

# The SENAD Group

## Section 4 Equal Opportunities

### *Policy & Working Procedure*

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## Equal Opportunities

### **Statement of Intent**

The Company is committed to equality of opportunity and the elimination of unlawful discrimination in employment. Our aim is to create an open and inclusive workplace culture where everyone is valued as an individual. It is the Group's policy to treat job applicants, workers and employees in the same way regardless of their association, others perceptions, gender, gender reassignment, marriage or civil partnership, sexual orientation, age, race, ethnic origin, religion, belief, pregnancy or maternity, or disability. This policy applies to the advertisement of jobs, recruitment and selection decisions, training, the provision of work and pay and every other aspect associated with employment.

### **Policy**

Staff responsible for recruitment and selection decisions will be adequately trained and educated in equality of opportunity principles and practices. A decision to employ or promote will be based on the applicants' suitability for the job and the ability to fulfil the job requirements, consideration will also be given to the Personal Relationships Policy. The Company will undertake equal opportunity monitoring within recruitment and selection decision making to ensure this policy is adhered to. Appropriate measures will be taken if any apparent inequalities arise.

Human Resources will keep relevant staff informed of developments and current legal requirements in the area of Equal Opportunities in employment. Equal opportunities training will be provided to all staff during induction training, making clear Company values and expectations. Refresher training sessions will be provided to staff accordingly to contribute towards a work environment free from discrimination.

This policy also applies to the treatment of those in our care and any external customer relationships. Employees and all those who enter a SENAD site are expected to treat others with respect and dignity, regardless of their association, others perceptions, gender, gender reassignment, marriage or civil partnership, sexual orientation, age, race, ethnic origin, religion, belief, pregnancy or maternity, or disability.

Direct discrimination, Associative Discrimination, Perceptive Discrimination and Indirect Discrimination and discrimination by way of victimisation, harassment or third party harassment in the workplace is expressly forbidden in the Equality Act 2010 and will be a cause for disciplinary action where appropriate. Discriminatory actions that take place outside of work but that may be considered as having taken place 'in the course of employment' are also unacceptable – at a works outing for example.

## **Terminology**

The area of discrimination and equal opportunities can be complex and all employees should remind themselves of the meaning of key terminology:

**Protected Characteristics** – Include Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex, Sexual Orientation, Marriage and Civil Partnership, Pregnancy and Maternity.

**Direct Discrimination** - Someone is treated less favourably than another person because of a protected characteristic.

**Associative Discrimination** – Direct discrimination against someone because they associate with another person with a protected characteristic.

**Discrimination by Perception** – Direct discrimination against someone because others think they possess a particular protected characteristic.

**Indirect Discrimination** – Can occur when a rule or policy applies to everyone but disadvantages someone with a particular protected characteristic. It can be justified if it is a proportionate way of achieving a legitimate aim.

**Harassment** – Offensive behaviour or unwanted conduct related to or on the grounds of 7 defined protected characteristics - employee may complain of behaviour they find offensive even if it is not directed at them. The behaviour has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

**Harassment by a Third Party** – Harassment of staff by people whom we do not employ but happens in the course of employment and is as a result of a particular protected characteristic. Occurs when harassment has occurred on at least 2 occasions, the employer is aware and has not taken reasonable action to prevent reoccurrence.

(Typically the term bullying is used when poor treatment is not linked to discrimination).

**Victimisation** - where a complaint has been raised or supported in good faith (i.e. not maliciously) linked to this policy and as a result the employee is now being treated less fairly.

## **Disability**

A person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day to day activities.

Prospective employees who are disabled or employees who become disabled during their employment will be invited to advise the Company of any reasonable adjustments to their employment or working conditions which they believe would be necessary or helpful in the performance of their duties. Where such adjustments are reasonable and practicable, they will be implemented. Advice from occupational health/medical consultants may also be sought where required.

It is discriminative to treat a disabled person unfavourably because of something connected to the disability where the employer knows or is reasonably expected to know that the person has a disability.

## **Positive Action**

Positive discrimination is unlawful but we may take positive action if we think that employees or job applicants who share a protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low. Action that we may take includes:

- Recruitment of underrepresented groups
- Targeted training at specific disadvantaged groups
- Mentoring
- Work Shadowing
- Open days exclusively for targeted groups
- Access courses.

## **Occupational Requirement**

Where we are able to demonstrate that possessing a particular protected characteristic is a crucial requirement for a job and is a proportionate means of achieving a legitimate aim then it is not unlawful to refuse someone employment who does not meet that characteristic.

## **Criminal Records**

As an organisation using the Disclosure and Barring Service (DBS) (formerly the Criminal Records Bureau) to assess applicants' suitability for positions of trust, the SENAD Group complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

An Enhanced DBS check will form part of the recruitment process for any role within the SENAD Group, we encourage all applicants to provide **relevant** details of their criminal record at an early stage in the application process. Any information given will be treated confidentially. Failure to reveal such information could lead to withdrawal of an offer of employment or instigation of the disciplinary procedure.

**Applicants are encouraged to visit the Ministry of Justice website for further details as to what is 'relevant' and not 'protected'.**

We undertake to discuss any matter revealed in a Disclosure with the applicant before withdrawing an offer of employment or instigating the disciplinary procedure. Those involved in that discussion will be aware of the relevance of any matter revealed to the position being applied for.

**Those with a criminal record may be employed by The SENAD Group, depending on the nature of the position and the circumstances and background to the offence and at what stage it was disclosed. The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, 2013 and 2020 provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected' (i.e., not relevant). Visit the Ministry of Justice website for further information.**

DBS checks will be regularly obtained for current employees – either by full DBS renewal or online checking processes. Employees must be complicit in the rechecking process and must ensure they report any arrest, charge, conviction or caution immediately to their line manager. The nature of the offence will be assessed and a decision will be made as to whether continued employment is possible.

### **Concerns / Complaints**

Any member of staff may use the Grievance Procedure to complain about discriminatory conduct. The Bullying & Harassment Policy may also be of use. Staff and applicants may also refer directly to Human Resources for advice and guidance.

Any student or resident in our care may use the internal Complaints Procedure to complain about discriminatory conduct, or indeed any concern or complaint relating to the service they receive.

Any complaint or grievance in relation to discrimination will be dealt with fairly, thoroughly, quickly and confidentially.

## **Responsibility**

Overall responsibility for the application of this policy lies with the Chief Executive Officer. However it is the personal responsibility of every manager and employee to ensure the implementation of this policy. Any act of discrimination by an employee, or failure to comply with the spirit and terms of the policy will result in disciplinary action.

The effectiveness of this policy will be regularly reviewed and monitored by the HR Director, please speak to them with any suggested additions or amendments in the first instance.

This policy includes the rules and guidelines as stated in the Equality Act 2010, it supersedes all previous policy on this subject, including the version detailed in the Employee Handbook.