

DIVERSITY, EQUITY AND INCLUSION POLICY

1. PURPOSE AND SCOPE

- 1.1 The Community Foundation North East (the Foundation) believes that being held back or treated differently because of who you are or where you're from is not acceptable. But we know that some people and communities face inequity and injustice in their experiences and in accessing opportunities. Our work will be richer and make more of a difference if we address these barriers and include people with diverse backgrounds and experiences,
- 1.2 The purpose of this policy is to explain how we:
- comply with equality and anti-discrimination laws and regulations;
 - understand, implement and promote greater diversity, equity and inclusion in line with our values;
 - make sure we tackle prejudice, discrimination and unconscious bias.
- 1.3 The policy is based on legal advice and Charity Commission guidance on the Equality Act 2010 (i.e. that grant-making counts as service provision). It applies to all Foundation employees, Board members and volunteers.

2. DEFINITIONS

- 2.1 **Diversity** means people's different experiences, identities and points of view. The Foundation's focus is the diverse backgrounds of our area's population. That includes legally protected characteristics and other things which can affect people's life chances, like appearance, caring responsibilities, being from a working-class background, or being a migrant, refugee or asylum seeker.
- 2.2 **Equity** means everyone, no matter their background or characteristics, getting fair treatment and access to opportunities. This means recognising that some people experience *inequality* and *injustice*. So, for the Foundation, treating everyone the same ('equality') is not enough – we must work to remove barriers some people face.
- 2.3 **Inclusion** means everyone feeling they belong, being safe and respected, able to take part and realise their potential. For the Foundation, this involves striving to reach and involve people in our work who tend to be under-represented or whose voices tend not to be heard. It also means acting to tackle hate and prejudice targeted at people because of their characteristics or backgrounds.
- 2.4 **Protected characteristics** are defined in the Equality Act 2010 as follows.
- Age – being of a certain age or age group (e.g. 'people over 50' or 'young people').
 - Disability – this means a physical or mental impairment which has a substantial and long-term adverse effect on your ability to do normal day-to-day activities. That includes learning disabilities, autism spectrum disorders, sensory impairments, dementia and impairments resulting from injuries. It also covers mental health conditions (including where you have now recovered) and being diagnosed with a progressive condition like HIV, cancer or multiple sclerosis even if you can

currently carry out normal activities. It is lawful to treat disabled people more favourably than non-disabled people.

- Gender reassignment – undergoing or proposing to undergo a process to reassign your sex. This does not need to involve medical intervention, and it does not matter whether you have a Gender Recognition Certificate confirming change of your legal sex.
- Being married or in a civil partnership for same- or opposite-sex couples
- Pregnancy or maternity – when you are expecting a baby, for 26 weeks after you've given birth and when you are breastfeeding.
- Race – your colour, nationality (including citizenship), ethnic or national origins.
- Religion or belief – whether you have a particular religion (like Christianity, Judaism, Islam, Buddhism or Rastafarianism) or philosophical belief which affects how you live. The Act also covers people with no religion or belief.
- Sex – whether you are a man or woman. A person's legal sex is their biological sex recorded on their birth certificate. A transgender person can change their legal sex by obtaining a Gender Recognition Certificate.
- Sexual orientation – whether you are heterosexual (opposite-sex attracted), gay or lesbian (same-sex attracted) or bisexual (attracted to both sexes).

The Act also covers people who care for someone who is elderly or disabled as being 'associated' with someone whose characteristics are legally protected.

- 2.5 **Positive action** in law means proportionate measures to help people with one or more protected characteristics to have the same chances as everyone else. This may include providing additional or targeted support to achieve equity, help address specific needs or overcome disadvantage, and increasing inclusion where there is under-representation.
- 2.6 **Charitable instrument** in law is a formal document setting out the purposes for which donated funds must be applied. For the Foundation, this is normally our fund/philanthropy agreement, a Will, trust deed or other governing document.
- 2.7 **Legitimate aim** in law is one which the Foundation can justify as effective on social policy grounds, or which is consistent with our charitable purposes for public benefit.
- 2.8 **Prejudice** means an unjustified, usually negative, attitude towards a person or a group of people based on their different characteristics or background.
- 2.9 **Discrimination** means treating a person or a group unfairly because of their differences. **Direct discrimination** means someone with a protected characteristic being treated less favourably than someone without that characteristic. **Indirect discrimination** is where a rule or practice applies to everyone, but it disadvantages people with a protected characteristic. **Discrimination by association** is where someone experiences direct discrimination because of their link to someone else's protected characteristic. **Discrimination arising from disability** is where someone is treated badly because of something connected to their disability, like using an assistance dog.
- 2.10 **Reasonable adjustment** is a change an employer or provider of a service or activity must make to reduce a substantial disadvantage for a disabled person. Whether a proposed adjustment counts as reasonable depends on things like how far it would remove or reduce the disadvantage, and whether it's practical and affordable.

