

Heritage Care at Home Ltd

Equality and Diversity Policy

Policy reviewed and valid from: 01/01/20

Introduction

Heritage Care at Home Ltd is working to achieve equal opportunities in service provision and employment. It is our policy that all conditions of service and job requirements should fit with the needs of Heritage Care at Home Ltd and those who work there, regardless of age, gender, race, gender reassignment, religion, colour, HIV status, sexual orientation, disability, marital status, social and employment status, domestic circumstances, nationality, trade union membership, ethnic or national origin, political affiliation.

The policy works to ensure that no present or future employee or Customer is disadvantaged by any conditions or requirements that cannot be justified and that the needs of particular groups are identified and addressed within legal parameters. Heritage Care at Home Ltd recognises the effects of institutional discrimination and seeks to guarantee equality of opportunity for all. This policy will be implemented in accordance with the statutory requirements as laid down in relevant legislation. In addition, full account will be taken of all available guidance, in particular, codes of practice issued by the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission. The success of this policy depends upon the commitment and goodwill of all staff.

This policy is not accompanied by a procedure as it is implemented through other Heritage Care at Home Ltd procedures including, but not only:

- Recruitment and selection
- Disciplinary
- Grievance and disputes
- Racial and sexual harassment
- Customer Care Planning Policy

Responsibilities

Heritage Care at Home Ltd has the primary legal and moral responsibilities for ensuring that discrimination does not occur and is met by an effective policy that is continually monitored.

The Management / Directors have the overall responsibility for coordinating implementation, monitoring and review of this policy. All managers have a responsibility to ensure that this policy is communicated to all their staff, is applied within their department and to ensure that all recruitment and employment practices are dealt with in a consistent manner and in accordance with Heritage Care at Home Ltd's procedures.

Individual employees at all levels have a duty to ensure that they do not unlawfully discriminate, harass or victimise another employee or customer. In particular individuals are expected to:

- Value and respect their colleagues on the basis of their behaviour, skills and performance in their day-to-day duties.
- Co-operate with measures introduced by Heritage Care at Home Ltd to ensure equality of opportunity and non-discrimination.
- Not to discriminate, for example, during recruitment selection decisions, promotions, transfers and training.
- Not to introduce, or attempt to introduce other employee's or management to practise unlawful discrimination.
- Not to victimise or attempt to victimise individuals on the grounds that they have made complaints or provided information on discrimination.

- Not to harass, abuse or intimidate other employees, potential employees and customers. Heritage Care at Home Ltd is liable (together with its employees) for any acts of unlawful discrimination by its staff committed during the course of their employment even when such acts are carried out without Heritage Care at Home Ltd's knowledge or approval.

Heritage Care at Home Ltd will take positive action to communicate its work to all sections of the community and specifically undertake to fulfil its commitments described in Heritage Care at Home's Race Equality Scheme and action plan.

Heritage Care at Home Ltd will work closely with the Customers to ensure that their requirements and care instructions reflect the policies and procedures of the agency. They must include any elements of care and support to meet the equality and diversity needs of the individual Customer; these needs to include taking into consideration and not discriminating against Customers for their age, disability, gender, gender re-assignment, race, religion & beliefs and sexual orientation.

Employment

Heritage Care at Home Ltd has a range of employment policies that are in line with current legislation. The work force is diverse and we will make sure necessary attempts to retain and/or widen the diversity. Where permissible under statutory regulations, under-represented groups will be positively encouraged to apply for jobs, promotion and training. Where appropriate, Heritage Care at Home Ltd will practice lawful positive discrimination in favour of disabled applicants as set out in the Disability Discrimination Act 1995. Heritage Care at Home Ltd will endeavour to employ all staff taking into consideration but not discriminating against employees and/or potential employees for their age, disability, gender, gender re-assignment, race, religion & beliefs and sexual orientation.

Recruitment, promotion and staff development

Heritage Care at Home Ltd has a recruitment and selection procedure that is in accordance with current legislation and this policy. The recruitment and selection policy aims to ensure:

- The recruitment of the most suitable person for the job based on their skills, qualifications and capabilities.
- That no job applicant or employee receives less favourable treatment than another on any grounds covered by this policy, or is disadvantaged by any conditions or requirements which cannot be shown to be justified.

All job descriptions will be reviewed by the Manager prior to advertisements being placed, to ensure they are relevant, non-discriminatory and accurately reflect the requirements of the post. Any genuine occupational qualification, special or unusual demands that are a requirement of the post holder will be clearly stated.

