



**EQUAL OPPORTUNITIES  
POLICY AND PROCEDURE**

# ASPECTS CARE EQUAL OPPORTUNITIES

## POLICY AND PROCEDURE

### 1. INTRODUCTION

- 1.1 This policy and procedure relates to all employees of Aspects Care.
- 1.2 It will be appropriate from time to time to review the practical operation of this policy. Amendments will only be incorporated after agreement between the parties identified by the Aspects Care Management Team.
- 1.3 This policy will remain in force until superseded by a replacement policy, or until terminated by the Management Team, giving no less than six months' notice. The purpose of notice to terminate the policy is to provide the opportunity to re-negotiate a replacement policy.
- 1.4 This policy will take effect from December 2008.

### 2. POLICY STATEMENT

- 2.1 Aspects Care is committed to equality in all aspects of employment and service delivery. All staff and users will be treated with dignity and respect, and will be expected to treat each other with dignity and respect. This policy has been developed within the organisation's overall framework for valuing diversity.
- 2.2 In employment terms Aspects Care regards this as a commitment to make full use of the talents and resources of all staff, and to ensure that no applicant or member of staff receives less favourable treatment on the grounds of sex, marital & Civil partnership status, disability, religion & belief, race, colour, national & ethnic origin, nationality, citizenship, age, pregnancy & maternity, gender reassignment, family commitments, sexual orientation, social background or trade union activity. Conditions of employment or requirements that cannot be shown to be justifiable will not be applied to any posts or employment practices.
- 2.3 All Managers will be expected to encourage a culture whereby discrimination is always challenged and appropriate action taken to tackle problems.

### 3. APPLICATION

- 3.1 This policy encompasses all actual and potential staff of Aspects Care (including volunteers and trainees), users of the service and their carers/supporters.
- 3.2 It is expected that agency and contract staff will conform to this policy.

## 4. LEGISLATIVE FRAMEWORK

4.1 Aspects Care policy has been developed within the framework of existing legislation, the main legal provisions relating to equal opportunities are contained in:

- (i) Sex Discrimination Act 1975
- (ii) Race Relations Act 1976
- (iii) Equal Pay Act (as amended by Equal Pay (amendment) Regulations 1983)
- (iv) Disabilities Discrimination Act 1995
- (v) Employment Rights Act 1996
- (vi) Protection from Harassment Act 1997
- (vii) Human Rights Act 2000
- (viii) Equality Act 2010

4.2 The following Codes of practice set out practices which employers should follow to ensure equality of opportunity:

- (i) Commission for Racial Equality
- (ii) Equal Opportunities Commission
- (iii) Disabilities Discrimination Codes of Practice
- (iv) European Council Code of Practice of Harassment
- (v) Equality and Human Rights Commission

## 5. DEFINITION OF TERMS

5.1 Direct Discrimination – Occurs when a person receives less favourable treatment because of a protected characteristic they have or thought to have or because they associate with someone who has a protected characteristic such as their sex, sexual orientation, marriage or civil partnership status, disability, national & ethnic origin, citizenship, age, religion & beliefs, race, colour, pregnancy & maternity, gender reassignment, social background or trade union activity. It should be noted that sexual or racial harassment can amount to direct discrimination.

5.2 Discrimination by association- This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. This applies to age, religion or belief, sexual orientation, race, sex, gender reassignment and disability.

5.3 Perception discrimination- This is direct discrimination against an individual because others think they possess a particular protected characteristic. It also applies even if the person does not actually possess that characteristic. This applies to age, race, religion or belief, sexual orientation, disability, gender reassignment and sex.

- 5.4** Indirect Discrimination – Occurs where a person is disadvantaged because the organisation has a condition, rule, policy or practices that applies to everyone but particularly disadvantages people who share a protected characteristic. This applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender reassignment.  
Indirect discrimination can be justified if the organisation can show that they have acted reasonably in managing their business and has a proportionate means of achieving a legitimate aim. A legitimate aim might be any lawful decision an organisation makes in running their business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.
- 5.5** Harassment – Is unwanted conduct related to a relevant 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.  
Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees are now able under the Equality Act 2010 to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association as described above.
- 5.6** Third party Harassment- The Equality Act makes an employer potentially liable for harassment of its employees by people (third parties) who are not employees of the organisation, such as customers or clients. An organisation will only be liable when harassment has occurred on at least two previous occasions, the organisation is aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.  
This applies to the protected characteristics of sex, age, disability, gender reassignment, race, religion or belief and sexual orientation.
- 5.7** Disability – The Disability Discrimination Act makes discrimination on the grounds of disability illegal. It defines disability as “any type of physical or mental impairment which has a substantial or long term adverse effect on his/her abilities to cope with normal day to day activities”. Long term is taken to mean lasting or expected to last for 12 months or more. A person will only receive the protection of this legislation if they advise their potential employer that they have a disability.
- 5.8** Positive Action – Is an aspect of the Disabilities Discrimination Act and Employment Tribunals are empowered to order employers to take positive steps to alleviate the effects of discriminatory behaviour. Positive measures are allowed by law to encourage employees who are members of groups which have been under-represented in particular work areas to receive special training programmes.

