

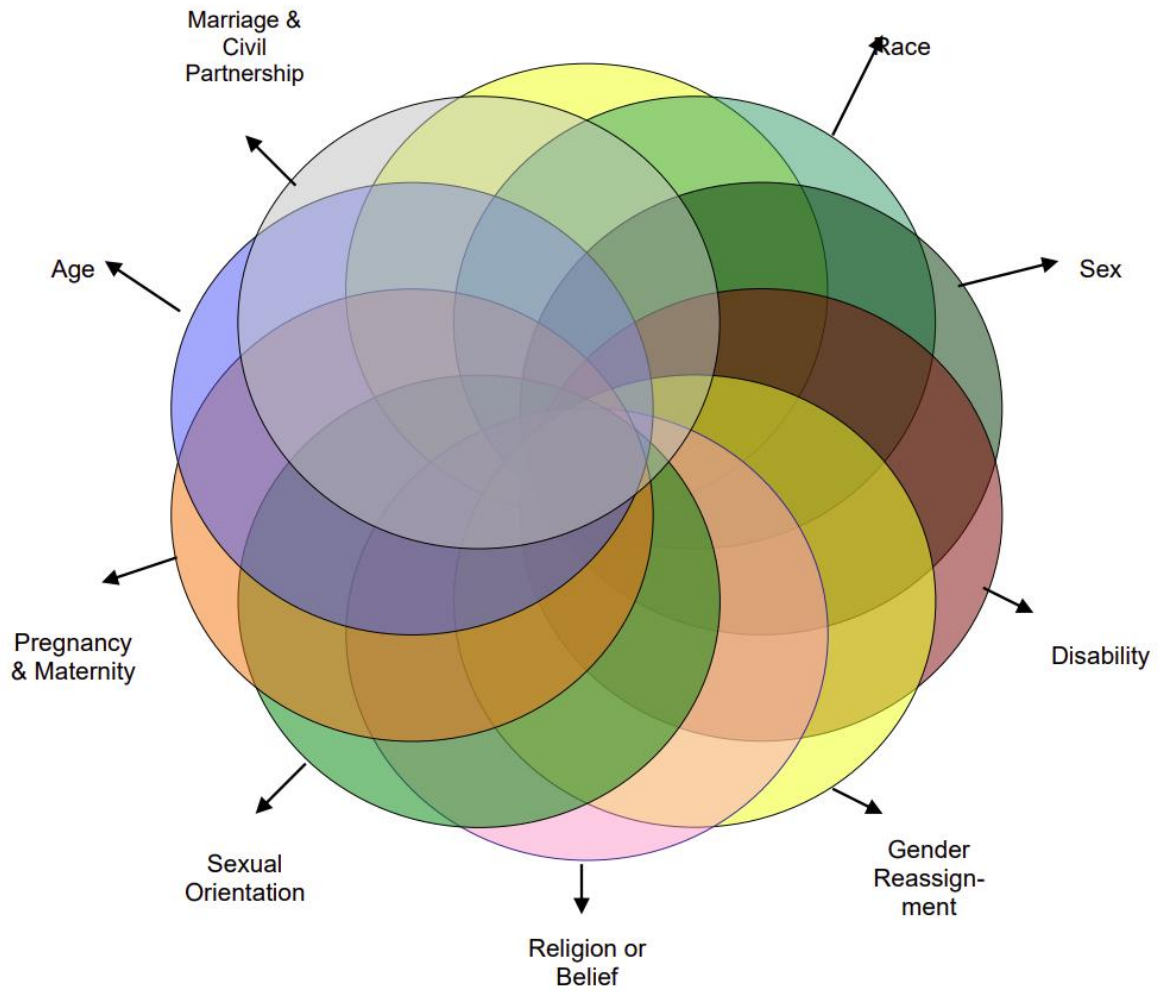


## **Equality & Diversity Policy**

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# FAIR DEAL EQUALITY AND DIVERSITY POLICY



## Introduction

Fair Deal is committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. Throughout Fair Deal there will be a consistent approach in promoting equality and diversity across all areas within Fair Deal through the entire employment relationship from the recruitment process to termination and references.

