

EQUAL OPPORTUNITIES & DIVERSITY

Policy and Procedures



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Equal Opportunities & Diversity Policy Version Control

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Scope

This policy explains the steps needed to be followed by both managers and employees of SWTG in order to ensure the Society applies best practice and complies with legislation.

Application

This policy is applicable to all employees at whatever level of the organisation's hierarchy, as well as sub-contractors who undertake activities on behalf of the organisation and any visitors to the organisation's premises. This policy and its mandatory application will be communicated to all employees, sub-contractors, visitors and interested parties.

As part of the organisation's induction process, new starters should be told about this policy and shown where it is located on the organisation's intranet. The HR HSEQ department is responsible for informing job applicants of this policy. Employees are responsible for informing their visitors to the premises of this policy.

Policy Summary

SWTG is committed to promoting equality and diversity, by providing an inclusive and supportive working environment for all employees, service users and service providers.

The aim of this policy is to ensure that SWTG complies with equal opportunities legislation, creating a climate of equal treatment that provides opportunities for employees and which ensures that the talents and resources of the workforce are fully utilised and valued to maximise the efficiency of the organisation. This policy is a guide for both managers and employees.

Responsibilities Matrix

Employee	Manager	Human Resources
Ensures that they develop to their full potential.	Ensures that all employees are given the same opportunities in recruitment, training and promotion. Conducts regular support and supervision with employees to maximise the potential of each employee.	Provides managers with support and advice.
Ensures that they conduct themselves appropriately and that they do not discriminate against colleagues, clients or customers or treat them less favourably. Challenges discriminatory practises and ensures that breaches of this policy are raised with their immediate manager or an appropriate manager.	Makes sure that all complaints in respect of discrimination are investigated in line with the appropriate SWTG policy.	Ensures managers are familiar with correct policy and procedure when dealing with discrimination complaints. Provides managers with support and advice when investigating discrimination complaints.

Introduction

This policy is designed to help all employees develop their full potential and to ensure that the talents and resources of the workforce are fully utilised to maximise the efficiency of SWTG. This means that all SWTG employees will be given the same opportunities in recruitment, training and promotion, regardless of:

- Age
- Race, nationality, national origin or colour
- Gender, gender reassignment, sexual orientation and marital or family status
- Disability and infection with progressive conditions, for example: HIV/AIDS, hepatitis, SARS and other potentially progressive conditions, religion or religious beliefs.

Other Policies

This policy is closely connected with the Fairness at Work Policy in the respect that they follow the same rules of consistency and fairness. When employees experience discrimination (or witnesses a breach of the Equal Opportunities and Diversity Policy), it is essential that they report it to their line manager as soon as possible using the Grievance Policy so the breach can be dealt with appropriately. There are separate procedures for cases where:

- A member of staff has grounds for alleging that another member of staff is guilty of abusing (physically, sexually or mentally) a person with autism in our care - see Staff Responsibilities in the Abuse in Adult Services Procedure.
- A service user or customer is offensive towards a member of staff – see the Violence at Work Policy.

Policy

Employees rightly expect to be treated fairly and considerately and this expectation is generally supported by the law. All employees are expected to abide by the requirements of legislation and this policy by:

- Not treating any employees/service users/customers less favourably on grounds of race, colour, nationality, ethnic origin, religious or political belief or affiliation, age, trade union membership, gender, gender reassignment, marital status, sexual orientation, disability (direct discrimination);
- Not imposing requirements or conditions on an employee/service user/customer, which are, in effect, more onerous on that individual than they are on others. For example, this would include applying a condition (which is not warranted by the requirements of the position) which makes it more difficult for members of a particular race, age or sex to comply than others not of that race, age or sex (indirect discrimination);
- Not treating an employee/service user/customer less favourably than others are, or would be treated in the same or similar circumstances, because they have made a complaint or allegation of discrimination or have acted as a witness or informant in connection with proceedings under the Disability, Race or Sex Discrimination legislation (victimisation);
- Not making unwanted approaches that include unwelcome physical, verbal or non-verbal contact affecting the dignity of women and men at work or any third party (harassment);
- Not persistently criticising, abusing or ridiculing, either in public or private, an employee/service user/customer, which humiliates and demeans the individuals involved, gradually eroding their self-confidence and self-respect (bullying).

