

## PE03 - Equality and Diversity Policy and Procedure

Category: Human Resources Sub-category: Equality & Disability







### Policy Review Sheet

Review Date: 09/02/17 Policy Last Amended: 09/02/17

Next planned review in 12 months, or sooner as required.

Note: The full policy change history is available in your online management system.

Business Impact:	Low	Medium	High	Critical
		X		
Changes are important, but urgent implementation is not required, incorporate into your existing workflow.				

 <b>Reason for this review:</b>	Scheduled review
 <b>Were changes made?</b>	Yes
 <b>Summary:</b>	New policy format. Simplification of policy to focus on key indicators and cover all areas. Confirmation of interaction between discipline and grievance policies.
 <b>Relevant Legislation:</b>	<ul style="list-style-type: none"> <li>Equality Act 2010</li> <li>Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)</li> </ul>
 <b>Underpinning Knowledge - What have we used to ensure that the policy is current:</b>	<ul style="list-style-type: none"> <li>Government, (2010), <i>Equality Act 2010</i>. [Online] Available from: <a href="http://www.legislation.gov.uk/ukpga/2010/15/contents">http://www.legislation.gov.uk/ukpga/2010/15/contents</a> [Accessed: 30/11/2016]</li> <li>Equality and Human Rights Commission, (2011), <i>Employment Statutory Code of Practice</i>. [Book] Official Government Document</li> </ul>
 <b>Suggested action:</b>	<ul style="list-style-type: none"> <li>Notify all staff of changes to policy</li> <li>Share Key Facts with professionals involved in the service</li> <li>Confirm relevant staff understand the content of the policy</li> </ul>

## PE03 - Equality and Diversity Policy and Procedure

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## PE03 - Equality and Diversity Policy and Procedure

### 1. Purpose

1.1 To ensure that all members of staff can work in an environment to the best of their skills and abilities without the threat of discrimination or harassment.

1.2 GS Social Care Solutions Ltd is committed to ensuring that all members of staff and job applicants receive equal treatment regardless of any protected characteristics (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).

1.3 This policy applies to all aspects of employment with GS Social Care Solutions Ltd. For the avoidance of doubt this includes recruitment, pay and conditions, training, appraisals, promotion, conduct at work, disciplinary and grievance procedures and termination of employment.

1.4 To support GS Social Care Solutions Ltd in meeting the following Key Lines of Enquiry:

Key Question	Key Line of Enquiry (KLOE)
SAFE	S1: How do systems, processes and practices safeguard people from abuse?
WELL-LED	W2: Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed?

1.5 To meet the legal requirements of the regulated activities that GS Social Care Solutions Ltd is registered to provide:

- Equality Act 2010
- Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)

### 2. Scope

2.1 The following roles may be affected by this policy:

- All staff

2.2 The following people may be affected by this policy:

- Service Users

2.3 The following stakeholders may be affected by this policy:

- Family
- Commissioners

### 3. Objectives

3.1 To set out GS Social Care Solutions Ltd's zero-tolerance approach to the perpetrators of discrimination in the workplace.

3.2 To ensure that GS Social Care Solutions Ltd has an open and transparent approach to all aspects of employment, free from discrimination.

3.3 To ensure that all members of staff are able to thrive in an inclusive environment.

## PE03 - Equality and Diversity Policy and Procedure



### 4. Policy

**4.1** GS Social Care Solutions Ltd takes a zero-tolerance approach to any discrimination, harassment and/or victimisation which one member of staff may perpetrate against another and/or against any other person including but not limited to former employees, job applicants, clients, customers, suppliers and visitors.

**4.2** Equally, this policy not only applies in the workplace but also outside of it when the member of staff is dealing with customers, suppliers or other work-related contacts or when wearing a work uniform and on work-related trips or events including social events.

**4.3** The following forms of discrimination are prohibited under this policy and are unlawful:

- **Direct discrimination:** treating someone less favourably because of a Protected Characteristic. For example, rejecting a job applicant because of their religious views or because they might be gay
- **Indirect discrimination:** a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others, and is not justified. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified
- **Harassment:** this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Anti-Bullying and Harassment Policies
- **Victimisation:** retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment
- **Disability discrimination:** this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability

## PE03 - Equality and Diversity Policy and Procedure

### 5. Procedure

**5.1** GS Social Care Solutions Ltd will provide appropriate training on Equal Opportunities. GS Social Care Solutions Ltd is committed to following the European Human Rights Commission Employment Statutory Code of Practice and has appointed an appropriate Senior Manager to have responsibility for Equal Opportunities training.

