

THE MAKING[®]

DIVERSITY POLICY

Last reviewed and amended:

February 2007

1. Diversity Policy

1.1 Vision

THE MAKING is committed to equal opportunities for all and is determined that through both the provision of service and as an employer it will ensure equality of opportunity for all persons regardless of race, sex, disability, financial status, marital status, sexual orientation, ethnic origin, religion, age or political affiliation.

THE MAKING aims to provide equal opportunities for everyone to participate enjoy and gain an understanding of contemporary craft, art and design.

1.2 Policy Objectives

THE MAKING will consider diversity in employment together with more specific policies and procedures that guide specialist work within a gallery or learning environment. In this respect, THE MAKING has identified three main areas which will need to be considered in the fulfilment of THE MAKING's mission, and which will form the basis for the development of diversity principles and annual action plans.

THE MAKING as employer -

- HR Management

THE MAKING as service provider -

- Access & Learning
- Marketing & PR

1.3 Racial Equality

The Making's diversity policy will also guide the work of the trust in compliance with those racial equality schemes implemented by key funders. The Making will:

- Embed race equality within our organisation as a value that everyone adheres to
- As part of our overall diversity strategy create a race equality action plan
- Strive to source, programme and commission black and ethnic minority artists /makers and organisations
- Establish partnerships with Black and ethnic minority artists/makers and organisations
- Advertise our activities and organisation effectively within appropriate Black and ethnic minority media
- Contribute to promoting particular events for target groups, for example Black History Month

- Attract Black and minority ethnic people as participants and audience members
- Promote artistic roles within the arts to combat racial stereotypes

1.4 Responsibilities

1.4.1. Board and Chief Executive Officer

The Board has overall responsibility for ensuring that the Diversity Policy is in place and for amending the policy if necessary. The Chief Executive Officer is responsible for ensuring that it is implemented and adhered to by all. Monitor and review of the policy is also the responsibility of the Chief Executive Officer. In order to ensure that responsibilities are met the Board and the Chief Executive will:

- Promote the policy and ensure that all staff are aware of the policy.
- Ensure that all staff and Board members receive appropriate training and/or guidance.
- Ensure that consultants, freelance workers, and panel/focus group members are aware of the policy and understand its implementation.
- Monitor the policy and make changes where necessary.
- Review the policy annually.

1.4.2. Individuals

Each member of staff and Board member has a responsibility for helping the organisation implement the diversity policy. The policy will only be effective if each individual has a stake in ensuring its success. Individual responsibilities come from both the expectations of the THE MAKING as an employer and legislative requirements. Individuals will:

- Play an active part in the implementation of the policy.
- Co-operate with all measures THE MAKING puts in place to implement the policy.
- Nor act unlawfully or unfairly discriminate against colleagues, clients, suppliers or the general public.
- Not bully, harass or intimidate members of staff or others.
- Bring to the attention of management any discriminatory acts or practices.

1.5 Monitoring and Self-Assessment

Museums, Libraries, Archives (MLA) 'Access For All Toolkit - Enabling inclusion for museums, libraries and archives' February 2004

In order to assess whether the THE MAKING is meeting its objectives as set out in the preceding strategies and its overall vision, a system of continual monitoring and annual self-assessment will be implemented.

The toolkit as published by MLA in February 2004 will form the basis of a self-assessment framework.

THE MAKING Diversity Policy will be evaluated and revised as appropriate on an annual basis. This assessment will be carried out by the Chief Executive Officer together with a representative member of the board, and any revisions of the policy will need to be agreed by all members of the Board.

The operational strategy relating to THE MAKING as an employer and a service provider will be monitored and assessed on an ongoing basis. This will be done jointly by the relative member/s of staff and the Chief Executive Officer, and findings will be reported to the Board.

1.6. The Legal Context

It is important to bear in mind that many of the issues around equalities have their roots in legislation and that employers and employees have responsibilities under the law. The Making values the individuality and contribution of all of its staff, volunteers, Board members and is committed to ensuring that all individuals and, in particular, job and volunteer applicants are treated equally on their merits. The relevant legislation is described in detail in appendix 2 together with references to websites which give further information. The main legislative regulations which cover diversity and equal opportunity relate to: discrimination on grounds of sex, sexual orientation, gender reassignment, race, religion, disability and age and harassment and bullying.

