

Policy Name	Module
Equality, Diversity & Inclusion	Human Resources

<p>Statement of purpose</p> <p>This policy outlines Hand in Hands approach and commitment towards our employees, individuals and others we work with to provide equal opportunities and fair treatment in line with the <i>Equality Act 2010, Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, Care Quality Commissions Fundamental Standards, and the Human Rights Act 1998</i> to ensure all of the equality and diversity principles and values are implemented to protect people from unlawful acts of discrimination, harassment or victimisation.</p> <p>Hand in Hands strongly believes in non-discrimination on the grounds of race, sex, colour, religion or beliefs, nationality, ethnic or national origin, gender reassignment, sexual orientation, disability, marriage and civil partnership, pregnancy and maternity, financial status or political opinion and disability or any other characteristic or circumstance that could result in their being discriminated against.</p> <p>We value the rich mix of cultures, skills, knowledge and experience that people with different backgrounds bring to Hand in Hands. Therefore we are committed to the principles of equal opportunity in employment, recruitment selection, remuneration, training and promotion.</p> <p>We welcome both the differences in people and the many sides of every person. This is an important part of our person-centred approach to delivering support and this is the expected behaviour and attitude that we expect all of our employees to adopt to ensure this.</p> <p>Hand in Hands does not assume that equality, diversity and inclusion principles and policies only apply to employees under Hand in Hands. We expect those receiving care services from Hand in Hands and others we work in partnership with to respect the ethnicity, gender, culture or any disabilities of staff and not to discriminate against them.</p> <p>Our commitment to ensure equality, diversity & inclusion is:</p> <ul style="list-style-type: none">✓ To create an environment that is respectful of differences and that all contributions made by employees, individuals and others are recognised and valued.✓ To respect diversity and ensure person-centred care and approaches are always used.✓ To provide services that are inclusive to all and encourage participation and independence.✓ To challenge any form of discrimination in the workplace and take disciplinary action when required.✓ To promote the wellbeing of all individuals and provide holistic support.✓ To monitor and develop our Equality Objectives to ensure that this policy is fully implemented.✓ To regularly review all employment practices and procedures to ensure that no job applicant or employee shall receive unfair or unlawful treatment.✓ To provide training, development and progression opportunities to all.✓ To provide information that is accessible and have reasonable adjustments made when required, to effectively take account of different needs and preferences. <p>It is the overall responsibility of the Registered Manager to ensure that all staff have read and signed (as understood) this policy for Hand in Hands, and that it is implemented consistently in daily practice.</p> <p>It is the overall responsibility of every staff member to follow this policy and procedure. Failure to do so may lead to disciplinary action.</p> <p>A current copy of the policy will be available in the Main Office.</p>

This policy will be reviewed at least annually, or more frequently if significant changes occur.

This person accountable for this Policy/Procedure is Michelle Dudderidge.

This Policy / Procedure was last updated on 17/02/2023.

This Policy / Procedure is due to be reviewed on 12/11/2023.

Policy

What the law says

Equality Act 2010

This Act protects everyone's right to be treated fairly and safeguards people from being discriminated against because of our differences. These differences under the Equality Act are listed out as '**protected characteristics**'. Promoting equality and respecting diversity helps to ensure that people are valued and have equal opportunities regardless of their differences.

The **Protected Characteristics** are:

- ✓ Age
- ✓ Disability
- ✓ Gender reassignment
- ✓ Marriage and civil partnership
- ✓ Pregnancy and maternity
- ✓ Race
- ✓ Sex
- ✓ Sexual orientation
- ✓ Religion or belief

Human Rights Act 1998

The core principles of the Human Rights Act 1998, are dignity, fairness, equality and autonomy. Everyone has the right to be kept safe from harm, to be treated fairly and with dignity and to live the life they wish without interference and be an active part in their community.

- ✚ Please view other legislation and regulations that relate to equality and diversity within Appendix 1

Definitions and how we apply them to practice

Equality - is the state of being equal, regardless of any protected characteristic and in accordance to individual needs. In adult care settings, this means ensuring that everyone is entitled to the same rights and opportunities.

