

EQUAL OPPORTUNITIES POLICY

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1. Equal Opportunities Policy Statement

Rapid Improvement Care Agency aims to be an inclusive organisation where everyone is treated with respect and dignity, and where there is equal opportunity for all. Rapid Improvement Care Agency respects and values the diversity of its staff and users.

This means that all Rapid Improvement Care staff and users should understand and respect that there is a diverse work force and user community and that everyone has the right to be treated with dignity and equality. This includes the legal and ethical requirement for Rapid Improvement Care Agency to provide public services and conditions of employment that are appropriate to the needs of a diverse society.

Valuing diversity means that we recognise that we all have complex identities made up of many strands. These can include, but are not limited to, ethnicity, gender, sexual orientation, age, physical and mental aptitudes, nationality, socio-economic status, and religious, political or other beliefs. This means we embrace and celebrate our differences in a positive environment, and are committed to engage with the needs of our diverse staff and users to enable us, both individually and corporately, to achieve our aims.

Rapid Improvement Care Agency will tackle barriers to participation and create a culture in which equal opportunities and equal treatment are a priority for all staff and users. In the selection, recruitment, training, pay, promotion and management of staff (including discipline and dismissal), and in all our day-to-day work (including service delivery) with both colleagues and users, we seek to create an environment where attitudes and biases that hinder the progress of individuals and groups are dismantled and where we work together in mutual respect and tolerance.

1.1 Management Responsibilities

The Chief Executive is responsible for the effective implementation of this Policy reporting our progress to the Board of Directors on a quarterly and annual basis.

It is the responsibility of all managers from directors and departmental heads to junior supervisors to:

- ensure that the standards established within this policy are adhered to within their own area of responsibility
- familiarise themselves with the procedures in all Equal Opportunities documentation
- ensure that they are not instructing employees to act in a discriminatory manner
- ensure they are not putting pressure on employees to discriminate

- bring the details of the policy and procedure documents to the attention of all staff
- ensure that information on equal opportunities is incorporated in all induction processes for new or temporary staff and is supported by ongoing training

1.2 Staff Responsibilities

It is the responsibility of employees at all levels to:

- co-operate with any measures introduced to ensure equality of opportunity
- report any discriminatory acts or practices not induce or attempt to induce others to practice unlawful discrimination
- not victimise anyone as a result of them having reported or provided evidence of discrimination
- not harass, abuse, bully or intimidate others

1.3 Legal Responsibilities

Rapid Improvement Ltd acknowledges its responsibilities as set out in the Equality Act 2010. The Equality Act was introduced on 1st October 2010. It brings together over a hundred separate pieces of legislation, providing a legal framework to protect the rights of individuals and advance equality of opportunity for all.

The nine main pieces of legislation that have been merged are:

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- The Employment Equality (Religion or Belief) Regulations 2003
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Age) Regulations 2006
- The Equality Act 2006, Part 2
- The Equality Act (Sexual Orientation) Regulations 2007

We will ensure that our policies and procedures are compliant with the above legislation and Codes of Practice and guidance published by national equalities bodies and commissions.

We aim to ensure that all employees, applicants, learners and customers are treated equally regardless of their sex, age, marital status, disability, race, colour, ethnic origin, nationality, religion, sexual orientation or family status and that they are not disadvantaged by conditions or requirements which cannot be shown to be reasonable and justified.

Our monitoring arrangements will ensure that the breakdown of our workforce and of our learners reflect the demographics and diversity of the communities

we work with. All applicants, whether applicants for employment or for places on learning programmes shall be assessed solely on the basis of their suitability, capability and qualifications to undertake the job or learning programme.

At all times, this policy and all arrangements shall operate in accordance with statutory requirements, taking into account all current legislation, codes of practice and guidance issued by the Equal Opportunities Commission, the Commission for Racial Equality, the Disability Rights Commission, the Department for Work and Skills, the Department for Health and other statutory bodies.

1.4 Complaints

The Equal Opportunities Procedure Document explains in detail where individuals can get help and how to complain about discrimination and harassment. Rapid Improvement Care undertakes to assure individuals that allegations will be taken seriously, treated confidentially and investigated quickly. Employees will be protected against victimisation for making a complaint or supporting a complainant in making a complaint.

