


EQUAL OPPORTUNITIES

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OUR AIM

This organisation is committed to achieving a working environment that provides equality of opportunity and freedom from discrimination on the grounds of race, religion and belief, sex, sexual orientation, age, disability, marriage and civil partnership, pregnancy and maternity, gender reassignment. The organisation is also committed to building a workforce that is diverse and reflects the community around us.

The aim of the home is to create a culture of inclusion and to ensure that our residents live in an environment where the diversity of people is celebrated and respected and where they are free from discrimination and prejudice

The service promotes equal treatment for all employees and service users irrespective of race, colour, sexual orientation, nationality, ethnic origin, religion, political belief, disability, age, gender, or marital status, and that this is managed in compliance with equal opportunities legislation and accepted codes of a good home. We aim to ensure that no job applicant, staff member, volunteer, organisation or individual we provide services to will be discriminated by us. The home is an equal opportunities employer both: by intent and by practice.

BACKGROUND

Being a good employer, we are used to applying the principles of equal opportunities in the field of employment. In this respect the concept is one of the key building blocks of modern employment law and means that all employees should be treated fairly and equally and should have access to employment opportunities, jobs, advancement and training on their merits, free from discrimination or harassment.

However, in the care sector the concept of equal opportunities is also applied to the core function of a care home, to the services provided for residents themselves. *In this respect care home service users have the right to expect that staff in the home will treat them fairly, equally, with respect and as an individual regardless of race, ethnic background, language, culture, faith, gender, age, sexual orientation or disability, and that they will be free from discrimination and harassment at all times.* Prospective service users also need to be reassured that a home will not discriminate against them, for example refusing them a place in the home because of their race.

This home believes that failing to treat people equally can result in loss of dignity, respect, self-esteem and self-worth and ability to make choices, and can lead to the establishment of a culture where prejudice, discrimination, harassment, favouritism, bigotry and abuse can flourish and be excused. The home makes it clear that it finds entirely unacceptable any form of racist or similar discriminatory behaviour from any source and will take a zero-tolerance approach to any such behaviour on the part of its staff or volunteers or other users of the home.

Discrimination usually takes the form of exclusion of some form or another and this home believes, quite simply, that it is wrong for people to be singled out for different treatment, merely because of their personal characteristics or beliefs.

This organisation understands that ensuring equal opportunities for the users of care services is a major importance within the **Health and Social Care Act 2008 (Regulated Activities)** and the essential standards of quality and safety with which the organisation must comply to satisfy the registration requirements of the Care Quality Commission.

*Regulation 17 of the **Health and Social Care Act 2008 (Regulated Activities)** of the essential standards relate to respecting and involving people who use services and require all service providers to recognise the diversity, values and human rights of people who use services and to respect their diversity.*

Regulation 9 states that in the planning and delivery of care, service providers must avoid unlawful discrimination including, where applicable, by providing for the making of reasonable adjustments in service provision to meet service users' individual needs.

Regulation 19 Complaints, states that service users should be treated in a manner that respects their human rights and diversity in a fair and equal way.

DEFINITION

We understand discrimination to mean the protected characteristics defined within The Equality Act 2010 these are:

Protected Characteristics


Definition and Explanation


Age


Means a person or persons belonging to a particular age group. An age group includes people of the same age and people of a particular range of ages. Where people fall in the same age group they share the protected characteristics of age.


Disability

Within the Act, a person has a disability if they have a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities. For the purposes of the Act, these words have the following meanings:

 'Substantial' means more than minor or trivial.

 'Long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions).

 'Normal day-to-day activities' includes everyday things like eating, washing, walking and going shopping.

 People who have had a disability in the past that meets this definition are also protected by the Act.

Progressive conditions considered to be a disability

There are additional provisions relating to people with progressive conditions. People with HIV cancer or multiple sclerosis are protected by the Act from the point of diagnosis. People with some visual impairments are automatically deemed to be disabled. Where people share the same disability, they share the protected characteristics of disability.

