



Diversity, Equity and Inclusion Policy

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Date of Update	Sections Updated
13/12/24	Direct replacement of Equal Opportunities Policy (now obsolete)

1. Our Commitments

- 1.1** MSA Trust is committed to promoting equal opportunities in employment and creating a workplace culture in which diversity and inclusion is valued and everyone is treated with dignity and respect regardless of age, disability, gender reassignment, marriage or civil partnership status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex, or sexual orientation (**Protected Characteristics**).

We are committed to promoting equality of opportunity for all staff and job applicants and aim to create a working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and in which all decisions are only based on merit.

- 1.2** We will take all reasonable steps to:

- a) Promote awareness and provide training to all staff and all managers on all aspects of equality and diversity in the workplace.
- b) Apply the principles of equity to all staff and all job applicants so that there is equality of opportunity. Our aim is that no individual is denied employment opportunities for reasons unrelated to ability.
- c) Ensure the diversity of candidates at all career stages beginning with recruitment, including the development and promotion of talent through to the appointment of senior leadership.
- d) Implement all internal policies and procedures on a fair and impartial basis.
- e) Create an inclusive working environment that is sensitive to the needs of staff of differing cultures, religions, and beliefs. For example, in connection with festivals, religious observance and dress.
- f) Create an inclusive working environment that is sensitive to, considers and accommodates where possible the domestic responsibilities of employees.
- g) Make reasonable adjustments to enable employees with disabilities to work effectively and to their full potential.
- h) Ensure that all work environments are free from all forms of discrimination, harassment, intimidation, or bullying.
- i) Monitor how this policy is working in practice and report on DEI annually.

2. Scope and Purpose of the Policy

- 2.1.** The purpose of this policy is to set out our approach to diversity, equity, and inclusion. Our aim is to encourage and support diversity, equity and inclusion and actively promote a culture that values difference and eliminates discrimination in our workplace.
- 2.2.** This policy applies to all aspects of our relationship with staff and to relations between staff members at all levels. The policy applies to all aspects of employment with us, including recruitment, pay, benefits and conditions, flexible working and leave, training,

appraisals, promotion, conduct at work, disciplinary and grievance procedures, and termination of employment.

3. All staff have a duty to act in accordance with this policy, to always treat colleagues with dignity, and to not discriminate against or harass other members of staff, regardless of their status. Your attention is drawn to our separate Anti-harassment and bullying policy and the MSA Trust Code of Conduct.
- 2.3. The principles of non-discrimination and equality of opportunity also apply to the way in which staff should treat members, volunteers, suppliers, and former staff members and in how we expect these individuals in turn treat our staff.
- 2.4. This policy is non-contractual in its effect and does not form part of normal terms and conditions of employment, unless otherwise stated in your contract of employment.

4. **Equal Opportunities Training**

- 4.1 Managers will be given appropriate training on recognising and avoiding discrimination, harassment, victimisation, unconscious bias and on promoting equality of opportunity and diversity in the areas of recruitment, development, and promotion. If you are involved in management or recruitment, or if you have any questions about the content or application of this policy, you should contact the CEO.

5. **Forms Of Discrimination**

- 5.1 You must not unlawfully discriminate against or harass other people, including current and former staff, job applicants, members, volunteers, suppliers, and visitors. This applies in the workplace, outside the workplace (when dealing with customers, suppliers, or other work-related contacts or when wearing a work uniform), and on work-related trips or events including social events.
- 5.2 It is unlawful to discriminate against an individual in relation to, or because of, a Protected Characteristic (age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex, or sexual orientation).
- 5.3 The following forms of discrimination are prohibited under this policy and are unlawful:

- (a) **Direct discrimination:** occurs where someone is treated less favourably 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. Statements made outside an active recruitment process indicating an intention to purposefully limit opportunities for or avoid recruiting individuals with a particular protected characteristic generally, may also amount to direct discrimination regardless of whether a victim can be identified.

Direct discrimination can include associative discrimination, where a person is treated less favourably because of their association with an individual with a Protected Characteristic, and perception discrimination, where a person is treated less favourably because of the mistaken belief that they possess a Protected Characteristic.

- (b) **Indirect discrimination:** occurs where someone is disadvantaged by the application of a provision, criterion or practice (PCP) that cannot be objectively justified and puts others with the same Protected Characteristic at a

disadvantage. It may also occur where a PCP puts, or would put someone, at substantively the same disadvantage as a disadvantaged group, but they themselves do not share a Protected Characteristic with this group. For example, a requirement to work full time puts women at a particular disadvantage because they generally have greater childcare commitments than men, however a male employee with greater childcare responsibilities may still be disadvantaged by this PCP.

- (c) **Harassment:** occurs where someone is subjected to unwanted conduct that has the purpose or effect of violating their dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment also includes sexual harassment i.e., unwanted conduct of a sexual nature. Harassment is dealt with further in our Anti-harassment and Bullying Policy.
- (d) **Victimisation:** occurs where someone is subjected to detriment (i.e., less favourable treatment) because they have complained about, or have supported someone else's complaint about, discrimination or harassment. This also includes detriment in response to a mistaken belief that the victimised person has done this or due to a belief that they will do so in the future.
- (e) **Disability discrimination:** this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability. This is addressed further below.

