

## PE03 - Equality and Diversity Policy and Procedure

### Purpose

To comply with the following:

- Equality Act 2010 (and subsequent amendments)
- Part-time Workers (Prevention of Unfavourable Treatment) Regulations 2000
- Parental Bereavement Leave and Pay Act 2018
- Agency Workers Regulations 2010
- Employment Rights Act 1996 (and subsequent amendments)
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and subsequent amendments
- Offender Rehabilitation Act 2014
- Trade Union and Labour Relations Act 1992
- Trade Union Act 2016
- Best employment practice with respect to Equality of Opportunities for clients, Service Users, employees and all stakeholders.
- The aims and objectives of the Equality and Diversity Policy are:
  - To encourage, promote and celebrate diversity in all our activities and services;
  - To ensure equal access to jobs and volunteer opportunities;
  - To ensure compliance with current legislation on discrimination and equality;
  - To create environments free from harassment and discrimination;
  - To maximise the use of resources in the best interests of staff, volunteers, Service Users and stakeholders;
  - To confront and challenge discrimination where and whenever it arises, whether it is between colleagues, or in any other area relating to Clifton Home Care Ltd's work;
  - To make a willingness to accept and implement this policy a necessary qualification for any position in Clifton Home Care Ltd;
  - To ensure, through positive action and so far as is practicable, that all Clifton Home Care Ltd's premises and services are accessible to all people including those with disabilities;
  - To ensure that employment and advancement within the organisation is determined by objective criteria and personal merit.

### Scope

All employees, job applicants, volunteers, trustees, members and Service Users.

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### Policy

#### Introduction

- Clifton Home Care Ltd strives for high standards both as an employer and as a provider of services. In so doing, we recognise the need for encouraging diversity and wholeheartedly support a policy of equal opportunities in all areas of our work and responsibilities.
- This policy provides guidance to enable all who work with or for Clifton Home Care Ltd to comply with anti-discrimination legislation. Failure to follow the procedures in the policy may lead to disciplinary or other appropriate action.
- Clifton Home Care Ltd's aims and objectives will be achieved through action planning, effective monitoring and a willingness to tackle problems where they arise. Through our training, publications, interaction with members and other activities, Clifton Home Care Ltd will ensure that those we work with know our statements of policy.
- Clifton Home Care Ltd will review, on an annual basis the content and implementation of its Equality and Diversity Policy and strategy. Where evidence is found of ineffectiveness, immediate remedial action will be taken to ensure implementation.

#### Definitions

- Equal Opportunities ensure that policies, procedures and practice within Clifton Home Care Ltd do not discriminate against the people within it and those who come into contact with it. It is about treating people fairly and equally regardless of who they are, their background, culture, colour or their lifestyle.
- Diversity ensures that all people are valued as individuals and are able to maximise their potential and contribution to Clifton Home Care Ltd and to the community. It recognises that people from different backgrounds can bring fresh ideas and a different approach, which can make the way we work and learn more fun, more creative, more efficient and more innovative and more beneficial to Clifton Home Care Ltd.
- A number of characteristics are protected under the Equality Act 2010 (and subsequent amendments):
  - Race, including colour, nationality, ethnic or national origin
  - Sex
  - Pregnancy or Maternity
  - Disability, including physical, sensory, HIV, cancer, mental health or learning disability
  - Age
  - Religion or belief
  - Sexual orientation
  - Gender re-assignment
  - Married or civil partnership status
- Discrimination can take place in a number of ways:
  - Directly; e.g. by not appointing someone because of their skin colour
  - Indirectly; e.g. by requiring applicants to have British qualifications
  - Association; e.g. because a partner has a re-assigned gender
  - Perception; e.g. because thought to be disabled even though they are not
  - Harassment; e.g. intimidating someone because of their religion
  - Victimisation; e.g. treating adversely someone who has complained in the past, such as a whistle-blower
- Positive Action refers to measures taken in order to assist employees or learners who have been under-represented in specific areas, to reach a level of workplace knowledge and competencies that is comparable with 'representative' employees. These measures would normally take the form of additional training and making reasonable adjustments to the physical environment, job roles, assessments or documents and equipment. Since the Equality Act 2010, employers can also choose to hire candidates from under-represented groups provided that they are as qualified for the role as other applicants.
- We recognise that part-time workers have protection from unfavourable treatment. Thus, they acquire rights against unfair dismissal, and a range of pay elements (including redundancy pay) have to be no less favourable than those of full-time workers.
- We also recognise that agency workers acquire basic rights after 12 weeks employment, meaning they are entitled to comparable terms and conditions as comparable "permanent" workers, and the same rights relating to unfair

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dismissal and redundancy.

