

# Equality & Diversity Policy

## **Purpose**

All staff have a duty to act in accordance with this Policy and treat colleagues and clients with dignity at all times, and not to discriminate against or harass other members of staff and clients, regardless of their status.

This Policy is not contractual. SOS Homecare (the company) may vary or amend this Policy at its discretion and may apply it as far as practicable in the circumstances.

## **Accountabilities**

Line Managers are responsible for:

- Ensuring they have read, understood and adhere to this Policy;
- Ensuring practical application of this Policy in all areas including recruitment, selection, promotion and training of staff;
- Ensuring they create an environment that is free of harassment and bullying and that everyone is treated with dignity and respect including all staff, service users and customers; and
- Ensuring all staff understand that acts of discrimination, harassment, bullying or victimisation against other staff, service users or customers are disciplinary offences which will be dealt with under the company's disciplinary Policy.

Staff are responsible for:

- Ensuring they have read, understood and adhere to this Policy;
- Notifying their Line Manager of any breach of this Policy;
- Ensure they treat everyone with dignity and respect, including all staff, service users and customers;;
- Ensuring that they do not discriminate, harass, bully or victimise another member of staff, service user or customer. Such behaviour will be dealt with under the company's disciplinary Policy and may constitute gross misconduct which could lead to dismissal without notice;
- Their own actions and behaviour. Staff can be held personally liable as well as, or instead of, the company for any act of unlawful discrimination. Serious acts of harassment may constitute a criminal offence.

The company is responsible for:

- Training and advising managers on the application of this Policy; Monitoring and reviewing equality;
- Providing advice to staff and managers where there are breaches of this Policy.

## **Our Policy**

The company is committed to promoting equality of opportunity for all staff and service users. We aim to create a working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit. We will not discriminate against staff on the basis of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation ("the Protected Characteristics").

The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat service users, visitors, customers, and suppliers.

Our aims are that:

- All staff are treated fairly and with respect at all stages of their recruitment, selection and employment;
- Our workplace and services are free from discrimination, harassment or bullying of any description, or any other form of unwanted behaviour arising from any Protected Characteristic;
- All staff have an equal chance to contribute and to achieve their own potential;
- Together we create an environment where all staff, service users and customers are able to raise an issue without fear of repercussions; all staff, service users, visitors, customers and suppliers are treated with dignity and respect.

### **Discrimination: concepts and definitions**

Discrimination may be direct or indirect and it may occur intentionally or unintentionally. This Policy will assist staff to understand the different ways actions or behaviours can constitute discrimination.

#### **Direct Discrimination**

Direct Discrimination occurs when a person treats another less favourably than they treat or would treat another because of a Protected Characteristic. Direct Discrimination is generally unlawful.

#### **Associative discrimination**

Associative discrimination is where an individual is directly discriminated against or harassed because of their association with another individual who has a Protected Characteristic. Note: discrimination by association does not cover the Protected Characteristics of marriage, civil partnership, pregnancy or maternity.

#### **Perceptive discrimination**

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that they have a particular Protected Characteristic when they do not, in fact, have that Protected Characteristic. Note: perceptive discrimination does not cover the Protected Characteristics of marriage, civil partnership, pregnancy or maternity.

#### **Harassment**

Harassment is where there is unwanted conduct, related to one of the Protected Characteristics (other than marriage, civil partnership, pregnancy or maternity) that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

An essential characteristic of harassment is that it is unwanted by the recipient. It is up to each individual to decide what behaviour is acceptable to him or her.

Behaviour which one person accepts may be regarded by another as harassment. It often involves persistent behaviour that continues after the person who feels harassed makes it clear that s/he wants it to stop. However, a single incident can be harassment if it is serious enough.

#### **Third-party harassment**

Third-party harassment occurs where a member of staff suffers harassment related to a Protected Characteristic (other than marriage and civil partnership, pregnancy or maternity), by a third party such as a service user or customer.

An employer will be liable for third party harassment where:

- the harassment occurs on at least two occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- the employer is aware that the previous harassment has taken place; and
- the employer has failed to take reasonable steps to prevent harassment from happening again.

