

## **Village Underground**

### **Equality and Diversity Policy**

#### **1. Our Ethics and Values**

We are an all-inclusive arts centre offering a pioneering and diverse multi-cultural programme of events and acts. Our ethos is underpinned by four key values: **inspiration, diversity, community** and **fun**. We aim to act fairly, ethically, democratically and transparently in all that we do.

All of our staff, **associated promoters, partners and clients** must adhere to this policy in their duties and activities.

#### **2. Equality and Non-Discrimination**

As an employer and provider of goods and services to the public, we are bound by law to comply with the Equality Act 2010.

The Equality Act 2010 prohibits us from discriminating directly or indirectly against any person, whether staff member or service user, on the grounds of any of the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

We are also prohibited from discriminating directly or indirectly against any of our staff on the grounds of marriage and civil partnership.

We are also prohibited from harassing any of our staff or service users on the grounds of any of the nine characteristics.

In line with our ethos and values, we commit to comply fully with our obligations under the Equality Act 2010 in all of our activities, as set out in full at the annex to this policy.

**Behaviour, actions or words that contravene this policy will not be tolerated in any circumstances and will be handled in line with our disciplinary policy.**

The scenarios below set out examples of discrimination prohibited by this policy and by the Equality Act 2010. They are illustrative only and do not constitute an exhaustive list of what we will be considered as discrimination.

**Example:** A group of men are refused entry to the venue because they are men, and it is believed that 'large groups of men always cause trouble'. This is direct discrimination on the grounds of sex.

(There may be circumstances in which it is permissible to refuse a large group of men entry to the venue, but this must be decided on a case-by-case basis. If for example, a large group of men is highly intoxicated or appear to be under the influence of illicit drugs, it may be justifiable to refuse them entry on the basis that they might pose a threat to the safety of staff, other eventgoers, and potentially themselves. This would not be discrimination as the refusal would be made because of their intoxication / illicit drug use, and not their sex. See section 4 for further details.)

**Example:** A man heard speaking in Polish is refused entry to the venue because there have been reports of Eastern European men pickpocketing in the area. There is nothing to indicate that this particular man is a pickpocket. This is direct discrimination against the Polish man on grounds of race, which includes nationality.

**Example:** A black woman and her white friend are refused entry to the venue because there are already 'a lot of black women at the venue tonight'. This is direct discrimination against the black woman on grounds of race. This is discrimination by association against the white woman on the grounds of race.

**Example:** A person who uses a wheelchair is refused entry to the venue because 'it's a rowdy night and will not be safe for them'. This is direct discrimination on the grounds of disability. As far as possible, reasonable adjustments should be proposed to ensure the safe enjoyment of the event by a person using a wheelchair.

In addition to our duties not to discriminate, we are also prohibited from subjecting any person to harassment, and we must make reasonable adjustments in relation to disability.

There are very limited circumstances where a person may be treated differently on the grounds that they have a protected characteristic and which will be lawful. See the annex for further details.

### **3. Encouraging Diversity**

In the interest of promoting diversity and community, we also commit to going beyond the minimum requirements set out in the Equality Act 2010, subject to operational and commercial constraints, and specifically with regard to race, age, disability, sex, gender reassignment and sexual orientation.

We commit to curating a culturally and artistically diverse programme of events across each calendar, and to creating an environment in which audiences that reflect that diversity feel welcome and can enjoy themselves.

We hold a silver accreditation from Attitude is Everything in recognition of measures we have taken to ensure that deaf and disabled people can access and enjoy our events. We will regularly review our policies, procedures and activities to ensure that they are

accessible to disabled people, and welcome questions, comments or suggestions in relation to any further reasonable adjustments that we could make.

We have previously undertaken specific steps to encourage people from a broad spectrum of ages to attend appropriate events, including under 18s, and commit to continuing this activity in the future.

We have a zero tolerance policy towards harassment of any eventgoer on the grounds of any of the protected characteristics. We commit to taking steps to minimise this kind of harassment as far as possible, and to taking strong steps to remedy this kind of harassment when it does occur, including barring repeat offenders from future events.

No organisation or event whose values or way of working undermines our own will be invited to promote or hold any event at our venue.

#### **4. Admittance and Door Policy**

Entry will never be denied on any of the protected characteristics.

We reserve the right to refuse entry in the interests of the safety of our staff and customers, to protect our reputation and to protect our licence. Entry may be refused, for example, on the following grounds:

- Where a person is aggressive or violent, or there is well-founded reason to believe that the person will be aggressive or violent upon entry;
- Where there is a reasonable belief that a person is excessively drunk;
- Where there is a reasonable belief that a person is under the influence of illicit drugs;
- Where there is a reasonable belief that a person is in possession of drugs;
- Where there is a reasonable belief that a person is carrying a weapon or unlawful item;
- Where a person is physically or verbally abusive towards staff or other eventgoers;  
or
- Where a person has a history of any of the above.

