

# **06 - EQUALITY AND DIVERSITY POLICY**

## **Let Us Play Scheme**

(Play Scheme for children with profound  
and multiple learning difficulties)

**Registered Charity No 1072059**

<b>Date of Policy Issued/Review</b>	<b>01 March 2022</b>
<b>Name of Chairperson</b>	<b>Juliet Cheriton-Gerard</b>
<b>Signature of Chairperson</b>	
<b>Management Committee Name</b>	<b>Matthew Lewis</b>
<b>Management Committee Signature</b>	
<b>Review date</b>	<b>01 March 2023</b>

### **POLICY STATEMENT**

LUPS is committed to providing play schemes that are both fun and rewarding to every child and young person and member of staff that attends. To achieve this every individual must play their part in ensuring that they treat everyone fairly, with respect and dignity.

LUPS is dedicated to ensuring the quality of opportunity for all our children and young people, their families and our staff are maintained at all times. This includes every individual having equal opportunity for admission, play, employment, training and advancement, and that all our children and young people, and our staff can be themselves to play and work in an environment free from all forms of intimidation, humiliation, victimisation, harassment or abuse.

We believe that our activities should be open to those children and young people with profound and multiple or complex needs, their families/carers and the adults committed to their welfare. We aim to ensure that all those we pay to work on or volunteer to help with our play scheme have an equal opportunity to do so.

## WHAT IS EQUALITY AND DIVERSITY?

### Equality and Diversity is about:

- Treating everyone fairly, with respect and dignity.
- Recognising that we are all different and using those differences to benefit the team.
- Removing all forms of bias, prejudice and stereotyping that lead to unfair discrimination.
- Eradicating bullying and harassment.
- Valuing the contribution that every person makes to the team.

### Equality and Diversity is not about:

- Treating everyone exactly the same – we all have our differences!
- Giving unfair advantages to minority groups.
- Setting quotas.
- Being soft on individuals who do not meet the required standards.

## HARASSMENT AND BULLYING

All children and young people, and our staff have the right to play and work in an environment free from harassment and bullying, and to be treated with fairness, dignity and respect. Harassment and bullying will not be tolerated at anytime as it undermines confidence, can affect mental and physical health, erodes morale and, as a consequence, damages cohesion and effectiveness.

**What is Harassment?** Harassment is the unwanted behaviour by one or more people, whether intentional or not, which violates a person's dignity and creates feelings of anxiety, humiliation, awkwardness, distress or discomfort which can have potentially devastating consequences for that person. Harassment is judged on the consequences of actions, not on the intent.

### Typical Examples of harassment are:

- Verbal or physical threats or abuse, including derogatory or stereotypical statements or remarks.
- Innuendo, mockery, lewd or sexist/racist/homophobic/religious jokes or remarks. Subjecting someone to insults or ridicule. Name calling.

- Personal comment about aspects of someone's physical appearance or character, which causes embarrassment, offence or distress.
- The use of offensive language in describing someone with a disability or making fun of someone with a disability, or telling jokes about disability.
- Unwanted, intrusive or persistent questioning or discussion about a person's personal life or similar questions about an individual's racial or ethnic origin including their culture or religion.
- Effecting any of the above using digital means – e.g. by text message, or e-mail, or ordinary telephone, or via social media.
- Making disparaging comments about the opposite sex that may cause offence in general.
- Making derogatory or disparaging comments about an individual on the grounds of pregnancy or maternity.

**What is the difference between Banter and Harassment?** Banter is good natured teasing, joking or repartee that doesn't offend anyone. Harassment is unwanted, distressful and hurtful words or behaviour. It is the impact that words or actions have, and not the intent of the person speaking or acting in a certain way, that makes it harassment and not banter. The fact that an individual did not intend to cause offence or hurt is not an acceptable excuse. Common Sense, context, good taste and individuals' relationships with each other will normally dictate which remarks are, and which are not, acceptable.

