



Equality and Diversity Policy

HR - 002

October 2016

At CHDA, our mission is to help customers move forward with their lives
by providing a quality, sensitive and respectful service.

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Summary Table

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Resources

1 Context

- 1.1 Establishing and maintaining a constructive working environment is vital to the Centre for Health and Disability Assessments' (CHDA) ongoing success. It is important that all employees feel empowered to make the best possible contribution they can to the organisation. The purpose of this policy is to set out a framework of expectations and commitments which will ensure that all employees and clients of CHDA are treated respectfully, fairly and appropriately at all times.
- 1.2 Where a breach of this policy is identified, CHDA has developed procedures to enable employees to raise their concerns and have them dealt with appropriately.

1.3 Dignity at Work

- 1.3.1 If an employee considers that they may have been unlawfully discriminated against, they may use the Company's Grievance Procedure to make a complaint. If a complaint involves bullying or harassment, the Dignity at Work Policy and Procedure is applied.
- 1.3.2 CHDA will take any complaint seriously and will seek to resolve any grievance that it upholds. An employee will not be penalised for raising a grievance or complaint through the Dignity at Work Policy, even if their grievance is not upheld, unless their complaint is both untrue and made in bad faith.

2 Definitions

2.1 Equality

The elimination of barriers and unlawful discrimination against people with protected characteristics. It is ensuring equal opportunity and fair treatment for all individuals regardless to their personal characteristics and/or needs.

2.2 Diversity

The visible and non-visible individual differences that characterise people. Diversity is concerned with recognising, valuing and utilising these differences of individuals and embraces the unique contribution they can make to deliver the best possible solutions for our people, our clients and our business

2.3 Inclusion

A culture where differences are valued and each individual has the opportunity to participate and develop. Individuals are involved, respected and included in supporting the aims and values of the company.

2.4 Equality and Diversity

Equality and Diversity are not inter-changeable but inter-dependent however there can be no equality of opportunity if differences are not valued and encouraged.

3 Scope

- 3.1 This policy and the commitments contained herein apply to all CHDA employees on a permanent or fixed term contract, all consultants, all visitors and contractors who visit our premises or who act for or represent the organisation in any capacity.

4 Roles and Responsibilities

4.1 Managing Directors and Leadership Team

- 4.1.1 The Managing Directors have a particular responsibility to ensure that both employment and service delivery take equality and diversity aims and commitments into account and that appropriate monitoring, reporting and action planning take place.
- 4.1.2 Managing Directors will provide leadership and champion equality and diversity principles across CHDA; promoting and ensuring that these are reflected in everything we do.
- 4.1.3 Members of the Leadership Team have a corporate responsibility for ensuring that this policy underpins all aspects of our work and are responsible for developing an organisational culture within which this policy can operate effectively. Leadership team members are individually and corporately responsible for ensuring that this policy is implemented in their particular areas of CHDA and that appropriate action planning and implementation takes place.
- 4.1.4 In respect of service delivery, appropriate members of the Leadership Team are both individually and corporately responsible for the design, development, implementation and promotion of equality and diversity strategies and plans within their own directorates.
- 4.1.5 In respect of employment matters, CHDA's Director of HR has particular responsibility for designing, developing, implementing and promoting equality and diversity strategies and plans across CHDA.

4.2 Employees and Line Managers

- 4.2.1 All employees have a contractual responsibility to ensure that they adhere to, support and promote the aims of the policy and should:
- Familiarise themselves with the policy and understand the values and benefits of equality and diversity

- Contribute to ensuring that the legislative and policy requirements relating to quality and diversity are implemented into all our working practice and discrimination is eliminated.
- Refrain from victimising anyone as a result of them having reported or provided evidence of discrimination or harass, abuse or intimidate others on account of any protected characteristic
- Raise with the organisation any instances of apparent discrimination, or a perceived problem.
- Embrace what is unique about individuals and value the contributions of employees with different perspectives and experiences to encourage and enhance positive working relationships

