

## EQUITY, DIVERSITY AND INCLUSION POLICY

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### Document Control

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EDIP002	Review	Requirement to Review in line with Equality Action Plan	16 July 2021	Director of HR

### REFERENCES

ACAS. (2019, July). Equality and discrimination: understand the basics.

# EQUITY, DIVERSITY AND INCLUSION POLICY

## 1. POLICY STATEMENT

1.1 The Royal College of Psychiatrists (from now on referred to as the “College”) is committed to promoting equality of opportunity for all College members, officers, lay trustees, staff (this includes employees and workers), patient and carers and other stakeholders, which includes job applicants. In line with the College’s values, we aim to create a working environment in which all individuals are able to make best use of their skills, free from discrimination, harassment and victimisation, and in which all decisions are based on merit.

1.2 The College has a clear set of values which drive everything we do. They support our leaders and staff to make values-based decisions and they enable the creation and reinforcement of our positive, empowering and enabling culture.

Our values are:

- **Courage**
- **Innovation**
- **Respect**
- **Collaboration**
- **Learning**
- **Excellence**

1.3 In accordance with our values and the law, we do not discriminate against staff on the basis of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation (these are protected characteristics as defined in the Equality Act 2010, relating to England, Scotland and Wales. For Northern Ireland the following legislations are in place; Employment Equality (Age) Regulations (NI), Disability Discrimination Act 1995, Autism Act 2011, Special Educational Needs & Disability (NI) Order 2005, Special Educational Needs and Disability Act (NI) 2016, Equal Pay Act (NI) 1070, Sex Discrimination (NI) Order 1976, Maternity and Parental Leave etc. Regulations (NI) 1999, Race Relations (NI) Order 1997, Fair Employment & Treatment (NI) Order 1998, Employment Equality (Sexual Orientation) Regulations (NI) 2003 and Equality Act (Sexual Orientation) Regulations (NI) 2006).

1.4 The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat fellow colleagues, College members, patient and carer representatives, visitors, suppliers and other stakeholders. The College has a zero-tolerance approach to discrimination.

1.5 All staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not to discriminate against or harass other members of staff, regardless of their status. Your attention is drawn to our separate Anti-Bullying and Harassment Policy, which covers harassment based on sex or sexual orientation; religion or philosophical belief; age; sexuality; disability; race; and bullying and cyberbullying.

## REFERENCES

ACAS. (2019, July). Equality and discrimination: understand the basics.

- 1.6 This policy has been developed following consultation with the Staff Representative Committee, the Sexuality and Gender Equality and Inclusion and the African and Caribbean Forums.

## **2. WHO IS COVERED BY THE POLICY?**

This policy covers all individuals working at all levels and grades, including College members, officers, lay trustees, senior managers, managers, staff, consultants, contractors, trainees, interns, casual workers, and agency workers.

## **3. WHO IS RESPONSIBLE FOR THIS POLICY?**

- 3.1 The Chief Executive has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law. Day-to-day operational responsibility, including regular review of this policy has been delegated to the Director of HR.
- 3.2 All Directors and Managers must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regard to equal opportunities. All staff will be given compulsory training on equality and diversity. In addition to this, all Directors and Managers will be given appropriate training on equal opportunity recruitment and selection best practice. The Director of HR has overall responsibility for equal opportunity training.
- 3.3 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 HR to request training or further information.

## **4. SCOPE AND PURPOSE OF THE POLICY**

- 4.1 This policy applies to all aspects of our relationship with College members, officers, lay trustees, staff and the relations between staff members at all levels, patient and carers, and other stakeholders. This includes job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment.
- 4.2 The College will work to accommodate the needs of those individuals with protected characteristics as defined within the Equality Act 2010, relating to England, Scotland and Wales. These protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. For Northern Ireland the following legislations are in place; Employment Equality (Age) Regulations (NI), Disability Discrimination Act 1995, Autism Act 2011, Special Educational Needs & Disability (NI) Order 2005, Special Educational Needs and Disability Act (NI) 2016, Equal Pay Act (NI) 1070, Sex Discrimination (NI) Order 1976, Maternity and Parental Leave etc. Regulations (NI) 1999, Race Relations (NI) Order 1997, Fair Employment &

## **REFERENCES**

ACAS. (2019, July). Equality and discrimination: understand the basics.