6. Recruitment and Selection

- 6.1 Recruitment, promotion, and other selection exercises such as redundancy will be conducted on the basis of merit, against objective criteria where possible, that avoids discrimination.
- 6.2 We aim to ensure that no job applicant suffers discrimination because of any Protected Characteristics. Our recruitment procedures are reviewed regularly to ensure that individuals are treated based on their relevant merits and abilities only. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate. When recruiting or promoting we aim to take steps to improve the diversity of our workforce.
- 6.3 We take steps to ensure that our vacancies are advertised to a diverse labour market. Where appropriate, the CEO may approve the use of lawful exemptions to recruit someone with a particular Protected Characteristic, for example, where the job can only be done by a woman. The advertisement should specify the exemption that applies. Unless an exception applies, job advertisements should avoid stereotyping or using wording that may discourage particular groups from applying.
- 6.4 Job applicants should not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic (i.e., any matters concerning age, race, religion or belief, sexual orientation, or gender reassignment) without approval from the CEO (who should first consider whether such matters are relevant and may lawfully be considered). For example, applicants should not be asked about past or current pregnancy, or their future intentions related to pregnancy.
- 6.5 Applicants should not be asked about health or disability before a job offer is made. There are limited exceptions which should only be used with the approval of CEO. For example:

- a) Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
- b) Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.
- c) Positive action to recruit disabled persons.
- d) Equal opportunities monitoring (which will not form part of the decision-making process).

6.6 We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective staff, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from the UK Border Agency.

6.7 During the recruitment and selection process, MSA Trust use a reputable online recruitment agency, who anonymise the applications, so there is no possibility of determining, either race or gender from the c.v.'s submitted. Identification is only given after shortlisting.

7. Staff Training and Promotion and Conditions of Service

7.1 Staff training needs will be identified through regular staff appraisals. All staff will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made entirely on merit and will not be made on the basis of Protected Characteristics.

7.2 Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all staff who should have access to them and that there are no unlawful obstacles to accessing them.

8. Termination of Employment

8.1 We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

8.2 We will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal, or other disciplinary action.

9. Disability Discrimination

9.1 If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

9.2 If you experience difficulties at work because of your disability, you may wish to contact your line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager may wish to consult with you and your medical adviser(s) about possible adjustments. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable, we will explain our reasons and try to find an alternative solution where possible.

- 9.3** We will monitor the physical features of our premises to consider whether they place disabled workers, job applicants or service users at a substantial disadvantage compared to other staff. Where reasonable, we will take steps to improve access for disabled staff and service users.

10. Fixed-Term Employees and Agency Workers

- 10.1** Fixed-term staff and agency workers should be treated the same as comparable permanent staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate) unless different treatment is justified.
- 10.2** We monitor our use of fixed-term employees and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion, and permanent employment opportunities. We will, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

11. Part Time Workers

- 11.1** Part-time staff should be treated the same as comparable full-time staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate) unless different treatment is justified.
- 11.2** We monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. We will ensure requests to alter working hours are dealt with appropriately under our Flexible Working Policy.

12. Breaches of the Policy

- 12.1** If you believe that you have suffered harassment, bullying or discrimination, or witnessed it happening to someone else at work, you are encouraged to raise the matter using the procedure set out in our Grievance Procedure and Anti-Harassment and Bullying Policy. If you are uncertain which applies or need advice on how to proceed, you should speak to your line manager.
- 12.2** Any allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. All allegations must be made in good faith. Making an allegation in bad faith, or that you know to be untrue, will be treated as misconduct and dealt with under our Disciplinary Procedure.
- 12.3** There must be no victimisation i.e., retaliation, against staff who in good faith complain about or report discrimination, harassment, or bullying. If you believe you have been victimised for making a complaint or report of discrimination or have witnessed it happening to someone else in the workplace, you should raise this through our Grievance Procedure.
- 12.4** We take a strict approach to breaches of this policy. Any member of staff who is found to have committed an act of discrimination or harassment will be subject to disciplinary action in accordance with our Disciplinary Procedure. Serious breaches of this policy may constitute gross misconduct and as such, may result in summary dismissal.

13. Related policies

13.1 This policy is supported by the following other policies and procedures:

- (a)** Anti-harassment and Bullying Policy.
- (b)** Grievance Policy.
- (c)** Disciplinary Policy.
- (d)** Flexible Working Policy.
- (e)** Family Leave Policies (Maternity, Paternity, Adoption and Shared Parental Leave Policies).
- (f)** Time Off for Dependants Policy.
- (g)** Homeworking Policy.
- (h)** Hybrid Working Policy.
- (i)** Social Media Policy.
- (j)** Information & Communications System Policy.
- (k)** MSA Trust Code of Conduct