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# Equality, Diversity and Inclusion Policy

## POL 113

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**Details of changes made at each review**

Version	Review date	Changes made

**Associated documents**

Parental Policy
Flexible Working policy
Disciplinary Policy & Procedure
Grievance Policy & Procedure
Recruitment & Selection Policy
Restructuring & Redundancy Policy
Absence Policy

**References**

Equality Act 2010
<a href="#">Discrimination, bullying and harassment   Acas</a> (accessed May 2023)
<a href="https://www.acas.org.uk/discrimination-and-the-law">https://www.acas.org.uk/discrimination-and-the-law</a> (accessed May 2023)

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## **1. Purpose**

St Catherine's Hospice (StCH) is an inclusive organisation that values difference, we will ensure that everyone is treated fairly, with dignity and respect at work and has a sense of belonging. We are committed to developing a culture where diversity and difference are actively celebrated, and our employees and volunteers reflect the communities we support enabling everyone to give their very best.

We will welcome difference, and ensure we do not discriminate against anyone, not only those with protected characteristics defined in Section 3 of the Equality Act 2010. We have a duty and responsibility to ensure that all employees and volunteers operate in an environment that embraces equality, diversity and inclusion and is an employer for whom individuals want to work and are able to give their very best, in line with the organisation's values.

The Hospice will take appropriate steps to be inclusive and accommodate the requirements of workers' religions, cultures, and domestic responsibilities and to ensure workers' needs are dealt with sensitively. Our policies on parental rights and flexible working should be consulted for specific guidance on our approach to how we support those employees and volunteers.

## **2. Scope of policy**

This policy applies to all employees, whether permanent, temporary, casual, part-time or on fixed-term contracts, to job applicants and to individuals such as agency staff, consultants and volunteers who may not be our employees, but who nonetheless work at, or are engaged by the Hospice (collectively referred to in the policy as 'workers').

All workers have a duty to act in accordance with this policy, and therefore to treat colleagues, service users and any external person with whom they have contact in the course of their role at StCH, with respect, kindness and dignity at all times.

This policy also applies to the advertising of jobs, the recruitment and selection process, training and development, opportunities for promotion, conditions of service, benefits; including facilities and pay; health and safety, conduct at work, grievance and disciplinary procedures and to the termination of employment processes, including redundancy.

This policy covers actions and behaviour which takes place both in the workplace itself and in settings outside the workplace, such as business trips and work-related social events on or off our premises.

## **3. Definitions**

**The Equality Act 2010** provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. It outlines the provisions for employers in relation to making the workplace a fair environment and to comply with the law. It also sets out the different ways in which it is unlawful to treat someone, such as, direct and indirect discrimination, harassment, victimisation and failing to make reasonable adjustments for a disabled person. As an employer, St Catherine's is responsible for the prevention of bullying, harassment, discrimination and victimisation and other unacceptable behaviour within the workplace. **The Act** extends protection to employees in 'protected characteristic' groups. These include:

- Age
- Gender reassignment
- Marriage or Civil Partnership
- Pregnancy and Maternity Disability
- Race (including colour, nationality, ethnic or national origin)
- Religion or Belief

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- Sex
- Sexual orientation

Direct and Indirect Discrimination are defined at paragraph 6.1.

Equality of opportunity means that an individual's diversity is viewed positively and, in recognising that everyone is different, valuing equally the unique contribution that individual experience, knowledge and skills can make.

Workplace Diversity – refers to the differences among workers in an organisation including gender, age, sexual orientation, religion, language, abilities, professional backgrounds, socioeconomic backgrounds and educational backgrounds.

Workplace Inclusion – is the process of treating all workers equally, with the same availability to resources and opportunities.

## **4. Policy statement & aims**

We are committed to respecting individual differences and providing equality for all workers within a safe, inclusive environment.

In some situations, we may also be responsible for the actions of workers towards each other and towards third parties. Bullying and harassment can have serious consequences for individuals. This policy plays an important part in preventing workers from experiencing this at work and ensures all workers are clear about what is acceptable behaviour.

Our workers and applicants for employment shall not be disadvantaged by any policies, behaviours or conditions of service which cannot be justified as necessary for operational purposes. The Hospice will work within legislative requirements as well as promoting best practice.

## **5. Accountability and responsibility**

**People & Site Services Director** holds delegated responsibility for ensuring that the hospice has robust policies and procedures in place which are legally compliant and adhere to the principles of fairness, equality and diversity.

**Managers** are responsible for ensuring that all workers are aware of this policy. They have a responsibility to promote and implement employment practices in accordance with this policy, taking all reasonable steps to prevent any form of unlawful discrimination and to take timely action on any complaints received.

**All employees and volunteers (workers)** are responsible for ensuring their behaviour and practices at work are in compliance with this policy.

