

Robert Heath Group Policies and Procedures



**Equal Opportunities, Diversity &
Anti-Discrimination Policy**

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Robert Heath Group Policies and Procedures

CONTENT PAGE

1	Introduction	3
2	Statement of Principle	3
3	Related Policies	4
4	Communication and Dissemination	4
5	Training	5
6	The Law	5
7	Rights and Responsibilities	5
8	Monitoring	6
9	Raising a Concern	6
	Appendix A: Types of Discrimination	7
	Appendix B: Examples of Types of Discrimination	10
	Appendix C: Managers Guide – Employing People with a Learning Disability	12

Robert Heath Group Policies and Procedures

1.0 INTRODUCTION

1.1 This policy outlines Robert Heath's statement of principle regarding equal opportunities and diversity; setting out Robert Heath's responsibilities to ensure a workplace free from discrimination or harassment.

1.2 Robert Heath seeks to promote equality of opportunity and to challenge discrimination based upon the 'protected characteristics' as set out in the Equality Act. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

1.3 This document sets out the ways in which Robert Heath will seek to apply the above principles in all areas of employment and service provision.

2.0 STATEMENT OF PRINCIPLE

2.1 Robert Heath aims to create a culture that respects and values difference, promotes dignity, equality and diversity, and encourages individuals to develop and maximise their true potential.

2.2 By diversity we mean valuing the benefits of a varied workforce that makes the best of people's talents whatever their backgrounds. Diversity encompasses visible and non-visible individual differences which can be many and varied. It can be seen in the makeup of our workforce and where people are in terms of management positions, job opportunities and terms and conditions in the workplace. Diversity covers the following:

- Race
- Culture
- National origin
- Region
- Gender
- Sexual Orientation
- Age
- Marital Status
- Politics
- Religion
- Ethnicity
- Disability
- Socio-economic differences
- Family structure
- Health
- Values
- And more

Robert Heath Group Policies and Procedures

2.3 Embracing equality and diversity brings to Robert Heath a wide range of experience, ideas and creativity whilst giving the individual employee a feeling of being enabled to work to their full potential. We aim to remove any barriers, bias or discrimination that prevents individuals or groups from realising their potential and contributing fully to our organisation's performance and to develop an organisational culture that positively values diversity.

2.4 Every person in the organisation is valued equally and Robert Heath is committed to and promotes equal opportunities, diversity and anti-discriminatory practice in both service provision and employment. All those involved with the organisation are expected to respond by ensuring this practice in their own way of working. Robert Heath does not condone or tolerate discrimination, harassment or bullying, either directly or indirectly, on the basis of any of the criteria outlined in section one above.

2.5 Intimidation, harassment and bullying will not be tolerated and may lead to disciplinary action in line with Robert Heath's disciplinary policy and procedure.

3.0 RELATED POLICIES

3.1 This policy should be read in conjunction with Robert Heath's Absence; Flexible Working; Disclosure and Barring Service (DBS); Reference; Disciplinary; and Grievance policies.

4.0 COMMUNICATION AND DISSEMINATION

4.1 This policy applies equally to all employees, workers (e.g. contractors and temps) and volunteers whilst working for Robert Heath. The co-operation of all employees, workers, volunteers, is essential for the success of this policy. Although, the ultimate responsibility for achieving the objectives of this policy lies with Robert Heath, ensuring equality and diversity practice is the responsibility of everyone involved with the organisation.

5.0 TRAINING

5.1 Training is available on the importance of relevant legislation via bite size management training sessions, organised and delivered by the HR Team. Bitesize training sessions on absenteeism, recruitment, and performance management cover relevant aspects of equal opportunities legislation.

Robert Heath Group Policies and Procedures

6.0 THE LAW

- 6.1** It is unlawful to discriminate, harass or victimise anyone because of a protected characteristic.
- 6.2** Discrimination can be direct or indirect or in the form of harassment or victimisation. All forms of discrimination are unacceptable, regardless of whether there was any intention to discriminate or not. Employees have a duty to co-operate with Robert Heath to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination.
- 6.3** Robert Heath aims to meet the terms of any anti-discrimination legislation and will promote the spirit as well as the letter of the law. The law in this area is now contained in one statute in the Equality Act (2010). Further advice is available from any member of the HR Team.