Hand in Hands believes in promoting and achieving equality between people. This does not mean treating 'everyone the same' but rather:

- ✓ Giving everyone equal opportunities and respect as an individual person;
- ✓ Dealing with people fairly;
- ✓ Recognising, respecting and responding to the individual needs of each of the people we support and our employees;
- ✓ Taking steps to make sure that particular groups of people (e.g. people with disabilities, people from minority ethnic groups, and many others who experience unfair disadvantage in their lives) are not unlawfully or unfairly discriminated against, either in the way we employ our staff or in the way we provide our support;
- ✓ Working to make a positive difference to the lives of the people we support who have often experienced disadvantage.

Diversity - is recognising that everyone is different and respecting these differences between us.

Diversity recognises that each person is different in lots of different ways, both visible and non-visible. Therefore Hand in Hands believes in respecting these differences so that everyone can feel valued and can contribute. Our differences will include our likes, dislikes, interests, experiences, skills and beliefs.

Hand in Hands believes that diversity will help us to achieve our values, which are to enable people to:

- ✓ Have the ability to develop and progress as they wish;
- ✓ Have the right to have control over how they lead their life;
- ✓ Have valuable relationships;
- ✓ Have the right to support in keeping with their basic human rights.

It is a major part of Hand in Hands commitment to provide person-centred care and support to our individuals and we can only achieve this by recognising and respecting diversity.

There is diversity too *between* people. We believe that the diversity between people:

- ✓ Broadens our view on every aspect of the support we provide;
- ✓ Enables better solutions to problems and challenges;
- ✓ Brings fresh creativity to communities and organisations.

Inclusion - is the action or state of including or being included within either a group or society as a whole. In adult care settings, this means ensuring that individuals are able to partake in everyday life and supported to be involved in wider communities.

Hand in Hands is committed to supporting individuals to be included within all aspects of their care and decision making around their life, so that they feel valued and can participate.

Discrimination - is the action that is based on a person's negative attitude towards others. Treating others less favourably because of one or more of their 'protected characteristics' under the Equality Act 2010. This will not be tolerated on any level by Hand in Hands.

Hand in Hands equality & diversity objectives

We want to:

- ✓ Be an organisation that is fair and free from prejudiced and unlawful discrimination;
- ✓ Provide support that is accessible and appropriate for everyone we support;
- ✓ Employ people for what they can do, not for who they are;
- ✓ Value the differences in people and between people;
- ✓ Build a culture of respect, which is free from bullying and harassment, and where people's dignity at work is valued;
- ✓ Positively promote equality through what we do and how we communicate;
- ✓ Take complaints about inequality and unfair treatment seriously and fairly;
- ✓ Be an organisation that listens and responds to feedback and complaints;
- ✓ Reflect and develop from compliments, suggestions, concerns and complaints made by employees, individuals and others.

How we aim to achieve our equality and diversity objectives

Below are some of the ways we will try and achieve our equality and diversity objectives. We will:

- ✓ Monitor and observe care services to ensure our values and objectives are being delivered;
- ✓ Monitor our recruitment and employment practices to ensure we are providing a fair process for all;
- ✓ Make decisions concerning staff based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act);
- ✓ Provide specific information and guidance for all staff on equality and diversity;

- ✓ Take complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, individuals, suppliers, visitors, the public and any others in the course of the organisation's work activities very seriously and ensure appropriate action is taken.

Discrimination can take many forms and can be both obvious and subtle. Labelling, stereotyping and prejudiced behaviour and actions can all lead to discrimination.

- 👉 Please view additional information and examples of labelling, stereotyping and prejudice in Appendix 2

Direct discrimination occurs when someone is treated less favourably than another person because of one or more of their 'protected characteristics'. This also includes when a person treats another less favourably because they are thought to have one of these protected characteristics (discrimination by perception) or because they associate with someone who has one of these factors (discrimination by association).

