

Dalkeith CAB

Equality & Diversity Policy



1. Introduction

- 1.1 Dalkeith and District CAB is committed to equality in its provision of services and in all its employment, volunteering and governance practices, policies and procedures.
- 1.2 This policy applies to all paid staff and contracted workers, volunteers, and members of the Trustee Board.
- 1.3 It will be reviewed at least annually and updated as required in line with any changes to legislation or recommendations for improving practice.

2. Our Aims and Commitments

- 2.1 Dalkeith CAB strives for a fairer Scotland where people are empowered and their rights respected. We offer free, impartial, confidential, quality assured help with benefits, debt, employment, housing, immigration, health and other issues so people can make informed life choices. We also seek to change public policy to prevent problems arising.
- 2.2 Our CAB is committed to social justice and working to improve outcomes for those in our community who are most excluded and disadvantaged, and we celebrate the diversity of our society. We will focus much of our work on communities and groups in our area whose full participation in society is limited by economic disadvantage and/or discrimination.
- 2.3 We aim that no applicant or person appointed to a paid staff or contracted role, voluntary role or the Trustee Board or any service-user receives less favourable treatment due to a protected characteristic,¹ unrelated criminal conviction, or membership (or non-membership) of a trade union. All staff, volunteers and Trustees have a responsibility to co-operate with measures to ensure equal opportunity and prevent discrimination.
- 2.4 We will cultivate an environment that values individual differences and contributions of all paid staff, volunteers, Trustees and service users. We will promote dignity and respect for all and not tolerate any form of intimidation, bullying or harassment.
- 2.5 We are committed to positive action that addresses barriers to inclusion and equality of opportunity for those who experience discrimination and are under-represented in our charity's governance, staff team, volunteer team and among our clients.

¹ Protected characteristics in the Equality Act 2010 are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 2.6 We will introduce, implement and review all policies, procedures and systems to ensure they do not directly or indirectly disadvantage any individuals or groups and will investigate all concerns raised about equality and diversity fairly, quickly and with confidentiality using the appropriate policy (see section 4 below.)
- 2.7 Where a staff member or volunteer has taken action in good faith over allegations of discrimination or harassment, they will not be victimised by being treated any less favourably than other staff members or volunteers as a consequence of taking such action.

3. Responsibility for Implementation

3.1 *Trustee Board Responsibilities*

- 3.1.1 Promoting equality and diversity, approving and regularly updating this policy and resourcing actions within it.
- 3.1.2 Liaising with the Manager to ensure the policy is implemented.
- 3.1.3 Striving for a paid staff and volunteer team that is representative of all sections of the local community through positive action.
- 3.1.4 Incorporating findings from monitoring and evaluation into the strategic plan of the charity and a separate Equality and Diversity action plan if required.

3.2 *CAB Manager Responsibilities*

- 3.2.1 Ensuring day to day compliance with this policy and legal requirements (See Sections 7 and 8 below), and that all CAB policies are consistent with this policy when they are introduced or revised.
- 3.2.2 Monitoring compliance with the policy in all aspects of recruitment, employment, volunteering, contracting and service-delivery and reporting findings to Trustees.
- 3.2.3 Handling any complaints, Grievance or Disciplinary matters related to the policy in line with the relevant procedures.
- 3.2.4 Ensuring all paid staff and volunteers are aware of their responsibilities within the policy and receive information, training and support to deliver on these.
- 3.2.5 Communicating this policy to service users, the general public, partner agencies, funding bodies, regulators and any other stakeholders to whom it is relevant.

3.3 *Paid Staff and Volunteer Responsibilities*

- 3.3.1 Ensuring they do not unlawfully discriminate, harass or victimise other staff volunteers, potential staff or volunteers, or service-users.
- 3.3.2 To comply with this policy and ensure it is implemented consistently at all times.
- 3.3.3 To take part in learning and development opportunities on Equality and Diversity.
- 3.3.4 To raise any discriminatory behaviour they are aware of to their line manager, or their manager's manager (if that behaviour involves their immediate line manager) or to the Trustee Board (if the behaviour involves the CAB manager.)
- 3.3.5 Understanding that individual staff members and volunteers can be held personally liable for any acts of unlawful discrimination, as well as the organisation and that serious acts of harassment may constitute a criminal offense.

3.4 *Paid staff or volunteer actions that could lead to disciplinary action or dismissal.*

- 3.4.1** Discriminating in the course of employment, prospective employment, or volunteering against other actual or potential paid staff or volunteers, as established within this policy.
- 3.4.2** Inducing or attempting to induce other staff or volunteers to practise unlawful discrimination.
- 3.4.3** 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.
- 3.4.4** Victimising individuals who have made allegations or complaints of any discrimination or harassment, or provided information about such discrimination or harassment.

4. Raising Concerns about Equality and Diversity

- 4.1 *CAB services.*** Complaints related to CAB services from service-users should be made using the specific Client Complaints Procedure. Complaints from third party stakeholders who are *not* clients of the CAB should follow the general Complaints procedure.
- 4.2 *Recruitment.*** Individuals who believe they were unfairly discriminated against in recruitment for a paid role, contract, or volunteering opportunity should use the general CAB Complaints Procedure.
- 4.3 *Employment.*** Paid staff members who believe they have experienced unfair discrimination with respect of their employment should raise this informally in the first instance with their line manager. If they don't believe the matter has been dealt with to their satisfaction, or if the concern relates to their Line Manager, they should pursue it using the CAB Grievance Procedure. (Contracted staff should use the general Complaints Procedure or any process included within their contract.)
- 4.4 *Volunteering.*** If a volunteer believes they have experienced unfair discrimination, they should raise it in the first instance with their supervisor. If they do not feel this has addressed the issue to their satisfaction, or if their concern relates to the supervisor, the matter should be addressed using the process within the CAB Volunteering Policy.