Treatment (NI) Order 1998, Employment Equality (Sexual Orientation) Regulations (NI) 2003 and Equality Act (Sexual Orientation) Regulations (NI) 2006.

4.3 The following policies set out these provisions:

- Flexible working procedure
- Dress Code Policy

## 5. FORMS OF DISCRIMINATION

5.1 The College has a zero-tolerance stance on discrimination by or against an employee unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally. It may also take the form of harassment or victimisation.

### Direct discrimination

5.2 Direct discrimination occurs where someone is treated less favourably than another person or people because of:

- (a) a protected characteristic.
- (b) someone thinking that an individual has a protected characteristic (known as discrimination by perception).
- (c) an individual being connected to someone with a protected characteristic (known as discrimination by association).

For example, rejecting an applicant on the grounds of their race because they would not "fit in" would be direct discrimination. There are further examples of direct discrimination below.

An example of ordinary direct discrimination

Pauline, a senior manager, turns down Angela's application for promotion to supervisor. Angela, a lesbian, learns that Pauline did this because she believes the team she applied to manage are homophobic. She thought that her sexual orientation would prevent her from gaining the team's respect and managing them effectively. This is direct discrimination against Angela because of her sexual orientation (ACAS, 2019).

An example of direct discrimination by perception

*Dimitri is 45 but looks much younger. Many people assume he is in his mid-twenties. He is not allowed to represent his firm at an international meeting because the managing director thinks he is too young. Dimitri has been discriminated against because of his perceived age (ACAS, 2019).*

An example of direct discrimination by association

Jeff, a project manager, has been promised promotion by his boss. However, after he tells her that his mother, who lives at home, has cancer, his boss withdraws the promotion because she feels the commitment of looking after his mother and moving to a higher grade role will be too much for Jeff. This is potentially discrimination against Jeff because of his association with a person with disabilities (ACAS, 2019).

## REFERENCES

ACAS. (2019, July). Equality and discrimination: understand the basics.

## **Indirect discrimination**

- 5.3 Indirect discrimination occurs when an organisation's practices, policies or procedures have the effect of disadvantaging people who share certain protected characteristics.
- 5.4 Any such practice, policy or procedure would need to be objectively justified. For example, a requirement to work full time might put parents at a disadvantage because of childcare commitments; however, a company might legitimately claim that it is a requirement for the efficient running of its business that staff work full time.
- 5.5 The College is committed to ensuring a good work life balance for all its employees which includes a flexible way of working. Therefore, we recognise the importance of creative solutions to enable those with caring responsibilities or health/disability, to have fair access to opportunities for progression in their careers.
- 5.6 The following is an example of indirect discrimination that might not be justifiable:

### An example of indirect discrimination

Abu is in his late twenties with a disability and works as a surveyor in a property investment company. He is fully qualified, doing well in his current role and ambitious. He spots a post advertised with another employer for what he sees as the next step in his career. However, the advertisement specifies that candidates must have ten years' experience in the profession and in good health. Abu has six. Unless the employer can lawfully justify why candidates need ten years' experience and why he needs to be in good health, this is likely to be indirect discrimination against young candidates such as Abu who can demonstrate that they are qualified and capable, but don't have ten years' experience because of their age (ACAS, 2019). The employer would also need to explain why they have made the statement about good health.

### Harassment

- 5.7 Harassment related to an individual's protected characteristic or any connection with a protected characteristic is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Anti-Bullying and Harassment Policy.