A *person specification* will be drawn up for each job prior to advertisement. This must reflect the requirements contained in the job description and should clearly indicate the essential and desirable qualifications, knowledge and skills, experience and abilities of a successful candidate. Job descriptions and person specifications should be flexible and take into account the need to make reasonable adjustments should people with disabilities apply.

Advertisements

Advertisements must be clear, unambiguous and must not discriminate either directly or indirectly.

They should be designed and placed to attract as wide a group of suitably qualified applicants as possible. Where recruitment agencies are involved they should be made aware of the requirements of this policy.

All external advertisements and recruitment literature shall include a statement expressing Heritage Care at Home Ltd's commitment to equality and diversity and promoting our range of flexible working options.

Selection

All candidates will be considered solely on their ability to do the job at the short listing and interviewing stage. Selection should always be competitive except where a member of staff is being redeployed to accommodate their disability, health needs, maternity or other similar situation.

More than one person must carry out the election process and they must be fully aware of and adhere to this policy. All applicants are entitled to be informed of the reasons for their non-selection, when requested.

Interviews will be carried out as objectively as possible using a set of 'core questions' that cover the main aspects of the job, although it is accepted that every interview will differ to some extent. Information necessary for personal records will be collected after a job offer has been made and accepted. Interview questions must be related only to the requirements and circumstances of the job and must not be of a discriminatory nature. A note of reasons for selection and non-selection must be made at the time of interview and will be kept on the job file for a minimum of one year.

Disabled applicants and candidates will be selected for interviews if they demonstrate that they fulfil the essential requirements of the post, with the need for any reasonable adjustments taken into account.

Monitoring

All job applicants will be requested to complete an Equal Opportunities Monitoring Form on their application for a post within Heritage Care at Home Ltd. The information given will remain confidential and will be used solely for monitoring purposes and will not form part of the selection process.

This information will also be used in publishing statistics for the purpose of the organisations Race Equality Scheme. All monitoring forms once stored on a statistic spreadsheet are destroyed.

Promotion

Promotion is a competitive selection process for internal candidates. Internal candidates may be required to compete against external candidates. Opportunities for promotion shall be publicised to all staff and open to anyone with the qualifications, knowledge and skills, experience and abilities to meet the requirements of the job description. The selection policy will be outlined in the Selection Section.

Training and development

Heritage Care at Home Ltd is committed to providing training and issues of equality. All staff will be required to attend and all new members of staff will receive details of the Equal Opportunities Policy and will receive training as soon as possible after commencing employment with Heritage Care at Home.

Dignity at work

Heritage Care at Home Ltd aims to create a culture in which all staff and clients are treated with dignity and respect. This means that the organisation will put actions in place to remove the causes

of harassment or bullying at work. There are specific policies and procedures in place that staff can use if they feel they have been bullied harassed or victimised at work and Heritage Care at Home Ltd will adopt a 'zero-tolerance' approach to any acts of bullying, harassment and/or victimisation. Managers have a responsibility to set the standards of acceptable behaviour expected of staff and should ensure that their own behaviour cannot be construed as personal harassment by acting with fairness and equality. This includes using one's judgement to correct standards of conduct or behaviour that could be seen as harassment and to remind staff of these standards. Each member of staff carries responsibility for their own behaviour. Acts of bullying, harassment and victimisation may constitute gross misconduct, which can lead to instant dismissal.

Disability and employment

Heritage Care at Home Ltd aims to make the employment and retention of people with disabilities an integral part of our equal opportunities policies and practices. We will take specific actions to raise the awareness of people in the organisation about disabilities and make sure key staff are informed and know about their personal role and responsibilities in making sure unfair discrimination does not occur. We endeavour to ensure that the working environment does not prevent people with disabilities taking up positions for which they are qualified and that they have fair chances to develop their potential and compete. All managers should ensure that job advertisements and job descriptions are not unfairly discriminatory. Heritage Care at Home Ltd will ensure (as far as is reasonably practicable) that application forms are easy to use if a person with a disability has a particular need.

Balancing work and personal life

Caring for children and adults

Heritage Care at Home Ltd acknowledges that some employees have carer responsibilities that may require flexibility and time-off to be dealt with. We have policies in place that assist staff to fulfil their carer obligations. Heritage Care at Home Ltd will continue to develop these policies and monitor the take-up of special leave options. All managers are expected to be reasonable and fair in granting any discretionary leave, taking into account the employee's circumstances when provided.

