# Equality and Diversity Policy

For

North Berwick Pipe Band hereinafter referred to as "the Band"

*NOTE: This policy applies to all activities performed by or on behalf of the Band.*

## 1. Purpose

### 1.1 Statement of Intent

The Band is committed to promoting equality, fairness and respect. We aim to create an environment where diversity is recognised, valued and celebrated. We will provide opportunities for all Band members to develop and to fulfil their potential. We will engage fully with our diverse society. We will take care to assess the impact of our policies and their implementation on race, religion and belief, gender, gender re-assignment, disability, sexual orientation, marriage and civil partnership, pregnancy and maternity and age equality. These are the "Protected Characteristics" contained in the Equality Act 2010.

### 1.2 What is Diversity?

When people think of diversity, they may think first of ethnicity and race and then gender. However, diversity is much broader than that. Diversity includes, but is not limited to: age, ethnicity, gender, gender identity, physical abilities or qualities, race, sexual orientation, educational background, geographic location, income, marital status, partnership status, religion or belief, parental status, caring responsibilities and work experience.

Diversity management can be broadly defined as accepting, valuing and getting the best from all individuals whatever their group or individual differences such as communications style, career or vocational experiences and other factors.

*"Every Band member, whatever they look like and however they operate, maximises their potential and value to the team. Everyone is valued as an individual as well as a member of the team. Everyone is themselves and seeks to be successful as themselves rather than conforming to a mould."*

In short, every individual has a right to their own success and a responsibility to the success of the team. They have a right to celebrate individuality and a responsibility to conform to the team's policies, ethos and codes of behaviour.

### 1.3 What is Discrimination?

The Band is committed to maintaining an environment which is free from discrimination and harassment of other people including current or prospective members and employees. The following forms of discrimination are prohibited under this policy and are unlawful:

- **Direct discrimination:** treating someone less favourably because of a Protected Characteristic.
- **Indirect discrimination:** a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others, and is not justified.
- **Harassment:** this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

- **Victimisation:** retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.
- **Disability discrimination:** this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

## 2. Policy

The Band is committed to providing excellent diversity and equality of opportunity. The Band objectives are to promote and develop diversity initiatives with a view to matching and, if possible, improving on best practice. It actively endorses relevant programmes of action and codes of practice on all aspects of diversity.

The Band aims to provide an environment where we will:

- Encourage the recruitment of membership that reflects, at all levels, the diversity of the communities where we operate and of society as a whole.
- Treat all our members and outside contacts with dignity and respect.
- Provide Band members with the opportunity to develop and realise their full potential.
- Take positive action to secure equality of opportunity.
- Ensure that our recruitment, selection, and Band progression processes are fair, objective and free from bias or stereotyping.
- Endeavour to ensure that we deliver excellent service to their respective diverse communities.

### 2.1 Objectives

Our diversity and equality objectives are focused on three key areas:

#### 2.1.1 Service – we will:

- Strive to review all the Band services from the perspective of the Band diversity principles to ensure they meet the differing needs of individuals and groups.
- Provide clear information about the Band services in ways that are accessible and meet the community needs.
- Consult with different groups on service needs and provision.
- Monitor and evaluate services to ensure that they do not unfairly discriminate.
- Ensure equal access to the Band complaints procedure.
- Assess our policies, functions and practices to consider their impact on equality in line with legal requirements and best practice policy.

#### 2.1.2 Recruitment and Retention – we will:

- Encourage the recruitment of members that represent the makeup of the regional population in terms of race, gender and disability.
- Monitor the selection process to ensure it is free from discrimination and openly accountable.
- Review and monitor all other policies and procedures to ensure that they do not inadvertently allow unfair discrimination to occur.
- Ensure that access to information, procedures and records is as open and transparent as possible.
- Provide and encourage the provision of a safe and accessible environment, which values and respects individuals' identities and cultures.
- Encourage a culture and environment free from discrimination and harassment.
- Develop a culture which encourages Band networks to share best practice and provide specific support to diverse groups.
- Encourage and help Band members to reach their full potential.
- Assess our policies, functions and practices to consider their impact on equality in line with legal requirements and best practice policy.

2.1.3 Working in Partnership – we will:

- Work with others in partnership to endeavour to provide an environment free from unfair discrimination and harassment.
- Encourage others to adopt this policy.

