



## **SAFFRON WALDEN MENCAP SOCIETY**

### **Equality, Diversity & Inclusion Policy**

This policy has been adopted by Saffron Walden Mencap Society through its Trustees Committee which remains responsible for its review.

Original signed version is kept at the SWMS Registered office.

Signed:

Date: 8th July 2024

Chair of Trustees

Next review: July 2026

## **Introduction**

Saffron Walden Mencap Society is committed to equality, diversity and inclusion in all aspects of what we do. The aim is for people working and volunteering for our charity to be representative of all sections of society and for everyone involved in our work to feel respected and able to give their best.

This policy is intended to assist Saffron Walden Mencap Society to put our commitment to equality, diversity and inclusion into practice. Compliance with this policy will also ensure that volunteers and employees do not commit unlawful acts of discrimination against each other, our members, or the public.

## **1. Purpose**

The purpose of this policy is to-

Provide equality, fairness and respect for anyone engaging with Saffron Walden Mencap Society. It is unlawful to discriminate directly or indirectly in recruitment or employment because of a protected characteristic. The Equality Act 2010 outlines the following as protected characteristics:

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

## **2. Our Commitments**

Saffron Walden Mencap Society is committed to encouraging equality, diversity and inclusion in the workplace by maintaining a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all. We will make sure that individual differences and the

contributions of all staff, volunteers and members are recognised and valued. We will strive to have a culture within our charity which values and recognises difference.

We will always take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by any person in the course of our work activities. Such acts will be dealt with as misconduct under our grievance and/or disciplinary procedures, and appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.

### 3. Definitions

**Equality** means treating everyone the same regardless of their experiences, background or identity. It also means ensuring fairness of opportunity and protecting people from being discriminated against.

**Diversity** is about celebrating and valuing how different we all are. This is strongly linked with promoting human rights and freedoms, based on principles such as dignity and respect.

**Inclusion** is actively embracing people with diverse perspectives, abilities, disabilities, backgrounds and experiences and ensuring that they are valued, respected and included in an organisation or community. Inclusion can be felt, but can also be seen through systems, processes, policies, and behaviours.

**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.

**Harassment** is unwanted behaviour with the purpose or effect of violating a person's dignity, or creating a degrading, humiliating, hostile, intimidating or offensive environment for someone. Anyone can complain of behaviour which 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 Saffron Walden Mencap Society.

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

#### **4. Scope**

This policy applies to all employees, volunteers and third parties (partner organisations, sub contractors and suppliers) and protects everyone engaging in the work of Saffron Walden Mencap Society from unlawful discrimination.

#### **5. Recruitment and Selection**

The intention of recruitment procedures is to ensure the widest response of suitable applicants to any employment vacancies within Saffron Walden Mencap Society. Selection will be carried out according to objective job related criteria and in accordance with our Safer Recruitment Policy.

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

Advertisements and supporting literature must confirm that the Saffron Walden Mencap Society supports inclusion, diversity and equality. Although there is no legal requirement to advertise for posts, they will generally be advertised internally and/or externally. We must always ensure that reasonable adjustments are made, and support given, where requested or required, during recruitment processes and in the workplace in order to proactively tackle barriers to inclusion.

#### 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.

## **6. Training, promotion and career development**

Saffron Walden Mencap Society 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 Saffron Walden Mencap Society to make full and effective use of its employees.

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

## **7. Discipline and Grievance Procedures**

Instances of direct discrimination, abuse, intimidation or harassment on the grounds of any protected characteristic 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.

## **8. Redundancy and Termination of employment**

The selection criteria for redundancy or dismissal must not discriminate directly or indirectly on the basis of any protected characteristic. All early termination of employment must be handled in a fair and consistent manner.

## **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 (whether or not to offer a job) promotion or transfer, access to training or dismissal.

Examples of this are -

- 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.

## **Monitoring**

This 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. Monitoring will also include assessing how the equality, diversity and inclusion policy, and any supporting action plan, are working in practice, reviewing them annually, and considering and taking action to address any issues.

## **Our disciplinary and grievance procedures**

An employee should, where possible, raise any grievance with their line manager. Details of our whistle-blowing, grievance and disciplinary policies and procedures can be found in the policy section of our website [www.saffronwaldenmencapsociety.org](http://www.saffronwaldenmencapsociety.org) or a copy will be provided upon request by contacting [admin@saffronwaldenmencapsociety.org](mailto:admin@saffronwaldenmencapsociety.org) or [chair@saffronwaldenmencapsociety.org](mailto:chair@saffronwaldenmencapsociety.org).

Use of our grievance or disciplinary procedures does not affect an employee's right to make a claim to an employment tribunal within three months of the alleged discrimination.

## 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
<b>Direct Discrimination</b> when someone is treated less favourably than another person because of a protected characteristic	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Associative Discrimination</b> direct discrimination against someone because they associate with another person who possesses a protected characteristic	✓	✓	✓	✓	✓	✓	✓	X	X
<b>Discrimination by perception</b> direct discrimination against someone because others think they possess a protected characteristic	✓	✓	✓	✓	✓	✓	✓	X	X
<b>Indirect Discrimination</b> when a rule or policy applies to everyone, but disadvantages a particular protected characteristic	✓	✓	✓	✓	✓	✓	✓	✓	X
<b>Harassment</b> Someone can complain of behaviour they find offensive, even if it's not directed at them	✓	✓	✓	✓	✓	✓	✓	X	X
<b>Harassment by a Third Party</b> someone can complain of behaviour by a third party not employed by Saffron Walden Mencap	✓	✓	✓	✓	✓	✓	✓	X	X

<b>Victimisation</b> someone is treated badly because they have made / supported a complaint or grievance under the Equality Act 2010	✓	✓	✓	✓	✓	✓	✓	✓	✓
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