



Ministry
of Defence

JSP 887 DIVERSITY INCLUSION & SOCIAL CONDUCT

**DEFENCE STRATEGY AND SOCIAL CONDUCT CODE TO MEET PUBLIC SECTOR
EQUALITY DUTIES**

Foreword

Foreword by

People lie at the heart of operational capability; attracting and retaining the right number of capable, motivated individuals to deliver Defence outputs is critical. This is dependent upon maintaining a credible and realistic offer that earns and retains the trust of people in Defence. In order to achieve this, all personnel must be confident that, not only will they be treated fairly, but also that their families will be treated properly and that Service veterans and their dependants will be respected and appropriately supported.

JSP887 provides policy guidance relating to diversity and inclusion. The Ministry of Defence is absolutely committed to making diversity and inclusion integral to all our policies, functions and services so that we continue to attract and retain the best people available who represent the society we exist to defend. Policies and processes must avoid discrimination and we must ensure all people – military, Civil Service, contractor and others, who work for Defence are valued, respected and never bullied, harassed or inappropriately treated.

[Defence Authority Signature]
Defence Authority for

Preface

How to use this JSP

1. JSP 887 provides policy guidance relating to diversity and inclusion. It covers a range of policy issues including the Armed Forces' Code of Social Conduct, which deals with personal relationships involving Service personnel; the MOD Unified Diversity Strategy, which sets out our diversity vision and diversity mission; and guidance on how to complete an equality analysis in order to consider the effect of decisions, policies, procedures and practices to ensure that they comply with the Equality Act 2010
2. The JSP is structured in three parts:
 - a. Part 1 - Armed Forces Social Conduct.
 - b. Part 2 – Ministry of Defence Unified Diversity Strategy.
 - c. Part 3 – Equality Analysis

Related JSPs	Title
Not Applicable	-

Training

3. There are a number of courses available on Equality & Diversity including the following:

Equality & Diversity Adviser (EDA) ,Assistant Equality & Diversity Adviser A/EDA and Senior Officers Courses

EDA, EDA Refresher, A/EDA and Senior Officers One Day Awareness are run at the Joint Equality and Training Centre, Shrivenham. Further information can be found at the following links:

- [Joint Equality and Diversity Training Centre - JEDTC website \(www\)](#) for details
- [2013DIN07-064](#); Joint Equality and Diversity Training Centre (JEDTC) – [Equality and Diversity Training 2013 - 2014](#)
- [2014DIN07-077](#) - JEDTC - Equality and Diversity Training Sept 14 - Aug 15.

Further courses are also available on Defence Academy and these form part of any induction programme for any new entrants joining the Department.

Learning on diversity and equality and how to deal with situations that may arise in the workplace are available on Civil Service Learning. These include the following:

- [Disability Awareness](#)
- [Equality and Diversity Essentials](#)
- [LGB&T Awareness](#)
- [Unconscious bias](#)
- [Disability Awareness](#)
- [Unconscious Bias](#)
- [WIG Unconscious Bias - Making Progress on Diversity and Inclusion](#)
- [Mental Health](#)
- [Race Awareness](#)
- [Diversity and Equality CS Learning](#)

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Further Advice and Feedback- Contacts

4. The owner of this JSP is [REDACTED] at Defence Personnel Secretariat, Diversity & Inclusion Team.

For further information on any aspect of this guide, or questions not answered within the subsequent sections, or to provide feedback on the content, contact:

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Section 1

Armed Forces' Code of Social Conduct

1. This Code of Social Conduct explains the Armed Forces' policy on personal relationships involving Service personnel. It applies to all members of the Armed Forces regardless of their gender (including gender reassignment status), sexual orientation, race, religion, belief, ability, rank or status. The provisions apply equally to members of the Regular and the Reserve Forces. The Code of Social Conduct should be read in conjunction with the Ministry of Defence's Unified Diversity Strategy.

