

EQUAL OPPORTUNITIES POLICY

IN DRAFT JULY 1998

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## EQUAL OPPORTUNITIES GENERAL STATEMENT

Bristol Dial-a-Ride's prime aim is to provide quality accessible transport for disabled people in Bristol who cannot use conventional public transport. It is fundamental to the organisation that it is managed and controlled by its users (ie passengers) following the social model of disability (See Glossary). It is therefore essential that we in all our employment practices and service delivery reflect and promote the ethic of equality of opportunity and good practice as a means of reducing disadvantage.

Bristol Dial-a-Ride recognises that everyone has a contribution to make to our society. We recognise also that oppression, disadvantage and discrimination exists in society, and that people often face simultaneous oppression. We are committed to adopting measures which will work towards the elimination of these inequalities and aim to be fair, reasonable and just in our employment practices and in service delivery. We will work towards ensuring that people are not discriminated against on the basis of age \*, HIV status, impairment and emotional distress, race , religion, sex and sexual identity.

\* Subject to insurance conditions and licensing regulations where relevant.

*(Other categories we may want to add are:*

*Colour*

*Political Beliefs*

*Nationality*

*Class*

*Marital status*

*Employment Status*

*Unrelated Criminal Convictions)*

This statement is issued with reference to BDAR's Constitution and stated aims and goals.

Equality of opportunity is at the core of Bristol Dial-a-Ride's values and working practices and we are committed to the Social model of disability. (See Glossary of terms at the end of this document)

## 2. RESPONSIBILITY

The day to day responsibility for service delivery, passengers and staff will be with the Director with overall responsibility with the Management Committee. All staff and others working on behalf of BDAR are accountable for the implementation of this Policy. All supporting documents, codes of good practice, legislative information, procedures, monitoring and training will be aimed at allowing staff to fully implement the policy effectively, both in terms of service delivery and employment practice.

### 3. MONITORING

This Policy is supported by planned and consistent monitoring and evaluation, which will be reported to the Management Committee, so that they can respond by implementing positive actions where necessary and /or target under represented groups. Performance indicators will be set on this Policy each year which will be monitored by the Committee. (See appendix A for Monitoring Procedures)

### 4. TRAINING

Bristol Dial-a-Ride will provide training, for Committee members and staff, on a regular basis, in such areas as Disability Equality, Equal Opportunities and Race Equality. It is expected that all employees and Management Committee members will attend

### 5. EMPLOYMENT

There are certain legislative enactment's in force in the UK, which provide a legal framework for implementing equal opportunities in society. They are:

The Race Relations Act 1976, The Sex Discrimination Acts 1975 and 1986, European Directives and provisions of the Disabled Discrimination Act 1995. (Reference Appendix sections on other relevant legislative Regulations and Acts). All individuals will be selected, treated and promoted on the basis of their relevant merits and abilities. Good practice principles apply from the first stages of recruitment to training, facilities, procedures and all terms and conditions of employment.

### POSITIVE ACTION

Positive action measures will be undertaken to address any inequalities in staffing, passenger membership and Committee representation. These will be aimed at positive encouragement for under represented groups to apply for jobs and/or register as passengers or Committee members.

### RECRUITMENT AND SELECTION

Bristol Dial-a-Ride has developed comprehensive recruitment and selection procedures. (See Appendix B) Posts are advertised widely and we try to ensure that applicants are encouraged from all sectors of the community to improve representation of the varied cultures and backgrounds within its staff team. Recruitment and selection procedures are regularly reviewed and monitored to ensure that they are fair and represent best practice.

## HARASSMENT IN THE WORKPLACE

The Committee recognise that harassment of employees and passengers is unacceptable. BDAR is committed to stopping harassment of employees and passengers, since it is a barrier to achieving our commitment to equality.

## EMPLOYMENT POLICIES

Bristol Dial-a-Ride has developed and agreed policies, apart from those already mentioned, in terms of Contracts, terms and conditions, training and career development, flexible working and job sharing to further its commitment to equality in employment. (See original Equal opportunities Policy)

## SERVICE DELIVERY

Bristol Dial-a-Ride is a major provider of accessible transport services for disabled people living in Bristol. We will aim to make our services accessible and appropriate to meet the differing needs of all sections of the community. We will actively and positively work in partnership with other service deliverers, and encourage them to develop good equal opportunities policies and practices.

Monitoring and development of the services will be undertaken with passengers, through annual questionnaires, focus groups and consultative forums to ensure that we improve the take-up by passengers, identify where changes can be made and to better target available resources.

## COMPLAINTS PROCEDURES

A Complaints procedure is in place and all complaints are dealt with seriously and quickly.

The full Equal Opportunities Policy is available on request.

## DISABILITY EQUALITY POLICY STATEMENT

Disabled people have historically faced discrimination when trying to access education, training, job opportunities and mainstream services, including public transport. We aim to adopt policies and practices which redress this discrimination in relation to employment and service delivery. We do not recognise the concept of “justifiable” or “legitimate” discrimination against Disabled people.

The Disability Discrimination Act does not offer full and comprehensive anti-discriminatory legislation and we will work to develop better practice as outlined in this Equal opportunities Policy.

Disabled people face simultaneous oppression eg Disabled women, Black disabled people, Disabled lesbians and gay men, and therefore are particularly marginalised.

The definitions of disability accepted by national and international representatives of disabled people in its practices is the one that we adopt;-

“a Disabled person is someone who experiences discrimination on the grounds of physical or sensory impairments, learning difficulty, or emotional or mental distress”

“Disability is the disadvantage or restriction of activity caused by contemporary social organisation which takes little or no account of people who have impairments, and thus excludes them from participation in the mainstream of society” ( Union of Physically Impaired against Segregation)

We adopt the social model of disability as a fundamental principle and recognise that people are not disabled by their impairments (medical conditions) but by physical, environmental and attitudinal barriers which exist in society.

We are an organisation OF disabled people in that we are “an organisation who work on disability issues whose management is made up of at least 75% disabled people , and whose voting membership is made up of at least 51% of disabled people.

