

# London Care Plc

## Equalities and Diversity Policy

### 1. Introduction

London Care Plc is committed to the promotion of equal opportunities both in its role as an employer and as a provider of care support services. The company values diversity both in the workplace and in society as a whole and believes that it is beneficial to employees and service users alike to maximise the potential in this diversity by incorporating anti-discriminatory practices into company policies, procedure and practice. These practices are based on current legislation and guidance, including the following:

- Equal Pay Act 1970 (and amendments)
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Article 13 of the Treaty of Amsterdam 1999
- The Race Relations (Amendment) Act 2000
- The Employment Act 2002
- Race Relations Act 1976 (Amendment) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion and Belief) Regulations 2003
- The Disability Discrimination Act 1995 (Amendment) Regulations 2003
- Disability Discrimination Act 2005
- Employment Equality (Sex Discrimination) Regulations (2005)
- Equality Act 2006
- The Equality Act (Sexual Orientation) Regulations 2007:

It is London Care's policy to ensure that all employees receive sufficient ongoing training in equalities and diversity, as they impact on their particular role, to ensure that they are able to discharge their duties in line with the company's policy and beliefs.

This policy applies to all local offices and all services provided by the Company. Ultimate responsibility for achieving the policy's objectives, and for ensuring compliance with the relevant Acts of Parliament as well as the various Codes of Practice, lies with the Directors of the Company and in particular with the Operations Director who is the designated Director responsible for Equalities. It is, however, the responsibility of all employees to promote equality of opportunity within their own sphere of responsibility. A copy of this policy is available to all employees on the company intranet or on request from each local office.

This policy has been devised on the basis of advice from the relevant bodies as well as in consultation with employee and service user representatives. Behaviour or actions against the spirit and/or the letter of the laws on which this policy is based will be considered serious disciplinary matters which may, in some cases, lead to dismissal.

### 2. Employment

2.1 The aims of this policy in relation to employment are to:

- 2.1.1 Ensure that London Care has access to the widest possible labour market and secures the best employees for its needs.

- 2.1.2 Ensure that no applicant or employee receives less favourable treatment, and that, wherever possible, they are given the help they need to attain their full potential to the benefit of service users, the company and themselves.
- 2.1.3 Achieve an ability-based workforce which is in line with the working population mix in the relevant labour market areas. The co-operation of all employees is essential for the success of this policy.
- 2.1.4 Ensure that no job applicant or employee receives less favourable treatment on the grounds of:
- Gender
  - Nationality<sup>1</sup>
  - Ethnicity
  - Religion or belief (or lack thereof)
  - Sexual orientation
  - Offending background<sup>2</sup>
  - Disability
  - Marital status
  - Age

2.2 The policy covers all aspects of employment, including (but not limited to):

- Recruitment advertising
- Initial applicant vetting
- Recruitment selection
- Supervision and appraisal
- Access to management support
- Allocation of assignments
- Salaries and rates of pay
- Access to training and development opportunities
- Promotion
- Granting of Leave Requests
- Disciplinary and Grievance Procedures

2.2 **Employee Equalities Data** - To ensure that the policy is operating effectively (and for no other purpose), the company gathers and retains data on employees' and applicants' gender, nationality, ethnicity, religion or belief (or lack thereof), sexual orientation, offending background, disability, marital status and age. Periodic and ongoing monitoring and regular analysis of such records will provide the basis for appropriate action to eliminate unlawful direct and indirect discrimination and to promote equality of opportunity.

All personal data will be kept in line with the company's Data Storage, Protection and Retention Policy.

2.4 **Long-Term Aims** - London Care's long-term aim is that the composition of its workforce should, insofar as is reasonably practicable, reflect that of the communities in which it operates. Recruitment targets will be set for minority groups that are identified as being locally underrepresented in the workforce. Where necessary, special steps, as permitted or recommended by the relevant legislation and codes of practice (see section 1 above), will be taken to help disadvantaged and/or underrepresented groups to compete for jobs on a genuine basis of equality.

2.5 **Responsibilities** - It is the duty of all employees to accept their personal responsibility in the implementation of this policy. At the same time, the company acknowledges that specific responsibilities fall upon line managers and individuals professionally involved in recruitment, promotion, management, supervision and training of employees.

<sup>1</sup> Within the restrictions of the law on Preventing Illegal Working (see guidelines QG020).

<sup>2</sup> that does not create risk to children and vulnerable adults (see Criminal Record and Disclosures Policy QPD042).

**2.6 Recruitment Advertising<sup>3</sup>** - In line with the company's policy of internal promotion, all operational staff vacancies will be advertised internally. If an internal vacancy cannot be filled internally, such positions may also then be advertised externally. Positions will only be simultaneously advertised both internally and externally where there is a particular urgency to fill the position.

Steps will be taken to ensure that recruitment advertisements do not directly or indirectly discriminate against potential applicants (but see 2.9 below – *Genuine Occupational Requirements*).

Steps will be taken to ensure that knowledge of positions reaches underrepresented groups internally and externally. Wherever possible, positions will be notified to job centres, careers offices, schools, colleges, community groups etc, with significant minority group rolls, as well as to minority press/media.