2. In the area of personal relationships, the overriding operational imperative to sustain team cohesion and to maintain trust and loyalty between commanders and those they command imposes a need for standards of social behaviour that are more demanding than those required by society at large. Such demands are equally necessary during peacetime and on operations. Examples of behaviour that can undermine such trust and cohesion, and therefore damage the morale or discipline of a unit (and hence its operational effectiveness) include:

- unwelcome sexual attention in the form of physical or verbal conduct;
- over-familiarity with the spouses, civil partners or partners of other Service personnel;
- displays of affection which might cause offence to others;
- behaviour which damages or puts at risk the marriage, civil partnership or personal relationships of Service personnel or civilian colleagues within the wider Defence community;
- misuse of rank and taking advantage of subordinates;
- probing into a person's private life and relationships

It is important to acknowledge in the tightly knit military community a need for mutual respect and a requirement to avoid conduct which offends or causes distress to others. Each case will be judged on an individual basis.

3. It is not practicable to list every type of conduct that may constitute social misbehaviour. The seriousness with which misconduct will be regarded will depend on the individual circumstances and the potential for adversely affecting operational effectiveness and team cohesion. Nevertheless, misconduct involving abuse of position, trust or rank, or taking advantage of an individual's separation, will be viewed as being particularly serious.

4. Unacceptable social conduct requires prompt and positive action to prevent damage. Timely advice and informal action can often prevent a situation developing to the point where it could:

- impact adversely on third parties; and/or
- impair the effectiveness of a Service individual or unit;
- result in damage to corporate image or reputation.

However, on occasion it may be appropriate to proceed directly to formal administrative or disciplinary action. Such action is always to be proportionate to the seriousness of the misconduct. It may constitute a formal warning, official censure, the re-assignment of one or more of the parties involved or disciplinary action. In particularly serious cases, or where an individual persists with, or has a history of acts of social misconduct, formal disciplinary or administrative action may be taken, which might lead to termination of service.

The Service Test

5. When considering possible cases of social misconduct, and in determining whether the Service has a duty to intervene in the personal lives of its personnel, Commanding Officers at every level must consider each case against the following Service Test:

"Have the actions or behaviour of an individual adversely impacted or are they likely to impact on the efficiency or operational effectiveness of the Service?"

This Service Test lies at the heart of the Armed Forces' Code of Social Conduct; it is equally applicable to all forms of conduct, including behaviour while not on duty. In assessing whether to take action, Commanding Officers will consider a series of key criteria. This will establish the seriousness of the misconduct and its impact on operational effectiveness and thus the appropriate and proportionate level of sanction. Each of the Services has its own statement on values and standards.

Equality Analysis

This policy does not discriminate on grounds of race, ethnic origin, religion, belief, sexual orientation or social background. Neither does it discriminate on grounds of gender, disability or age, insofar as the legislation applies to the Armed Forces. The Equality Analysis is held by the "Code of Social Conduct" Policy sponsor – Diversity Team – [REDACTED].

Section 2

MINISTRY OF DEFENCE UNIFIED DIVERSITY STRATEGY

“Diversity for Defence”

Diversity Vision

Our Vision is a workforce, uniformed and civilian, that: is drawn from the breadth of the society we defend; gains strength from that society's range of knowledge, experience and talent; and, welcomes, respects and values the unique contribution of every individual.

Diversity Mission

Diversity is core business for the Ministry of Defence in order to encourage people throughout society to join us, remain with us, make their distinctive contributions and achieve their full potential. Also, operating in multinational environments, our success will be improved by being able to understand and respond to different types of situations and people. We will be inclusive and not tolerate discrimination, harassment, bullying or abuse. We will ensure each individual is treated fairly, with dignity and respect and that the diversity of our workforce increases operational effectiveness.

Introduction

1. The Ministry of Defence recognises that the people we employ are the most important factor in fulfilling our Mission to defend the United Kingdom and its interests. The United Kingdom embraces people from diverse cultures and backgrounds. Drawing on this diversity enhances our capability to deliver our business and adapt continuously to a rapidly changing global context. We need a shared focus in this area which this Unified Diversity Strategy provides. The business case for diversity is set out at Annex A.