We are a known and loved for being a relaxed, friendly and forward-thinking multi-cultural arts centre. In the interests of preserving our unique character and aesthetic, we reserve the right to refuse admission on grounds of dress, limited to the following instances:

- Business attire; and
- Fancy dress (unless it is a themed event)

We want to make sure that our venue retains its reputation and that our crowd appreciate the events that we put on. We therefore reserve the right to refuse entry to individuals or groups where there is a reasonable belief that they have little interest in the music which is being performed.

**However, the grounds set out above must never be used as an excuse to refuse entry when entry is actually being refused for a discriminatory reason.**

**Where entry is refused to people on the basis that they are in business attire or fancy dress or where there is a reasonable belief that they have little interest in the music which is being performed, such refusal must be applied to all persons consistently regardless of any protected characteristic such as gender.**

**Misuse of the door policy this way will be subject to our disciplinary policy.**

As a general rule, clear non-discriminatory reasons for refusal of entry will be given. However in exceptional circumstances in which operational constraints such as staff time, safety and the efficient running of the event make this infeasible, we reserve the right to refuse entry without giving reasons.

Decisions to permit or refuse entry on the above grounds are the responsibility of the door team in the first instance. If necessary, these decisions may be escalated to a member of the security team, at which point the person will be told about our complaints procedure.

In exceptional circumstances, and in all circumstances in which a person who already holds a ticket is refused entry, decisions may be escalated to the Door Manager. This will occur only in a minority of cases. Outside of exceptional circumstances, the decision of the security team is final.

People who are refused entry who have already purchased tickets will **always** be offered a full refund and asked to sign a declaration to say that they have accepted said refund, unless intoxication, drug use, or threats to staff or eventgoer safety make this infeasible.

The scenarios below set out circumstances in which admission may be refused under this policy. They are illustrative only and do not constitute an exhaustive list of circumstances in which admission may be refused.

**Example:** A group of women in the queue are overheard by security staff making reference to 'doing a couple of lines when they get in'. They are refused entry on the grounds that they are reasonably believed to be in the possession of drugs. They are informed of the grounds for the refusal.

**Example:** A lone man is slurring his speech and having difficulty standing. He is refused entry on the grounds that he is intoxicated. He is informed of the grounds of the refusal.

**Example:** A mixed group of men and women have been observed verbally abusing another group of people on their approach to the venue. They are refused entry on the grounds that they may jeopardise the safety of other eventgoers and staff. When refused entry by the door team, they become confrontational and aggressive. They are told to leave the premises by the security team with no further reasons given.

**Example:** A large group of men arrive at the venue arrive in business attire. They are refused entry and referred to our admittance policy. They suggest that they are being refused entry 'because they're a large group of men'. Door staff clarify that they are not being refused entry on the grounds of their sex, but because of the way they are dressed.

**Example:** Two small groups of women are in the queue behind one another. The first group of women, is allowed in, as there is no reason to refuse them entry. The second group of women is refused entry as they are in fancy dress and clearly very intoxicated.

## **5. Complaints and Grievances**

Everyone who is refused entry will be made aware of our complaints procedure, however, written records relating to refusal of entry are kept as the exception, and not as a rule.

Written records of all serious incidents are kept and securely stored. Only in exceptional circumstances will a refusal of entry constitute a serious incident. Where appropriate, the person who is refused entry will be asked if they agree with the written record. A note will be made if they do not.

Exceptional circumstances may include, but are not limited to, circumstances in which a person is refused entry **and**:

- reasonable force is used to remove a person from the premises;
- weapons or illicit drugs are found on a person;
- severe verbal abuse or physical aggression is committed by any staff member or eventgoer against any staff member or eventgoer;
- a person who had already purchased a ticket is refused entry and refuses a refund;  
or
- the emergency services being called.

If a person raises a complaint following refusal of entry the complaint will be acknowledged via e-mail within five working days of receipt. Further details will be sought if necessary. Once we have a full picture of the complaint, we will investigate fully, including speaking to the staff team involved, reading any written reports, and checking CCTV.

A follow-up reply will be sent by email. Whatever the outcome of the complaint, we will offer a face-to-face meeting to discuss with the individual involved. If the complaint is upheld an unreserved apology will be made and other recompense given as appropriate.

## Annex: Our obligations under the Equality Act 2010

### 1. Protected characteristics

The nine protected characteristics are:

Characteristic	Notes
Age	This does not apply to people under the age of 18 so it is permissible to refuse entry to under 18s to Village Underground.
Disability	This includes both mental and physical disabilities as well as long-term health conditions such as HIV.
Gender reassignment	This covers people who identify as trans including both people who are undergoing medical gender reassignment as well as people who are not and who simply “live” in the opposite gender.
Marriage and civil partnership	This covers individuals in opposite-sex or same-sex marriages and individuals in civil partnerships.
Pregnancy and maternity	This covers women during pregnancy and 26 weeks after giving birth, as well as women who are breastfeeding.
Race	This includes colour, nationality and ethnic or national origins.
Religion and belief	This includes those with a particular religion, atheists and those with strong philosophical beliefs such as Humanists.
Sex	
Sexual orientation	This includes homosexuality, bisexuality and heterosexuality.