SWTG recognises the right of an employee to belong to, or not to belong to a TU, and membership or non-membership of such a union will not be taken into account in any way during the career of the employee.

SWTG will ensure that managers understand their role with regard to managing diversity, and how this inter-links with other quality initiatives. It is the responsibility of all managers and supervisors to implement, monitor and actively promote this policy, including coaching and advising staff on good practice and legal implications.

Individual employees are responsible for challenging discriminatory practices (even when behaviour is not directed at them personally), and for raising breaches of this policy with their immediate line manager. Since discrimination in its many forms is against SWTG policy, any employee offending will be dealt with under the Disciplinary and Dismissal Policy.

Religious Holidays

SWTG respects an individual's right to hold and practice their religious beliefs, as long as these beliefs do not infringe upon the rights of service users or others.

The managers' primary concern must be to adequately cover the needs of the service.

However, managers will be expected to demonstrate that they have made every attempt to be flexible where leave for a religious holiday has been requested. Such leave can be taken as (paid) seasonal leave or as unpaid leave.

Fairness in Recruitment

No permanent vacancy or long term secondment should be advertised or publicised (internally or externally) in a way that discourages applications from any sector of the population, unless there is a genuine and justifiable requirement for the post. If in doubt, contact your HR Business Partner.

All applications will be considered on merit. Each individual will be assessed so far as practicable against a set of objective, non-discriminatory criteria that will be directly related to the demands of the particular vacancy.

All advertisements, application forms and other recruitment material should clearly state that SWTG is committed to equal opportunities.

All interviews should be conducted in accordance with the terms and spirit of this policy. The interview questions will be closely related to the selection criteria and will be asked in order to elicit information that will give a fair assessment of that particular applicant's ability to perform the tasks required by the vacancy.

SWTG will, where appropriate, make reasonable adjustments to its arrangements for interviews and conditions of employment in order to ensure that the applicants with disabilities are not disadvantaged. In addition, as a holder of the Two Ticks Disability Symbol, SWTG undertakes to interview all applicants who declare a disability and meet the minimum criteria for a job vacancy.

Monitoring of Equal Opportunities

To ensure that SWTG is able to monitor the fairness of its practices, and effectiveness of its Equal Opportunities and Diversity Policy, all applicants will be required to complete an equal opportunities monitoring form.

Monitoring information (ethnic origin; sex; disability; age etc.) will be removed from the application form, and will not be viewed by the panel involved in the shortlisting/interviewing. This information will be used solely to monitor the extent to which various groups are applying, being shortlisted, and being appointed to posts within SWTG.

Monitoring information concerning employed staff is held on the human resources database system.

Promotion

Vacancies will, if practicable, be filled through internal advertising. Assessment of internal applicants should be made objectively and without bias by using the selection criteria related to the demands of the vacancy.

Training

Employees involved in recruitment and the management or supervision of others should receive initial and ongoing training to help them understand and comply with the law and our policy.

All employees will have equal access to training. Specific and/or additional training may be made available for employees with disabilities as a part of SWTG's reasonable adjustments.

Employment of People with Disabilities

SWTG is committed to looking for opportunities for employment of people with autism and ensuring that they are afforded equal opportunities to enter employment and develop their potential with the organisation. In addition to complying with the requirements of the Disability Discrimination Act 1995, the organisation will follow the procedure designed to provide for fair consideration and selection of people with disabilities and to satisfy their training and career development needs.