Indirect discrimination occurs when a company policy or practice that applies to everyone particularly disadvantaged people who share one of the factors listed as a 'protected characteristic' and this treatment cannot be justified. There is an exception in respect of pregnancy or maternity as there are separate provisions to protect employees in these circumstances.

Actions on discrimination

Hand in Hands will do all that is reasonably possible to prevent such discrimination occurring and will take all reasonable necessary steps to ensure that this policy is implemented. We expect our staff to support their colleagues and individuals to make a complaint if they experience acts of discrimination.

If anyone experiences unlawful discrimination or unfair practices while working with us or receiving our support, we want to know as soon as possible. We will then carry out a formal investigation and ensure that we can come to a resolution and the matter is not repeated.

If an individual has experienced any act of discrimination by Hand in Hands or our employees then we would advise you to follow our complaints procedure.

If an employee has experienced any act of discrimination, they are advised to report this to Senior Management or the Registered Manager to resolve the matter informally. Alternatively, employees can use the Grievance procedure.

All complaints and grievances will be taken seriously and we will take action where Hand in Hands policies have been breached.

Discriminatory behaviours by employees will be treated as gross misconduct, and may lead to disciplinary action.

Discriminatory behaviour by individuals, their family members, friends, advocates, visitors, supplier or anyone else who is in contact with Hand in Hands, will be dealt with in a manner appropriate to the situation.

Harassment

Harassment is defined as unwanted conduct related to equality grounds, (one or more of the protected characteristics) which has the purpose or effect of violating a person's dignity or creating intimidating, hostile, degrading, humiliating or offensive environments for that person.

Harassment is a form of bullying and will not be tolerated, under any circumstances.

- 👉 Please view additional information and guidance within the 'Anti-Harassment & Bullying' Policy and Procedure.

Victimisation

Victimisation is when someone is treated unfairly because they are suspected of doing one or more of a 'protected act', or because it is believed they may do so.

A protected act is:

- ✓ Making a claim or complaint of discrimination (under the Equality Act).
- ✓ Helping someone else to make a claim by giving evidence or information.
- ✓ Making an allegation that you or someone else has breached the Act.
- ✓ Doing anything else in connection with the Act.

If any persons under Hand in Hands treats another less favourably because they have done a 'protected act' then this would be regarded as gross misconduct.

Responsibilities for equality, diversity & inclusion in the workplace

At Hand in Hands, we are all responsible for promoting and supporting equality and diversity needs and ensuring inclusion in our day-to-day work activities. Equality and diversity are not additional extras, but part of everything we do and a key element of our vision at Hand in Hands.

- ✓ **As an organisation**, we are responsible for providing people with fair access to support, employment and promotional opportunities.
- ✓ **The Registered Manager** is responsible for leading the organisation to make sure that equality and diversity happens at all times.
- ✓ Show positive leadership and having management and human resources practices that actively demonstrate a commitment to equality and diversity principles.
- ✓ **All Team Leader(s) / Locality Lead(s)** are responsible for delivering fully accessible support and positive team working, promoting anti-discriminatory practice.
- ✓ **Individuals, their families, close friends and advocates** should act in accordance with this policy and be given assistance to understand the importance of equality and diversity at Hand in Hands.
- ✓ **All staff** have a duty to challenge (or report if that feels more appropriate) all forms of prejudiced or unlawful discrimination and harassment that they see or experience. We should work together to promote equality, fairness and respect.

We can all show our commitment to equality and diversity by:

- ✓ Following duties to co-operate with the organisation to ensure this policy is effective and that colleagues, individuals and others are treated with respect and dignity at all times;
- ✓ Creating a working environment that is free from bullying, harassment, victimisation and unlawful discrimination;
- ✓ Valuing one another's contributions and celebrating differences;
- ✓ Trying to recognise and question our own prejudices and assumptions about others. Assumptions may not be correct and can be damaging to others;
- ✓ Reflecting on our own practice, attitudes and actions;
- ✓ Treating everyone fairly and equally regardless of differences and needs;
- ✓ Being open and honest in a sensitive and constructive way;

- ✓ Taking a stand against prejudiced or unlawful discrimination. For example, speaking out against discriminative jokes and remarks;
- ✓ Reporting cases of discrimination, harassment and bullying immediately.

