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**ST CATHERINE'S  
HOSPICE**

# **Equal Opportunities Policy**

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## Document Control Table

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<b>Members of stakeholder group:</b>	SMT HR Team
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## Amendment History

Version	Date	Author	Notes on revisions (inc reason)
HR-13	Jan 2013	K Anderson	Review and reformat

## Associated Documents and References

Equality Act 2010 <a href="http://www.legislation.gov.uk/ukpga/2010/15/contents">http://www.legislation.gov.uk/ukpga/2010/15/contents</a>
Dignity Policy
Work and Family Policy
Flexible Working Policy
Disciplinary Policy
Grievance Policy

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## **1. Purpose**

St Catherine's Hospice (StCH) has a duty and responsibility to ensure that staff and volunteers operate in an environment that embraces equality and diversity. It aims to promote best employment practice and strives to be an employer for whom individuals want to work.

StCH will not unlawfully discriminate on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The policy aims to ensure that all employees and volunteers are fully aware of the scope and nature of unlawful discrimination.

The hospice will take appropriate steps to accommodate the requirements of workers' religions, cultures and domestic responsibilities, and to ensure employees' needs are dealt with sensitively. Our policies on parental rights and flexible working should be consulted for specific guidance on our approach to these issues and your entitlements.

## **2. Scope of policy**

This policy applies to all employees, whether permanent, temporary, casual, part-time or on fixed-term contracts, to ex-employees, to job applicants and to individuals such as agency staff, consultants and volunteers who may not be our employees, but who nonetheless work at, or are engaged by, the hospice (collectively referred to in the policy as 'workers').

All workers have a duty to act in accordance with this policy, and therefore to treat colleagues, service users and any external person with whom they have contact in the course of their role at StCH, with dignity at all times. Workers will not discriminate against or harass other members of staff or others, whether junior or senior to them. In some situations, the hospice may be at risk of being held responsible for the acts of individual members of staff and therefore shall not tolerate any discriminatory practices or behaviour.

This policy applies to the advertising of jobs and recruitment and selection, to training and development, opportunities for promotion, to conditions of service, benefits and facilities and pay; to health and safety and to conduct at work, to grievance and disciplinary procedures and to termination of employment, including redundancy.

## **3. Definitions**

The Equality Act 2010 consolidates and replaces most previous discrimination legislation for England, Scotland and Wales. An important purpose of the Act is to unify the legislation outlawing discrimination against people with different protected characteristics, where this is appropriate. The Equality Act 2010 states that it is illegal to discriminate against anyone because of:

- age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex

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- sexual orientation

These are known as 'Protected Characteristics'.

Direct and Indirect Discrimination are defined at paragraph 6.1.

Equality of opportunity means that an individual's diversity is viewed positively and, in recognising that everyone is different, valuing equally the unique contribution that individual experience, knowledge and skills can make.

## **4. Policy statement & aims**

It is the policy of the hospice not to discriminate against its workers on the basis of their age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race (including ethnic origin, colour, nationality & national origin), religion or belief, sex, sexual orientation, membership or non-membership of trade union, or employee status such as part-time or fixed-term.

St Catherine's Hospice is committed to providing equality for all and aims to encourage, value and manage diversity. Our workers and applicants for employment shall not be disadvantaged by any policies or conditions of service which cannot be justified as necessary for operational purposes. The hospice shall, at all times, strive to work within legislative requirements as well as promoting best practice.

This policy is for guidance only and shall be provided to all workers, but does not form part of any contract of employment.

## **5. Accountability and responsibility**

**Head of HR** holds delegated responsibility for ensuring that the hospice has robust policies and procedures in place which are legally compliant and adhere to the principles of fairness, equality and diversity.

**Managers** are responsible for ensuring that all staff are aware of this policy. They have a responsibility to promote and implement employment practices in accordance with this policy, taking all reasonable steps to prevent any form of unlawful discrimination and to take timely action on any complaints received.

**All employees and volunteers** are responsible for ensuring their behaviour and practices at work are in compliance with this policy.

## **6. Procedure**

### **6.1 Forms of discrimination**

Discrimination may be direct or indirect and it may occur intentionally or unintentionally. Direct discrimination occurs where someone is put at a disadvantage for a reason related to one or more of the protected characteristics set out in paragraph 3. For example, rejecting an applicant of one race because it is considered they would not "fit in" on the grounds of their race could be direct discrimination.

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Indirect discrimination occurs where an individual is subject to an unjustified provision, criterion or practice which puts them at a particular disadvantage because of, for example, their sex or race. For example, a height requirement would be likely to eliminate proportionately more women than men. If these criteria cannot be objectively justified for a reason unconnected with sex, it would be indirectly discriminatory on the grounds of sex.

Discrimination also includes victimisation (less favourable treatment because of action taken to assert legal rights against discrimination or to assist a colleague in that regard) and harassment (see Dignity policy for further information).

## **6.2 Recruitment and selection**

We aim to ensure that no job applicant receives less favourable treatment in respect of any of the protected characteristics listed in section 3. Recruitment procedures will be reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are regularly reviewed to ensure that they are justifiable on non-discriminatory grounds as being essential for the effective performance of the job.

