

SAFFRON WALDEN MENCAP SOCIETY

DIVERSITY AND EQUALITY POLICY

March 2020

Introduction

Saffron Walden Mencap Society is committed to equality and diversity in all aspects of what we do. We believe it is a key part of developing and maintaining a successful organisation.

This policy is intended to assist SW MENCAP in putting commitment into practice. Compliance with this policy will also ensure that employees do not commit unlawful acts of discrimination.

1. Purpose

1.1 The purpose of this policy is ensure anyone engaging with the work of SW MENCAP is not treated less favourably as a result of having “protected characteristics”.

1.2 It is unlawful to discriminate directly or indirectly in recruitment or employment because of a protected characteristic. The Equality Act 2010 covers the following protected characteristics:

- Sex
- Age
- Disability
- Gender reassignment
- Pregnancy or maternity
- Race (which includes colour, nationality, and ethnic or national origins)
- Sexual orientation
- Religion or belief
- Marriage or civil partnership

1.3 SW MENCAP aims to provide a working environment and culture which values and recognises difference, pro-actively tackles barriers to inclusion and ensures no individual or group is discriminated against.

2. Definitions

Direct Discrimination is when someone is treated less favourably than another person because of a protected characteristic.

Associative Discrimination is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
Discrimination by perception is direct discrimination against someone because others think they possess a protected characteristic.

Indirect discrimination is when a rule or policy applies to everyone, but disadvantages a particular protected characteristic.

Harrasment – someone can complain of behaviour they find offensive, even if it's not directed at them.

Harassment by a Third Party – someone can complain of behaviour by a third party not employed by SW MENCAP.

Victimisation – someone is treated badly because they have made / supported a complaint or grievance under the Equality Act 2010.

3. Scope

3.1 This policy applies to all employee and third parties (partner organisations, sub-contractors and suppliers) and protects all employees, third parties and anyone engaging in the work of SW MENCAP from unlawful discrimination.

4. Procedures

4.1 Recruitment and Selection

4.1.1 The intention of recruitment procedures is to ensure the widest response of suitable applicants to any employment vacancies within the SW MENCAP. Selection will be carried out according to objective job related criteria.

4.1.2 The wording of job advertisements must correspond with the main points in both the job description and the person specification. They must be clear and unambiguous and avoid any discriminatory clauses which might indicate direct or indirect discrimination.

4.1.3 Publications and other methods of distribution used must be broad enough to give all potential applicants a reasonable chance of seeing them.

4.1.4 Advertisements and supporting literature must confirm that the SW MENCAP supports diversity and equality. All posts will be advertised internally and/or externally. It is the responsibility of staff to avail themselves of the opportunities from this source, since there will be no word of mouth recruitment.

4.1.5 Asylum and Immigration Act

Section 8 of the Asylum and Immigration Act came into force on 27th January 1997. This makes it a criminal offence for employers to take on as an employee a person subject to immigration controls, unless s/he is entitled to be employed in the UK, as identified in the Act and its regulations. It will not be an offence to employ people who are subject to immigration control, as long as their leave to enter or remain in the UK has not expired and does not prevent them from working

5. Training, promotion and career development

SW MENCAP will not discriminate in the provision of and access to training and development. It is necessary that individuals be given a fair and equal opportunity to develop their abilities and realise their expectations and for the SW MENCAPU to make full and effective use of its employees.

Records will be kept of all applications that are made by staff together with the manager's reasons for granting or denying training course attendance.

6. Discipline and Grievance Procedures

Instances of direct discrimination, abuse, intimidation or harassment on the grounds of sex, race, colour, disability, gender etc may be considered gross misconduct and dealt with accordingly under the Disciplinary Policy.

Any employee who complains of such discrimination must not receive less favourable treatment than any other employee and must not be disciplined for that reason.

7. Redundancy and Termination of employment

The selection criteria for redundancy, dismissal must not discriminate directly or indirectly on the basis of sex, race, colour, disability etc. All early termination of employment must be handled in a fair and consistent manner.

8. Monitoring

Monitoring will apply for all management procedures that overlap equal opportunities and appropriate records will be kept on why decisions are reached e.g. discipline, grievance, and recruitment.

9. Genuine Occupational Qualifications (GOQ)

There are some exceptions under the Acts where an employer can claim a (GOQ) to recruit, train, and promote people of a particular sex or racial group.

The Equality Act says employers needs to show all of the following things for the discrimination to be lawful:

- The requirement is an occupational requirement – it must not be a sham and there must be a link between the requirement and the job
- The employer has a good business reason or a legitimate aim for applying the requirement – the employer can't just say they have a good business reason for applying the requirement, they must be able to show it
- Having the requirement is the best way to achieve the employer's aim – the Equality Act says the requirement must be proportionate.

Employers can only apply an occupational requirement in relation to a decision about:

- Recruitment – that is whether or not to offer a job
- Promotion or transfer to another job
- Access to training
- Dismissals

Examples of occupational requirements

- The job involves working with people from a particular ethnic group and you need to be from the same ethnic background and speak the same language
- The job is to work as a counsellor for deaf people whose first language is BSL and the employer wants to employ a deaf person who speaks BSL
- The job requires someone of a particular sex for reasons of privacy and decency
- The job involves working in a refuge for victims of domestic violence and you need to be of the same sex as the occupants

To be reviewed March 2021

Appendix 1

Equality Act 2010 What is covered by the Legislation?	Age	Disability	Gender	Gender Reassignment	Race	Religion or belief	Sexual orientation	Marriage and Civil Partnership	Pregnancy and Maternity
Direct Discrimination when someone is treated less favourably than another person because of a protected characteristic	✓	✓	✓	✓	✓	✓	✓	✓	✓
Associative Discrimination direct discrimination against someone because they associate with another person who possesses a protected characteristic	✓	✓	✓	✓	✓	✓	✓	X	X
Discrimination by perception direct discrimination against someone because others think they possess a protected characteristic	✓	✓	✓	✓	✓	✓	✓	X	X
Indirect Discrimination when a rule or policy applies to everyone, but disadvantages a particular protected characteristic	✓	✓	✓	✓	✓	✓	✓	✓	X
Harassment Someone can complain of behaviour they find offensive, even if it's not directed at them	✓	✓	✓	✓	✓	✓	✓	X	X
Harassment by a Third Party someone can complain of behaviour by a third party not employed by SW MENCAP	✓	✓	✓	✓	✓	✓	✓	X	X
Victimisation someone is treated badly because they have made / supported a complaint or grievance under the Equality Act 2010	✓	✓	✓	✓	✓	✓	✓	✓	✓