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MCN LTD

EQUAL OPPORTUNITY AND DIVERSITY POLICY (incorporating the Grievance & Complaints procedures)

Introduction

MCN Ltd is wholeheartedly committed to the principle of equality of opportunity and achieving diversity, both in its capacity as an employer and as a provider of services to others. MCN Ltd is determined to prevent unfair, unjust and unlawful discrimination or harassment and promote equality of opportunity of its staff, potential staff or users of its services regardless of individuality such as race, colour, ethnic or national origin, gender, marital status, disability, religion, sexual orientation, age, responsibilities for dependants. MCN Ltd is opposed to discriminatory attitudes and is committed to translating this into all aspects of its everyday work. All staff, potential staff and clients of MCN Ltd will be afforded respect and dignity at all times and rewarded on merit.

MCN Ltd recognises that specific and positive programmes of action are necessary to ensure that the aims of its equal opportunities policy are achieved. This policy provides guidelines, which must be followed by all staff within MCN Ltd. We recognise that progress requires the participation, training and commitment of all our staff to the policy & procedure.

Legislation

The main anti discrimination legislation covering this policy comprises:

Equal Pay Act 1970
Sex Discrimination Act 1975 & 1986
Sex Discrimination Act (Gender Reassignment Regulations) 1999
Race Relations Act 1976
Race Relations (Amendment) Act 2000
Disability Discrimination Act 1995

The main requirements of these acts are outlined in Appendix 1. MCN Ltd recognises the other legislations that provides for equality of opportunity in the work place such as health and safety, maternity provision, part time working and parental leave.

Discrimination & Harassment

Unlawful discrimination is defined in the Sex Discrimination Act and the Race Relations Act as direct, indirect and victimisation. The Disability Discrimination Act refers to discrimination and victimisation.

Direct Discrimination

Direct Discrimination consists of treating a person less favourably than others on the grounds of colour, race, ethnic or national origin, gender, marital status or disability.

Indirect Discrimination

Indirect discrimination is a condition or requirement that applies to all, but in practice;

- a. Has a detrimental effect upon a group of individuals
- b. Means that a smaller proportion of women or people of a particular colour, race, ethnic or national origin can comply than the proportion of other persons;
- c. Cannot be fully justified.

Victimisation

Victimisation consists of taking actions against a person or treating him/her less favourably for asserting his/her rights under the Equal Pay Act, the Sex Discrimination Act, the Race Relations Act or the Disability Discrimination Act or Codes of Practice, or because he/she has taken action in support of the rights of people in the groups specified in the Codes of Practice or legislation.

Harassment

MCN Ltd requires that all employees treat each other and all other people with respect and dignity at all times and realise that others may regard certain behaviour as offensive. Harassment and bullying will not be tolerated and will result in disciplinary action.

Harassment takes many forms. It is the unwelcome physical, verbal or non-verbal conduct that creates an intimidation hostile or humiliating environment for the recipient. The way in which MCN Ltd deals with suspected harassment is dealt with in the **Complaints Procedure**.

Managers and senior staff are responsible for the well-being of their staff and should be aware of any situations which arise and be prepared to act immediately if any such behaviour is noticed, or if they receive a complaint.

Responsibility

Corporate Responsibility

MCN Ltd recognises and accepts its responsibility to provide a working environment and a service that is free from unfair, unjust and unlawful discrimination. It will also ensure that an environment exists in which all potential employees, employees, clients and anyone else who comes into contact with the organisation feels valued, safe and secure and able to maintain their dignity at all times. In such an environment staff will feel confident in working to their full potential and enjoy the satisfaction of achievement and a diverse environment.

Management Responsibility

All Directors and managers within the organisation have particular responsibility to ensure the business acts lawfully and that the spirit of the policy is maintained and promoted in all aspects of the business. As managers, they each have responsibility for ensuring that their staff are aware of MCN Ltd's Equal Opportunities Policy and diversity strategy. They are responsible for monitoring their work area and stopping unacceptable behaviour immediately.

Individual Responsibility

Each individual who works for MCN Ltd is responsible for his/her own actions and is to respect and follow the Equal Opportunities Policy. They are equally liable for their actions under anti-discrimination legislation and are expected to treat others with respect and dignity at all times.



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Any individual whose behaviour in the workplace causes distress, fear or makes others feel uncomfortable will be subject to an investigation and possible disciplinary action.

MCN Ltd expects each individual to commit to and promote the Equal Opportunities Policy and to report any incident(s) of discrimination or harassment they encounter or observe.

MCN Ltd's Equal Opportunities Policy is the responsibility of every member of staff to apply. Its application is also required from people who work with MCN Ltd in providing the work that MCN Ltd does, and it cannot be modified or altered by or for any particular part of MCN Ltd.