### Victimisation

- 5.8 Victimisation is also prohibited. This is less favourable treatment of someone who has done a 'protected act', such as having complained or given information about discrimination or harassment, or supported someone else's complaint.

## **REFERENCES**

ACAS. (2019, July). Equality and discrimination: understand the basics.

A protected act is:

- a) making a claim or complaint of discrimination (under the Equality Act or the several equality and non-discrimination legislations within Northern Ireland).
- b) helping someone else to make a claim by giving evidence or information.
- c) making an allegation that you or someone else has breached the Equality Act or the several equality and non-discrimination legislations within Northern Ireland.
- d) doing anything else in connection with the Equality Act or the several equality and non-discrimination legislations within Northern Ireland.

## **6. RECRUITMENT AND SELECTION**

- 6.1 We aim to ensure that no job applicant suffers discrimination with our zero tolerance approach to discrimination. The only exception to this rule is where a role has an 'occupational requirement' that the post is filled by someone with a protected characteristic (e.g., where a person with a particular mental health problem, such as eating disorder, is required for a project where experience of having an eating disorder is critical). In this instance, the College requires a legal basis for limiting recruitment and the occupational requirement must be included on the advertisement.
- 6.2 Our recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities.

### **ADVERTISING ROLES**

- 6.3 Job selection criteria will be regularly reviewed to ensure that they are relevant to the job and are not disproportionate. It is the responsibility of managers, when a role is re-advertised, to review and update a job description and personal specification where necessary.
- 6.4 Job advertisements should avoid using wording that may discourage groups with a particular protected characteristic from applying. In order to encourage greater diversity and representation across the staff body – and in acknowledgment of the fact that candidates from minority backgrounds often face more barriers to employment in the form of conscious or unconscious bias – adverts for roles will include the following statement.
- 6.5 We welcome applications from everyone with a protected characteristic, these are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation (these are protected characteristics as defined in the Equality Act 2010, relating to England, Scotland and Wales. For Northern Ireland the following legislations are in place; Employment Equality (Age) Regulations (NI), Disability Discrimination Act 1995, Autism Act 2011, Special Educational Needs & Disability (NI) Order 2005, Special Educational Needs and Disability Act (NI) 2016, Equal Pay Act (NI) 1070, Sex Discrimination (NI) Order 1976, Maternity and Parental Leave etc. Regulations (NI) 1999, Race Relations (NI) Order 1997, Fair Employment & Treatment (NI) Order 1998, Employment

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ACAS. (2019, July). Equality and discrimination: understand the basics.

Equality (Sexual Orientation) Regulations (NI) 2003 and Equality Act (Sexual Orientation) Regulations (NI) 2006).

- 6.6 Job opportunities will be advertised and promoted in a fair and consistent way that doesn't discriminate against individuals with protected characteristics.
- 6.7 Adverts should also include an appropriate short policy statement on equality, diversity and inclusion and a copy of this policy is available on our website.
- 6.8 We take steps to ensure that our vacancies are advertised to a diverse labour market by posting jobs across multiple jobs sites and agencies.

#### **SHORTLISTING OF APPLICANTS**

- 6.9 Shortlisting of applicants should ideally be done by more than one person. If the staff member leading on recruitment is unable to enlist relevant colleagues from their team in shortlisting, they may ask a senior manager from an adjacent team to help them shortlist instead.
- 6.10 All interview panels should incorporate a mix of ethnicities and sex, where reasonably practicable.
- 6.11 The composition of all interview panels will be recorded and monitored by HR.