All employees are required to abide by this policy. This policy also covers discrimination by and towards members of the public, governing body, Fair Deal members, external contractors, people who use our service and staff from other agencies. Fair Deal opposes all forms of unlawful discrimination in relation to employment.

## Background

Tackling inequality is not something new. UK Governments have been addressing equality and diversity issues for many years. Although progress has been made inequalities still exist in Scotland and in the UK. As the Government continues to tackle discrimination, promote equality, address inequalities, and inconsistencies that were present in the previous discrimination legislation, the new Equality Act 2010 was introduced. The introduction of the act saw previous discrimination legislation abolished and replaced with one single piece of legislation. This policy will be compliant with the current legislation and promote a culture of dignity and respect for all.

Lack of equal opportunities is not only a serious moral issue but also has a significant impact on business performance. Studies have shown that high levels of motivation are achieved in an environment of respect and fairness. Fair Deal will aim to ensure that all employees are treated with fairness and respect and not be discriminated on the grounds of marriage & civil partnership, sex, race, disability, age, religion or belief, gender reassignment, pregnancy & maternity and sexual orientation, or disadvantaged by any conditions or requirements which cannot be shown to be relevant to performance. Fair Deal will therefore ensure all employees are provided with equality of opportunity in the course of their employment starting from recruitment.

## Legal Framework

The following details the specific acts relating to discrimination law.

### Equality Act 2010

#### Definitions:

#### ***Diversity***

Is about valuing individual differences. Fair Deal is committed to valuing and managing people's differences to enable all employees to contribute and realise their full potential. Fair Deal recognises that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit Fair Deal and people who use our services.

#### ***Equality***

Is making sure people are treated fairly and given fair chances. Equality is not about treating everyone in the same way but recognises that their needs are met in different ways. Equality focuses on those areas covered by the law, and described as the Protected Characteristics

of race, sex, disability, age, gender reassignment, marriage & civil partnership, pregnancy & maternity, religion or belief and sexual orientation

### ***Protected Characteristics***

The grounds on which discrimination claims can be made:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy & Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

### ***Direct Discrimination***

Is treating someone less favourably than others based on a protected characteristic.

### ***Indirect Discrimination***

A policy, practice, procedure, provision or criteria that applies to everyone in the same way but might disadvantage a particular protected group, and which cannot be objectively justified in relation to the job.

### ***Harassment***

Conduct that violates a persons' dignity or creates an intimidating, hostile degrading, humiliating or offensive working environment. The intention of the perpetrator is irrelevant, it is the impact on the individual which determines whether harassment has taken place.

### ***Victimisation***

Treating someone less favourably and discriminating against them because they have pursued or intend to pursue their rights relating to alleged discrimination, complained about the behaviour of someone harassing them or given evidence in someone else's discrimination complaint.

### ***Positive Action***

Addressing imbalances in the workforce, by encouraging members of under-represented groups to apply for jobs. Positive action may be applicable in setting equality targets. No quotas will be set by Fair Deal, but equality targets may be set to encourage people from a particular group or groups to apply for a vacancy in Fair Deal in comparison to the local community where they are under- represented.

### ***Failure to make Reasonable Adjustments***

Where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage.

### ***Associated Discrimination***

Discrimination against a person because they have an association with someone with a particular protected characteristic. E.g. a non-disabled person is discriminated against because of the action they need to take care of disabled dependent.

### ***Perceptive Discrimination***

Discrimination against a person because the discriminator thinks the person possess that characteristic. E.g. a person is not shortlisted for a job on the bases that the recruiter

assumes the applicant does not have the correct VISA to work in the UK as they have a foreign looking name on their application form.

## Policy Principles

This Equality and Diversity policy aims to:

- Ensure integration with equality and diversity practices into all Fair Deal does, and ensure that employees are treated with fairness and respect from each other and from members of the public, Board members and people who use our services
- Require Fair Deal to implement fair and just employment practices ensuring that no job applicant or employee will receive less favourable treatment on any grounds
- Ensure people are recruited and employees promoted solely on the basis of their own merit, experience, ability and potential. This applies throughout the entire duration of employment as all decisions will be based on only relevant merits.
- Provide an environment appropriate to the needs of those from all walks of life and offer a culture that respects and values each other's differences and promotes dignity, equality and diversity.

## Implementation of the Policy

The Chief Executive is responsible for the policy's day to day implementation.

