



# Local Care Direct

# Equality & Diversity Policy

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**A-01**

Accountable Person: Associate Director HR & Training

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**POLICY DOCUMENT**

## Document Control Integrated Governance in Local Care Direct

Title:	Equality and Diversity Policy
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Summary:	Our policy forms a framework against which we will deliver our strategy now and in the future, taking account of legislative requirements but based on an over-arching and genuine commitment to equality and diversity because we believe this will ensure the organisation achieve its
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## **1.0 POLICY STATEMENT**

Local Care Direct is a community benefit organisation established with the sole purpose of providing healthcare for the benefit of the *whole* community. Equality and respect for diversity are therefore fundamental to the ethos, principles and goals of the organisation.

We understand that by valuing diversity - irrespective of age, civil partnerships & marital status, race, ethnic or national origins, disability, political or religious beliefs, sexual orientation or gender reassignment/ recognition status, pregnancy and maternity, responsibility for dependants, medical condition, intellect and educational attainment, association or political views or other personal differentiation - we can better meet our aim of providing equitable service, employment and build public trust and confidence in our organisation.

We will promote equality and diversity through all business activities; to eliminate all forms of inequality and discrimination that impact on service users, staff, agents, contractors, customers and other stakeholders; and we are committed to creating and maintaining a culture which welcomes and respects individuals and individuality.

In the context of healthcare, Local Care Direct understands that individuals and communities may experience unfair discrimination, disadvantage and differing quality of experience within employment, the provision of healthcare and in their engagement with LCD.

This can damage the health and wellbeing of individuals with wider consequences for communities and societies as a whole. It can also have a direct impact on the people who work for Local Care Direct and can result in attrition of skills, knowledge and experience which are vital to delivering better services and meeting the needs of all communities.

For these reasons, Local Care Direct will not tolerate any unfair treatment of individuals whether service users, employees or contractors. We will implement the NHS Zero Tolerance Policy to protect employees and contractors from abusive, discriminatory, threatening and violent behaviour.

## **2.0 LEGAL IMPERATIVE & ASSOCIATED POLICY**

Fair treatment and protection from discrimination is a fundamental human right and therefore this policy incorporates in principle and in practice the provisions of the Human Rights Act (1998) detailed in Articles 2-14.

Local Care Direct will ensure it meets the requirements of all relevant legislation including, but not exclusive to:

- Rehabilitation of Offenders Act 1974
- Employment Rights Act 1996
- The Protection from Harassment Act 1997
- Human Rights 1998
- Nationality, Asylum and Immigration Act 2002 and 2006
- The Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Employment Act 2002
- The Civil Partnership Act 2004 (in force from 5 December 2005)
- The Occupational Pensions Schemes (Equal Treatment) (Amendment) Regulations 2012
- The Work & Families Act 2006
- Racial and Religious Hatred Act 2006
- Equality Act 2010
- Equal Pay Act 1970

LCD understands that within the framework of British and European law, mistreatment is defined in terms of direct and indirect discrimination.

However, it acknowledges that inequality can be expressed in patterns and norms of behaviour which may appear acceptable but can lead to exclusion, harassment, under-representation, marginalisation and exploitation of groups and individuals who are not empowered to determine their own interests or unable to challenge their mistreatment. LCD will therefore take steps to address this through effective engagement— especially vulnerable and “hard to reach” people; monitoring and review of patient experiences, leading to improvement actions wherever required to tackle mistreatment.

LCD will monitor the behaviour of employees and agents and reinforce its expectations in support of this policy. It will be a condition of service that employees adhere to this policy and other associated policies and where appropriate LCD will take disciplinary action where this policy is being ignored or breached.

LCD will operate a Complaints Policy and Procedure, Grievance Procedure and Whistleblowing Policy to provide service users, employees, contractors and others with a means of raising complaints and concerns about unfair treatment.

## **2.0 AIMS**

Our policy forms a framework against which we will deliver our strategy now and in the future, taking account of legislative requirements but based on an overarching and genuine commitment to equality and diversity because we believe this will ensure the organisation achieve its goals.

