**EQUALITY AND DIVERSITY POLICY**

**Purpose**

To comply with the following:

* Equality Act 2010
* Part-time Workers (Prevention of Unfavourable Treatment) Regulations 2000
* Agency Workers Regulations 2010
* Employment Rights Act 1996
* Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)
* Trade Union and Labour Relations Act 1992
* Best employment practice with respect to Equality of Opportunities for people receiving support, employees, and all stakeholders.
* Working Time Regulation
* National Minimum Wage

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 their work;
* To make a willingness to accept and implement this policy as a necessary qualification for any position in the Company;
* To ensure, through positive action and so far as is practicable, that all company 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, service users

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**Policy**

**Introduction**

* Care Stream strives for high standards both as an employer and as a provider of services. In doing so, 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 Care Stream to comply with anti-discrimination legislation. Failure to follow the procedures in the policy may lead to disciplinary or other appropriate action.
* The aims and objectives of Care Stream 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, Care Stream will ensure that those we work with know our statements of policy.
* Care Stream 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 Care Stream 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 Care Stream 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 Care Stream
* A number of characteristics are protected under the Equality Act 2010:
* Race, including colour, nationality, ethnicity, caste or national origin
* Sex
* Pregnancy, Maternity or Paternity
* Disability, including physical, sensory, HIV, cancer, mental health or learning disability
* Age
* Religion or philosophical belief
* Sexual orientation
* Gender re-assignment
* Marital 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 they are thought to be disabled even though they are not
* Harassment; e.g. intimidating someone because of their religion
* Victimisation; e.g. treating someone adversely who has complained in the past, such as a whistleblower
* Also see Harassment Policy for guidance in cases where harassment may occur.
* Positive Action refers to measures taken in order to assist employees 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 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 may ask the following question of applicants:
* “Do you have any convictions, cautions, reprimands or final warnings that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)?”
* Applicants to exempted positions will be subject to a Disclosure and Barring Service (DBS) check. 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.
* Care Stream also urges staff, whether permanent, casual, temporary or employed through an agency, 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.

**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, Care Stream will actively encourage diversity to maximise achievement, creativity, innovation and good practice and to bring benefits to individuals and communities.

We encourage all people who work with us and for 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.

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

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

* Communicating our expectations
* Recruitment and promotion
* Interviews and selection
* Training, including induction training
* Benefits and terms and conditions of employment
* Service User delivery

**Implementation**

**Expectations**

Responsibility for implementing and developing the policy rests with the Registered Provider. Care Stream 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 co-operate actively to make the environment we desire a reality. Therefore:

Care Stream expects individuals:

* To co-operate with measures introduced by Care Stream to ensure equality of opportunity, diversity, non-discrimination and positive reinforcement;
* Not to harass, abuse or intimidate any other employee, job applicant, volunteer, trustee, member, 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.
* To inform the Registered Manager 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.

Care Stream expects senior staff:

* To ensure that proper records of employment decisions are maintained
* 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 Care Stream services and to undertake training and development opportunities to ensure that their competence is maintained at all times.

The manager will

* Actively promote the benefits of employee and participant diversity, in employment, services, training and other activities;
* Offer advice and guidance to members of staff, volunteers and organisations in Care Stream equality and diversity policy and procedures;
* Ensure that seniors are supported in their roles with regard to the Equality and Diversity Policy and Procedures;
* Ensure that seniors including Registered Managers, are appraised yearly;
* 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

**Recruitment and Promotion**

* Care Stream strives to ensure that all our employees, job applicants, and individuals being supported 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 Care Stream commitment to equal opportunities and diversity and the existence of this policy.
* 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 Care Stream.
* 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, Care Stream 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 consider the needs of all people.
* Briefing on this policy will form part of their 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.

**Service users**

* Care Stream 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.
* Care Stream strives to ensure that the people we support' characteristics reflect the community from which they are drawn.
* Care Stream will seek to ensure that the people we support 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 individuals, and staff.
* All advertising or informational material will not imply any preferred group, unless a genuine qualification exists limiting a vacancy to a particular group
* Applicants for vacancies will be informed through all promotional and informational material of Care Stream’s commitment to Equal Opportunities and Diversity and the existence of this policy and will make it clear that the policy applies to individuals 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**

* Care Stream 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 Care Stream established Grievance Procedure.
* Any individual who feels that they have been unfairly treated in a way contrary to the intention of this policy should make a complaint through Care Stream Manager, who must report any such complaint to the Registered Provider. If the complaint is about the Registered Manager, this should be made directly to the Operations Manager.
* 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.
* All incidents of discrimination by staff are disciplinary offences and will be dealt with under the Disciplinary Procedure.
* All incidents of discrimination by the person being supported 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.
* Incidents of victimisation, harassment or bullying will be dealt with in accordance with Care Stream Harassment Policy and Procedure. Where incidents of victimisation and harassment by employees are proven, the issue will be dealt with under Care Stream Disciplinary Procedure. Where incidents of victimisation and harassment by the person being supported is proven, the issue will be dealt with under Care Stream Terms and Conditions of Residency. (Service User Guide)
* Care Stream 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 individual found in breach of this policy will, where appropriate, be counselled on their actions and may, where necessary, be refused future services from Care Stream.

**Monitoring**

* The Director of Operations will annually review equality of opportunity relating to Care Stream services. Recruitment and selection procedures will be monitored and reviewed annually by the relevant Manager or Director.