



Equality Diversity and Human Rights Policy and Procedure

Notice to employees using a paper copy of this policy
The company Policies folder on the shared drive holds the most recent version of this document and all employees must ensure that they are using the most recent guidance.

Document Control

Document Name	Equality, Diversity and Human Rights
Author	Karen Hodgkinson
Purpose	Policy to demonstrate standards to be upheld to promote equality and diversity with due regard to the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
Compliant with CQC Regulation	10, 13 &16
Approval Date	03.07.2019
Publication Date	03.07.2019
Review Date	June 2022
Distribution	All staff

Version Control

Version	Date	Amended by	Comments
V1.0	06.03.2018	Karen Hodgkinson	New document implemented
V2.0	03.07.2019	Karen Hodgkinson	Reviewed and LHG standard document and version control implemented

Contents

Subject	Page Number
Introduction	4
Purpose	4
Scope	4
Roles and responsibilities	4
Definitions	5
Legislation	5
Prohibited conduct	6
Human Rights Framework	7
Policy	7
Training Requirements	8

Introduction

Everybody has a right to be treated with dignity and respect and in doing so; Libertatem Healthcare Group recognises it has a legal duty; under the Equality Act 2010 and Human Rights Act 1998; to promote equality and diversity with due regard to the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Libertatem Healthcare is committed to creating a culture in which equality, diversity and human rights are actively promoted and unlawful discrimination is not tolerated. The experiences and needs of every individual are unique and we will strive to respect and value the diversity of our clients, care support staff and employees.

Purpose

Libertatem Healthcare Group endeavours to provide a supportive environment and culture in which unlawful discrimination of any kind will not be tolerated. The delivery of this policy will promote fair and equitable practice throughout the company.

Scope

This policy applies to all care and support staff and employees of Libertatem Healthcare Group.

Roles and Responsibilities

The Board of Directors

The Board has a statutory responsibility to have due regard to the Equality Act 2010 and the Human Rights Act 1998. It is therefore essential a culture is established where unlawful discrimination is unacceptable and will not be tolerated.

The board will oversee the implementation of culture and practices that will serve to protect our clients, care and support staff and employees.

Managers

All managers have a responsibility to adhere to this policy and to bring it to the attention of staff in their work area in order to establish and maintain an inclusive environment free of unlawful discrimination.

Managers will

- lead by example by treating others with respect and setting standards of acceptable behaviour, promoting an inclusive working environment where unlawful discrimination is unacceptable and not tolerated.
- ensure any allegations of discriminatory behaviour or practices are correctly investigated and appropriate action taken in accordance to Libertatem Healthcare Dignity at work policy.
- ensure that all staff have access to the appropriate training to support them in understanding implications of equality and diversity when delivering care and within the workplace.

Care and support staff and employees

All staff have a personal responsibility for their own behaviour and for ensuring that they comply with the Equality Act 2010.

Libertatem Healthcare Group expects that all staff will:

- have a personal responsibility to adhere to the principles of equality and diversity;
- staff should not undertake any acts of discriminatory practice in the course of their employment for which they will be personally liable;
- help promote an inclusive environment by treating everyone with dignity and respect;
- respect and respond to the diverse needs of staff, service users and others;
- challenge and/or report behaviour that may be considered to be offensive when directed against themselves or others in accordance to the company Dignity at work policy;
- have a responsibility to bring any potentially discriminatory actions or practice to the attention of their Line Manager.

Definitions

Equality is not about treating everyone the same.

Equality is:-

- recognising everyone has individual needs and has the right to have those needs respected;
- acknowledging inequality exists and that unlawful discrimination needs to be tackled;
- delivering services that should be accessible to all;
- treating people fairly where everyone can participate and have the opportunity to fulfil and reach their potential.

Diversity is about respecting and valuing individual difference.

Diversity is:-

- acknowledging everybody is different;
- understanding, valuing, and respecting those differences;
- is recognising individuals and groups have varying backgrounds, experiences, styles, perceptions, values and beliefs.

