

Position responsible: CEO

Approved by: ELT

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Related Documents	Recruitment Policy Dignity at Work Policy Grievance Policy Freedom to Speak Up Policy Directors Policy
Further information	Equality advisory and support service (EASS) Equality Act 2010

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1.0 Our commitment

- 1.1 Magpas Air Ambulance is committed to promoting equality, diversity, inclusion and a culture that actively values difference. We recognise that people from different backgrounds and experiences can bring valuable insights to the Charity and enhance the way we work. We aim to be an inclusive employer, where diversity is valued, respected and built upon, with the ability to recruit and retain a diverse workforce that reflects the communities it serves, where everyone can be the best they can be, where they feel welcome and free from bias and discrimination.

2.0 Scope

- 2.1 This policy applies to employees, workers, agency workers, job applicants and volunteers. It also applies to the Trustee Board, Executive Leadership Team (ELT) and anyone who represents the Charity.
- 2.2 Any external contractors, third parties or sub-contractors providing services on the basis of a specification set by the Charity are also responsible for adhering to this policy.

3.0 Policy statement

- 3.1 Magpas Air Ambulance is an equal opportunities employer, operating in compliance with the Equality Act 2010, where no job applicant, employee, worker or volunteer will receive less favourable treatment in terms of direct or indirect discrimination, harassment or victimisation on the grounds of any of the 'protected characteristics'.
- 3.2 The Act introduced the term 'protected characteristics' which refers to aspects of a person's identity that make them who they are. In particular, the Act defines the nine protected characteristics as:
- Age
 - Disability
 - Gender Reassignment
 - Marriage and Civil Partnership
 - Pregnancy or Maternity
 - Race (includes colour, nationality and ethnic or national origin)

- Religion and/or Belief
- Sex
- Sexual Orientation

3.3 We aim to ensure that staff, trustees, volunteers and job applicants are treated fairly in an environment which is free from any form of discrimination in relation to caring responsibilities, part time employment, membership or non-membership of a trade union or spent convictions

3.4 These principles of equal opportunity and non-discrimination also apply to the manner in which staff treat our patients and suppliers, our business partners and visitors.

3.5 This policy applies to all areas of employment including pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities. These areas will be monitored, and policies and practices amended as necessary, to ensure that no unfair or unlawful discrimination, intentional, unintentional, direct or indirect, overt or latent exists.

3.6 We are committed to identifying and removing barriers, making reasonable adjustments where deemed necessary and appropriate, and building a culture that values openness, fairness and transparency within employment, and where entry into employment and career progression is based on merit, demonstrable skills and experience.

3.7 We will take steps to promote good practice. In particular, we will:

- Ensure all employment-related policies, practices and procedures are applied impartially and objectively.
- Work towards achieving a diverse workforce at all levels.
- Work towards the elimination of unlawful discrimination, harassment, and victimisation based on a protected characteristic, whether actual, perceptive, or associative.
- Promote an inclusive culture, good practice and good management practice, through the development of best practice, policies, and training.
- Ensure staff can work in an atmosphere of dignity and respect.
- Take positive action wherever possible to support this policy and its aims.

3.8 This policy provides a clear framework for translating our aims into action. It outlines the responsibility of the Trustee Board, Chief Executive Officer, ELT and all staff in complying with the Equality Act.

3.9 This policy does not form part of any employee's employment contract and we may amend it at any time.

4.0 Role and responsibilities

4.1 We each have a personal responsibility to implement and promote this policy and its principles in our day-to-day interactions with each other and when working with other staff, volunteers and where applicable our patients. We must guard against any form of discrimination and avoid action which goes against the spirit of this policy. The specific responsibilities are detailed below:

4.1.1 The Trustee Board, Chief Executive Officer and ELT are responsible for:

- providing leadership on this policy, acting as overall champions to ensure its effective implementation; and
- communicating the policy internally and externally.

4.1.2 Managers are responsible for:

- implementing the policy as part of their day-to-day line management and applying all Charity policies and practices in a fair and equitable way;
- ensuring equality and diversity issues are addressed in performance management;
- ensuring all employees act in accordance with this policy, providing necessary support and direction;
- effectively managing and promptly dealing with matters when investigating issues relating to potential discrimination, including complaints from staff, volunteers and patients; and
- ensuring all policy or operational decisions that will change provisions and practices and affect staff, are assessed as being compliant with this policy.