2.2 Who is responsible for this policy?

The Band President has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law. Day-to-day operational responsibility for this policy belongs to all members and volunteers of the Band. All Band members and volunteers must set an appropriate standard of behaviour, lead by example and ensure that those they work with adhere to the policy and promote our aims and objectives with regard to equal opportunities.

## 3. Procedures

### 3.1 Principles

The Band aims to achieve its objectives by adhering to the following principles:

- Reviewing and encouraging the review of all policies and procedures from the perspective of the Band diversity policy to ensure they comply with legislation, best practice policy and meet the differing needs of individuals and groups, without unfair discrimination.
- Working together and encouraging the understanding and accommodation of the diversity of our contacts in the development, access and provision of our services.
- Providing clear information about the Band services in ways that are accessible and meet community needs.
- Monitoring and evaluating the Band services and to ensure that they do not unfairly discriminate against particular groups.
- Ensuring equal access for all Band members to the Band complaints procedures.
- Employing and encouraging recruitment practices that are representative of the population.
- Monitoring and encouraging the recruitment and selection process to ensure it is free from unfair and unlawful discrimination and openly accountable.
- Providing and encouraging the provision of a safe and accessible environment, in which all individuals' values, identities and cultures are respected.
- Ensuring and encouraging access to learning and development activities to ensure equality of opportunity in career development.

### 3.2 Discrimination

Direct discrimination is defined as less favourable treatment "because of" a protected characteristic or any other factor that distinguishes them.

Discrimination in the context of the law may take a number of forms:

| **Direct discrimination** | **Indirect discrimination** |
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| Direct discrimination is defined as less favourable treatment "because of" a protected characteristic.<br><br>Direct discrimination occurs when individuals experience negative beliefs, attitudes and assumptions from others and are treated less favourably as a result. | Indirect discrimination occurs when a policy or practice that applies in the same way for everybody has an effect which particularly disadvantages people who share a protected characteristic.<br><br>This kind of discrimination is unlawful unless we can show that it is justified i.e. |

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| | a proportionate means of achieving a legitimate aim.<br><br>As is already the case, unjustified indirect discrimination will continue to be unlawful in relation to the protected characteristics of age, marriage and civil partnership, race, religion or belief, sex, and sexual orientation but not pregnancy and maternity. |
| **Discrimination by association** | **Discrimination by perception** |
| The Equality Act 2010 makes it clear that discrimination occurs if one person treats another less favourably because of a protected characteristic, whether or not the person him or herself possesses that protected characteristic.<br><br>This means, for example, that it will be unlawful to discriminate against someone because they associate with a third person who possesses a protected characteristic. | The way the Equality Act 2010 is worded means that it will also be unlawful to discriminate against someone because they are perceived to possess a particular protected characteristic, even mistaken.<br><br>This kind of discrimination by perception is already prohibited where discrimination is on grounds of sexual orientation, age or on racial grounds.<br><br>The Equality Act 2010 puts it beyond doubt that the same principle will also apply to sex, pregnancy, gender re-assignment, age and disability discrimination by perception (at least if legislation is taken at face value). As with associative discrimination, the protected characteristic of marital status/civil partnership is not covered by perception discrimination. |
| **Combined discrimination** | **Harassment** |
| Individuals who consider that they have been discriminated against because of a combination of protected characteristics (as opposed to a single characteristic) will be able to bring claims of dual discrimination. The new concept only applies to claims brought based on two combined protected characteristics (excluding pregnancy and maternity, or marriage and civil partnerships). | The Equality Act 2010 makes it unlawful for a person to engage in unwanted conduct in relation to a protected characteristic which has the effect of violating another person's dignity or creating an intimidating, hostile, degrading, humiliating or otherwise environment for that person.<br><br>There are further specific provisions relating to sexual harassment or harassment related to gender reassignment or sex. |
| **Victimisation** | |
| The Equality Act 2010 makes it unlawful for an individual to be subjected to any detriment because they have, or are believed to have, done a protected act.<br><br>The protected acts referred to are bringing proceedings under the Equality Act 2010, giving evidence or information in connection with such proceedings, doing any other thing for the purpose of or in | |

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| connection with the Equality Act 2010 or making an allegation that another person has contravened Act. | |

## 3.3 The Law

The Band is required to comply with legislation concerning diversity and equality, in the delivery of services and in the provision of employment opportunities. The Band will comply with current and emerging anti-discrimination legislation, as defined in the following Acts:

- The Equality Act 2010.

