

PE03 - Equality and Diversity Policy and Procedure

Purpose

To comply with the following:

- Equality Act 2010 (and subsequent amendments)
- Part-time Workers (Prevention of Unfavourable Treatment) Regulations 2000
- Parental Bereavement Leave and Pay Act 2018
- Agency Workers Regulations 2010
- Employment Rights Act 1996 (and subsequent amendments)
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and subsequent amendments
- Offender Rehabilitation Act 2014
- Trade Union and Labour Relations Act 1992
- Trade Union Act 2016
- Best employment practice with respect to Equality of Opportunities for clients, Service Users, employees and all stakeholders.
- The aims and objectives of the Equality and Diversity Policy are:
 - o To encourage, promote and celebrate diversity in all our activities and services;
 - o To ensure equal access to jobs and volunteer opportunities;
 - o To ensure compliance with current legislation on discrimination and equality;
 - o To create environments free from harassment and discrimination;
 - o To maximise the use of resources in the best interests of staff, volunteers, Service Users and stakeholders;
 - o To confront and challenge discrimination where and whenever it arises, whether it is between colleagues, or in any other area relating to Clifton Home Care Ltd's work;
 - o To make a willingness to accept and implement this policy a necessary qualification for any position in Clifton Home Care Ltd;
 - o To ensure, through positive action and so far as is practicable, that all Clifton Home Care Ltd's premises and services are accessible to all people including those with disabilities;
 - o To ensure that employment and advancement within the organisation is determined by objective criteria and personal merit.

Scope

All employees, job applicants, volunteers, trustees, members and Service Users.

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Policy

Introduction

- Clifton Home Care Ltd strives for high standards both as an employer and as a provider of services. In so doing, we recognise the need for encouraging diversity and wholeheartedly support a policy of equal opportunities in all areas of our work and responsibilities.
- This policy provides guidance to enable all who work with or for Clifton Home Care Ltd to comply with anti-discrimination legislation. Failure to follow the procedures in the policy may lead to disciplinary or other appropriate action.
- Clifton Home Care Ltd's aims and objectives will be achieved through action planning, effective monitoring and a willingness to tackle problems where they arise. Through our training, publications, interaction with members and other activities, Clifton Home Care Ltd will ensure that those we work with know our statements of policy.
- Clifton Home Care Ltd will review, on an annual basis the content and implementation of its Equality and Diversity Policy and strategy. Where evidence is found of ineffectiveness, immediate remedial action will be taken to ensure implementation.

Definitions

- Equal Opportunities ensure that policies, procedures and practice within Clifton Home Care Ltd do not discriminate against the people within it and those who come into contact with it. It is about treating people fairly and equally regardless of who they are, their background, culture, colour or their lifestyle.
- Diversity ensures that all people are valued as individuals and are able to maximise their potential and contribution to Clifton Home Care Ltd and to the community. It recognises that people from different backgrounds can bring fresh ideas and a different approach, which can make the way we work and learn more fun, more creative, more efficient and more innovative and more beneficial to Clifton Home Care Ltd.
- A number of characteristics are protected under the Equality Act 2010 (and subsequent amendments):
 - Race, including colour, nationality, ethnic or national origin
 - Sex
 - Pregnancy or Maternity
 - Disability, including physical, sensory, HIV, cancer, mental health or learning disability
 - Age
 - Religion or belief
 - Sexual orientation
 - Gender re-assignment
 - Married or civil partnership status
- Discrimination can take place in a number of ways:
 - Directly; e.g. by not appointing someone because of their skin colour
 - Indirectly; e.g. by requiring applicants to have British qualifications
 - Association; e.g. because a partner has a re-assigned gender
 - Perception; e.g. because thought to be disabled even though they are not
 - Harassment; e.g. intimidating someone because of their religion
 - Victimisation; e.g. treating adversely someone who has complained in the past, such as a whistle-blower
 - Also see Harassment Policy for guidance in cases where harassment may occur.
- Positive Action refers to measures taken in order to assist employees or learners who have been under-represented in specific areas, to reach a level of workplace knowledge and competencies that is comparable with 'representative' employees. These measures would normally take the form of additional training and making reasonable adjustments to the physical environment, job roles, assessments or documents and equipment. Since the Equality Act 2010, employers can also choose to hire candidates from under-represented groups provided that they are as qualified for the role as other applicants.
- We recognize that part-time workers have protection from unfavourable treatment. Thus, they acquire rights against unfair dismissal, and a range of pay elements (including redundancy pay) have to be no less favourable than those of full-time workers.
- We also recognize that agency workers acquire basic rights after 12 weeks employment, meaning they are entitled to comparable terms and conditions as comparable "permanent" workers, and the same rights relating to unfair dismissal and redundancy.
- We acknowledge the right of employees, under the Employment Rights Act 1996, to request flexible working and this is covered in a separate policy: Flexible Working Policy and Procedure
- Where employees are being recruited to or promoted to any position that is exempt from the Rehabilitation of Offenders Act we may ask the following question of applicants:

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- "Do you have any convictions, cautions, reprimands or final warnings that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (and subsequent amendments)?"
- Applicants to exempted positions will be subject to a Disclosure and Barring Service (DBS) check. Risk assessments will be undertaken where relevant information is revealed either at interview or from a subsequent check.
- Employees should also remember that it is unlawful to discriminate against anyone because they are either a member of a trade union or are not a member.
- Clifton Home Care Ltd also urges staff, whether permanent, casual, temporary or employed through an agency, and volunteers to be aware of the less obvious and insidious types of discrimination which result from general assumptions and pre-conceptions about the capabilities, attitudes, interests and characteristics of individuals.

Our understanding of Diversity and Equal Opportunities

Diversity is a management approach that means recognising each individual's personal merit and not allowing them to be disadvantaged by stereotyping or prejudice, nor by any conditions or requirements that cannot be shown to be justifiable.

Therefore, Clifton Home Care Ltd will actively encourage diversity to maximise achievement, creativity, innovation and good practice and to bring benefits to individuals and communities.

We encourage all people who work with us and for us to contribute to an environment in which people feel comfortable in expressing how they feel and what they need, knowing they will be treated with respect and that their contribution will be valued.

We embrace equal opportunities as outlined above and the spirit and intentions of legislation that outlaws discrimination and promotes equality and diversity.

The way in which we work, train and learn within Clifton Home Care Ltd reflects both the mission and objectives of the organisation.

We will address these principles in all areas and particularly the following:

- Communicating our expectations
- Recruitment and promotion
- Interviews and selection
- Training, including induction training
- Benefits and terms and conditions of employment
- Service User delivery
- Furthermore, the organisation will monitor the composition of its workforce and Service User base and take appropriate action if it appears that this policy is not fully effective in all areas of its operation.

Implementation

Expectations

Responsibility for implementing and developing the policy rests with the Registered Provider. The overall coordinating responsibility for equal opportunities and management of diversity is delegated to the Registered Manager (Margaret Elaine Brady). However, Clifton Home Care Ltd believes that all who work with or for the organisation have an individual responsibility to accept the policy and ensure a personal involvement in its application and to cooperate actively to make the environment we desire a reality. Therefore:

Clifton Home Care Ltd expects individuals:

- To cooperate with measures introduced by Clifton Home Care Ltd to ensure equality of opportunity, diversity, non-discrimination and positive reinforcement;
- Not to harass, abuse or intimidate any other employee, job applicant, volunteer, trustee, member, Service User, contractor/agency, stakeholder or participant in relation to any of the characteristics described in the Definition section above or for any reason whatsoever.
- To inform the Registered Manager if they suspect discrimination is taking place in any shape or form.
- To raise matters through the grievance procedure if they are the subject of discrimination.
- To follow the Whistleblowing Policy and Procedure if they have a reasonable belief that the matter relates to (and

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only if it relates to) the public interest

No employee or other person covered by the scope of this policy will suffer detriment where matters are raised in good faith or reasonable belief.

Clifton Home Care Ltd expects Line Managers:

- To ensure that proper records of employment decisions are maintained and consistent with this policy and regular reviews of employment practices are carried out;
- To ensure that grievances are dealt with in a fair and consistent manner and in line with our grievance policy and procedure;
- To ensure that individuals within their area of responsibility are aware on a day to day basis of their legal obligations, and of the organisation's equality and diversity policy;
- To ensure that the highest standards of Equality of Opportunities practice are observed in the delivery of Clifton Home Care Ltd services and to undertake training and development opportunities to ensure that their competence is maintained at all times.