Our aims are to:

- Ensure equality of awareness of services and access to those services for all service users
- Ensure equality of service experience and quality of care for all, irrespective of personal circumstances and based solely on clinical assessment of their needs.
- Provide services that are appropriate to meet the diverse needs of the communities we serve
- Support effective engagement with all communities, contractors and stakeholders which increases awareness of community needs and informs how services are provided and developed
- Increase public confidence in public services
- Create a satisfied workforce which is representative of the communities we serve and with no unjustifiable difference in individual employment experience
- Improve decision-making through consideration of equality and diversity issues
- Value people and their differences and enable all our employees to achieve their full potential, creating vitality within the company and the services it delivers.
- Promote and maintain a harmonious working environment free from discrimination.

### **3 RESPONSIBILITIES**

All Board members, management and employees share responsibility for creating an environment within which there is equality, genuine inclusion and respect for diversity.

The Associate Director of HR & Training will be the designated executive lead for Equality and Diversity within the organisation.

#### **3.1 The Board**

The Board is responsible for:

- Leadership and acting as overall champions of equality and diversity, ensuring the policy is approved, implemented and communicated

#### **3.1 Senior responsible officer**

The senior officer is responsible for:

- Developing and revising the policy
- Ensuring that LCD has an appropriate Equality & Diversity training module
- Ensuring all staff have received and completed to a satisfactory standard the awareness training
- Providing progress reports and other relevant information to the management team and Board
- Ensuring the Policy and training module are current in terms of relevant legislation

### **3.2 Managers**

Managers are responsible for:

- Addressing equality and diversity issues in the workplace
- Implementing the policy
- Provide support and direction to ensuring all staff act in accordance with the policy
- Ensuring all their staff complete their Equality & Diversity training including ongoing refresher training

### **3.3 Employees & Contractors**

Each employee and contractor is responsible for:

- Actively addressing equality issues in their day-to-day work
- Ensuring his or her own behaviour is appropriate within the policy
- Complete their Equality & Diversity training in a timely manner

### **3.4 HR Team**

The HR team is responsible for:

- Supporting managers to implement the policy
- Ensuring employment practice and processes meet legislative requirements
- Equal Opportunities monitoring

## **4 REVIEW, REPORTING AND COMMUNICATION**

We will monitor, review and report on achieving the aims of the policy through:

- Progress reports to the People Management Group
- Progress reports to the Staff Council
- Reports to the Board

The policy will be made available to all staff and patients on request – both in hard copy and on the LCD website.

## **Annex 1 – Employment: Notes on Discrimination & Equal Opportunities**

Every employer has a duty to meet anti-discriminatory employment practices relating to:

- Advertising
- Preparing information about jobs, e.g. job descriptions, person specifications etc.
- Interviewing
- Appointing candidates
- Providing training
- Managing Performance
- Conducting disciplinary and grievance interviews
- Dismissing employees
- Selecting for redundancy

### **1 Unlawful Discrimination**

**Direct discrimination** occurs if a person is treated less favourably than others in similar circumstances on grounds of race (which includes colour, nationality, ethnic or national origins), sex, marriage or civil partnership, disability, age, sexual orientation or religious beliefs.

**Indirect discrimination** occurs if a provision, criterion or practice is applied which is such that it would be to the detriment of a considerably larger proportion of one race, gender, marriage or civil partnership, sexual orientation, religious, age, disabled group than another and which cannot be objectively justified.

Of these two categories, indirect discrimination is the most common, even though in many cases there is no intention to discriminate. Nevertheless, even if the discriminatory effects of a condition are unintentional it is still unlawful if the condition cannot be justified.

It is also unlawful to victimise (i.e. treat less favourably) anybody because they have taken out, given witness to or otherwise assisted in any action or complaint of discrimination.

It should be noted that penalties against anyone who unlawfully discriminates or victimises could be severe, both at Employment Tribunal and under the company's disciplinary procedures.