- We acknowledge the right of employees, under the Employment Rights Act 1996, to request flexible working and this is covered in a separate policy: Flexible Working Policy and Procedure.
- Where employees are being recruited to or promoted to any position that is exempt from the Rehabilitation of Offenders Act, we will ask the following question of applicants:
  - “Do you have any convictions, cautions, reprimands or final warnings. All roles within Clifton Homecare involve caring and supporting people who are classed as vulnerable individuals; therefore, individuals will be required to have DBS clearance and will be required to disclose convictions, reprimands and final warnings at interview. If an individual does not disclose this information this may lead to the Registered Manager and Managing Director to question their integrity.
- Risk assessments will be undertaken where relevant information is revealed either at interview or from a subsequent check.
- Employees should also remember that it is unlawful to discriminate against anyone because they are either a member of a trade union or are not a member.
- Clifton Home Care Ltd also urges staff, whether permanent, casual, temporary or employed through an agency, and volunteers to be aware of the less obvious and insidious types of discrimination which result from general assumptions and pre-conceptions about the capabilities, attitudes, interests and characteristics of individuals.

### Bullying

Clifton Homecare are committed to providing a caring, friendly and safe environment for all of our workers and Service Users so they can work and live in a relaxed and secure atmosphere. Bullying of any kind is unacceptable, and if bullying does occur, all incidents will be dealt with promptly and effectively.

The attention of all employees is drawn to the:

- The General Social Care Council Code of Practice, which can be found for download on the Skills for Care website at [Code of Conduct \(skillsforcare.org.uk\)](http://www.skillsforcare.org.uk), a copy of which is given to all employees;
- 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.
  - Discipline Policy and Procedure, a copy of which is shown to all employees on recruitment, is referred to in the Staff Handbook that is issued to all employees, and is available in the Policy and Procedure Manual in the staff room/administration office. This policy sets out the disciplinary action which may be taken in the event of bullying activity;
  - Whistleblowing Policy and Procedure, a copy of which is shown to all employees on recruitment, is referred to in the Staff Handbook that is issued to all employees, and is available in the Policy and Procedure Manual in the staff room/administration office;
  - Sexual and Racial Harassment Policy and Procedure, a copy of which is shown to all employees on recruitment, is referred to in the Staff Handbook that is issued to all employees, and is available in the Policy and Procedure Manual in the staff room/administration office.

### What is Bullying?

- Bullying is the use of aggression with the intention of hurting another person physically or emotionally. Bullying results in pain and distress to the victim.
- Bullying can be:
- Emotional; being unfriendly, excluding and ignoring, tormenting (e.g. hiding or interfering with belongings, threatening gestures, threatening language);
  - Physical; pushing, kicking, hitting, punching or any use of violence;
  - Racist; racial taunts, graffiti, gestures;

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- Sexual; unwanted physical contact or sexually explicit comments;
- Homophobic; because of, or focussing on the issue of sexuality;
- Verbal; name-calling, criticising in public, sarcasm, spreading rumours, teasing;
- Cyber; All areas of the Internet, such as email & Internet chat room misuse;
- Mobile; threats by text messaging & calls, misuse of associated technology i.e. camera and video facilities.

### Signs and Symptoms.

- A person may indicate, by signs or behaviour, that he or she is being bullied. Senior Domiciliary Care Assistants or Assistant Managers should be aware of these possible signs and that they should investigate if a person:
  - Is reluctant to work without a specific person accompanying them;
  - Asks that a particular member of staff does not care for them;
  - Changes their usual routine;
  - Is unwilling to come to work;
  - Begins to take unannounced days off;
  - Becomes withdrawn, anxious, or lacking in confidence;
  - Feels ill in the morning;
  - Begins to work to a lower standard;
  - Has possessions which are damaged or “go missing”;
  - Has unexplained cuts or bruises;
  - Becomes aggressive, disruptive or unreasonable;
  - Is bullying other people;
  - Is reluctant to discuss their behaviour;
  - Gives improbable excuses for any of the above;
  - Is nervous and jumpy when a cyber message is received.
- These signs and behaviours could indicate other problems, but bullying should be considered a possibility and should be investigated.

### Bullying Procedure

- Report bullying incidents to your supervisor.
- If necessary and appropriate, police will be consulted by the Managing Director.
- The bullying behaviour or threats of bullying must be investigated and the bullying stopped quickly.
- An attempt will be made to help the bully (bullies) change their behaviour.
- Use the supervision process to formally record bullying behaviour, and agree a plan of action to stop it.
- Clearly spell out the potential disciplinary action which could be taken in the event of appropriate corrective action not being followed by a person who is exhibiting bullying behaviour, or if serious incidents occur.
- Refer to the Discipline Policy and Procedure in serious and/or intransigent cases.
- Use the abuse procedures in the case of bullying of a Service User.
- Consider the use of advocacy in the case of a Service User bullying a worker, and refer the Service User and/or their advocate to the behavioural standards set out in the Service User’s Handbook and Agreement.

### Harassment

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 (Equality Act 2010).

### Harassment Procedure

- Sexual harassment as in other forms of harassment at work is unlawful. Both the organisation and the perpetrator may be held liable for such unlawful actions, and may be required to pay damages. Sexual harassment can reduce the effectiveness of the organisation by creating a threatening environment, and increasing stress, sickness absence and high staff turnover. Employees have the right to work in an environment free from sexual intimidation and harassment.