### **Victimisation**

If an employer subjects a worker to a detriment such as being denied a training opportunity or a promotion because the worker has done a 'protected act' or because the employer believes that the worker has done or may do a 'protected act' in the future this will constitute victimisation.

A protected act is any of the following:

- bringing proceedings under the Equality Act 2010;
- giving evidence or information in connection with proceedings brought under the Equality Act;
- doing anything which is related to the provisions of the Equality Act;
- making an allegation (whether or not express) that another person has done something in breach of the Equality Act; or
- making or seeking a "relevant pay disclosure" to or from a colleague (including a former colleague).

### **Failure to make reasonable adjustments**

Discrimination against a disabled member of staff occurs when an employer fails to comply with a duty to make reasonable adjustments imposed on them in relation to that disabled person. The duty to make reasonable adjustments comprises three requirements.

Employers are required to take reasonable steps to:

- Avoid the substantial disadvantage where a Provision, Criterion or Practice ("PCP") applied by or on behalf of the employer puts a disabled person at a substantial disadvantage compared to those who are not disabled;
- Remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a disabled person at a substantial disadvantage compared to those who are not disabled;
- Provide an auxiliary aid where a disabled person would, but for the provision of that auxiliary aid, be put at a substantial disadvantage compared to those who are not disabled.

### **Indirect discrimination**

This may occur where an employer applies an apparently neutral PCP which puts individuals sharing a Protected Characteristic at a particular disadvantage and which cannot be shown to be a proportionate means of achieving a legitimate aim.

The aim of the PCP should be legal, should not be discriminatory in itself, and must represent a real, objective consideration. The health, welfare and safety of individuals may qualify as legitimate aims provided that risks are clearly specified and supported by evidence.

A PCP will be proportionate if it is an 'appropriate and necessary' means of achieving a legitimate aim. But 'necessary' does not mean that the provision, criterion or practice is the only possible way of achieving the legitimate aim; it is sufficient that the same aim could not be achieved by less discriminatory means.

### **Training**

The company will where practicable role out a programme of equality training to managers and others likely to be involved in recruitment or other decision making where equality issues are likely to arise.

### **Practical Application**

The company commits itself to take action necessary to remove discrimination in all our operations, as well as being committed to taking positive action to promote equality.

The principles of fairness and reasonableness will be integrated into all of the ways in which we manage staff including our procedures for recruitment, selection, training and development, grievance and disciplinary.

### **Dignity at Work**

The company has a Dignity Training for all staff concerning issues of bullying, harassment and victimisation on any ground, and how complaints of this type will be dealt with.

The company will not discriminate unlawfully against service users, customers, suppliers and other people using or seeking to use facilities or services provided by the company.

Staff should report any bullying, harassment or victimisation by service users, customers, suppliers, visitors or others to their manager who will take appropriate action.

### **Confidentiality**

The company will treat grievance of bullying, harassment and victimisation sensitively and maintain confidentiality to the maximum extent possible.

### **Monitoring and review**

The company will monitor the composition of the existing workforce and of applicants for jobs (including promotion). Information provided by job applicants and staff for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 2010.

### **Complaints**

The company will take breaches of this Policy and complaints arising seriously and has a procedure in place to ensure that all breaches will be addressed, even if they are raised informally. Staff will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

If you feel that you have been unlawfully discriminated against you should:

- discuss the situation informally with your Line Manager, or if this isn't appropriate contact one of the Company Directors
- use the formal grievance procedure, set out in the Formal Procedure section of the Grievance Policy.

On receipt of a complaint the company will:

- investigate the complaint;
- take any disciplinary action that is appropriate in line with the Company's Disciplinary Policy;
- where appropriate, change the way we do things so that the same thing doesn't happen again.

Staff wishing to make a complaint should do so as soon as possible after the incident occurs, or in the case of repeated incidences within 3 months of the latest occurrence.

**Part time and fixed term work**

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

**Equal pay**

We will ensure that all employees have the right to the same contractual pay and benefits for carrying out the same work, work rated as equivalent work or work of equal value.

