



## **Equality and Diversity Policy and Procedure**

Extensive re-write to incorporate diversity into the original Equality policy, and to bring in line with current best practice and the Equality Act 2010.

### **Purpose**

- To comply with legislation and best practice in respect of equality of opportunities
- The aims and objectives of the Equality and Diversity Policy are:
  - To encourage, promote and celebrate diversity in all our activities and services
  - To ensure equal access to jobs, volunteer opportunities
  - To ensure compliance with legislation on discrimination and equality (Disabled Persons Employment Acts of 1944 and 1958, the Sex Discrimination Act 1975 and the Race Relations Act 1976, Disability Discrimination Act 1995), The Employment Equality (Age) Regulations 2006.
  - To promote equal opportunities in other areas not currently covered by legislation. Examples Age, Rural.
  - To create environments free from harassment and discrimination.
  - To maximise the use of resources in the best interests of staff, volunteers and Service Users
  - To confront and challenge discrimination where and whenever it arises whether it is between colleagues, or in any other area relating to Cheshire Care Service's work.
  - To make a willingness to accept and implement this policy to be a necessary qualification for any position in Cheshire Care Services.
  - To ensure, through positive action and so far as is practicable, that all Cheshire Care Services premises and services are accessible to all people
  - To ensure that employment and advancement within the organisation is determined by objective criteria and personal merit.

### **Scope**

- All employees, volunteers and customers

### **Policy**

#### ***Introduction***

- Cheshire Care Services 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 Cheshire Care Services to comply with anti-discrimination legislation. The policy will also address anti-discrimination issues involving areas that currently fall outside any legislation.



- Failure to follow the procedures in the policy may lead to disciplinary or other appropriate action.
- Cheshire Care Services aims and objectives will be achieved through action planning, effective monitoring and a willingness to tackle problems where they arise. Cheshire Care Services is committed to reviewing this policy on an annual basis. Through our training, publications, interaction with members and other activities, Cheshire Care Services will ensure those we work with know our statements of policy.
- Cheshire Care Services will regularly review the 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 Cheshire Care Services do not discriminate against the people within it. It is about treating people fairly and equally regardless of whom ever they are their background or their lifestyle.
- Diversity ensures that all people are valued as individuals and are able to maximise their potential and contribution to Cheshire Care Services 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.
- Direct Discrimination occurs when an individual is dealt with less favourably on the grounds of race, colour, nationality, ethnic or national origin or sex. Also because of, for example, marital status or caring responsibility; sexual orientation; age; physical, sensory or learning disability; mental health; political or religious beliefs; class; HIV status; employment status; unrelated criminal convictions; union activities.
- Indirect Discrimination occurs when a requirement or condition, which although it applies equally to persons of all groups, is such that only a considerably smaller proportion of a particular group can comply with it. Examples: a rule about clothing that disproportionately disadvantages a racial group cannot be justified; requiring applicants to have British qualifications.
- Victimisation occurs when an individual is treated less favourably because that person has asserted rights under the Sex Discrimination Act, the Race Relations Act or the Disability Discrimination Act or acted as a whistleblower on such activity. People must be able to act against unlawful discrimination without fear of reprisals.
- Harassment means repeated, unreciprocated and unwelcome comments, looks, actions, suggestions or physical contact which is found objectionable and offensive and which might threaten an employee or participant or create an intimidating or uncomfortable environment. Harassment can be sexual, racial, directed against people with disabilities or indeed related to any characteristic exhibited by the individual. (See Cheshire Care Services Harassment Policy for guidance where harassment has occurred).
- Positive Action refers to measures taken to assist employees or learners who have been under-represented in specific areas, to reach a level of workplace knowledge and competencies that are comparable with 'representative' employees. These measures would normally take the form of additional training. 'Positive discrimination' at the point of selection for work is not permissible.



- Cheshire Care Services urges staff, whether permanent, casual, temporary or employed through an agency and volunteers to be aware of the less obvious types of discrimination which result from general assumptions and pre-conceptions about the capabilities, interests and characteristics of individuals.

### ***Policy – Diversity:***

- Cheshire Care Services will actively encourage diversity to maximise achievement, creativity and good practice and to bring benefit to individuals and communities.
- Cheshire Care Services encourages all people it works with and for to contribute to an environment in which people feel comfortable expressing how they feel and what they need, knowing they will be treated with respect and that their contribution will be valued.
- The way we work, train and learn within Cheshire Care Services reflects both the Mission and Objectives of Cheshire Care Services and the spirit and intentions of legislation that outlaws discrimination and promotes equality and diversity.
- Cheshire Care Services will make reasonable adjustments to working practices, equipment and premises and offer, where appropriate, additional support to trustees, staff and volunteers to ensure they are able to take a full and active part in Cheshire Care Service's work.
- Cheshire Care Services will endeavour to deliver services in a way that genuinely recognises the importance of an inclusive society that brings opportunities and access, not barriers to individuals.