Complying with Legislation

2. We will meet our statutory obligations and seek minimum exemptions in order to safeguard operational effectiveness. We have published an overarching Equality and Diversity Scheme that describes the way in which we will make our vision a reality and meet our legal obligations. An accompanying annual Action Plan sets out specific measures to promote equality and diversity among our own personnel and those with whom we come into contact and ensure that we meet our statutory obligations.

Working Together

3. The principles of diversity do not vary according to whether someone is military or civilian, uniformed or not, or the colour of that uniform. We value every one of our people for their own particular strengths and talents upon which we rely. We work together across the whole Department. Every man and woman contributes to defence capability and is entitled to the same standards of respect and equality of opportunity. We will also aim to ensure that contractors, agencies and other external organisations upon which we rely for the conduct of our business apply the same standards as those we require of our own people.

4. Diversity is essential for operational effectiveness now and for the future. We will ensure that implementation of this strategy has high priority across the Department in everything we do. The Strategy will be embedded in our operational and personnel functions and, wherever possible, we will adopt common standards, policies, practices and procedures.

Working in Partnership

5. Throughout the Department we will work together, sharing best practice, coordinating activity and collaborating to achieve value for money and effectiveness. We will also work in partnership with other nations, other Government Departments and other public and private sector organisations to learn from each other. We will work in partnership with the Equality and Human Rights Commission (EHRC) and other organisations to ensure that we are leaders in implementing Government policy

and legislation and also that they understand the special circumstances of the Armed Forces and the role of the Ministry of Defence.

Taking Responsibility

6. We expect every one of our people, whether uniformed or civilian, to fulfil their personal responsibilities:

- To foster a working environment where all members of staff feel comfortable and are welcomed and valued for their unique contributions to operational effectiveness.
- To promote a working environment that values dignity, respect and fairness for all in accordance with the principles set out at Annex B.
- To promote standards of best behaviour and comply with the law with regard to creating equality of opportunity and not discriminating against others.

7. We place additional responsibilities on every one of our leaders and managers, whether uniformed or civilian, at every level:

- To set an example through their actions, behaviour and language of respecting and valuing the diversity of others in every aspect of life.
- To be alert to the behaviour or language of others that is discriminatory, harassing, bullying or abusive and to be uncompromising in acting to challenge and prevent it and to take firm and timely action against perpetrators.
- To promote creative team-working that recognises and builds upon the variety of experience, skills and knowledge within our people.
- To remove any unnecessary barriers which restrict the progression and development of any of our people and to take positive action to ensure that their careers have the opportunity to flourish and succeed.

Where appropriate, individuals' discharge of their personal and leadership responsibilities will be reflected in appraisals.

8. The Defence Board, advised by the Ministry of Defence Diversity Panel, will have overall leadership responsibility for promoting diversity and interpreting legislation on equality and diversity, establishing the corporate policy and maintaining the unified focus and strategy for the Ministry of Defence. Responsibility for the implementation of initiatives in support of this strategy rests with the Top Level Budget Holders who will be accountable to the Defence Board.

Communicating and Building Commitment

9. We will communicate and celebrate the progress we make towards achieving a more diverse workforce, both internally and externally. To this end, this strategy, its principles and implementation, will be included in regular policy statements by senior officers and managers; regular agenda items at meetings at all levels; and, internal newsletters, journals, magazines etc. We will continue to review our means of communication to ensure that they are accessible, in alternative formats where

appropriate, to our diverse workforce and others who may need to refer to them. We will also explore other ways of exchanging information, best practice and supporting all our organisations and individuals.

10. We have put in place arrangements to assess our major policies and procedures to mitigate a disproportionately adverse impact on particular groups both within our own workforce and outside the Department who are likely to be affected by those policies and procedures.

11. The promotion of equality and diversity is a function of leadership. In order that all our people are equipped to implement this strategy, we will ensure that appropriate high quality training is provided:

- On joining the Armed Forces and Ministry of Defence Civil Service.
- Refresher training at specified intervals thereafter throughout an individual's career.
- Specific programmes covering key equality and diversity issues (e.g. disability awareness).
- During promotion/career development/management training.

