HWCGS Care (T/A Segal Gardens)
436 Fleet Lane, Parr, St Helens, nr Liverpool, Merseyside, WA92NH

Review Sheet

Last Reviewed	Last Amended	Next Planned Review
31 Oct '19	31 Oct '19	Next Planned Review in 12 months, or sooner as required.

Business impact	HIGH IMPACT — These changes require action as soon as possible.
Reason for this review	Scheduled review
Were changes made?	Yes
Summary:	This policy now incorporates the Disabled Workers Policy and Procedure and details the policy of HWCGS Care (T/A Segal Gardens) regarding a zero-tolerance approach to any discrimination, harassment and/or victimisation. The Procedure section documents what steps staff must take to comply with the policy. The Disabled Workers Policy and Procedure has now been archived.
Relevant legislation:	ı Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012 (Amendment to Parts 4 & 5) ı Care Quality Commission (Registration) and (Additional Functions) ı Care Quality Commission (Registration) Regulations 2009 ı Equality Act 2010 ı Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions) ı General Data Protection Regulation 2016 ı Data Protection Act 2018 ı Gender Recognition Act 2004
Underpinning knowledge - What have we used to ensure that the policy is current:	Author: Equality and Human Rights Commission, (2011), *Employment Statutory Code of Practice*. [Online] Available from: [Accessed:] Author: Government, (2010), *Equality Act 2010*. [Online] Available from: http://www.legislation.gov.uk/ukpga/2010/15/contents [Accessed: 31/10/2019] Author: Equality and Human Rights Commission, (2019), *Equality Act Guidance*. [Online] Available from: https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-guidance [Accessed: 31/10/2019] Author: EQUALITY AND HUMAN RIGHTS COMMISSION, (2019), *What is the Equality Act?*. [Online] Available from: https://www.equalityhumanrights.com/en/equality-act-2010/what-equality-act [Accessed: 31/10/2019]
Suggested action:	ı Encourage sharing the policy through the use of the QCS App ı Establish training sessions for staff ı Widely distribute the 'Key Facts' of the policy ı Share content of the policy with all staff

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1. Purpose

1.1 To ensure that all members of staff can work in an environment to the best of their skills and abilities without the threat of discrimination or harassment.
1.2 HWCGS Care (T/A Segal Gardens) is committed to ensuring that all members of staff and job applicants receive equal treatment, regardless of any protected characteristics: age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.
1.3 This policy applies to all aspects of employment with HWCGS Care (T/A Segal Gardens). For the avoidance of doubt, this includes recruitment, pay and conditions, training, appraisals, promotion, conduct at work, disciplinary and grievance procedures, and termination of employment.
1.4 To support HWCGS Care (T/A Segal Gardens) in meeting the following Key Lines of Enquiry:

Key Question	Key Lines of Enquiry
SAFE	S1: How do systems, processes and practices keep people safe and safeguarded from abuse?
WELL-LED	W2: Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed?

1.5 To meet the legal requirements of the regulated activities that HWCGS Care (T/A Segal Gardens) is registered to provide:

- Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012 (Amendment to Parts 4 & 5)
- Care Quality Commission (Registration) and (Additional Functions)
- Care Quality Commission (Registration) Regulations 2009
- Equality Act 2010
- Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)
- General Data Protection Regulation 2016
- Data Protection Act 2018
- Gender Recognition Act 2004

2. Scope

2.1 The following roles may be affected by this policy:

- All staff

2.2 The following Service Users may be affected by this policy:

- Service Users

2.3 The following stakeholders may be affected by this policy:

- Family
- Commissioners

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3. Objectives

3.1 To set out the zero-tolerance approach of HWCGS Care (T/A Segal Gardens) to the perpetrators of discrimination in the workplace.
3.2 To ensure that HWCGS Care (T/A Segal Gardens) has an open and transparent approach to all aspects of employment, free from discrimination.
3.3 To ensure that all members of staff are able to thrive in an inclusive environment.
3.4 To create a working environment which enables everyone to work to the best of their skills and abilities without the threat of discrimination or harassment in the workplace.
3.5 To enable HWCGS Care (T/A Segal Gardens) to comply with the Equality Act 2010, the Convention on the Rights of Persons with Disabilities and good employment practice.