1.5 Communication of Policy

This policy statement will be displayed on notice boards and in public folders on the staff ICT system. All staff will be inducted into the Policy on joining the company and there will be regular training on the Policy and Procedures. Any queries about the policy or associated procedure should be made to the Personnel Department. This policy will be reviewed annually together with staff and any relevant Trade Unions.

1.6 Contracts

All sub contracts will include wording to ensure that those contracting with Rapid Improvement have a full understanding of our approach to Equal Opportunities. The following wording will be incorporated into all contracts:

“1.1 The contractor shall not unlawfully discriminate within the meaning and scope of the provisions of the Race Relations Act 1976 or any statutory modification or re-enactment of that Act or any other relating to discrimination in employment.

1.2 The Contractor shall take all reasonable steps to secure that all servants, employees or agents of the Contractor and all sub contractors employed in the performance of the contract do not unlawfully discriminate as set out in Condition 1.1. “

2. Useful Definitions

2.1 What is Discrimination?

Discrimination in employment happens as a result of prejudice, misconception and stereotyping which in turn hinders the proper consideration of an individual's talents, skills, abilities, potential and experience. It can be direct or indirect, intentional or not intentional. What is most important is that certain forms of discrimination are not just unfair - they are illegal!

The following are terms which may be used when discussing matters of equal opportunities:

- **Direct Discrimination**

Direct discrimination takes place when a person is treated less favourably than others (in the same circumstances) on the grounds of their race, sex, disability etc. For example, a job advertisement which states that "Only those who have English as their first language may apply".

- **Indirect Discrimination**

Indirect discrimination means applying a condition, or requirement, which adversely affects one particular group more than another, and cannot be justified in terms of the requirements for performing a job. For example, a line manager who only offers overtime to full time members of staff (the group being directly discriminated against will be part timers but where female part timers form the majority of the part time group they would be eligible to claim indirect discrimination on the grounds of gender).

- **Victimisation**

Victimisation consists of taking action against a person for asserting their rights under the law. For example, a member of staff who has spoken to their line manager about being the subject of racial harassment by another member of staff and who is subsequently ignored by a group of staff within that division or department.

- **Harassment/ Bullying**

Harassment and bullying take many forms, occurs on a variety of grounds and may be directed at one person or many people. In general terms it can be described as persistent unwanted behaviour which a person finds intimidating, upsetting, embarrassing, humiliating or offensive.

- **Positive Action**

Positive Action is allowed by law to encourage employees who are members of disadvantaged groups which have been under-represented in particular

work areas to receive special training programmes so as to enable them to compete equally for jobs.

- **Positive Discrimination**

Positive Discrimination is where an employer discriminates in favour of a certain group with the intent of raising the profile of that particular group. It is illegal in this country but used widely in the USA and allows employers to limit activities to specific under-represented groups. For example, a company advertises for Asian staff due to the fact they are under-represented in the workforce.

- **Genuine Occupational Qualification**

The law recognises that there will be occasions when it is necessary to restrict certain jobs to certain categories or groups of people. This is rare and an employer would have to demonstrate that they have researched the requirement thoroughly before setting it. These are referred to as genuine occupational qualifications or GOQs.

For example, an employer whose work requires them to recruit a female to work in a woman's refuge may place this requirement as part of the selection criteria.

3. Codes of Practice

All members of staff must be aware of the following Codes of Practice:

3.1 Attracting suitable applicants

Rapid Improvement Care Agency will:

- Review Job Descriptions to ensure they do not contain any potentially discriminatory criteria that are not essential for the role.
- Advertise vacancies so that they are likely to reach all potential applicants including advertising through Job Centres, Connexions, community and grass-roots organisations, and through mainstream and community media such as the Voice.
- Encourage the participation of relevant staff in drafting suitably open advertisements.
- Ensure that recruitment literature and advertisements make it clear that applications are welcome from all suitably qualified candidates and that they avoid stereotypical images.
- Include in any advertising details of flexibilities such as childcare vouchers, job share and flexi time where they are available.

- Advise any agencies, job centres, career offices etc. of our Equal Opportunities policy and practices and ask them to convey these to potential applicants.
- Ensure that agencies assisting in recruitment operate appropriate diversity policies and procedures when acting on behalf of Bluecross.
- Ensure that copies of the Diversity and Equal Opportunities policies are sent out to applicants together with job specifications.
- Incorporate a welcome statement in any adverts.
- Monitor returns of application forms to identify any concerns in failing to attract a broad range of individuals.
- Operate the Guaranteed Interview Scheme for disabled applicants.