Specific anti-discrimination measures cover the areas of employment, training, education, the provision of goods and services and the disposal and management of premises.

Discrimination can occur in three ways:

- a) Direct discrimination - where one person is treated less favourably than another on the grounds of race, colour, ethnic origin, national origin, religion, nationality, age sex, sexual orientation, or marriage.
- b) Indirect discrimination - when a rule, requirement or condition is applied equally to all but has a disproportionate adverse impact on the grounds of race, colour, ethnic origin, national origin, sex, sexual orientation, religion, age or marriage; is to individual's detriment because they cannot comply with it or

cannot be justified for safe/effective performance of the job.

c) Victimisation, anyone bringing proceedings, giving evidence or information or alleging contravention of the acts in good faith is protected from victimisation.

The scope of the sex discrimination regulations was expanded in 1999 to prevent direct discrimination against a person on the grounds that she/he intends to undergo, is undergoing or has undergone gender reassignment.

The law also states that every individual has the right to be free from harassment.

2. Diversity Strategy

2.1. THE MAKING as an Employer - HR Management

2.1.1. Recruitment and Selection

a) Job descriptions must be prepared for all jobs. These should be precise and any special work requirements must be job related.

b) Job related Person Specifications must be compiled from Job Descriptions.

c) Selection criteria must be clearly related to the requirements of the job.

d) Advertising, and in particular the sources used, must reflect The Making's diversity policy both in terms of their content and also where they are placed.

e) Interviewers must be competent in applying objective selection techniques.

f) Employment decisions must not be based on assumptions or generalisation about particular groups or categories.

2.1.2. Training

a) The opportunity for training should be brought to the attention of all eligible employees.

b) Training decisions must not be based on assumptions or generalisations about particular groups or categories.

c) Training should be arranged for employees having special problems with:

- i. Communication
- ii. Health and safety
- iii. Physical and other disabilities

- d) Training must be made available in a way that allows women and minority ethnic groups to function and compete on an equal basis with other employees with regard to current job requirements and promotion opportunities.

2.1.3. Induction

- a) Where a language problem, or a physical or other disability exists, care must be taken to ensure induction training is understood.

2.1.4. Job Allocation

- a) Care should be taken when designing and grading jobs, to avoid assumptions that particular types of work are best done by particular categories of employees.
- b) Efforts must be made to prevent segregation on the grounds of sex, sexual orientation, religion, age, race, colour, marital status, disability, ethnic/national origin or nationality.
- c) Members of particular groups must not be directed into, or excluded from, particular jobs on the basis of untested assumptions about the personal attributes and abilities of individuals.
- d) Efforts should be made to ensure that women and ethnic minority employees are not disproportionately allocated to the least attractive and lowest paid jobs.
- e) Care must be taken not to attach too much weight to accent, fluency in written or spoken English and formal qualifications if these factors do not affect an employee's performance of the job.
- f) When allocating jobs care must be taken to ensure that decisions are not influenced by fears of resistance to ethnic minority employees from other employees in any particular work area, or from members of the public.

2.1.5. Promotion

- a) Opportunities for promotion must be brought to the attention of all eligible employees.
- b) Promotion decisions must be made on the basis of the individual's ability, the requirement of the job, and other objectively relevant criteria.
- c) Employees in comparable working conditions and with comparable ability must be given equal opportunity for improving their positions.

2.1.6. Recording and Monitoring

- a) Appropriate data should be collected to enable the effectiveness of the Diversity Policy to be monitored.
- b) Managers should ensure that their records show that employment decisions are free from discrimination.

2.1.7. Dismissal

- a) A dismissal decision must be fair and reasonable in all the circumstances. Where dismissal is for incapability or conduct the assessment of fairness can include reference to relative levels of training and support given to particular groups.
- b) Decisions to dismiss or to take action detrimental to women who are pregnant or on post-natal maternity leave, are particularly open to legal challenge. Appropriate legal advice must be sought.

