



## **EQUAL OPPORTUNITIES POLICY & PROCEDURE**

### **1.0 Statement of Intent**

- 1.1 The Scottish Criminal Cases Review Commission (the Commission) supports the principle of equal opportunities in employment and opposes all forms of discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. These grounds of discrimination are referred to in this policy as “protected characteristics.”
- 1.2 The Commission is committed to ensuring equality of opportunity for all current and prospective employees, and is committed to providing a good and harmonious working environment that offers equal treatment and equal opportunities for all its employees, where every employee is treated with dignity and respect.
- 1.3 The Commission’s equal opportunities policy is designed to help all employees develop their full potential and to ensure as far as practicable that the talents of the staff are fully utilised to maximise the efficiency of the Commission. However, no policy can properly accommodate all possible circumstances and therefore this document should be seen as creating guidelines only and not contractual obligations on the part of the Commission.
- 1.4 Breaches of the Commission’s equal opportunities policy and procedures will usually result in the Commission’s Disciplinary Procedure being invoked against the individuals responsible.

### **2.0 Unlawful Discrimination**

- 2.1 The Commission aims to ensure that no discrimination occurs on the basis of protected characteristics. Unlawful discrimination refers to direct discrimination, indirect discrimination, harassment and victimisation.
- 2.2 Direct discrimination occurs when a person treats another person less favourably than others and the treatment is because of a protected characteristic. A person is treated less favourably if he or she is put at a disadvantage compared to others.
- 2.3 Indirect discrimination occurs when a provision, criteria or practice is applied which puts people who have a protected characteristic at a disadvantage compared with people who do not have that characteristic, and cannot otherwise be objectively justified.
- 2.4 Harassment related to a protected characteristic occurs when a person engages in:

- Unwanted conduct which is:
  - Related to one or more of the relevant protected characteristics, and which has the purpose or the effect of violating the dignity of another person, or creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.

2.5 Victimisation is when a person is treated detrimentally because they have made a complaint about discrimination or harassment or have given evidence about or relating to a complaint about discrimination or harassment.

2.6 Unlawful discrimination also includes dual discrimination, where a person experiences discrimination because of a combination of protected characteristics.

### **3.0 Further Information on the Protected Characteristics**

#### **Age**

3.1 The Commission aims to ensure that discrimination against an individual or group does not occur on the grounds of age.

3.2 Age is defined in UK legislation by reference to a person's age group. Where people fall within the same age group, they share the protected characteristic of age,

#### **Disability**

3.3 The Commission aims to ensure that discrimination against individuals does not occur on the ground of disability.

3.4 A person has a disability if they have a physical or mental impairment which has a long term and substantial adverse effect on their ability to carry out day to day activities.

3.5 The Commission has a Disability at Work Policy which outlines the steps which the Commission will take to ensure that discrimination on the grounds of disability does not occur. In summary, the Commission will take all reasonable steps in order to accommodate any person with a disability by attempting where possible to make a reasonable adjustment to existing working conditions and arrangements or by considering redeployment. Where appropriate, the Commission will consider retraining to enable employees to remain in employment with the Commission.

#### **Gender Reassignment**

3.6 The Commission aims to ensure that discrimination against individuals does not occur on the grounds of gender reassignment. People who are proposing to undergo, are undergoing or have undergone a process (or part of a process) to reassign their sex have the protected characteristic.

3.7 The Commission will ensure that staff who are undergoing, or who intend to undergo gender reassignment are treated fairly and offered support, respect and understanding during all stages of their employment. The Commission will take into account personal preferences, particularly in relation to the type and manner in which information is communicated with colleagues.

### **Marriage and Civil Partnership**

- 3.8 The Commission aims to ensure that discrimination against individuals does not occur on the grounds of marriage or civil partnership. Only people who are actually married or in a civil partnership are protected against discrimination on this ground, as opposed to people who are living as couples, or who are divorced.

