

SMS FOUNDATION UK
Supporting SMS families for a positive future

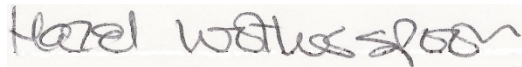
Equality, Diversity & Inclusion Policy

Document Version Number: 1

Document Location: CloudStorage/OneDrive-SharedLibraries-Smith-MagenisSyndromeFoundation/12. Policy Procedures and Forms - Documents/General/12.4 Policies/12.4.2 Safeguarding Policy/Safeguarding Policy and Procedure 2023.docx

Approved by Board of Trustees on: 27/07/2023

Chairperson:



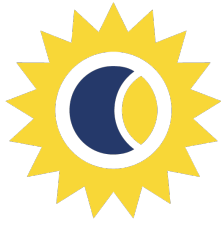
Last Reviewed: Natasha Craven – Research and Sector Engagement Manager

01/07/2023

Review Schedule: Every year

Next Review Due: 27/07/2024

Policy Written By: Natasha Craven



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Policy Scope and Statement

The Smith-Magenis Syndrome (SMS) Foundation UK is committed to encouraging equality, diversity and inclusion among our workforce, and eliminating unlawful discrimination.

The aim is for our workforce to be truly representative of all sections of society and our customers, and for each employee to feel respected and able to give their best.

The organisation - in providing goods and/or services and/or facilities - is also committed against unlawful discrimination of customers or the public.

Policy Purpose

This policy's purpose is to:

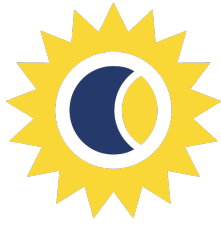
1. Provide equality, fairness and respect for all in our employment, whether temporary, part-time or full-time

2. Not unlawfully discriminate because of the Equality Act 2010 protected characteristics of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (including colour, nationality, and ethnic or national origin)
- religion or belief
- sex
- sexual orientation

3. Oppose and avoid all forms of unlawful discrimination. This includes in:

- pay and benefits
- terms and conditions of employment
- dealing with grievances and discipline
- dismissal
- redundancy
- leave for parents
- requests for flexible working
- selection for employment, promotion, training or other developmental opportunities



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Our commitments

The organisation commits to:

1. Encourage equality, diversity and inclusion in the workplace as they are good practices and make business sense
2. Create a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff and volunteers are recognised and valued.

This commitment includes training managers and all other employees about their rights and responsibilities under the equality, diversity and inclusion policy. Responsibilities include staff and volunteers conducting themselves to help the organisation provide equal opportunities in employment, and prevent bullying, harassment, victimisation and unlawful discrimination.

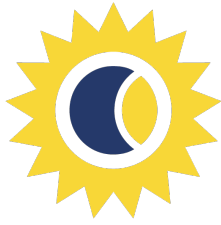
All staff and volunteers should understand they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public

3. Take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, visitors, the public and any others in the course of the organisation's work activities.

Such acts will be dealt with as misconduct under the organisation's 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.

Further, sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence.

4. Make opportunities for training, development and progress available to all staff and volunteers, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation.
5. Make decisions concerning staff and volunteers being based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act).
6. Review employment practices and procedures when necessary to ensure fairness, and also update them and the policy to take account of changes in the law.



7. Monitor the make-up of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality, diversity and inclusion, and in meeting the aims and commitments set out in the equality, diversity and inclusion policy.

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.

Discrimination

Direct Discrimination is when you treat someone less favourably than others for unlawful means, for example not employing someone because of their gender or disability. The Smith-Magenis Syndrome (SMS) Foundation UK will treat direct discrimination as a disciplinary matter.

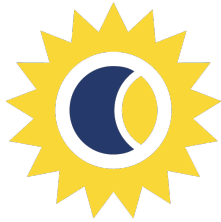
Indirect Discrimination is when a policy, practice or procedure that applies to everyone might disadvantage a particular group, and which cannot be justified in relation to the job. The Smith-Magenis Syndrome (SMS) Foundation UK will monitor and regularly review its policies, practices and procedures in order to ensure that they do not disadvantage any particular group.