We adopt policies and practices to ensure that Disabled People manage and control their own services and take positive action in all our recruitment, and employment practices. We are committed to providing appropriate equipment and support for Disabled employees. The Committee members, who are all disabled people, will receive whatever support requirements they have to enable them to participate at meetings (See Access to meetings )

In terms of Service Delivery we will ensure

- Access to information
- that individuals do not receive a different quality of service due to differing impairments
- take positive action to ensure that Disabled People who face simultaneous oppression have equality of access to services and receive services that adequately meet their needs
- take positive action to ensure the take up of services
- continue to campaign and promote a fully integrated and accessible public transport for all
- ensure that door to door services are still provided for those who cannot access low floor buses

***(Other POLICY STATEMENTS to be written eg RACE EQUALITY, WOMEN'S, LESBIAN, GAY AND BISEXUAL, AGE etc)***

## ANTI HARASSMENT POLICY

In writing this policy it is acknowledged that it is part of a line manager's role to ensure that all actions of line managed staff follow the laid down policies and procedures of Bristol Dial-a-Ride and if in the course of this role a member of staff has cause for concern it cannot be considered as harassment. Harassment is in relation to unwanted behaviour and examples are given here:-

### 1. Racial harassment is defined as:

“Behaviour that makes a person feel intimidated, humiliated, ridiculed and/or undermined in confidence due to their colour nationality and/or ethnic group.

Racial harassment may take the form of:

- physical abuse
- verbal abuse
- derogatory comments/jokes
- written abuse, including graffiti and the display of offensive material
- differential treatment

### 2. Sexual harassment is defined as:

“Behaviour that makes a person feel embarrassed, demeaned, ridiculed or intimidated because of their sex or sexual orientation.

Sexual harassment may take the form of:

- comments about appearance
- jokes about sex or sexual orientation
- offensive/pornographic pictures displayed in the workplace
- unwanted touching or other physical contact
- demands or requests for sexual favours

### 3. Disability harassment is defined as:

“Behaviour that makes a person feel intimidated, humiliated, ridiculed, embarrassed, demeaned or undermined in confidence because of their impairment

Disability Harassment is defined as:

- physical abuse
- verbal abuse
- derogatory comments/jokes
- written abuse, including graffiti and the display of offensive material
- different treatment

comments about appearance  
jokes about sex/sexual orientation  
unwanted touching or other physical contact

4. The above guidelines refer specifically to Racial, Sexual and Disability harassment but we want to oppose harassment in all the areas listed in the Equal Opportunities Statement of Intent. If you feel you have been harassed in any of the areas listed, BDAR is committed to follow the laid down procedures, to investigate the complaint and to prevent a recurrence of the harassment.

Details of the Complaints procedures for passengers are contained elsewhere in this document. For staff there is a procedure comprising informal and formal stages which are to be followed in the event of a complaint of harassment.

## THE ROLE OF THE BRISTOL DIAL-A-RIDE MANAGEMENT COMMITTEE

The Management Committee take measures to ensure that awareness of discrimination is translated into positive action within the wider context of the organisation's work.

### How BDAR is managed

The Management Committee consists of passengers of the service, (ie service users) who are disabled people. They voluntarily give their services to oversee the Management of the organisation. They are expected to take personal, financial and organisational management decisions. They are guided by the rules of BDAR which are stated in the Constitution. They follow the social model of disability in all areas of their decision making role.

The Management Committee should itself reflect a diverse community and if it does not this can create difficulties if the organisations is trying to implement its Equal Opportunities Policy. So there is a need for positive action to encourage representation by all groups in the community of disabled people.

There is a need for regular reviews of:

- a) The composition of the Management Committee
- b) Whose views Committee members represent and whether the views of minority groups are represented. Similarly whether the views of geographically isolated groups are represented.
- c) The working style of committees and the making of decisions.

Good Management is a tool to ensure people give the best and get the best from any organisation and to ensure that the organisation can do what it wants and needs to do, without wasting precious time, energy and money.

BDAR Management works to ensure BDAR makes the most effective and efficient use of resources (people, money, time, premises, equipment and materials), in order to achieve agreed objectives (see constitution).

### Positive Action

- a) Ensure that aspects of Equal Opportunities are in the annual training programme for Committee members. Disability Equality being one of the essential ones.
- b) Monitor Equal opportunities on a regular bases and ask for reports as necessary
- c) Ensure as wide a cross section as possible as representatives on the Committee ( use positive action when recruiting new Committee members).

## EQUAL OPPORTUNITIES AND PASSENGER INVOLVEMENT

It is the policy of Bristol Dial-a-Ride that users (passengers) should be involved in every level of the service, particularly in managing their service.

### Who are the passengers?

Any person in the community who is impaired when using conventional public transport because they have mobility, sensory and/or mental health or learning disability.

### How are they involved?

At all levels of the service: volunteers; passengers; paid staff; management; sub groups and advisors.

### Positive Action

1. Publicity goes out to all members of the public on becoming passengers and members of management.
2. When passengers become members they complete a questionnaire which asks if they wish to become involved in any other area of the service.
3. If interest is shown, then members of management and/or staff meet the interested person. The person will be supported throughout the process by a support person, induction sessions and initial and on-going training.
4. Every passenger who is contacted is offered a monitoring form to fill in.
5. Publicity and information material comes in several formats:
  - \* 13 languages
  - \* Braille
  - \* Cassette Tapes
  - \* Large Print etc.

Support is provided:

- \* Outreach worker
- \* Minicom in office
- \* Loop system
- \* Transport to and from meetings
- \* Venue and facilities
- \* Signing and tape service
- \* Childminding and other caring costs

- \* Support persons
- \* Language support
- \* Interpreter for the deaf
- \* Support Needs Questionnaire (Management Support)

## EQUAL OPPORTUNITIES AND MONITORING

The purpose of monitoring is to support the implementation of the Equal Opportunities Policy. It will examine and evaluate existing procedures and current practices and provide information about groups of people who may be experiencing discrimination in terms of being under represented or excluded from employment or from the BDAR services. Monitoring will also ensure that BDAR's Equal Opportunities Policy and positive action measures have been effective in reaching a cross section of the community. In short, monitoring is the mechanism for checking out the current position, at a given time, and will enable the Committee to put measures in place to ensure that there is take up of employment and service delivery across the board.

