**North Ayrshire Womens Aid**

Equality and Diversity Policy



**Data Control Sheet**

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Contents

[1 Introduction and Purpose 3](#_Toc34517463)

[2 Statutory Obligations 4](#_Toc34517464)

[3 Employer Responsibility 4](#_Toc34517465)

[4 Employee Responsibility 5](#_Toc34517466)

[5 Forms of Discrimination 5](#_Toc34517467)

[6 Training and Promotion 5](#_Toc34517468)

[7 Recruitment, Advertising and Selection 6](#_Toc34517469)

[8 Terms of Employment, Benefits and Facilities 7](#_Toc34517470)

[9 Disability Discrimination 7](#_Toc34517471)

[10 Gender Reassignment 7](#_Toc34517472)

[11 Equal Pay 8](#_Toc34517473)

[12 Reporting Complaints 8](#_Toc34517474)

[13 Penalties 9](#_Toc34517475)

[14 Monitoring and Review of The Policy 9](#_Toc34517476)

# Introduction and Purpose

* 1. North Ayrshire Women’s Aid (NAWA) is committed to promoting and ensuring fairness and equality of opportunity for all employees during their employment or contact with NAWA, creating a working environment where employees are able to make the best use of their skills, free from discrimination, victimisation or harassment, and where all decisions are based on merit.
  2. NAWA is committed to providing equal opportunities to all prospective and existing employees to ensure that there will be no less favorable treatment of any employee or prospective employee on the grounds of protected characteristics. The protected characteristics are:
* age;
* marital or civil partner status;
* pregnancy or maternity leave;
* disability;
* sex;
* sexual orientation;
* gender reassignment;
* race including colour, nationality, ethnic or national origin;
* Religion, belief or lack of religion/belief.
  1. NAWA requires the commitment of all employees to ensure that the principles of equal treatment for all are maintained.
  2. NAWA considers that any form of discrimination or less favourable treatment on the grounds of any of the protected characteristics is unacceptable in terms of good employment practice and its legal obligations. NAWA recognises that all employees are entitled to dignity and respect at work.
  3. NAWA has adopted its Equal Opportunities Policy to ensure that there shall be no discrimination on the grounds of the protected characteristics within the workplace. This policy applies to all aspects of NAWA’s relationship with its employees and to the relationships and interactions between employees at all levels within NAWA.
  4. The policy applies to job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, disciplinary and grievance procedures and termination of employment including redundancy arrangements.
  5. The principles of non-discrimination and equality of opportunity also apply to the way in which NAWA treats its visitors, service users, contractors, suppliers, former employees and other stakeholders.
  6. NAWA is committed to equality and valuing diversity and will seek to ensure that its workforce reflects the community in which it operates as far as that is possible and consistent with the genuine occupational requirements of its posts.

# Statutory Obligations

* 1. The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations.
  2. Before the Act came into force there were several pieces of legislation to cover discrimination, including the Sex Discrimination Act 1975, the Race Relations Act 1976, and the Disability Discrimination Act 1995 and the Equality Act 2010 embraces that legislation.

# Employer Responsibility

* 1. NAWA will take all reasonable steps to ensure compliance with this policy and will monitor its effectiveness. NAWA will comply with all relevant legislation in addition to the Equality Act 2010, which includes the Human Rights Act 1998 and applicable statutory codes of practice and guidance.
  2. NAWA will ensure that this policy is made available to every employee and clearly communicated through training and induction courses, providing further training and guidance where appropriate for line managers and relevant decision-makers to ensure they understand their responsibilities under this policy.
  3. NAWA will ensure that the principles of this policy underpin all policies and procedures throughout NAWA.
  4. NAWA undertakes to employ, pay, train and promote its employees on the basis of their experience, qualifications and ability to undertake the job which they are employed to do or for which they are applying.
  5. NAWA will take all reasonable steps to provide a work environment in which employees are treated with respect and dignity and that is free from harassment based upon the protected characteristics.
  6. NAWA will not condone any form of harassment, whether engaged in by employees, service users, contractors, visitors, suppliers or by any third parties who do, or may do, business with NAWA.
  7. NAWA will ensure that both management and employees comply with this policy. The Chief Officer will be responsible for coordinating the implementation of this policy and monitoring it thereafter.