The Band recognises that legal obligations in relation to discrimination may overlap between the different groups. There are also diverse groups that are not explicitly protected by the law, but it is the Band policy to ensure good practice in diversity and equality to all members and communities.

## 3.4 Language

Prejudice can be formed and reinforced by the language we use. Language, however, is constantly evolving and it may be difficult to always know what terminology is considered correct at any given time. What is important is that we all take care not to use words or expressions that we know, or should reasonably be expected to know, might cause offence or serve to patronise, stereotype, exclude or make fun of individuals or groups.

It is equally inappropriate to discriminate against someone else because of an accent or dialect.

## 3.5 Race

Whilst *race* has no exact legal definition, *ethnic group* is defined as a group that regards itself, or is regarded by others, as a distinct community by virtue of certain characteristics that distinguish the group from the surrounding community. This includes a long shared history and a cultural tradition of its own including family and social customs. A group of people with shared ethnic origin, which is numerically small, compared to the majority of the population within the community or who may be or feel oppressed because of their lack of power are referred to in this policy as Black or Minority Ethnic (BME).

Racial discrimination arises when a person or group is treated less favourably than another on "racial grounds", such as colour, race, nationality (including citizenship), or ethnic or national origins.

### 3.5.1 Racism and Institutional Racism

Racism can be defined as a mistaken belief that one's own culture and values are superior. This leads to oppression of people, who are different because of their race, colour, culture, nationality, and/or ethnic origin.

- Racism in general terms consists of conduct, words or practices which may advantage or disadvantage people because of their race, colour, culture or ethnic origin. It is just as damaging in its more subtle form as in its open, verbal or physical form.
- Institutional racism is a term used to describe the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage BME people.

### 3.5.2 The Band Policy

The Band recognises the harmful effect that racism has on BME people both in service delivery and employment. The Band will acknowledge and value diversity as an asset to be built upon. In service delivery the Band will recognise diversity, in terms of, for example, language, dress or faith, and will respond sensitively to the different needs of different groups of people. The Band recognises that there is still under-representation of BME members in senior positions. The Band will examine why this is the case and, where appropriate, take action to remove bias and barriers to success.

## 3.6 Gender

### 3.6.1 Sexism

Sexism is unfair discrimination on the basis of gender, which stems from the false belief that one gender is superior to the other. Sexism can manifest as attitudes, words or behaviour that treat one gender less favourably than the other. This behaviour, if unchallenged, can become embedded in institutional power structures, systems and practices and be used to oppress one gender, generally women.

### 3.6.2 Gender Identity

It is unlawful to discriminate against transsexual people. It is also unlawful to disclose the gender history of a transsexual person who is legally recognised in their acquired gender (i.e. they hold a Gender Recognition Certificate). It is the Band policy to afford a similar degree of privacy to all transsexual people irrespective of whether a GRC is held or not.

Transsexual people are people who have been diagnosed with gender dysphoria, and undergo gender reassignment – the medical process that transsexual people undergo to

bring their body into line with their gender identity.

Transgender is an alternative broader term related to gender identity. A transgender person may not necessarily intend to undergo complete gender reassignment. Unlike transsexual, transgender is not a legal definition.

Unfavourable treatment means treating a person less favourably on gender identity grounds than you treat, or would treat, a person for whom no gender identity grounds exist. Negative attitudes and prejudices can lead to unfair treatment, disadvantage and harassment, both in service delivery and employment.

### 3.6.3 the Band Policy

The Band recognises the harmful effects of sexism and unfair discrimination on the grounds of gender and gender identity and will not tolerate it. Negative attitudes and prejudices lead to sexual harassment and unfair treatment in service delivery.

The Band will ensure that transsexual employees and customers can expect privacy and their gender histories remain confidential in line with legislation.

## 3.7 Disability

People are disabled by physical barriers in the environment and by attitudinal barriers in society, rather than by their own impairment. Disability can be defined as:

*"Physical or mental impairment that has a substantial and long-term adverse effect on an individual's ability to carry out normal day-to-day activities."*

This definition includes physical or sensory impairments, learning disabilities and mental or emotional distress.

These may not always be visible to others. The Band recognises the many damaging effects of unfair discrimination against disabled people and will not tolerate it. Negative attitudes, prejudices and physical barriers can lead to unfair treatment, disadvantage and harassment, both in service delivery and membership.

