

EQUAL OPPORTUNITIES POLICY

Updated July 2021

OUR VALUES AND COMMITMENT

Equal Opportunities are fundamental to everything we do at Create. We believe that every individual is valuable, and that everyone should have equal access to society's opportunities and resources. Our particular focus is on widening access to and through the creative arts. We are passionately committed to:

- acting openly, fairly and without prejudice;
- promoting equality, diversity and mutual respect in those areas in which it has a material degree of influence;
- promoting equality by reaching out to disadvantaged groups of people and offering them empowerment through the arts; and
- celebrating cultural diversity.

This policy sets out the main ways that we aim to live up to these values and fulfil these commitments. This policy provides guidance only.

This policy and its contents do not form any part of any employee's contract of employment and Create may, in its absolute discretion, amend or replace this policy at any time.

PREVENTING DISCRIMINATION AND HARRASSMENT

We aim to provide an environment at Create in which all employees and other workers, suppliers, customers and third parties are able to make best use of their skills, free from unfair discrimination and harassment, and in which all decisions are based on merit. We will respond openly, fairly and without prejudice to all people who wish to take up the opportunities we have to offer. Obviously these opportunities are limited by the resources we have available. We will endeavour to set out clear criteria for the decisions we make for example, when we are appointing staff or locating projects. Create aims to treat everyone with the same attention, courtesy and respect and not discriminate or harass unlawfully because of:

- age;
- race, ethnic origin, colour or nationality;
- disability;
- employment status (part time or full time) or trade union membership;
- pregnancy or maternity;
- income level;
- gender;
- housing status;
- marital, civil partnership or relationship status;
- religion or belief;
- sexual orientation or gender reassignment; or

Chairman: Eddie Donaldson OBE **Chief Executive:** Nicky Goulder **Ambassador:** Alistair DK Johnston CMG **Youth Ambassador:** Abi (15)
Patrons: Sir Matthew Bourne OBE . Esther Freud . Dame Evelyn Glennie . Howard Goodall CBE . Ken Howard OBE RA . Erwin James . Shobana Jeyasingh CBE . Tim Mariow OBE . Nicholas McCarthy . Lord Moynihan . Susannah Simons . Isy Suttie **Trustees:** John Broadis . Tony Cates . Eddie Donaldson OBE . Tim Jones . Marit Meyer-Bell . Vanessa Sharp . Paul Thimont . Carol Topolski

- any other protected characteristic ('Prohibited Grounds').

Where appropriate and necessary, Create will endeavour to provide appropriate facilities and conditions of service which take into account the specific needs of its employees which arise from their ethnic or cultural background; gender; responsibilities as carers; disability; religion or belief; or sexual orientation. Create will take any complaint of harassment or discrimination very seriously.

PROMOTING EQUALITY

In developing and locating our projects, we take various factors into account – especially the views, needs and capacity of our sponsors, partner organisations and artists. Fundamental to all project decisions are our aims of widening participation in the arts and helping transform the lives of people who are disadvantaged. This means that we target our projects at groups of people who are known from research to be vulnerable to social exclusion. These groups include:

- disabled people;
- homeless people;
- LGBTQI+ people;
- lone parents and carers;
- people living in poverty;
- people living in geographical areas of high social deprivation;
- people with little or no formal education;
- people with physical or mental health needs;
- offenders, ex-offenders and those at risk of offending;
- refugees and asylum seekers;
- substance misusers; and
- unemployed people.

Across and within these groups, the following people are often especially vulnerable to disadvantage:

- children and young people;
- older people;
- people from Black, Asian and minority ethnic groups; and
- women and girls.

These lists are not exhaustive. We recognise that there are many factors that may lead to social disadvantage, especially to exclusion from the arts, and we are always open to considering new groups of people who may be in need of our projects.

We do not pretend that Create will be able to reach all the groups listed above. Our projects will aim to include at least one of them, and many of our projects will reach several.

CELEBRATING CULTURAL DIVERSITY

While working against the unjust differences created by social exclusion, we embrace the fact that our society includes rich differences in culture, belief and social identity. We welcome this kind of diversity in all our projects, and we design many of them specifically to reinforce and celebrate it, for example:

- supporting people from disadvantaged backgrounds to find imaginative ways of representing or expressing their experiences, perspectives that are often marginalised by mainstream society and in mainstream arts activities;
- encouraging people from different social groups to communicate and collaborate with each other; and
- whenever possible, responding to or incorporating artistic traditions from minority ethnic and other cultures.

