews in order to enable them to assess their own suitability for the post. Information about the post shall also be placed on all staff notice boards where it may reach individuals of both sexes and all races.
  - Recruitment literature shall not imply that there is a preference for one group of applicants. Each applicant will be considered on his or her own merit.
  - All applicants shall be informed that the Company is committed to the principal of Equal Opportunities and that it operates an Equal Opportunity Policy. This information will be included on all advertisements, and application forms.
  - All interviews shall be thorough, conducted on an objective basis and shall deal only with the applicant's suitability for the job and ability to fulfil the requirement of the job. Where it is necessary to assess whether personal circumstances will affect the performance of the job this should be discussed objectively and without detailed questions based on assumptions about race, material status, disability, children and domestic obligations. Further information necessary for personnel records can be collected after a job offer has been made.

## **APPRAISAL AND PROMOTION**

- 2.13 The commitment to Equal Opportunities is an on-going and continuous process. All staff will be encouraged to discuss their career prospects and training at their annual/Bi-annual appraisal. The Company will not discriminate on the basis of sex, race, age, disability or marital status in the allocation of duties or responsibilities. Reasonable adjustment in case of disability will be determined on the basis of medical evidence obtained as appropriate to the circumstances.

## **TRAINING**

- 2.14 The Company will not discriminate in the provision of training courses and development and appropriate training will be provided to enable staff to perform their jobs effectively.

## **TERMS & CONDITIONS OF EMPLOYMENT AND FACILITIES**

- 2.15 The Company will not discriminate on the basis of sex, race, age, disability or marital status in the provision of general staff facilities and benefits.

## **REDRESS**

- 2.16 The Company will not tolerate acts of unlawful discrimination and all instances of such behaviour or alleged behaviour will be treated seriously.
- 2.17 Employees have the right to complain about treatment that contravenes this policy through the Company's Grievance procedure.
- 2.18 It will usually be appropriate to try to resolve the situation informally in the first instance. If any employee feels that he or she has been unfairly discriminated against, harassed or victimised he or she may wish as a first step to make it clear to the person concerned that their conduct is offensive, and ask them not to act in that way. It may be appropriate for them to ask a work colleague to be present.

- 2.19 If the employee is still unhappy he or she should lodge a formal complaint as part of the Company's grievance procedure. Care will be taken to deal effectively with any such complaints in a sensitive and confidential manner.
- 2.20 Any complaints of discrimination, harassment or victimisation will be taken seriously and investigated. Any form of unlawful discrimination constitutes gross misconduct, and accordingly it is in the interests of the complainant and the person against whom allegations are made that a fair procedure is used.

**Complaints from the public will be handled by the Management Team initially.**

#### **DEFINITIONS OF UNLAWFUL CONDUCT AND DISCRIMINATION**

- 2.21 Discrimination may occur at any time during employment, or in the provision of services. However it is recognised that individuals may be particularly vulnerable to discrimination at certain stages of their career.

#### **Definitions Of Unlawful Conduct**

- 2.22 Direct discrimination is the less favourable treatment of an individual on the grounds of sex or marital status under the Sex Discrimination Act 1975 or on the grounds of disability, under the Disability Discrimination Act 1995 and colour, race nationality or ethnic and national origin under the Race Relations Act 1976, on the grounds of Age under the Age Discrimination Act 2004.
- 2.23 Indirect discrimination is the imposition of a requirement or condition which is applied, or would be applied equally to persons not of the same sex, age, marital status or race but
- which is such that the proportion of persons of the same age, sex and marital status or race who can comply with it is considerably smaller than the proportion of persons not of that group who can comply with it; and
  - which cannot be shown to be justifiable irrespective of age, sex, marital status or race as a person to whom it is applied; and
  - which is a detriment to the individual concerned because he/she cannot comply with it.
- 2.24 A person has a disability if he/she has a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities.

#### **Harassment**

- 2.25 Harassment is behaviour which is unwelcome, unreciprocated and offensive to the recipient. It includes unwelcome physical, verbal and/or non verbal conduct with results in the individual feeling threatened or compromised. It is the perception of the recipient that is important.

#### **Victimisation**

- 2.26 Victimisation is the less favourable treatment of an individual because that individual has brought a complaint of discrimination, harassment or victimisation, or has given evidence or information in connection with such a complaint or is suspected of doing so.

