

EQUAL OPPORTUNITIES POLICY

1. STATEMENT OF POLICY

DRH is committed to achieving a working and living environment, which provides equality of opportunity and freedom from discrimination on the grounds of:

- race;
- gender (including gender identity);
- disability;
- age;
- sexual orientation; and
- religion or belief.

DRH is committed to creating a workforce and service provision, which is diverse and reflects the community around us. All DRH homes adhere fully to the National Minimum Standards for Care Homes and Independent Hospitals, which relates to the degree to which a commitment to equal opportunities is made within a service.

2. AIM OF THE POLICY

It is the aim of DRH to promote equal treatment for all service users, employees and job applicants irrespective of racial/ ethnic origin,, colour, sexual orientation, nationality, religion, disability, age, gender or marital status. Also to ensure that all DRH Homes are managed in compliance with equal opportunities legislation, accepted codes of practice and all relevant regulatory standards.

3. DEFINITION

DRH understands discrimination to mean the treatment of one person more or less favorably than another on the grounds of race, ethnic origin, religion, gender, sexual orientation, age, disability or special need.

To discriminate means to classify people into groups and to treat them differently accordingly. Discrimination is unlawful where it is practised against a particular group that has been protected by law.

There are several types of legally defined discrimination:

- direct discrimination
- indirect discrimination
- victimisation

- harassment
- not making reasonable adjustments
- instructions and pressure to discriminate
- segregation

Direct discrimination

An example of direct discrimination in employment would be requiring that job applicants have a particular national origin.

Indirect discrimination

An example of indirect discrimination in employment would be stating in a job advertisement that candidates must be over six feet tall. This could indirectly discriminate against women, who are less likely to fulfil this requirement. Similarly, a rule against wearing headgear at work could indirectly discriminate against Sikh men who wear turbans in accordance with their religious practice.

Victimisation

An example of victimisation in employment would be if a person who has made a discrimination complaint against an employer is then discouraged from applying for training or promotion because of the complaint.

Harassment

Examples of workplace harassment might include:

- making unfounded threats or comments about someone's job security
- unwelcome sexual advances – touching, standing too close, display of offensive pictures
- offensive humour targeting a supposed characteristic of a group protected by law
- deliberately blocking someone's opportunities for promotion or training.

Not making reasonable adjustments

The Disability Discrimination Act requires employers to make adjustments to working practices and environments where necessary. This is so that people with disabilities are not disadvantaged. Common examples of workplace adjustments include:

- laying out furniture so that a wheelchair user can move freely around an office
- providing a toilet designed for disabled people
- providing speech recognition software to help someone with motor difficulties use IT systems.

Instructions and pressure to discriminate

Employers must not tell people to discriminate or put pressure on them to do so. For example, if a GP instructed his receptionist not to register anyone who might need help from an interpreter, this would constitute an instruction to discriminate.

Segregation

Segregation is physically separating someone from others because of their gender, ethnicity, age, sexual orientation, disability, belief or religion.

For example, women might be given restricted access to careers advice, work-experience placements and training opportunities for certain jobs, which are seen as being traditionally male.

Any discrimination or harassment by an individual employee in the course of his or her employment is treated as also being done by the employer, and therefore both employee and employer are liable.

Any act of discrimination by an employee of DRH will be subject to disciplinary action and may result in the termination of the offending employee's employment.

4. EQUAL OPPORTUNITIES POLICY

DRH is committed to a policy of equal opportunities for **all** and requires that all employees and service users abide by and adhere to this general principle.

- Discrimination on the grounds of race, colour, ethnic or national origin, religion, disability, special needs, gender, sexual orientation, or marital status will not be practiced nor tolerated
- DRH expects all employees of whatever grade or authority to abide by and adhere to this general principle.
- Staff will be promoted, employed and treated fairly on the basis of their ability and merits, and according to their suitability and no one will be disadvantaged by a condition or requirement, which is not, justified by the genuine needs the post.
- Service users will be provided with a service that meets their identified needs and preferences. Preferred lifestyle plans will reflect the requirements of the equal opportunities policy.
- DRH is committed to challenge any form of discrimination it encounters.
- In order to provide equal employment and advancement, opportunities to all individuals, employment decisions will be based on merit, qualifications and abilities

- Employees with concerns about any type of discrimination within DRH are encouraged to bring these to the attention of their manager. Service users should be assisted to voice any similar concerns.
- Any breaches of this policy should be reported to a senior member of staff or appropriate manager. Breaches of the policy will be dealt with through the disciplinary procedures.
- Whilst it is expected that all staff will accept personal responsibility for the practical application of the Policy, lead responsibility for its implementation rests with the Chief Executive. He will be responsible for monitoring the operation of the Policy for service users, employees and job applicants, and for initiating periodic audits.
- All staff will be trained on the policy; on their rights and responsibilities under the policy, and on how the policy will affect the way they carry out their duties. No one should be in any doubt about what constitutes acceptable and unacceptable conduct in the organisation.
- The policy will be communicated to all workers and job applicants, and will be placed on the DRH website.

5. RECRUITMENT AND SELECTION

The intention of the Recruitment Procedure is to ensure:-

- the most appropriate response to any employment vacancies within DRH
- that candidates of the highest quality apply for and are appointed to the appropriate job vacancies
- selection is irrespective of sex, colour, race, nationality, ethnic origin or disability.