### 3.7.1 Disability Discrimination

The Equality Act 2010 introduces a new type of disability discrimination – *discrimination arising from disability.* The inference that disability represents a lack of personal ability can distort the way in which an individual person is perceived, leading to prejudice and unfair discrimination. People with disabilities are sometimes believed to be unsuitable.

### 3.7.2 the Band Policy

The Band will recognise the unique needs of people with disabilities and make appropriate, reasonable adjustments to environment to remove substantial disadvantage, as required under current legislation. This includes both physical access and access to information.

## 3.8 Age

### 3.8.1 Ageism

Negative assumptions leading to prejudice and unfair discrimination are ascribed to people because of their age and often intensifies the older people become. It is often assumed that young people lack maturity or are unable to take responsibility and that older people are less flexible and lack the ability to learn. Ageism has often been embedded in the policies, practices and procedures of organisations. The various exceptions contained in the Age Discrimination Regulations are repeated in the Equality Act 2010.

### 3.8.2 the Band Policy

The Band recognises that ageism has harmful effects in terms of behaviour and treatment and believes that it devalues both older and younger people, as well as giving an unfair advantage to certain age groups. While the skills and needs of people may vary according to age, it is wrong to make assumptions.

Equally, in both service delivery and communication processes it is important to consult with people of all ages and to adopt different approaches where justifiable and necessary.

The Band is committed to a membership policy that does not take age into consideration in recruitment.

### 3.9 Sexuality

#### 3.9.1 Heterosexism and Homophobia

Heterosexism refers to discrimination beyond homophobia against bisexuals, gay and lesbian people, in fact, anyone who isn't heterosexual.

Heterosexism and homophobia can often be embedded in institutional power structures, systems and practices and can lead to discrimination against lesbians, gay men, and bisexuals or even those who are presumed, by others, to be of one of these groups.

#### 3.9.2 the Band Policy

The Band recognises that institutional heterosexism and homophobia within society can result in negative attitudes and prejudice leading to harassment and unfair discrimination.

Stereotypical conventions and attitudes to relationships and domestic arrangements can serve to reinforce collective, indirect acts of unfair discrimination. This can take place both in service delivery and in employment.

In service delivery, the Band will respect the right of individuals to be open about their sexuality and respectful of civil partnership status of lesbian and gay couples. The Band also recognises that gay, lesbian and bisexual people have a right to private and family life

### 3.10 Religion and Belief

People from minority faith groups within the UK may face deliberate or inadvertent discrimination as a result of misunderstanding and adverse stereotypes concerning their beliefs and culture. They may find it difficult to create a balance between the demands of society and the requirements of their faith, such as religious observance of holy days and festivals.

#### 3.10.1 the Band Policy

In service delivery, the Band will consult with the community to identify the specific needs of minority faith groups. We will always endeavour to deal with sensitivity with the often complex issues surrounding religious observance and other faith cultures.

