



**Ombwdsmon
Ombudsman**
Cymru · Wales

Equality Policy

Mae'r ddogfen hon hefyd ar gael yn y Gymraeg.
This document is also available in Welsh.

Content

1. Equality Policy Statement	3
2. About this policy	4
3. Discrimination.....	5
4. Recruitment and selection.....	6
5. Disabilities and Additional Support.....	7
6. Part-time and fixed-term work.....	8
7. Breaches of this policy	8
8. Review.....	9

1. Equality Policy Statement

- 1.1. As Public Services Ombudsman for Wales, I am committed to promoting equality for the staff in my employment and in the service we provide to complainants. As an Organisation, we are committed to recruiting, retaining and developing a diverse workforce. We work hard to ensure that our HR processes are fair, transparent and promote equality of opportunity for all staff. We also respect our obligations under the Equality Act 2010 and the requirement to meet the Public Sector Equality Duty (PSED).
- 1.2. All staff are expected to share my total opposition to unlawful and unfair discrimination and my commitment to delivering services in a way that is fair to all members of society.
- 1.3. The Equality Act 2010 requires us to give due regard to nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic or national origin, colour or nationality), religion or belief (including lack of belief), sex and sexual orientation. However, individuals with other characteristics may also be affected by unequal treatment or face disadvantages or barriers. For this reason, we also monitor additional characteristics such as caring duties and language.
- 1.4. Under the PSED we must collect and analyse employment information, broken down by protected characteristic - for example, the number of employees broken down by contract type, and by working pattern. We must then publish findings and identify any areas of concern so that

action can be taken if necessary. We will not publish data or findings that allow individuals and their protected characteristics to be identified.

- 1.5. Under the Welsh Language Standards Regulations 2018 we are also required to assess and record the Welsh language skills of our staff.
- 1.6. At PSOW we do not have to comply with the socio-economic duty, as inequalities of outcome, socio-economic disadvantage or strategic decisions are not defined in the Act. However, we are mindful of the impact of socio economic disadvantage and we are committed to work within the spirit of it. This commitment includes assessing the impact of our work on people experiencing socio-economic disadvantage.
- 1.7. The Equality Act 2010 defines disability using the Medical Model, as physical and mental impairments that last, or are expected to last, for 12 months or more and are substantial in terms of their effects on the individual's day-to-day life. However, at PSOW we are committed to acting in line with the principles of the Social Model of disability. Whereas the Medical Model regards disability as the problem of the individual, the Social Model shifts focus to how barriers in society mean that disabled people face inequality. In other words, the Social Model shifts attention from the individual to what organisations should do to remove any barriers.

2. About this policy

- 2.1. This policy sets out our approach to equality and the avoidance of discrimination at work. It applies to all aspects of employment with us, including recruitment, pay and conditions, training, appraisals,

promotion, conduct at work, disciplinary and grievance procedures, and termination of employment.

- 2.2. The Chief Operating Officer is responsible for this policy and any necessary training on equal opportunities.
- 2.3. This policy does not form part of contracts of employment and may be amended at any time.

3. Discrimination

- 3.1. Members of staff must not unlawfully discriminate against or harass other people including current and former members of staff, job applicants, service users, suppliers and visitors. This applies in the workplace, outside the workplace (when dealing with service users, suppliers or other work related contacts), and on work-related trips or events, including social events.
- 3.2. The following forms of discrimination are prohibited under this policy and are unlawful:
 - a) direct discrimination: treating someone less favourably because of a Protected Characteristic
 - b) indirect discrimination: a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others and is not justified. This could relate to a range of circumstances, including employment matters or service delivery

- c) harassment: this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Anti-Bullying and Harassment and Policy
- d) victimisation: retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment
- e) disability discrimination: this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

3.3. No one should be discriminated against, harassed or victimised because of the language they use, or because of their socio-economic status.

4. Recruitment and selection

- 4.1. Recruitment, promotion and other selection exercises such as redundancy selection will be conducted on the basis of merit, against objective criteria that avoid discrimination. Shortlisting will be done by more than one person and application forms considered for shortlisting will be anonymised wherever possible.
- 4.2. Vacancies will generally be advertised using channels that will reach diverse sections of the labour market. Advertisements should avoid stereotyping or using wording that may discourage particular groups from applying.

- 4.3. Job applicants should not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic. (Health or disability questions may be included in equal opportunities monitoring forms, but these will not be used for selection or decision making purposes. Equality questionnaires will be removed from applications before shortlisting and interviewing.
- 4.4. Job applicants should not be asked about health or disability before a job offer is made, except in the very limited circumstances allowed by law: for example, to check that the applicant could perform an intrinsic part of the job (taking account of any reasonable adjustments), or to see if any adjustments might be needed at interview because of a disability. Where necessary, job offers can be made conditional on a satisfactory medical check.
- 4.5. Given the historic highly negative connotations that could be attached to questions around pregnancy and maternity, we do not ask questions relating to that in our job candidate equality monitoring.

5. Disabilities and Additional Support

- 5.1. Any member of staff who is disabled or becomes disabled, is encouraged to tell their manager about the disability or condition and complete the Wellbeing Passport, so that the need for reasonable adjustments or additional support can be considered.
- 5.2. Those with a disability may need reasonable adjustments, however, some staff who do not have a disability may also need adjustments or additional support. For example, they may need adjustments because of their

religion or their gender, for example menopause. Any member of staff needing adjustments or additional support should complete a Wellbeing Passport so that the detail can be considered and agreed.

- 5.3. Although the duty to provide reasonable adjustments under the Equality Act 2010 is limited to disabled people, the Act also places a duty on public bodies to advance equality of opportunity between different groups covered by the Act. This means that we must also prevent and reduce barriers and disadvantage experienced by other groups, for example due to their gender, age or religion.

6. Part-time and fixed-term work

- 6.1. Part-time and fixed-term employees will be treated in the same way as comparable full-time or permanent employees and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

7. Breaches of this policy

- 7.1. Any breaches of this policy will be dealt with in accordance with our Disciplinary Procedure. Serious cases of deliberate discrimination may amount to gross misconduct resulting in dismissal.
- 7.2. Any member of staff who considers that they have suffered discrimination can raise the matter through the Grievance Procedure or Anti-Bullying and Harassment Policy. Complaints will be treated in confidence and investigated as appropriate.

- 7.3. Anyone raising concerns about discrimination will not be victimised and any behaviour that could constitute retaliation will be regarded as misconduct and dealt with in accordance with the Disciplinary Procedure.
- 7.4. Making a false allegation will also be regarded as misconduct and dealt with under the Disciplinary Procedure.

8. Review

- 8.1. This policy will be reviewed every 2 years and published internally and externally.
- 8.2. Contact policycontrol@ombudsman.wales for any queries about this policy.