# Employee Responsibility

* 1. Employees have a duty to co-operate with NAWA in ensuring that this policy is effective in applying equal opportunities and in preventing discrimination or harassment.
  2. Employees must not discriminate against fellow employees, service users, contractors, job applicants, visitors, suppliers, or any third party who does, or may do, business with NAWA and employees are required to draw to the attention of the Chief Executive any apparent instances of discrimination by others or practices which could lead to discrimination.
  3. Action will be taken under NAWA’s disciplinary procedure against any employee who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this policy will be treated as potential gross misconduct and could render the employee liable to summary dismissal.
  4. Employees should also bear in mind that they can be held personally liable as well as, or instead of, NAWA for any act of unlawful discrimination.

# Forms of Discrimination

* 1. Discrimination may be ‘direct’ or ‘indirect’ and it may occur intentionally or unintentionally.

**5.1.1** **Direct discrimination** occurs where someone is treated less favorably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their race because they would not ‘fit in’ would be direct discrimination.

**5.1.2** **Indirect discrimination** occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristics at a particular disadvantage. For example a requirement to be a certain height would put women at a particular disadvantage because women tend to be smaller than men. Such a requirement will need to be objectively justified.

* 1. If employees are in doubt about whether an action may be discriminatory, they should seek advice and guidance from their line manager in the first instance.

# Training and Promotion

* 1. Employee training needs will be identified through regular appraisals and employees will be given appropriate access to training to enable them to progress within NAWA. All promotion decisions will be made on the basis of merit.
  2. Training and guidance on equal opportunities will be provided to employees to help them understand their rights and responsibilities in relation to equal opportunities and what they can do to create a work environment where there is no unequal treatment of any individual. The Chief Executive will be responsible for ensuring equal opportunity is actively promoted within NAWA.

# Recruitment, Advertising and Selection

* 1. The recruitment process will be conducted in such a way as to ensure that the most suitable person for the job in terms of experience, abilities and qualifications is appointed. NAWA is committed to applying its equal opportunities policy statement at all stages of recruitment and selection. Advertisements will encourage applications from all suitably qualified and experienced candidates, will only include actual requirements of the job, and will be placed where they will attract a wide audience of suitable candidates.
  2. The selection process will be carried out consistently for all jobs at all levels. All applications will be processed in the same way. Employees responsible for short-listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for its consistent application. The selection of new employees will be based on the job requirements and the individual’s suitability and ability to do, or to train for, the job being filled. Questions that relate to the protected characteristics outlined in clause 1.2 above are prohibited except in the specific instance outlined in clause 7.3 below.
  3. Where disabled job applicants are concerned, NAWA understands its duty to make reasonable adjustments to work arrangements or to work premises in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled. Questions regarding health and disability may be asked during the recruitment process but only in order to determine whether a candidate requires assistance or reasonable adjustments to take part in the selection process, if there are necessary requirements of the job that cannot be met with reasonable adjustments or if NAWA is using ‘positive action’ to recruit a disabled person.
  4. NAWA is permitted within the legislation to choose a candidate who has a protected characteristic over one who does not if both candidates are suitable for the job and if NAWA believes that people with that characteristic are underrepresented in NAWA or the profession or industry or suffer a disadvantage connected to that characteristic. NAWA may only do this if it is trying to address an under-representation or disadvantage of that particular characteristic and decisions will be taken on a case by case basis. NAWA cannot choose a candidate who is not suitable for the job just because they have a protected characteristic. Where a disabled person and a non-disabled person both meet the job requirements, NAWA is entitled to treat the disabled person more favourably.

# Terms of Employment, Benefits and Facilities

* 1. All terms and conditions of employment, benefits and facilities will be reviewed regularly to ensure that they are available to all eligible employees and that there is no unlawful discrimination on the grounds of a protected characteristic.
  2. Information provided to NAWA in relation to this policy will be treated as strictly confidential and will not be discussed with external parties without the permission of the individual concerned. NAWA will comply with the requirements of the GDPR and relevant data protection legislation in this regard.
  3. NAWA will ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.
  4. NAWA will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

# Disability Discrimination

* 1. If an employee is disabled or becomes disabled during their employment with NAWA, they are encouraged to tell their line manager about their condition so that NAWA can support them as appropriate.
  2. If an employee experiences difficulties during their employment because of their disability, they should contact their line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The line manager may wish to consult with the employee and their medical adviser(s) about possible adjustments and NAWA will consider the matter carefully and try to accommodate the employee’s needs within reason. If NAWA considers a particular adjustment would not be reasonable the reasons will be shared with the employee and NAWA will try to find an alternative solution where possible.
  3. The Chief Executive will ensure that the physical features of NAWA’s premises are monitored to determine whether disabled employees, service users or job applicants using the premises are placed at a substantial disadvantage compared to other employees. Where reasonable, NAWA will take steps to improve access for disabled employees and service users.