Recruitment & Promotion

MCN Ltd is committed to developing and maintaining working environments and practices that ensure diversity and equality of opportunity in both the recruitment and advancement of staff. Discriminatory attitudes of behaviour, whether sexist, racist or of other kinds are unacceptable at any time. Commitment to equal opportunities and diversity is a requirement for all MCN Ltd staff.

All job applicants will be provided with a copy of the Equal Opportunities Policy.

Advertising

MCN Ltd will ensure that all job vacancies will be advertised in a format that will not discourage or eliminate applicants who, on merit, are qualified to compete for the post. Suitably qualified people from minority or underrepresented groups will be encouraged to apply.

All vacant posts will be advertised as widely as possible and be supported by job descriptions and person specifications. Both will be scrutinised beforehand to ensure that they are specific only to the skills required to the job.

C.V.'s will not be accepted as job applications.

Selection

Applications forms will be in a format that is suitable for the applicant. Forms will be available in large print and Braille and MCN Ltd will also accept audio tapes from applicants with sight impairment. Applicants will be asked if they require assistance or support if they have a disability and every attempt will be made to meet their specified requirements.

Application forms will be forwarded to the Directors only after names, addresses, gender, ethnicity, age and disability details have been removed by a suitable administrator who is not involved in the selection panel. In this way the Directors will select interviewees on the basis of their appropriate skills and experience only. Details of gender, ethnicity, disability and age will be maintained in confidence for monitoring purposes.

Interview panels will, where possible, be of mixed gender and race and be trained in equal opportunities and diversity.

The interview panels will consist of the same members of management or staff. The same questions will be covered with each candidate and will only be job related. All interview panels will be willing to consider requests for alternative working patterns such as part-time, job sharing, and flexible working hours.

Where selection tests are used they will be specifically related to the job requirements and will be reviewed regularly to ensure that they are relevant and fair to all.

Interview notes and decisions on appointments will be recorded and kept for six months.

Recruitment procedures are applied equally to internal and external applicants. The procedures and practices are monitored constantly as a management priority to ensure their proper operation, as laid down in the guidelines. All staff responsible for recruitment are required to participate in training to ensure their understanding and implementation of these procedures.

All staff should have a genuinely equal opportunity to progress within MCN Ltd, including the opportunity to participate in training to develop their full potential.

Provision of Services

MCN Ltd is committed to providing services which are relevant, attractive and accessible to all those who might wish to use them. Staff are required to be fully aware of their responsibilities in this respect and to ensure that systems of recruitment or referral to our services do not operate to exclude or discourage participation and that our initiatives and projects are welcoming and attractive to all potential participants. These aims are a priority in the provision of staff training and the allocation of resources.

Monitoring

Monitoring of all employment issues and service provided is to be carried out in order to identify any inequalities in content or participation and to determine the steps needed to rectify them. This includes attention to recruitment, promotion, training, conditions of employment, complaints, publicity, environment, referral processes and links with outside organisations and individuals involved in the provision of our services. Every effort is made to ensure that, in maintaining these links, our policies and priorities are not compromised.

Grievance Procedure

The Grievance Procedure enables all employees to express dissatisfaction with, or formally bring to the attention of Management any complaint about, their working conditions or their Contract of Employment. Staff who consider that they have been unfairly, unjustly or unlawfully discriminated against or harassed by another employee (including a member of management) should follow the procedure as set out in the Complaints Procedure.

It is the intention of all managers at MCN Ltd to manage in such a way that grievances and other similar issues should not arise but, if they do, it is recognised to be in everyone's interests to settle them as quickly as possible.

1. Any employee who has a grievance against MCN Ltd or any member of staff should, in the first instance, raise the matter informally with his or her manager. It is expected that many issues will be resolved at this stage.



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2. If an employee wishes to appeal against the initial decision made, or action taken by her/his line manager, s/he should set out in writing the main points of the grievance in order to clarify the issue(s) involved and refer it to the head of her/his department. A written appeal should normally be made within five working days of the date on which the decision with which the employee is dissatisfied was communicated to her/him.
3. A meeting will then be arranged between the employee, line manager, and Director to consider the matter and to try to reach a solution. This meeting will take place as soon as is reasonably practicable (normally within 10 working days) after receipt of the employee's written referral.
4. Special arrangements may be made for regional employees or those with non-standard working arrangements (such as part-time or short-term contract employees).
5. If the matter is still not resolved, the employee may appeal to a panel, consisting of 3 representatives from the Board of Trustees, including the Chair; none of whom must have previously been involved in the grievance procedure. The decision of this panel will be final and binding on all parties. Any such appeal must be made, in writing, and within five working days of the date on which the decision under (2) was communicated to the employee.
6. A colleague (including a Trade Union representative or a person of her/his choice) may accompany the employee at any stage of the grievance procedure.
7. If the employee is in doubt about how to deal with grievance issues, s/he can contact the Director or an independent adviser of his/her choice.
8. All parties involved will keep details of grievances confidential.
9. No action will be taken to make any changes to an employee's terms and/or conditions while the grievance procedure is in progress.
10. All papers pertaining to the grievance will be kept in both the file of (i) the employee making the complaint and, if appropriate, (ii) the employee against whom the complaint is being made. Papers will be retained for 1 year.
11. Where a grievance against another employee is proven, the Disciplinary Procedure may be invoked.