7.0 RIGHTS AND RESPONSIBILITIES

Below are a list of basic rights and responsibilities upheld by Robert Heath:

Rights	Responsibilities
To be treated with dignity and respect	To treat others with dignity and respect
To be treated fairly and without discrimination	To challenge inappropriate behaviours in others (through appropriate channels)
To disagree and present alternative views in a constructive and professional manner	To respect the authority, professional experience and decisions of others
To challenge and be assertive	To deal with conflict constructively through positive communication and open consultation
To be consulted on decisions that affect work	To recognise the needs of the business and others

8.0 MONITORING

- 8.1** As part of its commitment to anti discriminatory practice, Robert Heath will maintain appropriate records as to the age, ethnicity, disability and gender of employees, workers and volunteers.

9.0 RAISING A CONCERN

- 9.1** Most problems that occur in the workplace can and should be resolved through the normal day to day contact that employees, workers and volunteers have with their immediate line manager and colleagues. Employees should draw the attention of their line manager to suspected discriminatory acts or practices or suspected cases of bullying or harassment.

Robert Heath Group Policies and Procedures

- 9.2** Wherever possible, employees, workers and volunteers should endeavour to resolve the issue informally; this will ensure the matter is resolved quickly and satisfactorily before it escalates into a more serious issue. However, there may be occasions where this does not produce a satisfactory solution and the employee may then decide to invoke formal procedures. If the offence may be of such a serious nature that informal procedures are inadequate to deal with the issue at hand, employees, workers or volunteers may raise a complaint through Robert Heath's grievance procedure.
- 9.3** Any employee, worker or volunteer who raises a concern in good faith within these procedures will not be disciplined or face victimisation. By 'good faith' Robert Heath means that the individual reasonably believed that they had witnessed or were subject to malpractice or wrongdoing and that they raised their concern to an appropriate person. Any who disciplines or victimises an employee, worker or volunteer for raising a concern within these procedures or who seeks retribution will themselves be subject to Robert Heath's disciplinary procedure.
- 9.4** Robert Heath promises to treat all allegations of bullying, harassment and/or victimisation seriously and to try to resolve any concerns as quickly as possible.
- 9.5** Robert Heath will make every effort to ensure that the identity of the employee, worker or volunteer raising the concern will be kept confidential where possible; only those with a need to know will be informed of the identity of the complainant and the details of the complaint.
- 9.6** Appropriate support will be offered to the complainant. Consideration will be given to transferring or relocating or suspending the person against whom the allegation has been made pending outcome of the process.
- 9.7** Any employee, worker or volunteer found to be bullying, harassing or victimising another person either inside or outside the workplace, or raising a concern maliciously or irresponsibly, will be subject to Robert Heath's disciplinary procedure (please see Appendix A for definitions of discrimination, victimisation, harassment and bullying).
- 9.8** Robert Heath takes all allegations of discrimination very seriously.
- 9.9** Bullying and discrimination is often a perception that someone has of the behaviour or language of others. Robert Heath asks that everyone is sensitive to the needs and feelings of

Robert Heath Group Policies and Procedures

others in their actions and language so as to take account of the needs and sensitivities of colleagues.

Robert Heath Group Policies and Procedures

APPENDIX A: TYPES OF DISCRIMINATION – DEFINITIONS

Reference is made throughout this policy to the Equality Act (2010).

Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a 'protected characteristic' they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination association below). Annex 1 contains an example of direct discrimination.

'Protected characters' are set out above.

Discrimination by association

Applies to race, religion or belief and sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. See Appendix B for an example of discrimination by association.

Discrimination by perception

Applies to race, religion or belief and sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. See Appendix B for an example of perception discrimination.