**Policy Review**

This policy will be reviewed every two years

## **APPENDIX 1**

Required by St Helens Borough Council

### **BUSINESS EQUALITY POLICY and ACTION PLAN**

The purpose of this policy is to ensure equal opportunities for all workers, job applicants, clients and customers, irrespective of characteristics protected under legislation: ethnicity, colour, race, nationality or ethnic origin, marriage or civil partnership, gender or gender reassignment, pregnancy and maternity, age, religion or belief, disability, and sexual orientation. We value a diverse customer base and the individuality and creativity that every worker potentially brings to the workforce.

#### **Operating principles**

We are committed to observe as far as possible to the Equality and Human Rights Commission's Codes of Practice for

- Employment
- Equal Pay,
- Services, Public Functions and Associations.

We will comply with the following Acts and their subsequent amendments; Human Rights Act 1998, Part Time Working Regulations 2000, Employment Act 2002, Equality Act 2010.

Workers, job applicants, visitors, clients and customers will be treated fairly, openly and honestly, and with dignity and respect.

No job applicant or worker will receive less favourable treatment on grounds of a characteristic protected under equality legislation.

Equality of opportunity is about good employment practice and sound business sense.

Steps will be taken to ensure all business practices give due regard to equal opportunities.

Recruitment, training and promotion opportunities will be made as widely available as possible.

Selection criteria for employment, training and promotion opportunities will be entirely related to the job.

Employment decisions on recruitment, promotion and training will be based on merit.

Everyone has the right to work and do business in an environment free from unlawful discrimination (direct, indirect, or arising from a disability, or by a failure to make a reasonable adjustment, or by perception or by association), harassment and victimisation.

We will not tolerate such behaviour under any circumstances.

Any worker or trainee who believes the individual is being discriminated against, victimised or harassed should raise the matter through the company's complaints procedure.

Disciplinary action, including dismissal, may be taken against any worker found responsible for harassment, discrimination or victimisation.

This policy is fully supported by

A handwritten signature in blue ink, appearing to read 'Richard Jackson'.

Managing Director

We will ensure that all our workers, customers and clients are aware of the policy, and that they understand that they are responsible for observing it.

Our equality action plan outlines the steps we will take to give effect to this policy.

We will monitor the action plan and review the progress we have made each year, to make sure the policy is achieving its aims.

Equality Action Plan

A handwritten signature in blue ink, appearing to read 'Richard Jackson'.

Richard Jackson, Managing Director

is responsible for the equality policy and for putting the equality action plan into practice.

We will circulate our equality policy to job applicants and all workers, and their representatives, by enclosing copies in induction material and application packs, and by placing them on our website and on company notice boards.

We will make sure the equality policy applies to all our activities.

We will monitor the equality policy, for example, by collecting and analysing information about the age, disability, gender and ethnic background (an equality profile) of job applicants and all workers, at each level in the company.

If we find under-representation of any particular group (e.g. disabled people, people from ethnic minorities or people of a certain gender or age), we will:

- Include a statement in our job advertisements, positively encouraging people from those groups to apply;
- Make sure our job advertisements reach them;
- Consider using minority and specialist media for our job advertisements;
- Consult specialist agencies, such as Job Centre Plus, for advice;

Make sure the criteria for selection are entirely job-related;

Review and revise the company's policies, practices and procedures; and consider taking positive action to provide training specifically for under-represented groups.

We will make sure all our workers know and understand our harassment policy and complaints procedure, by: circulating the policy and procedure to all staff and displaying both on company notice boards; and holding staff meetings to explain and discuss the policy.

Senior managers and other staff involved in recruitment and handling complaints will receive training in equality and the law on equality of opportunity, discrimination, harassment and victimisation.

We will ensure fair and equal access to goods, services, facilities, premises and information to meet the needs of our customers in line with the requirements of law.

We will consider using external agencies to support and advise us on equality matters.

Our aim is to serve all members of the community. If people from a particular group with characteristics protected by equality legislation are disproportionately under-represented among our customers, we will develop marketing and other strategies to reach them.

### **Policy Review**

This policy will be reviewed annually.