

EQUALITY AND DIVERSITY POLICY AND PROCEDURE
POLICY FOLDER: HUMAN RESOURCES

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1.0 INTRODUCTION

- 1.1 Outcomes First Group recognises the value of a diverse workforce and is committed to providing equal opportunities within the workforce and eliminating unlawful discrimination.
- 1.2 The policy is intended to assist the Company to put this commitment into practice.
- 1.3 Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.
- 1.4 This policy applies to all job applicants, contractors, agency workers, bank workers and all staff members who have a contract of employment with Outcomes First Group.
- 1.5 The policy does not give contractual rights to individual staff members and the company reserves the right to alter any of its terms at any time.

Implementation: It is the responsibility of line managers to ensure that staff members are aware of and understand this policy and any subsequent revisions.

2.0 DEFINITIONS

Word / Term	Descriptor
Equality Act 2010	Legally protects people from discrimination in the workplace.

3.0 PURPOSE

- 3.1 The guidance set out in this policy aims to ensure equality, fairness and respect for all in our employment, whether temporary, part-time or full-time.

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- 3.2 The Company will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline, working conditions, terms of employment, and selection for redundancy.
- 3.3 This is in line with the Equality Act 2010 which set out a number of protected characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex (gender) and sexual orientation.
- 3.4 No employee, foster carer, provider of goods and services, person applying to foster or applying for a job or looked after child will be treated 'the company' on the basis of their:
- Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race
 - Religion and belief
 - Sex
 - Sexual orientation
 - Or another factor that sets one individual apart from another.

4.0 RESPONSIBILITIES

- 4.1 Overall responsibility for equality and diversity sits with the Group Chief Executive Officer who is responsible for ensuring its implementation with support from the Group Human Resources Director. All employees have the responsibility to ensure their actions are in accordance with this policy.
- 4.2 **Employees as well as contract service providers, freelancers, agency workers, apprentices, job applicants or student placements are expected to:**
- Understand and respect the diverse needs of the people they work with.
 - Pay close attention to diversity in all aspects of their work.
 - Promote equality and diversity in their work.
 - Take up training and development opportunities on a range of equality and diversity matters.
 - Develop local knowledge within regions specific to particular ethnic cultural groups.
 - Address inappropriate behaviour within the working or service delivery environment and report this to their Manager.
 - Be fully aware of, and apply policies and guidelines relating to equality.

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4.3 Employees who knowingly discriminate, harass, or victimise another will be subject to the disciplinary procedure.

4.4 **Managers are expected to adhere to the above and also:**

- Provide guidance and promote development opportunities in equality and diversity matters.
- Provide information and training particularly in respect of legislation and practice.
- Ensure practice promotes national standards and legislation.
- Promote best practice.
- Ensure that service delivery is underpinned by this Policy.
- Continuously promote equality.
- Monitor and evaluate performance.
- Invite ideas on the promotion and monitoring of equality through forums for employees, foster carers and children and young people.
- Address best practice constructively, and challenge oppressive practice.
- Deal effectively and appropriately with breaches of this Policy.

4.5 **Foster carers are expected to:**

- Provide an inclusive environment which celebrates the individual.
- Develop and promote cultural group links.
- Have the ability to care for a child whose background is different to their own and fully respect those differences.
- Respect and help empower members of the community who may feel marginalised such as birth parents.
- Take up training and development opportunities on the range of equality and diversity matters.
- Challenge appropriately individuals and institutions that display behavior that is prejudicial towards individuals or groups.

5.0 GENERAL

5.1 Consultation

5.1.1 Everyone is different, we all have different views and different hopes and aspirations. The Group has a range of forums so that those views can be heard and can influence service design and delivery:

- The Group Children and Young People Consultation Group
- Your Voice email facility
- Children and young people are part of the editorial board and book review group

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- Carer forums and support groups
- Practice forums
- Working parties
- Range of feedback questionnaires for children and young people, foster carers, birth parents and staff
- Survey of views children and young people, foster carers, birth parents and employees
- Contributions of the above to the Companies publications
- Direct work and communications between all stakeholders
- The above list is not exhaustive.

5.2 Employment Practices

5.2.1 The Group as an employer promotes practices that are fair and free from unlawful discrimination. To help achieve this we monitor:

- Recruitment
- Training and development programmes
- Grievance processes
- Harassment and victimisation issues
- Complaints
- Disciplinary action
- Reasons given for leaving the Group

5.3 We have implemented a Flexible Working Policy; there is also provision for maternity leave, parental leave, paternity leave and adoption leave.

5.4 Employees who have suffered unlawful discrimination or treatment will have their concerns taken seriously and will be offered guidance and support.

5.5 Employees and foster carers receive information on the Equal Opportunities Policy and Strategy as part of their induction.

5.6 We will provide equipment and facilities, including adaptations to the workplace to enable people with special needs or disabilities to develop their full potential.

6.0 RECRUITMENT AND SELECTION

6.1 Job advertisements are written in language that is free from discrimination and with the aim of attracting a diverse range of applicants. Jobs will be advertised in appropriate media e.g internally, on our website, job centres website and other job boards, printed media.