Indirect discrimination

Applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership, disability and gender reassignment. Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision made in running an organisation, but if there is a discriminatory effect, then it is likely to be unlawful.

Being 'proportionate' in achieving a legitimate aim is a significant hurdle to overcome and care must be taken to ensure that unnecessary and unwarranted conditions etc. are not placed at recruitment or during employment that can have a disparate impact.

Robert Heath Group Policies and Procedures

Harassment

Harassment is 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at themselves and the complainant need not possess the relevant characteristic themselves.

Employees are also protected from harassment because of perception and association.

Third party harassment

Applies to sex, age, disability, gender reassignment, race, religion or belief and sexual orientation.

The Equality Act makes individuals potentially liable for harassment of your employees by people (third parties) who are not employees of your company, such as customers or clients. Robert Heath will only be liable when harassment has occurred on at least two previous occasions, we are aware that it has taken place, and we have not taken reasonable steps to prevent it from happening again.

Victimisation

Victimisation occurs when an employee is treated in a discriminatory fashion because they have made or supported a complaint or raised a grievance under the Equality Act or because they are believed to have done so. An employee is not protected from victimisation if they have maliciously made or supported an untruthful complaint (i.e. they know the complaint to be untrue). There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint.

Robert Heath Group Policies and Procedures

APPENDIX B: EXAMPLES OF TYPES OF DISCRIMINATION

1. Direct discrimination

Paul, a senior manager, turns down Angela's application for promotion to a supervisor position. Angela, who is a lesbian, learns that Paul did this because he believes the team that she applied to manage are homophobic. Paul thought that Angela's sexual orientation would prevent her from gaining the team's respect and managing them effectively. This is direct sexual orientation discrimination against Angela.

2. Discrimination by association

June works as a project manager and is looking forward to a promised promotion. However, after she tells her boss that her mother, who lives at home, has had a stroke, the promotion is withdrawn. This may be discrimination against June because of her association with a disabled person.

3. Perception discrimination

Jim is 45 but looks much younger. Many people assume that he is in his mid 20s. He is not allowed to represent his company at an international meeting because the managing director thinks that he is too young. Jim has been discriminated against on the perception of a protected characteristic.

4. Indirect discrimination

A team meeting takes place and the minutes get pinned up on the board afterwards. John is in a wheelchair and the minutes have been pinned up too high for him to read them. This wasn't done deliberately by the manager but John has been indirectly discriminated against by not being able to access the same information as the rest of the team. John speaks to his manager who puts up a new, more accessible notice board.

5. Harassment

Steve is continually being called gay and other related names by a group of employees at his work. Homophobic comments have been posted on the staff notice board about him by people from this group. Steve was recently physically pushed to the floor by one member of the group but is too scared to take action. Steve is not gay but heterosexual; furthermore the group know he isn't gay. This is harassment because of sexual orientation.

Robert Heath Group Policies and Procedures

6. Third party harassment

During a training session by a trainer from an external organisation, attended by male and female workers, a male trainer directs a number of remarks of a sexual nature to the group as a whole. Susan finds the comments offensive and humiliating to her as a woman. Even though the comments weren't specifically directed at her, she feels harassed. She has a word with the learning and development manager who in turn speaks to the training organisation they had used. She makes it clear that should this happen again, they will not use this organisation. She keeps Susan in the picture and therefore has taken reasonable steps to protect Susan from third party harassment.

7. Victimisation

Anne makes a formal complaint against her manager because she feels that she has been discriminated against because of marriage. Although the complaint is resolved through the organisation's grievance procedures, Anne is subsequently ostracised by her colleagues, including her manager. She could claim victimisation.

8. Pregnancy and maternity

Lydia is pregnant and works at a call centre. The manager knows Lydia is pregnant but still disciplines her for taking too many toilet breaks as the manager would for any other member of staff. This is discrimination because of pregnancy and maternity as this characteristic does not require the normal comparison of treatment with other employees.