## **6. Procedure**

### **6.1 Forms of discrimination**

**Direct Discrimination** - can occur when a rule or policy disadvantages someone because of their particular characteristic.

**Indirect Discrimination** – can occur where a rule or policy applies to everyone but disadvantages someone with a particular protected characteristic. However, it may not be discrimination if it can be shown to be a proportionate means of achieving a legitimate aim.

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**Discrimination by association** – is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

**Discrimination by perception** – is direct discrimination against someone because they think they possess a particular protected characteristic.

**Discriminatory behaviour** (including bullying and harassment) - can occur on the basis of actual or perceived group membership or affiliation.

**Harassment** on the basis of protected characteristics is discriminatory and unlawful. The Act defines harassment as:

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

The Act uses a single definition of harassment to cover protected characteristics and enables workers to complain about specific behaviour that they find offensive even if the behaviour is not directed at them. Protection is also extended to harassment because of perception and association. Harassment may be a persistent or an isolated incident and can be based on protected characteristics.

**Victimisation** occurs when a worker is treated less favourably because they have made or supported a complaint or raised a grievance under the Equality Act 2010; or because they are suspected of doing so. A worker is not protected from victimisation if they have maliciously made or supported an untrue complaint.

**Bullying** is considered as:

***'Intimidation on a regular and persistent basis or as a one off, which serves to undermine the competence, effectiveness, confidence and integrity of the person on the receiving end.'***

**Bullying and Harassment** may be by an individual against an individual or involve groups of people. It is destructive rather than constructive and can publicly humiliate and result in individuals feeling threatened or compromised. Bullying also often results from a misuse of management power but is also the misuse of any form of individual power, such as physical strength, personality or age, or collective power through strength of numbers. Bullying can also be carried out by workers at all levels, including peers.

For the purposes of this policy, both bullying and harassment are used interchangeably and are not necessarily the same. They may occur in written or face to face communications, electronic communication or by phone. Whatever form it takes, it is unacceptable, unwarranted and unwelcome.

### **Definition of 'Unacceptable Behaviour'**

There is no absolute definition of what 'unacceptable behaviour' is as it is the effect the behaviour has on the recipient that often makes it 'unacceptable'. Discriminatory behaviour can occur on the basis of perceived group membership, affiliation or association.

Behaviour that is unwanted, unwelcome and undermines an individual's dignity at work is unacceptable behaviour. This includes behaviour that might unreasonably threaten job security, promotion prospects or create an intimidating working environment. Behaviour may be perceived as unacceptable, even if there was no intent to cause offence.

Examples of **harassment** might include:

- a. unwanted physical contact, ranging from touching or brushing against another individual's body to assault or coercing sexual relations;

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- b. derogatory or degrading comments, or mocking gestures relating to a person's 'protected characteristics';
- c. unwelcome sexual advances, propositions or pressure for sexual activity, innuendoes or lewd comments and suggestions that sexual favours may result in employment benefit (or that refusal may result in some form of detriment).
- d. continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome;
- e. offensive, malicious, insulting or intimidating comments or behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure another person;
- f. the display of pictures, objects or written materials that may be considered pornographic or offensive to particular ethnic or religious groups;
- g. conduct that denigrates or ridicules a worker because of his or her sex, race, sexual orientation, disability, religion or age including abuse or insults about appearance or dress;
- h. insensitive jokes or pranks; and
- i. shunning an employee, for example, by deliberately excluding them from conversation or events at work, for reasons based on a person's equality characteristic;

The list is not exhaustive and other behaviour may constitute harassment. Serious forms of harassment could be a criminal offence.

**Bullying** does not include legitimate and constructive criticism of an individual's performance or behaviour.

Examples of bullying could include:

- a. persistently criticising unnecessarily;
- b. shouting at colleagues in public or private;
- c. deliberate isolation by ignoring or excluding a person;
- d. withholding information or removing areas of responsibility without justification;
- e. spreading malicious rumours;
- f. blocking leave or training requests without justification;
- g. deliberately setting objectives with impossible deadlines.

**Victimisation** is treating an individual less favourably because of action they have taken, for example for having made a formal complaint about someone or for giving evidence against someone.

## **6.2 Recruitment and selection**

We aim to ensure that no job applicant receives less favourable treatment in respect of any of the protected characteristics listed in section 3. Recruitment procedures will be reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are regularly reviewed to ensure that they are justifiable on non-discriminatory grounds as being essential for the effective performance of the job.

We shall take steps to ensure that knowledge of vacancies reaches a wide labour market that represents the community that we serve and where relevant, groups under-represented within the Hospice. Where

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appropriate, use may be made of lawful exemptions to recruit suitably qualified people to cater for the special needs of particular groups.

