

Khaya Home Limited

POLICY NO 9



## Equality and Diversity Policy

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## **Equality and Diversity Policy**

*This policy is concerned with eliminating discrimination against diversity and the promotion of equality and tolerance for others. The issue is addressed through the appointment and promotion of staff members as well as, the elimination of sexual harassment in the workplace, and the care of children from ethnic minority groups.*

### **1. Equality and Diversity**

Khaya Home Limited is an Equal Opportunity employer and is committed to appoint the most appropriate candidate for a particular post irrespective of that candidate's race, gender or sexual orientation, religion or disability.

**In respect of staff employment Khaya Home Limited will not discriminate in:**

- The wording of advertisements for vacancies
- Application forms
- Short listing procedures
- Interview process
- Decisions on offers of employment.
- Providing opportunities for promotion, transfer, or training
- Benefits, facilities, and services offered to its employees.
- Grievance and disciplinary procedures

**Discrimination in this context is taken to mean:**

1. Direct sex discrimination where a person is treated less favourably on the grounds of their sex than a person of the other sex is or would be in similar circumstances.
2. Indirect sex discrimination where requirements and conditions have the effect of disadvantaging one sex over the other.
3. Direct marriage discrimination where a married person is treated less favourably- because he or she is married than a single person of the same sex is, or would be, treated under similar circumstances.
4. Indirect marriage discrimination where requirements and conditions are applied which have the effect of disadvantaging a higher proportion of married than single people of the same sex.

5. Victimisation which occurs when an employee of either sex is treated less favourably than other employees are or would be treated on the grounds that the employee has done, intends to do, or is suspected of having done any of the following:

- Helped another person to do so by giving evidence or information.
- Been involved in other activities under either Act specified in (a) e.g., giving evidence for the Equal Opportunities Commission or given evidence at an Industrial Tribunal.
- Brought proceedings against Khaya Home Limited under the Sex Discrimination Act or Equal Pay Act

If the allegation of discrimination was false or not made in good faith the victimisation provisions do not apply. All employees are expected to be familiar with this policy and are obliged to act in accordance with it.

## **2. Complaints Procedure**

If possible and/or appropriate an employee wishing to make a complaint under this policy should raise the issue with their Line Manager, House Manager or Deputy Head teacher. If this is neither possible nor appropriate i.e. it is one or other of the people involved in the complaint, the member of staff should contact the Director directly or KHaya's independent Governors.

## **3. Grievance Procedure**

If a member of staff has a grievance relating to their employment, they should raise it with the Senior Manager either orally or in writing. If the matter is not settled at this level within three working days (or whatever period is agreed) the member of staff may ask that the Director or KHaya's independent Governors to deal with the matter. The decision of the Director or KHaya's independent Governors will be final.

Regular training opportunities will be provided regarding the implementation of this policy, including an input during Induction Training. An analysis will be made of existing practices, policies, and procedures to ensure equal opportunity provision.

KHaya is committed to remove all barriers to equal opportunities including those that relate to race and ethnic origin.

## **4. Sexual Harassment**

### ***What is sexual harassment?***

In the European Commission's Code of Practice sexual harassment is broadly described as 'unwanted conduct of a sexual nature', or other conduct based on sex affecting the dignity of women and men at work'. Most people who are sexually harassed are women, but it is important to remember that it can happen to men too. Examples of conduct, which are clearly unacceptable include:

- Unwelcome sexual attention
- Subjecting someone to insults or ridicule because of their sex.

- Suggesting that sexual favour may further someone's career (or that refusal may damage it)
- Basing decisions affecting an employee's career on willingness or refusal to offer sexual favours.

Sexual harassment can also extend to other forms of behaviour, which may offend such as lewd, suggestive, or over-familiar behaviour and display or circulation of sexually suggestive material.

KHaya is striving to achieve a working environment, which encourages harmonious, respectful, and dignified working relations between sexes.

It is expected that individual adults will be treated with respect and be listened to as individuals, irrespective of their gender. It is inappropriate for a member of staff; irrespective of role or position, to be discriminated against, subjected to sexist or sexually suggestive comment, because they are female.

Reported incidents of sexual harassment may be treated as a disciplinary offence with appropriate action taken. Staff will be encouraged to make formal complaints under the Staff Grievance Procedure if they consider themselves to be victims of sexual harassment.

All staff members have a responsibility to comply with this policy and to treat colleagues of both sexes with dignity and respect.

Any complaint alleging sexual harassment will be dealt with seriously and confidentially. No member of staff will be victimised for making or being involved in a complaint.

The Senior Manager and line managers have a responsibility to advise staff of this policy and support them in having the confidence to complain if necessary.

### ***Sex Discrimination Act 1975***

In Britain sexual harassment at work may amount to unlawful sex discrimination under the Sex Discrimination Act 1975 which provides that a person discriminates directly against a woman if 'on the grounds of her sex he treats her less favourably than he treats or would treat a man' in comparable circumstances. This Act also covers discrimination against men.