6.2 Applicants are short listed on skills relevant to the specific functions of the job. At least one member of the Interview Panel will be trained in the implementation of both the Recruitment and Selection Policy, Safer Recruitment and the Equal Opportunities Policy and

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Strategy. All Managers involved with the recruitment and selection of employees are required to complete the Group Safer Recruitment training.

- 6.3 Recruitment and selection processes reflect the most up to date employment practice – for example date of birth is not provided to the interview panel, so that the selection can be protected from discrimination.
- 6.4 Equal Pay - We will ensure that all employees, have the right to the same contractual pay and benefits for carrying out the same work, work rated as equivalent work or work of equal value.

7.0 TRAINING AND DEVELOPMENT

- 7.1 The Equal Opportunities Policy and Strategy is given to each employee and foster carer.
- 7.2 Employees receive guidance and information on the key aspects and principles of the Equal Opportunities Policy and Strategy as part of induction training. All employees are required to undertake the Groups Equality and Diversity training during their initial probation period.
- 7.3 Equal Opportunities are integral to all training. Diversity and Equal Opportunities forms a significant part of the Group management training.
- 7.4 The design and delivery of employee and foster carers training is monitored to ensure the content is appropriate to each participant and free from discrimination.

8.0 TIME OFF FOR RELIGIOUS DAYS

- 8.1 Employees who may require time off to observe a religious festival not covered by current statutory holidays, may request the time off either as annual leave or unpaid leave. The request will be reviewed by the manager taking into account the service need to accommodate it.
- 8.2 Employees who may require religious observance during the course of their working day, should discuss with their manager any reasonable requirements. The request will be reviewed by the manager taking into account the service need to accommodate it.
- 8.3 All employees, whatever their religion or belief, will be treated equally in respect for time off for religious days or requests in relation to religious observance.

9.0 MONITORING, EVALUATION AND REVIEW

- 9.1 We monitor policies, procedures and working practices to ensure that they are promoting equality and eliminating unlawful discrimination. The diversity of our employees is recorded where appropriate and reported on a monthly basis to the board. Where gaps are identified, in line with the local population this will be reviewed and where it is felt necessary appropriate action taken to redress this where possible.

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- 9.2 All feedback forms; for example feedback on training, feedback on the experience of attending panel, etc are reviewed for ways in which we can improve equality both within the service design and the service delivery.
- 9.3 This Policy will be reviewed annually. Necessary revisions will be made to reflect changes in legislation and practice.

10.0 COMMUNICATION

- 10.1 This policy is held electronically on Cascade, is signposted to every new employee during their induction programme, is accessible to all potential and actual job applicants when they are interested in applying for a role and is communicated via various means to our foster carers.

11.0 LEGISLATION

- 11.1 We acknowledge the need to constantly regulate and review its Policies and Practices, specifically to reflect good practice and legislation. This includes the:
- Equality Act 2010 - this is the most significant piece of equality legislation to be introduced for many years. It is there to strengthen protection, advance equality and simplify the law. The Equality Act brings together, and significantly adds to and strengthens, a number of previous existing pieces of legislation including age, race, sex, equal pay and disability.
 - Immigration, Asylum and Nationality Act 2006
 - Human Rights Act 1998
 - Rehabilitation of Offenders Act 1974
 - EU Employment Directives 2003 (Religion, Sexuality) and EU Employment Directives 2006 (Age)
 - Equal Opportunities Code of Practice (Statutory Code of Practice on Racial Equality)
 - Age Diversity in Employment 1999 (Code of Practice)
 - Sex Discrimination Act 1975 (and its amendments 1986)
 - Disability Discrimination Act 1995
- 11.2 Equality diversity and respect for the individual is throughout the revised National Minimum Standards, Regulations and Guidance in England and equivalent fostering legislation and guidance in Wales and Scotland.
- Code of Practice for Social Care Workers and Code of Practice for Employers of Social Care Workers, General Social Care Council 2002
 - Fostering Services Regulations 2011
 - National Minimum Standards for Fostering Services 2011
 - UK National Standards for Foster Care 1999
 - Children Act 1989 Guidance and Regulations Volume 3: Family Placements (2011)
 - Children's Act 1989 and update in 2004

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11.3 This is not a complete list and we recognise that there are individuals or groups who may feel the threat of discrimination who will not have the protection of legislation, or do not know how to best articulate experiences and access help.

12.0 DEFINING DISCRIMINATION

12.1 Diversity

12.1.1 Diversity aims to recognise, respect and value people's differences to contribute and realise their full potential by promoting an inclusive culture for all staff and those in our care.

12.1.2 The concept of diversity encompasses acceptance and respect. It means understanding that each individual is unique, and recognizing our individual differences. These can be along the dimensions of race, ethnicity, gender, sexual orientation, socio-economic status, age, physical abilities, religious beliefs, political beliefs, or other ideologies. It is the exploration of these differences in a safe, positive, and nurturing environment. It is about understanding each other and moving beyond simple tolerance to embracing and celebrating the rich dimensions of diversity contained within each individual.