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- Racial harassment at work is also unlawful and, as with sexual harassment, both the organisation and the perpetrator may be held liable. It also creates a threatening environment and all staff members have the right to work in an atmosphere free from racial intimidation.
- Intentional racial or sexual harassment is also a criminal offence punishable by imprisonment or a fine.
- Incitement to racial hatred is also a criminal offence punishable by imprisonment or a fine.
- It is important for employees to note that the other types of harassment covered in this policy are also taken very seriously by the organisation and will be dealt with in the same manner. Harassment may consist of a single act or a series of acts.

### Examples of Harassment

- Sexual harassment takes many forms, from relatively mild sexual banter to actual physical violence. Employees may not always realise that their behaviour constitutes sexual harassment but they must recognise that what is acceptable to one person may not be acceptable to another. Sexual harassment is unwanted behaviour of a sexual nature by one employee towards another. Examples of harassment include:
  - a. Insensitive jokes and pranks;
  - b. Lewd comments about appearance;
  - c. Unnecessary body contact;
  - d. Displays of sexually offensive material, e.g. pin-ups;
  - e. Requests for sexual favours;
  - f. Speculation about a person's private life and sexual activities;
  - g. Threatened or actual sexual violence;
  - h. Threat of dismissal, loss of promotion, etc for refusal of sexual favours.
- Racial harassment and incitement to racial hatred can also take many forms; from relatively minor abuse to actual physical violence. Examples of harassment include:
  - a. Insensitive jokes related to race;
  - b. Pranks;
  - c. Deliberate exclusion from conversations;
  - d. Abusive, threatening or insulting words and behaviour;
  - e. Displaying abusive writing and pictures.
  - f. Displaying or disseminating material, or acting in a manner, which is likely to influence others to engage in racial discrimination or hatred.

The examples above are not exhaustive. Items 1(g), 1(h) and 2(d) could well amount to gross misconduct, and lead to summary dismissal, but other items may also constitute gross misconduct depending on the circumstances of the case in question.

Harassment related to other protected characteristics may also take similar forms to those outlined above with a similar impact on the organisation and employees as stated.

### Our understanding of Diversity and Equal Opportunities

Diversity is a management approach that means recognising each individual's personal merit and not allowing them to be disadvantaged by stereotyping or prejudice, nor by any conditions or requirements that cannot be shown to be justifiable.

Therefore, Clifton Home Care Ltd will actively encourage diversity to maximise achievement, creativity, innovation and best practice and to bring benefits to individuals and communities.

We encourage all people who work with us to contribute to an environment in which people feel comfortable in expressing how they feel and what they need, knowing they will be treated with respect and that their contribution will be valued. This is a requirement of Clifton Homecare managers and staff team, volunteers and students on placement with Clifton Homecare.

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We embrace equal opportunities as outlined above and the spirit and intentions of legislation that outlaws discrimination and promotes equality and diversity.

The way in which we work, train and learn within Clifton Home Care Ltd reflects the aim, mission, and values of the organisation.

**Aim:** To provide tender loving care to people living in their own homes.

**Mission:** To provide a level of care that we would be happy with for ourselves or our loved ones.

**Values:**

**Family and a Sharing of Common Kinship;** to provide care to a standard that we would expect for our own family or ourselves. Our work ethics ensure that we work as a strong team, this is underpinned by a common belief that our clients and their families are part of the Clifton Homecare family. Working together, we build strong bonds with our clients to ensure that they feel part of that family which ensures they receive the highest quality of care.

**Learning, growth and Development;** continuous professional development is taken seriously by them team at Clifton Homecare. The care team receive regular high-quality training in many relevant areas, in addition to the mandatory subjects. This continuous development helps to ensure care staff are knowledgeable, which in turn maximises confidence and competence levels for all. Caroline personally delivers most of the training at Clifton Homecare and she herself is eager to ensure that her own competencies and knowledge are regularly refreshed. Caroline regularly supports individual team members whether they be 16-year-old apprentices or employees in their 70's. Ambitious people are welcomed into the team, they are encouraged and supported to develop themselves on both a personal and professional basis.

**Inclusivity;** being fully aware of the risk's social isolation present, the team at Clifton Homecare are passionate to provide opportunities for all. Social outings are organised regularly either on an individual, small group or a larger group basis. Clients are also given the opportunity and support to go away on holiday with likeminded people. Clifton Homecare have an adapted minibus to help ensure that less mobile/ wheelchair dependent clients can participate in these activities. Individuality is celebrated and person-centred care forms the basis of the care we provide.

**Honesty and transparency;** at Clifton Homecare, honesty and transparency is at the heart of everything we do. We work with an open culture which ensures that we share any concerns or issues in a way which enables continuous improvement and service development. This ensures that our team develops and improves our service delivery to benefit our clients and their families.

We will address these principles in all areas and particularly the following:

- Communicating our expectations throughout employment; at recruitment and promotion, interviews and selection, training, including induction training.
- Terms and conditions of employment and benefit packages
- Service User care delivery
- Furthermore, Clifton Homecare will monitor the composition of its workforce and Service User base and take appropriate action if it appears that this policy is not fully effective in all areas of its operation.