We shall take steps to ensure that knowledge of vacancies reaches a wide labour market and where relevant, groups under-represented within the hospice. Where appropriate, use may be made of lawful exemptions to recruit suitably-qualified people to cater for the special needs of particular groups.

## **6.3 Staff training, promotion and conditions of service**

Staff training needs shall be identified through regular staff appraisals. All workers will be given an equal opportunity and access to training to enable them to progress within the organisation. All promotion decisions shall be made on the basis of merit.

The composition and movement of workers at different levels shall be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unnecessary or unjustifiable barriers and to provide appropriate facilities and conditions of service to meet the special needs of disadvantaged or under-represented groups. Our conditions of service, benefits and facilities will be reviewed regularly to ensure that they are available to all workers who should have access to them and that there are no unlawful obstacles to accessing them. This includes pay, bonus criteria, policies and all benefits offered.

## **6.4 Termination of employment**

We will monitor redundancy criteria and procedures to ensure that they are fair and objective and do not directly or indirectly discriminate against employees. We will also ensure that disciplinary procedures are carried out fairly and uniformly for all workers, whether they result in the giving of disciplinary warnings, dismissal or other disciplinary action.

## **6.5 Disability discrimination**

If you are disabled, or become disabled in the course of your employment with us, you are encouraged to tell us about your condition. This is to enable us to support you as much as possible. You may also wish to advise the HR Department of any reasonable adjustments to your working conditions or the duties of your job which you consider to be necessary, or which would assist you in the performance of your duties.

The HR Department may wish to consult with you and with your medical adviser(s) about possible reasonable adjustments. Careful consideration will be given to any such proposals

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and they will be accommodated where possible and proportionate to the needs of your job. Nevertheless, there may be circumstances where it will not be reasonable for us to accommodate the suggested adjustments and we will ensure that we provide you with information as to the basis of our decision not to make any adjustments.

## **6.6 Fixed-term employees, agency and temporary workers**

We will monitor our use of fixed-term employees and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. We will, where relevant, monitor their progress within the hospice to ensure that they are accessing permanent vacancies.

## **6.7 Part-time workers**

The hospice will monitor the conditions of service of part-time employees and their progression within the organisation to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. We will also ensure requests to alter working hours are dealt with appropriately under our Flexible Working Policy.

## **6.8 Breaches of the policy**

If you believe that you may have been disadvantaged in respect of any of the protected characteristics listed in section 3, you should raise the matter through our grievance procedure. If you believe that you may have been harassed under those definitions you are encouraged to raise the matter through our Dignity policy.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Workers who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations of a breach in this policy which are found to have been made in bad faith will, however, be dealt with under our disciplinary procedure.

If, after investigation, you are proven to have harassed any other worker on the grounds of sex, marital status, sexual orientation, religion or belief, race, gender reassignment, maternity, disability or age or otherwise act in breach of this policy, you will be subject to disciplinary action. In serious cases, such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. The hospice will always take a strict approach to serious breaches of this policy.

As this policy applies equally to workers' relations with clients and suppliers, if, after investigation, you are proven to have discriminated against or harassed a client or supplier you will also be subject to disciplinary action.

## **7. Dissemination**

This policy will be circulated to all staff by email when it is issued and when it is updated. The policy will also be available via the Intranet and StCH managers will receive a follow up email instructing them to ensure that all their staff are aware of the policy changes and where to find it through, for example, team meetings and 1:1s. Training will be given to managers as part of the managers' training programme.

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## **8. Monitoring and review**

Records will be kept of all concerns raised under this policy, the response and subsequent action taken. Records will be held by the Head of HR, they will be confidential and retained in accordance with the Data Protection Act.

The Head of HR will provide quarterly reports to SMT and also provide an annual report for trustees at the end of each financial year.

This policy will be reviewed every three years, or when changes in government legislation necessitates, whichever is the sooner.



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## Policy Impact Assessment

The impact assessment is used to ensure:

- we do not inadvertently discriminate as a service provider or as an employer
- that the information governance implications of any changes in the way we work, implicit in any new policies or revisions to existing policies, are considered and addressed appropriately.

To be completed and attached to all policies when submitted to the appropriate committee for consideration and approval.

		Yes/No	Comments
1.	<b>Equality Impact</b>		
a.	Does the policy affect one group more or less favourably than another on the basis of - race - ethnic origins - nationality - gender - culture - religion or belief - sexual orientation (including lesbian, gay & bisexual people) - age - disability (eg physical, sensory or learning) - mental health	<b>No</b>	
b.	If potential discrimination has been highlighted, are any exceptions valid, legal and/or justifiable?		
c.	Is the impact of the policy likely to be negative? If so, can the impact be avoided or reduced?		
2.	<b>Information Governance Impact</b>		
a.	Is the policy (or any of its associated procedures) likely to have an adverse impact on: - information quality - information security - confidentiality - data protection requirements	<b>No</b>	
b.	If so, have these issues already been raised with the Information Governance Group? What action has been agreed?		