### **3. RACE EQUALITY POLICY**

Art Shape has developed core values in relation to cultural diversity. These are:

- The organisation, its staff and board have an understanding of and a commitment to an approach based on the race relations act 1976 and its amendments.
- To actively implement real inclusion by identifying and meeting access requirements across the organisation and its work to enable people to engage with Art Shape and its creative experiences, giving people the choice to define themselves with consideration to a person's own perception of their ethnicity, nationality or national origins.
- To facilitate professional development and promotion of culturally diverse makers and people with an interest in the arts through working in partnership with black, minority ethnic organisations.
  - We will seek to provide opportunities for training and skills development
  - We will seek to provide opportunities for employment, exhibiting, participation, placements and shadowing
  - We will work in partnership with regional and national organisations such as GARAS, Gloucester Race Equality Council, national organisation TBD
- To challenge perception and integrate individuals, groups and communities in relation to participatory and project work.
  - We believe in taking artistic risks to find new concepts, processes, tools and mechanisms in order to remove barriers and encourage innovation
  - We uphold the principle of learning through doing and value the process, outcome and product
  - We uphold traditions and work to promote to diverse audiences

- To work as a dynamic agent in promoting and celebrating the value of peoples' creative experiences as part of an inclusive arts programme whilst valuing and having respect for artistic tradition of cultures within diverse local communities.

#### **The Race Relations Act 1976**

- 3.1 The Race Relations Act 1976 makes it unlawful to discriminate on racial grounds – that is, the grounds of colour, race, religion or belief, nationality, or ethnic or national origins – in relation to employment, training and education, housing and providing goods, facilities and services.
- 3.2 'Positive discrimination' is unlawful. The act does allow some provision for 'positive action' by employers to encourage applicants from under-represented groups, or provide training to develop skills. However, specific conditions relating to under-representation must be met.
- 3.3 The Race Relations Act 1976 also allows some exemptions. In specified circumstances, where being of a particular racial group is a 'genuine occupational qualification or requirement'.
- 3.4 In some circumstances, religious discrimination may constitute indirect racial discrimination. This means that race relations legislation may afford protection against religious discrimination in situations where the regulations relating to religion or belief do not apply (mainly service delivery).

#### **The Race Relations (Amendment) Act 2000**

- 3.5 This act came into force in April 2001, a response to the report of the Macpherson inquiry into the murder of Stephen Lawrence. It places a 'general duty' on specified public authorities in carrying out their functions, to work towards the elimination of unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

#### **Race Relations Act 1976 (Amendment) Regulations 2003**

- 3.6 The European Race Directive required member states to introduce legislation to outlaw unfair discrimination (direct and indirect) on racial grounds, based on the principle of 'equal treatment between persons irrespective of race or ethnic or national origin'.

#### **Statement of Policy**

- 3.7 The Company aims to be an equal opportunities employer and undertakes to apply objective criteria to assess merit. It aims to ensure that no job applicant, employee or worker is discriminated against either directly or indirectly on the grounds of race, colour, national or ethnic origin, religious belief, political opinion or affiliation, sex, sexual orientation, marital status, gender reassignment, age, disability, membership or non-membership of a trade union or 'spent convictions' of ex-offenders.
- 3.8 Selection criteria and procedure will be reviewed to ensure that individuals are selected, promoted and treated on the basis of their relevant merits and abilities.
- 3.9 In order for the Equal Opportunities Policy to be fully effective, the responsibility for ensuring that its terms are adhered to will lie with Management. It is, however, the responsibility of each Immediate Manager and all other staff actively to promote equality of opportunity within their own spheres of responsibility.
- 3.10 The Company will take disciplinary action against employees who are found to infringe its Equal Opportunities Policy.
- 3.11 Employees should not harass abuse or intimidate other employees or clients on any grounds including those of disability, race, sex or sexual orientation. Employees should co-operate with measures introduced by the Company to make sure there is equal opportunity and non-discrimination. Employees must not victimise individuals on the grounds that they have made complaints or provided information about discrimination or harassment.
- 3.12 The Company declares itself opposed to harassment in any form. The experience of harassment is acknowledged as a valid ground for a person taking the actions stated in the Grievance Procedures. The Company will investigate all cases of harassment brought to its notice. Any person guilty of harassment will have disciplinary action taken against him/her and this could ultimately lead to dismissal.

#### **Recruitment and Selection**

- 3.13 The Company will ensure that employees making recruitment and selection decision will not discriminate, whether consciously or unconsciously, in making these decisions.
- 3.14 Job advertisements will provide equal opportunity to all applicants and will not discriminate in any way.
- 3.15 The Company will not confine its recruitment to areas or media sources which provide only, or mainly, applicants of a particular group.
- 3.16 All applicants will receive fair treatment and will be considered solely on their ability to do the job.

3.17 Consideration will be given to making reasonable adjustments, where practicable, to the workplace and methods of working to accommodate all applicants.

#### **Training and Promotion**

3.18 All employees will be given equal opportunity for training and promotion.

### **4. RACIAL HARASSMENT**

#### **POLICY STATEMENT**

4.1 This organisation believes that people living and working for it, should not have to tolerate any occurrences of racial harassment, discrimination, oppression or abuse.

