

Policy Name	Equality and Diversity Policy
Version No.	V3
Approval Date	September 2018
Category	Directorate –M&I
Classification	Public

EQUALITY AND DIVERSITY POLICY	
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Review Frequency	3 years
Latest Review Date	August 2018
Approved By & Date	ExtraCare Board – September 2018 Policy effective – 1 October 2018
Next Review Date	October 2021

Contents

	Page No.
1. Policy purpose & aim	3
2. Equality and Diversity at ExtraCare	3
3. Objectives	4
4. Scope of policy	4
5. The law – Equality Act 2010	4
6. How this policy applies to ExtraCare employment practices	7
7. How this policy is applies to ExtraCare service delivery	8
8. Taking action against behaviour that is in breach of this policy	9
9. Data on ExtraCare’s stakeholder population	10
10. Responsibilities	10
11. Monitoring and Review	11
12. Other relevant ExtraCare policies and documents	12
13. Relevant legislative & regulatory requirements	12

Policy Name	Equality and Diversity Policy
Version No.	V3
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Category	Directorate –M&I
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Version Control

Version	Date	Description	Updated By	Approved By
1.0	June 18	Draft policy	Henriette Lyttle-B	ELT
2.0	August 18	Draft policy reviewed by HR team and Stonewall	Henriette Lyttle-B	ELT
3.0	Sept 18	Draft policy reviewed by LGBT working group	Henriette Lyttle-B	

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1. Policy Purpose & Aim

This policy sets out how the ExtraCare Charitable Trust ('ExtraCare') approaches equality and diversity.

We are committed to promoting equality and diversity and promoting a culture that actively values difference and recognises that people from different backgrounds and experiences can bring valuable insights to the our organisation and enhance the way we work. We want ExtraCare to be an inclusive organisation, committed to providing equal opportunities throughout its employment practices as well as its service delivery, and to pro-actively tackling and eliminating discrimination.

As set out in our Corporate Plan 2017-20, we want all ExtraCare villages and schemes to be welcoming places that residents enjoy living in and where their families, friends and the local community can enjoy the facilities when they visit. We are committed to upholding the highest standards of equality and diversity and we will therefore seek to ensure everyone regardless of their ethnicity, religious beliefs, sexual orientation, gender identity or disability feels welcomed in ExtraCare and we will challenge residents, employees, volunteers, visitors and suppliers whose behaviour does not respect the diversity of our charity.

2. Equality and Diversity at ExtraCare

At ExtraCare, we consider that equality means ensuring everyone, regardless of their background, has equal opportunities and equal access to our employment and to our services.

We consider diversity to mean all the characteristics, experiences and cultural or religious influences that make each of us unique individuals with visible and non-visible differences.

We acknowledge that equality and diversity are not inter-changeable but inter-dependent. There can be no equality of opportunity if difference is not valued and harnessed.

We aim to respect the diversity of our current and future residents, employees, volunteers, visitors and suppliers, so everyone can feel proud and engaged, and valued for their contribution.

This is beneficial not only for the individual but for ExtraCare too. We also strive to always challenge ourselves and explore further opportunities to improve our working practices to fully reflect the values we place on the principles of equality and diversity.

Policy Name	Equality and Diversity Policy
Version No.	V3
Approval Date	September 2018
Category	Directorate –M&I
Classification	Public

3. Objectives

The objectives of this policy are to:

- Protect our residents, employees, volunteers, visitors and suppliers from discriminatory and otherwise unwanted behaviour by ExtraCare employees;
- Create a high quality living and working environment throughout our charity, which is open and welcoming to people, regardless of their background and characteristics;
- Delivery a high service to our residents, employees, volunteers, visitors and suppliers, regardless of their characteristics;
- Encourage all individuals and organisations with whom we have connections to respect our commitment to equality and diversity; and.
- Ensure ExtraCare's practices are compliant with the Equality Act 2010.

4. Scope of Policy

The rights and obligations set out in this policy apply equally to all employees, whether part time or full time on a substantive or fixed-term contract, and also to associated persons such as secondees, agency staff, contractors and others employed under a contract of service.

This policy does not apply to persons who are not employed under a contract of service. Our relationship with them is governed by our Community Charter 2018.

Everyone has a personal responsibility for the application of this policy. As part of our induction, all employees and associated persons (see above) are expected to read and familiarise themselves with this policy and ensure that this policy is properly observed and fully complied with.