#### **INTERVIEWING**

- 6.12 The College will take steps to ensure interviews are as accessible as possible for candidates. Before the interview, we will:
  - (a) clarify what tests will be used to assess the candidate's abilities, including what support there will be for these (i.e., if there is a numerical reasoning test, will they have a calculator?).
  - (b) proactively ask whether candidates require any reasonable adjustments to the interview process to accommodate them and provide some examples of what these might be (e.g., wheelchair access; longer time on the test).
- 6.13 Aside from ensuring the interview is accessible, applicants should not be asked about health or disability before a job offer is made. There are additional limited exceptions which should only be used with HR's approval. For example:
  - (a) Diversity monitoring (which will not form part of the decision-making process).
- 6.14 Applicants should not be asked about past or current pregnancy or future intentions related to pregnancy, or parental status. Applicants should not be asked about matters concerning age, disability, gender reassignment,

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marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation (these are protected characteristics as defined in the Equality Act 2010, relating to England, Scotland and Wales. For Northern Ireland the following legislations are in place; Employment Equality (Age) Regulations (NI), Disability Discrimination Act 1995, Autism Act 2011, Special Educational Needs & Disability (NI) Order 2005, Special Educational Needs and Disability Act (NI) 2016, Equal Pay Act (NI) 1070, Sex Discrimination (NI) Order 1976, Maternity and Parental Leave etc. Regulations (NI) 1999, Race Relations (NI) Order 1997, Fair Employment & Treatment (NI) Order 1998, Employment Equality (Sexual Orientation) Regulations (NI) 2003 and Equality Act (Sexual Orientation) Regulations (NI) 2006). This is unless holding that protected characteristic is an occupational requirement (see 6.1). Approval of HR should always be sought in this instance; they should first consider whether such matters are relevant and may lawfully be taken into account.

- 6.15 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 race or nationality. All prospective employees, 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 HR.
- 6.16 To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our organisation, we monitor applicants' ethnic group, sex, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment. The information is removed from applications before shortlisting, and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.

## **7. STAFF TRAINING AND CONDITIONS OF SERVICE**

- 7.1 The College will provide training in equality, diversity and inclusion and the impact of unconscious bias which includes LGBTQ+, ethnicity, disability etc., to managers and others likely to be involved in recruitment and other decision making where equal opportunity issues are likely to arise.
- 7.2 The College will also provide training to all existing and new staff and others engaged to work at the College to help them understand their rights and responsibilities under this policy and the Anti-Bullying and Harassment Policy, and what they can do to help create a working environment free of bullying and harassment.
- 7.3 Staff training needs will be identified through supervision meetings and regular staff appraisals. All staff will be given appropriate access to training to enable them to progress within the organisation as opportunities arise and all promotion decisions will be made on the basis of merit.

## **REFERENCES**

ACAS. (2019, July). Equality and discrimination: understand the basics.



- 7.4 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 In addition to the four types of discrimination outlined in Sections 5, there are two further types of discrimination related to disability:

(a) Failure to make reasonable adjustments

Under the Equality Act employers and organisations have a responsibility to make sure that people with disabilities can access jobs, education, and services as easily as people without disabilities. This is known as the 'duty to make reasonable adjustments'.

People with disabilities can experience discrimination if the employer or organisation doesn't make a reasonable adjustment.

(b) Discrimination arising from disability

The Equality Act and the Northern Ireland's equality and non-discrimination legislations also protect people from discrimination arising from disability which includes physical, mental health and intellectual disabilities.

This protects an individual from being treated badly because of something connected to their disability, such as having an assistance dog or needing time off for medical appointments. This does not apply unless the person who discriminated against the individual knew they had a disability or ought to have known.

- 9.2 In line with this definition, the College is committed to creating a supportive and accessible environment for people with disabilities, as well as ensuring they do not experience discrimination because of their additional needs.
- 9.3 If you have a disability, we encourage you to let both your line manager or a member of HR know, so any reasonable adjustments can be put into place. Your line manager or HR may wish to consult with you and your medical adviser(s) about possible adjustments and will try to accommodate your needs. On the rare occasion that a particular adjustment is not considered to be reasonable, we will explain our reasons and try to find an alternative solution.

## **REFERENCES**

ACAS. (2019, July). Equality and discrimination: understand the basics.