Flexible working

Heritage Care at Home Ltd is committed to offering a range of flexible working arrangements, which allow staff to balance work responsibilities with other aspects of their life. As a responsible organisation Heritage Care at Home Ltd will specifically consider flexible working as part of our duty reasonable adjustments for disabled staff and job applicants under the Disability Discrimination Act 1995, for staff returning from maternity leave and for staff with young and/or disabled children. Our policies on flexible working will be made available to all employees, and potential employees through recruitment advertising. Any employee with flexible working arrangements will not have less favourable terms and conditions of employment

Uses of the disciplinary, grievance and redeployment procedures

Disciplinary Procedure

Discrimination, harassment and instances of abuse against sectors of the workforce of customers outlined in **Introduction** will be treated as disciplinary offences. In applying the disciplinary procedures, care must be taken that members of particular groups are not disciplined or dismissed for performance or conduct that would be overlooked or condoned in other groups.

Grievance & Disputes Procedure

Particular care must be taken to deal effectively with all complaints of discrimination, harassment or victimisation. All complaints must be processed through Heritage Care at Home Ltd's Grievance & Disputes Procedure or harassment procedures. Any employee who has, in good faith, complained and/or taken action under the Race Regulations Act 1976, Sex Discrimination Act 1975 (amended 1986), the Disability Discrimination Act 1995 and/or other aspects of this policy shall not receive less favourable treatment than any other employee.

Complaints

Any person who believes that this policy has not been adhered to is entitled to make an informal complaint under the relevant procedure (for example, the disciplinary appeals procedure or the grievance, and the complaints procedure, and the complaints procedure for customers and members of the public). Any complaints received will be taken seriously and dealt with accordingly. The fact that a complaint has been made shall not be disclosed without appropriate permission or where it is felt that there may be a risk posed to other staff or customers.

Definitions

Bullying

Bullying is the unwanted behaviour from one person to another, which is based on the unwarranted use of authority or power.

Direct Discrimination

This takes place when a person or group of people are treated less favourably than other people in the same or similar circumstances. For example, refusing to employ people who meet the requirements of the job because they are black, homosexual, disabled or have children, would all constitute direct discrimination.

Disability discrimination

This occurs if, for a reason which relates to the disabled person's disability, s/he is treated less favourably than others to whom that disability does not apply, and the employer cannot show that the treatment is justified. **OR** An employer discriminates against a disabled person if it fails to comply with its duty to make reasonable adjustments in relation to the disabled person, and the employer cannot show that this failure is justified.

Genuine occupational qualification

There is a situation where it is possible to limit candidates or a post to one race or sex only. This is where the person's race or sex is a "genuine occupational qualification" (GOQ) for the job. However, this is an extremely limited exception and it should be used with care. It is meant to cover things such as authenticity and the provision of social services (e.g., a social worker with members of a particular ethnic community).

Lawful positive discrimination

The Disability Discrimination Act does not prevent employers from treating disabled people more favourably because of their disability than those without a disability. For example, an employer can appoint a disabled candidate to a post if they fulfil their essential job requirements, over a non-disabled person who fulfils the essential and desirable job requirements. Under all other equalities legislation positive discrimination is unlawful.

Indirect discrimination

This takes place when a requirement or condition has the effect of discriminating unfairly and unjustifiably between one group or one individual and another. This can happen quite unintentionally, for example, for example, standard entry qualifications applied automatically across a wide range of jobs, may lead to a position where applicants are asked to meet requirements which are not relevant to the needs of the job.

Harassment

Harassment is defined as being unwanted conduct which is intended to or which creates the effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Positive action

Employers can take positive action to prevent discrimination, or to overcome past discrimination. Where over the previous twelve months no-one from a particular group, or only very few persons from that group, have been doing a certain type of work then it is lawful under race, sex and disability laws to offer training only for people from that group or to encourage people from that group to apply. The aim of positive action is to ensure that people from previously excluded minority groups can compete on equal terms with other applicants, It is intended to make up for the accumulated of past discrimination. Selection itself must be based on merit and treat all applicants equally. The law does not compel employers to take positive action, but it allows them to do so.

Victimisation

Discrimination by victimisation is unlawful. A person is victimised, for example, if she or he is given less favourable treatment than others in the same circumstances, because it is suspected or known that they have brought proceedings under act, given evidence or information relating to such proceedings or alleged that discrimination has occurred. Discrimination against an individual, who has brought, contemplated bringing action, made a complaint, given information alleging discrimination or has appeared as a witness is also forbidden.