- 5.9** Victimisation – Occurs if an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act, or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. This applies to all of the protected characteristics

## **6. RESPONSIBILITIES**

- 6.1** Every member of staff has a responsibility for ensuring continuing equality in employment and service delivery. In particular, managers and staff associations must be fully committed to achieving equality and for ensuring that this policy is applied in practice.
- 6.2** Aspects Care Directors have responsibility for agreeing equalities policies in consultation with accredited trade unions, professional bodies and staff groups ensuring that they are regularly reviewed and monitored.
- 6.3** Aspects Care Directors have overall responsibility for ensuring that positive action is taken to promote equality in employment and service delivery and those policies are fully implemented and monitored.
- 6.4** The Senior Care Manager has responsibility for:
- Maintaining the profile of equalities issues in all areas of the companies work
  - Operation and detailed monitoring of the policy and procedures, ensuring provision of appropriate training and guidance
  - Monitoring of Team Leaders' performance on employment practices and the composition of the workforce
- 6.5** The Care Manager, Care Coordinators and Team Leaders are responsible for:
- Ensuring that the policy is implemented throughout their areas of responsibility, both in terms of employment and service delivery
  - Monitoring equality of access for users of the service and assisting in the regular monitoring of human resource procedures
  - Ensuring that all the staff for whom they are responsible are aware of their responsibilities under the policy
  - The equalities performance of those who report to them, including assessment of that performance through appraisal
  - Ensuring that all job descriptions reflect Aspects Care policy
  - Ensuring that proper records of employment decisions are maintained
  - Maintaining and submitting information on job applications and staff for monitoring purposes
  - Promoting a culture wherein discrimination is unacceptable
  - Tackling promptly and fairly any instances of discrimination, harassment, or victimisation in areas for which they are responsible

**6.6** Staff are responsible for:

- Co-operating with measures introduced to ensure equality in employment and service delivery
- Ensuring that they do not discriminate or induce others to practice discrimination, harassment or victimisation

**6.7** Members of the public are expected to:

- Treat all staff with dignity and respect
- Take a pro-active stance with management in the promotion of equality in the workplace

## **6.8 IMPLEMENTATION**

**6.9** This policy will be issued to all staff on induction.

**6.10** There will be an annual action plan, jointly agreed between managers and Directors. This will have specific objectives and targets for improving equality.

**6.11** Staff will be informed of their responsibilities under this policy through induction, training and appraisals.

## **7. RECRUITMENT AND SELECTION**

**7.1** The recruitment process must result in the selection of the most suitable person for the job in respect of those qualifications, skills and experience relevant to that job. Posts should be advertised on a flexible basis taking into account part-time working, job share, annualised hours of contracts. Conditions or requirements that cannot be shown to be justifiable must not be applied to posts.

**7.2** Job descriptions and person specifications will be drawn up for each job vacancy.

**7.3** Aspects Care will not discriminate, either directly or indirectly, against the protected characteristics of sex, marriage and civil partnership, disability, religion and belief, race, colour, national and ethnic origin, nationality, citizenship age, family commitments, sexual orientation, gender reassignment, pregnancy and maternity, social background or trade union activity at any stage of the recruitment process.

## **8. TRAINING AND DEVELOPMENT**

**8.1** Training and development opportunities will be made available to all staff. It is against Aspects Care policy to discriminate directly or indirectly in the selection of candidates for training and development opportunity.

**8.2** All opportunities for training and development should be linked to personal potential for development and identified through the appraisal process.

- 8.3** Positive action may be taken to provide training for Managers or staff in under represented groups.

## **9. CONDITIONS OF SERVICE**

- 9.1** Conditions of service, pay and benefits and working arrangements will be applied equally to all within the specified staff groups.
- 9.2** Aspects Care will establish processes for handling of all cases of discrimination. These will include:
- Full investigation and recording of all cases
  - Referral to the disciplinary procedure where appropriate
  - Arrangements for formal and informal support for members of staff affected, both internal and external to Aspects Care
  - Right of referral to a higher level of management

## **10. MONITORING**

- 10.1** Aspects Care through the Care Manager will maintain information on ethnic group, sex, marital status and disability on all staff and job applications. Profiles of staff will be maintained and submitted periodically to the Directors. Where it is found that groups are significantly under-represented, reasons will be investigated and relevant action taken if required.
- 10.2** The following areas of policy and practice will be regularly monitored to ensure that this policy is effective:
- Recruitment and Selection
  - Training and Development
  - Maternity Leave
  - Disciplinary Procedures
  - Grievance Procedures
  - Termination of Staff
  - Withdrawal of Staff Support