Fair Deal will ensure that all new employees and trustees will receive induction on this policy. The policy will be widely promoted and integrated into all policies and procedures within Fair Deal. Copies of the policy will also be freely available and displayed in Fair Deal supported living services and main office.

Appropriate training and guidance will be available to promote equality and diversity among staff.

This policy applies to everyone in Fair Deal, and all have a responsibility to be alert to discriminatory behaviours and practices should they occur. Unacceptable behaviour and practices must not occur, however if a situation arises, it will be dealt with immediately. Breaches of the equality and diversity policy will be regarded as misconduct and will lead to disciplinary action which may include dismissal.

## Recruitment & Selection

It is Fair Deal's policy that all recruitment decisions will be based completely on the merits and abilities of candidates alone and no other criteria will be used. In order to achieve this, equality and diversity practices will be integrated into every stage of the recruitment and selection process.

A fair recruitment process will remove barriers to the employment of people of different backgrounds. This will enable Fair Deal to recruit from the widest pool of talent, potentially raising the standard of their intake and therefore increasing the opportunity of a more diverse workforce which reflects the community it is serving. A more diverse workforce will improve the organisation's service delivery, as it will include staff with more knowledge and experience meet and aid in meeting the needs and aspirations of service users and potential service users. To highlight Fair Deal's commitment to promoting equality and diversity from the beginning of the employment relationship, all vacancies will be aimed at as wide a group as possible and any advertisement for a vacancy within Fair Deal will state that an equality and diversity policy is in place. In addition, the advert will also display any signs of equality bodies that Fair Deal is affiliated with. The information contained in the advert and all vacancy literature will be clear and accurate to attract the most appropriate candidates from all groups across society, to allow them to decide their own suitability for the vacancy and

whether they wish to proceed with applying. For those that wish to apply Fair Deal will ensure that all applications will have clear instructions for completion and application forms will be free from personal questions that are not relevant to the vacancy and that may lead to discrimination.

Fair Deal will ensure all staff involved at any stage in the recruitment and selection process will receive equality and diversity awareness training. This will ensure that those involved in the recruitment process will not discriminate either knowingly or unknowingly by asking any questions which may lead to discrimination.

## **Terms and Conditions of Employment**

As part of the employment relationship being covered under this equality and diversity policy all contracts of employment will be issued in accordance with the job role and not the job holder. Employee's terms and conditions will be standard across all employees regardless of any of the protected characteristics. Employees will not receive less favourable terms and conditions for any reason other than relating specifically to the job role and the grade it attracts.

## **Training & Development**

Equality and diversity will apply throughout all training activities and resources. Training and development opportunities will be given to all employees according to their job role. It is crucial that all employees are able to participate and enjoy any training opportunities or activities without discrimination or fear of harassment. Every attempt will be made to ensure learning materials will provide a positive image of people reinforcing an image and of equality of opportunity.

## **Redundancy Selection**

Redundancy selection will be made according to the statutory requirements and in line with Fair Deal's Redundancy Policy. Criteria will be discussed with the Trade Union and or nominated representatives. The criteria will be set out and will be objectively fair and consistent. This will ensure that employees selected for redundancy are selected according to the chosen selection criteria and not in any discriminatory way either indirectly or directly.

## **If you are being Discriminated Against**

This procedure is complemented by Fair Deal's Dignity at Work policy. For further details please refer to the policy. Where an employee feels they have been discriminated against, victimised or harassed, there are different ways in which a claim can be dealt with depending on the circumstances. In the first instance the employee should raise the issue informally with their line manager (unless the claim is against their manager, in such circumstances the employee should raise the issue with the manager next in line).

### **Informal Stage**

Initially the employee and manager should aim to resolve the matter informally as it may be that the discriminatory action is unconscious and easily resolved once the situation is highlighted. This is often the most efficient way with dealing with such circumstances in order to maintain good working relations.

However, even though the matter has been treated informally a file note should be kept on the complaining employee's file of the incident and should include a statement that the note will only be taken into account if further complaints are made. The file note may be necessary if there is a requirement at a later date, should any unacceptable behaviour or practice continue.

Dealing with the matter informally does not remove the individual's right to have the matter dealt with formally, should that be the most appropriate next course of action.