4.1.3 Staff are responsible for:

- implementing the policy in their day-to-day work and dealings with other staff, volunteers and where applicable, our patients;
- not committing any acts or behaving in a manner that would contravene this policy;
- not instructing, inducing or attempting to induce other staff to act in breach of this policy;
- helping advance and foster inclusion and treating others with dignity and respect at all times;
- taking reasonable steps to ensure that their decisions are based on objective assessments;
- cooperating with initiatives and training opportunities introduced by the Charity that support and enable understanding of policy related accountabilities, knowledge and skills; and
- notifying their line manager of any concerns with regard to the conduct of other staff, volunteers, contractors or third parties.

4.1.4 Staff are encouraged to:

- Advise a member of the ELT, the HR department, or their line manager if they become aware of any discriminatory conduct, either against themselves, another member of staff or any third party that contravenes this policy. For more information, please consult the Whistleblowing Policy, Grievance Policy or the Dignity at Work Policy.
- Provide diversity information to help us ensure we are meeting our duty and ambitions to identify and address any adverse impact of our policies and activities.

5.0 Training

5.1 We will provide training and information to enable all staff to develop awareness in this area, understand their rights and responsibilities and ensure effective policy implementation.

Specific training will be provided in areas such as equality, diversity and inclusion in the workplace, harassment, victimisation and how to raise and address matters of concern.

- 5.2 All staff, volunteers and trustees should understand that they, as well as the Charity, can be held liable for acts of harassment, victimisation and unlawful discrimination, in the course of their employment, against other staff or patients. We expect that all staff take responsibility for their own conduct in accordance with this policy.
- 5.3 Appropriate training will also be provided to staff likely to be involved in recruitment, the induction of new staff or other decision making where equal opportunities awareness is vital and /or issues are likely to arise. Equality and diversity training will form an integral part of our induction programme.

6.0 Practical support for a diverse workforce

- 6.1 We recognise that our success depends on creating and sustaining an environment that supports the diversity of our people, underpinned by supportive policies and procedures designed to promote equal opportunity and protection against discrimination.. As such, we are committed to helping our people fulfil their potential at work whilst finding the right work/life balance through our family friendly, Flexible Working and Hybrid Working Policies.

7.0 Complaints of discrimination

- 7.1 Breaches of this policy will be taken seriously and will be regarded as misconduct in the case of staff or a breach of the Director Policy in the case of a Trustee. Serious offences such as discrimination on the grounds of any of the protected characteristics, including harassment and victimisation will be treated as gross misconduct and investigated. In the event that such allegations are upheld, appropriate disciplinary action will be taken.
- 7.2 If you consider that you are suffering from unlawful discrimination, harassment or victimisation in your appointment or progression with the Charity because of a protected characteristic, you can make a complaint. Complaints will be dealt with through the agreed procedures, either in accordance with the Freedom to Speak up Policy, Grievance Policy or the Dignity at Work Policy (for dealing with harassment and victimisation) as appropriate.
- 7.3 Anyone who is subject to harassment, victimisation or discrimination can obtain confidential help and advice regarding the appropriate procedure, from the HR Department, our Freedom to Speak up Champion or a member of the ELT, at any time.
- 7.4 If an individual engaged through an employment agency or subcontractor considers they have been discriminated against they should first raise a complaint with their employer.

8.0 Support and advice

- 8.1 The HR department will provide staff with advice and support as required.
- 8.2 The ELT has particular responsibility for implementing and monitoring this policy and can be contacted at ELT@magpas.org.uk.
- 8.3 Additional advice and information is also available from the Equality Advisory and Support Service (EASS). The EASS helpline number is 0808 800 0084.

9.0 Review and monitoring

- 9.1 This policy will be reviewed periodically to judge its effectiveness and will be updated in accordance with changes in the law. In particular, we will monitor and keep records of the protected characteristics (in so far as these are known) to identify any areas for improvement, so that positive action can be taken when and where required.
- 9.2 Monitoring will also include assessing how this policy and any supporting strategy and /or action plan, are working in practice, reviewing them annually and taking action to address any issues and make changes as required. ELT and the Trustee board will undertake and annual gap analysis of delivery against our EDI plan.
- 9.3 Information provided by job candidates and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the General Data Protection Regulations (GDPR).

