

# **EQUALITY AND DIVERSITY POLICY**

Overgate Ref: O-PL19



<b>Document Summary Table</b>	
<b>Person Responsible for Policy:</b>	Human Resources Manager/Director of Clinical Services
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## **AIMS OF THE POLICY**

Overgate Hospice believes in providing equity in all its services, in treating people fairly, with respect and dignity and in valuing diversity.

Our equality and diversity aims are to embed our equality and diversity values into all our organisational policies, guidelines, procedures and everyday practice and to eliminate all forms of discrimination on the grounds of:

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

Under the Equality Act, these are called 'protected characteristics'.

## **THE POLICY**

### **1. INTRODUCTION**

At Overgate Hospice we are committed to an equal opportunities approach in everything we do. This means we endeavour to ensure everyone, patients, families, staff, volunteers, donors and supporters are treated equitably, fairly, appropriately and with dignity and respect.

Overgate Hospice recognises that discrimination is both unlawful and unacceptable.

The Hospice is an equal opportunity employer and is fully committed to a policy of treating all its employees and job applicants equally.

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

The Hospice will take all reasonable steps to employ, train and promote employees on the basis of their experience, abilities and qualifications without regard to their protected characteristics.

The Hospice is also committed to ensuring equality of opportunities for all volunteers. We encourage people from all sections of the community to volunteer for us, to reflect the diverse population we serve within Calderdale. We take all reasonable steps to recruit and train volunteers on the basis of their experience, abilities and qualifications without regard to their protected characteristics and expect all our employees and volunteers to respect and value this diversity.

Care will be delivered on the basis of need.

The Hospice will take all reasonable steps to provide an environment in which everyone is treated with respect and dignity and that is free of harassment based upon an individual's protected characteristics

The Hospice will not condone any form of discrimination or harassment, whether engaged in by employees, volunteers or by outside third parties who do business with the Hospice, such as clients, customers, contractors and suppliers.

The Hospice will not tolerate any form of discrimination or harassment of our employees or volunteers by any patient, visitor, customer or donor. Any visitor, customer or donor, who expresses any form of discrimination against, or harassment of, any Hospice employee or volunteer will be required to leave the Hospice's premises forthwith.

Employees have a duty to co-operate with the Hospice to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination. Action will be taken under the Hospice's disciplinary procedure against any employee who is found to have committed an act of improper or unlawful discrimination. Serious breaches of this policy will be treated as potential gross misconduct, and could render the employee liable to summary dismissal.

Employees should also bear in mind that they can be held personally liable for any act of unlawful discrimination.

Bullying and intimidation in relation to a person's protected characteristics are classed as 'harassment'. Employees and volunteers must not harass any person at the Hospice, and such behaviour by employees will be treated as potential gross misconduct under the Hospice's disciplinary procedure. Employees who commit serious acts of harassment may also be guilty of a criminal offence. The Hospice has a separate Bullying and Harassment Policy which deals with these issues and sets out how complaints of this type will be dealt with.

The Hospice will also take appropriate action against any third parties who are found to have committed an act of improper or unlawful harassment against its employees or volunteers.

Employees and volunteers should draw the attention of their line manager to suspected discriminatory acts or practices. There should be no victimisation or retaliation against an employee or volunteer who has made allegations or complaints of discrimination or who has provided information about such discrimination, and such behaviour will be treated as potential gross misconduct in accordance with the Hospice's disciplinary procedure.

## **2. DIRECT DISCRIMINATION**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic.

In terms of employment, the treatment will still amount to direct discrimination even if it is based on the protected characteristics of a third party with whom the employee or volunteer is associated and not on the employee or volunteer's own protected characteristics. In addition, it can include cases where it is perceived that an employee or volunteer has a particular protected characteristic when in fact they do not.

The Hospice will take all reasonable steps to eliminate direct discrimination.

## **3. INDIRECT DISCRIMINATION**

Indirect discrimination occurs when there's a practice, policy or rule which applies to everyone in the same way, but adversely affects some people more than others, because it puts them at a disadvantage because of their protected characteristic.

In terms of employment, indirect discrimination can occur when employment policies, practices or rules:

- would be applied to all employees whether or not they have a protected characteristic, and
- puts employees who have that protected characteristic at a particular disadvantage, compared to those who do not have that protected characteristic, and
- cannot be shown by the Hospice to be a proportionate means of achieving a legitimate aim.