**Remember: Whilst often the harshest of banter occurs between the closest of friends, always stop to consider whether it may cause offence to someone else who may have joined the conversation at a later stage, or someone who may be within earshot.**

**What is Bullying?** Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying is not always a case of using authority. It can also take place between peers, and occasionally personnel are bullied by those junior to them. Bullying is usually persistent, often unpredictable and may be vindictive. However, and whilst this is not an excuse for such behaviour, it can also arise without intent – i.e. when a person is unaware of the impact of his or her behaviour on someone else.

Bullying is a form of harassment in the generic sense rather than the legal sense and is prohibited under LUPS policy. Bullying can often be hard to recognise; it is not necessarily conducted face to face and may be insidious (the recent rise in bullying by mobile phone text message is a good example of this). The recipient may think it is normal behaviour for the organisation; they may be anxious that others will consider them weak or disloyal if they do not put up with it; or they may worry that if they report it, they will not be believed and may be victimised. Where no prohibited ground exists, care should be taken not to confuse bullying and harassment behaviours.

### **Typical examples of bullying are:**

- Humiliation or verbal abuse, such as shouting or swearing at others in public.
- Physical abuse or intimidation.
- Punishing a whole group for the failings of an individual.
- Subjecting subordinates to unnecessarily excessive or oppressive supervision, monitoring every aspect of their performance or being disproportionately critical of minor things.
- Persistent and unjustified criticism; unwarranted pressure which may increase the likelihood of failure.
- Ignoring or excluding an individual from social event, meetings, discussions.
- Undermining an individual's professional authority or standing.
- Coercing an individual to take part in an initiation ceremony or ritual.

**Are you a Bully?** Is it possible that you are unaware of the effect your behaviour has on others? The following are examples of phrases that should not be used to excuse, or hide, behaviour that – in reality – constitutes bullying:

- 'Strong or robust management style'
- 'A personality clash'
- Describing someone as 'over-sensitive' or 'unable to take a joke'.
- A manager who does 'not suffer fools gladly'.
- A 'hard task-master'.

## **WHAT IS DISCRIMINATION?**

Direct discrimination is when a person is treated less favourably than another person just because of such things as their gender, gender reassignment, race ethnicity, religion or belief, or sexual orientation.

Indirect discrimination is when a provision, rule or practice is applied to everyone but causes a particular person or group to be disadvantaged.

Discrimination by victimisation is when a person is treated less favourably than others for unidentified reasons including because he/she has made a complaint, or has provided information relating to a complaint, or has alleged that discrimination has occurred.

Positive discrimination is unlawful and is when people of one group are treated more favourably than others. This is not to be confused with Positive Action, such as giving special encouragement or training to under-represented groups to make up for previous inequality or discriminatory practice.

Any form of discrimination be it action or remark is unacceptable.

Our children and young people may not understand particular comments or actions and need to be protected from such forms of abuse.

Any such behaviour will be reported to the LUPS committee for investigation.

**Discrimination whether direct, indirect, intentional or unintentional is unlawful and could result in disciplinary and even legal action.**

## **ADMISSIONS**

LUPS is open to those families in the community who have a child or children or young people with profound and multiple or complex needs; children and young people who would need consistent one-to-one support to enable them to achieve at their own level.

Our referral system is open to parents and other agencies working directly with the children and young people and/or families/carers.

## **EMPLOYMENT**

LUPS will appoint the best person for each position and will treat fairly all applicants and those appointed.

Commitment to implementing our Equality & Diversity Policy will form part of the job description for all workers.

## **FAMILIES**

LUPS recognises that many different types of family successfully love and care for their children. LUPS offers a flexible payment system for those families with differing means.

## **ACTIVITIES**

All children and young people will be respected and their individuality and potential, recognised, valued and nurtured. Activities and the use of play equipment offer children/ young people the opportunity to develop in an environment free from discrimination or prejudice. Appropriate opportunities will

be given to each child and young person to explore their environment and access it at their individual level.

## COMMUNICATION

Children and young people at LUPS communicate in a variety of ways not necessarily in formal speech. Each child and young person's ability to communicate will be shared with their carers. All information spoken, written and signs will be communicated clearly.