### **6.3 Employee training, promotion and conditions of service**

Employee training needs shall be identified through regular employee reviews. All workers will be given an equal opportunity and access to training to enable them to progress within the organisation. All promotion decisions shall be made on the basis of merit.

The composition and movement of workers at different levels shall be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unnecessary or unjustifiable barriers and to provide appropriate facilities and conditions of service to meet the special needs of disadvantaged or under-represented groups. Our conditions of service, benefits and facilities will be reviewed regularly to ensure that they are available to all workers who should have access to them and that there are no unlawful obstacles to accessing them. This includes pay, bonus criteria, policies and all benefits offered.

### **6.4 Termination of employment**

We will monitor redundancy criteria and procedures to ensure that they are fair and objective and do not directly or indirectly discriminate against workers. We will also ensure that disciplinary procedures are carried out fairly for all workers, whether they result in the giving of disciplinary warnings, dismissal or other disciplinary action.

### **6.5 Disability discrimination**

If a worker is disabled or becomes disabled in the course of their employment with us, they are encouraged to tell us about their condition. This is to enable us to support them as much as possible. The worker may also wish to advise their manager of any reasonable adjustments to their working conditions or the duties of their role, to assist in the performance of their duties.

The manager may wish to consult with the worker and with their 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 the role. 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 information as to the basis of any decision not to make any adjustments.

### **Raising a concern**

All workers are entitled:

- To a workplace free from bullying, harassment, intimidation, or victimisation.
- To be treated with dignity, respect, and courtesy.
- To experience no form of discrimination.
- To be valued for their skills and abilities.

It is essential that unfair and discriminatory behaviour is challenged and stopped within the workplace. Unfair and discriminatory behaviour can be addressed through both informal and formal means. The grievance policy and procedure outlines the framework and mechanism for workers to formally address unacceptable behaviour and to have any complaints resolved.

A complaint or concern can also be raised directly with your line manager. If you feel unable to do that you can raise with any other manager or the People Team, or anonymously through WorkInConfidence, via the Intranet.



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All complaints and concerns raised by workers will be treated seriously and sensitively and an investigation conducted; proportionate to the issues raised and carried out in as timely a manner as possible. This may include unacceptable behaviour either:

- Towards them individually or as part of a group.
- Towards others within the organisation

All workers are entitled to challenge behaviour that they find offensive even if it is not directed at them. Workers who wish to complain are also not required to possess specific protected characteristics in order to challenge behaviour as it can be due to perceptions or association.

All workers are also entitled to challenge unacceptable behaviour from (third parties). We will take appropriate steps to prevent unacceptable behaviour by third parties, whenever possible.

If a worker is subject to or witnesses unacceptable behaviour, either directly or by association or perception and are unable to discuss it in the first instance with their line manager, they can make use of the Grievance Policy and Procedure and the Raising a Serious Concern Policy.

## **6.8 Managing a concern**

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Workers who make such allegations in good faith will not be victimised or treated less favourably as a result.

An investigation would be carried out, if that investigation finds that bullying, harassment or discrimination has occurred then action would be taken in line with the disciplinary policy.

As this policy applies equally to workers' relations with clients and suppliers, if, after investigation, it is found that discrimination, harassment or bullying has occurred towards a client or supplier, the worker may also be subject to disciplinary action.

## **7. Dissemination**

The policy will be available via the Intranet. Training will be given to Managers as part of the managers' training programme.

## **8. Monitoring and review**

This Policy will be reviewed every three years, or when changes in government legislation necessitates, whichever is the sooner.

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**Policy Impact Assessment**

The impact assessment is used to ensure:

- we do not inadvertently discriminate as a service provider or as an employer
- that the information governance implications of any changes in the way we work, implicit in any new policies or revisions to existing policies, are considered and addressed appropriately.

To be completed and attached to all policies when submitted to the appropriate committee for consideration and approval.

		Yes/No	Comments
1.	<b>Equality Impact</b>		
a.	Does the policy affect one group more or less favourably than another on the basis of - race - ethnic origins - nationality - gender - culture - religion or belief - sexual orientation (including lesbian, gay & bisexual people) - age - disability (eg physical, sensory or learning) - mental health	N N N N N N N N N N	
b.	If potential discrimination has been highlighted, are any exceptions valid, legal and/or justifiable?	n/a	
c.	Is the impact of the policy likely to be negative? If so, can the impact be avoided or reduced?	N	
2.	<b>Information Governance Impact</b>		
a.	Is the policy (or any of its associated procedures) likely to have an adverse impact on: - information quality - information security - confidentiality - data protection requirements	N	
b.	If so, have these issues already been raised with the Information Governance Group? What action has been agreed?	n/a	