

THE ROYAL NAVAL BENEVOLENT TRUST

EQUALITY, DIVERSITY, INCLUSION & DIGNITY AT WORK POLICY

RNBT ('The Trust') is committed to encouraging equality, diversity and inclusion among our workforce and eliminating unacceptable behaviour.

The aim is for our workforce to be truly representative of all sections of society and for our beneficiaries and each employee to feel respected, valued and able to give their best.

The Trust is also committed against unacceptable behaviour or bullying, discrimination or harassment of volunteers, beneficiaries, customers or the public.

The policy's purpose is to:

- provide equality, fairness and respect for all in our employment, whether temporary, part-time or full-time
- not discriminate in relation to the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex and sexual orientation
- oppose and avoid all forms of discrimination. This includes in 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.

The Trust commits to:

- Encourage equality, diversity and inclusion in the workplace as they are good practice and are consistent with the ethos and values of the Trust;
- Create an inclusive working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.

All staff and volunteers should understand they, as well as the Trust, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, beneficiaries, volunteers, customers, suppliers and the public

- Take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, volunteers, visitors, the public and any others in the course of the Trust's activities. Such acts will be dealt with as misconduct under the Trust's grievance and/or disciplinary procedures, and appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.
- Further, sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence.
- Make opportunities for training, development and progress available to all staff and volunteers, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the effectiveness and efficiency of the organisation.

- Decisions concerning staff being based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act).
- Review employment practices and procedures when necessary to ensure fairness, and also update them and the policy to take account of changes in the law.

DISCRIMINATION

1. It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics."
2. Discrimination after a person has ceased his or her current employ may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.
3. Subject to limited circumstances for religion or belief and sexual orientation, it is unlawful to discriminate directly or indirectly, harass or victimise a member of the public based on any of the protected characteristics in the provision of services or goods. These circumstances include General Occupational requirements and are a proportionate means of achieving a legitimate aim.
4. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, the Trust has an obligation to address any barriers that may impede disabled people from accessing a service.
5. Line managers must ensure they are familiar with the Trust's Equality, Diversity and Inclusion policy in order that they can identify discriminatory acts, practices, or acts of harassment or bullying. Line managers will be responsible for ensuring they actively promote equality of opportunity within the departments for which they are responsible.
6. Employees should also ensure they understand their rights and responsibilities in relation to dignity at work and what they can do to create an inclusive work environment that is free of bullying and harassment. Line managers should be approached to resolve any areas of doubt.

RECRUITMENT, ADVERTISING AND SELECTION

7. The Trust's recruitment processes will be conducted in such a way as to result in the selection of the most suitable person for the job in terms of relevant experience, abilities and qualifications. The Trust is committed to applying its equality of opportunities policy statement at all stages of recruitment and selection. In short, the Trust will employ a purely competence based approach in recruiting.
8. Advertisements will encourage applications from all suitably qualified and experienced people. In order to attract applications from all sections of the community when advertising job vacancies, the Trust will, as far as is reasonably practicable:
 - Ensure advertisements are not confined to those publications, which would exclude or disproportionately reduce the numbers of applicants of a particular gender, sexual orientation, age, religion or racial group.

- Avoid prescribing any unnecessary requirements which would exclude a higher proportion of a particular gender, sexual orientation, age, religion or racial group or which would exclude disabled job applicants.
 - Avoid prescribing any requirements as to marital or civil partnership status.
 - Where vacancies may be filled by promotion, they will be published to all eligible employees in such a way that they do not restrict applications from employees of any particular gender, sexual orientation, age, religion or racial group or from employees with a disability.
9. The selection process will be carried out consistently for all jobs at all levels. All applications will be processed in the same way. Staff responsible for short-listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application. Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Wherever possible, all applicants will be interviewed by at least two interviewers and all questions asked of the applicants will relate to the requirements of the job. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.
10. With disabled job applicants, the Trust will have regard to its duty to make reasonable adjustments to work provisions, criteria and practices or to work premises in order to ensure that those with a disability are not placed at a substantial disadvantage in comparison with persons who do not have a disability.
11. If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status, disability, children and/or domestic obligations.

TRAINING AND PROMOTION

12. Where promotion or training opportunities arise, managers are to ensure that all eligible members of staff are treated equally. Reviews around training needs should be completed during regular appraisals and supervisions. When a group of workers predominantly of one race, religion, sex, sexual orientation or age group or a worker with a disability appears to be excluded from access to promotion, transfer and training and to other benefits, the promotional system will be reviewed to ensure there is no unlawful discrimination.

TERMS OF EMPLOYMENT, BENEFITS, FACILITIES AND SERVICES

13. All terms of employment, benefits, facilities and service will be reviewed from time to time, in order to ensure that there is no unlawful discrimination on the grounds of race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability.

DIGNITY AT WORK

14. The Trust is committed to creating an inclusive work environment free of harassment and bullying, where everyone is treated with dignity and respect and able to achieve their full potential.