### ***Policy – Equal opportunities:***

- Cheshire Care Services aims to be an equal opportunities employer and provider of services. No job applicant, employee, volunteer, trustee, member or Service User should receive less favourable treatment on the grounds of race, colour, nationality, ethnic or national origin; sex; marital status or caring responsibility; sexual orientation; age; physical, sensory or learning disability; mental health; political or religious beliefs; class; HIV status; employment status; unrelated criminal convictions; union activities. Nor will such person be disadvantaged by conditions or requirements which cannot be shown to be justifiable. This principle applies to recruitment, promotion, transfer, training, benefits, facilities, procedures and all terms and conditions of employment.
- Further, Cheshire Care Services will monitor the composition of its workforce and Service User base and introduce positive action if it appears that this policy is not fully effective.



- **Procedure**

***Policy Implementation: Expectations***

- Cheshire Care Services recognises that passive policies do not provide equality and Cheshire Care Services will seek to promote equality and diversity within the following framework of responsibilities.
- Responsibility for implementing and developing the policy rests with the Registered Provider. The overall co-ordinating responsibility for equal opportunities and management of diversity is delegated to the Registered Manager. However, Cheshire Care Services believes that all who work with or for Cheshire Care Services have an individual responsibility: to accept the policy and ensure a personal involvement in its application; to co-operate actively to ensure that the environment we desire is a reality. Therefore:
  - Cheshire Care Services expects individuals:
    - to co-operate with measures introduced by Cheshire Care Services to ensure equality of opportunity, diversity and non discrimination
    - not to harass, abuse or intimidate any other employee or participant on the grounds of race, colour, nationality, ethnic or national origin; sex; marital status or caring responsibility; sexual orientation; age; physical, sensory or learning disability; mental health; political or religious beliefs; class; HIV status; employment status; unrelated criminal convictions; union activities
    - To feel sufficiently confident to inform management if they suspect discrimination is taking place.
  - Cheshire Care Services expects our Line Managers:
    - to ensure that proper records of employment decisions are maintained 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 Cheshire Care Service's Grievance Policy and Procedure
    - to ensure that individuals within their area are aware of their legal responsibilities, and Cheshire Care Service's Equality and Diversity Policy
    - To promote actively the benefits of employee and participant diversity, in employment, services and training.
    - To 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.
    - To offer advice and guidance to members of staff, volunteers and organisations in Cheshire Care Service's Equality and Diversity Policy and Procedures.
    - To ensure that the highest standards of Equality Opportunities practice are observed in the delivery of Cheshire Care



Services and to undertake training and development opportunities to ensure that competence is maintained.

- The person with responsibility for Equality and Diversity will:
  - Ensure that Managers are supported in their roles in regard to the Equality and Diversity Policy and Procedures.
  - Ensure Managers, including Registered Managers, are appraised regularly on the state of equal opportunities and diversity within Cheshire Care Services.
  - Ensure that the Equality and Diversity Policy and associated documents are reviewed on an annual basis.
  - Review and approve policies, procedures and practices that impact on equal opportunities and diversity practice.
  - Co-ordinate the delivery of an equality and diversity strategy and action plan.
  - Facilitate training and discussion on Equal Opportunities and Diversity issues as appropriate.

### ***Policy Implementation: Recruitment and Promotion***

- Cheshire Care Services strives to ensure that our staff and volunteers reflect the wider community.
- Clear and accurate information on vacant posts should be available through advertisement, job descriptions, person specifications and interview. Vacancies should be advertised sufficiently widely to reach the widest possible range of candidates, either internal and/or external.
- All recruitment material should not imply any preferred group, unless a genuine occupational qualification exists limiting a post to a particular group.
- Applicants will be informed, through all recruitment material of Cheshire Care Service's commitment to Equal Opportunities and Diversity and the existence of this policy.
- Person specifications may include 'essential' and 'desirable' requirements that are necessary and justifiable. Care, and advice where necessary, is needed to ensure these are not discriminatory.
- Staff and volunteers should be encouraged to discuss their development and training needs through a process of regular support and annual appraisals.
- Job titles that are discriminatory should be avoided.



## ***Policy Implementation: Interviews and Selection***

- In line with the intentions of this policy, interviewing and selection policies and processes must take care to reflect the gender, disability and ethnic make up of Cheshire Care Services when selecting the panel.
- The short listing panel or person will not select candidates on the basis of the gender, name, possible disability or age of the candidate.
- The interview panel or person must take extreme care not to ask discriminatory questions unrelated to the requirements of the job, e.g. race, colour, nationality, ethnic or national origin; sex; marital status or caring responsibility; sexual orientation; age; physical, sensory or learning disability; mental health; political or religious beliefs; class; HIV status; employment status; unrelated criminal convictions; union activities.