All recruitment advertisements, regardless of medium or format, must include the phrase 'London Care is an Equal Opportunities Employer'.

**2.7 Selection and Recruitment<sup>4</sup>** - Selection criteria (job descriptions and person specifications) will be kept under regular review by the Recruitment Committee to ensure that they are justifiable on non-discriminatory grounds as being essential for the effective performance of the job.

Measures will be taken to ensure that the scope for conscious or unconscious discrimination in the selection process is minimised. This will be achieved by removing information on minority status from main application forms for the purposes of initial vetting (except where a genuine occupational requirement has been specified (see 2.9 below)) and shortlisting for interview on a clear and pre-determined scoring system based only on the specified selection criteria for the position.

Wherever possible, more than one person must be involved in the selection interview and recruitment process, and all should have received role-specific Equalities and Diversity training.

Wherever reasonably practicable, selection and interview panels will be heterogeneous with regard to minority status (e.g. where one interviewer is a man, the other should be a woman or where one interviewer is of White British origin, the other should be of another ethnicity). Reasons for selection and rejection of applicants for positions must be recorded.

<sup>3</sup> Refer also to Recruitment Procedures QP013 and QP014.

<sup>4</sup> Refer to Job Descriptions

**2.8 Positive action - training, promotion and conditions of service**<sup>5</sup> - Under-represented groups will be encouraged to apply for training and employment opportunities. Wherever possible, special training will be provided for such groups to prepare them to compete on genuinely equal terms for jobs and promotion. However, actual decisions made with respect to recruitment and promotion for all job classifications will be made solely on the basis of individual qualifications related to the requirements of the position (except where a 'genuine occupational requirement' is lawfully justified (see 2.9 below)).

Wherever possible, efforts will be made to identify and remove unnecessary or unjustifiable barriers and provide appropriate facilities and conditions of service to meet the special needs of disadvantaged and/or under-represented groups.

**2.9 Disability Discrimination** – in line with the Disability Discrimination Act 1995 and subsequent amending legislation, London Care will take all reasonable measures to ensure that people with disabilities are not disadvantaged in anyway way in relation to employment. This will include:

- Asking applicants whether they identify themselves as having a disability.
- Asking applicants with disabilities at interview what special measures (e.g. adaptations, time off for medical appointments) London Care would need to take to allow them to undertake the role for which they are applying and, where the applicant is appointed, enacting those measures (where reasonably practicable).
- Selecting office premises with due regard for accessibility by employees with disabilities.

**2.10 Genuine Occupational Requirements** - Relevant legislation allows for specific discrimination in employment where there is a 'genuine occupational requirement' that a worker be a member (or not a member) of a particular minority group. For example, London Care's Policy on Cross-Gender Care (QPD010) allows that service users may request a careworker of a particular gender where their support package includes personal care; this falls within the exceptions to the Sex Discrimination Act 1975. This would be an example of direct discrimination justifiable as a genuine occupational requirement.

Indirect discrimination may also be justified as a genuine occupational requirement. For example, where a service user spoke only German, it might be justified to recruit and assign a German-speaking careworker. This might of course indirectly discriminate against non-Germans (who would be less likely to speak the language) but this discrimination could be justified within the scope of relevant legislation.

Whilst genuine occupational requirements may justify discrimination in certain cases, they may not be used as an excuse for illegitimate discrimination. It is regrettably not uncommon, for example, for a service user to refuse to receive a service from a person of a certain ethnicity. There would be very few cases in which such a request could be justified as a genuine occupational requirement.

Due to the sensitive nature and potential repercussions of discriminating on grounds of 'reasonable occupational requirement', decisions to discriminate except on grounds of gender (within the terms of the Policy on Cross-Gender Care QPD010) may only be taken with the knowledge and consent of the Branch Manager (or equivalent or above). The grounds for discrimination must also be documented and may be reviewed as part of the Equalities Monitoring Procedure (QP031).

**2.11 Discriminatory Behaviour** – London Care is committed to ensuring that its employees are not exposed to discriminatory bullying, harassment, abuse or other behaviour or practice in the workplace (see also the Policy on Bullying and Harassment (QPD043)). Unacceptable behaviour that may deemed discriminatory may include (but will not be limited to):

- The use of offensive or insensitive language and terminology, even where such language or terminology is not intended to offend. Each employee is expected to consider the impact that their choice of words may have on people from minority groups (and others) and should take care to use language that does not offend, alienate or cause distress.

<sup>5</sup> Refer to QPD012 – Training and Development Policy

- The display of materials that could cause offence (including calendars, posters, computer 'wallpapers' etc.).
- The telling of jokes, either verbally or in writing (including by email) at the expense of minority groups.
- Comments of a sexual nature.
- Failure to adhere to any of the other provisions of this policy in relation to employment practice.

Where an employee is suspected of or accused of discriminatory behaviour, he or she will be subject to the usual Disciplinary Procedure (QP002). Similarly, any employee who believes that he or she has been unfairly treated in any sense associated with this policy (including harassment, victimisation or discrimination) is entitled to raise the matter through the company's grievance procedure (QP019).

