

Hospiscare never,
ever fail.

Richard, a patient from Tiverton

Equal opportunities policy

Caring in Devon

1.0 POLICY STATEMENT

1.1. It is Hospiscare's policy not to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race, sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as protective characteristics. Hospiscare will also not discriminate anyone for being a member of a trade union or the fact that they are a part-time worker or a fixed-term employee. Hospiscare's 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.

1.2. Hospiscare shall, at all times, strive to work within legislative requirements as well as promoting best practice. The Trustees of Hospiscare's long-term aim is that the composition of our workforce should reflect that of the local community and that all workers should be offered equal opportunities to achieve their full potential. This policy, and the measures we take to implement it, has been devised on the basis of advice from the relevant governmental and professional bodies. We are committed to a programme of action to make this policy effective and to bring it to the attention of all workers. The principle of non-discrimination and equality of opportunity applies equally to the treatment of visitors, patients, customers and suppliers by members of our workforce and also, in some circumstances, ex-employees.

1.3. The following paragraphs deal with the specific categories of workers and areas of work which we have identified as potentially giving rise to equal opportunities issues and provides more specific guidance on the parameters of our policy and approach to equal opportunities.

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

2.0 TO WHOM DOES THIS POLICY APPLY?

2.1. This policy applies to Hospiscare's 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 and consultants and volunteers who are not our employees, but who work at Hospiscare (collectively workers).

2.2. All workers have a duty to act in accordance with this policy, and therefore to treat colleagues with dignity at all times, and not to discriminate against or harass other

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members of staff, whether junior or senior to them. In some situations, Hospiscare may be at risk of being held responsible for the acts of individual members of staff and will not therefore tolerate any discriminatory practices or behaviour.

2.3. The policy statement in paragraph 1.1 applies equally to the treatment of our visitors, clients, customers and suppliers by our workers and the treatment of our workers by these third parties.

3.0 PERSONNEL RESPONSIBLE FOR IMPLEMENTATION OF POLICY

3.1. The Trustees have overall responsibility for the effective operation of Hospiscare's Equal Opportunities Policy (EOP) and for ensuring compliance with the relevant statutory framework prohibiting discrimination. The Trustees have delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Human Resources Manager.

3.2. Those working at a management level have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to ensure that those they manage adhere to the policy and promote the aims and objectives of Hospiscare with regard to equal opportunities. To facilitate this process, managers will be given training on equal opportunities awareness and equal opportunities recruitment and selection best practice.

3.3. All members of staff are responsible for the success of this policy and must ensure that they familiarise themselves with the policy and act in accordance with its aims and objectives. If you are involved in management or recruitment, or if you have any questions about the content or application of this policy, you should contact the Human Resources Manager to request training or an information pack.

4.0 TYPES OF UNLAWFUL DISCRIMINATION

4.1. 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, Hospiscare 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.

4.2 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 this 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. For example, a height requirement would be likely to eliminate proportionately more women than men. Issue Date: October 2010 Review Date: October 2012

4.3 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.

4.4 Associative Discrimination is where an individual is directly discriminated against or harassed for 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).

4.5 Perceptive Discrimination is where an individual is directly discriminated against or harassed 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).

4.6 Third-party Discrimination occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as patient's families or contractors. For an employer to be liable:

- The harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- The employer must be aware that the previous harassment has taken place; and
- The employer must have failed to take reasonable steps to prevent harassment from happening again.

4.7 Victimisation occurs when an employee is subjected to a detriment, such as being denied a training opportunity or promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. An example would be, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint.

5.0 EQUAL OPPORTUNITIES IN EMPLOYMENT

5.1. Hospiscare is committed to extending and developing opportunities for disabled people to work on equal terms. No employee, or potential employee, of Hospiscare should suffer discrimination on the basis of a disability in respect of recruitment, promotion, training and development, facilities and services, pension rights, or any other terms and conditions.

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5.2. Hospiscare will continue to employ the best person for any vacancy which arises but will ensure that a disabled person who could be that best person is considered fairly and considered solely on their ability to do the job. At every stage of the recruitment process, managers and others involved must ensure that there is no possibility of discrimination against disabled people.

5.2.1. Job Description and Person Specification

5.2.1.1. Only those skills, abilities and qualifications which are strictly essential for the fulfilment of the requirements of the job should be listed as "Essential". No unnecessary restrictions should be included.

5.2.2. Application Form

5.2.2.1. The application form should ask for information on disability with an explanatory note that the purpose of this question is to ensure that any special needs for interview purposes are met.

5.2.2.2. Application forms should be made available in alternative formats such as on tape and in large print on request.

5.2.3. Selection Procedures

5.2.3.1. Hospiscare will guarantee an interview to any applicant with a disability who satisfies the minimum criteria for the post.

5.2.3.2. Short-listed candidates should be invited to provide information regarding any special arrangements required for the interview/assessment process. In all other respects, selection procedures will be the same for all candidates.

5.3. 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 your line manager OR Human Resources 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. Your line manager OR Human Resources 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 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.

5.4. Hospiscare will monitor the physical features of its premises to consider whether they place disabled workers, job applicants or service users at a substantial disadvantage compared to other workers. Where possible and proportionate, Hospiscare will take steps to improve access for disabled workers and service users.

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5.5. Hospiscare will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

5.6. Hospiscare cannot lawfully discriminate in the selection of employees for recruitment or promotion, but Hospiscare may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group Hospiscare identifies as being under-represented in particular types of jobs.

6.0 FIXED-TERM EMPLOYEES AND AGENCY AND TEMPORARY WORKERS

6.1. 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 Hospiscare to ensure that they are accessing permanent vacancies.

7.0 PART-TIME WORKERS

7.1. Hospiscare will monitor the conditions of service of part-time employees and their progression within Hospiscare to ensure that they are being offered appropriate access to benefits and training and promotion opportunities.

8.0 YOUR (THE EMPLOYEE) RESPONSIBILITIES

8.1 Every employee is required to assist Hospiscare to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

8.2 Employees can be held personally liable as we are, or instead of, Hospiscare for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence under the Protection of Harassment Act 1997

8.3 Acts of discrimination, harassment, bullying or victimisation against employees or patients and their families or customers and contractors are disciplinary offences and will be dealt with under Hospiscare's disciplinary procedures. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice. (Please also refer to Hospiscare's policy on Harassment, Bullying and Standards of Conduct).

9.0 BREACHES OF THE POLICY

9.1. If you believe that you may have been disadvantaged on any unlawful grounds, you are encouraged to raise the matter through Hospiscare's grievance procedure. If you believe that you may have been harassed on any unlawful grounds, you are encouraged to raise the matter through our anti harassment 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

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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.

9.2. 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, 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. Hospiscare will always take a strict approach to serious breaches of this policy.

9.3. As this policy applies equally to Hospiscare workers' relations with visitors, clients, customers 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.

10.0 MONITORING AND REVISION OF POLICY

10.1. We will regularly monitor the effectiveness of this policy to ensure it is achieving the objectives stated in the Equal Opportunities Policy (EOP) by monitoring the composition of job applicants and the benefits and career progression of its workers.

10.2. Hospiscare is committed to providing relevant training for all staff on their responsibilities and duties under this policy.

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