## 4. Turning Policy into Practice – the Band Diversity Framework

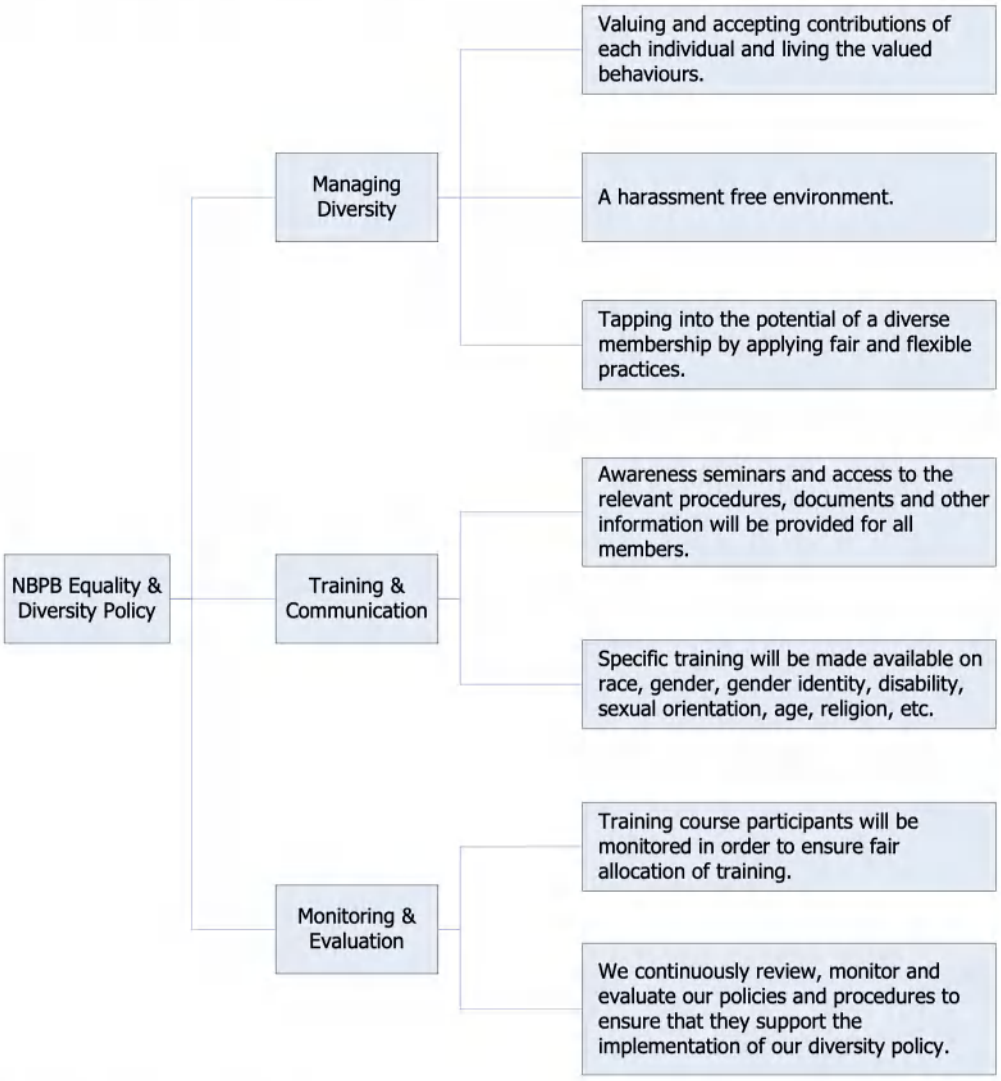
### 4.1 Aims

The aim of the Band Diversity and Equality Framework is to:

- Ensure and encourage that consideration for diversity and equality issues become an integral part of our service delivery.
- Develop and encourage the development of a membership and leadership profile in the Band that reflects diversity by delivering genuine equality of opportunity through best practice.
- Ensure all members understand the Band policy, carry responsibility for putting it into practice and challenge inappropriate or discriminatory behaviour.

4.2 the Band Diversity Framework

4.2.1 the Band Diversity Framework




4.3 Ownership and Responsibility

The Band Committee is ultimately responsible for the delivery of effective diversity and the provision of equality and compliance by the Band with all relevant legislation. They are also responsible for the provision of overall direction and for ownership of the policy.

The Band will endeavour to ensure that all partners, and other organisations working with or in partnership with the Band, are aware of, understand and comply with this policy.

4.4 Conclusion

The Band recognises the benefits of effective diversity and equality. The Band recognises that if it fully understands the different perspectives and characteristics of its members, then it can harness those differences for the benefit of the individual, their colleagues and the wider community.

## 5. The Band's protocol for dealing with equality and diversity complaints

5.1 The Band's protocol for dealing with equality and diversity complaints are the same as with any complaint received by the Band. These are set out in the Band's 'Complaints Procedure' document.

5.2 **Breaches of this policy:** The Band will take a strict approach to breaches of this policy. Complaints should be reported in accordance with the Band's 'Complaints Procedure' document and will be treated in confidence and investigated as appropriate. There must be no victimisation or retaliation against members who complain about discrimination. However, making a false allegation deliberately and in bad faith will result in exclusion from the organisation and/or disciplinary action.

## 6. Roles and Responsibilities

### 6.1 Equality and Diversity Roles and Responsibilities.

All Band members and volunteers are responsible for:

- Maintaining an environment that is free from discrimination, harassment, bullying and victimisation.
- Ensuring that behaviour complies with equality and diversity legislation.
- Respecting the dignity of others.
- Speaking out against discrimination, harassment and bullying they are subject to or witness taking place.
- Demonstrating valued behaviours.
- Maintaining confidentiality on issues raised.