## ***Policy Implementation: Training***

- In line with the intentions of this policy, Cheshire Care Services will not discriminate in the provision of training courses/ 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 Induction Procedure for all staff, including senior staff, and volunteers.

## ***Policy Implementation: Service Users***

- Cheshire Care Services strives to ensure that our Service Users reflect the wider community.
- Cheshire Care Services strives 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, the family and visitors of other Service Users, and staff.
- Clear and accurate information on vacant rooms or services available should be available through open advertisement. Vacancies should be advertised sufficiently widely to reach the widest possible range of potential Service Users.
- All advertising or informational material should 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.
- Applicants for vacancies will be informed, through all promotional and informational material of Cheshire Care Service'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.
- Person specifications may include 'essential' and 'desirable' requirements that are necessary and justifiable. Care, and advice where necessary, is needed to ensure these are not discriminatory and are in line with admission criteria.



- Vacancy and service descriptions and titles that are discriminatory should be avoided.

### ***Policy Implementation: Enforcement***

- Cheshire Care Services 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.

### ***Policy Enforcement – Grievances***

- Any staff member or volunteer who feels 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 Cheshire Care Service's established Grievance Procedure.
- Any Service User who feels he/ she has been unfairly treated in a way contrary to the intention of this policy should make a complaint through Cheshire Care Service'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 through the Registered Provider.
- Any job applicant who believes that he/ she 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 direct discrimination by staff are disciplinary offences and will be dealt with under the Disciplinary Procedure.
- All incidents of direct 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 residence agreement.
- Incidents of indirect discrimination will be investigated to determine whether they should be dealt with under the Disciplinary Procedure.
- Incidents of victimisation or harassment will be dealt with in accordance with Cheshire Care Service's Harassment Policy and Procedure. Where incidents of victimisation and harassment by employees are proven, the issue will be dealt with under Cheshire Care Service's Disciplinary Procedure. Where incidents of victimisation and harassment by Service Users are proven, the issue will be dealt with under Cheshire Care Service's Terms and Conditions of Residency.
- Cheshire Care Services will not treat lightly or ignore grievances from members of disadvantaged groups on the assumption that they are over-sensitive about discrimination.



## ***Policy Enforcement – Disciplinary Procedure***

- Any member of staff found to be in breach of this policy will be subject to disciplinary action in line with the Standard Terms of Employment.
- Any volunteer found to be in breach of this policy will be counselled on his/her actions and may, where necessary, be removed from Cheshire Care Service's volunteer register.
- Any Service User found in breach of this policy will, where appropriate, be counselled on his/her actions and may, where necessary, be refused future services from Cheshire Care Services.

## ***Policy Enforcement – Monitoring***

- In Cheshire Care Service's view the collection/analysis of data is vital in informing change and improving performance. Where appropriate, statistics on Cheshire Care Service'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. Local and national data or statistics will be used to benchmark our performance.
- The Registered Provider and Registered Manager will review annually equality of opportunity relating to Cheshire Care Services services. Recruitment and selection procedures will be monitored and reviewed annually by the Registered Manager who will report to the Registered Provider. All aspects of personnel policies and procedures shall be kept under review 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 be developed which will measure commitment, progress and effectiveness. The Diversity and Equality Policy will be monitored and reviewed as follows:
- The policy will be an annual agenda item at Cheshire Care Service's quality team meetings.
- The Registered Manager will undertake or commission an annual policy review. All relevant parties will be encouraged to submit comments for consideration.
- Where it appears that there may have been or there is a breach of the policy, the Registered 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.
- If it is found that the policy is excluding or discouraging the development of staff or volunteers or restricting Service Users, the Registered Manager should take positive action to re-adjust the policy.



Reviewed 05/03/13  
Review Date 05/03/14



# Independent Living Support

## Review Form

Equality and Diversity Adviser:

Tel:

Monitoring Arrangements:

Date of local review(s):

Other information:



## Equal Opportunities Monitoring

Cheshire Care Services 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 your recruitment process and would ask for your help by completing the details below by placing a v in the appropriate box. This will allow Cheshire Care Services 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 your information remains confidential. This information will be stored on a computer.

1 Gender	Male _	Female _	
2 Registered Disabled	Yes _	No _	
3 Marital Status	Married _	Single _	Divorced _
4 Children	Yes _	No _	
	African _		
	Asian _		
	Afro-Caribbean _		
5 Please indicate your Ethnic background	UK European _		
	European _		
	Other _		
	( please specify)		

Please tick as appropriate.