4.2 Anyone found to be a perpetrator of racial harassment will be subject to the organisations disciplinary procedure.

4.3 The aim of the policy is to ensure that staff can work and service users live in an environment free from racial harassment. With this in mind staff need to be aware of their own behaviour and the affect that this can have on others.

#### **How we define racial harassment**

4.4 Any behaviour, that deliberate or otherwise, pertaining to ethnic or national origins, race, colour, which is unwanted either by the recipient or others within the service. Such behaviours are unwanted, unneeded and creates a hostile environment for either an individual or group.

4.5 Racial harassment can include:

- Abusive comments about racial origins or skin colour.
- Racially motivated insults or jokes.
- Ridicule of an individual or group, on cultural and or religious grounds.
- Oppressive assumptions about a group or individual, specifically on racial grounds and purposefully negative in their content, that are targeted at an individual or group.

4.6 As an organisation we based our guidance for this policy on a moral and legal obligation to ensure the requirements of two acts of parliament safeguard the rights of individuals within the home. These acts being the Race Relations Act 1976 and Protection from Racial Harassment Act 1997.

#### **Policy expectations .**

4.7 All employees have the following rights.

- To work in an environment free from racial harassment.
- To be protected from harassment.
- The right to complain if they are racially harassed.
- Have the right to be free from false allegations.

4.8 Any employee found guilty of racial harassment, whether directed at staff or service users, will be subject to a disciplinary hearing the outcomes of which may result in disciplinary actions or dismissal as directed by the homes procedure.

4.9 Those who may have been subject to such harassment will be supported by the homes management, and potentially eligible for counselling and external support, dependant on circumstance.

4.10 Any employee found to have made false allegations of Racial harassment will also be subject to disciplinary hearing and the outcomes again could result in disciplinary actions or dismissal as directed by the homes procedure.

#### **Guidance for staff**

4.11 If staff are aware that racial harassment is taking place then they should communicate this to the manager as soon as practically possible.

4.12 If the manager is implicated then report should be to the senior management team.

- Those in receipt of disclosed information of an instance of racial harassment should:
- Discuss with the individual if they wish to make a complaint.
- Provide support to that person.
- Follow disciplinary and any appeals procedure that the organisation has, following an initial investigation.
- Address the impact and needs of the person who has been subjected to racial harassment, to include the

- possibility of counselling.
- Confidentiality and the rights of the individuals concerned will be respected throughout the process.

#### **Commitment and expectation of staff**

4.13 Training, education and awareness of what constitutes harassment are an essential part of eradicating it from the work place. Staff will be asked to read this policy as part of their induction and familiarising themselves with its context alongside other relevant policies within their handbook, such as complaints and disciplinary, bullying, human rights. Reinforcement of this policy along with others will be subject to chore refresher training on policies at least annually. Copies of the relevant Acts will be held on the premises.

### **5. DIGNITY AT WORK POLICY**

- 5.1 The Company believes that all its employees have a right to an environment in which the dignity of individuals is respected. All individuals should be treated with dignity and respect; staff have an important role to play in creating an environment where harassment is unacceptable.
- 5.2 This policy aims to ensure that if harassment or bullying does occur, adequate procedures are readily available to deal with the problem and prevent it recurring.
- 5.3 Unwanted or unwelcome sexual advances, or promises and threats related to sexual activities will be considered as a serious offence under the disciplinary procedure. Such conduct includes both physical action and verbal comment of a sexual nature, regardless of gender. The appropriate penalty for such an offence will be either a final written warning or dismissal.
- 5.4 Any such incidents should normally be reported to Management as listed in the Grievance Procedure.
- 5.5 Where the grievance is considered to be of a serious personal nature or against an individual who is part of the grievance procedure, the employee instigating the complaint should raise the matter with an appropriate Manager.
- 5.6 Each stage of the procedure will be implemented as promptly as is reasonably practicable and shall not be subject to undue or wilful delay.
- 5.7 Any allegation of harassment will be dealt with seriously and confidentially and employees making such an allegation will be protected against victimisation.

### **6. SAFEGUARDING OF VULNERABLE ADULTS**

- 6.1 Art Shape has the capacity to engage with people of all ages and abilities in a multitude of situations. This puts our organisation in a position of trust and caretaking which can be abused. Trust can lead to situations where vulnerable adults 'disclose' abuse that they have been subjected to.
- 6.2 In addition, Art Shape has a responsibility to ensure that artists or project facilitators working with vulnerable adults are not placed in situations where abuse might be alleged.
- 6.3 You will be required to read, sign and return a copy of the full policy as and when requested.