3.2 Learning & Development

Rapid Improvement Care Agency will:

- Ensure equal opportunity of access to, and benefit from, all forms of learning and development activity.
- Train all those in delivering learning and development across Rapid Improvement Care in equal opportunities and diversity issues.
- Ensure that all staff receive induction training which covers their rights and responsibilities under the Diversity and Equal Opportunity Policy and Procedures.
- Ensure that diversity and equal opportunities issues are addressed fairly and equitably in all management-related courses such as performance management, selection interviewing, managing attendance and conduct and efficiency, as well as customer care training.
- Provide flexibilities to accommodate the needs of staff on flexible working patterns.
- Provide flexibilities to accommodate cultural or religious needs of staff e.g. days of worship, diet etc.
- Provide flexibilities to accommodate any special arrangements e.g. wheelchair access, signing etc.
- Monitor who takes part in training in terms of age, gender, ethnic origin and disability.
- Ensure external training providers are provided with a copy of our Diversity Statement.
- Monitor learning activities across departments to ensure staff are not excluded.

3.3 Recruitment and Selection (including promotion)

Rapid Improvement Care Agency will:

- Ensure that selection decisions are based on objective, non discriminatory, job related criteria, consistently applied to all candidates.
- Ensure that nationality requirements are applied correctly.
- Invite applicants to identify any special arrangements they may need at interview.
- Ensure that all those involved in recruitment and selection have had appropriate training in recruitment interviewing, diversity and equal opportunities or receive the appropriate guidance from Human Resources.
- Ensure that selection decisions for any post are taken by more than one person.
- Ensure that membership of recruitment boards takes into account, so far as possible, the range of candidates being seen.
- Ensure that selection criteria and reasons for the selection or rejection of individual candidates are recorded.
- Ensure that decisions in relation to promotion opportunities including temporary promotion are non-exclusive and that extended use of temporary promotion is discouraged where it will give one individual an unfair advantage over others.
- Monitor the results of recruitment processes with particular regard for decisions which appear to be inconsistent.

3.4 Performance Management

Rapid Improvement Care Agency will:

- Quality assure completed performance agreements, interim reviews and main reviews to ensure that performance targets are fairly set and progress fairly assessed and there is no indication of the use of stereotypical assumptions.
- Monitor annual main review assessments in relation to age, gender, ethnic origin and disability and take action to remedy practice which contravenes our policy on Diversity and Equal Opportunities.
- Act on learning and development needs identified in personal development plans.

3.5 Rapid Improvements Care Processes

Rapid Improvement Care Agency will:

- Ensure that any written communications are produced in a clear and accessible format minimum size 12 typeface. This will include

producing documents in Arial font and in a form which can be increased in size by the reader if necessary.

- Ensure that oral communications are produced in a form which is supported for those with hearing impairments. This may include subtitles for videos and sign language interpreters for meetings.
- Ensure that access to work requirements for those with any form of disability are considered in a fair and open manner.
- Ensure that, where possible, information is available in respect of age, gender, ethnic origin and disability across pay bands. (This may not be possible where there is only a very small number of people in the band so that confidentiality would be broken by providing specific statistics)

4. Monitoring

Rapid Improvement Care Agency will carry out monitoring on the number of employees from different gender, disability and ethnic groups by grade when:

- In post
- Applying for posts
- Taking up training and development opportunities
- Promoted
- Transferred
- Disciplined and dismissed
- Leaving employment

If monitoring reveals under-representation by different gender, disability and ethnic groups Rapid Improvement Care Agency will take steps including positive action to address any imbalances.

Our equality monitoring activities also covers engagement with service users and service outcomes.

5. Policy Review

The Policy and Procedures will be reviewed annually or as required by legislative or policy changes.

6. Harassment and Bullying

6.1 Definitions

What is Harassment?

Harassment is any behaviour which is unwelcome, unreciprocated or offensive to the individual receiving it. It can include comments, actions, jokes and suggestions. It is often intimidating and threatening. Sometimes it can be persistent and sometimes it can take the form of an isolated incident. It can be directed to one person or a group of people. It can involve physical contact or be verbal, written or silent.

