



RCL Home Care

Equality and Diversity Policy and Procedure

Summary

This policy underpins our approach to discrimination and equal opportunities. It can assist should any claim be brought for discrimination as, if we can show that we have appropriately implemented equality and diversity policy, this can be used to defend such a claim.

Relevant Legislation

- Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012 (Amendment to Parts 4 & 5)
- Care Quality Commission (Registration) and (Additional Functions)
- Care Quality Commission (Registration) Regulations 2009
- Equality Act 2010
- Equality Act 2010: Chapter 1 (Protected Characteristics), Chapter 2 (Prohibited Conduct), and Chapter 3 (Services and Public Functions)
- Data Protection Act 2018
- Gender Recognition Act 2004
- UK GDPR



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1. Purpose

- 1.1. To ensure all staff members can work in an environment without harassment or discrimination.
- 1.2. RCL Home Care is committed to ensuring that all members of staff and job applicants receive equal treatment, regardless of their Protected Characteristics.
- 1.3. This policy applies to all aspects of employment with RCL Home Care. To avoid doubt, this includes recruitment, pay and conditions, training, appraisals, promotion, conduct at work, disciplinary and grievance procedures, business trips or work-related events or social functions and termination of employment.
- 1.4. To support RCL Home Care in meeting the following

Key Question	Key Lines of Enquiry	Quality Statements (New)
SAFE	S1: How do systems, processes and practices keep people safe and safeguarded from abuse?	QSS3: Safeguarding
WELL-LED	W2: Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed?	QSW5: Governance, management and sustainability

- 1.5. To meet the legal requirements of the regulated activities that {RCL Home Care} is registered to provide:

- Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012 (Amendment to Parts 4 & 5)
- Care Quality Commission (Registration) and (Additional Functions)
- Care Quality Commission (Registration) Regulations 2009
- Equality Act 2010
- Equality Act 2010: Chapter 1 (Protected Characteristics), Chapter 2 (Prohibited Conduct), and Chapter 3 (Services and Public Functions)
- Data Protection Act 2018
- Gender Recognition Act 2004
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Next planned review in 12 months or as soon as required.



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2. Scope

2.1. The following roles may be affected by this policy:

- All staff

2.2. The following Service Users may be affected by this policy:

- Service Users

2.3. The following stakeholders may be affected by this policy:

- Family
- Commissioners

3. Objectives

3.1. To set out the zero-tolerance approach of RCL Home Care to the perpetrators of discrimination in the workplace.

3.2. To ensure that RCL Home Care has an open and transparent approach to all aspects of employment, free from discrimination.

3.3. To ensure all staff members thrive in an inclusive environment.

3.4. To create a working environment which enables everyone to work to the best of their skills and abilities without the threat of discrimination or harassment in the workplace.

4. Policy

4.1. All forms of discrimination are unlawful and prohibited under this policy.

4.2. RCL Home Care takes a zero-tolerance approach to any discrimination, bullying, harassment and/or victimisation which one member of staff may perpetrate against another and/or against any other person, including but not limited to former employees, job applicants, Service Users, customers, suppliers and visitors.

4.3. Equally, this policy applies in the workplace and outside when the staff member is dealing with customers, suppliers or other work-related contacts or when wearing a work uniform and on work-related trips or events, including social events.

4.4. Any data collected as part of this policy will be processed per UK GDPR, data protection legislation, the Privacy Notice issued to staff and the Data Security and Data Retention Policy and Procedure of RCL Home Care. RCL Home Care appreciates that specific health data and medical reports will be special category data, and RCL Home Care will process this data accordingly.

4.5. RCL Home Care complies with the Equality Act 2010 in all its processes regarding employees.

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4.6. This policy is not part of any employee's employment contract; we may amend it at any time.

5. Procedure

5.1. RCL Home Care will provide appropriate training on Equal Opportunities. RCL Home Care is committed to following the European Human Rights Commission Employment Statutory Code of Practice. It has appointed an appropriate senior manager responsible for Equal Opportunities training.

5.2. Recruitment and Selection

Any selection exercises, including recruitment, promotion and redundancy selection, will be carried out concerning objective criteria that avoid discrimination. Similarly, RCL Home Care will ensure that more than one person carries out such exercises where possible.

Any vacancies will be advertised to as broad and diverse an audience as possible. Such advertisements will not discourage any individual or group from applying. Job applicants will not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic. For example, applicants should not be asked whether they are pregnant or planning to have children.

Job applicants will not be asked about health or disability before a job offer is made, except in the minimal circumstances allowed by law, for example, to check that the applicant can perform an intrinsic part of the role, for example, heavy lifting (taking account of any reasonable adjustments), or to see if any reasonable adjustments may be required at an interview. Job offers can be made where necessary based on a satisfactory medical check. Health or disability questions may be included in equal opportunities monitoring forms; these forms will not be used for selection or decision-making purposes.

5.3. Disabilities

RCL Home Care is committed to ensuring all staff members can thrive in their careers. Suppose a member of staff is disabled or becomes disabled. In that case, whether this disability is obvious or not, RCL Home Care encourages them to tell the registered manager about their condition so that RCL Home Care can consider what reasonable adjustments or support may be appropriate.

5.4. Immigration Status

RCL Home Care will not make any assumptions about immigration status based on appearance or apparent nationality.

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However, RCL Home Care is required by law to ensure that all of its employees are entitled to work in the UK. Therefore, all prospective employees, regardless of nationality, must be able to prove their right to work in the UK before their employment commences at RCL Home Care. For further details, please refer to the Right to Work Checks Policy and Procedure at RCL Home Care.