Legislation

The Equality Act 2010 provides protection against discrimination at work and in the provision of services. The protected characteristics covered by the Equality Act are:

- **Age:** This refers to a person having a particular age (for example, 32 years old) or being within an age band (for example, 18-25, 40-50 years old);
- **Disability:** A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. A progressive condition is a condition that gets worse over time. People with progressive conditions can be classed as disabled. However, you automatically meet the disability

definition under the Equality Act 2010 from the day you're diagnosed with HIV infection, cancer or multiple sclerosis;

- **Gender reassignment:** This is the process of transitioning from one sex to another;
- **Marriage and civil partnership:** A union between a man and a woman or the legal recognition of a same-sex couple's relationship;
- **Pregnancy and maternity:** The condition of being pregnant or the period after giving birth. It is linked to maternity leave in the employment context;
- **Race:** It refers to a group of people defined by their nationality (including citizenship), ethnic or national origins
- **Religion or belief:** The religion a person belongs to. A belief, including lack of belief, should affect your life choices or the way you live for it to be included
- **Sex:** Someone being a man or a woman; and
- **Sexual orientation:** This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

Prohibited Conduct – Behaviour banned by the Equality Act 2010

Libertatem Healthcare Group will avoid unlawful discrimination including: direct discrimination; indirect discrimination; associative discrimination; perceptible discrimination; harassment; victimisation; disability-related less favourable treatment.

Definitions

Direct discrimination means treating someone less favourably compared to others because they have certain protected characteristics

- because they are thought to have a protected characteristics (Perception);
- are associated with someone who has a protected characteristic (Association). This is new in the protected characteristics of Age, Disability, Gender Reassignment and Sex.

Indirect Discrimination can occur when you have a rule or policy that applies to everyone but disadvantages a person with a particular protected characteristic.

Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This is covered in more detail in the Dignity at work policy.

Victimisation happens when a person is treated less favourably because they complain about discrimination or they witness it and give evidence about it.

Human Rights framework

The Human Rights Act 1998 sets universal standards to ensure that a person's basic needs as a human being are recognised and met. The Human Rights Act 1998 brought the European Convention on Human Rights into UK law.

In practice this means treating individuals with fairness, respect, equality, dignity and autonomy whilst also safeguarding the rights of the wider community when developing policies and procedures and carrying out our functions.

Libertatem Healthcare Group will consider these human rights principles in relation to our staff and the people we support, aiming to demonstrate our commitment to quality outcomes which will improve the service user experience and provide satisfaction to staff that they are undertaking a job that is valued.

The equality benefits of a human rights based approach include:

- An improved provision of care services – people we support are treated with fairness, respect, equality and dignity.
- More person-centred care.
- A reduced risk of complaints.
- Improved decision making overall.
- A broader range of marginalised groups being involved and considered.
- More meaningful engagement of people we support, carers and families.

Policy

Libertatem Healthcare Group will endeavour to provide a supportive environment and culture in which unlawful discrimination of any kind will not be tolerated. The delivery of this policy will promote fair and equitable practice throughout the company.

Libertatem Healthcare Group will ensure the care delivered will be individualised and person centred and sensitive to the needs of our client and will not unfairly discriminate on the basis of any protected characteristic.

Libertatem Healthcare will not tolerate any practices that result in the provision of a lower standard of service due to unlawful discrimination.

The Equality Act enables us to be responsive and adaptive to the individual needs of our clients. Services will not be based on assumptions, stereotypes and prejudice of any equality groups, but on information gained through consulting with service users and our care and support staff and employees.

Care staff and employees must report all incidents of potential discrimination and prohibited conduct against people using Libertatem Healthcare Groups services on the incident reporting form which can be found on the dashboard.

Care staff and employees who observe prohibited conduct by workers should challenge the conduct. The person's manager should be informed as soon as possible.

Any employee, regardless of position in the company, who unlawfully discriminates against another, fails to co-operate with the measures introduced

to promote equal opportunity or induces others to unlawfully or unfairly discriminate, will be subject to the Company's Disciplinary Policy and Procedure.

Complaints or allegations of discrimination or victimisation can be pursued through the Company's complaints policy or Dignity at work policy.

There may be cases where an individual makes an unfounded allegation of discrimination for malicious reasons. These cases will be investigated and dealt with fairly and objectively under the Disciplinary Policy.

Training requirements

Equality and Diversity training forms part of the Company's mandatory training requirements and is delivered by e-learning and subsequent e-assessments. All employees will undertake this training every 3 years as detailed in the Education and Training of care workers policy and procedure.