### ***Action to be taken if you think you are being sexually harassed***

Make it clear to the person who is harassing you that their behaviour is unwelcome and that you want it to stop. (You may want to ask a friend, colleague, or employ 'a representative to be with you when you do this). Once the person knows their behaviour is unwelcome this may be enough to stop it.

If the behaviour continues, talk to your line manager. If it is your line manager whose behaviour is the cause for concern speak to a senior manager or arrange to see a director. A Director will advise you on what to do next. This might be to make a formal complaint or to take out a Grievance.

Keep a record of incidents so that you can accurately recall what is happening. If the same person is also harassing any of your colleagues, ask them to discuss the matter further.

### ***Ways of trying to help prevent sexual harassment.***

- Everyone should be aware of the issue.

- Make sure that your conduct does not cause offence or misunderstanding.
- Stand up against being sexually harassed at work or support colleagues who are being sexually harassed at work.
- Ask for a copy of this policy so that you understand what you should do if you feel you are being sexually harassed at work.

## **5. Care Practices – Children and Young people in relation to gender**

### ***Practice***

It is recognised that girls and boys have some care needs, which are specifically related to their being female or male.

When planning the staff rota, consideration is given to the need for a balance of male and female staff to be on duty at any one time. For holidays or extended periods away from the Home, such as day trips or educational outings, both male and female staff will accompany the group.

Whilst generally a young person will be encouraged to seek assistance/guidance from a woman or a man there are some situations where staff will decide that attention would be more appropriately given by a member of staff of the same sex as the young person, e.g.

- When medical attention requires the removal of clothing
- When an exclusive relationship needs to be avoided
- Where intimate physical contact is necessary

In all areas, not just in this one, adults must be conscious of maintaining appropriate adult/child boundaries in their relationships. These boundaries can, at times, become blurred, especially when working with young people who may not have such boundaries defined in their own mind and who are regularly stepping over these boundaries into inappropriate sexualised behaviour and general invasion of other's personal space. This can take the form of touching, suggestive comments, and resistance to accept the concept of adult child/young person roles.

Male staff members working with adolescent girls need to be particularly aware themselves and to avoid placing themselves in situations where the young person feels threatened or vulnerable. Usually, when entering a girl's bedroom, they should always knock on the door first before entering. The door should be left open and another, preferably female, member of staff should be around. It is particularly important for girls who have been sexually abused to learn to relate to adult males in a safe and appropriate manner, but the process can present such young people with 'flashbacks' of abusive situations, especially when in conflict with a male member of staff, and efforts must be made to minimise risks to all concerned in these situations.

## **6. Interaction between children/young people dealing with personal relationships and sexuality**

In relationships with their peers, although sexual relationships are a possibility these are generally discouraged. This may be for a number of reasons:

- Legislation

- The age of the children/young people involved.
- Their level of sexual maturity
- The stage of their emotional development
- The inappropriate nature, of the relationship
- The racial, cultural and religious backgrounds of the children/young people.

### **We will value diversity and inclusion by the following:**

Helping young people to make good lasting relationships is one of the main aims of work within KHaya Home Ltd. Being able to communicate with, and relate to, both adults and peers is an important skill, which is essential for a well-balanced, stable life outside of residential care.

Young people within KHaya are listened to, have their views taken seriously and are encouraged to partake in decisions made about their lives and surroundings.

The group living situation with its organisation of small group structure affords many opportunities for practising relating to peers and staff. Outward-bound activities are also occasions for developing relationships between staff and young people.

Respect and acceptance are shown to the young people even though their behaviour may be disapproved of. Staff members show understanding of the painful emotions, which often underline anti-social behaviour and the young people will not be rejected because of this.

Adolescents need to experience warmth, intimacy, and physical contact from adults. This is a valuable way of communicating love, acceptance, and warmth. However, some young people may find physical contact threatening and care is always taken to act in a non-intrusive manner.

Young people will be given every opportunity to remain with KHaya and will only be excluded under extreme circumstances. Frequent changes of placement are detrimental to a young person's ability to relate to others.

Parents/persons with parental responsibility, relatives and friends will be encouraged to keep in contact with the young person, to visit, write and telephone on a regular basis. Young people will also be encouraged to maintain contact with their families whether it is their intention to live at home when they leave KHaya.

Recreational facilities are used outside of KHaya's resources and the young people will be encouraged to attend local youth clubs and to make their own friends outside the home.

A young person from an ethnic minority group will be given the opportunity to join groups/clubs where he/she will be in contact with persons from a similar cultural, racial, or linguistic background.

Within any KHaya resource, peer relationships, which are considered to be unhealthy, are challenged, e.g. those which involve scapegoating, victimisation, bullying, etc.

### ***Sex and Sexuality***

Adolescence is the developmental stage, which characterises a young person's stay. He/she will be helped to adjust to the physical changes, emotional turbulence and social and sexual aspects of their transition

All young people will receive sex education as part of the curriculum unless religious beliefs or cultural values dictate against this. In such situations the young person's parents/persons with parental responsibility will be consulted.