- 2.11 **Unconscious bias** is where, without actively intending to, people favour others who are most like them, which can increase barriers for people from diverse backgrounds.

3. GIVING AND PHILANTHROPY

- 3.1 The Foundation seeks to involve donors from diverse backgrounds, so we offer options to give in line with different wishes and means. Some groups – notably people from Black, Asian and minoritised ethnic communities – are under-represented among our donors. So, we will take positive action to encourage and support people with protected characteristics and from other diverse backgrounds to take part, for example, through a collective giving fund such as the Asian Fund.
- 3.2 Donors may establish or support funds at the Foundation with benefits restricted to people with one or more protected characteristics. An example is our Women’s Fund. We accept such restrictions where the intention is to tackle greater needs or disadvantages linked to that protected characteristic. In such cases, donor’s wishes will be set out in a charitable instrument. Donors can also seek restrictions on who benefits from a fund not related to protected characteristics. For example, a fund can be restricted to people from more disadvantaged social and economic backgrounds without unlawfully excluding people with protected characteristics.
- 3.3 Participation in Foundation fundraising events and activities can, where appropriate, be restricted to one sex e.g. holding an event to raise money for the Women’s Fund.
- 3.4 We advise donors and panel members on how this policy applies to funds and grants. Where needed, we will constructively challenge donor attitudes based on prejudice or unconscious bias. In line with our Gift Acceptance and Stewardship Policy, the Board reserves the right not to accept, or to return, a gift if any restrictions cannot be justified on the grounds of need or disadvantage, or doing so would otherwise be unlawful, conflict with our values or breach this policy. We also reserve the right not to approve grants recommended by donors or panels if doing so would conflict with this policy.

4. FUNDING AND SUPPORT

- 4.1 As set out in our Grant-Making policy, we make grants to a diverse range of charities and community organisations, and to individuals. We also support organisations with training and other help to improve governance, leadership and capabilities. We are committed to making our processes easy to use and we consider all requests for support on their merits and in line with our policies, priorities and fund criteria.
- 4.2 We can make grants or offer other support where the benefit is restricted to people with one or more protected characteristics when doing so is a reasonable way of meeting a legitimate aim or is a justifiable means of achieving positive action. This includes funding separate or single-sex services, which may also, within the terms of the Equality Act, decide whether and how they include transgender people.
- 4.3 We will also take positive action to consult with, support applications from, or target funding towards groups led by or helping people with one or more protected characteristics, or other disadvantages. For example, in seeking to address hate crime experienced by lesbian, gay, bisexual or transgender people, we will seek to fund organisations set up by and serving those communities.
- 4.4 We ask grant applicants to tell us in their own words who and where their organisation is set up to benefit, and who will be helped by work they are asking us to fund. We make clear that our funding can benefit a specific population or place. Based on what

applicants tell us, we record data on communities served by applicants and who benefit from our funding. Our data covers protected characteristics and the focus of the work (e.g. 'anti-poverty', 'job creation' 'support for parents, families and carers'). We use this data to help us address gaps in support from us and others.

- 4.5 We also ask applicants to tell us how they make sure their organisation is welcoming to everyone they are set up to help, what they do to reach and include people and how they prevent and tackle prejudice and discrimination. Where appropriate, we ask for more information about their policies on diversity, equity and inclusion. If we think organisation's policies and practices are not adequate, we will reject their request and/or offer other advice or support so they can improve.
- 4.6 The Foundation welcomes applications from faith groups but we do not normally make grants to support religious activity which is not for wider public benefit.

5. KNOWLEDGE, RESEARCH AND ADVOCACY

- 5.1 The Foundation gathers, analyses and shares knowledge as part of meeting our charitable purposes. In doing so, we will take positive action to help us to understand and address needs or inclusion for people sharing one or more protected characteristics or experiencing other kinds of disadvantage. This might include policy and advocacy work, convening, initiatives, or collaborations with other funders.
- 5.2 Where it's available, we will use good quality regional-level data about our area to set benchmarks so we can understand whether and how our people and our activities reflect the communities we serve. This is more useful than England or UK data which is affected by very different demographics elsewhere in the country.

6. GOVERNANCE AND ACCOUNTABILITY

- 6.1 We seek to include and be accountable to our communities through our governance. Membership of the Foundation is free for qualifying charities, community organisations and public bodies in our area of benefit. We also offer membership to people and businesses that set up funds or who otherwise make qualifying contributions to us.
- 6.2 We aim to have a Board with diverse lived and learned experience that broadly reflects communities in our area. Our governing document sets out how our four membership groups appoint two trustees each through open nominations and elections. The Board co-opts up to five more trustees to ensure we draw on a range of skills and experience. In advertising vacancies and when recruiting trustees, we will take positive action to make sure we attract under-represented groups.
- 6.3 Trustees are not required to have specific qualifications except where relevant to a role (e.g. accountancy for the Treasurer). Board and committee meetings take place at convenient times agreed collectively by members, with options for those not able to be there in person. Reasonable agreed out-of-pocket expenses are covered to support everyone's participation. Trustees sign a code of conduct, and must comply with our policies, and they can be removed by the Board if they breach them.