5.5. Part-time and Fixed-term Work

Part-time and fixed-term employees should be treated the same as comparable full-time or permanent employees and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate) unless different treatment is justified.

5.6. Disciplinary Procedure

Any staff member found to breach this policy will be subject to disciplinary action. Severe cases of deliberate discrimination may amount to gross misconduct, resulting in dismissal.

Please see the Discipline Policy and Procedure for further information.

5.7. Grievance Procedure

Suppose a member of staff believes that they have suffered discrimination. In that case, they should raise these issues through the Grievances Policy and Procedure and/or the Anti-Bullying Policy and Procedure and the Harassment Policy and Procedure at RCL Home Care. A staff member will not be bullied or victimised for raising issues under this policy. However, if a complaint is made in bad faith and/or is knowingly false, the staff member may be subject to the Discipline Policy and Procedure of RCL Home Care.

5.8. All staff should understand their responsibility to show consideration to, and not discriminate against, disabled colleagues, which will be reinforced in supervision.

6. Definitions

6.1. Victimisation

- Retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment. For example, Person A raised a complaint of being subject to discrimination, following which their manager subjected Person A to a disciplinary process.

6.2. Disability Discrimination

- This includes direct and indirect discrimination, unjustified, less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.



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6.3. Discrimination

- The act of unjustified or prejudicial treatment towards other people based on their Protected Characteristics
- There are several types of discrimination, including distinctions between people based on the groups, classes, or other categories to which they belong or are perceived

6.4. Bullying

- This is categorised as offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can leave an employee feeling vulnerable, upset, humiliated, undermined or threatened.
- Bullying is dealt with further in our Anti-Bullying Policy and Procedure.

6.5. Harassment

- This includes sexual harassment and other unwanted conduct related to a protected characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- Harassment is dealt with further in our Anti-Bullying Policy and Procedure and our Harassment Policy and Procedure.

6.6. Protected Characteristics

Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

6.7. Direct Discrimination

Treating someone less favourably because of a protected characteristic, for example, rejecting a job applicant because of their religious views or sexuality.

6.8. Special Category Data

Special Category Data is a category that is more sensitive than normal personal data. This includes data which relates to:

- Race
- Ethnic origin
- Politics
- Religion
- Trade union membership
- Genetics
- Biometrics (where used for ID purposes)
- Health
- Sex life; or



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- Sexual orientation

6.9. Disability

- A physical or mental impairment has a substantial and long-term adverse effect on an individual's ability to carry out normal day-to-day activities. The effect must have lasted for 12 months or be likely to last 12 months. An effect likely to recur is treated as continuing for this purpose.

6.10. Indirect Discrimination

- A provision, criterion or practice that applies to everyone but adversely affects people with a particular protected characteristic more than others and is unjustified. For example, requiring a job to be done full-time rather than part-time may adversely affect women because they generally have more outstanding childcare commitments than men. Such a requirement would be discriminatory unless it can be justified.

6.11. Key Facts – Professionals

Professionals providing this service should be aware of the following:

- Procedures must ensure that reasonable adjustments are made promptly to enable workers with disabilities to enjoy equality with colleagues
- RCL Home Care should ensure that all decisions on recruitment and internal promotions are made regarding objective criteria which do not discriminate against any individual or group
- This policy applies both in the workplace and outside where the individual represents RCL Home Care.
- Discrimination, harassment and victimisation should be treated with the utmost care and attention.

People affected by this service should be aware of the following:

- Service Users and those involved in their care who make derogatory statements discriminatory to any staff should be aware that they will be challenged about their behaviour.
- Similarly, RCL Home Care may receive reports of derogatory statements made by staff from Service Users and will endeavour to investigate such reports as fully and fairly as possible.



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Further Reading

As well as the information in the 'underpinning knowledge' section of the review sheet, we recommend that you add to your understanding of this policy area by considering the following materials:

ACAS – What Discrimination is by Law:

<https://www.acas.org.uk/discrimination-and-the-law>

ACAS – Disability Discrimination at Work

<https://www.acas.org.uk/disability-discrimination>

ACAS – Improving Equality, Diversity and Inclusion in your Workplace:

<https://www.acas.org.uk/improving-equality-diversity-and-inclusion>

ACAS – Discrimination Because of Pregnancy and Maternity:

<https://www.acas.org.uk/managing-your-employees-maternity-leave-and-pay/discrimination-because-of-pregnancy-and-maternity>

ACAS – When an Employer May Make a Decision Based on Age, Race or Another Protected Characteristic:

<https://www.acas.org.uk/employer-decision-protected-characteristic>

ACAS – Handling a Bullying, Harassment or Discrimination Complaint at Work:

<https://www.acas.org.uk/handling-a-bullying-harassment-discrimination-complaint>

Napthens – The Ageing Workforce: Creating a Diverse Workforce:

<https://www.napthens.co.uk/blog/the-ageing-workforce-creating-a-diverse-workforce/>

Harassment Policy and Procedure

Anti-Bullying Policy and Procedure

Outstanding Practice

- To be 'outstanding' in this policy area, you could provide evidence that:
- RCL Home Care offers training to members of staff who have been absent for a period (maternity, paternity, ill-health due to a disability, etc.) to meet any need
- RCL Home Care provides training to all members of staff on equality and diversity and keeps this training up to date
- RCL Home Care ensures that more than one manager always makes decisions for the selection
- RCL Home Care considers taking positive action to remedy disadvantages, meet different needs or increase the participation of people who share a protected characteristic

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Currently, there is no form attached to this policy.

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