5. Learning, Development & Support

- 5.1 *Learning opportunities.*** All staff, volunteers and members of the Trustee Board must undertake learning opportunities to enable implementation of this policy and its principles in their roles. This will be at induction and on an ongoing basis.
- 5.2 *Support, supervision and appraisal*** will be used as opportunities both to inform and support paid staff and volunteers to enable implementation of this policy and to gain their feedback, including ideas for improving how the CAB ensures equality and diversity.

6. Service Planning, Delivery and Evaluation

- 6.1 Delivery of Activities & Services.** We will strive to ensure all venues, methods, policies, procedures and systems used for delivering CAB services, meetings, training events and other activities are accessible for all who wish to take part. Identifying and incorporating necessary steps will be integral to planning and costs will be included in the budget.
- 6.2 Communication.** We will make our information materials and information on our services as accessible as possible to all who may need them (e.g. with sensory impairments, English as an additional language, etc.) and representative of diverse communities in Scotland.
- 6.3 Monitoring and Evaluation.** We will collect and analyse data to mark progress toward our goals and identify and barriers to accessing CAB services, (e.g. if there are communities of interest that are under-represented in our client group, any common themes in concerns raised related to equality and diversity.) This will be reported at least annually to the Trustee Board and will be used to identify gaps and inform action to address them.

7. Legal requirements - The Equality Act 2010

- 7.1 Unlawful Discrimination.** The Equality Act 2010 states that it is unlawful to discriminate directly or indirectly in recruitment, employment and service delivery based on nine (9) protected characteristics set out in the footnote to section 2.3 above. Further information can be found in the Act's [Statutory Codes of Practice](#).
- 7.2 Types of Discrimination in the Act and how Dalkeith CAB will address these.**

- 7.2.1 Direct Discrimination** is treating someone less favourably than others by unlawful means – for example using demeaning language to, not employing, or refusing to work with or serve a person, because of their ethnicity, sex, age, etc.
Action: In such situations, the matter will be addressed with those responsible using the Disciplinary Policy or the relevant policy for contracted staff, volunteers or Trustees, as applicable.
- 7.2.2 Indirect Discrimination** means a policy/practice may adversely impact people due to their protected characteristic(s), even if unintended, and it is not essential for a role, service, etc – for example holding an AGM on a religious holiday or an outreach in a room that's not wheelchair accessible if there is an alternative.
Action: We will monitor and regularly review policies and practices to ensure they do not inadvertently disadvantage any group and will address barriers we find.
- 7.2.3 Discrimination by Association** is direct discrimination against a person because they associate with someone who *is* protected by one of the applicable protected characteristics (see footnote to section 2.3 above.) - for example excluding someone from an opportunity because their wife is Muslim, son is gay, etc.
Action: Dalkeith CAB will address any instances of Discrimination by Association using the Disciplinary Policy or the relevant policy for contracted staff, volunteers, or Trustees, as applicable.

- 7.2.4** Discrimination by Perception is direct discrimination against a person because others *think* they have a specific protected characteristic, even if they don't – for example rejecting someone for a job because the panel thinks they're pregnant or withholding a service from someone they wrongly believe to be transgender. Action: This is unlawful and the CAB will address any instances of Discrimination by Perception using the Disciplinary Policy or the relevant policy for contracted staff, volunteers, or Trustees, as applicable.
- 7.3** **Harassment** is unwanted conduct that violates a person's dignity or creates an environment a person experiences as intimidating, hostile, degrading, humiliating or offensive. Intention need not be proved. Examples might include ageist, sexist, etc. slurs, regularly misgendering a person, even after being corrected, or sharing content on the staff intranet that makes a colleague feel intimidated, degraded or offended due to a protected characteristic. We will address any instances of Harassment with the Disciplinary Policy or relevant policy for contracted staff, volunteers or Trustees, as applicable.
- 7.4** **Victimisation** is when a person is treated less favourably or they are discriminated against because they have pursued or intend to pursue their rights related to alleged discrimination. We will address any instances of Victimisation using the Disciplinary Policy or the relevant policy for contracted staff, volunteers or Trustees, as applicable.
- 7.5** **Positive Action** includes steps to address imbalances in the profile of people working or volunteering in the CAB or to encourage people in communities of interest that do not currently use CAB services to access these. Examples might include advertising roles or services via LGBT+ community organisations and publications or circulating publicity materials with images showing a diverse staff team or service users.² We will take steps to promote opportunities to those currently under-represented in our staff team and/or client group, monitor the results, and reshape our strategies accordingly.

8. Other Legislation Relevant to Equalities

- 8.1** [Rehabilitation of Offenders Act 1974](#). Ex-offenders have certain employment rights if their convictions become "spent," and they don't have to disclose these to employers, with certain exceptions.
- 8.2** [Part-time Workers \(Prevention of Less Favourable Treatment\) Regulations 2000](#). This ensures comparable rates of pay and pro rata leave entitlement for part and full time staff.
- 8.3** [Fixed-term Employees \(Prevention of Less Favourable Treatment\) Regulations 2002](#). This ensures comparable terms and conditions for fixed-term and permanent employees.
- 8.4** [Asylum and Immigration Acts and Policies](#). These explain the responsibilities of employers for ensuring their staff are not in breach of immigration rules and includes checks the employer must do to ensure staff are eligible to work in the UK.

² Positive Action is not the same as "Positive Discrimination," which is unlawful in the UK. Positive Discrimination means giving preference to job candidates or clients from a minoritised community.