Complaints Procedure

MCN Ltd has ensured that procedures are in place that should help protect all individuals from discrimination or harassment in the workplace or provide a remedy to such behaviour.

Not everyone who has a problem wishes to make a formal complaint. Quite often, after talking over their concerns in confidence with a trusted impartial person, an individual may feel confident to deal with the issue satisfactorily her or himself. There are others who might need someone to speak up for them. In brief, they want someone to be told, without too much fuss, that their behaviour is causing distress and it should stop. In most cases this will solve the problem as people can sometimes unknowingly or unintentionally offend.

Staff who experience such difficulties and wish it to be dealt with in this way may seek the assistance of a Manager/Director who will treat the matter in total confidence.

However, if the behaviour continues the complainant can claim discrimination or harassment as the perpetrator is now continuing their actions knowing that it is unwelcome, hurtful and/or offensive.

Informal Complaint

Staff who consider that their treatment has been unlawful, unjust or unfair will have the right to complain in confidence to a Manager/Director, who will carry out a thorough investigation.

All complaints will be treated in strictest confidence whilst an investigation is carried out. The investigation will take statements from all involved and, where possible, will take no longer than **five working days**.

Those found responsible for discrimination or harassment will be subject to disciplinary action, or where they are external organisations / individuals, the company or individual may be disassociated from MCN Ltd.

Any person found to have brought a complaint in malice would be subject to disciplinary action.

Formal Complaint

Some behaviour is so offensive that the complainant may wish to make a formal complaint immediately. A formal complaint must be made in writing to a Director providing as much detail and evidence as possible. It will be necessary to document all details of the complaint from beginning to end including dates, times and any witnesses or evidence.

The Director will deal with the complaint in a confidential, sensitive, sympathetic and timely manner but will remain impartial throughout the investigation.

The investigation will take statements from all involved and, where possible, will take no longer than **five working days**.

Those found responsible for unjust, unfair or unlawful discrimination or harassment will be subject to disciplinary action or, where they are external organisations / individuals, will be disassociated from MCN Ltd.

Any person found to have brought a complaint in malice would be subject to disciplinary action.



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Investigation

Statements will be taken from the accused, the line manager and/or any witnesses. All details and evidence provided will be carefully considered and a decision made as to whether the complaint has substance and if an offence under the Equal Opportunities Policy has occurred.

Whilst much care must be taken to establish all the facts of the incident(s), the process should not be unduly lengthy in order to cause as little distress or disruption to employees. Therefore, a report on the result of the investigation will, where possible, be made within **five working days**.

Subsequent Action

If it is decided that unfair, unjust or unlawful discrimination or harassment has taken place the victim (previously called the complainant) will receive a full and unqualified apology from MCN Ltd and the perpetrator and be consulted on what initial action should be taken to help restore their confidence within the work place, which may include professional counselling.

If the perpetrator (previously known as the accused) works closely with the victim and is truly regretful for their actions the victim may be willing to accept an apology and an assurance that similar behaviour will not be repeated. In this case appropriate disciplinary action will be taken against the perpetrator, s/he will be warned that similar behaviour in the future will lead to more serious disciplinary action and that the situation in the workplace is to be monitored. Further awareness raising and equality training for those involved will be considered.

If necessary and it is possible to move the perpetrator away from the victim, strict guidelines will be given for his or her future behaviour and s/he will be strictly monitored ensuring that the discrimination or harassment is not repeated.

Moving the perpetrator does not constitute disciplinary action. It is for management to decide what disciplinary action is appropriate.

Disciplinary Action

Staff of MCN Ltd who are found to have unlawfully, unfairly or unjustly discriminated or harassed another individual whilst in the work place will face disciplinary action in line with the Disciplinary Procedure for the organisation. The disciplinary action will range from a reprimand to dismissal.

The managing director has specific responsibility for the effective implementation of this policy.

A handwritten signature in black ink, appearing to read 'A. Shearer'.

A. Shearer
Managing Director

November 2011