Recruitment and Staff Management

Hand in Hands recruitment and selection processes for employment will be based on the person's ability and aptitude to deliver safe and effective care. Further details are set out within the organisations 'Safer Recruitment and Selection' Policy and Procedure.

Hand in Hands recognises the importance of staff development to ensure the organisation is successful in delivering outstanding care.

All staff will be given opportunities to develop professionally through training, qualifications and promotion during employment and following performance appraisals.

👉 Please view additional information and guidance within the 'Equal Opportunity' Policy.

Monitoring

Hand in Hands will monitor the effectiveness of this policy by continually observing the quality of our service and our equal opportunity policy. We will monitor the effectiveness of our job applicants, recruitment decisions and training and promotion opportunities. We will keep records of suggestions, concerns and complaints that are made and will put forward action plans to improve our services. We will also monitor the impact of our employment policies and procedures, including disciplinary, grievance procedures and dismissals and terminations.

👉 Please see Appendix 4 for guidance on equality impact assessments, data gathering and action plans.

For employees, this policy can be read in conjunction with:

- 👉 Equal Opportunity Policy
- 👉 Safer Recruitment and Selection Policy and Procedure
- 👉 Anti-Harassment & Bullying Policy and Procedure
- 👉 Employees Grievance Policy and Procedure
- 👉 Code of Conduct for staff Policy
- 👉 Disciplinary Policy and Procedure

individuals are able to read this policy alongside:

- 👉 Complaint Policy and Procedure

Equality Advisory Support Service (EASS)

If you have experienced discrimination, you can get help from the EASS discrimination helpline.

Telephone: 0808 800 0082

<https://www.gov.uk/equality-advisory-support-service>

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

↳ Equality Act 2010

<http://www.legislation.gov.uk/ukpga/1998/42/contents>

↳ Human Rights Act 1998

<http://www.legislation.gov.uk/ukpga/2005/9/contents>

↳ Mental Capacity Act 2005

<http://www.legislation.gov.uk/ukpga/2019/18/enacted>

↳ Mental Capacity Act 2019

<http://www.legislation.gov.uk/ukpga/1983/20/contents>

↳ Mental Health Act 1983

<https://www.scie.org.uk/mca/dols/at-a-glance>

↳ Deprivation of Liberty Safeguards (DoLS)

<https://www.scie.org.uk/mca/dols/practice/lps>

↳ Liberty Protection Safeguards (LPS)

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

↳ The Care Act 2014

<https://www.legislation.gov.uk/ukdsi/2014/9780111117613/contents>

↳ Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

<https://www.gov.uk/government/publications/health-and-social-care-act-2012-fact-sheets>

↳ The Health and Social Care Act 2012

<http://www.legislation.gov.uk/uksi/2003/1660/contents/made>

↳ The Employment Equality (Religion or Belief) Regulations 2003

<http://www.legislation.gov.uk/uksi/2003/1661/contents/made>

↳ The Employment Equality (Sexual Orientation) Regulations 2003

<http://www.legislation.gov.uk/uksi/2002/2035/made>

↳ Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (amended in 2002)

Relevant Regulations

https://www.cqc.org.uk/sites/default/files/20150324_guidance_providers_meeting_regulations_01.pdf

↳ Regulation 9: Person-centred care

↳ Regulation 10: Dignity and Respect

↳ Regulation 13: Safeguarding service users from abuse and improper treatment

↳ Regulation 14: Meeting Nutritional and Hydration Needs

↳ Regulation 15: Premises and Equipment

↳ Regulation 16: Receiving and Acting on Complaints

↳ Regulation 18: Staffing

↳ Regulation 19: Fit and Proper Persons Employed

<https://www.skillsforhealth.org.uk/images/services/code-of-conduct/Code%20of%20Conduct%20Healthcare%20Support.pdf>

↳ Code of Conduct for Healthcare Support Workers and Adult Social Care Workers England

<https://www.equalityhumanrights.com/en>

↳ Equality and Human Rights Commission

Key Lines of Enquiry KLOE

SAFE: How do systems, processes and practices safeguard people from abuse?