The central HR department will take care that all recruitment complies with the Code of Practice on the Employment of Disabled People and DDA 1995. The central HR Department will make sure that:

- SWTG Equal Opportunities and Diversity Policy is a feature of recruitment advertising

- Steps are taken to encourage applications from disabled people
- All applicants with a disability who meet the essential criteria for a job vacancy are interviewed and considered on the basis of their abilities
- Reasonable adjustments of job descriptions are considered to accommodate the needs of a disabled person

Managers will take all reasonable steps to ensure that the working environment does not prevent people with disabilities from taking up positions for which they are suitably qualified. Where special steps need to be taken to ensure health and safety, the Health and Safety Officers and the members of HR will brief members of the department/school/service concerned.

If employees of SWTG become unable to carry out their normal duties because of disability in the course of their employment, the organisation will take all reasonable steps to make sure they maintain or return to the roles appropriate to their experience and abilities. Consideration will be given to reasonable adjustments to the job and working conditions, redeployment and retraining, enabling them to remain with the Society whenever possible.

The local HR Department will seek any necessary expert help in assessing disability and exploring possibilities for appropriate and practical adjustments.

Where an employee's performance falls to an unacceptable level through deterioration in their disability, SWTG Incapacity Procedure should be followed.

Equal Treatment of Part-Time Workers

SWTG is committed to providing equal opportunities in recruitment, employment, training and promotion for all part-time workers.

It is necessary to ensure that part-time employees are not treated less favourably than their full-time equivalents in respect of the following entitlements:

- The hourly rate of pay
- Access to the SWTG pension schemes
- Contractual sick pay
- Annual leave

Previous or current part-time status will not of itself constitute a barrier to access to training or promotion to a post, whether the post is full-time or part-time.

With regards to maternity, paternity and parental leave, part-time workers will not be treated less favourably than their full-time equivalents in terms of:

- Calculating the rate of maternity pay
- The length of service required to qualify for payment
- The length of time for which the payment is received

For more information please refer to the Family Friendly Policies.

When selecting for redundancy part-time workers must not be treated less favourably than comparable full-time workers. For more information on redundancy issues, please refer to the Redundancy Policy and Procedure.

SWTG will always give a due consideration to all requests to change to part-time working or job-sharing, and where possible explore with the staff how this change could be accommodated. Please refer to the Flexible Working Policy.

Equal Treatment of Fixed-Term Workers

It is SWTG's policy to provide equal treatment to all employees on fixed-term contracts in respect of the overall employment package and general working conditions. Fixed-term employees might be excluded from specific benefits only when it is objectively justified.

SWTG will ensure that all fixed-term employees are informed of permanent vacancies on the same basis as permanent staff by the usual practice of displaying the vacancy on SWTG's websites and intranet.

For redundancy rights of fixed-term contract employees, please refer to the Redundancy Policy and Procedure.

Age Diversity at Work

SWTG is committed to employing people of all ages in line with the Employment Equality (Age) Regulations 2006. Age, or age related criteria or age ranges should not be used in SWTG advertisements.

Training and development opportunities will be open to all employees as there is potential to waste talent if particular age groups are automatically excluded from training and development programmes.

Reward and promotion always reflect the value of individual contributions, job evaluation and standards of job performance and are not based on age related criteria.

When considering retirement or redundancy, the Society is committed to giving fair consideration to any of the following alternatives:

- Phased retirement
- Flexible working
- Working beyond normal retirement age
- Working on self-employed basis
- Voluntary working

Managers will ensure that the risks to older people in the work place will be adequately controlled. Please refer to the Retirement Policy

Progressive Conditions

People with HIV/AIDS and other conditions who may not consider themselves to be disabled, may be protected by the DDA, because HIV can be a progressive condition, controlled by drugs.

It is SWTG policy to ensure that all employees with potentially contagious diseases, for example: HIV/AIDS, SARS, hepatitis, etc. are treated equally and not discriminated against, and that all possible measures are taken within the Society to ensure they have reasonable time off work for health-check appointments and any necessary workplace adjustments.

As a person's HIV status is not obvious, it is up to the infected worker to disclose his/her status to line management. SWTG will encourage further disclosure only when absolutely necessary and will do everything possible to ensure the support of fellow workers. Further disclosure might be beneficial when

the infected employee explicitly wishes and consents to it in order to reduce the stress of not divulging or when it helps facilitate the person's ability to do the job.