Gender Reassignment

This is defined for the purpose of the Act as where a person has proposed, started or completed a process to change his or her sex. A transsexual person has the protected characteristics of gender reassignment.

A woman making the transition to being a man and a man making the transition to being a woman both share the characteristic of gender reassignment, as does a person who has only just started out on the process of changing his or her sex and a person who has completed the process.

Marriage and Civil Partnership

This refers to people who have the common characteristics of being married or of being civil partners. A heterosexual man and a heterosexual woman who are married to each other and a man and another man who are civil partners and women and another woman who are civil partners all share the protected characteristic of marriage and civil partnership.

- ✚ People who are not married or civil partners do not have this protected characteristic.
- ✚ A person who is engaged to be married is not married and therefore does not have this protected characteristic.
- ✚ A divorcee or a person whose civil partnership has been dissolved is not married or in a civil partnership and therefore does not have this protected characteristic.



Pregnancy and Maternity

A woman remains protected in her employment during the period of the pregnancy and any statutory maternity leave to which she is entitled. This is now separate from protection on grounds of sex, which is not available to a woman during her pregnancy and maternity. It is unlawful to take into account an employee's period of absence due to pregnancy related illness when taking a decision about her employment.



Race

For the purposes of the Act 'race' includes nationality and ethnic or national origins. People which have or share characteristics, of colour nationality or ethnic or national origins can be described as belonging to a particular racial group. Examples:

- ✚ Colour includes black or white (and brown).
- ✚ Nationality includes being a British, Australian or Swiss Citizen.
- ✚ Ethnic or national origins include being from a Roma background or of Chinese heritage.
- ✚ A racial group could be 'Black Britons' which would encompass those people who are both black and who are British citizens.



Religion or Belief

This covers people with religious or philosophical beliefs. To be considered a religion within the meaning of the Act, it must have a clear structure and belief system. The Act includes the following examples:

- ✚ The Baha 'I' faith, Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Rastafarianism, Sikhism and Zoroastrianism.
- ✚ To be considered a philosophical belief for the purposes of the Act, it must be: "Genuinely held; be a belief and not an opinion or viewpoint; be a belief as to a weighty and substantial aspect of human life and behaviour; attain a certain level of cogency, seriousness, cohesion and importance; and be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others" The Act cites as examples of philosophical beliefs: Humanism and Atheism.
- ✚ A cult involved in illegal activities would not satisfy these criteria nor would achieve to a particular football team.

People who are of the same religion or belief share the protected characteristic of religion or belief.



Sex (formerly gender)

For the purposes of the Act, sex means being a man or a women. Men share the sex characteristics with other men and women with other women.



Sexual Orientation

This is defined in the Act as a person's sexual orientation towards:

- ✚ People of the same sex as him or her (in other words the person is a gay man or a lesbian).
- ✚ People of the opposite sex from him or her (the person is heterosexual).
- ✚ People of both sexes (the person is bisexual)
- ✚ People sharing a sexual orientation mean that they are of the same sexual orientation and therefore share the characteristics of sexual orientation.

Discrimination may be direct or indirect:

- ✚ Direct discrimination is deliberate.
- ✚ Discrimination is indirect: when an unnecessary condition or requirement is imposed, whether intentionally or inadvertently, such that the proportion of members of one group who can comply with it is considerably smaller than the proportion of other groups.

POLICY

In this home:





1. We have an equal opportunities admissions policy which means that race, ethnicity, sexual orientation, skin colour, language, disability, faith or belief will not be used in making decisions about who should be offered a place in the home and who should not. All are welcome to apply and all will be given equal and fair consideration.
2. No resident will be provided with inferior or superior accommodation, treatment or services because of their race, ethnicity, sexual orientation, skin colour, language, disability, or on any other grounds on which discrimination can occur.
3. The diversity of the home's resident population, as well as its staff population, is celebrated as bringing a richness of background, history and experience that, the home believes, can only benefit everyone living, working and visiting the home.
4. Every resident has a right to be treated fairly, equally, and with respect as an individual regardless of their race, ethnic background, language, culture, faith, gender, age, sexual orientation, disability or any other aspect that could result in their being discriminated against purely because they have such characteristics.
5. The home will not tolerate discrimination or harassment of any kind directed towards its residents and will take action in every single case. This includes abusiveness, insults, name calling, 'jokes', suggestive comments, and the use of racial or culturally insulting nicknames.
6. All incidences of discrimination, bias, prejudice or favouritism on the part of staff will be challenged and addressed through training and supervision wherever possible. Where relevant these may amount to misconduct or even abuse and will lead to disciplinary action.
7. We will ensure that all staff are aware of, understand and recognise how the social and cultural diversity, values and beliefs of our residents may influence their decisions and how they want to receive care, treatment and support.
8. People who use our services, or others acting on their behalf, will be given encouragement, support and opportunities to raise specific needs or to express concerns relating to equality, diversity and human rights. This may include support via an advocate or advocacy service.
9. Staff will provide care and reduce the risk of service users receiving unsafe or inappropriate care, treatment and support by making reasonable adjustments, wherever required, to reflect their needs, values and diversity.
10. Training in equality and diversity will be provided as a mandatory topic for all new staff during induction. All existing staff will be expected to have attended at least one training session on equality and diversity and to attend updates as required. Training will be designed to address a range of issues around discrimination and prejudice including attitudes of staff.
11. Any complaints from residents or their families of discrimination on the part of staff or volunteers will be thoroughly investigated and acted upon without exception.
12. The registered manager will be expected to be able to demonstrate an awareness and knowledge of diversity and human rights and will be expected to apply in practice the competencies to support people's diverse needs and human rights.

Management duties

Managers and supervisors in the home have a duty to:




- Demonstrate effective direction and leadership in this area, acting as a role model for other staff by at all times acting in a non-discriminatory, fair and respectful manner.
- Ensure that this policy is implemented in all areas of the home at all times.
- Ensure that this policy is regularly reviewed and updated.
- Monitor the incidence of complaints and reports of discrimination or harassment to look for trends and patterns and to take appropriate action based on that analysis.
- Procedure for Dealing with Complaints of Discrimination**

Employees or contracted staff who believe that they are subject to discrimination at work, either by the organisation or by another employee, can have recourse to this organisation's grievance procedure as set out in their terms of employment. Some discriminatory acts may contravene the *Sex Discrimination Act 1975* or the *Race Relations Act 1976*. These and other forms of discrimination will be taken seriously by the organisation. Failure to comply with the Equal Opportunities Policy and proven acts of discrimination by an employee will be handled under the organisation's disciplinary procedure. Complainants should:

-  Record the details of what happened or of the specific nature of the complaint
-  Record details of when and where any occurrence took place
-  Record the names and contact details of witnesses if appropriate.
-  All complaints should be dealt with in a professional and confidential manner.

Staff duties

Staff in this home have a duty to:

-  Treat all residents fairly, equally and to a high standard.
-  Relate to all residents, and to one another, on the basis of equality and respect for diversity and for individual differences.
-  Develop an attitude of self-awareness to ensure any form of discriminatory behaviour, such as inappropriate jokes or offensive or abusive language, does not occur.

Applicability and scope

This policy applies to all staff, residents, visitors, volunteers and contractors without exception. All staff at the home have responsibility for ensuring that they work within the remit of this policy and in the manner in which they have been trained.

Responsibilities

Responsibility for the implementation, monitoring and review of this policy lies with the care home manager.

Service Users, Employees and anybody who believe that they are subject to discrimination at work, either by the home or by another employee, can have recourse to the home's grievance procedure as set out in their terms of employment. Some discriminatory acts may contravene the Sex Discrimination Act 1975 or the Race Relations Act 1976. These and other forms of discrimination will be taken seriously by the home.

Failure to comply with the Equal Opportunities Policy and proven acts of discrimination by an employee will be handled under the home's disciplinary procedure.