12. Our Public Relations organisations will promote our successes in achieving the aims of this strategy to the widest possible audience. This includes giving visibility to individuals who can act as role models. Wherever appropriate, we will create external communications and recruitment material that is accessible to all sectors of the population (both in content and style), and find new outlets for promoting our activities and career opportunities.

Measuring Progress

13. Progress will be monitored against key performance indicators within the Defence Balanced Scorecard. We will collect qualitative and quantitative data to measure progress under this strategy including employees' views on diversity; workforce composition; recruitment, progression, training and development and retention data for different groups; disciplinary and complaints statistics; etc. We will monitor and review policies and practices regularly to ensure their compliance with this strategy and any changes in legislation. Monitoring and review will take place at all board levels, up to and including the Defence Board. There will be a particular role for the Diversity Panel in assessing progress and making recommendations to the Defence Board. Our progress and compliance with legislation will be able to be assessed by external bodies through our publication of an annual report against our Equality and Diversity Scheme (see para.2 above).

Annexes:

- A. The Business Case for Diversity.
- B. Guiding Principles in Creating an Environment That Promotes Dignity, Respect and the Elimination of Harassment and Bullying.

ANNEX A

THE BUSINESS CASE FOR DIVERSITY

The business case for diversity is compelling. It drives our objective to be a fair, inclusive employer, representative of British society, that makes best use of talent in order to provide first class public service. The key elements are:

- a. **Improving Recruitment and Retention.** Talent differentiates successful organisations. We need to be a world class employer that is truly inclusive in thought, word and action, thus strengthening our position relative to the competition. We need to attract talent from a range of sources because we will not be able to attract the very best people if we continue to rely solely on those parts of society from which we recruited in the past. Embracing diversity will help us to tap in to the whole of society to develop and retain the people we need.
- b. **Increasing Creativity and Innovation.** Creativity and response to change are key to operational effectiveness: from new operations to new equipment. Diversity increases innovation and flexibility by capitalising on different experience and knowledge. Employees who feel supported by their organisation and satisfied by their job are more likely to be innovative and offer better service.
- c. **Supporting Operational Activities.** We operate in multinational environments alongside a multiplicity of people: from operations and peacekeeping to assisting in civil emergencies. Our success will be improved by being able to understand and respond to different types of situations and people.
- d. **Strengthening Teamwork.** We rely on teams working to their full potential to enhance operational effectiveness. Diverse teams can draw on a wider range of background, experience and skills. A culture that embraces diversity enables each team member's contribution to be fully realised, recognised and integrated to achieve success.
- e. **Achieving Cost Savings.** Although embedding a culture that embraces diversity can be a significant investment, it also generates cost savings through improved recruitment and retention, lower absenteeism and fewer complaints and tribunal cases as well as developing products and services that are relevant for a diverse society.
- f. **Upholding Our Reputation.** The Ministry of Defence and the Armed Forces are respected 'brands' and a reputation for valuing diversity will increase that respect. Unfair or discriminatory behaviour marginalises elements of our workforce, damages our reputation and undermines our corporate responsibility to do, and be seen to do, the right thing.

g. **Building for the Future.** We need to act now to safeguard the future. We cannot afford to fall behind other sectors of society or other employers in integrating diversity in to every aspect of our work.

ANNEX B

GUIDING PRINCIPLES IN CREATING AN ENVIRONMENT THAT PROMOTES DIGNITY, RESPECT AND THE ELIMINATION OF BULLYING AND HARASSMENT

The Ministry of Defence will create an environment that promotes dignity, respect and fairness for all and is free from harassment and bullying, where being a member of the Armed Forces or Ministry of Defence Civil Service brings with it the right to be treated fairly and with dignity and respect, because:

All leaders **champion** dignity, respect, fairness and the prevention of harassment.

All personnel are **alert and sensitive** to the risk of offending.

All personnel understand the need and are able to **'find the line'**.

All personnel challenge harassment and inappropriate behaviour early to **'nip it in the bud'**.

Every Serviceman and woman acts in accordance with **Core Values and Standards**.

All complaints are dealt with **swiftly and effectively**.

All personnel are **aware of the impact** of harassment and react quickly and positively when challenged.