5. The law - Equality Act 2010

The Equality Act 2010 highlights 9 protected characteristics:

1. Age;
2. Gender;
3. Race;
4. Disability;
5. Religion;
6. Pregnancy and maternity;
7. Sexual orientation;
8. Gender reassignment; and
9. Marriage and civil partnership.

Policy Name	Equality and Diversity Policy
Version No.	V3
Approval Date	September 2018
Category	Directorate –M&I
Classification	Public

Discrimination that occurs because someone has or is associated with someone who has one or more of the above characteristics is unlawful under the Equality Act. Considering every person has at least some of these characteristics such as age, race or gender, the Act protects every person from being discriminated against.

5.1 What ‘discrimination’ means

Discrimination means treating a person unfairly because of who they are or because they possess certain characteristics. If someone is being treated differently from other people only because of who they are or because they possess certain characteristics, they may have been discriminated against. People with multiple characteristics (such as a gay person with a disability) may experience multiple levels of discrimination.

The different types of discrimination covered by the Equality Act are:

5.1.1 Direct Discrimination

This is where someone is treated less favourably than another individual would be treated in the same situation due to their protected characteristics.

Example: A manager is recruiting a new member of the care team. Before conducting any interviews and choosing the best person for the job, they have already decided that they won’t recruit anyone who is a man into the position.

5.1.2 Indirect Discrimination

This is where a condition, rule, policy or practice applies to everyone but particularly disadvantages a group of people who share a protected characteristic without there being an justifiable business need for this.

Example: An employer has a policy which states reception staff aren’t allowed to cover their hair. This policy applies to everyone, but particularly disadvantages practicing Muslim women who wear a headscarf in public. Unless the employer can specifically justify the policy, this is likely to be considered indirect discrimination on the grounds of religion.

5.1.3 Discrimination by Association

This is a form of direct discrimination against someone because they are associated with one or more others who possesses a protected characteristic.

Example: A candidate has her job offer withdrawn after revealing she has a disabled child with complicated care needs. The withdrawal of the job could be discrimination because of her association with a disabled person and the manager’s assumptions about how this might impact on her capability to do the job.

Policy Name	Equality and Diversity Policy
Version No.	V3
Approval Date	September 2018
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5.1.4 Discrimination by Perception

This is a form of direct discrimination whereby a colleague believes that another colleague possesses a protected characteristic and discriminates against them because of that 'perceived' characteristic.

Example: A colleague is being excluded from team social activities and is the victim of inappropriate name calling because the team assume they are gay and do not 'fit' in the team culture. This could be considered discrimination by perception, regardless of whether or not the colleague is in fact gay.

5.2 Bullying and Harassment

Bullying and harassment is behaviour that can happen face to face, by letter, email or phone and that makes someone feel intimidated or offended, and includes: spreading malicious rumours; treating someone unfairly; picking on or regularly undermining someone, or denying someone training or promotion opportunities.

Harassment related to any of the nine protected characteristics is against the law.

Example: A group of black British workers encounter derogatory name calling, racist jokes and abusive language from their colleagues. The behaviour is offensive and creates an intimidating atmosphere in the workplace. This is unlawful harassment.

Bullying lacks a formal definition in law, but is generally considered to be a type of harassment, often involving misuse of power, which has the effect of undermining or insulting or ridiculing or demeaning or isolating someone or setting them up to fail or other forms of unfair treatment.

5.3 Victimisation

Victimisation means treating someone badly because they have done (or are thought to have done or are planning to do) a protected act. A protected act is:

- Making a claim or complaint of discrimination (under the Equality Act);
- Helping someone else to make a claim by giving evidence or information;
- Making an allegation that you or someone else has breached the Act; and
- Doing anything else in connection with the Act.

Example: A manager excludes a team member because he thinks she supports a fellow team member's sexual harassment claim. This will be unlawful victimisation under the Equality Act.

Policy Name	Equality and Diversity Policy
Version No.	V3
Approval Date	September 2018
Category	Directorate –M&I
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6. How this policy applies to ExtraCare employment practices

This policy applies to all conduct in the workplace (head office, locations and shops) and also to conduct outside of the workplace that is related to your work (e.g. at meetings, social events and social interactions with colleagues) or which may impact on ExtraCare’s reputation (e.g. the expression of views on social media, contrary to the commitments expressed in this policy, that could be linked to ExtraCare).

