



# Equality, Diversity And Inclusivity Policy & Procedure

***'Five Rivers Group is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment'***

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## Table of Contents

<b>1. Policy</b> .....	2
<b>1.1 Policy Statement</b> .....	2
<b>1.2 Aims of this Policy</b> .....	2
<b>1.3 Data Protection</b> .....	2
<b>1.4 Disclosure of Information</b> .....	3
<b>1.5 Discrimination Legislation</b> .....	3
<b>1.5.1 Types of unlawful discrimination</b> .....	4
<b>Indirect discrimination</b> .....	4
<b>Harassment</b> .....	4
<b>Associative discrimination</b> .....	4
<b>Perceptive discrimination</b> .....	4
<b>Victimisation</b> .....	4
<b>Failure to make reasonable adjustments</b> .....	4
<b>Discrimination arising from disability</b> .....	4
<b>2. Our Commitment:</b> .....	5
<b>3. Specific Points</b> .....	6
<b>3.1 Equal opportunities in employment</b> .....	6
<b>3.2 Customers, suppliers and other people not employed by the Company</b> .....	7
<b>3.3 Children and young people placed in the care of the Company</b> .....	7
<b>3.4 Your Responsibilities</b> .....	7
<b>3.5 Training</b> .....	7
<b>3.6 Breaches by Contractors and Volunteers</b> .....	7
<b>3.7 Reporting Discrimination - what you should do</b> .....	8
<b>3.8 Monitoring and review</b> .....	8

## **1. Policy**

### **1.1 Policy Statement**

We are committed to providing equal employment opportunities and avoiding unlawful employment discrimination. In our work, we are committed to ensuring equal opportunities for the children and young people who are in the Company's care, Foster Carers and customers/contractors.

The policy applies to Five Rivers Child Care Ltd. and its subsidiaries.

Our policy supports our commitment to the practice of equality of opportunity. We aim to ensure no one receives less favourable treatment or is disadvantaged by requirements or conditions that cannot be shown to be justifiable. We strive to eliminate any unlawful acts of discrimination.

We all have a duty to promote and advance the policy, ensure it is followed and draw to the attention of our manager any suspected discriminatory acts or practices.

We strive to ensure that our work environment is free of harassment and bullying and that everyone is treated with dignity and respect. This is an important aspect of providing equal opportunities in employment. We have a separate Dignity at Work policy, which deals with the issue of bullying and harassment.

### **1.2 Aims of this Policy**

- We recognise that everyone is unique and value people's differences, views/outlooks and approaches. We will assist our people to use their talents to support the achievement of their full potential.
- We will ensure we recruit, train and promote people based on their qualifications, experience and abilities for all roles.
- Our policy is designed to ensure that we comply with our obligations under equality legislation and commit to treating people equally and fairly.
- We are unreservedly opposed to any form of discrimination regardless of age, disability, sex, gender reassignment, pregnancy or maternity, marriage or civil partnership, race, religion or belief, and sexual orientation (defined as Protected Characteristics).

### **1.3 Data Protection**

**1.3.1** Five Rivers Child Care and its subsidiaries support the objectives of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and other legislation relating to Data Processing, including the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 and the Freedom of Information Act 2000. Five Rivers Child Care and its subsidiaries have a statutory obligation to process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018

**1.3.2** Every member of Five Rivers Child Care and its subsidiaries has an obligation to ensure that the information they process (use) is collected, maintained and disclosed in

accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and the Five Rivers Child Care Data Protection Policy.

#### 1.4 Disclosure of Information

Any use or disclosure of information held within Five Rivers Child Care and its subsidiaries, without there being a legitimate purpose or legal basis, will be classed as unauthorised and is a criminal offence under Section 55 of the Act Right of Access (Subject Access Requests).

#### 1.5 Discrimination Legislation

Everybody has a right to be treated with dignity and respect, and in doing so, Five Rivers recognises its legal duties under the Equality Act 2010 and Human Rights Act 1998.

**The Human Rights Act 1998** incorporates the rights set out in the European Convention on Human Rights into UK Law. It sets universal standards to ensure that a person's basic needs as a human being are recognised and met.