Careers are impeded where shortfalls in behaviour occur.

All interactions should **build a positive team ethos**.

Core values and standards for the MoD Civil Service and the Armed Forces are set out in the following publications:

MoD Civil Service	Civil Service Code
Royal Navy	Naval Service Core Values
Army	Values and Standards of the British Army (Commanders' edition) Basically Fair – Respect for Others in the British Army
Royal Air Force	Ethos, Core Values and Standards of the RAF

Section 3

EQUALITY ANALYSIS

Introduction

1. The MOD is a large, complex organisation responsible for making a wide range of decisions. This spans decisions about overarching policies to day-to-day decisions which affect specific individuals. Equality Analysis is a means of considering the potential impact on different groups protected from discrimination by the Equality Act 2010. This Act places a duty on public sector organisations (the Public Sector Equality Duty) to integrate consideration of equality into their day-to-day business and to show due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and those who do not.

The protected characteristics are: age, disability, gender reassignment, pregnancy or maternity, race (including ethnic or national origins, colour or nationality), religion or belief (including lack of belief), marriage or civil partnership, sex and sexual orientation¹. For the purposes of the Act the Ministry of Defence, the Armed Forces and the Ministry of Defence Police are subject to the Public Sector Equality Duty.

2. The Equality Act and the Equality Duty therefore represent a good opportunity for the MOD to review its approach. The resulting Guidance and Template is a simplified process which aims to reduce bureaucracy, increase user-friendliness and thereby deliver more effective equality outcomes for the benefit of all staff. It will also help to demonstrate both internally and externally that the MOD takes equality seriously, treats people fairly and understands the benefits of a diverse workforce.

Equality Analysis and due regard

3. In order to comply with the Equality Duty and show due regard to the principles set out in paragraph 1, public sector organisations are required to consider the effect of their decisions, policies, procedures and practices (all activity) on those people with characteristics protected from discrimination by the Act. There are two reasons for this:

- to consider if there are any unintended consequences that potentially discriminate against some groups, and
- to consider if there are opportunities to improve on what is being proposed or improve by removing discriminatory aspects of existing policies.

4. The term 'due regard' means consciously thinking about improving equality outcomes as part of the process of decision-making. Consideration of the impact of particular decisions, policies, procedures and practices on those people with the protected characteristics is known as Equality Analysis. Equality Analysis replaces

the former requirement known as Equality and Diversity Impact Assessment. The aim of the new process is to deliver improvements in equal treatment and equality of opportunity for staff and service users.

5. At all stages, the MOD is required to demonstrate how it has exercised due regard/serious consideration to the need to improve equality outcomes by demonstrating evidence of engagement with protected characteristic groups (the Department is required by law to engage with disabled members of staff). Under the new Equality Duty, public authorities are not required to follow any specific methodology or template, but they need to be able to show that they have had due regard to the aims set out in the general duty. A systematic approach, such as this revised Equality Analysis Template, is an important business tool which, if used effectively, can help improve policy development and service delivery; help to ensure compliance with legal obligations under the Equality Duty and build trust and confidence between the Department and its employees.

6. Case law has established that equality impact assessment/analysis, if conducted in an effective and timely manner, is an important way that public authorities can be sure they are meeting their legal obligations. It has also established that equality impact assessment/analysis should be clearly documented as it is a useful means for demonstrating compliance in court. This remains relevant under the new Equality Duty and the risk of non-compliance can be significant; for example, Disability Discrimination Employment Tribunals have given awards close to £400K.

Who, what and when

7. Equality Analysis is the responsibility of the decision-maker or sponsor of the policy, procedure or practice under consideration, whether civilian or military, and that individual should be held accountable for ensuring that Equality Analysis has been undertaken. It involves considering the likely effects before decisions are made and involves subsequent monitoring of what happens in practice. It starts prior to policy development or during the early stages of a policy, procedure or practice review and continues throughout its development and implementation.