The selection process is of crucial importance. The effectiveness of this Policy will be determined, to a great extent, by this aspect of the Employment Procedure. DRH will endeavour, through appropriate training, to ensure that employees making selection decisions will not discriminate, whether intentionally or unintentionally in making these decisions.

Reference to the Recruitment and Selection Procedure must be followed on each occasion that a job vacancy occurs. The Procedure envelops each stage that should be taken and includes:

- Stage 1 **Vacancy and advertising**
From termination of the post-holder, reviewing job description and personal specification, to advertising the vacancy
- Stage 2 **Recruitment Process**
Procedure for answering requests for application packs,

Shortlisting for interview, informal visits, formal interviews and selection

- Stage 3 **The Successful candidate**
Procedure for the offer of appointment, occupational health, Criminal Records Bureau & POVA checks, appointment letter and contract, starter pack and induction.

Recruitment of Ex-Offenders

DRH will give fair consideration to applications from people who have been convicted of a criminal offence in the past. A criminal conviction need not be an obstacle to employment and DRH undertakes not to discriminate unfairly against ex-offenders. However, we encourage applicants to disclose any criminal conviction at an early stage in the application process.

As DRH supports vulnerable adults we are exempt from the Rehabilitation of Offenders Act 1974 provisions on spent convictions. This allows DRH to request job applicants to disclose any criminal records and to ask for enhanced disclosures to the Criminal Records Bureau.

Any information given by the job applicant or received from the Criminal Records Bureau will be treated in the strictest confidence. Disclosure information will be used only for the purpose for which it has been requested. **It is a disciplinary as well as a Criminal Offence to pass on disclosure information to anyone who is not entitled to receive it.**

We ensure that those who are involved in the recruitment process are competent to identify and assess the relevance of any past offending behaviour to the post in question.

The Chief Executive or Deputy are the only managers who may give authority for a person with a criminal record to be employed by DRH. Job applicants convicted of any of the following offences will not normally be employed by DRH:-

- Offences of a sexual nature
- Offences involving minors under the age of 18
- Drug trafficking

Any offer of employment within DRH to an ex-offender will take account of:

- The relevance of the offence to the post
- The seriousness of any offence or other matter revealed
- The length of time since the offence or other matter occurred.
- Whether the applicant has a pattern of offending behaviour or other relevant matters
- Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters.
- The circumstances surrounding the offence and the explanation(s) offered by the convicted person.

DRH Staff responsible for recruiting staff

- The Chief Executive
- The Deputy Chief Executive
- Company Accountant
- Home Managers
- Deputy Home Managers
- Liaison Officers

6. TRAINING, PROMOTION AND CAREER DEVELOPMENT

Appropriate training will be provided to enable all staff to perform their jobs safely, efficiently and to pursue career-development opportunities. DRH will take positive steps to ensure that everyone is afforded, appropriate training, and equal opportunities for promotion and career development. Equal opportunities awareness will be built into DRH's management and professional development training programmes and will be included in induction training.

Positive action to improve employment prospects for disadvantaged groups can only be taken where monitoring has shown that particular groups are under represented in particular work or grades. It should be noted that positive discrimination at the point of selection is unlawful. New staff should be encouraged to read the policy on Equal Opportunities as part of their induction process.

EQUALITY LEGISLATION:

Acts of Parliament

Equal Pay Act 1970

Sex Discrimination Act 1975

Race Relations Act 1976

Disability Discrimination Act 1995

Human Rights Act 1998

Race Relations (Amendment) Act 2000

Civil Partnership Act 2004

Disability Discrimination Act 2005

Equality Act 2006

Regulations

Sex Discrimination (Gender Reassignment) Regulations 1999

Race Relations Act 1976 (Amendment) Regulations 2003

Equal Pay Act (EPA) 1970 (Amendment) Regulations 2003

Employment Equality (Sexual Orientation) Regulations 2003

Employment Equality (Religion or Belief) Regulations 2003
Employment Equality (Sex Discrimination) Regulations 2005
Employment Equality (Age) Regulations 2006

7. PROCEDURE FOR DEALING WITH DISCRIMINATION COMPLAINTS

Employees:

Employees who believe that they are subject to discrimination at work, either by the home or by another employee, have recourse to DRH's Grievance Procedure. Failure to comply with the Equal Opportunities Policy and proven acts of discrimination by an employee will be handled under DRH Disciplinary Procedure.

Service Users:

Service users who believe that they are subject to discrimination within a DRH home should follow the complaints procedure set out within their terms and condition of occupancy.

Complainants should, wherever possible:

- Record the details of what happened or the specific nature of the complaint
- Record details of when and where any occurrence took place
- Record the names and contact details of witnesses, if appropriate.
- All complaints will be dealt with in confidence subject to the requirements of a fair investigation and action

8. MONITORING

DRH will maintain employment records of all employees in order to monitor the operation of this Policy. All applicants will be invited to provide details of ethnic origin and there will be periodic analysis to determine whether the composition of the DRH workforce matches the profile of the local population

If prima facie evidence is found which suggests that the Policy is not being adhered to, this will be investigated and corrective action taken.

9. RESOURCING THE POLICY

Resources, both staff and finance, are allocated to ensure that the policy can be operated efficiently.

10. ASSOCIATED POLICIES

Adults at Risk
Bullying and Harassment
Disciplinary
Whistleblowing
Grievance

POLICY NO. 2
POLICY NO. 11
POLICY NO. 7
POLICY NO. 14
POLICY NO. 10

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