It is also discriminatory and therefore unlawful to action any instruction from a customer using our services to knowingly discriminate, e.g. by preferring or rejecting certain racial groups or applying conditions that are unjustified and would exclude certain groups. It is therefore advisable to obtain the customer's instructions in writing justifying that a 'Genuine Occupational Requirement' (GOR) exists. This means that there are exceptions where it is lawful to discriminate when recruiting to specific posts.

### **2 Workers with disabilities**

It is recognised that ensuring equal opportunities for disabled people may involve

adjustments being made to the working environment or other employment arrangements. These adjustments will be made wherever reasonable and within an agreed time frame.

Discrimination against disabled people is unlawful under the Equality Act 2010. This includes harassment because of a disability, less favourable treatment for a reason related to the disability that cannot be justified or unjustifiable failure to make reasonable adjustments. Any employee who believes that he/she has been discriminated against for a reason related to his/her disability can use the organisation's grievance procedure to raise the matter.

Disciplinary action will be taken against any employee who is found to have committed an act of disability discrimination. Any serious breaches of this policy or harassment of a disabled person for a reason related to his/her disability will be treated as gross misconduct.

## **2.1 Check List**

Before a disabled applicant is judged to have failed to meeting the requirements of the job description and person specification or to be less suitable than other applicants, full consideration will be given to whether any reasonable adjustments would make the applicant the best person for the post.

Reasonable adjustments will be made to enable a disabled employee to carry out his/her duties. These may include, but are not limited to, provision of specialist equipment and training, restructuring the job re-allocating part of the job, retraining, flexible working hours, remote working and/or redeployment to a suitable alternative position.

Where an individual requires or may require an adjustment to the working arrangements or environment he/she should bring this to the attention of his/her line manager and HR. The prime responsibility for arranging appropriate adjustments lies with the line manager in consultation with HR. Once an adjustment has been made it should be reviewed at regular intervals.

## **3 Recruitment and Promotion**

Employees will be recruited solely on the basis of work criteria and the applicant's abilities and individual merits. All recruitment and procedures will be carried out without discrimination and will be based on the qualifications, skills and aptitudes needed to do the job.

Wherever possible, existing employees will be considered for promotion opportunities within the company, in conjunction with any efforts to recruit externally. However, this may not always be possible. A job description and person specification will be drawn up for every vacancy and provided to all prospective candidates.

Internal and external advertisements for vacancies will not discourage or preclude applications from any suitable individuals or groups. Internal notice of permanent vacancies will be brought to the attention of all employees. External agencies acting on our behalf will be made aware of our Equality & Diversity Policy and instructed to comply

with its requirements.

If a customer refuses to accept an employee for reasons that are directly or indirectly discriminatory the employee must be informed of their right to raise a complaint. The same is implied if an employee has been rejected for a temporary or permanent post on discriminatory grounds. Local Care Direct will make every attempt to persuade the customer to change their view. Unless there is a "Genuine Occupational Requirement" (GOR), HR will recommend that the company discontinue its service to customers who give unlawful discriminatory instructions and who refuse to withdraw them.

### **3.1 Check List**

Draw up clear and justifiable job criteria (Role Description and Personal Specification) before advertising the position.

Advertisements and other recruitment literature need to be so constructed that they avoid the use of stereotypes, and are not indirectly discriminatory. Where to place the advertisements is also a potential equal opportunities issue, e.g. who will/won't have access to the information.

Select candidates for short listing in accordance with criteria from the person specification. At the selection interview, managers must ensure that questions, assessments and judgement are in no way affected by discriminatory attitudes, whether on the grounds of sex, age, marriage or civil partnership, race, ethnic or national origins, disability, political or religious belief, sexual orientation or gender reassignment/recognition status.

Reasonable adjustments to the recruitment process will be made as required to ensure that no applicant is disadvantaged.

Review recruitment, selection and promotion procedures regularly.

## **4 Terms and Conditions of Employment**

The terms and conditions of employment of all employees, together with any facilities, benefits and services provided, will not unlawfully discriminate against any individual.