### Implementation

#### Expectations

Responsibility for implementing and developing the policy rests with the Managing Director and Registered Manager. The overall coordinating responsibility for equal opportunities and management of diversity is delegated to the Managing Director. However, Clifton Home Care Ltd believes that all who work with or for the organisation have an individual responsibility to accept the policy and ensure a personal involvement in its application and to cooperate actively to make the environment we desire a reality. Therefore:

Clifton Home Care Ltd expects individuals:

- To cooperate with measures introduced by Clifton Home Care Ltd to ensure equality of opportunity, diversity, non-discrimination and positive reinforcement;
- Not to harass, abuse or intimidate any other employee, job applicant, volunteer, student, Service User, contractor/agency, stakeholder or participant in relation to any of the characteristics described in the Definition section above or for any reason whatsoever.

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- To inform a manager (Senior Domiciliary Care Assistant or Assistant Manager, in the first instance) if they suspect discrimination is taking place in any shape or form.
- To raise matters through the grievance procedure if they are the subject of discrimination.
- To follow the Whistleblowing Policy and Procedure if they have a reasonable belief that the matter relates to (and only if it relates to) the public interest

No employee or other person covered by the scope of this policy will suffer detriment where matters are raised in good faith or reasonable belief.

Clifton Home Care Ltd expects Line Managers:

- To ensure that proper records of employment decisions are maintained and consistent with this policy and regular reviews of employment practices are carried out;
- To ensure that grievances are dealt with in a fair and consistent manner and in line with our grievance policy and procedure;
- To ensure that individuals within their area of responsibility are aware on a day to day basis of their legal obligations, and of the organisation's equality and diversity policy;
- To ensure that the highest standards of Equality of Opportunities practice are observed in the delivery of Clifton Home Care Ltd services and to undertake training and development opportunities to ensure that their competence is maintained at all times.

The Managing Director will:

- Actively promote the benefits of employee and participant diversity, in employment, services and training and other activities;
- Seek the views and opinions via the annual Quality Assurance questionnaire of employees, volunteers, customers and clients on the operation of the policy in his/ her locality/area of responsibility, in particular to meet the diverse needs of the users of the service.
- Offer advice and guidance to members of staff, volunteers and organisations in Clifton Home Care Ltd's equality and diversity policy and procedures;
- Ensure that Managers are supported in their roles with regard to the Equality and Diversity Policy and Procedures;
- Ensure that Managers, including Registered Managers, are appraised regularly at Management meetings, on the state of equal opportunities and diversity within Clifton Home Care Ltd and the public domain;
- Ensure that the Equality and Diversity Policy and associated documents are reviewed on an annual basis and any amendments or additions are cascaded to all employees, agencies and those who have a business relationship with Clifton Home Care Ltd.
- Review and approve policies, procedures and practices that impact on equal opportunities and diversity in practice;
- Coordinate the delivery of an equality and diversity strategy and action plan to be monitored and reviewed on a regular basis;
- Facilitate training and open discussion on equal opportunities and diversity issues as appropriate
- Ensure reasonable adjustments are made to working practices, equipment and premises and offer, where appropriate, additional support to staff and volunteers to ensure that they are able to play a full and active part in Clifton Homecare Ltd's work
- Where new processes are planned, ensure that an Equality Impact Assessment is carried out to establish if any discrimination is likely to occur as a result of the change, and to plan any remedial actions.

### Recruitment and Promotion

- Clifton Home Care Ltd strives to ensure that all our employees, job applicants, volunteers and Service Users reflect the wider community.
- We will provide clear and accurate information on vacant posts through advertisement, covering job descriptions, person specifications and interview arrangements. Wherever appropriate, vacancies will be advertised sufficiently widely to reach the widest possible range of candidates, either internal and/or external with positive action used where needed.
- Applicants will be informed through all recruitment material of Clifton Home Care Ltd's commitment to equal opportunities and diversity and the existence of this policy.



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- Care will be taken to ensure that 'essential' and 'desirable' requirements in Person Specifications are not discriminatory.
- We will not use discriminatory job titles

### Interviews and Selection

- So far as reasonably possible, short-listing and interview panels will reflect the gender, disability and ethnic makeup of Clifton Home Care Ltd
- The interview panel or person will take extreme care not to ask discriminatory questions unrelated to the requirements of the job.

### Training

- In line with the intentions of this policy, Clifton Home Care Ltd will not discriminate in the provision of training courses, promotion, mentoring, secondment or other opportunities wherever possible.
- Appropriate training will be provided to enable staff and volunteers to perform their jobs effectively. The training offered will take into account the needs of all people.
- Briefing on this policy will form part of the first day Induction Procedure for all staff, including senior staff and volunteers.
- Staff and volunteers are encouraged to discuss their development and training needs, through a process of regular support and annual appraisals, to include an annual skills audit of employees.