The Hospice will take all reasonable steps to eliminate indirect discrimination in all areas of the Hospice.

## **4. RECRUITMENT, ADVERTISING AND SELECTION**

The recruitment process will be conducted in such a way as to result in the selection of the most suitable person for the job in terms of relevant abilities and qualifications. The Hospice has a separate Recruitment Policy covering the Hospice's recruitment process which is consistent, open and transparent and which follows good practice recommendations to ensure all job applicants are treated appropriately and fairly.

## **4.1 ADVERTISEMENTS**

Recruitment publicity will aim to positively encourage applications from all suitably qualified people. When advertising job vacancies, in order to attract applications from all sections of the community, the Hospice will, as far as reasonably practicable:

- ensure advertisements are not confined to those publications which would exclude, or disproportionately reduce, the numbers of applicants of a particular characteristic
- avoid setting any unnecessary provisions or criteria which would exclude a higher proportion of people with a particular protected characteristic
- where vacancies may be filled by promotion or transfer, publish these to all eligible employees in such a way that they do not restrict applications from employees with a particular protected characteristic

However, in cases where (having regard to the nature and context of the work) having particular protected characteristics is an occupational requirement and that occupational requirement is a proportionate means of achieving a legitimate aim, the Hospice will apply that requirement to the job role and this may therefore be specified in the advertisement.

## **4.2 SELECTION METHODS**

The selection process will be carried out consistently for all jobs at all levels. The Hospice will ensure that a copy of this policy is available to all employees, in particular those with responsibility for recruitment, selection and promotion.

The selection of new employees will be based on job requirements and the individual's suitability and ability to do, or to train for, the job in question. Person specification and job descriptions will be limited to those requirements that are necessary for the effective performance of the job.

Candidates for employment, promotion or transfer will be assessed objectively against the requirements of the job.

Candidates should be asked if they need an adjustment to the recruitment process to allow them to be considered for the job, and these must be made if they are reasonable, for example allowing:

- wheelchair users to have their interview on the ground floor
- candidates to complete a written test using a computer

They can be asked what adjustments they'll need to do the job, after the job offer has been made.

## **4.3 APPLICATION PROCESS AND INTERVIEWING**

All applications will be processed in the same way. Employees responsible for shortlisting, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application.

Wherever possible, all applicants will be interviewed by at least two people. All questions that are put to the applicants will relate to the requirements of the job.

If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about any of the protected characteristics.

Recruitment publicity for volunteers will aim to positively encourage applications from all suitable people. The recruitment of new volunteers will be based on the individual's suitability and ability to do, or to train for, volunteer roles at the Hospice.

## **5. TRAINING**

The Hospice will take such measures as may be necessary to ensure the proper training, supervision and instruction for all line managers in order to familiarise them with the Hospice's policy on Equality and Diversity, in order to help them identify discriminatory acts or practices and to ensure that they promote equal opportunity within the departments for which they are responsible.

The Hospice will also provide training and guidance to all employees and volunteers to help them understand their rights and responsibilities under the Equality and Diversity Policy and what they can do to create a work environment that is free of discrimination.

All persons responsible for selecting new employees, volunteers or candidates for training, transfer or promotion to other jobs will be instructed not to discriminate on the basis of one or more of the protected characteristics.

## **6. TERMS OF EMPLOYMENT BENEFITS, FACILITIES AND SERVICES**

All terms of employment, benefits, facilities and service will be reviewed from time to time, in order to ensure that there is no unlawful discrimination on the grounds of one or more of the protected characteristics.

### **6.1 EQUAL PAY AND EQUALITY OF TERMS**

The Hospice is committed to equal pay in employment. It believes its male and female employees should receive equal pay for like work, i.e. work rated as equivalent or work of equal value. In order to achieve this, the Hospice will ensure that this policy is followed with respect to recruitment to roles at all levels in the organisation.

## **7. COMPLAINTS**

All allegations of discrimination will be dealt with seriously, confidentially and speedily. The Hospice will not ignore or treat lightly grievances or complaints of discrimination on the basis of a complainant's protected characteristics.

If an **employee or volunteer** feels that they have experienced discrimination or harassment, they should take the steps in 7.1, irrespective of whether that complaint is against a fellow-employee or volunteer, or against a third party such as a customer, donor, contractor or supplier.

