

# EQUAL OPPORTUNITIES POLICY

## VERSION: 3



Version	By Author	Reason	Reviewed/ Modified	Date Ratified
3	TS/HB	Clarity of roles Addition of ex-offenders Policy Equal Ops Monitoring Form	July 2018	September 2018
3	TS/HB	Reviewed and no changes	July 2019	September 2019
3	HB/TS	No changes	July 2020	September 2020

**This policy applies to all members of the Make Some Noise team including Trustees, staff, volunteers, freelance workers, the carer of a beneficiary / or a beneficiary of Make Some Noise services.**

Make Some Noise shall state publicly that:

*“Make Some Noise is committed to eliminating unlawful discrimination and promoting equality of opportunity in all that we do. We will deal with all persons, whether members of staff, volunteers, trustees, contracted freelance workers or clients or other people with whom we have contact, with the same attention, courtesy and consideration.*

*We aim to ensure that all groups and individuals within our community and workforce have equal opportunity to benefit from services and employment opportunities we provide and that existing and potential stakeholders are not unlawfully discriminated against due to their protected characteristic.”*

### **Equality**

Equality means treating everyone with fairness and respect and recognising the needs of individuals, making reasonable adjustments where necessary.

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### **Diversity**

Diversity is recognising and valuing that individuals are unique each having their own values, beliefs, attitude, culture, racial background, sexuality, skills and life experience.

Anti-discrimination and equal opportunities will be considered in line with the Equality Act 2010 (The Act):

The Act protects people who have a “protected characteristic”. Including but not restricted to the following characteristics:

- **Disability** (a person no longer is required to prove that their mental or physical disability affects a particular capacity, i.e. speech)
- **Gender Reassignment** (any person who is proposing to undergo, undergoing, or who has undergone gender reassignment)
- **Pregnancy & Maternity** (starting from the time the pregnancy begins until 26 weeks after birth, and includes the protection of breast-feeding mothers)
- **Race** (including ethnic or national origins, colour and nationality)
- **Religion or Belief**
- **Gender**
- **Sexual Orientation**
- **Age**
- **Marital Status and Civil Partnership**
- **Equal Pay**
- **Fixed Term Contracts and Part-time workers**
- **Rehabilitation of Offenders.**

The Act specifically protects against:

### **Direct Discrimination**

When a person is treated less favourably than another person because they possess one or more of the protected characteristics

### **Discrimination by Association**

When a person is treated less favourably because they are linked or associated with a person who has a protected characteristic

### **Discrimination by Perception**

When a person is treated less favourably because they are wrongly thought to have a particular protected characteristic or are treated as though they do

### **Indirect Discrimination**

When a person is disadvantaged because they are unable to adhere to an organisations’ policy, rule or practice because they have a particular protected characteristic. Indirect discrimination can be justified if it can be shown that the rule, policy or practice is intended to meet a legitimate objective in a fair, balanced and reasonable way

### **Discrimination Arising from Disability**

When a person is treated less favourably because of something connected with their disability and this discrimination cannot be justified (e.g. excluding persons from certain premises because of equipment/services they require to aid them with a disability, such a wheelchair or Guide dog).

### **Harassment**

Make Some Noise also have a duty to protect trustees, members of staff, volunteers, freelance workers and clients, who have a protected characteristic, from harassment. Harassment is unwanted behaviour related to a protected characteristic that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

### **Victimisation**

Trustees, members of staff, volunteers, and freelance workers will also be protected against potential victimisation if they have made or supported a complaint about discrimination or harassment, or because they support someone else who is making a discrimination claim.

Make Some Noise will take any breach of this Policy extremely seriously. Any breach could lead to disciplinary action, including dismissal, being taken against the employee concerned. It could also lead to legal action being taken against Make Some Noise and/or against the employee.

### **Monitoring Recruitment**

Make Some Noise will monitor the make-up of the workforce regarding information such as age, gender, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality and diversity, and in meeting the aims and commitments set out in the equality policy. This will be done through the use of an Equal Opportunities Monitoring Form.

### **Making a Complaint**

If anyone is concerned that a breach of this policy may be occurring, or has a complaint that they have been the victim of a breach, they should immediately report this to the Chief Executive Officer. If there is reason to believe that the Chief Executive Officer is acting in breach of the policy they should immediately report this to the Chair.

### **Monitoring, Reporting and Review**

The Chief Executive Officer will ensure that Make Some Noise monitors the effectiveness of all Make Some Noise policies. This Equal Opportunities policy and procedures are subject to regular review according to the schedule agreed by the Board.

'Policy updates and comments' forms a standing item on the agenda of every general Board meeting. It should be noted that this may consist of a statement that there is nothing to report; the information, which enables Trustees to meet their responsibilities is nevertheless essential.

## **EQUAL OPPORTUNITIES POLICY**

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### **RELEVANT LEGISLATION**

- Equality Act 2010

### **FORMS REFERRED TO IN THIS POLICY**

- Equal Opportunity Monitoring Form

### **LINKED POLICIES**

- Safeguarding Policy
- Data Protection Policy

### **FURTHER INFORMATION**

- <https://www.equalityhumanrights.com/en>
- <https://www.eoc.org.uk/>

### Appendix 1 The Recruitment of Ex-Offenders Policy

Make Some Noise is committed to safeguarding the wellbeing of the children, young people and vulnerable adults we work with, within a culture that gives safeguarding the highest priority.

All members of the Make Some Noise team will be recruited in accordance with the organisation's Safeguarding Policy and vetted to set standards including appropriate background checks such as satisfactory references and (where the role meets the legal criteria) a relevant Disclosure and Barring Service check. For roles working directly with children and young people or vulnerable adults this will include an Enhanced (with Barred List) check.

Having a criminal record will not necessarily bar applicants from working for Make Some Noise. This will depend on the nature of the position and the circumstances and background of offences.

#### Filtering of old and minor cautions and convictions

On 29 May 2013, legislation came into force that allows:

- certain old and minor cautions and convictions to no longer be subject to disclosure
- employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions
- all cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure
- all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded

Further guidance and criteria is available [here](#) which explains which offences etc are now 'protected' so not subject to disclosure to employers.

#### Please note that:

- 1) As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, Make Some Noise complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed
- 2) Make Some Noise is committed to the fair treatment of members of the Make Some Noise team and users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/ mental disability or offending background
- 3) We have a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process
- 4) We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those

with criminal records. We select all candidates for interview based on their skills, qualifications and experience

- 5) A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be required in the event of the individual being offered the position
- 6) Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within Make Some Noise, and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process
- 7) Unless the nature of the position allows Make Some Noise to ask questions about your entire criminal record, we only ask questions about 'unspent' convictions as defined by the Rehabilitation of Offenders Act 1974
- 8) We ensure that all those in Make Some Noise who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974, and also other relevant legislation such as the Safeguarding Vulnerable Groups Act 2006
- 9) At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment
- 10) We make every subject of a DBS check aware of the existence of the Code of Practice and make a copy available on request
- 11) We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.