### Services Users

- Clifton Home Care Ltd will endeavour to deliver services in a way that genuinely recognises the importance of an inclusive society that brings opportunities and access, not barriers and disempowerment, to individuals.
- Clifton Home Care Ltd strives to ensure that our Service Users' characteristics reflect the community from which they are drawn.
- Clifton Home Care Ltd will seek to ensure that our Service Users are aware of their responsibilities to comply with the Equality and Diversity policy in their relations with other Service Users, contractors/agencies, the family and visitors of other Service Users, and staff.
- Clear and accurate information on vacant rooms or services available will be publicised through open advertisement wherever appropriate. So far as is reasonably practicable, vacancies will be advertised sufficiently widely to reach all potential Service Users and their carers.
- All advertising or informational material will not imply any preferred group, unless a genuine qualification exists limiting a vacancy to a particular group, such as a condition of registration or the content of the Statement of Purpose or Service User Guide.
- Applicants for vacancies will be informed through all promotional and informational material of Clifton Home Care Ltd's commitment to Equal Opportunities and Diversity and the existence of this policy, and will make it clear that the policy applies to Service Users and their families as much as it does to employees and other stakeholders.
- Person specifications may include 'essential' and 'desirable' requirements that are necessary and justifiable. Care and, where necessary, advice is needed to ensure that guidelines for admission are not discriminatory and are in line with the laid down criteria.
- Vacancy and service descriptions and titles that are discriminatory will be avoided.

### Enforcement

- Clifton Home Care Ltd recognises the need for a continuing commitment to genuine equal opportunities and diversity within the organisation. The effectiveness of the policy's aims and objectives can only be judged by how the policy operates in practice.

### Grievances

- Any staff member or volunteer who feels that they have been a victim of unlawful discrimination or unfairly treated in a way contrary to the intention of this policy should raise the issue through Clifton Home Care Ltd's established Grievance Procedure.

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- Any Service User who feels that they have been unfairly treated in a way contrary to the intention of this policy should make a complaint through Clifton Home Care Ltd's Registered Manager, who must report any such complaint to the Managing Director. If the complaint is about the Registered Manager, this should be made directly to the Managing Director.
- Any job applicant who believes that they have been treated unfairly and contrary to the intention of this policy should raise the issue with the Registered Manager or the Managing Director. Complaints such as this are likely to be made via Clifton Homecare's administration team. The team need to forward any such complaints to the Managing Director or in their absence, the Registered Manager.
- All incidents of discrimination by staff are disciplinary offences and will be dealt with under the Disciplinary Procedure.
- All incidents of discrimination by Service Users will be dealt with in the first instance by the Registered Manager, and in the event of a failure to agree satisfactory remedies, will be dealt with under the terms of the Service User agreement/contract.
- Clifton Home Care Ltd will not treat lightly or ignore grievances from members of disadvantaged groups on the assumption that they are over-sensitive about discrimination. All complaints / grievances will be dealt with consistently.

### Disciplinary Procedure

- Any member of staff found to be in breach of this policy will be subject to disciplinary action. Any volunteer found to be in breach of this policy will be counselled on their actions and may, where necessary, be removed from Clifton Home Care Ltd's volunteer register.
- Any Service User found in breach of this policy will, where appropriate, be counselled on their actions and may, where necessary, be refused future services from Clifton Home Care Ltd.

### Formal Procedure for reporting

- Where informal methods fail and the behaviour persists or concerns a specific incident, the employee must report the matter to their line manager.
- If the employees' line manager is the alleged perpetrator, the employee should report the matter to their line manager's manager.
- In some cases, the employee may feel more comfortable speaking to another line manager. A formal grievance should be raised and the employee is advised to seek assistance, as above, in doing so. The complaint should be made in writing, and where possible, state:
  - The name of the alleged perpetrator;
  - The nature of the harassment/ bullying incident or inequality treatment;
  - Date(s) and time(s) when incident occurred;
  - Name(s) of witness(es) to any incidents of harassment;
  - Any action already taken by the complainant to stop the issue which is occurring; inequality, harassment and/or bullying. The complaint/grievance should be sent, in confidence, to the Managing Director.
- Immediately after a complaint has been received, action will be taken to separate the perpetrator from the complainant; this may involve temporary transfer of the alleged perpetrator to another department, or suspension with pay until the complaint has been resolved.
- The senior manager handling the complaint will carry out a thorough investigation as quickly as possible to establish whether or not there is a case to answer, maintaining confidentiality at all times. All employees involved in the investigation are expected to respect the need for confidentiality. Failure to do so will be considered a disciplinary offence and may lead to disciplinary proceedings under the organisation's Disciplinary and Grievance procedures.
- Copies of statements made by witnesses will be made available to both the alleged perpetrator/harasser and the complainant. Witnesses will be encouraged to appear at the complaint hearing if requested by either party. It is acknowledged that some witnesses may be reluctant to do so. In these circumstances the manager will, if necessary, adjourn the hearing in order to ask supplementary questions of witnesses in private.
- The complainant may, if he or she wishes, be supported throughout the procedure and hearing by a work colleague. Alternatively, he or she may be supported by certified Trade Union Representative or employed Trade Union Official.