4. Policy

4.1 HWCGS Care (T/A Segal Gardens) takes a zero-tolerance approach to any discrimination, harassment and/or victimisation which one member of staff may perpetrate against another and/or against any other person, including but not limited to former employees, job applicants, clients, customers, suppliers and visitors.
4.2 Equally, this policy not only applies in the workplace but also outside of it when the member of staff is dealing with customers, suppliers or other work-related contacts, or when wearing a work uniform and on work-related trips or events including social events.
4.3 The following forms of discrimination are prohibited under this policy and are unlawful:

- **Direct Discrimination**: Treating someone less favourably because of a protected characteristic, for example, rejecting a job applicant because of their religious views or because of their sexuality
- **Indirect Discrimination**: A provision, criterion or practice that applies to everyone but adversely affects people with a particular protected characteristic more than others and is not justified. For example, requiring a job to be done full-time rather than part-time may adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified
- **Harassment**: This includes sexual harassment and other unwanted conduct related to a protected characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Anti-Bullying Policy and Procedure and our Harassment Policy and Procedure
- **Victimisation**: Retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment
- **Disability Discrimination**: This includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability

4.4 Any data collected as part of this policy will be processed in accordance with current data protection legislation, the Privacy Notice issued to staff and the Data Security and Data Retention Policy and Procedure of HWCGS Care (T/A Segal Gardens). HWCGS Care (T/A Segal Gardens) appreciates that certain health data and medical reports will be special category data and HWCGS Care (T/A Segal Gardens) will process this data accordingly.
4.5 HWCGS Care (T/A Segal Gardens) complies with the Equalities Act 2010 and the United Nations Convention on the Rights of Persons with Disabilities in all its processes regarding employees.

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5. Procedure

5.1 HWCGS Care (T/A Segal Gardens) will provide appropriate training on Equal Opportunities. HWCGS Care (T/A Segal Gardens) is committed to following the European Human Rights Commission Employment Statutory Code of Practice and has appointed an appropriate senior manager to have responsibility for Equal Opportunities training.

5.2 Recruitment and Selection

Any selection exercises including recruitment, promotion and redundancy selection, amongst others, will be carried out with regard to objective criteria which specifically avoid any issues of discrimination. Similarly, where possible, HWCGS Care (T/A Segal Gardens) will ensure that such exercises are carried out by more than one person.

Any vacancies will be advertised to as wide and diverse an audience as possible. Such advertisements will not discourage any individual or group from applying. Job applicants will not be asked questions which might suggest an intention to discriminate on grounds of a protected characteristic. For example, applicants should not be asked whether they are pregnant or planning to have children.

Job applicants will not be asked about health or disability before a job offer is made, except in the very limited circumstances allowed by law, for example, to check that the applicant could perform an intrinsic part of the job (taking account of any reasonable adjustments), or to see if any adjustments might be needed at interview because of a disability. Where necessary, job offers can be made conditional on a satisfactory medical check. Health or disability questions may be included in equal opportunities monitoring forms, which must not be used for selection or decision-making purposes.

5.3 Disabilities

If a member of staff is disabled or becomes disabled, HWCGS Care (T/A Segal Gardens) encourages them to tell their manager about their condition so that HWCGS Care (T/A Segal Gardens) can consider what reasonable adjustments or support may be appropriate.

5.4 Part-time and Fixed-term Work

Part-time and fixed-term employees should be treated the same as comparable full-time or permanent employees and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

5.5 Disciplinary Procedure

Any member of staff found to be in breach of this policy will be subject to disciplinary action. Serious cases of deliberate discrimination may amount to gross misconduct, resulting in dismissal.

5.6 Grievance Procedure

If a member of staff believes that they have suffered discrimination, then they should raise these issues through the Grievances Policy and/or Anti-Bullying and Harassment Policies of HWCGS Care (T/A Segal Gardens). A member of staff will not be bullied or victimised for raising issues under this policy. However, if a complaint is made in bad faith and/or is knowingly false, the member of staff may be subject to the Discipline Policy and Procedure of HWCGS Care (T/A Segal Gardens).