If a complaint is received from a **job applicant/potential volunteer** then this should be directed to the Head of HR.

A job applicant who thinks they have been discriminated against at interview stage is able to serve upon the Hospice a discrimination questionnaire under the Equality Act 2010, which allows them to question the Hospice about their treatment. This questionnaire includes standard questions (such as to what extent the Hospice agrees with the individual's version of events; what the Hospice's own version of events is and if the Hospice accepts that the treatment of the individual was unlawful and if not, why not). It also has a section for the individual to ask additional questions, for example, about the selection criteria used; exactly how candidates were scored on those criteria; why they were rejected and the reasons the successful candidate was appointed. They are also able to ask for relevant statistical information, such as a breakdown of the workforce or other job applicants by their ethnic profile. The Hospice has up to eight weeks to respond to this, and, although not legally obliged to do so, if we decline to or give incomplete or evasive answers, Then should the complaint be taken to a Tribunal, then they may in draw the inference that the Hospice has discriminated against the individual.

If a complaint is received from or about a **patient/visitor** or a **customer/donor** (i.e. that they are the recipient or perpetrator of an act of discrimination or harassment) then this should be addressed to the Director of Clinical Services or Director of Income Generation respectively. It's best to try to resolve such complaints informally if possible to stop the problem getting worse and avoid the expense of taking legal action.

When a complaint is received, the Director should meet with the complainant and establish:

- a description of the service they tried to use
- the names and job titles of the people involved
- a short description of what happened
- the date and time of the incident
- a description of how the incident affected them
- what they want the Hospice to do now - for example, apologise, review a decision already taken or offer compensation
- when they expect a reply

A note of the conversation should be made and followed up with a letter recording what was discussed. If the problem can't be resolved informally, the complainant may, depending on the circumstances, be able to make a formal complaint under the Hospice's Incident Reporting Policy.

## **7.1 REPORTING COMPLAINTS**

In the first instance, the discrimination should be reported to the line manager. If the complainant does not wish to speak to their line manager, they can instead speak to an alternative manager, a member of the Senior Management Team, a member of HR or the Volunteer Services Co-ordinator.

Such reports should be made promptly so that investigation may proceed and any action be taken expeditiously.

All allegations of discrimination or harassment will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, the complainant will be interviewed/asked to provide a written statement setting out the details of their complaint.

Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, the Hospice must be able to determine the scope of the investigation and identify individuals who should be informed of, or interviewed about, the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged discriminator so that they are able to respond fairly to the complaint. The Hospice reserves the right to arrange for another manager to conduct the investigation, other than the manager with whom the complaint was originally raised.

The Hospice will invite the complainant to attend at least one meeting at a reasonable time and place at which the complaint can be discussed. The complainant must take all reasonable steps to attend and they have the right to be accompanied at this meeting by either a work colleague or trade union official.

Once the investigation has been completed, the complainant will be informed in writing of the outcome as soon as possible. They will also be informed of their right of appeal against the decision if they are not satisfied with it.

## **7.2 APPEALS**

Appeals must be made in writing to a more senior manager or to HR within five working days of the decision being given. On receipt of an appeal, a more senior manager or director (who may not be the person that the appeal was addressed to) shall make arrangements to hear it at an appeal hearing. At that hearing the complainant may again, if they wish, be accompanied by either a work colleague or a trade union official. They must take all reasonable steps to attend that meeting. Following the meeting, the appeal manager will inform the appellant in writing of the Hospice's decision. This decision is final.

## **7.3 AFTERWARDS**

Employees or volunteers will not be penalised for raising a complaint, even if it is not upheld, unless the complaint was both untrue and made in bad faith.

The Hospice is committed to taking appropriate action with respect to all complaints of discrimination which are upheld. If a complaint is upheld and the discriminator remains in the Hospice's employment, all reasonable steps will be taken to ensure that the complainant does not have to continue working alongside them if they do not wish to.

If the complaint is not upheld, arrangements will be made for the complainant and the alleged discriminator to continue or resume normal working and to repair working relationships.

Any employee who is found to have discriminated against another employee, a volunteer, patient or visitor in violation of this policy will be subject to disciplinary action under the Hospice's Disciplinary Procedure. Such behaviour may be treated as

potential gross misconduct and could render the employee liable to summary dismissal.