#### **5.2 Recruitment and Selection**

Any selection exercises including recruitment, promotion and redundancy selection, amongst others, will be carried out with regard to objective criteria which specifically avoid any issues of discrimination.

Similarly, where possible GS Social Care Solutions Ltd will ensure that such exercises are carried out by more than one person.

Any vacancies will be advertised to as wide and diverse an audience as possible. Such advertisements will not discourage any individual or group from applying.

Job applicants will not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic. For example, applicants should not be asked whether they are pregnant or planning to have children.

Job applicants will not be asked about health or disability before a job offer is made, except in the very limited circumstances allowed by law: for example, to check that the applicant could perform an intrinsic part of the job (taking account of any reasonable adjustments), or to see if any adjustments might be needed at interview because of a disability. Where necessary, job offers can be made conditional on a satisfactory medical check. Health or disability questions may be included in equal opportunities monitoring forms, which must not be used for selection or decision-making purposes.

#### **5.3 Disabilities**

If a member of staff is disabled or becomes disabled, GS Social Care Solutions Ltd encourages them to tell their manager about their condition so that GS Social Care Solutions Ltd can consider what reasonable adjustments or support may be appropriate.

#### **5.4 Part-time and Fixed-term Work**

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

#### **5.5 Disciplinary Procedure**

Any member of staff found to be in breach of this policy will be subject to disciplinary action.

Serious cases of deliberate discrimination may amount to gross misconduct resulting in dismissal.

#### **5.6 Grievance Procedure**

If a member of staff believes that they have suffered discrimination, then they should raise these issues through GS Social Care Solutions Ltd's Grievance Policy and/or Anti-Bullying and Harassment Policies.

**5.7** A member of staff will not be bullied or victimised for raising issues under this policy. However, if a complaint is made in bad faith and/or is knowingly false the member of staff may be subject to GS Social Care Solutions Ltd's Discipline Policy and Procedure.

## PE03 - Equality and Diversity Policy and Procedure

### 6. Definitions

#### 6.1 Protected Characteristics

- Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

#### 6.2 Disability

- A physical or mental impairment which has a substantial and long-term adverse effect on an individual's ability to carry out normal day-to-day activities. The effect must have lasted for 12 months or be likely to last 12 months. An effect that is likely to recur is treated as continuing for this purpose

### Key Facts - Professionals

Professionals providing this service should be aware of the following:

- Issues of discrimination, harassment and victimisation should be treated with the utmost care and attention
- GS Social Care Solutions Ltd should ensure that all decisions on recruitment and internal promotions are made with reference to objective criteria which do not discriminate against any individual or group
- This policy applies both in the workplace and outside of it where the individual is representing GS Social Care Solutions Ltd

### Key Facts - People Affected by The Service

People affected by this service should be aware of the following:

- Service Users and those involved in their care who make derogatory statements that are of a discriminatory nature to any staff should be aware that they will be challenged about their behaviour

### Further Reading

As well as the information in the 'Underpinning Knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

ACAS - Seeking Better Solutions: Tackling Bullying and Ill-treatment in Britain's workplaces - <http://www.acas.org.uk/media/pdf/e/b/Seeking-better-solutions-tackling-bullying-and-ill-treatment-in-Britains-workplaces.pdf>

ACAS - Bullying and Harassment at Work - A Guide for Managers and Employers - <http://www.acas.org.uk/media/pdf/i/t/Bullying-and-harassment-in-the-workplace-a-guide-for-managers-and-employers.pdf>

ACAS - Bullying and Harassment at Work - A Guide for Employees - <http://www.acas.org.uk/media/pdf/o/c/Bullying-and-harassment-at-work-a-guide-for-employees.pdf>

## PE03 - Equality and Diversity Policy and Procedure



### Outstanding Practice

To be outstanding in this policy area you could provide evidence that:

- Provide training to all members of staff on equality and diversity and keep this training up to date
- Ensure that decisions for selection are always taken by more than one manager
- Consider taking positive action remedy disadvantage, meet different needs or increase the participation of people who share a protected characteristic
- Offer training to members of staff who have been absent for a period (maternity, paternity, ill-health due to a disability etc.) to meet any need

## PE03 - Equality and Diversity Policy and Procedure

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