## FOOD

Medical, cultural needs will be met. Dietary needs will be met by the parent carer.

## MEETINGS

Where possible, the time and place of meetings will be given with enough time to ensure that families have opportunity to be involved in the running of the play schemes.

## COMPLAINTS PROCEDURES

### **What can you do if you are being treated unfairly?**

Don't suffer in Silence! Tell someone and use the Management chain, to help you deal with it. Doing nothing should not be an option. You **will** be supported.

The person who is treating you unfairly may not realise that they are causing you offence. It is the impact that their actions or behaviour are having on you that is important and you have the right, as well as the responsibility to take action to stop them – both to protect yourself and to help protect others from such behaviour in the future.

### **"I may wish to make a complaint. Who can I turn to for advice?"**

Deciding on whether or not to make a complaint may well be a difficult decision. It is also one which you have to make for yourself having sought proper advice. However, by not speaking out, others may continue to believe that their behaviour is acceptable; by speaking out, you can make them re-consider their behaviour. You can also help ensure that others do not suffer the way you have.

You should aim to address someone's behaviour at the lowest possible level – most people who wish to make a complaint want it resolved at a low level, as it involves less fuss and brings a quicker conclusion to an incident, allowing all parties to move forward. Nevertheless, entirely reasonably, they want the complaint resolved effectively.

Anyone wishing to discuss the nature of their complaint prior to making a decision, should contact a member of the Senior Management Committee, ACAS, or The Citizens' Advice Bureau (CAB) in the first instance. Where appropriate, the complaint must state on which 'prohibited ground' a complaint of harassment is founded, i.e. race, gender, age, disability etc.

### **INFORMAL COMPLAINTS**

**“I do not wish to make a big issue of this, but something needs to be done”.**

Often people do not realise that their behaviour causes offence or makes others feel uncomfortable, and they may be genuinely shocked and stop as soon as they are made aware of this. Where an allegation of harassment or bullying has been made, both you and the other party should make every effort to try and resolve the allegation informally and at the lowest level. In many cases, you may simply want the behaviour in question to stop and for its negative effect on you to be acknowledged, maybe accompanied by a personal apology.

This is called **Informal Resolution**, the aim of which is to take action promptly at the lowest appropriate level in order to achieve a mutually acceptable solution. This in turn should enable a harmonious play scheme and/or sound relationship to be restored as quickly as possible.

Making an attempt at informal resolution does not mean that you cannot later make a Formal Complaint, if you change your mind, or if the attempt at resolving things informally fails.

In the first instance, you should seek early advice from a member of the Senior Management Committee before deciding whether to attempt Informal resolution. Even if you wish to sort things out informally, the Chairperson or Senior Management, if aware of the alleged harassment, may decide that such an attempt would be inappropriate. They may decide to transfer to the formal procedure if they become aware of allegations that they consider to be sufficiently serious and/or if the Respondent(s) deny any wrongdoing and refute the allegation(s).

Going down the informal route, the following options are available to you:

**Unassisted Action:** You may wish to speak to the other party on a one-to-one basis. In this case, you should remain calm, be civil, briefly describe what has been said, or has happened, which caused you offence, listen carefully to any response and avoid getting involved in arguments. It may be helpful for you to explain your concerns and then for both of you to agree to discuss the matter after a period of

reflection. Alternatively, you may choose to write to other party about their behaviour. This would also establish an audit trail, particularly if sent as an e-mail.

**Assisted Action** Assisted informal action can take one of 3 forms:

**Using the Seniors or the Senior Management Committee:** You may ask a Senior or someone from the Senior Management Committee to speak to the other party about their behaviour. This does not necessarily mean that other, more senior members are made aware of the allegation(s). It simply means that appropriate management action – at the lowest appropriate level – can be taken as soon as possible to attempt to stop the alleged behaviour, resolve differences and restore a harmonious atmosphere.