### 2. Direct discrimination

Direct discrimination occurs when one person is treated less favourably than another on the grounds of one of the protected characteristics.

**Example:** A woman is refused entry to a club night by a bouncer because she is over 40. This is direct discrimination on the grounds of age.

Direct discrimination includes **discrimination by association**. Discrimination by association occurs when one person is treated less favourably than another on the grounds of a protected characteristic held by a person with whom they are associated.

**Example:** A white British man is refused entry to a club night because he is with his black Jamaican friend. This is discrimination by association on the grounds of race.

Direct discrimination also includes **discrimination by perception**. Discrimination by perception occurs when one person is treated less favourably than another on the grounds of a protected characteristic that they are perceived to hold, whether or not they do in fact hold it.

**Example:** A prospective employee is refused employment because it is believed that she is a transgender woman. She is in fact a cisgender woman. This is discrimination by perception on the grounds of gender reassignment.

### 3. Indirect discrimination

Indirect discrimination occurs when a policy, rule or practice which applies in the same way for everybody (a “blanket policy”) has an effect which particularly disadvantages people with a protected characteristic and that policy, rule or practice criterion cannot be shown to be a proportionate means of achieving a legitimate aim.

**Example:** A venue employs all-male security staff, and has a policy requiring all event attendees to consent to a search and remove any headgear before entering. A woman wearing a hijab is refused a private space in which to remove her hijab, or a search by a female security guard, and is refused entry to the night as a result. This is indirect discrimination on the grounds of religion as this is a blanket policy that has a disproportionate effect on certain groups.

### 4. Circumstances in which discrimination may be allowed

Direct discrimination is never lawful unless it is contained within one of the exceptions listed within the Equality Act 2010. The only exception listed in the Equality Act 2010 which is relevant to the services we provide are is that we would be allowed to refuse entry to a pregnant woman if to allow her entry would create a risk to her health and safety.

Indirect discrimination will be lawful it occurs for a good reason, and when the steps taken are proportionate to the aim that is being pursued.

**Example:** A club may operate a policy of not allowing persons with face coverings to enter.

This policy will result in disadvantage for particular groups of people, such as Muslim woman who wear the burqa, and thus indirectly discriminate on the protected characteristics of sex and religion. However, the policy exists for a good reason, i.e. to ensure that everyone’s face is visible to deter individuals from attempting to commit crimes covertly. This would be a proportionate response to achieve that aim.

If the different treatment is solely on the basis of a characteristics which is not a protected characteristics under the Equality Act 2010, it will not be unlawful.

**Example:** A club may refuse to let in a person because they appear intoxicated.

This will not amount to discrimination under the Equality Act 2010 because intoxication is not a protected characteristic.

However, if the different treatment is partly on the basis of a characteristic which is protected and partly on the basis of a characteristics which is not protected, it will be unlawful.

**Example:** A mixed group of men and women arrive at a club and all of them appear intoxicated. The club decides to let in the women but not the men.

This will not amount to discrimination under the Equality Act 2010 because, even though part of the reason the men are not allowed in is because they are intoxicated, it is also partly because of their sex.

## 5. Harassment

Harassment occurs when one person is subject to unwanted behaviour or conduct linked to a protected characteristic that they hold, and that conduct has the effect of violating their dignity, or creating an intimidating, hostile, degrading humiliating or offensive environment for them.

**Example:** A gay man who is attending a club night with his partner is subjected to homophobic insults and threats by bar staff. He and his partner feel intimidated and leave the night early.

Harassment also includes person being subject to unwanted conduct that is either of a sexual nature, or related to gender reassignment or sex, which also has the effect of violating their dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

**Example:** An employee is subject to inappropriate hand gestures of a sexual nature by other colleagues over an extended period of time and subsequently feels fear, anxiety and distress in their work environment.

## 6. Reasonable adjustments

We are required to make reasonable adjustments specifically in relation to disability.

This may include changing working policies and practices, to ensure that disabled people are not subject to a disproportionate disadvantage under them.

This also includes taking reasonable steps to ensure that our premises are accessible to disabled people, for example by providing ramps and stairways, clear signage and appropriate lighting, or installing automatic doors.

Depending on the circumstances this may also include an obligation to provide services such as a hearing loop for people who use hearing aids, or information in alternative formats such as Braille.

It is important to remember that under the Equality Act 2010 a disability may be mental, physical or both.

What is reasonable depends on a range of factors, including (but not limited to) how practical the proposed adjustments are, the cost of making them, and the money and resources available to do so.

<http://www.goodnightoutcampaign.org/gno-for-venues/>  
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