2.1.8. Disability

The Disability Discrimination Act 1995 (DDA) replaced the Disabled Persons (Employment) Act 1994. The DDA came into full force at the end of 1996 and the beginning of 1997. This Act requires employers not to treat a disabled person less favourably than other people, unless there are justifiable reasons. In summary the Act:

- a) Provides a new statutory right of non-discrimination for disabled people both in employment and in the provision of services.
- b) Requires employers to make reasonable adjustments to the workplace where that would overcome the practical effects of an individual's disability.
- c) Covers anyone with a physical or mental impairment, which is long term or recurring and those suffering from HIV/AIDS.
- d) Gives individuals who believe that they have been discriminated against in the course of employment, or applying for employment, the right to make a claim to an Employment Tribunal.
- e) Sets up a new body, the Disability Rights Commission to monitor the effects of the legislation.

2.1.9. Monitoring & Evaluation

Systematic monitoring is essential to assess the effectiveness of THE MAKING's Diversity Policy. Monitoring methods include:

- Measuring trends in:
 - Job Applicants
 - Recruitment
 - Age, service and turnover
 - The provision of training
 - Salary and grading/status distribution
 - Grievances, particularly relating to harassment
 - Disciplinary action
 - Part-time working
 - Job sharing
- The inclusion of Diversity Policy issues and objectives within managers' annual performance and development objectives and appraisals.
- Evidence of the inclusion of Diversity Policy issues within relevant training programme.

2.1.10. Breaches of policy

The Making deplors any form of discrimination, whether intended or accidental, and will respond seriously to any situation where it is apparent that discrimination, harassment or bullying has arisen. Infringements of this policy will be dealt as a disciplinary matter under The Making's disciplinary procedures.

2.2 THE MAKING as a Service Provider

2.2.1 Barriers to Access and Inclusion

Access and inclusion can be improved by identifying the barriers which prevent participation and developing strategies to dismantle them. Barriers may be physical, sensory, intellectual, attitudinal, cultural, social, financial, technological, and so on. They are to do with such things as the culture and environment of the organisation and the perceptions of users and potential users, as well as more concrete factors. By dismantling these barriers THE MAKING aims to provide a programme that provides enjoyment, learning and inspiration for many more people.

It is important to recognise barriers that may prevent some people from using the services of THE MAKING. The following is a widely accepted list of barriers for many people, and questions relating to these. THE MAKING will be addressing these issues at the appropriate stage of the projects development, in addition to an ongoing self-assessment process.

Physical / Environmental	Are buildings and activities, physically accessible to everyone? Is the building in the best location to meet everyone's needs? E.g. older people, wheelchair users, young children and carers, people living in isolated locations.
Sensory	Can they be used by people with hearing or visual impairments? What adjustments need to be made?
Intellectual	Do people who do not have extensive background knowledge or people for whom English is an additional language feel excluded? Can they be used by people with learning disabilities?
Cultural	Are the interests, life experiences and culture of the whole community reflected and represented?
Attitudinal	Is the THE MAKING welcoming, especially to new users? Do people feel confident in using it? Do staff have an open attitude to diversity? Are we focusing on people - our users and potential users?
Financial	Do any charges/costs made deter people on low incomes? Can families, pensioners, unemployed people and others on low incomes afford our services?
Technological	Does the use of ICT and new media, such as websites, facilitate access for everyone? Do we exploit new technology to enable greater access?

2.2.2. Access & Learning

The Making has developed a learning policy and strategy which outlines the objectives of The Making's cultural programme and profiles our target audience.

A number of factors have been taken into consideration when developing activities for discrete audience groups, these include;

Age, location, gender, interests, education, physical and intellectual ability, income and employment status, race, religion, ethnicity, and past experience.