**Using a LUPS Friend or Colleague** You may choose to speak to the Respondent in the presence of a LUPS friend or colleague (ideally someone of a similar level to yourself), but be aware that his/her role is only to provide you with moral support. The Respondent may also have their own LUPS friend or colleague present. However, everyone must understand that the responsibility for resolving the matter cannot be passed on to LUPS friends and colleagues – the issue is between the two of you and it is you who must do the talking.

**Mediation** If both parties agree, they may try to resolve any dispute between them through mediation by a properly-trained and formally-accredited, and impartial, Mediator. Mediation consists of a discussion of the problem between all parties in a controlled environment. Whatever is discussed, resolved and agreed in this meeting remains completely confidential between all parties and the Mediator.

**Outcome of Informal Resolution** The outcome of Informal resolution may be an agreement or reconciliation between the parties. However, where the Senior Management team are aware of Informal resolution having been achieved, the relationship between the parties will be monitored for the remainder of the play scheme to ensure that the agreed outcome is respected and that there is no repetition of the behaviour in question.

## **FORMAL COMPLAINTS**

### **“I wish to make a Formal Complaint. What should I do?”**

You have a right to make a Formal Complaint of harassment or bullying at any time, although an attempt at Informal resolution should, whenever possible and appropriate, be made in the first instance. Experience has shown that Informal resolution is far quicker in resolving issues and therefore allows all parties to move forward. However, where Informal resolution has failed, or the incident is serious enough to warrant making a Formal Complaint, you will receive the appropriate advice from one of the Senior Management Committee Members or if the complaint is against A member of the Management Committee you may seek advice from ACAS, Ofsted or the Citizens' Advice Bureau (CAB). At the same time, if you feel strongly that the behaviour you are complaining about is sufficiently

serious, then you can submit a Formal Complaint straightaway. You do not have to go through the Informal route first. Formal Complaints must provide sufficient information about the incident(s) complained about, the other party and any witnesses, and the redress that you seek.

**Timescale** Formal Complaints must normally be submitted within 3 months of the Incident complained about, or, if the complaint is about a series or pattern of incidents, the last incident (in which case, the whole series or pattern of incidents will be considered). If it is just and equitable to do so, a Formal Complaint may be considered even if it is outside the 3-month time limit. Out-of-time Formal Complaints will be considered on a case-by-case basis and advice should be sought in the first instance – though it may be prudent to seek early advice from the Senior Management Committee. If the Senior Management Committee is the subject of the complaint or is implicated in your complaint, then the complaint should be submitted to the next level in the Management chain, Ofsted, Children Services – again advice can be gained from ACAS or the Citizens' Advice Bureau (CAB).

**Assignment of Assisting Officer** When a Formal Complaint of discrimination, harassment or bullying is made, an Assisting Officer will be assigned to you (usually, you may choose who you want). They are responsible for providing reassurance and clear advice on the way ahead, seeking advice from ACAS, Ofsted, CAB or Children Services, and closely liaising with you as necessary.

**Complaint Letter** In your letter of complaint you should include as much factual detail as possible about what happened, how it has affected you, and, most importantly, what you would like the outcome to be (known as the 'Redress'). The Assisting Officer will advise you on the layout of the letter and can help you write it. They will not write it for you, it is your complaint, but will help you pull the letter together.

Complaints will be investigated fully and escalated where necessary. Joint complaints by 2 or more Complainants are not permitted; each Complainant must submit their own complaint. Any individual (Complainant or Respondent) finding themselves a party to a complaint involving staff, children or parent carers of LUPS should contact a Senior Management Committee member or higher Authority as soon as possible.

### **"I've submitted my Formal Complaint. What happens next?"**

The LUPS Chairperson or Senior Management Committee Officer (known as the Deciding Officer) will initiate an E&D investigation. Your Assisting Officer will help find out and explain everything you need to know about the investigation process and support you through it. The Respondent will be told the nature of the complaint that has been made, you will both have an initial interview with the Deciding Officer, and a decision will be taken on whether working arrangements will need to be altered in any way while the investigation is underway.

