

**Equality and Diversity Policy**

**Underlying Principle**

SWAN recognises that everyone is different and has something unique to offer.

SWAN wants to respect and understand these differences and to make the most of everyone’s talents.

**SWAN’s Commitment**

SWAN is committed to promoting equality and diversity across all areas.

This commitment is relevant to all we do, how we manage ourselves, how we deliver our services and who we work with.

Supporting principles to reflect our commitment to and the promotion of equality and diversity:

* Our priority is to meet customer need and ensure that all our services and activities are fair, inclusive and accessible
* We are proud of our staff, respect their views and invest in supporting them to meet their potential
* SWAN seeks to employ a workforce that reflects the diverse community at large because SWAN values the individual contribution of people.
* At all times we are all accountable for our performance and promotion of equality and diversity
* We are one organisation, no matter where we are based or what job we do
* We recognise and act upon our legal responsibilities under the Equality Act 2010

**Equality and Diversity Policy**

The policy covers everyone who has contact with SWAN including employees, volunteers including trustees, commissioners, service users, partners, clients, students, visitors, contractors, sub-contractors and suppliers.

The policy ensures that SWAN complies with all laws and directives relevant under the Equality Act 2010 and these procedures are in place to clarify and support this intention.

The policy ensures that staff and volunteers have an understanding of the Equality Act, their role in its implementation, our expectations of this and systems of monitoring and review. This will ensure that awareness is raised, good practice is identified, there is a process to address issues and a culture of equal opportunities is embedded in all aspects of the work of the organisation.

Ultimately, the aim of the policy is to encourage harmony and respect amongst individuals so that everyone has the right to be treated fairly, with dignity and respect.

**Definitions of Equality and Diversity**

**Diversity** is about understanding, recognising, respecting and valuing differences.

**Equality** is about managing differences so that everyone has equality of opportunity through a fair and consistent approach to the application of rules, policies and procedures. We recognise that sometimes this will mean treating people differently.

**Responsibilities**

1. The Board of Trustees have responsibility to ensure that the organisation meets its legal and moral obligations under the Equality Act 2010
2. The Chief Executive has overall responsibility for overseeing, communicating, implementing, managing, monitoring and review of this policy.
3. Day-to-day responsibility rests with the Counselling and Wellbeing Manager to ensure that this policy is implemented and communicated to staff and volunteers
4. The policy covers everyone who has contact with SWAN including employees, volunteers including trustees, commissioners, service users, partners, clients, students, visitors, contractors, sub-contractors and suppliers.

**Summary Position Statement**

SWAN will take a zero tolerance position in respect of any discrimination under the Nine Protected Characteristics of the Equality Act 2010, these are:

* Age,
* Race,
* Sex,
* Gender Reassignment,
* Disability,
* Sexual Orientation,
* Religion or Belief,
* Pregnancy or Maternity
* Civil Partnership or Marriage

SWAN will also ensure people are not discriminated against because of working patterns or trade union membership or in any other areas that may impact upon disadvantaged people outside of the nine protected characteristics, nor will we tolerate harassment or bullying on these or any other grounds. These provisions will be reflected in all aspects of the work of this organisation.

**Equality and Diversity – Putting it into Practice**

SWAN recognises its legal obligations including those under the Equality Act 2010. The Equality Act 2010 protects the rights of individuals and advances equality of opportunity for all; updates, simplifies and strengthens the previous legislation; delivers a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

We believe that all people should be treated with dignity and respect. We will take steps to ensure we create a culture that promotes equal opportunities and celebrates diversity.

All employees and volunteers should be treated with dignity and respect. SWAN will use its best endeavours to provide a working environment free from unlawful discrimination under the Equality Act 2010.

SWAN takes a zero tolerance approach to any form of discrimination. Any employee who believes that they may have been subjected to treatment of discrimination or who has seen evidence of this being applied should report this to their Manager in the first instance. Breaches of the policy will then be raised through the grievance procedure. All instances will be fully investigated.

**Recruitment and Selection**

SWAN undertakes to review periodically its recruitment and selection criteria and procedures to maintain a system where individuals are selected, promoted and treated solely on the basis of their merits and abilities and to ensure that the recruitment process is fair. As part of the recruitment process SWAN does include an Equal Opportunities Monitoring Form. The information gathered from this is solely used for monitoring purposes.

SWAN undertakes to distribute and publicise this policy to all Trustees, employees, volunteers and elsewhere from time to time as appropriate.

SWAN will monitor the people working for and accessing the services it provides. Where there is a group of people who are under-represented in this, SWAN will take steps to ensure that action is taken to rectify the position to one where all groups have equal access to the service. This is reflected in the recruitment procedure.

Training will be given to all employees of SWAN to overcome discrimination of any description. Training will be reviewed in line with The Training Policy. The Equal Opportunities Policy will be highlighted during the Induction Process for new starters to raise awareness of their responsibilities towards the promotion of equal opportunities and valuing of diversity within the workplace.

SWAN will endeavour to ensure that all employees are equipped with the expertise to take account of the different and special needs of particular groups and therefore make provision for those needs. It is the belief of SWAN that everyone should have the opportunity to reach their full potential.

SWAN will also make every effort to ensure that any materials or methods we use do not unfairly discriminate against any particular group or individual.

SWAN will carry out continued monitoring of services to ensure no one is treated less favourably than another and that access to information and services are non-discriminatory, fair, and fully accessible.

**Useful Definitions of Discrimination**

**Direct Discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

**Associative Discrimination**

Already applies to race, religion or belief and sexual orientation. Now extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

**Perceptive Discrimination**

Already applies to age, race, religion or belief and sexual orientation it is now extended to cover disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

**Indirect Discrimination**

Already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership it is now extended to cover disability and gender reassignment.

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is ‘a proportionate means of achieving a legitimate aim’. A *legitimate aim* might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

Being proportionate really means being fair and reasonable, including showing that you’ve looked at ‘less discriminatory’ alternatives to any decision you make.

**Harassment**

Harassment is ***“unwanted conduct related to a relevant protected***

***characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.***

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves.

Employees are also protected from harassment because of perception and association.

**Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

**Positive Action**

As with previous equality legislation, the Equality Act allows you to take positive action if you think that employees or job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.

**Managing Complaints of Discrimination**

All complaints of Discrimination should be raised immediately with the Line Manager or Co-ordinator of the service. The complaint will then be managed initially through SWAN’s Grievance Procedure. In certain cases a colleague may be suspended on full pay whilst an investigation is carried out. A copy of the Grievance Procedure may be found in the Colleague Handbook.

SWAN will not tolerate acts which breach this policy and all instances of such behaviour or alleged behaviour will be taken seriously, fully investigated and may be subject to SWAN’s disciplinary procedures.

Equally, an allegation of Discrimination must not be made lightly. If it is found that an allegation of Discrimination has been made without foundation and maliciously then this may also be regarded as gross misconduct for disciplinary purposes.

This policy has been reviewed and updated following the changes under the Equality Act 2010.

Updated June 2019 and will be reviewed May 2021 or in line with new legislation.