The key human rights that impact the employment relationship are the rights to respect private and family life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, and the prohibition of discrimination. In practice, this means treating individuals with fairness, respect, equality, dignity and autonomy whilst safeguarding the wider community's rights when developing policies and procedures and carrying out our functions. Five Rivers Child Care Ltd will consider these human rights principles in relation to our staff and children, aiming to demonstrate our commitment to quality outcomes which will improve our children's experience and ensure that employees are satisfied they will receive equal and respectful treatment in their employment with us.

**Equality Act 2010:** It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership.

Discrimination after employment has ended may also be unlawful, for example, refusing to give a reference for a reason related to one of the protected characteristics.

Employees/workers should not discriminate against or harass a member of the public in the provision of services or goods.

It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features if the physical features make it impossible or unreasonably difficult for disabled people to use services. In addition, service providers must think ahead and address any barriers that may hinder disabled people from accessing a service.

### 1.5.1 Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another because of protected characteristics. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where it fits the full legal criteria of being an occupational requirement.

**Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination), such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether this effect was intended by the person responsible for the conduct.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another person with a protected characteristic. It does not cover harassment because of marriage and civil partnership, and according to the Government and ACAS guidance, pregnancy and maternity.

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not have that protected characteristic (other than marriage and civil partnership and pregnancy and maternity).

**Victimisation** occurs when an employee is disadvantaged, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010 or are suspected of doing so. However, an employee is not protected from victimisation if they act maliciously or make or support an untrue complaint.

**Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic, and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

**Discrimination arising from disability** is where a disabled person is treated unfavourably because of something connected to their disability that cannot be objectively justified. This is subject to the Company knowing or could reasonably be expected to know that the person was disabled.

## 2. Our Commitment:

We will strive to ensure:

- Everyone in the organisation understands their responsibility to assist the Company in meeting its commitment to provide equal opportunities in employment and avoid unlawful discrimination.
- That recruitment and selection processes are free from discrimination by
  - Building our recruitment processes to attract diverse candidates and ensure our retention policies support differences. As a result, candidates applying for roles and people throughout roles in the organisation reflect the community the organisation serves.
  - Ensuring hiring managers have the tools to source candidates from diverse backgrounds.
  - challenging and working with line managers to make job descriptions and person specifications as inclusive as possible; this will help to attract a diverse range of people who are not deterred by unnecessary requirements. For example, ask if a particular qualification or number of years of experience is necessary and whether suitability for the job could be demonstrated through skills and behaviours.
  - Internal and external selection processes should be fair, including objective criteria for selecting people for promotion.
  - checking job descriptions, role profiles and person specifications to make sure the language used is inclusive rather than exclusive. People respond to word choices differently, and while they may believe a particular job is right for them, when they see further details, the word choices may leave them feeling that the role or organisation is not right for them. For example, terms such as "strong" can be considered masculine and may deter some people from applying
  - That in advance of any selection tests, including interviews, there should be a process in place to ask candidates if they require any reasonable adjustments.
- Employees receive training on Equity, Diversity and Inclusion, and Unconscious Bias. There is a specific course designed for managers on Unconscious Bias
- There are regular opportunities to recognise and celebrate different protected characteristics, people from other communities, such as carers, and people from different socio-economic backgrounds, for example, "Armed Forces Day", "Children's Mental Health Week", or "Anti-bullying Week". A targeted activity calendar using notable dates such as Black History Month and International Women's Day. The rationale is to demonstrate that the organisation recognises, celebrates and supports diversity.

- Line managers have the skills and competence to engage with difference, demonstrating the organisation's commitment to diversity on an ongoing basis.
- Internal communications share success stories, showing role models and individuals from different backgrounds or who have overcome obstacles and difficulties.
- Senior leaders sponsor and engage with diversity champions, diversity role models, and employee networks or resource groups focused on people from diverse backgrounds.
- The employer brand reflects the organisation's commitment to attracting and retaining diverse talent.
- HR monitors progress on diversity through qualitative and quantitative measures, including collecting and using data on recruitment, access to training, promotion, performance management ratings and staff turnover, broken down by protected characteristics and other backgrounds.