The person with responsibility for Equality and Diversity will:

- Actively promote the benefits of employee and participant diversity, in employment, services and training and other activities;
- Seek the views and opinions of employees, volunteers, customers and clients on the operation of the policy in his/her locality/area of responsibility, in particular to meet the diverse needs of the users of the service;
- Offer advice and guidance to members of staff, volunteers and organisations in Clifton Home Care Ltd's equality and diversity policy and procedures;
- Ensure that Managers are supported in their roles with regard to the Equality and Diversity Policy and Procedures;
- Ensure that Managers, including Registered Managers, are appraised regularly on the state of equal opportunities and diversity within Clifton Home Care Ltd and the public domain;
- Ensure that the Equality and Diversity Policy and associated documents are reviewed on an annual basis and any amendments or additions are cascaded to all employees, agencies and those who have a business relationship with Clifton Home Care Ltd.
- Review and approve policies, procedures and practices that impact on equal opportunities and diversity in practice;
- Coordinate the delivery of an equality and diversity strategy and action plan to be monitored and reviewed on a regular basis;
- Facilitate training and open discussion on equal opportunities and diversity issues as appropriate
- Ensure reasonable adjustments are made to working practices, equipment and premises and offer, where appropriate, additional support to trustees, staff and volunteers to ensure that they are able to play a full and active part in Clifton Home Care Ltd's work
- Where new processes are planned, ensure that an Equality Impact Assessment is carried out to establish if any discrimination is likely to occur as a result of the change, and to plan any remedial actions.

Recruitment and Promotion

- Clifton Home Care Ltd strives to ensure that all our employees, job applicants, volunteers, trustees, members and Service Users reflect the wider community.
- We will provide clear and accurate information on vacant posts through advertisement, covering job descriptions, person specifications and interview arrangements. Wherever appropriate, vacancies will be advertised sufficiently widely to reach the widest possible range of candidates, either internal and/or external with positive action used where needed.
- Applicants will be informed through all recruitment material of Clifton Home Care Ltd's commitment to equal opportunities and diversity and the existence of this policy.
- Care will be taken to ensure that 'essential' and 'desirable' requirements in Person Specifications are not discriminatory.
- We will not use discriminatory job titles

Interviews and Selection

- So far as reasonably possible, short-listing and interview panels will reflect the gender, disability and ethnic makeup of Clifton Home Care Ltd
- The interview panel or person will take extreme care not to ask discriminatory questions unrelated to the

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requirements of the job

Training

- In line with the intentions of this policy, Clifton Home Care Ltd will not discriminate in the provision of training courses, promotion, mentoring, secondment or other opportunities wherever possible.
- Appropriate training will be provided to enable staff and volunteers to perform their jobs effectively. The training offered will take into account the needs of all people.
- Briefing on this policy will form part of the first day Induction Procedure for all staff, including senior staff and volunteers.
- Staff and volunteers are encouraged to discuss their development and training needs, through a process of regular support and annual appraisals, to include an annual skills audit of employees.

Services Users

- Clifton Home Care Ltd will endeavour to deliver services in a way that genuinely recognises the importance of an inclusive society that brings opportunities and access, not barriers and disempowerment, to individuals.
- Clifton Home Care Ltd strives to ensure that our Service Users' characteristics reflect the community from which they are drawn.
- Clifton Home Care Ltd will seek to ensure that our Service Users are aware of their responsibilities to comply with the equality and diversity policy in their relations with other Service Users, contractors/agencies, the family and visitors of other Service Users, and staff.
- Clear and accurate information on vacant rooms or services available will be publicised through open advertisement wherever appropriate. So far as is reasonably practicable, vacancies will be advertised sufficiently widely to reach all potential Service Users and their carers.
- All advertising or informational material will not imply any preferred group, unless a genuine qualification exists limiting a vacancy to a particular group, such as a condition of registration or the content of the Statement of Purpose or Service User Guide.
- Applicants for vacancies will be informed through all promotional and informational material of Clifton Home Care Ltd's commitment to Equal Opportunities and Diversity and the existence of this policy, and will make it clear that the policy applies to Service Users and their families as much as it does to employees and other stakeholders.
- Person specifications may include 'essential' and 'desirable' requirements that are necessary and justifiable. Care and, where necessary, advice is needed to ensure that guidelines for admission are not discriminatory and are in line with the laid down criteria.
- Vacancy and service descriptions and titles that are discriminatory will be avoided.

Enforcement

- Clifton Home Care Ltd recognises the need for a continuing commitment to genuine equal opportunities and diversity within the organisation. The effectiveness of the policy's aims and objectives can only be judged by how the policy operates in practice.

