



Trident Group



a beacon of hope

# Equality and Diversity and Human Rights Policy and Procedure

Department: People and Resources

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## 1. Policy Statement

Trident Group (the organisation) will endeavour to ensure that everyone is treated with dignity and respect at work. Employees, potential employees and customers will not receive less favourable treatment or consideration on the grounds of the following protected characteristics; race (which includes colour, nationality, ethnic or national origin), disability, sex and sexual orientation, gender reassignment, marital or civil partnership status or caring responsibility, pregnancy and maternity, sexual orientation, age, physical, sensory or learning disability, mental health, political or religious beliefs, class, HIV status, employment status, unrelated criminal convictions, union activities.

## 2. Policy Purpose

The purpose of this policy is to:

- Ensure all individuals are treated fairly and without bias, particularly in terms of recruitment, selection, training, promotion and career management.
- Create an inclusive work environment that respects individuals' qualities/differences, extending beyond matters of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race (which includes colour, nationality, ethnic or national origin); religion or belief; sex; and sexual orientation. Diversity management naturally grows out of equal opportunities compliance.
- Attract and retain good quality employees and to develop their talents and skills, thereby contributing to the success of the organisation.

## 3. Scope of Policy

This policy will apply to all Trident employees, including permanent and fixed term contractors, whether contracted on a full time or part time basis.

## 4. Responsibilities

The organisation has a legal obligation to ensure that it and its employees do not discriminate. It is essential to note that while Trident may be held liable in the eyes of the law for an act of discrimination, the individual committing the act may be liable for personal prosecution.

### The Executive Team

The Executive Team is responsible for:

- The elimination of unlawful discrimination and the promotion of equality and diversity throughout the organisation, including their respective business units.

### Managers

Every Manager is responsible for:

- Role modelling and promoting equality and diversity in their business unit.
- Ensuring all employees within their department are aware of their rights and obligations and that they receive the appropriate equality and diversity training and information.

## **Employees**

It is the responsibility of every employee to:

- Ensure that they do not initiate or take part in any unlawful discrimination, harassment, including sexual harassment or bullying.
- Understand the policy, the key feature of equal opportunities legislation and the organisation's commitment to diversity in the workplace.

## **Human Resources (HR)**

HR is responsible for:

- Advising on the organisation's policy and procedure as appropriate.
- Ensuring training is provided to all employees with line management responsibility.
- Ensuring the policy accurately reflects current employment legislation.

## **5. Types of Discrimination**

### **Direct discrimination**

This occurs when a person treats another person less favourably than they would treat others, because of a protected characteristic, i.e. age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race (which includes colour, nationality, ethnic or national origin); religion or belief; sex; and sexual orientation.

### *Association and Perception*

The definition of direct discrimination also covers a situation where someone is treated less favourably than another person because they are thought to have a protected characteristic (discrimination by perception) or because they associate with someone who has a protected characteristic (discrimination by association).

### *Dual Discrimination*

The category of dual discrimination, allows claims of discrimination to be brought in relation to a combination of two protected characteristics. Dual discrimination claims can only be brought in relation to direct discrimination.

Direct discrimination is not justified even when the motive is full of best intentions.

### **Indirect Discrimination**

This occurs when a requirement or condition, rule, policy or even practice applies to everyone, but has an unequal effect on one particular group who share protected characteristics when compared to another. Indirect discrimination is not necessarily

deliberate. Sometimes it occurs because of long standing habits which have never been questioned.

#### Discrimination arising from disability

This occurs when a disabled person is treated unfavourably because of something connected with their disability (i.e. not because of the disability itself). Note: for this there is no need to compare the disabled person's treatment with that of somebody who does not have a disability, or has a different disability. However, if it can be justified, or if the service provider can show it did not know, or could not reasonably be expected to know, that the person was disabled, it is not unlawful.

#### Harassment, including sexual harassment

It is defined as 'unwanted conduct related to a relevant protected characteristic (age, disability, gender reassignment, race, religion or belief, sex and sexual orientation, 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.'

- Victimisation is an act of treating a person less favourably than another on the grounds that they have:
  - brought proceedings under the Equality Act 2010, or
  - given evidence or information in connection with such proceedings, or
  - done anything under or by reference to the Equality Act 2010 in relation to the discriminator or any person, or
  - alleged that the discriminator or any other person has committed an act which would amount to a contravention of the Equality Act 2010.

or, if the discriminator knows that the person victimised intends to do any of the above.