It is recognised that young persons who are emotionally and socially disadvantaged should have access to a significant level of sex education embodied within the overall health care programme. This should include work on relationships as a prime factor, but include anatomy, biology, parent craft, health care, (Aids/HIV), safe sex, etc.

Sex education will cover both the physical and emotional sides of sexuality. This will include information on

- Sexual anatomy
- Menstruation
- Reproduction Intercourse
- Contraception
- Pregnancy
- Sexually transmitted disease, including HIV/Aids
- The importance of a loving relationship
- Sexual responsibility
- The effect of alcohol and/or drugs on sexual behaviour. The emotional and practical aspects of parenthood.

Separate groups for boys and girls will attempt to create an intimate atmosphere where young people may discuss information and ask questions.

Some children may find their sexuality difficult to cope with. When there is an indication that a young person thinks of his/her sexual feelings as bad or shameful and/or of sexual relationships as impersonal and exploitive then he/she may be offered counselling specifically to explore these thoughts and feelings.

Sexual relationships between young people within KHaya are discouraged. However, older teenagers are encouraged to have boyfriends or girlfriends outside the home.

Adolescents may experiment with homosexual relationships as part of growing up. Others may find this to be their true sexuality. Young people will be given support in finding their sexual identity and their sexual preference for heterosexual or homosexual relationships.

Within KHaya Home Ltd attempts are made to create a culture, which does not discriminate against or persecute people who choose to be gay or lesbian. Derisory comments are challenged, and all types of family lifestyle are valued.



The responsibilities for adults are enormous and demand the striking of a balance of maintaining boundaries but at the same time facilitating meaningful and real relationships. At the same time young people will be pushing and testing these boundaries and some will still be trying to come to terms with relating to adults in a non-abusive context.

KHaya obviously prohibits any sexual relationships between staff and young people, irrespective of age. Any adult breaching this policy will be liable to instant dismissal and police prosecution.

Adults need to be constantly aware of their own boundaries, to ensure these are maintained and that they and the children/young people are not left vulnerable or threatened by situations that have not been considered. However, touching and hugging is encouraged as a general practice. If a young person is not happy with being touched, then his/her wishes will always be respected. If a member of staff is unhappy with physical contact from a particular young person, then he/she should disengage and discuss the situation with other staff members and his/her supervisor.

## **7. Ethnic Minority Groups and Young people with Cultural and Religious needs**

Young people from minority ethnic groups have needs related to their racial origin, cultural background, religion, language and the fact that they live in a racist society.

Meetings and training aimed at increasing staff awareness of how racism affects young people and considering issues of race in relation to practice will be held at regular intervals. Within this framework staff will be encouraged to consider their own racism.

Specialist advice will be sought where there is a need in relation to a young person's cultural background, religion, language or race, which cannot be met by staff within KHaya

Consideration of a young person's and his/her parents ethnic needs first takes place at the referral stage, continues throughout the placement, and includes the awareness of the racial issues related to young people leaving KHaya.

In working with black children and young people, the following key elements must be considered in terms of setting objectives within the Care/Placement Plan:

- Enhance the young person's self-esteem about being black.
- Provide a young person with the survival skills necessary for living in a society where they experience racism.
- Allow the young person to develop religious, cultural, and linguistic skills, which will enable him/her to be accepted by and participate in the black community.

We live and work in a multi-cultural environment and this means creating a climate where racial and religious differences are acknowledged and valued, and discussion about racial issues is encouraged. All young people who are part of KHaya will be from different cultural backgrounds. This will include adults and social workers and refers to people who are black, as well as people who may come from different parts of the country and have different accents and different ways.

Appropriate hair and skin products will be made available and young ethnic minority children should be encouraged to use them. If in doubt, staff should consult the parents/carers of ethnic minority children, the young people, or appropriate hairdressers and/or beauty shops.

There are times when all young people's needs will be similar, but there are instances when the needs of young people from different cultural backgrounds will be different. For example, a young black person may have a different way of looking after hair and skin and diet may be different. Adults must be aware of these needs and should be able to discuss them with young people. Similarly, education will include information about cultural background, heritage, and history and if a young person has religious beliefs, every effort must be made to help him/her pursue these beliefs through appropriate places of worship.

Within education and everyday living, we aim to provide a culture, which recognises the existence of, and difference between, lifestyles, beliefs, values, and traditions of people who originate from various ethnic groups. KHaya believes strongly in every person being an individual and having special needs, no matter where they are from. This applies to skin colour, gender, ability, age, etc. and is about respecting individual rights.

KHaya aims to provide an environment in which all young people can grow and develop. Racism, bullying and discrimination will be challenged in whatever form it is presented. The Complaints Procedure is a facility by which complaints arising from racism will also be addressed. Racist practices by staff will be dealt with through the Disciplinary Procedure.

**See also:** Anti-bullying Policies and guidance.

Complaints procedure

KHaya Home Ltd Equalities Policies and Procedures