If the infected worker does not want to disclose his/her HIV status, SWTG is obliged by the Data Protection Act and the Human Rights Act to keep it confidential. All necessary staff training on how to deal with the information will be carried out. If an adjustment is necessary, the employee's colleagues do not need to be told the precise medical reason.

Any harassment of SWTG workers infected with HIV or other potentially contagious diseases will not be tolerated and the offenders will be dealt with using the Disciplinary Procedure.

It is unnecessary and potentially discriminatory to ask somebody about their HIV status on application or interview. Pre-or post-employment HIV screening may be discriminatory under DDA if this leads to a job offer being unjustifiably withdrawn or altered. The risk of infection of HIV in the workplace is extremely low. For more information on HIV/AIDS, hepatitis and other potentially contagious diseases, please refer to Control of Infectious Diseases and Universal Precautions sections in the SWTG Health & Safety Manual.

The duty to make reasonable adjustments does not apply to the provision of benefits under an occupational pension scheme, especially if the costs of providing benefits would be substantially greater than for a non-disabled employee. However, SWTG is committed to seek actuarial advice and/or medical evidence and give fair consideration to:

- How the schemes it currently operates can be adapted to provide every employee, including those with progressive/fluctuating conditions, with the same benefits
- What alternative provision can be made for people with such conditions

Maintaining this Policy

The Organisation will monitor the effectiveness of this policy and its general compliance within the Organisation.

This policy will be kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable standards and guidelines.

This policy is fully supported by the top management of the organisation. In support of this intent, the policy will be reviewed at least annually. The organisation will provide sufficient financial support and all other necessary resources for the full implementation of this policy.

Approval for this Statement

This statement was approved by the Board of Directors on 23 August 2017

Name Mark Burnett

Signature

Date 23 August 2017

Appendices

Appendix 1- Equality Legislation & Codes of Practice

Sex Discrimination Acts 1975/1986/1999

The Sex Discrimination Act (SDA) makes it unlawful to discriminate against a person, directly or indirectly, on the grounds of sex, marriage and transsexualism. The Acts cover the entire area of sex discrimination in employment including recruitment, advertising, selection, promotion and training.

Direct and Indirect Sex Discrimination

Direct sex discrimination occurs where 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 the proportion of one sex which can comply with a requirement or condition, is much smaller than the proportion of the other sex that can comply with it.

Race Relations Act 1976

The Race Relations Act forbids racial discrimination in employment. It makes it unlawful to discriminate against a person, directly or indirectly, on the grounds of race.

The Act covers the entire area of racial discrimination in employment including those areas relating to recruitment, advertising, selection, promotion and training.

Direct and Indirect Racial Discrimination

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. Racial grounds include race, colour and nationality.

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.

The Disability Discrimination Act 1995

The Disability Discrimination Act 1995 makes it unlawful to discriminate against disabled persons in connection with employment, the provision of goods, facilities and services or the disposal or management of premises.

Human Rights Act 1998

The Human Rights Act 1998 incorporates the European Convention on Human Rights into UK law. Article 8 introduces the right to respect for private and family life. As a consequence, the Act may offer some protection to lesbians and gay men, who up until now have not been specifically protected under UK equality legislation. Article 9 provides the right to freedom of thought, conscience and religion and Article 11 provides the right to freedom of peaceful assembly and freedom of association, including the right to form and join trade unions.

Age Diversity - Employment Equality (Age) Regulations 2006

The Code on Age Diversity, published by the Department for Education and Skills covers good practice in six aspects of the employment cycle: recruitment, selection, promotion, training and development, redundancy and retirement.

Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act provides that an individual with a record of a previous conviction may become rehabilitated after a given period of time. It lays down that if after a given period of time,

the individual has not committed another serious offence, the conviction is regarded as spent and the individual as having been rehabilitated.

This Act provides that someone who has a spent conviction does not have to refer to it under most circumstances and could regard such offences as not having happened. There are, however, exceptions to this, particularly in the area of working with children and with vulnerable adults. This exception is important in the charity's area of work in respect of staff who work directly with service users.

