1 Introduction

1.1 Foundation Scotland [FS] recognises that certain duties are incumbent upon an employer to ensure that employees are not subjected to any form of discrimination in the form of direct or indirect discrimination, harassment or victimisation because of the nine 'protected characteristics' in the Equality Act 2010, which are sex, race, disability, age, gender reassignment, sexual orientation, marriage and civil partnership, pregnancy and maternity, religion or belief. Discrimination is unacceptable and we have therefore made the decision to adopt a formal Equal Opportunities policy and to ensure that it is built into the culture of FS.

1.2 To that end, FS wishes to ensure that all employees are aware of the policy in relation to such matters. Employees must be aware that FS will not tolerate discrimination of any type by any employee against another and any allegation of discrimination will be taken very seriously.

2 Scope

2.1 This policy extends to our trustees, co-opted committee members, employees, clients, and any place or venue where work is carried out and is deemed to be a work environment of FS. It also applies to conduct outside of the workplace that is related to your work (e.g. at meetings, social events and social interactions with colleagues, the expression of views on social media).

3 Abbreviations and Definitions

Abbreviations

- LMS – FS's Learning Management System

Definitions

- Direct discrimination - Direct discrimination is any treatment of an individual in a detrimental or less favourable manner because of a 'protected characteristic'. This would include victimisation of a person on the ground that he or she has brought, or is proposing to bring, proceedings under the Equality Act 2010, has given evidence on behalf of another in relation to such proceedings or has made an allegation against an alleged discriminator under the legislation. FS will not tolerate such treatment of its Employees or any other individual. As such, it will be considered a disciplinary matter and will be dealt with under FS's disciplinary procedures.
- Indirect Discrimination - Indirect discrimination refers to applying a provision, criterion or practice which disadvantages people because of a 'protected characteristic'. Indirect discrimination is illegal if it cannot be justified as a proportionate means of achieving a legitimate aim.
- Provision of Goods or Services - The Equality Act 2010 makes it unlawful for Employees to discriminate directly or indirectly or harass customers or clients because of a 'protected characteristic' in the provision of goods or services.

- Associative Discrimination - The Equality Act 2010 allows for Employees to be protected where an individual is directly discriminated against or harassed for association with another individual who has a 'protected characteristic'.
- Perceptive Discrimination - The Equality Act 2010 allows for Employees to be protected where an individual is directly discriminated against or harassed based on a perception that he or she has a particular 'protected characteristic' when he or she does not, in fact, have that 'protected characteristic'.

4 Policy

Equality Act 2010

4.1 The primary purpose of the Act is to consolidate the complicated and numerous Acts and Regulations, which formed the basis of anti-discrimination law in the UK. This was, primarily, the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995 and three major statutory instruments protecting discrimination in employment on grounds of religion or belief, sexual orientation, and age.

Disability Discrimination

4.2 A person is defined for the purposes of the Equality Act 2010 as being disabled if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

4.3 Discrimination arising from a disability - The Equality Act 2010 allows for Employees to be protected where an individual is treated unfavourably because of something connected to their disability. FS, when dealing with recruitment, promotion, transfer requests, training requests, redundancy situations, re-deployment and access to benefits or services will always have regard to the particular requirements that those suffering from disability may have and in particular to the need on occasion to make appropriate adjustments to eradicate any discriminatory effect, where reasonable. Adjustments may include:

- Making adjustments to premises.
- Allocating some of the disabled person's duties to another person.
- Transfer to fill an existing vacancy.
- Flexible working hours or place of work.
- Allowing absences for treatment or rehabilitation.
- Providing training if necessary.
- Acquiring or modifying equipment.
- Modifying instruction or reference manuals.
- Modifying procedures for testing or assessment.
- Providing a reader or interpreter.
- Providing supervision.