Discrimination by association is direct discrimination against someone because they associate with another person who possesses one of the applicable protected characteristics (age, disability, gender reassignment, sex, race, religion or belief and sexual orientation). It is unlawful and The Smith-Magenis Syndrome (SMS) Foundation UK will treat it as a disciplinary manner.

Perception discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not possess that characteristic. It is unlawful and The Smith-Magenis Syndrome (SMS) Foundation UK will treat it as a disciplinary matter in relation to age, race, religion or belief, sexual orientation, disability, gender reassignment and sex

Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment. The Smith-Magenis Syndrome (SMS) Foundation UK will treat harassment as a disciplinary matter.

Victimisation is when you treat someone less favourably or discriminate against them because they have pursued or intend to pursue their rights relating to alleged discrimination. The Smith-Magenis Syndrome (SMS) Foundation UK will treat victimisation as a disciplinary matter.



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Positive discrimination is unlawful. Positive action to address imbalances in the workforce is allowed in particular circumstances. Examples would include setting equality targets (but *not* quotas which are unlawful); encouraging people from particular groups to apply where they are under-represented; training for promotion or skill training for employees from under-represented groups who show potential. The Smith-Magenis Syndrome (SMS) Foundation UK will use positive action to address imbalances that are apparent from monitoring data.

Legislation

You should be aware that whilst an employer can be held liable in law for acts of discrimination committed by employees, individual employees can also be held personally liable in law for acts of discrimination that they commit, authorise, contribute to or condone.

You should therefore be aware that the following acts are unlawful and would constitute misconduct or gross misconduct liable to disciplinary action, which may include summary dismissal:

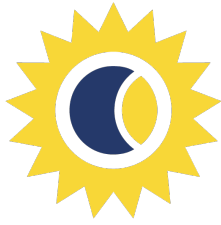
- Discriminating in the course of employment or prospective employment against fellow or future employees in job, transfer or promotion applications on the grounds established in this Equality Policy
- Inducing or attempting to induce employees to practise unlawful discrimination
- Indulging in verbal or physical, sexual or racial harassment of a nature that is known, or should be known, to be offensive to the victim
- Victimising individuals who have made allegations or complaints of any discrimination or harassment or provided information about such discrimination or harassment

Every employee is responsible for ensuring *The Smith-Magenis Syndrome (SMS) Foundation UK* Equality Policy is applied to our dealings with our clients and suppliers and should, in addition, be aware that it is unlawful to commit, authorise, contribute to or condone acts of discrimination on the grounds of a protected characteristic (i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation), in the provision of goods and services. Breaches of the policy by suppliers could result in termination of contracts for services.

Full details of relevant legislation that The Smith-Magenis Syndrome (SMS) Foundation UK will apply can be found in *Appendix A*.

Implementation

The Programme's Lead is responsible for the policy's day-to-day implementation. Consultation will take place with all staff and volunteers about the implementation and development of this policy. The Smith-Magenis Syndrome (SMS) Foundation UK will collect



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monitoring information about the implementation of this policy and from this information will produce an action plan detailing how it will promote equality through its work.

To achieve a workforce that is truly representative of all sections of society selection for employment or promotion or any other benefit will be on the basis of merit and ability only. Selection for training will be on the basis of job requirements only. Intimidation, harassment and bullying will not be tolerated and may lead to disciplinary action.

If you perceive a problem in recruitment, selection, training, promotion or the application of terms and conditions of employment you should raise it in the first instance with your line manager or another appropriate manager.

All cases of such behaviour will be investigated and we will treat all complaints fairly, quickly and with confidentiality. Any grievance arising from the Equality Policy will be dealt with using the existing Grievance Procedure.

Any employee who has taken action, in good faith, over allegations of discrimination or harassment, will not be victimised by being treated any less favourably than any other employee as a consequence of taking such action. The Smith-Magenis Syndrome (SMS) Foundation UK will monitor the practical effects of the policy by regularly collecting and reviewing relevant information. You are expected to co-operate in work being undertaken to monitor, review and implement this policy.