4.2.2 Additional and specific responsibilities apply to those who manage others and to those who are involved in recruitment, promotion, training and development including:

- Ensuring that no job applicant or employee receives less favorable treatment
- Recruit, develop and retain the most talented people regardless of individual characteristics.
- Lead by example by promoting equality of opportunity and challenging discriminatory conduct
- Support employees to do their best to promote and embed equality of opportunity
- Ensure that their team are aware and familiar of the policy and principles including what to do if they are witness to, or aware of any breach, of this policy
- Deal with breaches to this policy promptly, sensitively and confidentially.

4.2.3 Employees 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.

4.2.4 Any breach of the Equality and Diversity Policy will be dealt with through the Disciplinary Procedure. Serious breaches will be dealt with as Gross Misconduct and could lead to dismissal without notice.

4.3 Contractors, consultants, external partners and other representatives of CHDA

4.3.1 All organisations and individuals acting for, or working on behalf of CHDA must adhere to this Equality and Diversity Policy. Failure to do so is likely to result in the relationship being terminated. This provision will be built into all contracts for services.

5 The Policy

5.1 Introduction

- 5.1.1 CHDA is committed to the equality of opportunity for all and to respecting the needs of our diverse communities in service delivery, recruitment and employment. We recognise and value diversity within our organisation and the contribution a diverse workforce makes to enhancing our services and understanding the needs of our clients.
- 5.1.2 In addition to fulfilling our statutory responsibility to promote equal opportunity, we are committed to embedding diversity into everything we do and take positive action to embrace diversity.
- 5.1.3 CHDA will develop strategies and action plans to enable us to achieve our equality and diversity aims and commitments that lead to the continuous improvement of services to our clients.
- 5.1.4. We are opposed to unlawful discrimination in any form on the grounds of any protected characteristic including age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation and caring responsibilities or any other unjustifiable criteria.
- 5.1.5 We are committed to developing an organisational culture of positive working relationships which values people from all sections of society and the contribution that they can make. By recognising that people from different backgrounds can bring fresh ideas and perceptions, we are able to nurture talent and improve the efficiency of service delivery to ultimately enhance client satisfaction.
- 5.1.6 We will apply these principles when carrying out our activities and will seek to ensure they are applied to work undertaken for us by external contractors and to organisations working in partnership with us.

5.2 CHDA Commitment

- 5.2.1 We are committed to identifying and working towards addressing issues of equality and diversity within its employment arrangements.

Recognising that different issues and solutions are likely to be appropriate in relation to the different aspects of diversity, CHDA will establish a series of action plans designed to provide a consistent over-arching organisational wide framework, whilst allowing for flexibility in the design of solutions to address the differing emergent issues.

5.3 Legislation

5.3.1 Equality Act 2010

Under the Equality Act 2010, it is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy and maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion and belief, or because someone is married or in a civil partnership. These are known as “protected characteristics”.

Discrimination and harassment after employment has ended is also deemed to be unlawful under the Equality Act 2010.

Employers providing a service are also required to make reasonable adjustments for individuals with disabilities to overcome any barriers prohibiting them using service.

5.3.2 Types of unlawful discrimination

- **Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. 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 there is an occupational requirement. The occupational requirement must be crucial to the post and a ‘proportionate means of achieving a legitimate aim’.

- **Indirect discrimination** is where a provision, criterion or practice (PCP) is applied to everyone however is discriminatory to individuals who have a certain protected characteristic. The PCP is therefore at the detriment of people who share that protected characteristic compared with people who do not.
- **Associative discrimination** is where an individual is directly discriminated against or harassed for having an association with another individual who has a protected characteristic. (Although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).
- **Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not in fact have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).
- **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 or not this effect was intended by the person responsible for the conduct.
- **Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or grievance under the Equality Act 2010, or because

he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported 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.