5.7 All staff should understand their responsibility to show consideration to and to not discriminate against disabled colleagues, and this will be reinforced in supervision. Employees are informed and reminded of their responsibility to notify Mr Damian Cummings Gillian Gilmore of any disability that might not be obvious, in order to enable HWCGS Care (T/A Segal Gardens) to take necessary steps to enable the employee's rights.

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6. Definitions

6.1 Protected Characteristics

- Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

6.2 Disability

- A physical or mental impairment which has a substantial and long-term adverse effect on an individual's ability to carry out normal day-to-day activities. The effect must have lasted for 12 months or be likely to last 12 months. An effect that is likely to recur is treated as continuing for this purpose

6.3 Special Category Data

- Special Category Data is a category of data which is more sensitive than normal personal data. This includes data which relates to:
  - Race
  - Ethnic origin
  - Politics
  - Religion
  - Trade union membership
  - Genetics
  - Biometrics (where used for ID purposes)
  - Health
  - Sex life; or
  - Sexual orientation

6.4 Direct Discrimination

- This means refusing to employ someone because of a disability, when the effects of this could be minimised through reasonable adjustments, for example, using a hearing loop for someone who is deaf

6.5 Indirect Discrimination

- This is when unnecessary specifications are attached to a role, such as a height restriction or a requirement to take part in active sports, that are not essential for the role

6.6 Harassment

- Care must be taken proactively to prevent anyone intimidating or bullying an employee or volunteer because of their disability

6.7 Victimisation

- A person with a disability who has complained about discrimination must not be treated adversely because of this

Key Facts - Professionals

Professionals providing this service should be aware of the following:

- Procedures must ensure that reasonable adjustments are made in a timely manner to enable workers with disabilities to enjoy equality with colleagues
- Issues of discrimination, harassment and victimisation should be treated with the utmost care and attention
- HWCGS Care (T/A Segal Gardens) should ensure that all decisions on recruitment and internal promotions are made with reference to objective criteria which do not discriminate against any individual or group
- This policy applies both in the workplace and outside of it where the individual is representing HWCGS Care (T/A Segal Gardens)

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Key Facts - People affected by the service

People affected by this service should be aware of the following:

- Service Users and those involved in their care who make derogatory statements that are of a discriminatory nature to any staff should be aware that they will be challenged about their behaviour
- Similarly, HWCGS Care (T/A Segal Gardens) may receive reports of derogatory statements made by staff from Service Users and will endeavour to investigate such reports as fully and fairly as possible

Further Reading

As well as the information in the 'underpinning knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

ACAS - Seeking Better Solutions: Tackling Bullying and Ill-treatment in Britain's workplaces:
https://www.acas.org.uk/media/4498/Seeking-better-solutions-tackling-bullying-and-ill-treatment-in-Britains-workplaces/pdf/Seeking-better-solutions-tackling-bullying-and-ill-treatment-in-Britains-workplaces.pdf
ACAS - Bullying and Harassment at Work - A Guide for Managers and Employers:
https://acas.org.uk/media/304/Advice-leaflet---Bullying-and-harassment-at-work-a-guide-for-managers-and-employers/pdf/Bullying-and-harassment-in-the-workplace-a-guide-for-managers-and-employers.pdf
ACAS - Bullying and Harassment at Work - A Guide for Employees:
https://acas.org.uk/media/306/Advice-leaflet---Bullying-and-harassment-at-work-a-guide-for-employees/pdf/Bullying-and-harassment-at-work-a-guide-for-employees.pdf

Outstanding Practice

To be ‘ outstanding ’ in this policy area you could provide evidence that:

- The wide understanding of the policy is enabled by proactive use of the QCS App
- HWCGS Care (T/A Segal Gardens) provides training to all members of staff on equality and diversity and keeps this training up to date
- HWCGS Care (T/A Segal Gardens) ensures that decisions for selection are always taken by more than one manager
- HWCGS Care (T/A Segal Gardens) considers taking positive action to remedy disadvantage, meet different needs or increase the participation of people who share a protected characteristic
- HWCGS Care (T/A Segal Gardens) offers training to members of staff who have been absent for a period (maternity, paternity, ill-health due to a disability etc.) to meet any need

Forms

Currently there is no form accompanied to this policy.

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