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- The employee accused of harassment will also have the equivalent right to be accompanied at the hearing. Where the manager concludes that harassment has taken place, he or she will ensure that the perpetrator has every opportunity to defend or explain his or her actions, in accordance with the organisation's disciplinary procedure.
- The severity of the penalty imposed upon an employee against whom an allegation of ill or mis treatment has been proven will be consistent with those detailed in the Disciplinary procedure (e.g. gross sexual harassment will normally result in summary dismissal).
- Where a lesser penalty is appropriate (e.g. a written warning) this may be coupled with action to ensure that the victim is able to continue working without embarrassment or anxiety. After discussion with the victim, the manager may order the transfer of the harasser to a different work area, or arrange for the amendment of working schedules or rotas to minimise contact between the two employees. If the alleged victim so wishes, his or her own transfer may be arranged, subject to practical limitations. The result of the hearing will be confirmed in writing to both employees.
- If the complainant is not satisfied about the way in which his or her complaint has been handled, he or she may ask for it to be reconsidered by the Registered Manager under the relevant stage of the organisation's Grievance procedure.
- Requests for reconsideration of the complaint should be made within five working days of the first hearing. The decision of this second hearing will be sent, in writing, to both parties and will be final.
- An employee who receives a warning or is dismissed for harassment may appeal against the penalty in accordance with the organisation's appeals procedure.
- An employee who brings a complaint of harassment will not suffer victimisation for having brought the complaint. However, if the complaint is found to be vexatious, frivolous and untrue and has been made in bad faith, then disciplinary action may be taken against the complainant.
- For further details of procedures, please refer to the organisation's Disciplinary and Grievance procedures.

### Monitoring

- The collection/analysis of data is vital in informing change and improving performance. Where appropriate, statistics on Clifton Home Care Ltd's services will be collected and analysed in relation to equality and diversity matters. We will review employee turnover and seek information on reasons for leaving through exit interviews. Local and national data or statistics will be used to benchmark our performance.
- The Registered Provider and Registered Manager will annually review equality of opportunity relating to Clifton Home Care Ltd services. Recruitment and selection procedures will be monitored and reviewed annually by the relevant Manager who will report to the Registered Provider. All aspects of personnel policies and procedures shall be kept under review in order to ensure that they do not operate against the Equal Opportunities Policy.
- In order to determine the impact of this policy it is important that a monitoring system is developed, which will measure commitment, progress and effectiveness and good practice. The Diversity and Equality Policy will be monitored and reviewed as follows:
  - o The policy will be an annual agenda item at Clifton Home Care Ltd's quality team meetings.
  - o The relevant manager will undertake an annual policy review for Clifton Home Care Ltd. All relevant parties will be encouraged to submit comments for consideration.
  - o Where it appears that there may have been, or there is, a breach of the policy, the Manager will investigate the circumstances and action will be taken to counter any proven breach of policy. If the breach involves the Registered Manager, the Registered Provider will carry out the investigation. This may be a delegated responsibility (delete as appropriate). If it is found that the policy is excluding or discouraging the development of staff or volunteers or restricting Service Users, the Registered Manager will take steps to re-adjust the policy.

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### Equality Impact Assessment

Generic Equality Impact Assessment											
<b>STAGE 1</b> <b>Screening to establish if the function has any relevance to any equality issue and/or minority group. i.e.</b> <b>Could the function affect one or more equality group in a different way to another group?</b> <b>Establish whether different equality groups have different needs?</b> <b>Establish whether the function contributes to/or hinders equality of opportunity?</b>											
<b>1a</b>	<b>Please give a brief description of the function and its purpose*</b> * Function can mean a process, a service, a policy or a project										
<b>1b</b>	<b>Tick the box for each group to whom the function is <u>not accessible</u> or for whom there may be needs or considerations accommodated</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/> Age</td> <td style="width: 50%;"><input type="checkbox"/> Disability</td> </tr> <tr> <td><input type="checkbox"/> Race</td> <td><input type="checkbox"/> Gender</td> </tr> <tr> <td><input type="checkbox"/> Sexual orientation</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td><input type="checkbox"/> Religious belief</td> <td><input type="checkbox"/> * Equality neutral</td> </tr> <tr> <td><input type="checkbox"/> Transgender or Transsexual</td> <td></td> </tr> </table>	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Race	<input type="checkbox"/> Gender	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Other	<input type="checkbox"/> Religious belief	<input type="checkbox"/> * Equality neutral	<input type="checkbox"/> Transgender or Transsexual	
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<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Other										
<input type="checkbox"/> Religious belief	<input type="checkbox"/> * Equality neutral										
<input type="checkbox"/> Transgender or Transsexual											
* Provide relevant evidence											
<b>1c</b>	<b>What are the negative impacts associated with this function? Please list and give details, then go to question 1d</b>										
<b>1d</b>	<b>Are there positive impacts associated with this function? If yes, please list and give details.</b>										