In addition, line managers who had knowledge that such discrimination had occurred in their departments, but who had taken no action to eliminate it, may also be subject to disciplinary action.

## **8. MONITORING EQUAL OPPORTUNITY AND DIGNITY AT WORK**

The Hospice will regularly monitor the effects of selection decisions (including patient referrals) and personnel and pay practices and procedures in order to assess whether equality and diversity are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices. If changes are required, the Hospice will implement them. The Hospice will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

## **9. ACCOUNTABILITIES AND RESPONSIBILITIES**

This policy applies to all Overgate Hospice staff including, where stated, volunteers. Individuals carry personal responsibility for their own behaviour in relation to equality and diversity.

**Everyone** has the responsibility to:

- treat everyone else with dignity and respect
- ensure that there is no victimisation of others and no pressure on others to unfairly discriminate
- understand and practice equal opportunities
- value everyone as an individual
- bring any unfair treatment or discriminatory behaviour to the attention of the organisation through a formal process
- bring relevant issues / concerns to the attention of their line manager or HR

### **9.1 INDIVIDUAL RESPONSIBILITIES**

#### **The Chief Executive**

Has overall responsibility for ensuring that the Hospice complies with equality and diversity legislation.

#### **The Senior Management Team**

Have overall responsibility for this policy and implementation which includes:

- ensuring that the Board are appropriately trained and updated in matters of equality and diversity
- ensuring that all line managers have access to the policy and that they are aware of their responsibility to their employees



## **Line Managers**

Have direct responsibility for:

- familiarising themselves with the policy
- ensuring all their employees have access to it and have read and understood it
- the effective implementation and monitoring of this policy at operational level
- ensuring all their employees undertake mandatory training on equality and diversity

## **All Employees**

Have responsibility for ensuring that they work in line with the policy and that they have undertaken the mandatory training in equality and diversity.

Failure to comply with this Equality and Diversity Policy could lead to disciplinary action which applies equally across all employee groups.

## **Volunteers**

Have responsibility for ensuring that they have read and understood the section on Equality and Diversity in the Statutory Training Booklet for Overgate Hospice Volunteers, and that they conduct themselves in line with this policy.

## **External Providers**

Where the Hospice uses external providers of services they will be required to ensure that the equality and diversity standards identified in this policy are met.

## **Users of the Hospice's Services (patients, friends, relatives, customers)**

Users of the Hospice's services will be treated as individuals and with courtesy and respect, irrespective of their protected characteristics. The Hospice asks in return that users treat Hospice staff, volunteers and other users with the same courtesy and respect.

## **10. REASONABLE ADJUSTMENTS**

Under the terms of its equality duty, the Hospice will work towards meeting its responsibilities under the Equality Act. It will do this by reviewing policies and practices to identify possible barriers for disabled people so that these can be minimised and/or reasonable adjustments made.

When making an assessment of what is considered 'reasonable adjustment' the following will be taken into account:

- the extent to which the reasonable adjustment will prevent discrimination
- the extent to which it is practical for the Hospice to make the adjustment
- the cost and availability of resources, including access to funding

The Hospice will monitor the effectiveness of the reasonable adjustment measures it puts in place to ensure that they are:

- effective, and,
- prevent discrimination

<b>IMPLEMENTATION PLAN</b>
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The Committees, SMT/OMT have identified and agreed a number of key tasks necessary for the effective implementation of this policy which are detailed below:

Implementation Task	Task Responsibility	Timeline
Inform staff of new policy via the Communications Bulletin and sign post with link.	Relevant Committee/Senior Management Team (SMT) meeting to inform the Head of Marketing/Head of Communication when new policies agreed.	Once policy agreed to be placed in next Communication Bulletin.
Cascade information via OMT meetings.	OMT members to cascade to teams once policy is agreed	At OMT meeting.
Line Managers to take responsibility for ensuring staff have access to policy drive.	Line Managers to request access to relevant drive	On appointment to post.
Ensure minutes where policies are agreed (Committee/Board or SMT) reflect decisions.	Relevant Committee/Board or SMT to record agreed decisions.	At bi-monthly meeting.
Where required a training strategy will be agreed.	Line Managers to access training for staff.	As requested.

This policy relates to both Overgate Hospice and Overgate Hospice Support Limited employees and volunteers.