



FIVE RIVERS

CHILDCARE LTD

## Equality & Diversity Policy & Procedure

*'Five Rivers is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment'*

|                        |            |
|------------------------|------------|
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| Authoriser             | CEO        |
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## 1. Equality & Diversity Policy

### 1.1 Policy Statement

The Company is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment. The Company is also committed to ensuring equal opportunities for the children and young people who are in the Company's care, Foster Carers and customers/contractors.

This policy is intended to support the Company maintain a commitment to the practice of equality of opportunity. The Company aims to ensure no one will receive less favourable treatment or is disadvantaged by requirements or conditions, which cannot be shown to be justifiable. Compliance with this policy is intended to ensure that employees do not commit unlawful acts of discrimination.

Employees/workers have a duty to act within this policy, ensure it is followed and to draw to the attention of their manager any suspected discriminatory acts or practices.

The Company strives to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect. This is an important aspect of ensuring equal opportunities in employment. The Company has a separate dignity at work policy, which deals with the issue of bullying and harassment.

### 1.2 Aims of this Policy

- The Company recognises that everyone is a unique individual and values people's differences, different views/outlooks and approaches. The Company will assist it's people to use their talents to support the achievement of their full potential.
- The Company will ensure it recruits, trains and promotes people based on qualifications, experience and abilities for all roles within the Company.
- This policy is designed to ensure that the Company complies with its obligations under equality legislation and demonstrates a commitment to treating people equally and fairly.
- The Company is unreservedly opposed to any form of discrimination on the grounds of age, disability, sex, gender reassignment, pregnancy or maternity, marriage or civil partnership, race, religion or belief, and sexual orientation (defined as Protected Characteristics).

## 2. Equality & Diversity Procedure

### 2.1 Discrimination Legislation

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership.

Discrimination after employment may also be unlawful, for example refusing to give a reference for a reason related to one of the protected characteristics.

Employees/workers should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

### 2.2 Types of unlawful discrimination

2.2.1 **Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

2.2.2 **Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

2.2.3 **Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

- 2.2.4 **Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic. It does not cover harassment because of marriage and civil partnership, and according to guidance from the Government and ACAS, pregnancy and maternity.
- 2.2.5 **Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).
- 2.2.6 **Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his/her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.
- 2.2.7 **Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.
- 2.2.8 **Discrimination arising from disability** is where a disabled person is treated unfavourably because of something connected to their disability where it cannot be objectively justified. This is subject to the Company knowing or could reasonably be expected to know that the person was disabled.

### 2.3 Equal opportunities in employment

The Company will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job and to comply with Regulatory requirements. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

The Company will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the Company considers it has good reasons, unrelated to any protected characteristic, for doing so. The Company will comply with its obligations in relation to statutory requests for contract variations. The Company will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The Company will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

#### 2.4 Customers, suppliers and other people not employed by the Company

The Company will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the Company. Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

#### 2.5 Children and young people placed in the care of the Company

The Company is committed to ensure that all children and young people have equal worth and equal rights and a belief in each child or young person's potential, no matter what they have experienced or what they have done.

#### 2.6 Training

The Company is committed to ensure all its employees recognise the importance of equal opportunities and provide training in equality and diversity to all levels of employees as part of their induction. Managers who are involved in the recruitment and selection of employees, will also undertake training on recruitment and selection to ensure they understand their responsibilities.

The Company will provide training to all existing and new employees to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment.

#### 2.7 Employee Responsibilities

Every employee is required to assist the Company to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the Company for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Company's disciplinary procedure.

Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice or pay in lieu of notice.

#### 2.8 Breaches by Contractors and Volunteers

Any conduct by a person under contract to provide services to the Company or on behalf of the Company or a volunteer, which amounts to a breach of this policy will result in termination of that contract. The person will be personally liable for any act of unlawful discrimination.

## 2.9 Reporting Discrimination

If an employee considers that he/she may have been unlawfully discriminated against, he/she should use the Company's Grievance procedure to make a complaint. If the complaint involves bullying or harassment, the grievance procedure is modified as set out in the Dignity at Work policy.

If a person using the Company's services or a Contractor considers he/she has been unlawfully discriminated against, he/she should use the Company's Complaints procedure.

The Company will take any complaint seriously and will seek to resolve any grievance that it upholds. The person will not be penalised for raising a grievance or complaint or be subjected to victimisation as a result of raising the grievance or complaint.

If the grievance is not upheld and is untrue and/or malicious, the Disciplinary policy could be instigated in respect of the employee concerned.

Use of the Company's grievance procedure does not affect an employee's right to make a complaint to an Employment Tribunal. The Company recommends that the complaint is first raised through the Grievance procedure to enable the Company to address the discriminatory practice and seek a resolution to the complaint.

Any employee who feels he or she is subjected to discrimination may wish to resolve the matter informally in the first instance. In some cases it may be possible and sufficient for him/her to explain clearly to the person(s) engaged in the discriminatory conduct that the behaviour is unwelcome, that it offends or makes him or her uncomfortable. The employee should keep a record of any incidents, detailing when, where, what occurred and any witnesses (if any).

Where a complaint cannot be resolved by an employee within a reasonable time on an informal basis, or if such informality is inappropriate, then the employee should raise his/her complaint to their manager through the Grievance procedure.

## 2.10 Monitoring and review

This policy will be monitored periodically by the Company and as is necessary by the Chief Operating Officer and the Policy and Procedures Review Group (PPRG) to ensure that it remains up to date and reflects the needs and practices of the Company and changes in the law.

The Company will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the Company will implement them.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998 and General Data Protection Regulations (GDPR).