10.0 Statutory obligations

- 10.1 We will meet all statutory obligations under relevant legislation and where appropriate, anticipate future legal requirements. This will be informed by:
- The Equality Act (2010) and associated secondary legislation
 - Criminal Justice and Immigration Act (2008)
 - The Racial and Religious Hatred Act (2006)
 - The Civil Partnership Act (2004)
 - The Gender Recognition Act (2004)
 - Criminal Justice Act (2003)
 - The Human Rights Act (1998)
 - The Protection from Harassment Act (1997)
 - Special Education Needs and Disability Act (2001)
- 10.2 In addition, our statutory obligations will be informed by the Codes of Practice or Guidance issued by the Equality and Human Rights Commission and other relevant bodies. These Codes are not legally binding (though they are admissible as evidence in Employment Tribunals) and we support them fully.
- 10.3 This policy will be amended as appropriate to meet the demands of future legislation.

Appendix A

Types of discrimination

Under the Equality Act, the main types of discrimination which are prohibited include:

Direct discrimination occurs when an individual is treated less favourably than another person because of a protected characteristic, which cannot be justified. For example, if a manager does not select a woman for promotion because she is pregnant, even though she meets all of the competencies.

Associative discrimination occurs when someone discriminates against an individual because they associate them with someone else who possesses a protected characteristic. For example, when a manager does not give a job applicant the role because the applicant has a disabled partner, even though s/he meets all of the competencies.

Discrimination by perception occurs when someone discriminates against an individual because they think they possess a particular protected characteristic when they do not, in fact, possess that protected characteristic. It applies even if the person does not actually possess that characteristic. For example, when a manager treats someone less favourably because they believe that person is disabled.

Indirect discrimination occurs when a seemingly neutral provision, criterion or practice that applies to everyone places a group who share a protected characteristic, e.g. type of disability, at a disadvantage. Indirect discrimination may be justified if it can be shown that it is a proportionate means of achieving a legitimate aim. For example, when an employer decides to include a "no hats or headgear" rule in the dress code policy. If this rule is applied in exactly the same way to every member of staff, those who may cover their heads as part of their religion or cultural background, (e.g. Sikhs, Jews, Muslims and Rastafarians) will not be able to meet the dress code and may face disciplinary action as a result. Unless the employer can objectively justify using the rule, this will be indirect discrimination.

Dual discrimination occurs when an individual is treated less favourably because of a combination of two relevant protected characteristics. For example, this means that it will be possible for an Asian female applicant to claim that they have been treated less favourably not just because of their race but also because of their gender.

Discrimination arising from disability occurs when a disabled person is treated unfavourably because of something connected to their disability. This is unlawful where the employer or person acting for the employer knows, or could reasonably be expected to know, that the person had a disability. This type of discrimination is only lawful if the action can be justified, and the employer can show that their actions are a proportionate means of achieving a legitimate aim. For example, an employer imposing a "no beards" rule. If the employee is a disabled person with a skin condition which makes shaving painful, they will have been treated unfavourably, if threatened with disciplinary action, because of something arising from their disability (their inability to shave). Unless the employer can objectively justify the requirement, this may be a case of 'discrimination arising from disability', resulting in failure to make a reasonable adjustment.

Failure to make reasonable adjustments occurs when a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who is not disabled, and the employer fails to make reasonable adjustments for the disabled person to avoid them being placed at a substantial disadvantage.

Victimisation occurs when an individual is treated unfavourably or is disadvantaged or subjected to a detriment because they have made or supported a complaint of discrimination or raised a grievance under the Equality Act, this policy, or the Dignity at Work Policy, or because they are suspected of doing so. For example, an employee requests to work flexibly, but their manager refuses their request because the employee supported a colleague who made an allegation of discrimination.

Harassment occurs when an individual experiences unwanted conduct related to any of the protected characteristics, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It does not matter whether or not this effect was intended by the person responsible for the conduct. Harassment is dealt with further in our Dignity at Work Policy and Volunteering Policy.