### **6. Recruitment and Promotion**

- Job vacancies are open to all applicants and everyone is given equal consideration.
- All internal candidates applying for promotion or secondment are given equal consideration.
- No one is unfairly discriminated against at any stage of recruitment on the grounds of the following protected characteristics age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race (which includes colour, nationality, ethnic or national origin); religion or belief; sex; and sexual orientation.
- Efforts are made to ensure that the balance of the workforce recruited reflects that of the local community from which it is drawn.

### **7. Selection**

- The criteria for selection is determined solely on the basis of the requirements for the job.

- Selection decisions will not be based on assumption or unfair prejudices.
- At interview, no unnecessary or irrelevant questions are to be asked about personal or domestic circumstances and/or plans, disability, race, colour, religious belief, nationality, ethnic origin, sex, marital status, sexual orientation gender reassignment, pregnancy and maternity or age.
- Selection processes will accommodate disabled applicants to enable them to compare on a like for like basis with a non-disabled applicant.
- The organisation will make any reasonable arrangements to allow a disabled applicant to attend a job interview.
- The organisation will consider implementing reasonable adjustments to the working environment to enable a disabled person to consider a particular opportunity.
- Any tests used will be free from any unjustifiable bias, either in the content or in the scoring mechanism, and will be relevant to the job being applied for.
- If medical information is required, this will be obtained for all applicants (disabled and non-disabled) only after the selection process has been completed. Pre-employment medical questionnaires must not be used.

## **8. Training and Development**

- The organisation will provide the training required to implement this policy.
- Employees will have equal access to training and development opportunities regardless of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race (which includes colour, nationality, ethnic or national origin); religion or belief; sex; and sexual orientation.
- Training and development opportunities are open to all employees.
- The organisation's Equality training course complies with this policy.
- For more detailed guidance, the employees are advised to refer to the Learning and Development Policy and Procedure.

## 9. Terms and Conditions of Employment

- All employees are to be treated without bias with respect to pay and other conditions of employment.
- Where salary reviews and performance appraisals are carried out, they will be conducted for all regardless of disability, age; gender reassignment; marriage and civil partnership; pregnancy and maternity; race (which includes colour, nationality, ethnic or national origin); religion or belief; sex; and sexual orientation.

## Termination of Employment

- The organisation will only terminate an employee's position on sound, justifiable grounds. Any decision taken to dismiss an employee will not be due to their age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race (which includes colour, nationality, ethnic or national origin); religion or belief; sex; and sexual orientation.
- There may be occasions when it becomes necessary to dismiss an employee on the grounds of incapability due to ill health. The ill health may be linked to a disability, but no dismissal will take place before exploring all reasonable alternatives/adjustments.
- Dismissal and redundancy selections are not made on the basis of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race (which includes colour, nationality, ethnic or national origin); religion or belief; sex; and sexual orientation or trade union activity.

## 10. Succession Planning

- Trident strives to develop and train people from within the organisation who understand the organisation and its culture. Its aim is to develop potential successors into roles that meet the needs of the organisation and the aspirations of the individual. It strives to balance the expectations of the employees and those of the business, developing a succession planning strategy to meet both expectations. Each manager is responsible for developing a succession strategy to meet the current and future needs of the organisation, the individual, the external environment and its stakeholders. Due consideration will be given at all times to the organisation's recruitment and selection policy and procedures when recruiting for any post ensuring the equality ethos of the organisation is followed at all times.

## 11. Flexible Working

- Trident will consider any application made by an eligible employee to request flexible working in the form of job sharing, part time working, annualised hours, compressed hours, term time working, and home working in line with the needs of the business.

- For more detailed guidance, employees are advised to refer to the Flexible Working Policy and Procedure.

## 12. Dealing with Complaints of Discrimination:

- Trident recognises the sensitive nature of complaints of discrimination and any investigations will be sensitively handled in confidence with only necessary parties being involved.
- Complaints will be investigated promptly and objectively.
- Trident reserves the right to place on precautionary leave either party or both, on full pay, pending investigation. Being placed on precautionary leave itself does not indicate any guilt on the part of the alleged discriminator or that the complaint is not genuine.
- Following an investigation it may be necessary to refer to Trident's Disciplinary Policy and Procedure. Discrimination is regarded as a serious breach of the organisation's policy and in some cases may be regarded as gross misconduct resulting in summary dismissal.
- The making of false or malicious complaints of discrimination will in itself be regarded as serious and may be referred to the organisation's Disciplinary Policy and Procedure.