Robert Heath Group Policies and Procedures

APPENDIX C: MANAGERS GUIDE – EMPLOYING PEOPLE WITH A LEARNING DISABILITY

1. Recruitment– Advertisements

If advertising externally, Robert Heath publically welcomes applications from people with learning disabilities. We are working towards a two ticks accreditation and once achieved we will include the two ticks logo and a sentence which confirms that we encourage applications from people with learning disabilities.

As part of the application process, the recruiting manager must complete a VAF (Vacancy Authorisation Form), at which point the recruitment process is controlled and guided centrally by the HR Team.

2. Recruitment – Applications

Some people with a learning disability can fill in an application form, others may need help from a supporter (with the supporter clearly stating which parts of the form they have completed). In some cases we would allow a candidate to submit their application in different formats such as by telephone or by e-mail.

Within the application form there is a section for candidates to detail any special requirements they have for an

3. Recruitment – Interview

Providing preparation has been completed this should not prove to be a difficult task. It is recommended that:

- You go through the interview process beforehand and ensure that it is accessible to the candidate with a learning disability.
- Ensure that you have suitable arrangements in place if the person has detailed any special requirements for interview through their application form.
- Allow more time for the interview (a person with a learning disability might take longer to say what they want).
- Allow a support person to be present in the interview if the candidate has requested it.
- Ask direct, concise questions related to experiences.

Robert Heath Group Policies and Procedures

4. Communication – common courtesies

Once you have recruited someone with a learning disability to the organisation it is essential that you provide effective communication so that the employee settles into the workplace. It is recommended that:

- You treat people with respect and do not patronise them in any way.
- Offer assistance but wait until your offer has been accepted before giving your help.
- Talk directly to a person with a learning disability rather than through another person.
- Do not make assumptions about someone's disability.
- Take time to get to know the person. Do not be embarrassed if you do not understand them, ask them to explain another way.

5. Communication – communicating clearly

- Speak slowly and clearly. If a person does not understand you the first time, try again in a different way (e.g. using different words).
- Not all people with a learning disability can read. Pictures and diagrams can help explain a point.
- Listen actively by concentrating on the messages you are receiving.
- Be direct and specific so that the question or point you are making is clear.
- Use plain English, use smaller words where possible.
- Try to give information in manageable amounts.

6. Training guidelines

- Give a person with a learning disability time to practice the skills they have learned. Do not confuse them by asking them to learn a new task before they have learned the first task.
- Keep in mind that some people with a learning disability can find it hard to transfer skills from one area to another.
- Present the information to a person with a learning disability in a way they can understand. Review your training methods regularly and modify your approach if necessary.

Robert Heath Group Policies and Procedures

- Ask people with a learning disability themselves about the best way for them to learn.
- Check if they need to take medication, as this could impact on training schedules.
- Consider the length of the training and where possible keep it short.
- Break down the training into small parts, pictures can assist a person to remember each task.
- Use as many visual aids as possible as this helps those with limited literacy skills to learn tasks.

7. Including someone with a learning disability in your team

A team works best when all its members work well together. All employees, at whatever level, have a valued part to play in the success of Robert Heath. The contribution of a person with a learning disability should be encouraged. It is recommended that:

- You talk to your team before the person starts. Make them aware that the person might require extra support and encouragement to settle in.
- You might invite members of your team to act as natural support for the new employee in the workplace. This means the person has someone to go to if they have any problems.
- Involve the person with team meetings. This sends a clear message to the team members that the person is a member of the team and that their input is appreciated.
- Utilise the support and guidance from the employment team. Job coaches could be made available to provide additional support.

8. If things go wrong

As a general rule, a person with a learning disability should be treated like any other member of staff within the workplace. However, managers must be careful not to discriminate against people with disabilities when making crucial decisions affecting the workplace. If you find yourself in a situation where a formal route is required (i.e. Disciplinary, Redundancy etc), the same principles should apply and you must contact HR for support. Reasonable adjustments could be required in the same way listed for the recruitment process.