The Deciding Officer appoints a suitably-qualified person (or team) to conduct the investigation. This person is known as the Harassment Investigating Officer (HIO), who should be wholly independent of both your and the Respondent's line management. The Investigation will be conducted as quickly as possible and the draft report of the investigation should be available for comment by both you and the Respondent(s) normally within 30 days. On occasion, however, this is not always possible, if the investigation is particularly complex, or where witnesses have to be interviewed at various locations. Either way, the HIO will keep you informed, in general terms, of progress.

**Reassurance to a Complainant:** If you are reluctant to make a Formal Complaint because of the stress or anxiety this may entail, you should be advised to seek welfare, pastoral support and/or medical help. You should not feel discouraged from making a Formal Complaint for fear of negative consequences and should be reassured that you will be protected against victimisation. Whilst complaints should never be made in bad faith, should a complaint subsequently not be upheld, the fact that you made the complaint in the first place should not be held against you and will in no way affect your placement at LUPS.

**Remember:** It is an individual's right to make a complaint and they should have every expectation that it will be taken seriously. Similarly, anyone who finds themselves the subject of a complaint also has a right to be kept informed of what is going on, and to be treated fairly and impartially.

Absolute confidentiality for the Complainant and/or the Respondent cannot be guaranteed; however, the HIO and team will strive to achieve the maximum possible – only those who have a legitimate need-to-know will be aware of the details. All complaints will be investigated thoroughly, impartially and with the utmost discretion. Be aware that, as part of the investigation process, statements will be disclosed to the Complainant, Respondent(s) and Deciding Officer.

You are also advised that should disciplinary action be recommended, or the case be taken to Tribunal, normal disclosure rules will apply. If you are in doubt as to how this might affect you, ask the HIO or Assisting Officer.

### **“How will I know whether my complaint has been upheld or not?”**

On completion of the investigation, and after you and the Respondent(s) have had the opportunity to read the draft, the HIO will submit the Final Report to the Deciding Officer. After due consideration, the Deciding Officer will decide whether your complaint is supported or not, and whether administrative or disciplinary action against anyone is appropriate. The Deciding Officer will tell both Complainant and Respondent(s) of his/her decision in writing.

### **“If I am not satisfied with the outcome, what can I do?”**

If you wish to submit your complaint for referral to a higher Authority you may do so. If you are unhappy with the Higher Authorities decision, you may request that your complaint is referred to Ofsted or Children Services.

## TRAINING

Core Equality and Diversity Training is provided to all staff as part of their induction and periodically thereafter. References are also made to articles within the policy and Morning and End of Day Staff briefings. All families and staff are made aware of this policy and its contents.

## FURTHER ADVICE & REFERENCES

### Further Advice is available from:

LUPS Senior Management Team: [chairperson@lups.co.uk](mailto:chairperson@lups.co.uk)

**ACAS:** [www.acas.org.uk](http://www.acas.org.uk)

**The Citizens' Advice Bureau (CAB):** [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

**A: Gender:** [www.csag.org.uk](http://www.csag.org.uk)

**Stonewall:** Works for equality and justice for LGBTQ+ individuals  
[www.stonewall.org.uk](http://www.stonewall.org.uk)

**Equality and Human Rights Commission (EHRC):** Works to eliminate discrimination on the grounds of gender, sexual orientation, disability, race, religion and belief in the UK. [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### Ofsted:

OFSTED (South)  
Freshford House  
Redcliffe Way  
Bristol  
BS1 6NL

- **08456 404040** about anything else.
- **08456 404049** Fax

**Email:** [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

**Website:** [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

**Hampshire County Council Children's Services**

Tel: 02392 244178

## **ASSOCIATED POLICY'S**

- LUPS Admission Policy (2)
- LUPS Parental Involvement Policy (4)
- LUPS Behavioural Management Policy (8)
- LUPS Complaints Policy (14)
- LUPS Confidentiality Policy (7)
- LUPS Safeguarding Children Policy (5)
- LUPS Left Behind Child Policy (16)