5.3.3 Regulatory framework

CHDA aims to ensure we meet our obligations and responsibilities both as an employer and as a service provider as set out in the Equality Act 2010.

5.4 Monitoring

5.4.1 What is monitoring?

Monitoring equality and diversity in the workforce enables CHDA to examine how its employment policies and processes are working and to identify areas where these appear to be impacting disproportionately on certain groups of employees.

It is also necessary to meet legislative requirements, provide the basis for showing 'due regard' and support the development of more informed, inclusive decision making in all practices, including decisions on recruitment and promotion. Effective monitoring also helps CHDA minimise possible legal, financial and reputational harm.

Monitoring can be done at a variety of different points in the employment cycle including recruitment, training, promotion, staff surveys, performance management, grievances and dismissals. The purpose of collecting this information is to look for differences between groups, identify trends over periods of time, to investigate the reasons for these differences and to put suitable actions in place.

5.4.2 Benefits for CHDA

Understanding the composition of the workforce can enable an organisation to highlight differences between groups in terms of satisfaction, engagement and progression. This in turn can enable organisations to identify, tackle and prevent issues that would otherwise undermine employee engagement and productivity.

Equality and diversity monitoring can help to:

- **Build reputation** – research shows that the best performing organisations are those that invest most on promoting equality and diversity in their workforce
- **Improve productivity** – we know that valuing and supporting the diversity of people's backgrounds and lifestyles is important in making the most of the contribution that they can bring to an organisation's performance
- **Recruit and retain the best** from the widest talent pool

- **Create awareness** – signalling CHDA's understanding of and commitment to creating a more inclusive work environment
- **Provide specific adjustments, training and/or interventions**
- **Identify and address any inequalities** – in the application of employment practices
- **Avoid risk** – compliance with the Equality Act 2010 avoids damaging and costly employment tribunals or negative publicity.

5.5 Employment Practices

5.5.1 Recruitment and selection

CHDA aims to operate recruitment policies that avoid direct and indirect discrimination on unjustifiable grounds. Our Recruitment and Selection Guidance for Managers contains specific guidance for managers on ensuring equal opportunity across all stages of the process – including developing job descriptions, short-listing and interviewing, selection tests and appointment arrangements. The content and effectiveness of our recruitment and selection procedures will be reviewed annually by Human Resources and where appropriate, will be revised in the light of experience and learnings.

We will monitor applications, short listing and appointments in order to identify any areas of concern and to take appropriate action to address these where necessary. This monitoring will also allow us to develop actions plans to improve the diversity of the workforce.

Recruitment and Selection Training will be available to all employees involved in such activities. This will include specific information on equality and diversity issues in respect of CHDA's recruitment and selection activities.

- **Genuine occupational qualification**

For specific roles, CHDA may from time to time rely upon the legal provision to apply a specific requirement which discriminates in favour of a particular group. This will only be applied where this is considered essential for the effective performance of the role (e.g. particular language skills appropriate to the needs of the relevant client community). In these circumstances, the legal provision to apply a 'genuine occupational requirement' will be invoked; however this will only be applied where there is an objectively justifiable requirement within the role and on a case by case basis.

- **Selecting between candidates of equal merit**

In order to address specific issues of under-representation of certain groups, CHDA may take positive action as defined within the provisions of the Equality Act 2010 (s.159). This will be taken on the basis of organisational and local needs and

will only be considered to address a genuine area of under representation.

Although positive action may be used to encourage applications, we will not positively discriminate at the stage of selection for employment or promotion unless in specific reference to section 159 of the Equality Act 2010, which allows employers to appoint or promote a candidate from an under represented group to a role over another candidate of equal merit.

In all other circumstances CHDA is committed to ensuring that all selection, appointment and advancement will be made solely on merit, regardless of race, gender, disability, age, sexual orientation, religion etc. on the basis of the justifiable job requirements and equal opportunity for all applicants and employees.