Most forms of harassment are based on race or sex but it can also occur because one individual takes a dislike to another. It is of particular concern if the harasser is in a position of authority over the recipient.

Many individuals who are accused of harassment claim that they only intended the remark or action as a joke - this is no excuse. Harassment (as defined) is never a joke or harmless fun.

Individuals can be harassed for a number of reasons including:

- Gender
- Sexual orientation
- Religious or political convictions
- Membership or non-membership of a trade union
- Disability
- Physical appearance
- Status
- Age

It should be clearly understood that harassment of any form is contrary to Rapid Improvement Care Agency Equal Opportunities Policy and that where evidence of it taking place is found, the disciplinary procedure for gross misconduct will be invoked. It should also be noted that harassment on the grounds of race, sex or disability is illegal.

What is Bullying?

Bullying is often a form of harassment and may manifest itself in many ways. It is usually persistent and can be done by a manager, colleague or group of people to another individual. It is insidious and often undermines the ability and confidence of the person who is suffering it. It can lead to fear, demotivation, isolation, poor concentration, reduced output, symptoms of stress and high sickness absence levels.

Both harassment and bullying are about an abuse of power whether by physical strength, force of personality or position of authority. If bullying involves issues of gender, race or disability then legislation may apply. As with any form of harassment, it is contrary to Rapid Improvement Care Agency Equal Opportunities Policy and as such disciplinary action may be invoked.

Examples of Harassment and Bullying:

a) *Sexual Harassment*

- Male line manager repeatedly touches a female junior member of staff against her wishes
- Pictures of scantily clad males or females which cause offence to either sex
- Use of explicit sexual language either in jokes or general conversation in a way that may give offence

b) *Racial Harassment*

- Junior members of staff persistently use stereotypical gestures when dealing with a black manager
- Racist graffiti
- Racist jokes, derogatory nicknames or offensive T-shirt comments

c) *Disability Harassment*

- Colleagues repeatedly making fun of a deaf person behind their back, throwing objects at them to gain their attention
- Deliberate use of comments such as “Are you blind” to someone with visual impairments
- Deliberately making it difficult for a person in a wheel chair to leave the room by placing bulky packages in their path

d) *Bullying*

- Shouting at individuals in a public environment
- Consistently targeting a single member of staff whose work has to be checked
- One group of staff refusing to talk to an individual
- Consistently undermining a line manager

These examples are not exhaustive but provide a cross section of non-verbal, verbal and physical ways in which an individual or group of individuals can be harassed or bullied. More details of unacceptable behaviour are available in the Staff Handbook together with some of the common reasons why individuals may be harassed in the workplace.

6.2 How to deal with complaints

It is important to recognise that many victims of discrimination, harassment and bullying do not complain. This may be because they hope it will go away, they are embarrassed, they don't want to be seen as a troublemaker, they fear they will be told it was self-provoked, they fear they won't be believed and for many more reasons. The most common reasons for not complaining are because the offender is a more senior manager, individuals fear for their job security or they do not want to upset colleagues.

Any complaints about such behaviour must be treated seriously. Individuals who are suffering harassment or bullying but who do not wish to make any

formal complaints initially should consider speaking to their trade union representative, department equal opportunity representative, welfare officer or a colleague who they feel they can trust. This may help them to gain some perspective of the problem they are facing. Those who wish to make a formal complaint should use Rapid Improvement Care Agency Grievance Procedure. Line managers who are seen informally in such instances should seek the advice of Personnel as soon as possible.

7. Personal Harassment Policy and Procedure

- 1) Harassment or victimisation on the grounds of the following protected characteristic: age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation is unacceptable.
- 2) Personal harassment takes many forms but whatever form it takes, it is unlawful under the Equality Act 2010 and will not be tolerated.
- 3) This policy will be reviewed regularly to ensure it remains up to date and in order to monitor its effectiveness.

B) SCOPE

We deplore all forms of personal harassment and seek to ensure that the working environment is sympathetic to all those who work for us. This includes employees, workers, agency workers, volunteers and contractors in all areas of our Company, including any overseas sites.

C) DEFINITIONS

Harassment

This is unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Unwanted conduct can include:

- a) spoken words
- b) banter
- c) written words
- d) posts or contact on social media
- e) imagery
- f) graffiti
- g) physical gestures
- h) facial expressions
- i) mimicry
- j) jokes or pranks
- k) acts affecting a person's surroundings
- l) aggression, and
- m) physical behaviour towards a person or their property.