### **4.1 Check List**

Salaries paid to men and women both carrying out the same or similar work should be the same. This applies to both full time and part time employees who should get equal pay on a pro rata basis. This means that they should be on the same hourly rate.

The provision of fringe benefits to part-timers must be the same as to their full-time colleagues on a pro rata basis.

Where applicable, toilets, change/washing facilities should be equally accessible to men and women and be of comparable standards.

Requests for extended leave should an employee wish to travel overseas to see family or observing religious holidays should be considered seriously by all managers. Perhaps allowing the employee to carry forward leave from one year to the next so that he/she has sufficient leave to take the extended leave.

Reasonable adjustments will be made to enable employees to work safely and effectively and to secure equal access to the benefit of employees.

## **5 Training and Development**

It is recognised that the company's most valuable asset is its employees. To assist in employee development we will encourage programmes tailored to the needs of the individual's current and future role in the organisation.

All new employees should have an induction to the company that sets out our company rules, including our responsibilities to our employees, as well as theirs to us. This should also include health and safety practices.

Managers are responsible for identifying and agreeing the training and development needs of their staff, and for ensuring they are met. This includes a continuing need for staff training and development to advance skills of our staff and to enable them to adapt to new equipment, processes or systems.

Opportunities for training, development, transfer and promotion will be made equally available to all employees regardless of sex, age, marriage or civil partnership, race, ethnic or national origins, disability, political or religious beliefs, sexual orientation or gender reassignment/recognition status. All decisions will be based solely on the experience, merit and job suitability of the candidate and the business requirements of the company.

Where employees with disabilities undertake training and development appropriate arrangements will be made as necessary to ensure as far as reasonably practicable that all opportunities are equally accessible.

### **5.1 Check List**

Opportunities for training will be brought to the attention of all employees, including those who work on a shift pattern or a part time basis, using appropriate promotion material.

Ensure that the training provider and venue can cater for the needs of disabled employees.

## **6 Grievance and Discipline**

If any employee believes that they have been unfairly discriminated against they should make a complaint using the Company's Grievance Procedure. If any employee is found to have breached the Company's Equality and Diversity Policy they may be subject to disciplinary action under the Company's Disciplinary Procedure, which in serious cases

may result in summarily dismissal.

## **7 Record Keeping & Reporting**

Personnel records are to be kept in the HR Department relating to the ethnic origin, sex, marital status, age and disability of job applicants and employees. This information covers applications received, interviews conducted, appointments, and promotions made.

Information on individuals' i.e. ethnic origins and marital status will be collected for the purpose of monitoring equality and diversity only and will be reported in anonymised form to the management team, Board and service users.

Harassment, either racial or sexual or age or on grounds of disability, will not be tolerated under any circumstances and all employees are required not to behave in such a way as to cause offence to others in respect of their sex, age, marriage or civil partnership, race, ethnic or national origin, disability, political or religious belief, sexual orientation or gender reassignment/recognition status.

Disciplinary action must be carried out according to the company's procedures to ensure that there is no question of discriminatory treatment.

Selection for redundancy, as with short-listing for a job, should be based only on a fair appreciation of what the criteria are – and these must be justifiable logically.

## **8. Contractors**

All contractors including sessional GPs and sessional Dentist providing their services to Local Care Direct are required to abide by the organisation's Equality & Diversity Policy and Code of Conduct for Sessional GP, ensuring work carried out is done within this context.

In addition the Professional Bodies make it clear that doctors and dentist are expected to keep up to date with, and adhere to, the laws and codes of practice which are relevant to their work. This includes the requirements of equality and human rights law.

If any contractor is found to have breached the Company's Equality and Diversity Policy then a decision will be made whether to terminate using their services and where appropriate to refer to the GMC / GDC.

### **Other related policies:**

A-21 Recruitment, Selection and Probationary Policy and Procedure

A-32 Disciplinary Policy & Procedure

A-33 Grievance Policy

A-40 Prevention of Bullying & Harassment at Work Policy

S-07 Whistle Blowing Policy