## 13. Informal:

- All efforts will be made to resolve any complaint of discrimination informally. The complainant should make it clear to the alleged discriminator(s) that the behaviour is unacceptable to them and must stop. If unable to do this verbally, the complainant may write a note to the alleged discriminator(s) or may wish to involve a third party who could act on their behalf. This could be a member of Employee Forum, a work colleague, line manager or another appropriate manager.
- It may be that the alleged discriminator(s) is unaware that their behaviour/language causes offence and an informal approach could resolve the situation immediately. If the situation is not resolved to the satisfaction of the complainant then a more formal procedure may be necessary.
- It may be that the complainant of discrimination does not want the situation to be investigated. Trident owes a duty of care to provide a safe place and methods of working and if the complaint is sufficiently serious the organisation may be obliged to investigate it further.

## 14. Formal:

- Where an informal resolution is not possible, or where serious discrimination occurs, employees are advised to bring a formal complaint. The formal complaint must be made in writing and where possible state:





- the name of the alleged discriminator(s);
  - the nature of the alleged discrimination;
  - dates and times when alleged discrimination occurred;
  - names of witnesses to any incidents of alleged discrimination;
  - any action already taken by the complainant to stop the alleged discrimination.
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- The complaint must be sent in confidence to the complainant's line manager, who will seek advice and assistance from HR. If the alleged discriminator is the complainant's line manager, the complaint must be sent to the line manager's manager, who will seek advice and assistance from HR.
  - Upon receipt of the complaint it will be determined whether the complainant and the alleged discriminator(s) should be separated. This may involve a temporary transfer, usually of the alleged discriminator(s), to another department or location. However, the organisation reserves the right to place on precautionary leave either party or both, on full pay, pending investigation. Being placed on precautionary leave itself does not indicate any guilt on the part of the alleged discriminator(s) or that the complaint is not genuine.
  - At this time, both the complainant and the alleged discriminator should be offered counselling support.
  - The relevant line manager will carry out a thorough investigation as quickly as possible, maintaining confidentiality at all times. All employees involved in the investigation are expected to respect the need for confidentiality. Failure to do so in itself may be referred to the organisation's Disciplinary Policy and Procedure.
  - During the investigation, statements will be obtained from relevant parties/witnesses and will be made available to both the complainant and the alleged discriminator where appropriate.
  - The employee has no statutory right to be accompanied by an Employee Forum (EF) representative, work colleague or a Trade Union official during an investigatory meeting.
  - The investigation will result in one of the following options:
    - not to uphold the complaint, with the reasons for that decision;
    - uphold the complaint and take non-disciplinary action;
    - uphold the complaint and take formal disciplinary action, in accordance with the organisation's Disciplinary Policy and Procedure.
  - The outcome of the investigation will be communicated in writing to both parties within seven (7) calendar days of the decision being taken.

- If either party disagrees with the result of the investigation, an appeal should be made. Please refer to the Appeals Policy and Procedure.
- An employee who brings a genuine complaint of discrimination will not suffer any detriment/victimisation for having brought the complaint. If this does occur the individual(s) responsible will be subject to disciplinary action.

## 15. References

Attendance Management Policy  
Appeals Policy and Procedure  
Bullying and Harassment Policy  
Code of Conduct  
Internal Communication Policy  
Discipline Policy  
Gender Reassignment Policy  
Grievance Policy  
Recruitment and Selection Policy  
Religion and Belief Policy  
Sexual Orientation Policy  
Learning and Development Policy  
Flexible Working Policy

## 16. Legal

Employment Relations Act  
Employment Rights Act  
Fixed Term Employees (Prevention of less favourable treatment) Regulations  
Human Rights Act  
National Minimum Wage Act  
Part Time Employees (Prevention of less favourable treatment) Regulations  
Protection from Harassment Act  
Transfer of Undertakings (Protection of Employment) Regulations  
Equality Act 2010

## 17. Monitoring and Review

HR will be responsible for the monitoring and periodic review of the Equality and Diversity/Human Rights Policy and Procedure to ensure the requirements of the policy are being met. Employees can suggest amendments to this policy and procedure at any time, and can do so via the HR team, or Employee Forum.