

# Equality and Inclusion Procedures



## 1 Introduction

This procedure is discretionary in nature. Whilst the University expects its employees and staff to comply with this procedure, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions.

Breach of this procedure may be addressed via the University's disciplinary and code of conduct policies.

This procedure will be reviewed by the Human Resources department on a 3 year basis or amended in response to changes in future legislation and/or case law.

## 2 Ownership

The Human Resources department owns and manages these procedures on behalf of The University of Northampton.

## 3 Organisational Scope

This Equality and Inclusion procedure applies to all employees (and workers, as applicable) of The University of Northampton including any wholly owned subsidiaries, unless an alternative procedure exists, subject to any qualifying conditions.

## 4 Definitions

**Bullying** is the demeaning and humiliation of others through action or physical, emotional, or verbal conduct that erodes an individual's self-confidence and or undermines their self-esteem.

**Direct Discrimination** - This occurs when a person is treated less favourably than someone else for reason of their gender, race, ethnic origin, disability, age, sexual orientation or religion or belief.

**Equality Analysis** - Formerly called Equality Impact Assessment this refers to a detailed and systematic analysis of the actual or potential effects of a policy, proposed policy, procedure, practice, criterion, decision or service to determine whether it has a differential impact upon identifiable groups of people

**Equal work** - jobs that have role evaluated as the same grade.

**Frivolous** - complaints that would reasonably be regarded as trivial e.g. focussing on a trivial matter to an extent which is out of all proportion to its significance and continuing to focus on this point; or making a formal complaint that, even if true, is so trivial that no reasonable person would think it worth pursuing formally; and if it had been raised informally could probably have been resolved

**General Duties** - a broad outline of what is required to comply with the Legislation

**Harassment** is broadly speaking, unwanted conduct which may violate a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

**Indirect Discrimination** - This occurs where a provision, criterion or practice is applied equally to everyone but the provision, criterion or practice puts, or would put, members of one group at a particular disadvantage and is not a justifiable means of achieving a legitimate aim.

**Malicious** - where the complainant knows there are no reasonable grounds for the complaint e.g. deliberately intending to deceive or mislead the investigation of a complaint or making the complaint for an ulterior motive

**Positive Action** - This refers to a variety of measures designed to counteract the effects of discrimination and encourage members of underrepresented groups to take advantage of opportunities. Unlike positive discrimination, which is unlawful in the UK, positive action is lawful. Examples include the provision of facilities to meet the special needs of people from particular

groups in relation to their training, education or welfare; and the encouragement of applications from particular groups that are under-represented in particular areas of work.

**Specific Duties** - specific actions which need to be taken to enable compliance with the General Duties and thereby the Legislation

**Third Party Reporting** - a report made by someone who has not been subjected unacceptable behaviour but who may have witnessed an incident or may be someone to whom a complaint has been disclosed.

**Vexatious** - complaints that are instituted without sufficient grounds, or serving only to cause annoyance.

**Victimisation** occurs when someone is treated less favourably because they have brought proceedings under equality legislation, have alleged that someone has contravened such legislation or they are giving evidence or information in connection with any such proceedings

## **5 Procedures**

### **5.1 Complaints of discrimination, victimisation, bullying or harassment**

The University will take seriously any claims of discrimination, victimisation, harassment or bullying, and any instances of non-adherence to the legislation or not promoting the aims of The University's Equality and Diversity Policy.

Those who believe that they have suffered, or are witness to as a third party, discrimination, harassment, bullying or victimisation, should firstly try to resolve the matter informally and are encouraged to make it clear to the person causing the offence that the behaviour is unacceptable and ask the person to stop doing it.

If he/she does not have the confidence to deal with the situation on his/her own or they are unwilling to approach the individual(s) they are encouraged to contact their line manager, HR Business Partner or TU representative for support.

Any discussion with this supporter will normally be confidential and no further action will be taken without the permission of the complainant, unless his/her safety or the safety of others is deemed to be at risk.

As a general rule it is desirable that notes (dates, times, circumstances and witnesses - including ways in which the incident(s) affects pattern of living or work) should be kept.

Unwillingness to approach the individual(s) will not be interpreted by the University to constitute consent to the harassment nor will it prejudice any subsequent complaint that may be brought.

If the matter has not been resolved informally the employee should raise it formally through the University's grievance procedures as appropriate. Following investigation employees found guilty of discrimination, victimisation, harassment or bullying may be subject to disciplinary action up to and including dismissal.

5.2 Any other reported instances of breach of the Equality and Diversity Policy will be investigated and where appropriate will be considered under the respective disciplinary procedures for staff.

5.3 Frivolous, Vexatious or Malicious Claims

If an allegation or complaint of discrimination, victimisation, bullying or harassment is subsequently shown to have been frivolous, vexatious, malicious, otherwise unreasonable or not made in good faith, this will be treated very seriously. Such a complaint may amount to a form of harassment itself and/or an abuse/misuse of this procedure. If such an allegation is proven it may be subject to disciplinary action.

5.4 Equal Pay Audit

The University will conduct an equal pay audit every three years or as required by legislation. The review will include full and part time employees and those on fixed term and hourly paid contracts.

The equal pay review seeks to establish if there are significant pay gaps for those undertaking "equal work"; roles that fall within the same grade are considered to be rated as of equivalent value. The analysis will determine

whether further investigation is required to establish the extent to which any gaps can be objectively justified and what action is required, if any, to deal with unjustified inequality.

Prior to any equal pay review the scope of the review will be determined by an Equality Data Working Party consisting of Senior Management, HR and representatives from recognised trade unions. Within the team there should be a pay specialist, equality and diversity specialist, and someone with knowledge of the institutional history in relation to pay related matters.

In scoping the equal pay review consideration will be given to:

- Process – who, when, how
- Content – purpose
- How comprehensive – which protected characteristics will be included, what terms and benefits should be included
- Who will be included
- Data collection issues

The analysis and interpretation will be carried out by the HR department and the results shared with the group for discussion and development of a programme for positive action where needed. The results of the review will be published to the wider University in accordance with guidelines agreed at the start of the process.

## 5.5 Equality Analysis (formerly Equality Impact Assessment)

Completing an Equality Analysis of all University policies, procedures, decisions and activities supports the University in compliance with the general and specific duties of the Public Sector Equality Duty. In order to embed best practice into all of the University's activities consideration of the impact on equality shall form an integral aspect of all policy formulation and decisions.

The University will review policies and procedures every three years or when legislation requires, to assess their impact on students, potential students, alumni, staff from different groups, and will build consideration of equality and diversity implications into its strategic planning and review processes at Institutional, Faculty and Departmental level.

Assessing the impact of policies and procedures will be achieved through an inclusive and interactive process as defined in the Equality Analysis Guidelines. Completion of the Equality Analysis is the responsibility of the policy owner.

Training in completion of Equality Analysis will be available and support in completion and provision of data will be provided by the HR Department and Student Academic Services.

Equality analysis will be conducted at the beginning of any policy development or revision and reviewed throughout the process.

## **6 Associated Documents**

Equality and Inclusion Policy  
Conflict Resolution and Grievance Policy and Procedure  
Disciplinary Policy and Procedure  
Equality Analysis Guidelines

## **7 Equality Analysis**

An Equality Analysis available

## 8 Version Control

<b>Version Control</b>		<b>Approval record</b>	
Author:	HR	Approval:	TU Liaison JCNC UMT Governors
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Date	Details of Change	Approval	
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