Sexual harassment

This is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that

person.

- a) sexual comments or jokes
- b) displaying sexually graphic pictures, posters or photos
- c) suggestive looks, staring or leering
- d) propositions and sexual advances
- e) making promises in return for sexual favours

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- f) sexual gestures
- g) intrusive questions about a person's private or sex life or a person discussing their own sex life
- h) sexual posts or contact on social media
- i) spreading sexual rumours about a person
- j) sending sexually explicit emails or text messages, and
- k) unwelcome touching, hugging, massaging or kissing.

Less favourable treatment for rejecting or submitting to unwanted conduct

This occurs when:

- a) someone is subjected to unwanted conduct:
 - i) of a sexual nature
 - ii) related to sex, or
 - iii) related to gender reassignment
- b) the unwanted conduct has the purpose or effect of:
 - i) violating their dignity, or
 - ii) creating an intimidating, hostile degrading, humiliating or offensive environment for them, and
- c) they are treated less favourably because they submitted to, or rejected the unwanted conduct.

D) CIRCUMSTANCES WHICH ARE COVERED

1) This policy covers behaviour which occurs in the following situations:

- a) a work situation
- b) a situation occurring outside of the normal workplace or normal working hours which is related to work, for example, a working lunch or social event with colleagues;
- c) outside of a work situation but against a colleague or other person connected to the Company, including on social media;
- d) against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.

E) COMPLAINING ABOUT PERSONAL HARASSMENT

1) Informal complaint

We recognise that complaints of personal harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be your Manager who will be responsible for investigating the matter if it becomes a formal complaint.

If you are the victim of minor harassment you should make it clear to the harasser on an informal basis

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that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

2) Formal complaint

Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of your Manager as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:

- a) the name of the alleged harasser;
- b) the nature of the alleged harassment;
- c) the dates and times when the alleged harassment occurred;
- d) the names of any witnesses; and
- e) any action already taken by you to stop the alleged harassment.

On receipt of a formal complaint we will take action to separate you from the alleged harasser to

enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and

location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice

and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation, which will normally be within ten working days of the meeting with

you, the decision of the investigator, detailing the findings, will be sent in writing to you.

You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

F) DISCIPLINARY ACTION

1) If the decision is that the allegation is well founded, the harasser will be liable to disciplinary

action in accordance with our disciplinary procedure. An employee who receives a formal warning

or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.

2) When deciding on the level of disciplinary sanction to be applied, we will take into consideration

aggravating factors such as abuse of power over a more junior colleague.
3) If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if it is concluded that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

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G) THIRD PARTY HARASSMENT

1) Third party harassment occurs when one of our workforce is subjected to harassment by

someone who is not part of our workforce but who is encountered in connection with work. This

includes our customers, suppliers, members of the public. Third party harassment of our

workforce will not be tolerated.

2) In order to prevent third party harassment from occurring, we have:

a) attached signage to the walls of the areas within the workplace where customers are

present to warn that harassment of our staff is not acceptable

Should you be subjected to third party harassment, you are encouraged to report this as soon as

possible to your Manager.

Should a client or customer harass a member of our workforce, they will be warned that continued

provision of our service to them will cease if they are to act in a similar way again. Should their

behaviour recur, they will be informed that our service to them will cease. Any criminal acts will be

reported to the police, and we will share information relating to the incident with our other branches

to ensure that we maintain a consistent approach to the cessation of our services

7. How to Provide Feedback

The Company welcomes your feedback (comments, compliments and complaints) on how well we are implementing this policy in the services we deliver to the public.

For general comments and compliments, or if you believe that you have been the subject of unlawful discrimination, harassment or victimisation by the Company then you should contact us by: E-mail to

marian.dewben@rapidimprovement.co.uk

All feedback will be handled in accordance with the Company's Data Protection Act Procedure. If someone believes that a Member of staff has unlawfully discriminated against an individual or failed to treat someone with respect then they should either speak to their Line Manager in the first instance or if not appropriate, then to the Director at

Isaac.dewben@rapidimprovement.co.uk

Any breach of this policy will be dealt with through the procedure described in the disciplinary section of the staff handbook. Serious offences such as harassment will be treated as misconduct or gross misconduct.