### Who is monitored?

### What Positive Action will be taken?

- a) Publicity information is looked at regularly.
- b) Advice is sought from under-represented groups.
- c) Reach these groups direct by publicising/advertising in their newspapers, at talks etc.
- d) Evaluate the above approaches to see if positive action has resolved the issue.
- e) Ongoing evaluation of people's needs and service provision.
- f) Monitoring is carried out and statistical analysis is used to try and answer such questions as why are they under represented, and then what to do if some groups are under-represented etc.

**(ARCHIVE SEE NEW COMPLAINTS PROCEDURES)**

**COMPLAINTS PROCEDURE**

**MAKING A COMPLAINT ABOUT BRISTOL DIAL-A-RIDE**

If there is an occasion when you wish to make a complaint about service delivery, or about a paid or unpaid worker, the following may assist you to pursue your complaint.

**SHOULD YOU COMPLAIN IF YOU ARE DISSATISFIED?**

We try to be as helpful as possible at all times, but it is recognised that there is always room for improvement. If you do wish to complain, we hope the following guidelines are useful:

**HOW TO MAKE A COMPLAINT**

Tell the worker with whom you are dealing if you are not satisfied about something. Most complaints can be dealt with in this way. If you are not satisfied, and wish to make a formal complaint, then please make the complaint in writing or on tape, and address it to the Chairperson of the Management Committee at:-

Bristol Dial-a-Ride  
The Greenway Centre  
Doncaster Road  
Southmead  
Bristol  
BS10 5PY

**DEALING WITH YOUR COMPLAINT**

We will try to deal with your complaint as quickly as possible. When details have been seen by the Chairperson, they will then be forwarded to the service Director. If need be, an interview may be arranged so you can talk about your complaint. In certain circumstances this can take place at your home, if you wish. The Director or designated representative will conduct the initial interview and make a report. A decision on the report will be made, and you will then be informed by letter or tape. We hope that you will be satisfied by the action taken.

**FURTHER ACTION**

If you are not satisfied with the way your complaint has been dealt with, you can then raise the issue with the Management Committee of Dial-a-Ride by attending a meeting in person with, if you wish, a fellow worker, friend, relative or Union Representative.

## THE NEXT STAGE

Failing settlement at the above stage, then the issue will be referred to a third party acceptable to both sides for arbitration. It is necessary for both sides for arbitration. It is necessary for both sides to accept that the arbitration decision is binding in honour, but to recognise that it is not intended as a legally enforceable agreement between them. It shall be further agreed that the parties to the agreement will use their best endeavours to ensure that the spirit and intention of the arbitration decision is honoured at all times.

Dear Passenger,

We are sorry to hear that you feel you are having difficulties using Bristol Dial-a-Ride. We hope we can help with your enquiries.

Bristol Dial-a-Ride is limited in it's service to the community at present, the main reason for this is:

### LACK OF FUNDING TO RUN THE SERVICE

Which therefore results in:

Few Paid Employees  
Not enough telephone lines  
Only having five buses at present  
Residents in only some parts of Bristol  
can use the service

In the meantime fund-raising is in progress and we need your help.

If you wish to support us in the fund-raising to expand Bristol Dial-a-Ride service please contact:

- A) Your Local Councillor/MP
- B) Transport Broker  
Avon Planning, Highways and Transport,  
Avon House North,  
St. James Barton,  
Bristol.  
BS99 7SG.

If you want to make a comment on the day to day running of the service please contact:

The Director Tel: 0117 959 0700

If you need assistance using the service please contact:  
The Booker/Administrator Tel: 0117 959 0700

If you have any comments/complaints about  
the policies of the service please write to:  
The Management Committee  
Bristol Dial-a-Ride  
The Greenway Centre  
Doncaster Road  
Southmead

## GENERAL GUIDELINES OF ACCESS ACCESS AND EQUAL OPPORTUNITIES

“Access” is not just about adaptations like adding ramps which mean some disabled people can enter buildings but to other issues relating to different impairments.

Bristol Dial-a-Ride is working towards being accessible to all in whatever area a disabled person works in.

### Issues to consider and change

- a) Provision of parking facilities
- b) Access to toilets
- c) Eating areas and canteens
- d) Fire escape routes
- e) Removing obstacles or unnecessary furniture from corridors and away from doorways
- f) Width of doorways
- g) Provision for guide dogs
- h) Use of Braille and sign-posting
- i) Computer equipment made accessible
- j) Signs in picture form
- k) Making Meetings accessible (ask at the beginning of the meeting)

### 1. What is disability?

Disabled people are not disabled by their impairment, but by a society that does not admit their needs. This situation can be changed by making all facilities accessible. Every disabled person has different needs. It is best to consult the relevant groups of disabled people.

### 2. Wheelchair/Pushchair accessibility into buildings/meetings/ training sessions means:

- a) Someone required outside to greet people and support them.
- b) Information, written and pictorial, to be supplied where possible to guide people.
- c) Ramps inside and outside to allow access into buildings (i.e. no steps at all).
- d) Male/female toilet wheelchair accessibility - no steps - plenty of room and grips connected around toilets and sinks.
- e) Ramps to be gently sloped.
- f) Enough space in rooms already available for wheelchairs (set out before meeting) and good exits ready in case of fire and evacuation.
- g) Corridors - wide enough for wheelchair users independence (pushing themselves).
- h) Lifts - wide enough to turn around in wheelchair and press buttons to be low enough.
- i) Car parking near to building and sufficiently wide enough spaces to open doors freely and get out.
- j) Automatic doors.

- k) Dropped kerbs - easy gradient.
- l) large, easy to use door handles.

### 3. For Meetings offer

- a) Interpretation for deaf people.
- b) Language interpreter.
- c) Taped information (for people with sight impairment or learning difficulties)
- d) Braille information
- e) Creche facilities or child care costs.
- f) Smoking breaks and facilities to be provided (not in meeting area).
- g) Support/carer costs.
- h) Get equipment, such as lightwriters/boards, for people with communication difficulties.
- i) Loop system in room (for people with hearing impairment).
- j) Provide transport or transport costs.
- k) Offer support person (if requested) for people with learning difficulties.
- l) Flipchart (for discussions/summary of information at meeting) in large print, different colour pens (to be used for support: decisions being made written on flip chart).
- m) All written material to be read out when given out at meetings.
- n) When writing on the flipchart, this should be read out verbally at the same time and again at the end of the meeting.
- o) All written information should be available in advance.