In order to ensure that our activities are inclusive, we will consider the needs and profile of our audience and the possible barriers that exist preventing either access or inclusion. We will also seek to actively engage diverse audiences in formulating events through providing opportunities for regular consultation and feedback. We aim to design a programme that engages all audiences in innovative and exciting way and will look to examples of best practice from the contemporary craft and wider arts sector.

2.2.3. Marketing & PR

As with our activities we will consider the needs and profile of the audience we are communicating with, possible barriers that may exist, and ways of overcoming these barriers in order to establish a successful dialogue.

Information

In particular we will consider our information; are our services marketed effectively to all potential users? Do we provide equal access to all of our resources? Is information provided in alternative format, Plain English, community languages, Braille? Is our website compliant with existing access standards and so on?

Decision-making

The Making wishes to engage users in the development of its programme and we wish to ensure an inclusive means of communication is established with our audience. With regard to our activities programme we will consider whether all users and potential users have been consulted? Whether their opinions were valued and how we can improve or facilitate communication with more users.

Appendix 1

Museums, Libraries, Archives (MLA) 'Access For All Toolkit - Enabling inclusion for museums, libraries and archives' February 2004

Appendix 2

Employment Legislation relating to Diversity and Equal Opportunities

- **Age Discrimination 2006**

Makes it unlawful to discriminate against an individual on grounds of age

- **Civil Partnerships 2005**

Creates facility for same-sex marriages and close relationship legal partnerships

- **Family Friendly 2003, 2006, 2007, ongoing**

Creates options of a range of flexible working opportunities and patterns

- **Sex Discrimination Act 1975, Race Relations Act 1976 Sex Discrimination (Gender Reassignment) Regulations 1999**

The first two acts refer to specific anti-discrimination measures and cover the areas of employment, training, education, the provision of goods and services and the disposal and management of premises. They cover three areas of discrimination:

a) Direct discrimination - where one person is treated less favourably than another on the grounds of race, colour, ethnic origin, national origin, nationality, sex or marriage.

b) Indirect discrimination - when a rule, requirement or condition is applied equally to all but has a disproportionate adverse impact on the grounds of race, sex or marriage; is to individual's detriment because they cannot comply with it or cannot be justified for

safe/effective performance of the job.

c) Victimisation, anyone bringing proceedings, giving evidence or information or alleging contravention of the acts in good faith is protected from victimisation.

The scope of the Sex Discrimination Act was expanded in 1999 to prevent direct discrimination against a person on the grounds that she/he intends to undergo, is undergoing or has undergone gender reassignment.

- **Race Relations (Amended) Act 2000 [Section 71 (1)].** See Appendix 3.1.
Every body or other person specified in Schedule 1A or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need -
 - a) to eliminate unlawful racial discrimination; and
 - b) to promote equality of opportunity and good relations between persons of different racial groups.
- **Disability Discrimination Act 1995**
It is illegal to discriminate against anyone on the grounds of a disability or condition which has a long term or substantial effect on their ability to carry out normal day to day work. The Act also applies to the working environment and the provision of goods and services. From 1 October 2004 service providers may have to make other 'reasonable adjustments' in relation to the physical features of their premises to overcome physical barriers to access.
- **Employment Relations Act 1999**
The act relates to fairness at work and the rights of all employees.
- **Equal Pay Act 1970 and Equal Pay Amendment Regulations 1983**
The act states that no individual should be treated less favourably with regard to the terms and conditions of employment than a person of the opposite sex employed to do the same work or work of equal value.
- **Protection from Harassment Act 1997**
The act states that every individual has the right to be free from harassment.
- **Rehabilitation of offenders Act 1974**
The legislation provides that certain prior convictions should be regard as 'spent' after a specified period of time and generally

cannot be taken into account by employers.

- **Criminal Justice and Public Order Act 1984**
The act created the offence of 'intentional harassment', alarm or distress which means that those behaviours (especially intentional harassment) in the workplace may now be a criminal offence.

Websites

- www.drc.gb.org/employment (Disability Rights Commission)
- www.direct.gov.uk
- www.diversityuk.co.uk
- www.civilservice.gov.uk/diversity
- www.dti.gov.uk/employment/discrimination