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<b>1e</b>	<p><b>At this stage, what plans could be built in to address any negative impact, and/or to add measures which promote a positive impact, or could you consider an alternative function which may better achieve the promotion of equality?</b></p> <p><b>(Mention here what you have considered you could do to amend or change the function due to the likely adverse impact, whilst still delivering the function objective. It may be possible to consider a different function, which still achieves your aims, but avoids any adverse impact on equalities).</b></p> <p><b>(put these plans in the action plan at the end of the template)</b></p>
<b>1f</b>	<p><b>As part of the Disability Duty, we have to consider the needs of disabled people, promote disability equality and promote positive attitudes towards disabled persons in public life.</b></p> <p><b>Have the needs of disabled people been taken into account in the application of the function and in particular to encourage participation by disabled people where applicable? If yes give examples</b></p>
<b>1g</b>	<p><b>Are there any Human Rights issues? If so what are they?</b></p>

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<b>1h</b>	<p><b>Are there any language issues? If the function is available to anyone whose first language is not English, assess the need for translated documents.</b></p>
<b>1k</b>	<p><b>Is a Full Impact Assessment required?</b></p> <p><b>Yes - If you have established that there may not be equality of opportunity or assessed that there would be a negative impact on an equality group in 1b or 1c go to STAGE 2</b></p> <p><b>No - Please DO NOT CONTINUE Just date and sign at the end of the form at stage 3 and fill in any actions identified, if any in the action plan.</b></p> <p><b>Don't Know i.e. not enough evidence Please go to STAGE 2</b></p>
<p><b>Stage 2</b></p> <p><b>Full Impact Assessment</b></p>	
<b>2a</b>	<p><b>Does the function affect or impact on the public, whether directly or indirectly?</b></p> <p style="text-align: center;"> <b>Yes</b>                      <b>No</b>                      <b>Don't Know</b> </p> <p><b>Provide any relevant information here.</b></p>
<b>2b</b>	<p><b>Have complaints been received about the function and its effect on different equality groups?</b></p> <p style="text-align: center;"> <b>Yes</b>                      <b>No</b>                      <b>Don't Know</b> </p> <p><b>Also provide evidence by documenting all reliable up-to-date information</b></p>

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<b>2c</b>	<p><b>Does the function have employment implications for the organisation's staff?</b></p> <p style="text-align: center;"><b>Yes                      No                      Don't Know</b></p> <p><b>Also provide evidence by documenting all reliable up-to-date information.</b></p>
<b>2d</b>	<p><b>Outsourced Services</b></p> <p><b>If the function is provided (whether partly or wholly) by external organisations/agencies please detail any arrangements you have to ensure that the function promotes equality. Also include any actions in your action plan i.e. conditions in the contract.</b></p> <p><b>Also provide evidence by documenting all reliable up-to-date information.</b></p>
<b>2e</b>	<p><b>If you have established an adverse impact, it could be deemed as unlawful discrimination.</b></p> <p><b>Where adverse impact is unlawful, the function or the element of it that is unlawful must be changed or abandoned. If an adverse impact is unavoidable, then it must be justified and action taken.</b></p> <p><b>Please comment if you are continuing with an impact that is unlawful with the reasons why and any action you are taking to minimise the impact.</b></p>
<b>2f</b>	<p><b>Monitoring</b></p> <p><b>Give details of any monitoring being carried out on existing functions.</b></p>

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<b>2f(1)</b>	<b>If this is a new function, or one that is not currently monitored, what arrangements are being made to start monitoring the actual impacts of the function and what will be done to continue to monitor the effects of the function on different equality groups? Add details to the action plan</b>
<b>2g</b>	<b>Consultation</b> <b>If you have not carried out any consultation, or if you need to carry out further consultation, who will you be consulting with and by what methods? Add details to the action plan.</b>
<b>2h</b>	<b>Evidence</b> <b>What further evidence do you have about considerations with regard to equality issues that you have made concerning this function?</b> <b>e.g. Audit reports, minutes from meetings or survey results</b>
<b>2i</b>	<b>Publishing</b> <b>Where will you publish your findings if applicable?</b> <b>Further information available from the Manager</b>



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<b>2j</b>	<p><b>Training or development</b></p> <p><b>Please list any staff training on equalities issues arising from this assessment (and include this in your action plan, attached).</b></p>
<p><b>Now give a High Medium or Low rating, sign and complete the Action plan with your actions.</b></p>	

### Stage 3

#### Assessor's Assessment

Please state below whether you consider the impact to be high, medium or low.

High		Medium		Low
Assessor name				
Signed				
Date				
Line manager				
Signed				
Date				

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### Action Planning Form

<b>Equality Impact Assessment Action Plan</b>				Date:
<b>Function assessed:</b>				
Ref	Details	Who	When	Progress

This action plan to be presented to the next Management Meeting for support and resource allocation, and to be integrated into the overall organisation's Action Plan

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### Equal Opportunities Monitoring Form

The organisation is committed to equal opportunities for all its employees and all prospective employees.

To ensure that all applicants are dealt with equally, we wish to monitor the recruitment process and would ask for your help by completing the details below by placing a v in the appropriate box. This will allow the organisation to monitor its policies.

#### PLEASE NOTE

You do not have to complete this form. The information is given on a voluntary basis and the information provided will only be used for the monitoring purpose. Please do not enter any identifying marks on this form, so that the information remains anonymous. This information will be stored on a computer.