8. Just as with any policy or plan being developed where early questions are ‘how much will it cost or are there any Health and Safety implications?’, so at a similar stage, it is necessary to ask ‘what might its effect be on people with the protected characteristics?’ This will help increase transparency and enable the best possible policy outcome to benefit all stakeholders and improve our ability to meet the needs of our own personnel and those members of the general public who use our services or facilities, e.g. shared sports facilities or “open days”.

9. Equality Analysis should not be a one-off exercise but continuous to enable informed equality considerations to be taken into account at all the key points in the decision-making process. It should also be remembered that all policies, procedures and practices that are covered by this process also require TU engagement in line with Departmental procedures. It is not just for policies, procedures and practices that require TU consideration or Management Board approval but any development or activity that could have the potential to have an effect on protected characteristic groups. The sorts of issues that will need to be considered are set out at Annexes A and B.

¹ The Armed Forces are exempt from anti-discrimination legislation for the protected characteristics of age and disability. Date: 2 April 2012-03-14 Page 4 of 13 Version: 1.0

10. The approach for any particular decision, policy, procedure or practice should be proportionate. This means taking an approach that is suitable to the Department's size, resources and functions and to the importance of the activity to equality and good relations. For example, where a decision, policy, procedure or practice results in indirect discrimination for a small group of people, MOD must be able to demonstrate that the course of action pursued is justifiable as a proportionate means of achieving a legitimate aim (e.g. to maintain operational capability and effectiveness), is the least discriminatory possible and that MOD has taken any possible effective action to mitigate the impact or desist from that course of action.

A step-by-step approach

11. The approach set out below aims to help improve equality outcomes for the Department and to meet our legal requirement to demonstrate due regard under the Equality Duty.

- Step 1: Identify who is responsible for the decision, policy, procedure or practice, define the desired outcome and collect initial evidence (informal consultation, evidence of discussions);
- Step 2: Judge the impact (who is affected and how) based on the evidence gathered and the relevance to equality and to the protected characteristic groups;
- Step 3: Plan and consider mitigation or process to reduce the impact and test any assumptions;
- Step 4: Complete the Equality Analysis Template (Annex C);
- Step 5: Decision-making and publication;
- Step 6: Monitor and review.

Record keeping

12. Decision-makers and policy, procedure or practice sponsors, whether military or civilian, should use the Template at Annex C for recording the results of the Equality Analysis before decisions are made. Any proposal that is likely to affect staff is subject to Trade Union consultation. The Trade Unions, along with the Management Boards that approve the proposed decision, policy, procedure or practice, will expect to see the fact that analysis has been undertaken and, if relevant, the results of the Equality Analysis. In addition, in the event of a subsequent challenge to a policy, procedure or practice in the courts or by the Equality and Human Rights Commission or other stakeholders, the Department will need to be able to produce evidence that the potential impact of the decision, policy, procedure or practice on people with the protected characteristics was taken into consideration and mitigated as much as possible. Completion of the Template at Annex C will assist the Department to do this.

13. Evidence can be provided by various sources e.g. statistics (where available and relevant) or notes from meetings to demonstrate engagement. It should be quantitative and qualitative with clear facts and findings set out and, where relevant, should also include mitigation and any potential for the policy, procedure or practice

to effectively reduce or remove perceived or existing inequalities, advance equality of opportunity and foster good relations.

14. Records of the results of Equality Analysis should be kept on the appropriate policy files to be drawn on should these be required at a later date and the fact that analysis has been undertaken and its outcome should be included in the policy document. Whilst TLBs should promulgate their internal governance and quality assurance programmes, a small monitoring group, which includes external expertise, will be established to review a proportion of these forms to assure that they stand up to scrutiny.

Training and further information

15. An e-learning package is being developed by the Defence Academy covering the principles underlying Equality Analysis. More detailed information about the requirement for Equality Analysis is available from the Equality and Human Rights Commission at **EHRC - Home** and the **Advisory, Conciliation and Arbitration Service (ACAS)**. There is also a Civil Service guide: 'The public sector Equality Duty - Considering equality when developing policy and services' which provides further understanding of what is meant by the term 'due regard' and includes examples of relevant case law. The document is at:

<https://www.gov.uk/equality-act-2010-guidance#public-sector-equality-duty>

16. The Department has a range of Diversity Focus Groups in place (Ethnic Minority, Disability, Gender & LGBT) who are available to provide advice, support and guidance to assist with Equality Analysis (as stated previously, the Department is required by law to engage with disabled members of staff). In addition you should engage with the Department's recognised Trade Unions who have access to equality networks, resources and experience. Early engagement with these groups, bodies or with local networks is an important step and should not be overlooked in the interests of time. Military personnel who require further advice should consult the single Service Equality and Diversity teams.