7. PEOPLE AND OPERATIONS

- 7.1 We aim to have a staff team with diverse lived and learned experience, relevant to their job roles, and broadly reflective of our communities. We have standards and procedures to ensure open staff recruitment which attracts diverse candidates and gives everyone a fair chance regardless of background. We will take positive action to

attract candidates from under-represented groups. We do not ask for specific qualifications unless they clearly link to a role's requirements. We remove information that might identify protected characteristics before applications go to a panel.

- 7.2 We are committed to an inclusive and healthy working environment and culture, and to people having a positive balance in their lives. Our staff handbook covers equality in employment and policies on sickness, maternity, paternity, parental, adoption, and dependants' leave, flexible working and our grievance and disciplinary procedures. There are separate policies on anti-bullying and harassment and on safeguarding. Diversity, equity and inclusion are central to our standards for staff conduct.
- 7.3 The Foundation's offices are fully accessible with on-site parking and close to public transport by bus and Metro. When running our activities in other locations, we seek to ensure easy access and safety for disabled people and for people without cars.
- 7.4 The Foundation provides induction and continuing training on this policy and other aspects of diversity, equity and inclusion to Board members, staff and volunteers.

8. COMMUNICATIONS, MARKETING AND ENGAGEMENT

- 8.1 The Foundation's communications and marketing are designed to ensure we reach and reflect our diverse audiences. We use images and stories that are inclusive and reflective of the communities we serve. We take reasonable steps to make information available in accessible formats for disabled people, including providing keyboard navigation tools and descriptive text on our website, alternative text for web and social media images, subtitles on videos and using readable text colours in print and online. We ask all grant applicants to tell us if they have any communication or accessibility needs and provide our application form and supporting information in alternative formats. We also ask about communication or access needs when people register to attend our events and aim to make reasonable adjustments e.g. by booking BSL interpreters or providing information in other languages or formats, subject to the likely effectiveness, practicality and cost.
- 8.2 We have a style guide which covers use of inclusive language in our communications. We strive to describe people in words they would themselves use (which may be different to the terms for protected characteristics in the Equality Act), while recognising we need to be understood by a range of audiences and that language around people's identity and experience of prejudice and discrimination is evolving. We recognise that some terms which categorise groups together (e.g. 'race' 'BAME', 'disabled' and 'LGBT') can be problematic as their use may be contentious or hide very different experiences. Wherever appropriate, we aim to be clear who we are talking about and why. Where we are talking about people who may experience similar prejudice and discrimination – like sexism, racism, anti-Semitism, Islamophobia or homophobia – we will say so.
- 8.3 We gather and appropriately share data on diversity, equity and inclusion including about our Board, staff and grant beneficiaries, and on any related benchmarks or targets we set. We recognise that given the relatively small size of our team, and the nature of our work, our trustees and staff will not always fully reflect communities in our area. So, we will take positive action to make sure we engage and listen to the opinions and experiences of people and communities who are under-represented and who are affected by prejudice, discrimination and unconscious bias.

9. FINANCE AND INVESTMENT

- 9.1 The Foundation takes seriously our role as an investor in shares, government bonds and other assets. The Board has adopted a responsible investment approach across our endowment funds that aligns with our purpose, mission and values. Through our investment service providers, we seek to invest in entities that exhibit appropriate standards against a range of environmental, social and governance criteria (ESG). These may include human rights, employee relations and diversity. In addition we have excluded from our main portfolio any entities which generate 10% or more of their revenue annually from pornography. We also offer a separate fund for donors which has a stricter set of ethical standards. Full details are in our Investment Policy.
- 9.2 Where possible, the Foundation seeks to apply this policy when we buy services and to work with partners and suppliers who share our values.

10. RESPONSIBILITY FOR IMPLEMENTING THIS POLICY

- 10.1 Ultimate responsibility for this policy rests with the Foundation's Board of Trustees. The Board delegates responsibility for implementation to the Chief Executive Officer (CEO). However, everyone who works for the organisation, whether paid or unpaid, has an individual responsibility to work within and promote the policy.
- 10.2 Where it appears that there may be a breach of the policy, the CEO will investigate and take appropriate action. Complaints may be made externally through the Foundation's published complaints process or whistleblowing policy, or internally through the procedures set out in the staff handbook.
- 10.3 The Board will receive a report on diversity, equity and inclusion annually, including appropriate data on application of the policy, with actions to be included in the following year's plan. The Board will review the policy itself every three years.

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This version	September 2024 2.1
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Next review due	September 2027
Owner	Rob Williamson
Job title	Chief Executive
Related policies and procedures	<ul style="list-style-type: none">• Staff handbook• Complaints process• Whistle-blowing policy• Grant-making policy• Gift acceptance policy• Investment policy• Influencing, advocacy and campaigning governance framework• Trustee code of conduct• Style guide