12.2 Equality

12.2.1 Ensuring individuals or groups of individuals are treated fairly and equally and no less favourably, specific to their needs, including areas of race, gender, disability, religion or belief, sexual orientation and age.

12.2.2 Promoting equality should remove discrimination in all of the aforementioned areas. Bullying, harassment or victimization are also considered as equality and diversity issues.

12.3 Anti-Discriminatory Practice;

12.3.1 This can be defined as an approach to working with individuals that promotes:

- diversity and the valuing of all difference.
- self-esteem and positive group identity.
- fulfilment of individual potential.

12.4 Putting it into practice;

12.4.1 In terms of addressing discriminatory practice one of the functions of an employee should be to "work with and encourage families to address threatening, offensive and prejudiced behaviour including domestic abuse, bullying, overtly racist, sexist or homophobic behaviour". It is important to note that:

- The aim of anti-discriminatory practice is not to generate discomfort, conflict or negativity, although these feelings may be encountered along the way.

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- Treating families the same is not the same thing as treating them equally. To treat equally it is important to recognise that society does not provide a level playing field; a variety of factors may have to be taken into account. It is important not to expect to find easy or right answers to everything.

12.4.2 While some knowledge can be desirable and useful, it is counter-productive if it leads to assumptions, for example, that people from a particular culture or religion will have an identical interpretation or application of those ideas. This is a process which involves getting to know people on a personal and professional basis and avoiding pre-judgement and fixed expectations. This approach will often demand creative and individual solutions.

12.5 Appreciation of Diversity Encourages:

- The exploration and valuing of differences.
- A readiness to develop mutual understanding that goes beyond tolerance to a broader appreciation of the varied nature of human life.
- Acknowledgment that there is often curiosity and sometimes fear of difference that has to be surmounted through information, knowledge and a willingness to gain new understanding.

12.6 Direct Discrimination

12.6.1 Treating an individual less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic. Examples of direct discrimination include:

- Refusing to employ a disabled person because of his or her impairment
- Racially, or sexually derogatory emails or voice-mails
- Uninvited sexual innuendo' and/or advances
- Wording in adverts or promotional material that relates directly and inappropriately to age

12.7 Discrimination by perception

12.7.1 Direct discrimination will be unlawful if it is based on the perception that the victim possesses a particular protected characteristic even if they do not hold this protected characteristic. An individual can only complain about discriminatory treatment on the grounds that he or she is married or a civil partner and not on the grounds of a mistaken perception about his or her marriage or civil partnership status. An example of discrimination by perception is:

- Steve, is constantly subjected to homophobic abuse by John, who works with him. Steve is not gay and has told John this, but John continues to abuse Steve. This is discrimination by perception because of sexual orientation even though Steve is not gay.

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12.8 Discrimination by Association

12.8.1 It is unlawful to discriminate against an individual because they associate with another person who possessed a protected characteristic. An example of discrimination by association is:

- Anya is refused a place at her local playgroup because the management committee knows that her younger brother has cerebral palsy. The playgroup operates a policy of automatically offering places to siblings and they are concerned that looking after her brother would take too much time. This is direct discrimination against Anya because of her association with her brother.

12.9 Indirect Discrimination

12.9.1 Applying unjustifiable requirements and conditions which have a disproportionate impact on an individual or a particular group. An example of direct discrimination includes:

- Arranging events and appointments at times or on dates or in venues that certain groups of people or individuals are unable to attend, for no good reason other than to exclude that individual or group from opportunities.

12.10 Victimisation

12.10.1 Treating a person less favourably than others. The less than favourable treatment could be for a variety of reasons. For example the person may have acted as a witness or informant in proceedings. Victimisation may also occur as a result of a person's participation, or non-participation in trade union activities or membership.

12.11 Harassment

12.11.1 Harassment is unwanted conduct relating to a protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

12.11.2 It may be related to any protected characteristic excluding pregnancy, maternity, marriage or civil partnership. This may include third-party harassment and harassment based on perception and association. Employees can complain of behaviour that they may find offensive even if it is not directed at them.

12.11.3 It includes unwelcome verbal, non-verbal and physical conduct that could amount to unlawful discrimination. A person or group of people may do it deliberately or unknowingly. This behaviour may be an isolated incident or a series of events.

12.12 Bullying

12.12.1 This may include a single incident or persistent criticism, personal abuse and/or ridicule, ignoring, excluding or other behaviour, either in public or private, which humiliates and

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demeans the individual involved, gradually eroding their self-confidence, and the performance of their duties. It may involve the abuse of authority and the exercise of 'the company' disciplinary measures, unreasonable changes in an employee's responsibilities or exclusion of the individual from normal social, consultative and decision-making processes

- 12.13** The above are not distinct categories. All forms of discrimination can be isolated incidents or a series of events. Taking appropriate action early can prevent a situation escalating into a situation more serious and damaging to all involved. Normally informal processes are the first to be followed, there may be occasions when an individual may be unaware of the damaging and hurtful impact of his or her actions and dialogue can best ensure a greater awareness. Staff may wish to seek advice or help from a work colleague, Manager or Human Resources.