### 4. Written information should always:

- a) Be available on tape (send written information at the same time).
- b) Larger type script.
- c) More space than usual between letters/lines of script.
- d) Typed/taped information must be available before meeting, not during.
- e) Summarise at end of each part of literature what is being said or decisions being made.
- f) Box around important information or section of information.
- g) Title of each part of information to be clear and precise.
- h) No jargon - if this is to be put in use, explain at end of information with an asterisk\* (not long words or abbreviations).
- i) Use dark/light script is possible (especially computer literature).
- j) Use different colour paper for different information and always refer to colour when referring to that information in meetings etc. and who available before meetings.
- k) Enlarged copies should be made available.
- l) No hand written material - always type script.
- m) Use of different languages.
- n) Pictures, sketches, drawings for explanations (not cartoons).
- o) If you bring papers to meetings, distribute them after meeting is finished.

~~Don't assume everyone is able to read the written material and don't assume everyone has~~ good eyesight. It has been proved in our meetings that most of these suggestions help everyone, not only disabled people. This will make information and meetings more accessible for all.

*( Consider archiving or shortening this section?)*

## RECRUITMENT AND SELECTION

Good recruitment and selection procedures are an essential part of Equal Opportunities practice, because they help to ensure that the person best able to do a particular job is employed. The steps in good staff recruitment are the same regardless of the size or type of organisation.

### 1. PANEL

The Management Employment Sub-Group does the job evaluation, updates the job description and then selects the recruitment panel, who must be trained in Equal Opportunities Recruitment Procedures wherever possible. A panel should consist of a minimum of three and a maximum of four people, and should be made up of the Director or a paid worker and Management members. The panel should ensure that the procedures are implemented through all stages of recruitment and selection once the job description has been updated.

#### Stages of Recruitment are:

1. Employment Sub-Group meeting.
2. Job Evaluation.
3. Job Description.
4. Panel Selection.
5. Employee Specification.
6. Advertisement.
7. Shortlisting Criteria (using employee specification).
8. Interview Criteria.
9. Question Setting (evidence).
10. Interview Preparation.
11. Interview.
12. Assessment and Selection.
13. References.
14. Appointment to Post.

### 2. TIMING

Timing Between advertising and a new member of staff starting with the organisation should be as follows, wherever possible:

Week one/two	Advertise
Week four	Closing date for applications
Week five/six	Shortlisting

Week seven                      Interviewing and take up references afterwards

Week seven/eight      Successful applicant receives written offer of appointment subject to references

Week eight onwards      New member of staff starts with six months probation

### 3. EMPLOYEE SPECIFICATION

Drawing up an employee specification is one way of ensuring the organisation meets its obligation to select employees on the basis of their relevant merits and abilities, and not on subjective, unjustified or irrelevant criteria.

It is illegal to set requirements which discriminate directly or indirectly against (or in favour of) people on the grounds of race, colour, nationality, national origin, ethnic origin, gender or marital status. A requirement specifying any of these can only be set if it is a genuine occupational qualification for the job advertised and can be justified in terms of the job description and task analysis. It is not illegal to require these in order to improve the racial or gender balance of the staff or make the staff more representative, but it is illegal to specify that only people from under-represented groups may apply, unless the relevant Act supporting this statement is quoted in the advert.

The Employee Specification is to be taken directly from the job description so that they compliment each other. The panel drawing up the Employee Specification need to be clear how each requirement will be assessed during the selection process. If a requirement cannot be assessed in some way, it should not be part of the Employee Specification, which must be broken down into:

- a) Knowledge of....
- b) Experience in....
- c) Skills (abilities) in.....

These sections must contain a minimum of three items each with a scoring system of 0 - 1 - 2 points used.

### 4. ADVERTISEMENT

A Bristol Dial-a-Ride job description must do the following:

- 1. STATE
  - a) Aims of BDAR
  - b) Vacancy title
  - c) Main areas of work (minimum of three)
  - d) Rate of pay
  - e) Hours and Holidays
  - f) Disabled people encouraged to apply

- g) Working towards becoming an Equal Opportunities Employer
- h) Funded by
- i) Closing date
- j) Contact number and address
- k) Need a driving license and requirements attached

2. ADVERT must be placed in order to reach as wide a public as possible (see Employees Specification for legal issues):

- a) Locally/nationally
- b) In newspapers available to disabled people
- c) In newspapers available to under represented groups in society
- d) Local newspaper
- e) Job Centres
- f) Local disabled led groups
- g) Community newspapers
- h) Local government newspapers
- i) Radio Stations

(Also see publicity and Equal Opportunities section)

## 5. PAPERWORK TO BE SENT OUT TO APPLICANTS

To ensure that the information is accessible to all the following steps must be taken:

- a) The information should be supplied in Braille and on tape if required.
- b) Word-processor can be used using separate sheets, or cassette/tape used to fill in application form.
- c) The post is open to job-share.

### Paperwork

- a) Letter of introduction to the service
- b) Job description and advertisement
- c) Employee Specification
- d) Application form (questions directly related to Employee Specification). No formal qualifications are required. Applicants are encouraged to include volunteer work experience.
- e) Guideline notes for completing the application form
- f) Equal Opportunities statement
- g) Information leaflet
- h) Monitoring form and SAE

## 6. SHORTLISTING

Cover up names, addresses and signatures etc. on application forms and number them. Using employee specification and job application form (or tape etc.), score the application forms with direct relation to the employee specification. Use a flip chart to list these scores, and then count up the points. The highest scores get an interview. Write to those who do not get an interview and using the employee specification as a guideline explain why.

### Prepare for interview

Set dates/times

Send out interview invitation

Send out support needs questionnaire with SAE

Send out sample employment contract

## 7. INTERVIEW

### 1. Interview Criteria and Question Setting

This must be taken from the Employee Specification and must be questions of evidence:

- a) Knowledge of.....
- b) Experience in.....
- c) Skills in.....