9.4 In addition, the College will monitor the physical features of our premises to consider whether they place workers, job applicants, patients, carers or service users with disabilities at a disadvantage compared with other staff. Where reasonable, the College will take steps to improve access for people with disabilities.

## **10. REPORTING BREACHES OF THIS POLICY**

### **ON YOUR OWN BEHALF**

10.1 There are two different ways to report breaches of this policy:

- (a) If you feel you have been discriminated against this includes (direct or indirect discrimination) you are encouraged to raise the matter through our Grievance procedure.
- (b) If you feel someone's behaviour constitutes harassment, you can raise the latter through the process outlined in our Anti-Bullying and Harassment policy.

If you are uncertain which applies or need advice on how to proceed you should speak to HR.

- (c) Anti-Bullying and Harassment Associate

The College has appointed an Anti-Bullying and Harassment Associate for the College. She is an independent trainer and adviser who specialises in the areas of bullying and harassment and equality and diversity.

This role has been created to provide an external person, who is independent of the College's management structure, for employees to speak to about incidents of bullying, harassment, or disrespectful behaviour they are experiencing or have witnessed at work, if they feel that they cannot speak to HR or their manager, in the first instance. The College always advises staff to go through the College's internal process, but this external process is available for anyone who is finding this initially difficult.

Her role will be to listen confidentially to staff who want to talk through the situation they are experiencing and, if required, signpost staff to the College procedure they can follow, if they would like to pursue a complaint informally or formally. No information regarding the complaint will be passed to the College without the complainant's permission.

If a staff member does not want to make a complaint, no record of the discussion will be retained, and no information will be passed on to the College with the exception of anonymised statistical information, which will be made available to the SMT and the Trustee. The SMT and Trustee will review the data and take any appropriate actions, in order to ensure that we continue to live our values.

### **REFERENCES**

ACAS. (2019, July). Equality and discrimination: understand the basics.

A discussion with the Anti-Bullying and Harassment Associate will not be considered as making a complaint, either informally or formally, under the College's Anti-Bullying and Harassment Policy or the Grievance Procedure. As a result, just speaking to the Anti-Bullying and Harassment Associate will not initiate any type of process within the College. The Anti-Bullying and Harassment Associate is not part of the HR department.

The Anti-Bullying and Harassment Associate is not a counsellor and should not be used in this way.

(d) Employee Assistance Programme (EAP)

All staff are reminded of the employee assistance programme (EAP) service. Minor to severe support supplied by Rehab Works. This includes end-to-end mental health provision.

### **ON SOMEONE ELSE'S BEHALF**

- (a) If you feel that someone is being discriminated against (directly or indirectly) you should speak to HR.

### **INVESTIGATION AND RESOLUTION**

- 10.2 Any member of staff who is found to have committed an act of discrimination, harassment or victimisation will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to breaches of this policy.
- 10.3 Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Staff who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under our Disciplinary Procedure.

## **11. YOUR RESPONSIBILITIES**

- 11.1 Every staff member is required to assist the College to meet its commitment to provide equal opportunities and avoid unlawful discrimination.
- 11.2 Staff can be personally liable, as well as, or instead of, the College for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.
- 11.3 Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the College's disciplinary procedure.

### **REFERENCES**

ACAS. (2019, July). Equality and discrimination: understand the basics.

11.4 Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

## **12. GRIEVANCE**

12.1 If you consider that you may have been unlawfully discriminated against, you may use the College's Grievance Procedure or the Anti-Bullying and Harassment Policy to make a complaint.

12.2 The College will take any complaint seriously and will seek to resolve any grievance this it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

## **13. MONITORING AND REVIEW OF THE POLICY**

We will continue to review the effectiveness of this policy to ensure it is achieving its objectives. It will be updated in accordance with changes in the law.

## **STATUS**

This procedure does not form part of your contract of employment and we may amend it from time to time as we consider appropriate.

## **REFERENCES**

ACAS. (2019, July). Equality and discrimination: understand the basics.