### 3. Specific Points

#### 3.1 Equal opportunities in employment

The Company will avoid unlawful discrimination in all aspects of employment, including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Role Profiles will be limited to requirements necessary for the effective performance of the job and to comply with Regulatory requirements. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking into account any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where evidentially necessary.

When considering requests for variations to the standard working practices, we will consider any possible indirectly discriminatory effect of the practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done. We will refuse such requests only if the Company considers it has good reasons, unrelated to any protected characteristic, for doing so. We will comply with our obligations in relation to statutory requests for contract variations. We will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

**Monitoring:** We will monitor the ethnicity, sex, and age composition of the existing workforce and applicants for jobs (including promotion), as well as the number of people with disabilities within these groups. We will consider and take any appropriate action to address any problems that may be identified because of the monitoring process.

In recognition of workplace disparities and to be informed and knowledgeable about the experience of black, Asian, and ethnic minority employees, we established the BAME Employee Support group.

Together with the BAME Employee Group, an Anti-Racism plan has been created and published – agreed upon by the Senior Leadership Team to implement practices and initiatives in all parts of the organisation to be more inclusive, to improve the experience of employees and to increase the ethnic diversity of our workforce.

### **3.2 Customers, suppliers and other people not employed by the Company**

We will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the Company. You should report any bullying or harassment by customers, suppliers, visitors or others to your manager, who will take appropriate action.

### **3.3 Children and young people placed in the care of the Company**

We are committed to ensuring that all children and young people have equal worth and equal rights and a belief in each child or young person's potential.

### **3.4 Your Responsibilities**

You are required to assist the Company in meeting its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

You can be held personally liable as well as, or instead of, the Company for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Company's Disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice or pay in lieu of notice.

### **3.5 Training**

We are committed to ensuring all employees recognise the importance of equal opportunities and provide training in equality and diversity to all levels of employees as part of their induction.

Managers involved in recruiting and selecting employees will also undertake training on recruitment and selection to ensure they understand their responsibilities.

The Company will provide training to all existing and new employees to help them understand their rights and responsibilities under the Dignity at Work policy and what they can do to help create a working environment free of bullying and harassment.

### **3.6 Breaches by Contractors and Volunteers**

Any conduct by a person under contract to provide services to the Company or on behalf of the Company or a volunteer, which amounts to a breach of this policy, will result in termination of that contract. The person will be personally liable for any act of unlawful discrimination.



### **3.7 Reporting Discrimination - What You Should Do**

If you consider that you may have been unlawfully discriminated against, you should use the Company's Grievance procedure to make a complaint. If the complaint involves bullying or harassment, the grievance procedure is modified and set out in the Dignity at Work policy.

If a person using the Company's services or a Contractor considers they have been unlawfully discriminated against, they should use the Company's Complaints procedure.

We will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance or complaint or be subjected to victimisation because of raising the grievance or complaint.

If the grievance is untrue and/or malicious, you should be aware that the Disciplinary policy could be instigated regarding your action.

We recommend that the complaint is first raised through the Grievance procedure to enable us to address the discriminatory practice and seek a resolution to the complaint.

Any employee who feels they have been subjected to discrimination may wish to resolve the matter informally in the first instance. In some cases, it may be sufficient to explain clearly to the person(s) engaged in the discriminatory conduct that the behaviour is unwelcome and that it offends or makes you uncomfortable. You should keep a record of incidents, detailing when, where, what occurred and any witnesses (if any).

Where an employee cannot resolve a complaint within a reasonable time on an informal basis, or you feel it cannot be resolved on an informal basis, then you should raise the complaint to your manager through the Grievance procedure.

### **3.8 Monitoring and review**

This policy will be monitored periodically by the Company and as necessary by the Head of HR and the Policy and Procedures Review Group (PPRG) to ensure that it remains current and reflects the needs and practices of the Company and changes in the law.

The Company will monitor the ethnicity and sex composition of the existing workforce, job applicants (including promotion), and the number of people with disabilities within these groups. It will review its equal opportunities policy following the results shown by the monitoring.

The organisation treats personal data collected for reviewing equality of opportunity in recruitment and selection under its data protection policy. Information about how data is used and the basis for processing is provided in the organisation's privacy notice issued to applicants and employees.