Grievances

- Any staff member or volunteer who feels that they have been a victim of unlawful discrimination or unfairly treated in a way contrary to the intention of this policy should raise the issue through Clifton Home Care Ltd's established Grievance Procedure.
- Any Service User who feels that they have been unfairly treated in a way contrary to the intention of this policy should make a complaint through Clifton Home Care Ltd's Registered Manager, who must report any such complaint to the Registered Provider. If the complaint is about the Registered Manager, this should be made directly to the Registered Provider.
- Any job applicant who believes that they have been treated unfairly and contrary to the intention of this policy should raise the issue with the Registered Manager or the Registered Provider.
- All incidents of discrimination by staff are disciplinary offences and will be dealt with under the Disciplinary Procedure.
- All incidents of discrimination by Service Users will be dealt with in the first instance by the Registered Manager, and in the event of a failure to agree satisfactory remedies, will be dealt with under the terms of the Service User agreement/contract.
- Incidents of victimisation, harassment or bullying will be dealt with in accordance with Clifton Home Care Ltd's Harassment Policy and Procedure. Where incidents of victimisation and harassment by employees are proven, the issue will be dealt with under Clifton Home Care Ltd's Disciplinary Procedure. Where incidents of victimisation and

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harassment by Service Users are proven, the issue will be dealt with under Clifton Home Care Ltd's Terms and Conditions of Residency.

- Clifton Home Care Ltd will not treat lightly or ignore grievances from members of disadvantaged groups on the assumption that they are over-sensitive about discrimination. All complaints / grievances will be dealt with consistently.

Disciplinary Procedure

- Any member of staff found to be in breach of this policy will be subject to disciplinary action. Any volunteer found to be in breach of this policy will be counselled on their actions and may, where necessary, be removed from Clifton Home Care Ltd's volunteer register.
- Any Service User found in breach of this policy will, where appropriate, be counselled on their actions and may, where necessary, be refused future services from Clifton Home Care Ltd.

Monitoring

- The collection/analysis of data is vital in informing change and improving performance. Where appropriate, statistics on Clifton Home Care Ltd's services will be collected and analysed in relation to equality and diversity matters. We will review employee turnover and seek information on reasons for leaving through exit interviews. Local and national data or statistics will be used to benchmark our performance.
- The Registered Provider and Registered Manager will annually review equality of opportunity relating to Clifton Home Care Ltd services. Recruitment and selection procedures will be monitored and reviewed annually by the relevant Manager who will report to the Registered Provider. All aspects of personnel policies and procedures shall be kept under review in order to ensure that they do not operate against the Equal Opportunities Policy.
- In order to determine the impact of this policy it is important that a monitoring system is developed, which will measure commitment, progress and effectiveness and good practice. The Diversity and Equality Policy will be monitored and reviewed as follows:
 - o The policy will be an annual agenda item at Clifton Home Care Ltd's quality team meetings.
 - o The relevant manager will undertake an annual policy review for Clifton Home Care Ltd. All relevant parties will be encouraged to submit comments for consideration.
 - o Where it appears that there may have been, or there is, a breach of the policy, the Manager will investigate the circumstances and action will be taken to counter any proven breach of policy. If the breach involves the Registered Manager, the Registered Provider will carry out the investigation. This may be a delegated responsibility (delete as appropriate). If it is found that the policy is excluding or discouraging the development of staff or volunteers or restricting Service Users, the Registered Manager will take steps to re-adjust the policy.

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Equality Impact Assessment

Generic Equality Impact Assessment											
<p>STAGE 1</p> <p>Screening to establish if the function has any relevance to any equality issue and/or minority group. i.e.</p> <p>Could the function affect one or more equality group in a different way to another group?</p> <p>Establish whether different equality groups have different needs?</p> <p>Establish whether the function contributes to/or hinders equality of opportunity?</p>											
1a	<p>Please give a brief description of the function and its purpose*</p> <p>* Function can mean a process, a service, a policy or a project</p>										
1b	<p>Tick the box for each group to whom the function is <u>not accessible</u> or for whom there may be needs or considerations accommodated</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Age</td> <td style="width: 50%;">Disability</td> </tr> <tr> <td>Race</td> <td>Gender</td> </tr> <tr> <td>Sexual orientation</td> <td>Other</td> </tr> <tr> <td>Religious belief</td> <td>* Equality neutral</td> </tr> <tr> <td>Transgender or Transsexual</td> <td></td> </tr> </table> <p>* Provide relevant evidence</p>	Age	Disability	Race	Gender	Sexual orientation	Other	Religious belief	* Equality neutral	Transgender or Transsexual	
Age	Disability										
Race	Gender										
Sexual orientation	Other										
Religious belief	* Equality neutral										
Transgender or Transsexual											
1c	<p>What are the negative impacts associated with this function? Please list and give details, then go to question 1d</p>										
1d	<p>Are there positive impacts associated with this function? If yes, please list and give details.</p>										