ANNEX A

EQUALITY ANALYSIS: ISSUES FOR CONSIDERATION

- What is the purpose of the decision, policy, procedure or practice? What should it achieve? What are the desired outcomes?
- Who is the policy for, what benefit is intended and who else could it affect (e.g. Service and/or civilian personnel, their families or dependants, veterans, contractors' personnel, the general public, etc.)?
- Is the policy directly discriminatory? (A policy will be directly discriminatory if implementing it treats, for example, citizens of one country less favourably than those of another because of nationality which includes a stereotypical assumption about them or their behaviour. Direct discrimination is illegal, except with very limited exceptions.) Legal advice will need to be sought about any policy that may involve direct discrimination.
- Does the policy present an opportunity to generate positive outcomes for one or more of the protected characteristic groups.
- Does any particular requirement placed on a MoD contractor have a more significant effect on anyone with one or more of the protected characteristics? Do contracts for goods or services cover the conduct of contractors and sub-contractors and require them to comply with MoD's diversity policies?
- Is the policy, procedure or practice indirectly discriminatory? A policy may be indirectly discriminatory where the application of a provision, criterion or practice, puts someone with a protected characteristic at particular disadvantage or has a more significant effect on them when compared with their counterparts. If so, can the aims of the policy be achieved by alternative means or, alternatively, can it be objectively justified. Legal advice should be sought about whether such objective justification is likely to stand up to scrutiny by the courts.
- Does the policy, procedure or practice include stereotypical assumptions?
- Is the policy, procedure or practice readily understandable? Use plain English.
- Is the policy, procedure or practice accessible? Consider e-options, Braille, audio, non-English versions, appropriate print fonts for the visually impaired, etc if appropriate and make sure these are known to be available to those concerned.
- Are there barriers to people with the protected characteristics benefitting from the policy, procedure or practice?
- Where people with the protected characteristics have particular needs, are they addressed?

ANNEX B

<p align="center">DIRECT AND INDIRECT DISCRIMINATION Examples of Direct Discrimination i.e. less favourable treatment of a diversity group than their comparators on prohibited grounds</p>	<p align="center">Examples of Indirect Discrimination i.e. the application of a provision, criterion or practice which puts a diversity group at a particular disadvantage when compared with their counterparts</p>
<ul style="list-style-type: none"> • Women (including girls) than men (including boys), or vice versa, because of their sex. (Note: Special treatment afforded to women in connection with pregnancy or childbirth is lawful). • Those of a particular race, colour, nationality or ethnic or national origins than others, because of racial grounds. (Note: Segregating a person from others because of race is treating him or her less favourably). • Those of a particular religion or belief (or none) than others, because of religion or belief. (Note: “Belief” means any religious or philosophical belief.) • In Northern Ireland, those who are Catholic or Protestant or because they are presumed to be from one of these communities; or because they are presumed to be nationalist, republican, loyalist or unionist. • Those who are married or in a civil partnership than others who are not, because of their status. (Note: Discrimination against unmarried people because of their status is not of itself unlawful but will need to be justified.) • Those who have or have had a disability (particular consideration needs to be given to people who may have a “hidden” disability such as those with a mental illness, epilepsy, diabetes, dyslexia, etc.) than others who are not or have not been disabled, for a reason which relates to their disability. • Those of a particular age group than others who are older or younger, because of their age. (Note: Direct discrimination on grounds of age, such as a maximum or 	<ul style="list-style-type: none"> • Minimum height, physical fitness or strength requirements (women or older people). • A requirement to work full time (women, who are more likely than men to have childcare responsibilities). • A mobility obligation (women, who are more likely than their partners to be the ‘second earner’ and thus less able to relocate). • Recruitment practices which exclude job seekers from inner city areas (ethnic minority groups). • Selection or promotion criteria stipulating language ability, place or length of residence or domestic qualifications (foreign nationals) • Refusing time off work on Sundays, Saturdays or Fridays (Christians, Jews or Muslims, respectively). • A ban on headwear (Sikh or Jewish men, who may wear a turban or skull cap, respectively, and Muslim women, who may wear a headscarf). • A requirement that all applicants for a job must have served in an organisation associated particularly with either the Protestant or Roman Catholic community in Northern Ireland (members of the other community). • A job advertisement stipulating a low upper age limit for applicants (married people, who are less likely than unmarried people to be under the age in question.) • A telephone information service (deaf people).