UNACCEPTABLE BEHAVIOUR

There are some varieties of belief and expression that we do not support. We will do everything in our power to promote equality, diversity and mutual respect. Create aims to ensure that all of its employees are informed of this policy and are expected to pay due regard to it when working on Create's behalf. In all its operations, including those with suppliers, contractors and other agencies Create seeks to promote the principles of equality, diversity and mutual respect. This means stereotypes of particular groups of people, and views that are prejudiced, degrading or offensive. Unacceptable viewpoints include:

- ageism;
- disablism;
- homophobia;
- misogyny;
- racism;
- sexism; and
- any acts or expressions of discrimination on the grounds of any of the Prohibited Grounds.

We realise that many disadvantaged people have had limited access to education and wider awareness and if a participant partakes in any of the unacceptable behaviours outlined above we will take steps to address the unacceptable behaviour appropriately. This may include excluding those participants who make unacceptable remarks or behave in an unacceptable manner from programmes, projects or events, at the absolute discretion of Create.

AS AN EMPLOYER

Create aims to treat all of its employees and other workers equally and fairly and not to discriminate unlawfully against them. Create recognises the benefits of having a diverse workforce and aims to ensure that:

- all employment opportunities are open and accessible by advertising job vacancies as widely as resources allow (including on the charity's website), publishing the selection criteria for each post in a Person Specification and basing decisions on individual qualities, qualifications, availability, personal merit and best fit for the position;
- selection criteria and processes do not discriminate unjustifiably on the Prohibited Grounds other than in those instances where Create is permitted by law;
- wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will apply to enable the recruitment of suitable staff to meet the special needs of particular groups;
- recruitment procedures are kept under review to ensure that individuals are treated on the basis of their relevant merits and abilities;
- Create will always strive for its employees to reflect the diversity of the communities in which we work. To this end, we may target the advertising of some vacancies to groups with particular characteristics, which we have identified as being underrepresented. We will not, however, exclude anyone from

applying, and will assess all candidates against the same criteria and in all cases select the candidate who we consider best qualified for the opportunity;

- job selection criteria are carefully considered to ensure they are justifiable on non-discriminatory grounds as being essential for the effective performance of the job;
- all applicants will be asked to complete an equal opportunities monitoring form, which will be separated from their application on receipt. Statistical records will be kept in accordance with current legal obligations;
- more than one person is always involved in the recruitment process and those involved will be given training on the application of this policy; and
- the ongoing training needs of employees in relation to equal opportunities are assessed and provide or obtain appropriate training.

Terms and conditions for employees and any other workers will comply with all current and any future anti-discrimination legislation and associated codes of practice, including but not limited to the Equality Act 2010, and any relevant amendments or re-enactments of such legislation or codes or replacements (together the "Anti-Discrimination Legislation"). Provision of working hours, maternity and other leave arrangements, performance appraisal systems, dress code, bonus schemes and any other conditions of employment will not discriminate unlawfully against any of its employees or other workers on any Prohibited Ground.

All Create employees are instructed that:

- there should be no discrimination or harassment on account of any of the Prohibited Grounds;
- all employees have personal responsibility for the practical application of this policy and are expected to understand and agree to abide by it, which extends to the treatment of employees, volunteers, participants, customers, contractors and any visitors to Create's premises;
- special responsibility for the practical application of this policy falls upon managers and supervisors involved in the recruitment, selection, promotion and training of employees; and
- disciplinary action will be taken against any employee who is found to have committed an act of unlawful discrimination or harassment. Discriminatory conduct and harassment will be treated as gross misconduct.

Any employee who believes that they may have been disadvantaged on any of the Prohibited Grounds, is encouraged to raise the matter in accordance with Create's Grievance Procedure. If an employee believes that he/she may have been harassed on any of the Prohibited Grounds, he/she is encouraged to raise the matter in accordance with the section below on Protection from Harassment.

In the case of any doubt or concern about the application of this policy in any particular instance, please contact the Director of Finance & Operations (DFO).

