



Midhurst Learning

# POLICIES

## Equality and Diversity Policy and Procedure



RESPECT  
EVERYONE



CELEBRATE  
DIFFERENCES



PROMOTE  
FAIRNESS



BUILD AN  
INCLUSIVE CULTURE

A RESPECTFUL WORKPLACE. STRONGER TOGETHER.

Policy Owner	Head of Centre & Operations
Authoriser	CEO
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### SAFETY

We prioritise safety  
in everything we do.



### RESPECT

We care for each other  
and our community.



### RESPONSIBILITY

We take responsibility for  
our actions and environment.

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### **1. Policy**

#### **1.1 Policy Statement**

We are committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment. In our work, we are committed to ensuring equal opportunities for the children and young people who are in the Company's care, Foster Carers and customers/contractors.

The policy applies to Midhurst Learning, and its subsidiaries including the Fostering Partner Agencies.

Our policy supports us in our commitment to the practice of equality of opportunity. We aim to ensure no one receives less favourable treatment or is disadvantaged by requirements or conditions, which cannot be shown to be justifiable. We strive to eliminate any unlawful acts of discrimination.

We all have a duty to promote and advance the policy, ensure it is followed and to draw to the attention of our manager any suspected discriminatory acts or practices.

We strive to ensure that our work environment is free of harassment and bullying and that everyone is treated with dignity and respect. This is an important aspect of ensuring equal opportunities in employment. The Company has a separate Dignity at Work policy, which deals with the issue of bullying and harassment.

## **1.2 Aims of this Policy**

- We recognise that everyone is a unique individual and value people's differences, different views/outlooks and approaches. We will assist our people to use their talents to support the achievement of their full potential.
- We will ensure we recruit, train and promote people based their qualifications, experience and abilities for all roles.
- Our policy is designed to ensure that we comply with our obligations under equality legislation and show a commitment to treating people equally and fairly.
- We are unreservedly opposed to any form of discrimination regardless of age, disability, sex, gender reassignment, pregnancy or maternity, marriage or civil partnership, race, religion or belief, and sexual orientation (defined as Protected Characteristics).

## **1.3 Data Protection**

**1.3.1** Five Rivers Child Care and its subsidiaries supports the objectives of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and other legislation relating to Data Processing, including the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 and the Freedom of Information Act 2000. Five Rivers Child Care and its subsidiaries has a statutory obligation to process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018

**1.3.2** Every member of Midhurst Learning and its subsidiaries has an obligation to ensure that the information they process (use) is collected, maintained and disclosed in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and the Five Rivers Child Care Data Protection Policy.

## **1.4 Disclosure of Information**

Any use or disclosure of information held within Midhurst Learning and its subsidiaries, without there being a legitimate purpose or legal basis, will be classed as unauthorised and is a criminal offence under Section 55 of the Act Right of Access (Subject Access Requests).

## **1.5 Discrimination Legislation**

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership.

Discrimination after employment has ended may also be unlawful, for example refusing to give a reference for a reason related to one of the protected characteristics.

Employees/workers should not discriminate against or harass a member of the public in the provision of services or goods.

It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may hinder disabled people from accessing a service.

## **1.6 Types of unlawful discrimination**

Direct discrimination is where a person is treated less favourably than another because of 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 it fits the full legal criteria of being an occupational requirement.

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 it 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.

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.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic. It does not cover harassment because of marriage and civil partnership, and according to guidance from the Government and ACAS, pregnancy and maternity.

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Victimisation occurs where an employee is disadvantaged, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they 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.

Discrimination arising from disability is where a disabled person is treated unfavourably because of something connected to their disability where it cannot be objectively justified. This is subject to the Company knowing or could reasonably be expected to know that the person was disabled.

## **2. Key Points**

### **2.3 Equal opportunities in employment**

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

Role Profiles will be limited to those requirements that are necessary for the effective performance of the job and to comply with Regulatory requirements. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where evidentially necessary.

When considering requests for variations to the standard working practices, we will consider any possible indirectly discriminatory effect of the practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, and will refuse such requests only if the Company considers it has good reasons, unrelated to any protected characteristic, for doing so. We will comply with our obligations in relation to statutory requests for contract variations. We will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

We will monitor the ethnicity, sex and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups. We will consider and take any appropriate action to address any problems that may be identified because of the monitoring process.

In recognition of the disparities which can exist in workplaces and to be informed and knowledgeable about the experience of black, Asian and minority ethnic minority employees, we established the BAME Employee Support group.

Together with the BAME Employee Group, an Anti-Racism plan has been created and published – agreed by the Senior Leadership Team; to implement practices and initiatives in all parts of the organisation to be more inclusive, to improve the experience of employees and to increase the ethnic diversity of our workforce.

## **2.4 Customers, suppliers and other people not employed by the Company**

We will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the Company. You should report any bullying or harassment by customers, suppliers, visitors or others to your manager who will take appropriate action.

## **2.5 Children and young people placed in the care of the Company**

The Company is committed to ensure that all children and young people have equal worth and equal rights and a belief in each child or young person's potential.

## **2.7 Your Responsibilities**

You are required to assist the Company to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

You 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.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Company's Disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice or pay in lieu of notice.

## **2.6 Training**

We are committed to ensure all employees recognise the importance of equal opportunities and provide training in equality and diversity to all levels of employees as part of their induction.

Managers who are involved in the recruitment and selection of employees, will also undertake training on recruitment and selection to ensure they understand their responsibilities.

The Company will provide training to all existing and new employees to help them understand their rights and responsibilities under the Dignity at Work policy and what they can do to help create a working environment free of bullying and harassment.

## **2.8 Breaches by Contractors and Volunteers**

Any conduct by a person under contract to provide services to the Company or on behalf of the Company or a volunteer, which amounts to a breach of this policy will result in termination of that contract. The person will be personally liable for any act of unlawful discrimination.

## **2.9 Reporting Discrimination - what you should do**

If you consider that you may have been unlawfully discriminated against, you should use the Company's Grievance procedure to make a complaint. If the complaint involves bullying or harassment, the grievance procedure is modified and set out in the Dignity at Work policy.

If a person using the Company's services or a Contractor considers they have been unlawfully discriminated against, they should use the Company's Complaints procedure.

We will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance or complaint or be subjected to victimisation as a result of raising the grievance or complaint.

If the grievance found to be untrue and/or malicious, you should be aware that the Disciplinary policy could be instigated in respect of your action.

We recommend that the complaint is first raised through the Grievance procedure to enable us to address the discriminatory practice and seek a resolution to the complaint.

Any employee who feel they have been subjected to discrimination may wish to resolve the matter informally in the first instance. In some cases, it may be possible and sufficient for you to explain clearly to the person(s) engaged in the discriminatory conduct that the behaviour is unwelcome, that it offends or makes you uncomfortable. You should keep a record of any incidents, detailing when, where, what occurred and any witnesses (if any).

Where a complaint cannot be resolved by an employee within a reasonable time on an informal basis, or you feel it cannot be resolved on an informal basis, then you should raise the complaint to your manager through the Grievance procedure.

## **2.10 Monitoring and review**

This policy will be monitored periodically by the Company and as is necessary by the Head of HR and the Policy and Procedures Review Group (PPRG) to ensure that it remains up to date and reflects the needs and practices of the Company and changes in the law.

The Company will monitor the ethnic and sex composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups and will review its equal opportunities policy in accordance with the results shown by the monitoring.

The organisation treats personal data collected for reviewing equality of opportunity in recruitment and selection in accordance with its data protection policy. Information about how data is used and the basis for processing is provided in the organisation's privacy notice issued to applicants and employees.