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000/ Amendments 2002

The regulations were introduced to make sure part-time workers are not treated less favourably in their terms and conditions than comparable full-time workers. Any different treatment must be justified objectively. This means that part-timers are entitled to:

- The same hours of pay
- The same access to the company pension schemes
- The same entitlements to annual leave and maternity/parental leave on a pro rata basis
- The same contractual sick pay
- No less favourable treatment in training and promotion
- No less favourable treatment in redundancy selection

Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002

The regulations were introduced to ensure employees on fixed-terms contracts receive the same kind of pay and benefits as comparable workers on permanent contracts.

The regulations allow for different treatment provided the fixed-term employee's overall employment package is not less favourable than that of a permanent employee. Fixed-term employees can be excluded from specific benefits provided this is objectively justified.

The regulations do not apply to agency workers i.e. those who have been placed to work on a temporary basis by a third party, employees under a contract of apprenticeship or employees who are on work experience scheme organised by the Government or funded in whole or part by an Institution of the European Union.

The regulations also limit the number of years the employee can be employed on successive fixed-term contracts. If the employee started employment on or after successive fixed-term contracts on 10 July 2002, his/her employment will become permanent after 4 years.

Any redundancy waiver in a fixed-term contract, which is agreed, extended or renewed after 1 October 2002 will be invalid.

Appendix 2- Service Delivery- Legislation and Codes of Practice

Education (Handicapped Children) Act 1980

The Act broadens the definition of disability to incorporate a wide range of learning difficulties, which may result from physical disability, ill health, emotional needs and “mental handicap”. The Act seeks to remove negative labelling of children with educational difficulties, who had previously been negatively referred to as “ESN” (educationally sub-normal).

The main aim of the legislation is to integrate children with special educational needs into mainstream provision where possible. The onus has been placed upon local authorities to ensure that no child is discriminated against on the basis of his/her “handicap”.

Mental Health Act 1983

The main aim of this Act is to safeguard the rights and protect the interests of those people subject to mental health assessment, particularly in the event of compulsory admission to hospital (known as ‘sectioning’). The Act also affords more protection to people with mental disorders regarding compulsory admission, detention and treatment.

Disabled Persons (Services, Consultation and Representation) Act 1986

The Act embraces the principles of individual rights, entitlements and self-determination and formally recognises the needs of carers. This Act applies to all disabled people including those with learning disabilities, and establishes three main rights for disabled people:

- **Assessment:** Every Local Authority is obliged to be aware of overall local need and respond to the request for each disabled person to be assessed.
- **Resources:** Each Local Authority and Health Authority is obliged to provide appropriate services following individual assessment. It is the right of every person to be provided with resources to enable them to lead as independent a life as possible.
- **Monitoring and Review:** The needs of individuals change and therefore they have to be continually monitored and reviewed. The individual or his/her advocate should be integrally involved in this process.

The Children’s Act 1989

This Act applies to all statutory and voluntary organisations providing care for children and families. Essentially it aims to balance the rights of the child and the rights of the parents with the duty of the state to protect children in need or at risk. The key features are:

The Act has established the child’s welfare as paramount. All decisions about the child are made with his/her welfare in mind. Depending on the maturity and age of the child, he/she needs to be consulted and have his/her wishes taken into account and incorporated into future planning.

Under this legislation, the Local Authority has to consider a child’s race, religion, culture and linguistic background, before making any decisions about a child, for example before placing the child in either day, foster or residential care. All child care services are required to give due consideration to the race, culture and language of the children living in the area. Approval or registration can be withheld if these criteria are not met. The Department of Health’s guidelines say that day care practice should promote the self-esteem and racial identity of children.

The National Health Service and Community Care Act 1990

The aim of the Act is to facilitate the provision of care in the community in preference to institutional care in a residential setting or in hospitals. The Act introduced the splitting of “service provision” and “service purchasing”, and stressed the interdependency of social care agencies and their need to work collaboratively.