There must be a minimum of three questions in each section. Questions must be formed on the applicants past experience and not on a possible future event and they must not be hypothetical. They should be open questions rather than closed (those requiring a yes/no answer only) and should not be negative. Watch out for illegal questions or those against Equal Opportunities. Questions must be relevant to the job. You can use the application form in the interview but the probing questions must relate to the set questions. Each interviewee is asked exactly the same set of questions.

### 2. Interview Introduction List and Chair Person

Prepare an introduction list for the chairperson saying:

- a) Welcome
- b) Interview procedure
- c) Reference after interview
- d) Explain the post
- e) How long the interview will take
- f) Who will ask questions
- g) Any questions not understood may be repeated
- h) Can you hear us?

### 3. Choosing the Applicant

Using the questions score points using a flip chart. The probe questions taken from the application form directly relating to the questions being asked can be used. List the scores and count up the points. The highest score gets the post and a reserve applicant should be chosen in the same way.

### 4. After Interview

- a) Letter of formal appointment sent and ask for reply
- b) References sent for
- c) Unsuccessful candidates notified and reasons given using Employee Specification

### 8. POSITIVE ACTION

Train more Management Committee members in Equal Opportunities interviewing.

## SUPERVISION AND LINE MANAGEMENT STRUCTURE

### Line Management Structure

Line Management is a hierarchical structure within an organisation ensuring that all members from management to paid staff and volunteers (unpaid workers) know exactly by whom they are being managed.

### Supervision

Supervision is to manage workers directly in the performance of a specific task or tasks and provide a structured opportunity for employees to discuss their work. Monthly supervision is available for all paid staff from line managers. Reviews are at 6 to 12

monthly intervals (this is a stage of self-appraisal). Staff are supported within the line management structure and by team training/meetings.

(See revised Supervision procedures in Policy Guidelines)

*Still in draft, agreed in principle,)*

## PROCEDURE FOR STOPPING HARASSMENT AT WORK

### 1 Introduction

The aim of this procedure is to stop harassing behaviour within the workplace and to prevent it happening again. It is in relation to behaviour at work, as distinct from work performance. Harassment includes oppressive behaviour by employees, volunteers, committee members and members of the public towards employees/passengers of BDAR and can include one or more of the following.

- Unwelcome comments and gestures
- Offensive materials
- Verbal statements which are felt to be insulting
- Threatening or obscene behaviour
- Verbal abuse
- Offensive graffiti
- Shunning of particular personnel
- Unwanted physical contact
- Jokes of a derogatory nature
- Bullying
- Offensive language
- Violence
- Exclusion
- Differential treatment

(this is not an exhaustive list)

There are two separate ways of stopping harassment in the workplace:

- a. **The informal procedure**
- b. **The formal procedure**

Tackling harassment will usually start with the informal procedure. If the behaviour is not stopped at this stage, the complainant may decide it is appropriate to use the formal procedure.

### 2. **The Informal Procedure**

Within the informal procedure, there are a number of steps that can be taken by someone experiencing harassment, to get the unwanted behaviour stopped quickly and prevent it being repeated. These are:

- Speak to the harasser, explain that the behaviour is offensive and ask them to stop it.
  - Write to the harasser, explaining the behaviour is offensive and asking them to stop it.
- Talk to someone else such as a Line Manager, the Director, a Colleague or their Trade Union representative to get help and support to take the above courses of action. (if the complaint is against the Director, then talk to a Committee Member).

Help and support can be provided by a colleague or by their Trade Union representative. They can also:

- Enable the person experiencing the harassment to decide on the most appropriate way of tackling the harassed.
- Assist the person being harassed to deal with the harassment, for example by providing sources of advice and information.
- Support the person bringing a complaint of harassment through the formal procedure though they will take no active part in the formal procedure.

### **3. The Formal Procedure**

The complainant who wishes to use the formal procedure should make their complaint either verbally or in writing to one of the following.

- Line Manager
- Director
- Trade Union Representative
- Colleague

If any of the above are the alleged harassed(s), they should approach someone initially from another area of work or if against the Director to a Committee Member.

The person receiving the complaint should inform the appropriate person/people who are responsible for investigating the matter within 10 working days. The investigation should be completed as soon as possible and at the longest within 25 working days.

An investigation panel set up for this purpose will investigate the complaint.

### **4. The Investigation Panel**

The investigation panel will consist of 3 individuals one of which should be a Committee member who has received relevant training in the relevant issues around harassment and discrimination. The investigating Panels Terms of Reference are:

- To interview the principal parties and any witnesses separately and keep records of these interviews.

- To give a written report of the panels findings and recommendations on action to be taken as a result of the investigation

## **5. The Role of the Investigating Panel is to:**

- Meet with the complainant(s) and investigate the allegations.
- Meet the alleged harasser(s) and investigate the allegations.
- Interview all parties, including witnesses separately.
- Supply copies of the written statements to the complainant and the alleged harasser ***with names removed.***?
- Request any documentation considered relevant to the investigation.
- Recall the complainant, the person against whom the allegation is made or any other witnesses if required.
- Give copies of the notes of their own interview to each party at each stage to agree, to be returned to the panel within 10 working days.
- Provide a summary of their findings (***with no names ?***) to the complainant and harassed.
- Supply a full report on their finding and recommendations to the Chair of the Panel.

## **6. The Decisions of the Investigating Panel**

Having concluded the investigation the panel will discuss the case and produce a written report within 10 working days. The full report will go to the Chair of the Management Committee. A summary of the report (***with names omitted ?***) will be given to the complainant and alleged harasser. The report will consider two main issues:

### **Is the complaint upheld?**

The panel must decide whether harassment has occurred and if the complaint is upheld in full, in part or not at all. Factors, which will influence this decision, are whether the behaviour was considered unwelcome and the effect of the harassment on the complainant's ability to do their job. It is not considered to be harassment if in any way it is related to the performance of tasks in relation to the complainant's job description whether or not it is considered unwelcome.

### **What action is necessary?**

The panel must decide what action should be taken with the alleged harassed or complainant or both to prevent any further complaint or harassment arising.