<ul style="list-style-type: none"> • minimum age limit on entry to training, will need to be justified). • Women who are pregnant or on maternity leave, who need no comparator, because of their pregnancy or taking maternity leave. • Those who are lesbian, gay or bisexual than those who are heterosexual, or vice versa, because of sexual orientation. • In-transition or post-transition (including pre or post-operative) transsexual people because of gender reassignment. (Note: a post-operative transsexual must be treated for all purposes as being in their acquired gender) 	<ul style="list-style-type: none"> • Banning animals from a particular area or premises (blind people who rely on guide dogs or those with hearing difficulties who have dogs to help them). • Requiring a driving licence to do a job (could adversely affect some disabled people). • Health screening (disabled and older people). • A redundancy policy that has sickness absence (which may disadvantage disabled people) or length of service (which may disadvantage young people of women – the latter because they are more likely to take career breaks) as a selection criterion. • Job advertisements seeking applicants who are “energetic”, with a given number of years’ experience (which may disadvantage older, younger or disabled people) or specific qualifications (which may disadvantage those with equivalent qualifications). • A Performance related Pay or Bonus selection policy that has sickness absence as a decision criteria. This may disadvantage disabled staff, pregnant women or older workers.
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MINISTRY OF DEFENCE EQUALITY ANALYSIS TEMPLATE

Name of decision / policy / procedure / practice / activity	
Name of Sponsor/Lead: Post Title & Contact No	
Type (Delete as appropriate)	New policy, procedure, activity/practice Change Review Other (describe)
Review Date	

1. Establishing relevance to equality

Do you believe there might be an impact on MoD personnel or service users because of their:

Age; disability¹; gender identity or reassignment; marital or civil partnership status; pregnancy or maternity; community background (Northern Ireland only); race; religion or belief; sex; or sexual orientation

Y N

2. If yes to any, please describe what the potential impact is. Why do you believe there might be an impact?

¹ The Armed Forces are exempt from anti-discrimination legislation for the protected characteristics of age and disability

3. If you believe there is no potential impact on any of the groups listed above, please state why. What evidence do you have to support your view²?

4. Does the policy contribute to meeting the general equality duties to which MOD is subject? These are:

- eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act
- advancing equality of opportunity between people who share a protected characteristic and those who do not
- fostering good relations between people who share a protected characteristic and those who do not

5. What individuals, groups or organisations have been engaged to help with the equality analysis?

6. Please indicate what potential impact has been identified as a result of any evidence gathering and engagement and show which groups the impact applies to. Were changes made at this stage as a result of this evidence gathering/engagement?

² Supporting documentation can be appended as a file or attached as a separate annex.

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7. If there is still a potential impact, please state what changes can be made to eradicate or reduce this impact. If changes are possible please outline how these will be made and when. If no changes are possible, please say why.

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8. If you have indicated a potential impact but believe that this can be justified, what is the justification? Have you taken advice when making this decision and if so, from whom?

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9. When will this policy next be reviewed? How will you monitor any impact in the intervening period?

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10. I am satisfied that all available evidence has been accurately assessed for its potential impact on groups with protected characteristics. Mitigation, where appropriate, has been identified and dealt with accordingly.

Signed by Sponsor/Decision Maker: Rank/Grade: (SCS or military equivalent) Name:	Date:
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