5.5.2 Induction, training and development

All new employees are required to attend equality and diversity training and are introduced to this policy as part of their induction programme. From time to time, existing employees will attend refresher training in these areas in order to keep them up to date with new policy and practice.

Training and development opportunities will be managed in a manner that avoids direct or indirect discrimination and ensures that equal opportunity is a key principle applied. If considered appropriate as a result of monitoring, CHDA may from time to time put in place specific action plans designed to address possible areas of concern in respect of equal opportunity in relation to training and development.

5.5.3 Career progression

Career progression will be managed in a manner that avoids direct or indirect discrimination and ensures that equal opportunity is a key principle applied. If considered appropriate as a result of monitoring, CHDA may from time to time put in place specific action plans designed to address possible areas of concern in respect of equal opportunity in relation to career progression.

5.5.4 Redeployment and redundancy

With reference to the appropriate policies and practices in operation at the time, selection for redeployment and/or redundancy will be based strictly upon objective grounds and will be conducted in a manner that avoids any direct or indirect discrimination.

5.5.5 Other employment policies

CHDA will also develop and maintain a suite of policies and practices which reflect our commitment to being a family-friendly employer and will enable our people to combine

work and home life. These include flexible working arrangements, special leave to care for dependents, maternity and paternity provisions, etc.

CHDA are committed to undertaking regular reviews of all our people policies in order to ensure that equality and diversity are reflected throughout and will regularly benchmark ourselves against appropriate organisations to ensure that we reflect good practice.

5.5.6 Equality Impact Assessments

CHDA are committed to completing Equality Impact Assessments (EIA) for policies and procedures that are relevant to equality in the workplace.

The purpose of EIA's is to help CHDA analyse its policies and practices to ensure they do not discriminate or disadvantage people as well as to improve and promote equality.

Through the completion of EIA we are able to show that due regard has been taken with each of our policies and procedures to eliminate discrimination, advance equality of opportunity and foster good relations. From these we are also able to identify ways to remove barriers and improve participation for people with a protected characteristic.

5.6 Further Guidance

5.5.1 Religious Observance

All employees, whatever their religion or belief, will be treated equally in respect of requests for time off for religious observance or requests for alterations to their working patterns for religious reasons.

- **Leave for religious observance**

It is CHDA's policy to grant holiday leave at times that suit individual employees insofar as this is possible and practicable, taking into account the needs of the business. Holiday leave will be granted in line with the holiday entitlement defined in the CHDA Leave policy.

However, where an employee requests time off at a particularly busy time, at a time when other employees in the same department have already been granted leave or at a time when the employee's absence would otherwise cause difficulties for the business or department, CHDA may refuse to grant time off on the dates requested.

Subject to the above, CHDA will seek, wherever possible, to allow employees to use their holiday entitlement to observe special religious holidays or festivals. All employees, whatever their religion or belief, will be treated equally in this respect.

All requests for such leave should be made by the employee to their line manager in line with the notification requirements outlined in the Leave policy, specifying the dates on which the employee wishes to take leave. Employees are however

advised to give as much notice as possible in order to maximize the chances of securing the holiday dates of their choice.

Where a number of employees all seek holiday leave on the same date(s), the CHDA will grant holiday leave on the basis of "first come, first served".

Employees are reminded that the timing of all holidays must be approved in advance by their line manager before any leave arrangements are made or confirmed.

- **Religious observance during working hours**

CHDA will, where appropriate, endeavour to grant employees reasonable time off during working hours for religious observance insofar as this is possible and practicable, taking into account the needs of the business and whether or not such arrangements might cause disturbance or disruption to other employees and/or their work or work patterns.

All such requests for flexible working should be made by the employee either via email or letter and submitted to their line manager. Each request will be considered on an individual basis and discussed with the employee in order to explore ways for the request to be accommodated without adversely impacting on the operational needs. Examples of arrangements that can be put in place include swapping a shift or working during a lunch break, or changing the working days set out in the employees' contract of employment (this list is not exhaustive).