Factors which should be taken in account will include:

- The length of time of the alleged harassment
- Frequency of the alleged harassment
- The attitude of the alleged harassed
- Whether any previous similar complaints have been received about the alleged harassed
- Whether the alleged harassed has abused his/her position of trust
- The affect the alleged harassment has had on the complainant and whether they have suffered a loss of dignity

It should be noted by the panel that under S.4 A of the Public Order Act 1986 a person is guilty of a (criminal) offence if “with intent” to cause a person harassment, alarm or distress, he/she:-

- Uses threatening, abusive or insulting words or behaviour, or
- Displays any writing, sign or other visible representation, which is threatening, abusive or insulting, thereby causing that other person harassment, alarm or distress.

There are two possible courses of action which are as follows:

- To recommend appropriate actions to prevent and discourage further harassment taking place.
- To recommend that a disciplinary hearing take place.

## **7. Disciplinary Action**

Where this is recommended it should be in line with the current Disciplinary Procedure in operation at BDAR.

## **8. Appeals Procedure**

Following a formal investigation, the alleged harasser or complainant may lodge an appeal if;

- They are not satisfied with way the complaint has been investigated, or
- New evidence comes to light.

There is no appeal against the panels’ recommendations.

An appeal must be lodged by using the final stage of the grievance procedure. This appeal must be in writing within 5 working days of receiving the formal outcome of the investigation.

The appeal letter should be sent to the Chair of the Management Committee and a new investigation panel should be set up to hear the appeal (no members of the original panel should be involved).

#### **9. Procedure where Employees are harassed by passengers (service users)**

Where an employee is harassed by a member of the public or a passenger they may wish to be withdrawn from contact with the person, or may wish to be accompanied/supported by another colleague fulfilling their work duties.

The Director or appropriate person should be informed of the incident and ensure the employee is not placed at further risk, while enquiries are made.

If the harassment continues then BDAR may choose to withdraw access to its services to the passenger responsible.

## EQUAL OPPORTUNITIES PUBLICITY AND INFORMATION

How should BDAR's Policy be made know to potential job applicants, potential passengers and the public at large?

- \* When we advertise we must always quote that we are working towards Equal Opportunities.
- \* Advertising must be clear and positive action must be taken to ensure that all groups of people are reached/contacted.
- \* Publicity material should never make assumptions about people's roles or jobs in an organisation.

### Accessibility

All BDAR publicity and information must be accessible to all people in the community. The information must be provided in many forms:

Other Languages  
Braille  
Cassette Tape  
Large Print  
ETC.

### Jargon

The language used in publicity and information material plays an important part in encouraging all members of the community to become involved in the service. The language must not be discriminatory, and if some sections of the community feel strongly about the way in which they are described or referred to then this must be identified, as inappropriate language or jargon could exclude some groups of people from the service.

### Languages

All publicity material and information for passengers is provided in several languages other than English.

### Targeting

Positive action must be taken to target all sections of the community and checks must be made on this through evaluating the information on the monitoring forms.

### Positive Action

- a) Advertising as widely as possible in society and county.
- b) Every year at least there should be a publicity drive.
- c) On all publicity for passengers it will say “We are working towards Equal Opportunities”.
- d) Publicity showing non-disabled people in wheelchairs is not OK.

## GLOSSARY OF TERMS USED IN BDAR'S EQUAL OPPORTUNITIES POLICY

### Access

“Access” is often used to refer only to the physical environment (entry and exits to buildings, transport, housing etc.). Access means the right to full and equal participation in all areas of society e.g. fully integrated and independent access to the physical environment, to information (audio, visual, written etc.). Negative attitudes and assumptions can also be a block to access to the different chosen areas of our lives. This can affect the participation in employment, education, the community, leisure activities etc.

### Accessibility

- i) Design of vehicles, equipment and premises.
- ii) Availability for all members of the organisation both current and future.
- iii) To enable members to be fully integrated into the organisation.
- iv) To ensure that all interested parties are able to attend meetings.

### Conventional

Standard public transport that is not accessible to passengers of Bristol Dial-a-Ride.

### Membership

Membership is open for those people who experience difficulty in using conventional public transport due to mobility difficulties, sensory difficulties, learning difficulties and/or mental health difficulties.

### Impairment

The word “impairment” is used to describe the grounds upon which people are disabled. Examples of “impairments” are physical, sensory, emotional/mental distress, a learning difficulty etc. The word is not ideal, and there needs to be a word that describes why people are disabled.

### The Social Model of Disability

The social model has been developed by disabled people and their own organisations because of widespread dissatisfaction about the way that they had been traditionally defined.

It turns the “individual model” on its head and, rather than seeing people being “disabled” by their particular impairment, it looks to society at large and the way that it is organised.

### Disability

A form of social oppression which people with impairments experience as a result of the way in which society is organised which excludes them from full participation in its activities and discriminates against them in every aspect of their lives. e.g. lack of physical access, lack of opportunities (to jobs, education), lack of choice and denial of rights.

### Disabled People

A term disabled people world-wide chosen to describe the way society disables and discriminates against them and not to describe their individual impairments.

### Non-Disabled People

The term used by disabled people to describe people who do not have an impairment and therefore do not experience the same discrimination as disabled people. Many non-disabled people are oppressed in other ways though, e.g. if they are black, women, gay or lesbian.

### Representative Organisations of Disabled People

These are organisations set up and controlled by disabled people. Representative Organisations have 51% or more disabled people on their management committees so that the majority of the power within the organisation is held by disabled people.

### Organisations for Disabled People

These are organisations that are not set up and controlled by disabled people and often concentrate on particular impairments. They are not representative because they do not represent the rights of all disabled people or the disability movement.

### Disability Movement

The disability movement is the name given for the growing number of disability organisations that are set up, controlled and run by disabled people. The majority of these organisations are concerned with the rights of disabled people and see disability as a social issue rather than a medical or individual one.

### Terminology

A word used to describe certain words and language used about people.

### Advocacy

To support and represent the rights, wishes, views etc. of another person on their behalf and on their terms.

### Self Advocacy

To be able to express and represent one's own wishes, views, opinions, rights etc. oneself.

### This Society

This is used to describe the population of people who live in the UK.

### Implementation

To put a set of ideas, a policy, a law etc. into practice, to work out a way of making sure that policies do not stay a pieces of paper but become a reality.