Where an employee is exposed to by a service user or another person who is not an employee of the company, London Care will support the employee and will pursue all reasonable means to ensure that this treatment is challenged. In extreme cases, the company may withdraw services from service users that discriminate against staff (refer to the Policy on Exclusion from Service QPD011).

**2.12 Equalities Monitoring** – the Quality Committee, under the guidance of the designated Quality Manager, will conduct annual reviews of the effectiveness of this policy, analysing recruitment and employment data both locally and companywide. The precise means by which this monitoring and analysis will be carried out is detailed in the Equalities Monitoring Procedure (QP031). Data reviewed will include:

- Staff surveys
- Disciplinary records
- Automated employee reports from LCAS<sup>6</sup>
- Recruitment and selection records
- Records of supervision, appraisal and training

Where shortfalls in the effectiveness of the policy are identified, specific improvement actions will be recorded in writing and reviewed as appropriate in the form of an Equalities Action Plan. The Plan will include:

- Opportunities for improvement.
- Action required to make these improvements.
- Responsibilities for action, and follow-up monitoring to ensure that the action taken has been effective.

### 3. Service Provision

**3.1 Aims** - It is London Care's policy also aims to ensure that no Service User or Purchaser receives less favourable treatment on the grounds of:

- Gender
- Nationality
- Ethnicity
- Religion or belief (or lack thereof)
- Sexual orientation
- Offending background

<sup>6</sup> London Care Administration System.

- Disability
- Marital status
- Age

It is also London Care's aim to ensure that, in line with the Care Standards Act 2002, the cultural, religious and linguistic needs of Service Users are taken into account in the assessment and provision of services (see also QPD004 – Service Users' Rights Policy).

**3.2 Culturally Appropriate Services** - Where possible (and where it is the preference of the service user) London Care will provide services that are culturally appropriate. A culturally appropriate service might, for example, include provision of a careworker with specific language skills.

However, the provision of a culturally appropriate service must not be used as a justification for unwarranted discrimination. Allocation of a careworker on the basis of their minority status must only be where there is a genuine occupational requirement (see 2.10 above).

**3.3 Careworker Competence** – careworkers working with people with minority needs will receive appropriate training (general and specific) to be able to meet those needs. For example, a range of Cultural Awareness Factsheets have been produced to help careworkers providing services to people of particular cultures and religions.

**3.4 Complaints** - any Service User or Purchaser who believes that he or she has been unfairly treated in any sense associated with this policy is entitled, encouraged and assisted to raise the matter through the Complaints Procedure (QP002).

**3.5 Discriminatory Behaviour** – London Care is committed to ensuring that its service users are not exposed to discriminatory bullying, harassment, abuse or other behaviour or practice in the course of the provision of their service. Unacceptable behaviour that may be deemed discriminatory may include (but will not be limited to):

- The use of offensive or insensitive language and terminology, even where such language or terminology is not intended to offend. Each employee is expected to consider the impact that their choice of words may have on people from minority groups (and others) and should take care to use language that does not offend, alienate or cause distress.
- The telling of jokes at the expense of minority groups.
- Comments of a sexual nature.
- Failure to adhere to any of the other provisions of this policy in relation to service provision.

Where an employee is suspected of or accused of discriminatory behaviour against a service user, he or she will be subject to the usual Disciplinary Procedure (QP002). Similarly, any service user who believes that he or she has been unfairly treated in any sense associated with this policy (including harassment, victimisation or discrimination) is entitled to raise the matter through the company's Complaints and Compliments Procedure (QP018).

Where an employee is exposed to by a service user or another person who is not an employee of the company, London Care will support the employee and will pursue all reasonable means to ensure that this treatment is challenged. In extreme cases, the company may withdraw services from service users that discriminate against staff (refer to the Policy on Exclusion from Service QPD011).

**3.6 Monitoring** – As part of the company's Quality Assurance Procedure (QP003), the Quality Committee, under the guidance of the designated Quality Manager, will conduct ongoing reviews of the effectiveness of this policy in relation to service provision, both locally and companywide. Areas reviewed will include (but are not limited to):

- Access to services
- Access to local offices

- Observance of religious beliefs, customs and festivals which may affect food/dietary preferences, personal care, worship and leisure activities.
- Communications, including: language; physical impairments or disabilities which may make communication difficult to understand, e.g. speech impediments, partial/total loss of hearing or sight
- Impairments or disabilities, including: loss of mobility - dependency upon wheelchairs, etc.; frailty; dementia

Data reviewed will include:

- Returns from Customer Satisfaction Surveys
- Individual Service Quality Monitoring returns
- Complaints Records
- Automated service user reports from LCAS<sup>7</sup>

Where shortfalls in the effectiveness of the policy are identified, specific improvement actions will be recorded in writing and reviewed as appropriate in the form of an Equalities Action Plan. The Plan will include:

- Opportunities for improvement.
- Action required to make these improvements.
- Responsibilities for action, and follow-up monitoring to ensure that the action taken has been effective.

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<sup>7</sup> London Care Administration System.