AS A SERVICE PROVIDER

Create expects all employees to take equal opportunities into account during all projects including:

- considering accessibility issues in project planning – eg timing of projects to avoid religious festivals, physical accessibility of venues for wheelchairs and children's pushchairs;
- wherever possible including participants in the planning and running of the project, and responding carefully to their feedback;
- helping project partners to support the involvement of particularly disadvantaged people, eg working in cooperation with their interpreters for people who do not speak English, signers for deaf participants;

- support workers for people with severe learning or physical difficulties;
- seeking advice and support from specialists, where appropriate, to meet particular needs; and
- making no assumptions about people's abilities;
- valuing everyone's involvement and, if necessary, finding imaginative ways to engage people with additional needs; and
- challenging remarks or behaviour that are discriminatory, and excluding people from participation in extreme cases where other participants are offended or sidelined.

PROTECTION FROM HARASSMENT

Create will not condone harassment of any sort whatsoever. All employees have a responsibility to comply with this equal opportunities policy and treat others with dignity and respect, regardless of their age, gender, sexual orientation, marital status, religion, nationality, race, colour, ethnic origin or disability. It is the duty of all employees, artists and volunteers including the victim, to report any case of harassment immediately to the Director of Finance & Operations (DFO).

A special procedure has been designed to deal with harassment complaints, which appreciates that they need to be handled sensitively and swiftly, with minimal distress for the complainant. Confidentiality will be paramount and no employee will be victimised for making or being involved in a complaint. This procedure is set out below:

- if an employee believes he or she has been subjected to any harassment then, in the first instance, he or she should ask the offender to stop behaving in that way towards him or her or make it clear that such attention is unwelcome. Such an informal approach may be all that is required to resolve the problem as people do not always realise how their behaviour affects, or how it may offend, others;
- if the harassment continues, or the employee does not feel that an informal approach is appropriate, he or she should report the behaviour to the DFO. If he or she wishes the DFO to try and resolve the issue informally, the employee should let them know. Otherwise, details of the behaviour causing offence should be confirmed by the employee in writing; giving dates, details of the incidents and details of any informal complaints that have been made previously. This written account constitutes a formal complaint. Advice can be sought from the DFO if the employee experiences any difficulty in preparing his or her formal complaint;
- the complaint will be fully investigated within 10 working days by the DFO. Allegations will be dealt with seriously and confidentially. The DFO has a duty to establish the facts before deciding what, if any, disciplinary action is appropriate. Investigations will be conducted thoroughly and without bias and will be documented appropriately;
- in any serious case of alleged harassment, Create reserves the right to suspend any employee directly involved on full pay (including the complainant), for the duration of the investigation and until either a disciplinary decision is made following a hearing, or a decision that no action is to be taken is reached. The DFO and Chief Executive will decide whether it is appropriate to suspend any employee; and
- if it is concluded that harassment has taken place, the person against whom the complaint has been made will be dealt with in accordance with Create's disciplinary procedure.

If an employee continues to be harassed after the above procedure has been completed, he or she should inform the DFO, who will undertake a further investigation in accordance with the procedure outlined above.

EVALUATION AND MONITORING

We are strongly committed to monitoring the application of, and reviewing, this policy on a regular basis and improving our practice in the light of information and experience.

As an integral part of every Create project, we collect data in accordance with Create's data protection policy, on all project participants:

- age groups
- disability (and other educational special needs if available)
- ethnic groups (following the definitions of the Census, and including further breakdowns if possible)
- gender
- information regarding other protected characteristics
- other information as available – eg free school meals as an indication of child poverty, employment or housing status; English as an additional language (EAL)

The anonymised data will then be used (if possible in accessible graphic form) in Create's evaluation report at the end of each project. The report will also comment on the inclusiveness or otherwise of the project and, if relevant, on any other issues of diversity or equality that have arisen from the project. Any such data will be held only in accordance with current legislation.

Annually, the Chief Executive will report to a meeting of the Board of Trustees with:

- the annual totals of the monitoring data set out above
- a summary of Create's progress or otherwise in implementing equal opportunities over the year
- proposed actions to improve practice or address needs in the coming year
- proposed changes to this Equal Opportunities Policy, to be approved or discussed in more depth.