# Gender Reassignment

* 1. While persons undergoing gender reassignment, are protected from discrimination, the posts in NAWA are open to female applicants only as being female is deemed to be a genuine occupational requirement under Schedule 9, Paragraph 1 of the Equality Act 2010.
  2. All employees of NAWA are female on the basis of the genuine occupational requirement noted in clause 10.1 above and any gender reassignment which resulted in an employee not being able to meet that genuine occupational requirement would permit NAWA to terminate the employee’s contract of employment on that basis.

# Equal Pay

* 1. While NAWA is committed to equal pay in employment, equal pay for like work, work rated as equivalent and work of equal value, it recognises that given that all employees are female and that all employees undertaking equal or equivalent work will also be female, that equal pay legislation is unlikely to be an issue.

# Reporting Complaints

* 1. All allegations of discrimination will be dealt with seriously, confidentially and speedily. NAWA will not ignore or treat lightly grievances or complaints of discrimination on the grounds of protected characteristics within the workplace.
  2. If an employee wishes to make a complaint of discrimination they can either take out a grievance or follow the steps below. Applicants for jobs within NAWA who believe they have been discriminated against should follow the steps outlined below in respect of employees:
  3. The employee should report their complaint to their line manager. If they do not wish to speak to their line manager, they can instead speak to the Chief Officer or, where appropriate, an appropriate Trustee. A job applicant should write directly to the Chief Officer.
  4. The employee should report their complaint promptly so that their complaint may be investigated and any action required as a result of that investigation is taken without undue delay.
  5. All allegations of discrimination will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, the employee will be interviewed and asked to provide a written witness statement setting out the nature and details of the incident or complaint and the basis for it.
  6. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, NAWA must be able to determine the scope of the investigation and the individuals who should be informed of, or interviewed about, the allegation. NAWA reserves the right to arrange for another manager to conduct the investigation other than the manager with whom the employee raised the matter.
  7. The employee will be invited to attend at least one meeting at a reasonable time and place at which their complaint can be discussed. The employee should take all reasonable steps to attend that meeting and they have the right to be accompanied by either a trade union official or a fellow employee of their choice.
  8. Once the investigation has been completed, and after the meeting with the employee has taken place, they will be informed in writing of the outcome and NAWA’s conclusions and decision as soon as possible. They will also be notified in writing of their right to appeal against NAWA’s decision if they are not satisfied with it. NAWA is committed to taking appropriate action with respect to all complaints of discrimination that are upheld.
  9. If an employee wishes to appeal against NAWA’s decision, they must do so in writing within five working days of NAWA’s decision. On receipt of an appeal, a more senior manager (who may not be the person to whom the employee addressed their appeal) shall make arrangements to hear the appeal at an appeal meeting. At that meeting, the employee may again, if they wish, be accompanied by either a trade union official or a fellow employee of their choice. The employee should take all reasonable steps to attend the appeal meeting. Following the meeting, the employee will be informed in writing of NAWA’s final decision on their appeal.
  10. Employees will not be penalised for raising a complaint of discrimination, even if it is not upheld unless the complaint was both untrue and made in bad faith.

# Penalties

* 1. Any employee who is found to have discriminated against another employee in violation of this policy will be subject to disciplinary action under NAWA’s disciplinary procedure. Such behavior may be treated as gross misconduct and could render the employee liable to summary dismissal.

# Monitoring and Review of The Policy

* 1. NAWA will seek to establish monitoring, reviewing and record-keeping systems to ensure effective implementation and development of this policy as necessary. Reports on monitoring and action taken will be submitted regularly to NAWA’s Board of Trustees.
  2. The Chief Officer will be responsible for the monitoring and review of this policy and will ensure that it remains legally compliant and continues to meet the needs and aspirations of NAWA and its employees.