



**ASPECTS CARE LTD**

**EQUAL OPPORTUNITIES**

**POLICY AND PROCEDURE**

Date Policy Implemented December 2010 – by Paul Graham – Registered Care Manager  
Reviewed in line with Mental Capacity Act 2005  
Policy amended February 2021 by Rebecca Gritton – HR Manager  
Policy Reviewed January 2023 by Paul Graham – Director of Services

# **ASPECTS CARE LTD EQUAL OPPORTUNITIES POLICY AND PROCEDURE**

## **1. INTRODUCTION**

This policy and procedure relates to all employees of Aspects Care Ltd.

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 Ltd Management Team.

This policy will remain in force until superseded by a replacement policy, or until terminated by the Management Team, giving reasonable notice. The purpose of notice to terminate the policy is to provide the opportunity to re-negotiate a replacement policy.

This policy will take effect from December 2008 and will be reviewed at least annually or as legislation changes.

## **2. POLICY STATEMENT**

1. Aspects Care Ltd 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. In employment terms Aspects Care Ltd 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 and Civil Partnership Status
  - Caring Responsibilities
  - Disability (including mental health, physical, sensory and learning disabilities)
  - Religious Belief
  - Political Belief
  - Employment Status
  - Unrelated Criminal Convictions
  - Race
  - Colour
  - National and Ethnic Origins

- Nationality
- Service Usership
- Age
- Pregnancy and Maternity
- Paternity
- Gender Reassignment
- Family Commitments
- Sexual Orientation
- HIV Status
- Social Background/Class
- 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.

3. All Managers will be expected to encourage a culture whereby discrimination is always challenged, and appropriate action taken to tackle problems.

### 3. **APPLICATION**

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

### 4. **LEGISLATIVE FRAMEWORK**

Our policy is implemented in accordance with the Equality Act 2010 and all other appropriate statutory requirements and has been compiled after consideration of all available guidance and relevant Codes of Practice detailed below.

- (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
- (vi) Criminal Justice and Immigration Act
- (vii) The Civil Partnership Act
- (viii) The Gender Recognition Act
- (ix) The Protection from Harassment Act

### 5. **DEFINITION OF TERMS**

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, Service usership, 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.

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.

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.

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.

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.

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.

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.

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.

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 the protected characteristics

## **6. RESPONSIBILITIES**

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.

Aspects Care Ltd 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.

Aspects Care Ltd 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.

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

## **IMPLEMENTATION**

This policy will be issued to all staff on induction.

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

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

We will not 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.

We will not discriminate unlawfully against customers, contractors, suppliers or visitors using or attempting to use the services that we provide

This aim of this policy is to assist us in putting this commitment into practice to ensure all our employees are treated fairly, respectfully and without prejudice, so that you are able to maximise your full potential, and do not commit and/or are not subjected to unacceptable and unlawful acts of discrimination.

## **7. MONITORING**

Aspects Care Ltd through the Registered 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.

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/Paternity Leave
- Disciplinary Procedures
- Grievance Procedures
- Termination of Staff
- Withdrawal of Staff Support