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1e	<p>At this stage, what plans could be built in to address any negative impact, and/or to add measures which promote a positive impact, or could you consider an alternative function which may better achieve the promotion of equality?</p> <p>(Mention here what you have considered you could do to amend or change the function due to the likely adverse impact, whilst still delivering the function objective. It may be possible to consider a different function, which still achieves your aims, but avoids any adverse impact on equalities).</p> <p>(put these plans in the action plan at the end of the template)</p>
1f	<p>As part of the Disability Duty, we have to consider the needs of disabled people, promote disability equality and promote positive attitudes towards disabled persons in public life.</p> <p>Have the needs of disabled people been taken into account in the application of the function and in particular to encourage participation by disabled people where applicable? If yes give examples</p>
1g	<p>Are there any Human Rights issues? If so what are they?</p>

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1h	<p>Are there any language issues? If the function is available to anyone whose first language is not English, assess the need for translated documents.</p>
1k	<p>Is a Full Impact Assessment required?</p> <p>Yes - If you have established that there may not be equality of opportunity or assessed that there would be a negative impact on an equality group in 1b or 1c go to STAGE 2</p> <p>No - Please DO NOT CONTINUE Just date and sign at the end of the form at stage 3 and fill in any actions identified, if any in the action plan.</p> <p>Don't Know i.e. not enough evidence Please go to STAGE 2</p>
Stage 2	
Full Impact Assessment	
2a	<p>Does the function affect or impact on the public, whether directly or indirectly?</p> <p style="text-align: center;">Yes No Don't Know</p> <p>Provide any relevant information here.</p>
2b	<p>Have complaints been received about the function and its effect on different equality groups?</p> <p style="text-align: center;">Yes No Don't Know</p> <p>Also provide evidence by documenting all reliable up-to-date information</p>

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2c	<p>Does the function have employment implications for the organisation's staff?</p> <p style="text-align: center;">Yes No Don't Know</p> <p>Also provide evidence by documenting all reliable up-to-date information.</p>
2d	<p>Outsourced Services</p> <p>If the function is provided (whether partly or wholly) by external organisations/agencies please detail any arrangements you have to ensure that the function promotes equality. Also include any actions in your action plan i.e. conditions in the contract.</p> <p>Also provide evidence by documenting all reliable up-to-date information.</p>
2e	<p>If you have established an adverse impact, it could be deemed as unlawful discrimination.</p> <p>Where adverse impact is unlawful, the function or the element of it that is unlawful must be changed or abandoned. If an adverse impact is unavoidable, then it must be justified and action taken.</p> <p>Please comment if you are continuing with an impact that is unlawful with the reasons why and any action you are taking to minimise the impact.</p>
2f	<p>Monitoring</p> <p>Give details of any monitoring being carried out on existing functions.</p>

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2f(1)	If this is a new function, or one that is not currently monitored, what arrangements are being made to start monitoring the actual impacts of the function and what will be done to continue to monitor the effects of the function on different equality groups? Add details to the action plan
2g	Consultation If you have not carried out any consultation, or if you need to carry out further consultation, who will you be consulting with and by what methods? Add details to the action plan.
2h	Evidence What further evidence do you have about considerations with regard to equality issues that you have made concerning this function? e.g. Audit reports, minutes from meetings or survey results
2i	Publishing Where will you publish your findings if applicable? Further information available from the Manager

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Action Planning Form

Equality Impact Assessment Action Plan				Date:
Function assessed:				
Ref	Details	Who	When	Progress

This action plan to be presented to the next Management Meeting for support and resource allocation, and to be integrated into the overall organisation's Action Plan

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Equal Opportunities Monitoring Form

The organisation is committed to equal opportunities for all its employees and all prospective employees.

To ensure that all applicants are dealt with equally, we wish to monitor the recruitment process and would ask for your help by completing the details below by placing a v in the appropriate box. This will allow the organisation to monitor its policies.

PLEASE NOTE

You do not have to complete this form. The information is given on a voluntary basis and the information provided will only be used for the monitoring purpose. Please do not enter any identifying marks on this form, so that the information remains anonymous. This information will be stored on a computer.

1	Gender	Male _	Female _	
2	Do you consider yourself to have a disability?	Yes _	No _	
3	Marital Status	Married _	Single _	Divorced _
4	Children	Yes _	No _	
5	Please indicate your Ethnic background	African _		
		Asian _		
		Afro-Caribbean _		
		UK European _		
		European _		
		Other _		
		(please specify):		

Please tick as appropriate.

Note: All QCS Policies are reviewed annually, more frequently, or as necessary.

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