### **Pregnancy and Maternity**

- 3.9 The Commission aims to ensure that discrimination against individuals does not occur on the grounds of pregnancy or maternity. It is unlawful to treat a woman unfavourably because of her pregnancy or a related illness, or because she is exercising, has exercised or is seeking to exercise her right to maternity leave.

### **Race**

- 3.10 The Commission aims to ensure that discrimination against individuals does not occur on the grounds of race. Race includes colour, nationality (including citizenship) and ethnic or national origin.

### **Religion or Belief**

- 3.11 The Commission aims to ensure that discrimination against individuals does not occur on the grounds of religion or belief. This includes any religion and any religious or philosophical belief. It also includes the lack of any such religion or belief.

### **Sexual Orientation**

- 3.12 The Commission aims to ensure that discrimination against individuals does not occur on the grounds of sexual orientation. This includes a person's perceived sexual orientation.

## **4.0 Responsibility**

- 4.1 The Chief Executive has overall responsibility for implementing the policy.
- 4.2 Activities relating to the positive implementation and administration of the policy in respect of recruitment and employment of staff will be the responsibility of the Director of Corporate Services.
- 4.3 All managers will have delegated responsibility for implementing and actively promoting equality of opportunity on a day to day basis and instigating immediately the appropriate procedures in the event of any breach of the Equal Opportunities Policy.
- 4.4 All staff will be made aware during induction of the Equal Opportunities Policy which will also form part of the Commission's Staff Handbook. Their co-operation and commitment to the measures introduced by the Commission will be sought as part of their conditions of employment.
- 4.5 Individual employees have the responsibility to assist in the prevention of discrimination by creating an ethos of equality and respect for individuals in the Commission. They must, therefore, promote equality of opportunity in accordance with this policy by demonstrating appropriate behaviour. Individual employees must also attend training sessions to enhance their understanding of the Commission's commitment to equality and the elimination of unlawful discrimination.

## **5.0 Monitoring and Review**

5.1 The Commission will regularly monitor the effectiveness of its Equal Opportunities Policy to ensure it is achieving the stated aims within the Statement of Intent. The Commission will continue to examine and review equality of opportunity procedures to reflect the needs of the Commission on the basis of experience and statutory obligations as necessary.

## **6.0 Recruitment and Selection**

6.1 The policy of the Commission is to recruit and select the most suitable person for a post in respect of qualifications, experience and knowledge/skills and personal qualities in accordance with best employment practice.

6.2 No vacancy should be advertised (internally or externally) in a way that discourages applications from and sector of the population.

6.3 All applications will be considered on merit. Each individual will be assessed against a set of objectives, non-discriminatory criteria that will be directly related to the demands of the particular vacancy.

6.4 The job description will identify the duties and responsibilities of the post.

6.5 The personal specification will outline both the essential requirements and desirable criteria in terms of qualifications, experience, skills/knowledge and personal qualities required to carry out the job effectively.

6.6 All application packs include a separate equal opportunities monitoring form. These forms will be detached and stored separately after being returned by candidates. They will not be seen by staff responsible for short-listing or interviewing and shall be processed as sensitive data in accordance with the provisions of the Data Protection Act 1998.

6.7 The part of the Application Form used during short-listing of candidates must be capable of completion in an entirely gender neutral manner. No indication of marital status, sex or age should be sought.

6.8 The part of the Application Form bearing identifying information should be detachable and a reference number assigned.

6.9 Applicants will be given equal consideration and selection based upon strictly job related criteria as defined in the job description and personal specification. Feedback to short-listed candidates will be provided in accordance with the Recruitment and Selection Policy and Procedures.

## **7.0 Training**

7.1 Employees involved in recruitment and the management or supervision of employees and all other staff should receive initial and ongoing training to help them understand and comply with the law and this policy.

- 7.2 No employee will be denied access to training on discriminatory grounds.
- 7.3 Specific and/or additional training may be made available for disabled employees as is reasonably necessary.

**8.0 Terms and Conditions of Employment**

- 8.1 Conditions of employment shall be applied fairly, consistently and on a non-discriminatory basis on any of the grounds detailed in Section 3 of this policy.

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