We set out below some specific areas of application:

6.1 Recruitment and selection

ExtraCare aims to advertise job opportunities as widely as possible and welcomes all applications. Interview panels will always comprise more than one person and will be gender balanced where possible. The skills, qualifications and experience of each applicant are considered against the role profile to find the most suitable candidate, whatever their background or personal circumstances. Colleagues are promoted based upon their ability, skills and experience which are assessed against the role profile.

In some cases internal applicants whose job is at risk of redundancy, or who need to be redeployed due to health or disability reasons may be considered before a job is advertised more widely.

6.2 Working conditions and terms of employment

ExtraCare will not tolerate any form of discrimination, harassment, bullying or victimisation, including on the basis of any protected characteristic such as race, age, sexual orientation, gender reassignment, disability, gender, etc. All of our employment policies are applied consistently, and any form of unacceptable behaviour will be managed in line with our *Disciplinary Policy*.

Our *Flexible Working* and *Authorised Leave Policies* allow any requests from colleagues to be carefully considered, whether these are to meet caring, health or religious commitments; or for any other reason.

ExtraCare accommodates cultural and religious practices where these are reasonably practical, where they can be accommodated without jeopardising the needs of the organisation and the residents, and where there is no conflict with other legislation, e.g. health and safety.

If a colleague becomes disabled or has any other change in circumstance during their employment with ExtraCare, where possible reasonable adjustments will be made to enable them to continue in their role. If this is not possible we will seek to redeploy the colleague into an alternative role suited to their skills, experience and ability.

Policy Name	Equality and Diversity Policy
Version No.	V3
Approval Date	September 2018
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6.3 Training and development

All colleagues must complete mandatory Equality and Diversity training as part of their Induction.

In addition, all colleagues have access to training and development opportunities to support them in achieve the standards required for their job, improving their performance and learning new skills.

The performance and development review (PDR) process ensures all colleagues are clear about their job role, responsibilities and objectives; and identifies individual training and development needs.

7. How this policy applies to ExtraCare service delivery

7.1 Identifying resident Needs

ExtraCare actively promotes a person-centred approach to residents to ensure their physical and mental needs are understood and met. This is fundamental to our approach in delivering equality and diversity in the provision of our services. We expect everyone who works for ExtraCare to support this approach and to actively contribute to delivering it to all our residents, volunteers and visitors.

7.2 Community building:

We build our villages and schemes to be suitable and welcoming to all people, regardless of their health, wealth or background. We aim to attract local people into our locations, so we create communities which reflect the demographic make-up of the surrounding area. This is reflected in our *balanced communities policy*. Our sales marketing process is aimed at a wide audience. As a provider of retirement accommodation, we do operate an age restriction, with only those over the age of 55 being able to move into our locations. This is in accordance with the lawful age exemption for retirement housing providers, and is therefore not an example of unlawful discrimination.

7.3 Care and wellbeing:

We undertake annual wellbeing assessments to ensure we understand the specific individual circumstances of our residents, regardless of their care needs. For those who are in receipt of care, our personal care plans enable us to address the specific needs of the individual, including needs related to health and disability, as well as cultural, language or any other areas.

7.4 Property:

It is in the interests both of our customers and ExtraCare that our properties are as accessible as possible. We seek to deliver accessible homes for our residents in the following ways:

- Our properties are built to be accessible, with apartments featuring wide doorways to accommodate wheelchair access, wet rooms rather than shower trays and spacious hallways to facilitate easy access into all rooms.

Policy Name	Equality and Diversity Policy
Version No.	V3
Approval Date	September 2018
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Classification	Public

- Ensuring that the accessibility of our locations, (both residents' apartments and the adjoining communal areas) are assessed as part of our property surveys. The outcomes from these surveys drive our future investment decisions.

7.5 Allowing residents to have a say in shaping our services

ExtraCare has a strong commitment to involving residents in the shaping of our services, as per our *customer involvement policy*.

Location Residents Association are actively involved in the running of the location. In addition, each location has a representative on the Residents Forum, which holds regular meetings with the ExtraCare Executive, allowing them a voice on how we deliver services and promote equality and diversity.

7.6 Lesbian, Gay, Bisexual, Trans and all other identities (LGBT+) Advisory Group

ExtraCare is a member of the Stonewall Diversity Champions programme and is working towards Stonewall Accreditation. This work is led by the ExtraCare LGBT+ Advisory group. The group is chaired by a member of the Executive Leadership Team and aims to make ExtraCare a safe and welcoming environment for LGBT+ residents, employees, volunteers, visitors and suppliers. The group works to promote ExtraCare as an organisation that is proud to be open to all and it reviews and informs our policies to ensure they are fair and suited to the needs of the LGBT+ community.