### Service Delivery

A term used to describe services which are provided, e.g. education, health and social services.

### Human/Civil Rights

This refers to a set of basic rights which should exist and extend to all people throughout the world. Examples are a right to choice, a right to information, a right to be treated as an equal citizen in our society etc.

### Personal Assistance (Escorts)

This means the assistance that some disabled people require to live their lives on a daily basis. It specifically refers to physical help needed with tasks such as bodily care and maintenance and sometimes includes help with domestic and social tasks.

### Social Oppression and Multiple Oppression

Oppression is the term used to describe the way that various groups (e.g. black and ethnic minority people, women, disabled people etc.) are kept down. The people who hold the power in our society use their power to control these groups through highly developed structures of institutional discrimination.

### Discrimination

Discrimination is about actions - people may hold a number of prejudices and these become discrimination when actions are based on prejudices. Discrimination can be positive or negative, direct or indirect. It can be an individual act or institutionalised where a government or organisation has discriminatory policies or practices.

### Equal Opportunities Policy

Many organisations now have Equal Opportunities Policies. This is a statement that has been adopted by, for example a business, a Local Authority or a voluntary organisation that sets out an agreed set of principles relating to the way they operate.

As black people, disabled people and women experience discrimination in our Society, it is important that these inequalities are taken into account when an organisation is looking at how it goes about employing people, providing its services and running its meetings/activities. A well thought out Equal Opportunities Policy should acknowledge the oppression faced by the various groups and look at measures that need to be taken in order to ensure that the organisation does not carry on the unequal treatment of these groups.

### User Control and Participation

Traditionally, the services provided for disabled people have been set up, controlled and run by non-disabled people. With the growth of the disability movement and the increasing move towards disabled people desiring control over their own lives, the issue of who plans, manages and runs these services is becoming increasingly discussed. “user control” describes the way that disabled people are in control of the services that they receive and “user participation” is the term used for disabled people being fully involved in the delivery of those services.

### Integration

Integration is the term that describes disabled people’s full involvement in all society’s activities. It is the opposite to “segregation” or separate services, clubs, education, centres etc. Integration is not about dumping disabled people in the community with little or no support, neither about disabled children being placed in their local school without proper backup, it is their right to be a full part of their community and not seen to be separate.

### Disability Equality Training

This is training on disability equality issues that has been planned, and is run by trained disabled disability equality trainers in order to put over correct information about disability and to enable non-disabled people to examine and change their own practice or the practices of their organisation towards disabled people.

N.B. These definitions are taken from the BDAR Constitution and the west of England Coalition of Disable People Glossary of Terms.

***PLEASE NOTE THIS DOCUMENT IS IN DRAFT AND IS MADE AVAILABLE FOR FURTHER COMMENT AND DISCUSSION TO COMMITTEE MEMBERS, STAFF, TRADE UNION REPRESENTATIVES AND EXTERNAL PARTIES. ALL COMMENTS ARE WELCOME, using the usual channels. THE FINAL DECISIONS ABOUT CONTENT, WORDING ETC IS WITH THE MANAGEMENT COMMITTEE***

This document is produced to update information, include any Committee decisions over the past five years and to give anyone involved with Bristol Dial-a-Ride, including external funders, a clear indication of our commitment to Equal opportunities in all aspects of the service.

At various points the suggestion to archive or shorten material is included for your consideration.

Wording has been changed in many places and you are advised to read the document carefully.

The pages from the original which have been left out are:-

(Now contained as part of Policy Guidelines)

The Training Policy  
The Job Sharing Policy  
Contracts, Terms and Conditions  
Employee Rights  
Supervision Guidelines

(To be included in revised Health and Safety Policy)

Equal opportunities and Health and Safety

This has been proposed mainly because they were given originally as background information or, as we are revising all policies, more properly belong somewhere else and would only be duplication.. Any or all can be re-instated if your require it.

CONTRACT ON POLICIES FOR ALL THOSE INVOLVED WITH BDAR

I

POSITION

HAVE READ/UNDERSTOOD/WILL ABIDE BY

BRISTOL DIAL-A-RIDE EQUAL OPPORTUNITIES POLICY

SIGNED

DATE

## APPENDIX A

### EMPLOYMENT LEGISLATION

The Equal Pay Act 1970.

The Equal Pay (Amendment) Regulations 1986.

The Rehabilitation of Offenders Act 1974.

The Employment Protection Consolidation Act 1978.

The Employment Acts 1980 and 1982.

The Companies (Directors Report) (Employment of Disabled Persons) Regulations 1980.

The Redundancy Payments Act 1978.

The Disabled Persons (Services, Consultation and Representation) Act 1986.

The Chronically Sick and Disabled Persons Act 1970.

The Local Government Act 1966 - Section 11.

The European Economic Community Laws:

Equal Treatment Directive.

Equal Pay Directive.

### RACE RELATIONS ACT 1976

The Race Relations Act makes it unlawful to discriminate against a person, directly and indirectly, in the area of employment. This law makes both direct and indirect discrimination based on racial grounds unlawful.

Direct racial discrimination consists of treating a person on racial grounds less favourably than others are or would be treated in the same or similar circumstances.

Indirect racial discrimination involves applying a requirement or condition which, although applied equally to all persons of all racial groups, has a disproportionately adverse effect on a particular racial group and cannot be justifiable on any grounds other than racial grounds.

Racial grounds are the grounds of race, colour, nationality - including citizenship, or ethnic or national grounds; those groups which are defined by reference to these grounds are racial groups.

Section 4 (2) (c) makes a discriminatory dismissal on racial grounds unlawful.

Section 71 of the Race Relations Act places a duty on every local authority to make appropriate arrangements to ensure that their various functions are carried out with due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations, between persons of different racial groups.

### SEX DISCRIMINATION ACTS 1975 AND 1986

The Sex Discrimination Act makes it unlawful to discriminate against a person, directly and indirectly, on the grounds of sex and/or marriage.

Direct sex discrimination occurs when a person of one sex is treated less favourably, on the grounds of sex, than a person of the other sex would be in the same or not materially different circumstances.

Indirect sex discrimination occurs where a requirement or condition is applied equally to both men and women. Such a requirement or condition results in indirect discrimination where the proportion of one sex which can comply with it is much smaller than the proportion of the other sex which can comply with it.