### Monitoring ethnicity

The following sets out categories for monitoring ethnicity. We ask you to respond to this information request positively as it will help us ensure that our policies and practices do not inadvertently discriminate against you because of your ethnicity. Clifton Homecare assures you that any information you provide here will only be used to monitor the effectiveness of our policies and we will take steps to ensure this information remains confidential to a limited number of staff in our HR directorate.

### Monitoring questions:

*How would you describe yourself?*

Choose ONE section from A to E, and then tick the appropriate box

- A  Asian or Asian British  
 Bangladeshi  
 Indian  
 Pakistani  
 Any other Asian background, please write in box .....
- B  Black or Black British  
 African  
 Caribbean  
 Any other Black background, please write in box .....
- C  Chinese or other ethnic group  
 Chinese  
 Any other, please write in box .....
- D  Mixed Heritage  
 White and Asian  
 White and Black African  
 White and Black Caribbean  
 Any other Mixed background, please write in box .....
- E  White  
 British  
 English  
 Irish  
 Scottish  
 Welsh  
 Any other White background, please write in box .....
- F  Prefer not to say

### Disability monitoring

To make positive changes, Clifton Homecare wants to address the different barriers faced by disabled people. Many people who do not consider themselves to be disabled may be covered by the Equality Act 2010 because they have a health condition that has an impact on their lives.

What do we mean when we say disability?

- Do you have a physical or mental impairment?
- Is it long term?

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- Does this make it difficult for you to do the things that most people do on a fairly regular and frequent basis?

If so, you may have rights under the Equality Act 2010. This includes people who are receiving treatment or using equipment (except glasses or contact lenses) that alleviates the effects of an impairment or a condition, people with an impairment or condition that is likely to recur, people who have conditions that will get worse over time and people with severe disfigurements.

Employees with a disability or health condition are entitled in law to 'reasonable adjustments' to address their needs for support in the workplace. Therefore we are interested in any disability or health condition that may require a reasonable adjustment to overcome any such barriers.

### Monitoring questions:

*Do you consider yourself to have a disability or a long-term health condition?*

Yes  No

*What is the effect or impact of your disability or health condition?*

Prefer not to say

If you would like to discuss your response, or are unsure of the types of reasonable adjustment that might be possible, please contact your manager who is trained to help and support you.

Clifton Homecare is committed to creating an environment where barriers are removed for disabled people and they can give of their best to succeed in our organisations.

Clifton Homecare gives a commitment that this information will remain confidential within HR.

### Gender monitoring

Concentrations of either men or women into certain jobs, the impact of family commitments are some reasons why men and women experience the workplace differently. Gender monitoring is key to ensuring that all employees have access to the same opportunities and Clifton Homecare is committed to work at achieving this.

### Monitoring question:

*Would you describe yourself as:*

Male  Female  Prefer not to say

### Sexual orientation

Monitoring sexual orientation in our staff and in our recruits is a significant step towards acknowledging gay, lesbian and bi sexual staff within Clifton Homecare.

Clifton Homecare seeks to become an exemplar employer and make sure our processes and practices are fair to all staff.

Please help us and do this by completing the following questions around your sexual orientation.

### Monitoring question:

*What is your sexual orientation?*

Bisexual  
 Gay man  
 Gay Woman / Lesbian  
 Heterosexual / Straight  
 Other  
 Prefer not to say

Clifton Homecare will only use this information for ensuring its staff policies work fairly for all and that your sexual orientation does not count against you.

We will ensure in any analysis that is made public that it will not be possible to identify you.

### Age monitoring

We all have an age. Age discrimination regulations in the workplace are designed to ensure that you are judged only by your abilities and not your age. Greater experience does not always associate itself with greater ability and neither does older age and inability to learn new skills. By monitoring age we seek to uncover these and other assumptions in the way we work in Clifton Homecare.

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We intend to set up a database to review and adjust annually for age. To help us confirm your age please state your date of birth.

### Monitoring question:

*What is your Date of Birth?*

--/--/---- (dd/mm/year or age bands – see Acas guidance on Age and the workplace)

### Religion and belief

Whether or not you have a religion and what you do or don't believe in is likely to make difference to you and how you perceive the world. These perceptions are carried across into our workplaces.

It is said by some that what you do or don't believe is a private matter that should have no effect on your job. It is indeed a private matter but it would be disingenuous to say that it had no effect on your employment. For example, Clifton Homecare running training events or promotion panels during periods of religious fasting for some colleagues may well place them at a disadvantage in these instances.

Clifton Homecare is committed to ensuring fairness and equal access to all employees whatever their faith or beliefs.

Below is a list of religions that are the most commonly found in Britain. They are listed in alphabetical order and not intended to signify rank in terms of importance, furthermore we acknowledge that the list is not exhaustive and if your religion is not specifically listed then we ask you not to take offence as none was intended.

### Monitoring question:

*Please tick the box that best describes you:*

- Buddhist
- Christian
- Hindu
- Jew
- Muslim
- Sikh
- Other Religion or Belief (please state) .....
- No Religion
- Prefer not to say

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**Note: All Policies are reviewed annually, more frequently, or as necessary.**