We will use our induction, supervision, appraisal and learning and development policies to ensure that staff, trustees, and volunteers have the skills to support good practice on equality and diversity.

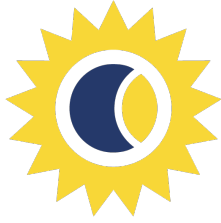
We will use the supervision and appraisal process to encourage staff and volunteers to make suggestions and contribute to the ways in which we promote equality as an organisation and with the users of our services.

We will ensure that venues that we use for meetings, workshops and training events are accessible and will make reasonable adjustments where necessary.

We will aim to ensure that our communications are accessible, including our web site. When necessary we will make specific provision, such as the engaging a British Sign Language interpreter, to ensure that our communication is accessible.

We will bring this policy to the attention of our trustees, staff, volunteers, suppliers and service users when they join The Smith-Magenis Syndrome (SMS) Foundation UK and by making use of our communications.

We will monitor the use of our services and make use of this monitoring information when planning future developments.



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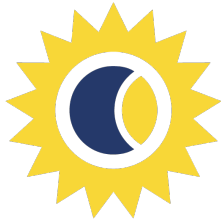
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Review

The Trustee Board will keep this policy under review, with input from the Management Team, staff, and volunteers. This review and our action plan will be included as part of our annual Business Plan.

Evaluation and Monitoring

1. All staff and volunteers will be given a copy of the policy when they join The Smith-Magenis Syndrome (SMS) Foundation UK and will sign the confidentiality statement confirming that they will abide by this policy.
2. The policy will be reviewed in response to changes in relevant legislation, contractual arrangements, good practice or in response to an identified failing in its effectiveness.



Appendix A

In its employment practices and service provision The Smith-Magenis Syndrome (SMS) Foundation UK will take full account of the following legislation:

The Equality Act 2010

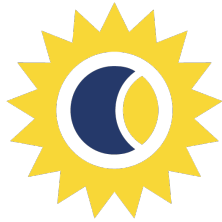
- Consolidates previous legislation. It is unlawful to treat somebody less favourably than another person because of a protected characteristic i.e. race; age; disability; gender reassignment; religion or belief; sex; sexual orientation; marriage and civil partnership; and pregnancy and maternity
- It is unlawful to discriminate against somebody because they associate with another person on grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation
- It is unlawful to discriminate against somebody because others think they possess one of these protected characteristics: Age, disability, gender reassignment, race, religion or belief, sex, sexual orientation
- It is unlawful to have a rule or policy that applies to everyone but disadvantages people with the following protected characteristics: Age, disability, gender reassignment, race, religion or belief, sex, sexual orientation; marriage and civil partnership
- Employees can complain about behaviour that they find offensive even if it is not directed at them on the basis of the following protected characteristics: Age, disability, gender reassignment, race, religion or belief, sex, sexual orientation
- Employers are potentially liable for harassment of their staff by people they don't employ on the basis of the following protected characteristics: Age, disability, gender reassignment, race, religion or belief, sex, sexual orientation
- It is unlawful to treat somebody badly (victimisation) because they have made or supported a complaint or grievance under the Act (applies to all protected characteristics)

Rehabilitation of Offenders Act 1974

Ex-offenders have certain employment rights if their convictions become 'spent', including not having to declare spent convictions and protecting them against dismissal or exclusion (with certain exceptions such as for those working with children).

Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000

The regulations aim to ensure that part-time workers are not treated less favourably than comparable full-time workers, including having the same rates of pay and pro rata holiday entitlement.



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Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002

The regulations aim to ensure that employees on fixed-term contracts are treated no less favourably than comparable permanent employees, including having the same terms and conditions of employment.

The Asylum and Immigration Act 1996

This places a responsibility on employers to ensure that all employees are not in breach of immigration rules. It covers the checks that an employer must do to ensure that employees are eligible to work in the UK, checking passports, visas etc.

Our disciplinary and grievance procedures

Details of the organisation's grievance and disciplinary policies and procedures can be found within the Greivance and Disciplinary Policies respectively. This includes with whom an employee should raise a grievance – usually their line manager.

Use of the organisation's 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.