Marriage discrimination occurs where a person of one sex is treated less favourably, on the grounds of marital status, than an unmarried person of the same sex would be in the same or not materially different circumstances.

Section 6 (2) (b) makes a discriminatory dismissal on the grounds of sex or marriage unlawful.

It is important to note here that both the Sex Discrimination Act and the Race Relations Act do have specific sections within them that allow for positive action to be taken by employers.

### EQUAL PAY ACT 1970

The Equal Pay Act requires an employer to give equal treatment in respect of pay and other terms of the contract of employment, to men and women doing the same or broadly similar work, or work which is given similar value under job evaluation. This technically includes men and women doing “like work” or work which is, or which can be rated as equivalent”. This Act covers almost every type of job and to succeed in a claim it must be demonstrated that the wage difference is not due to a material difference (other than the difference of sex) between the two cases. For example, the Act entitles part-time

workers to claim the same hourly rate a full time workers of the opposite sex. This is because working full time is not a “material difference” that should justify a higher rate of hourly pay.

#### REHABILITATION OF OFFENDERS ACT 1974

The Rehabilitation of Offenders Act states that an individual who has been convicted for an offence may be rehabilitated after a given period of time. In order for the individual to be rehabilitated, the conviction has become spent. This happens where the individual has not after a period of time committed another serious offence. The general effect of this Act is that under most circumstances, the person can regard the spent conviction not to have happened, by not making any reference to it.

It should be noted that there are some exceptions to this rule contained in the Act. The exceptions are designed to protect vulnerable members of the public. Exceptions in the area of employment include costs where the individual is working with children, elderly people, the sick and people with disabilities. In such cases the offences do not become spent and may be taken into account regardless of when the offence was committed.

Exceptions in employment include all:

- \* Teachers
- \* Crafts or Manual Workers based at schools
- \* Officers based at schools
- \* Social Workers and Residential Care Staff
- \* Youth Workers

Also, rehabilitation periods vary on the type and length of the conviction originally incurred.

#### EMPLOYMENT PROTECTION (CONSOLIDATION) ACT 1978

The Employment Protection (Consolidation) Act (EPCA) provides the statutory maternity rights scheme. Under this provision employers are required to make statutory maternity payments to female employees who have to go on maternity leave, provided that the employee works over sixteen hours a week and has worked for a minimum of two years for the employer, or where the employee works over eight hours a week and has worked for a minimum of five years for the employer.

These rights allow a female employee to return to the same job or suitable alternative work after the maternity leave period. It is important to note here that female employees are entitled to time off for anti-natal care under the Employment Act 1980, and this is not subject to any qualifying period.

The EPCA also has provisions governing redundancy. Section 59 provides that before an employee can be dismissed on the grounds of redundancy, the employer must show that a redundancy situation existed before their decision was made and that the selection procedure used was fair.

Section 45 of the Act provides that a woman on maternity leave cannot be made redundant, without being offered an alternative appointment.

The Act also covers the following:

The statutory sick pay scheme and provides that employer should issue employees with a written contract or particulars of the terms of employment, whilst in their service.

It allows employees to claim compensation if they have been unfairly dismissed.

The right of a trade union official to time off with pay for carrying out trade union activities and duties.

The right of an employee under notice of redundancy to time off work to look for another job or to arrange retraining.

It guarantees the continued payment of salaries to an employee on suspension on medical grounds.

It provides that an employee can take time off work to perform “public duties”.

#### LOCAL GOVERNMENT ACT 1966 - SECTION 11

Under Section 11 of the Local Government Act 1966, the secretary of state may pay grants in respect of the employment of staff to those local authorities who have to make special provisions in the exercise of any of their functions, in consequence to presence within their areas of substantial numbers of immigrants from the Commonwealth, whose languages or customs differ from the rest of the community.

For the purposes of Section 11, immigrants from the Commonwealth include:

- a) All those people born in another country of the Commonwealth, however long they have been resident in the United Kingdom and,
- b) their direct descendants.

## CHRONICALLY SICK AND DISABLED PERSONS ACT 1970

This act places an obligation on employers to provide access to premises and facilities for disabled people.

## DISABILITY DISCRIMINATION ACT 1995

Until this Act came into force in December 1996 there was no statutory provision to make discrimination against disabled people unlawful. Although the Act has a number of important implications for the delivery of services and access to them, the Act itself fails to address many forms of discrimination faced by disabled people.

In particular:-

it does not give disabled people comprehensive civil rights  
the definition of disability is limited. The Act does not adopt the “social model of disability” but instead limits disability to ;\_

**“a physical or mental impairment which has a substantial and long adverse effect on.. ability to carry out normal day to day activities “.**

there are no plans to provide for a Commission similar to the Commission for Racial Equality to enforce the Act

The Employment provisions relate to organisations having more than 20 staff who will be required to “make reasonable adjustments” so that they do not discriminate against disabled job applicants. In the same year (from 1st June 1996) the rules were changed in relation to the “Access to work” scheme which previously had provided funding to enable disabled people to gain equipment, access improvements and support for the individual in the work place. Now the employer is expected to contribute the first £300 per person in any one year, plus 20% for costs between £300 and £10,000. The contribution is not determined according to the size and financial status of the employer. Employers will be expected to meet the total cost of assistance, later receiving any reimbursement from the Employment Service. This has major implications for BDAR in that we would seek to employ disabled people being an organisation of disabled people and we may need to consider setting up a contingency fund.

In relation to Goods and Services

The Key objective of the goods and services provision in Part 111 of the Act is to ensure that ;-

- “services are not impossible or unreasonably difficult for disabled people to use “

- Discrimination occurs if for a reason which relates to the disabled persons disability, he or she is treated less favourably than others and the treatment cannot be shown to be justified. The law also covers discrimination in, refusing to provide services, making it impossible or unreasonably difficult to access services, or in providing it to a lower standard or on different terms.

There will be a responsibility on service providers to make “reasonable” adjustments when supplying, goods , services and facilities if a barrier has been identified. Criticism has been expressed about the law allowing direct discrimination if it is capable of justification, for example, on the grounds of excess cost.

July 1998