- How are risks to people assessed and their safety monitored and managed so they are supported to stay safe and their freedom is respected?

Effective: What processes are in place to ensure there is no discrimination, including in relation to protected characteristics under the Equality Act, when making care and support decisions?

- Is consent to care and treatment always sought in line with legislation and guidance?

Caring: How does the service ensure that people are treated with kindness, respect and compassion, and that they are given emotional support when needed?

- How are people's privacy, dignity and independence respected and promoted?

Responsive: How do people receive personalised care that is responsive to their needs?

- How are people's concerns and complaints listened and responded to and used to improve the quality of care?

Well-led: Is there a clear vision and credible strategy to deliver high-quality care and support, and promote a positive culture that is person-centred, open, inclusive and empowering, which achieves good outcomes for people?

- Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed?

Appendix 1

The Care Act 2014 - brings care and support legislation together into a single act with a new wellbeing principle at its heart. It aims to make care and support clearer and fairer and to put people's wellbeing at the centre of decisions, and include and develop personalisation.

Data Protection Act 2018 and General Data Protection Regulations (GDPR) 2018 - gives everyone the right to have their personal information treated fairly and ensures safeguards are in place to prevent the risk of this information being misused or obtained unlawfully.

The Mental Capacity Act 2005 - This creates a framework to provide protection for those people who cannot make decisions for themselves. It puts the needs and wishes of a person at the centre of any decision making. This law affects people aged 16 or over, who are unable to make decisions for themselves.

👉 Please view further information to amendments within this act on the following website:
<http://www.legislation.gov.uk/ukpga/2019/18/enacted>

Code of Conduct for Healthcare Support Workers and Adult Social Care Workers

This code of conduct clearly outlines seven standard principles for all those working in health and adult care settings. This code of conduct aims to support workers to provide safe and compassionate care at all times. The principles are:

- ✓ Be accountable by making sure you can answer for your actions or omissions.
- ✓ Promote and uphold the privacy, dignity, rights, health and wellbeing of people who use health and care services and their carers at all times.
- ✓ Work in collaboration with your colleagues to ensure the delivery of high quality, safe and compassionate healthcare, care and support.
- ✓ Communicate in an open and effective way to promote the health, safety and wellbeing of people who use health and care services and their carers.
- ✓ Respect a person's right to confidentiality.

- ✓ Strive to improve the quality of healthcare, care and support through continuing professional development.
- ✓ Uphold and promote equality, diversity and inclusion

Appendix 2

Labelling - People can be labelled because of the characteristics they have. For example describing someone who has broken the law as a criminal.

Stereotyping - This is when assumptions are made that everybody from a particular group are the same. For example, all “women cannot drive” or “those with mental health illnesses are dangerous”.

Prejudice - People can be prejudged because of a preconceived opinion that is inaccurate or untrue. They are statements that are not based on facts but rather opinions or feelings. For example, people may hold prejudiced views on a particular race or gender.

Appendix 3

Equality Impact Assessment (EqIA)

The main aim of an equality impact assessment is to assess and analyse the potential effects or impact our policies, practices, activities and operations could possibly have on individual's equality and human rights.

Under the Equality Act 2010 the organisation has a duty to:

- ✓ Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act
- ✓ Advance equality of opportunity between people who share a protected characteristic and those who do not
- ✓ Foster good relations between people who share a protected characteristic and those who do not
- ✓ The equality impact assessment will focus on ‘protected characteristics’ given within the Equality Act 2010: Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Sex, Sexual orientation and Religion or belief.

EqIA's should be used as part of the normal policy making process, and should be undertaken during early development of a new or the review of an existing policy.

If you don't complete EqIA's, effectively or if you fail to carry out EqIAs we risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

 Please see the template of our Equality Impact Assessment form.