MONITORING EQUAL OPPORTUNITIES PROCEDURE

This procedure identifies how the home monitors and assesses the success of the Equal Opportunities through a review of practices and data collected, and to recommend appropriate action where necessary:

1. The equal opportunities, diversity and anti-oppressive practice policy will apply to the following:
 - a) Staff with regard to employment and career advancement.
 - b) Service users with regard to the care service being provided.
2. Equal opportunities will identify the following equalities issues throughout 1 above:
 - a) Staffing - Equal Opportunities, diversity and anti-oppressive practice in respect of:
 - Race
 - Culture / ethnicity
 - Religious / sectarian issues
 - Disabilities
 - Age
 - b) Service users - Equal opportunities, diversity and anti-oppressive practice in respect of:
 - Observance of religious beliefs, customs and festivals which may affect food / dietary preferences, personal care, worship and leisure activities and privacy and dignity.
 - Communications:
 - Language
 - Physical impairments or disabilities which may make communication difficult to understand, e.g. speech impediments, partial / total loss of hearing or sight
 - c) Impairments or disabilities:
 - Loss of mobility - dependency upon wheelchairs, etc.
 - Frailty
 - Dementia

- d) Observance of religious beliefs and customs which may impact upon care of the dying and death.
3. Monitoring the success of the equal opportunities policy will be achieved through a review of data and records obtained from the following sources:
- a) **Service Users and Family:** Questionnaires regarding the quality of the care service offered. There are separate questionnaires for use by service users and their family and / or representatives.
- b) **Staff:**
- Through their perceptions of the equal opportunities policy, particularly where staff themselves are of an ethnic minority, or are disabled, etc.
 - Disciplinary records - are there any equalities issues apparent?
 - Exit interviews.
- c) **Job applicants:**
- Is there a suitable provision on the job application form for job applicants to declare issues which may be relevant to equality of opportunity, e.g. race, culture, disabilities, etc?
 - Review job application forms and the follow-on Interview Notes for both successful *and* unsuccessful applicants.
- d) **Complaints log:** Focus on complaints involving the following:
- Harassment / abuse / preferential or unfair treatment with respect to the equalities issues identified for both service users and staff.
 - The display of offensive material within the organisation's offices.
 - Inadequate methods of communication with respect to language, loss of sight or hearing, or other impairments such as dementia.
4. The data collected will focus upon the equalities issues listed in 2 above, identifying areas of possible discrimination and / or exclusion.
5. A review of this data will be made on a regular basis by the manager. This will be discussed at the Quality Management Review Meetings, as an *Equalities Action Plan*, and will focus upon;
- a) Opportunities for improvement (also to be discussed with Service Users / family).
- b) Action needed to make these improvements.
- c) Responsibilities for action, and follow-up monitoring to ensure that the action taken has been effective.
- d) The Equalities Action Plan will also contain a simple system for the ethnic and disabled monitoring of both service users and staff as a discrimination profile within the home. This will be based upon a person's self-declaration against the following ethnic categories, as recorded in the original Service Users' Plan of Care (for service users) and job application forms (for staff), and registered disabilities:

WHITE	MIXED	ASIAN AND BRITISH ASIAN	BLACK OR BRITISH BLACK	CHINESE OR OTHER ETHNIC GROUP
British	White and Black Caribbean	Indian	Caribbean	Chinese
Irish	White and Black African	Bangladeshi	African	Vietnamese
Any other European background	White and Asian	Pakistani	Any other Black background	Any other Chinese background
Other	Any other mixed background	Any other Asian background		

Training Statement

All new staff should be encouraged to read the policy on equal opportunities as part of their induction process. A variety of training courses on equal opportunities and related matters are usually available through organised through the Local Authority. All existing staff will undergo training and / or briefing to enable them to meet the requirements of this policy, and should be offered advice and guidance to ensure they understand their responsibilities within their role and the organisation's policy.

Related Policies

Appraisal

Bullying and Harassment

Equality and Diversity

Maternity

Paternity

Recruitment and Selection

Recruitment of Volunteers

Whistleblowing