5 Raising a Complaint

5.1 If an Employee feels that they have been subject to discrimination on any of the grounds described above in Section 4 they should raise it with their Line Manager in the first instance. If they feel the matter has not been resolved to their satisfaction, they should raise a formal complaint in line with FS's Grievance procedure. If the complaint is related to harassment, the employee should refer to FS's Anti-Harassment and Bullying policy.

6 Roles and Responsibilities

Employer's Duties

6.1 FS seeks to ensure that there is no breach of the legislative provisions relating to discrimination under the Equality Act 2010, to ensure that all Employees are aware of the policy and to encourage the Employees' support for this policy.

6.2 Addressing Issues of Discrimination

6.2.1 FS will strive to ensure that no person is subject to detrimental treatment, victimisation or discrimination because they made or supported a complaint or raised a grievance under the Equality Act 2010 or under this Policy or because they are suspected of doing so or being about to do so.

6.2.2 FS will take any complaint seriously and will seek to resolve any grievance that it upholds. No person will be penalised for raising a grievance, even if their grievance is not upheld, unless the complaint is both untrue and made in bad faith.

Employee's Duties

6.3 FS insists that every Employee and other persons on FS's premises be treated with dignity and respect and that any instances of discrimination will not be tolerated. Disciplinary action will be taken against any Employee found to be guilty of any form of discrimination in accordance with the Act.

6.4 In addition, FS would expect all Employees to inform their line manager or another manager at FS immediately if they are the subject of discriminatory treatment or witness another Employee being harassed or victimised for any reason, but particularly because of their sex, race, disability, age, gender reassignment, sexual orientation, marriage and civil partnership, pregnancy and maternity, religion, or belief.

6.5 FS is committed to identifying and removing unlawful discriminatory practices and procedures, to support this equal opportunities commitment.

Duties under the Statutory Provisions

6.6 FS is an equal opportunities Employer and as such will not discriminate against any Employee because of a protected characteristic across the following practices:

6.6.1 Recruitment and Selection - The recruitment and selection processes are particularly important to any Equal Opportunities policy. We endeavour through appropriate training to ensure that Employees making selection and recruitment decisions will not discriminate, whether consciously or unconsciously, in making these decisions. In line with the policy, the following statements will be adhered to in practice:

- Promotion and advancement will be made on merit and all decisions relating to this are made within the overall framework and principles of this policy.
- Job descriptions, where used, are revised to ensure that they are in line with our equal opportunities policy. Job requirements will be reflected accurately in any personnel specifications.
- We adopt a consistent, non-discriminatory approach to the advertising of vacancies.
- We do not confine our recruitment to areas or media sources which provide only, or mainly, applicants of a particular group.
- All applicants who apply for jobs with us receive fair treatment and will be considered solely on their ability to do the job.
- Interview questions will be related to the requirements of the job and will not be of a discriminatory nature.
- We do not disqualify any applicant because he/she is unable to complete an application form unassisted unless personal completion of the form is a valid test of the standard of English required for the safe and effective performance of the job.
- Selection decisions are not influenced by any perceived prejudices of other employees.
- Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 2018 and General Data Protection Regulation.

6.6.2 The Equal Opportunities policy applies to all aspects of employment including:

- Pay
- Training
- Promotion and career development opportunities
- Terms and conditions of employment, access to employment related benefits and facilities
- Grievance handling and the application of disciplinary procedures
- Selection for redundancy
- Working with clients

6.7 Employees can be held personally liable as well as, or instead of, FS for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

6.8 FS publishes and tracks its gender pay gap in the Annual Report and Accounts and the Board keeps it under review.

7 Training

- LMS – Equality and Diversity in the Workplace
- LMS – Unconscious Bias

8 References

- Equality Act 2010 (legislation.gov.uk)
- Data protection - GOV.UK (www.gov.uk)

9 Review

9.1 This policy is reviewed, approved, and endorsed by the Board of trustees. It is updated when required by legislation, to ensure that it reflects statutory responsibilities, government guidance and best practice for FS, or every 36 months whichever is the soonest.

10 Document Properties

Title	Equal Opportunities Policy		
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