7.7 Suppliers and contractors

All of ExtraCare's contractors and suppliers are expected to promote equality and diversity in their own practices. As part of the tender process and general supplier set up procedure, suppliers are required to complete a declaration confirming that their employment practices comply with the Equality Act 2010.

8. Taking action against behaviour that is in breach of this policy

Any accusation of bullying, harassment or discriminatory behaviour will be taken seriously. If an employee feels they have seen, heard or experienced such unwanted behaviour (either as a witness or a victim), they should speak to their line manager in the first instance. Where it is not possible to resolve a complaint in an informal manner, then the formal grievance procedure should be followed, in accordance with our *Grievance and Bullying and Harassment Policies*.

If the unwanted behaviour is seen, heard or experienced by others, such as residents, visitors or volunteers, they are encouraged to report this to the manager of the location where the behaviour was witnessed, so they can resolve or escalate the matter.

Policy Name	Equality and Diversity Policy
Version No.	V3
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Allegations of potential breaches of this policy will be treated seriously. Employees, residents or volunteers who make such allegations in good faith will not be victimised or treated less favourably as a result. However, false allegations of a breach of this policy which are found to have been made in bad faith will be dealt with under ExtraCare’s disciplinary procedure.

Whether or not a complaint is raised formally, action will be taken quickly and professionally to put a stop to it, and appropriately deal with those concerned.

If, after investigation, ExtraCare decides that someone has acted in breach of this policy they may be subject to disciplinary action up to and including dismissal and referral to the relevant authorities.

9. Data on ExtraCare’s stakeholder population

We use data collected about our residents, employees and volunteers to help us understand who we are providing services to and ensure that access to services and facilities is happening in a fair and consistent way. We do so in compliance with the General Data Protection Regulation, GDPR.

10. Responsibilities

All Trustees, residents, employees, volunteers, visitors and suppliers have legal duties and responsibilities to comply with the Equality Act 2010. When residing at ExtraCare premises, taking part in ExtraCare activities and/or acting on ExtraCare’s behalf, they are also required to comply with the ExtraCare Equality and Diversity Policy.

All Trustees, residents, employees, volunteers, visitors and suppliers are responsible for:

- Treating each other and third parties with dignity and respect at all times (in all types of communication) and considering what may cause offence to somebody else;
- Contributing to having a working environment, and living/leisure environment that is without discrimination, accessible, welcoming and free of harassment, bullying and victimisation; and
- Challenging what they consider to be unacceptable behaviour, and taking personal responsibility to make appropriate changes, seeking help where necessary.

Policy Name	Equality and Diversity Policy
Version No.	V3
Approval Date	September 2018
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In addition:

Employees, volunteers and agency staff are responsible for

- Undertaking relevant training/briefing to maintain and improve their knowledge and promoting good practice amongst others; and
- Making our facilities, services and resources responsive and accessible to the varying needs of communities and individuals.

Trustees, Executive Leadership Team and Managers are responsible for:

- Leading by example in eliminating discrimination and using diversity to its greatest potential to provide better services and fulfilling employment opportunities; and
- Supporting ExtraCare’s residents, employees, volunteers and visitors in upholding the aims of this policy.

Residents and others who receive services from ExtraCare are responsible for:

- Abiding by their tenancy or leasehold agreement in respect of equality and diversity.

Suppliers, Partners and Sub-Contractors, Suppliers are responsible for:

- Being aware of their own and their organisation’s legal duties and Equality and Diversity policies.

11. Monitoring & Review

The success of this policy in delivering its aims and ensuring that ExtraCare complies with the Equality Act 2010 will be monitored by ExtraCare.

This policy will be subject to a full review at least every three years.

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12. Other Relevant ECCT Policies & Documents

General	<ul style="list-style-type: none"> • Corporate Plan 2017-20 • Health and Safety Policy • Anti-Social Behaviour Policy • Flexible Working Policy • Authorised Leave Policy • Grievance Policy • Disciplinary Policy • Balanced Community Policy • Customer Involvement Policy • Absence from Work Policy • Whistleblowing Policy • Data Protection Policy • Bullying, Harassment and Victimisation Policy • Complaints Management Policy • Procurement Policy
Records & Checks	<ul style="list-style-type: none"> • To be developed

13. Relevant Legislative & Regulatory Requirements

Legislation	Regulation	Guidance
Equality Act 2010 Health & Safety at Work Act 1974 Human Rights Act 1998		