## **Formal Stage**

If the employee is dissatisfied with the outcome, or the complaint is very serious, the employee should raise the matter, in writing detailing the complaint. The complaint should then be actioned under Fair Deal's Grievance Policy. In line with this process an investigation into the claim will be carried out. Employees who feel they are being subjected to harassment should raise the issue in line with Fair Deal's Dignity at Work Policy.

If the outcome of the investigation is that a formal disciplinary hearing should take place this will be conducted in line with Fair Deal's Disciplinary Procedures. Please refer to the appropriate policy for full details.

## **Discrimination involving Members of the Public, Trustees, Contractors, and Staff from other Agencies**

The right to be treated equally with dignity and respect extends to external contractors, Board members, people who use our Services, as well as, other agencies whilst at work who are sometimes referred to as third parties. They can complain and the complaint will be investigated by a Fair Deal and appropriate action will be taken.

Employees also have a right to complain if they feel they are being discriminated against by those not directly employed by Fair Deal. If a staff member or colleague feels that they are being discriminated against in the course of their working day, the following procedure should be adopted.

## **Informal Stage**

Where possible, incidents should be dealt with informally. If the employee, member of the public, board member, contractor or agency worker feels able to do so, they should inform the bully or harasser, if possible, at the time, that they find their actions/remarks and behaviour to be unacceptable. If the situation warrants the need for a witness individuals, are advised to ask a colleague to accompany them when approaching the alleged bully or harasser. The individual should then report the matter to their line manager if the employee is the victim or the matter should be reported to any manager should the behaviour be directed at a member of the public, board member, contractor or agency worker from a member of staff at Fair Deal as soon as possible. It may be that the discriminatory action is unconscious and easily resolved once the situation is highlighted. However, a file note should be kept on the complaining employee's file of the details of the situation and the outcome.

If the employee does not feel able to speak to the individual in person, they can ask their manager or where appropriate another manager to do this. It will then be the responsibility of the manager to discuss the situation and explain what will happen if any further incidents occur. It will be made clear to the individual that continuation of such conduct may result in refusing services altogether which could result in either the withdrawal of a service or refusal of access to Fair Deal premises. Where the situation involves an employee of Fair Deal being the bully/harasser then this could lead to disciplinary action. Any action will be carried out in line with Fair Deal's Disciplinary and Grievance policy. Regardless of future action a file note will be kept in the complaining employee's file providing details of the incident and the action taken, where applicable.

If informal action proves insufficient to deal with persistent inappropriate behaviour, the employee or management may instigate formal action.

## **Formal Stage**

Where formal action is the most appropriate way to deal with the person in question, they will be written to officially by the relevant senior manager informing them that their comments, actions, behaviours are not acceptable and are potentially discriminatory. The letter will state that further incidents will not be tolerated and that they may result in the withdrawal of services. In the situation of an employee of Fair Deal acting inappropriately towards a member of the public, board member, contractor or agency worker, then they will be investigated under Fair Deal Disciplinary Procedures, where formal disciplinary action may be an outcome including dismissal. In cases of physical violence or serious threats the senior manager should also involve the police, if appropriate.

In cases where the discrimination involves contractors or staff from other agencies, the stages as detailed above will be carried out. However, due to the specific nature of the relationship between the organisation and these individuals/organisations, the following additional step should be included in the informal stage.

The manager will contact the appropriate senior person within the company/organisation concerned to advise them that this type of behaviour is unacceptable and that if it is repeated then the individual concerned may be refused entry to the organisation's premises.

## **Monitoring and Review of Policy**

Responsibility for monitoring the application of this policy will rest with Fair Deal's Policies and Procedures Group. The policy will be reviewed annually with the amendments being made as appropriate and communicated to all staff and relevant third parties.

**End of Policy**

## Document Information

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<b>Approved By:</b>	Fiona Dunwoodie
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## Amendment History

<b>Date</b>	<b>Version</b>	<b>Created By</b>	<b>Description of Change</b>
14/05/2019	2	Elaine Davidson	Added Front Cover and amended Footer
18/11/2021	3	Fiona Dunwoodie	Amended footnote and converted to new format
25/10/2024	4	Anne Marie Borthwick	Reviewed and change to some wording and converted to company standard font