15. **Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is intended to undermine, humiliate or injure the person on the receiving end. Examples of bullying would include picking on someone or setting a person up to fail or making threats or comments about someone's job security without good reason.
16. **Harassment** is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:
- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
 - is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if the person responsible for the conduct did not intend this effect.
17. Examples of harassment would include:
- physical conduct ranging from unwelcome touching to serious assault;
 - unwelcome sexual advances;
 - demeaning comments about a person's appearance;
 - unwelcome jokes or comments of a sexual or racial nature or about an individual's age;
 - excluding an individual because they are associated or connected with someone with a protected characteristic, e.g. they are gay, spouse is black or parent is disabled;
 - repeated name calling related to an individual's religion or belief,
 - ignoring an individual because they are perceived to have a protected characteristic (whether or not they do, in fact, have that protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be a transsexual;
 - the use of obscene gestures;
 - the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups.
18. Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour that any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g. inappropriate physical contact/touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct that unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them.
19. A single incident can be harassment if it is sufficiently serious.
20. All employees have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that is known to be untrue may lead to disciplinary action being taken.

REPORTING COMPLAINTS

21. All allegations of bullying, discrimination or harassment will be dealt with seriously, confidentially and speedily. The Trust will not ignore or treat lightly grievances or complaints of discrimination or harassment from members of a particular race, colour, ethnic origin, religion or belief, sex, sexual orientation or age or from employees who have undergone gender reassignment, are married, have entered into a civil partnership, are pregnant or have a disability.
22. With cases of harassment, while the Trust encourages employees who believe they are being harassed to notify the offender (by words or by conduct) that his or her behaviour is unwelcome, the Trust also recognises that actual or perceived power and status disparities may make such confrontation impractical.
23. If an employee wishes to make a complaint relating to bullying, discrimination or harassment, they should take the following steps:
 - a. Firstly, report the incident of bullying, discrimination or harassment to their line manager. If they do not wish to speak to their line manager, they can instead speak to an alternative manager.
 - b. Such reports should be made promptly so that investigation may proceed and any action taken expeditiously
 - c. All allegations of bullying, discrimination or harassment will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, the employee making the allegation will be interviewed and asked to provide a written statement setting out the details of their complaint. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, the Trust must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged harasser or discriminator so that they are able to fairly respond to the allegations. The Trust reserves the right to arrange for another manager to conduct the investigation other than the manager with whom the matter is raised.
 - d. The Trust will also invite the complainant to attend at least one meeting at a reasonable time and place at which the complaint can be discussed. They must take all reasonable steps to attend that meeting and they will have the right to be accompanied at it by either a trade union official or a fellow employee of their choice.
 - e. Once the investigation has been completed and after the meeting, the employee making the allegation will be informed in writing of the outcome and the Trust's conclusions and decision as soon as possible. They will also be notified in writing of their right to appeal against the Trust's decision if they are not satisfied with it. The Trust is committed to taking appropriate action with respect to all complaints of bullying, discrimination or harassment that are upheld.
 - f. If an employee wishes to appeal against the Trust's decision, they must appeal in writing to their line manager within five working days of the Trust's decision. On receipt of an appeal, a manager or Trustee (who shall be nominated by the Chief Executive but should not be the person to whom the appeal was addressed) shall make arrangements to hear the appeal at a meeting where either a trade union official or a fellow employee of their choice may if they wish, accompany the employee. They must take all reasonable steps to attend the appeal meeting. Following the meeting they will be informed in writing of the Trust's final decision on their appeal.

- g. Employees will not be penalised for raising a complaint, even if it is not upheld, unless the complaint was both untrue and vexatious.
 - h. If a complaint is upheld and the bully, harasser or discriminator remains in the Trust's employment, the Trust will discuss the options with the employee who made the complaint.
 - i. If a complaint is not upheld, arrangements will be made for the employee making the complaint and the alleged bully, harasser or discriminator to continue or resume working relationships.
24. Alternatively, the employee making the complaint may, if they wish, use the Trust's grievance procedure to make a representation should they find their work situation untenable.
25. Any employee who is found to have bullied, discriminated against or harassed another employee in violation of this policy will be subject to disciplinary action under the Trust's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal. In addition, any line manager who had knowledge that such bullying, discrimination or harassment had occurred in their department but who had taken no action to eliminate it will also be subject to disciplinary action under the Trust's disciplinary procedure.

CARE HOMES

26. RNBT's Care Homes, Pembroke House and Admiral Jellicoe House, have a wide range of policies and procedures specific to the care home environment which underpin this overall policy and are more regularly updated. The most relevant of these are:
- PE03 - Equality and Diversity Policy and Procedure
 - CR29 - Equality and Human Rights Policy and Procedure
 - PE05 - Anti-Bullying Policy and Procedure
 - PR12 - Recruitment Policy and Procedure

Note: Periodic review as determined by Trustees.