

Policy and Procedure on Equality and Diversity

Home Tree School.

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| Policy Author / Reviewer | Shilleen Freeth / Matt Nicholls |
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| Next Review Date | This Policy will be updated when appropriate, in line with any legislative, regulatory or Company changes. |
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1. Monitoring and Review

- 1.1.** The Proprietor will undertake a formal review of this policy for the purpose of monitoring and of the efficiency with which the related duties have been discharged, by no later than three years from the date of approval

shown above, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.

- 1.2.** The local content of this document will be subject to continuous monitoring, refinement and audit by the Head of Service.

Signed:



Jeremy Wiles
Group Executive Director – Children's Services
November 2023



Simon Paynter
Headteacher.
November 2025

2. Terminology

- 2.1.** Our aim is to use consistent terminology throughout this policy and all supporting documentation as follows:

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| 'Establishment' or 'Location' | this is a generic term which means the Children's Home/school/college. Home Tree School is a School. |
| Individual | means any child or young person under the age of 18 or young adult between the ages of 18 and 25. At Home Tree School we have children attending between the ages of 11 – 16 years old. |
| Service Head | This is the senior person with overall responsibility for the Home Tree School is our Headteacher who is Simon Paynter |
| Key Worker | Members of staff that have special responsibility for Individuals residing at or attending the Establishment. |
| Parent, Carer, Guardian | means parent or person with Parental Responsibility |
| Regulatory Authority | Regulatory Authority is the generic term used in this policy to describe the independent regulatory body responsible for inspecting and regulating services. At Home Tree School this is Ofsted. |
| Social Worker | This means the worker allocated to the child/family. If there is no allocated worker, the Duty Social Worker or Team Manager is responsible. |
| Placing Authority | Placing Authority means the local authority/agency responsible for placing the child or commissioning the service |
| Staff | Means full or part-time employees of Cambian, agency workers, bank workers, contract workers and volunteers. |

3. Summary

The policy ensures equality and non-discrimination in the workplace, affirming the company's commitment to treating all employees and job applicants fairly and equally. Discrimination based on characteristics is prohibited, extending to visitors, clients, customers, suppliers, and former staff. Employees are responsible for upholding equal opportunity and

creating a supportive environment. The policy promotes equality and diversity and removes barriers for disabled employees. Key concepts such as protected characteristics, direct/indirect discrimination, victimisation, and harassment are explained. Breaches may result in disciplinary action, and the policy encourages reporting of complaints for prompt investigation. The company is committed to monitoring and promoting equality and dignity at work. Training, development opportunities, and support for disabled employees are provided. The policy emphasises an inclusive working environment and the company's dedication to equality and non-discrimination.

4. Legislative Framework

We are committed to complying fully with our legal obligations under equality laws and guidance, and to responding to these speedily and thoroughly.

1. Equality Act 2010 The Equality Act brought together all the previously existing strands of equality and discrimination legislation, with the aim of clarifying existing law and extending it to cover some anomalies in existing discrimination law. The nine main pieces of legislation that merged were:
 - the Equal Pay Act 1970
 - the Sex Discrimination Act 1975
 - the Race Relations Act 1976
 - the 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
2. Rehabilitation of Offenders Act 1974
3. Health and Safety at Work etc. Act 1974
4. Health and Social Care Act 2008
5. Trade Union Reform and Employment Rights Act 1993
6. Criminal Justice and Public Disorder Act 1995
7. Protection from Harassment Act 1997
8. Crime and Disorder Act 1998
9. Human Rights Act 1998
10. Employment Relations Act 1999
11. The Management of Health and Safety at Work Regulations 1999
12. Asylum and Immigration Act 1996
13. The Working Time Regulations 1998
14. The Maternity and Parental Leave etc. Regulations 1999
15. Public Interest Disclosure Act 1998
16. The Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
17. The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
18. The Paternity and Adoption Leave Regulations 2002
19. The Flexible Working (Procedural Requirements) Regulations 2002
20. Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002
21. Civil Partnerships Act 2004
22. Gender Recognition Act 2004

5. Purpose

The Company is an equal opportunity employer and is fully committed to a policy of treating all of its employees and job applicants equally. All employees will be helped and encouraged to develop their full potential. The Company will take all reasonable steps to employ, train and promote employees on the basis of their experience, abilities and qualifications; the workforce will be fully utilised to maximise the efficiency of the organisation. No one will receive less favourable treatment or consideration on the grounds of physical disability, sensory or learning disability, mental health, race, colour, political or religious belief, employment status, unrelated criminal convictions, nationality, ethnic origin, sex, marital status, sexual orientation, age, gender reassignment, marriage or civil partnership, pregnancy or

maternity. The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat visitors, clients, customers, suppliers and former staff members.

6. Scope

All employees, irrespective of their role within the organisation, are held by the contents of this policy and are required to follow and uphold the values, principals and expected behaviours of the Company when carrying out their duties and responsibilities.

7. Policy Statement

The Company is fully committed to a policy of promoting Equality and Diversity throughout the organisation; this will be accomplished through the provision of training and development of managers and employees to ensure a supportive working and home environment for all employees, service users, tenants, young persons and customers.

The Company will endeavour to ensure that everyone is treated with dignity and respect; it is the policy of the Company that no person acting on our behalf shall discriminate in any situation against another individual or group, directly or indirectly.

All employees, whether part-time, full time or temporary will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of their individual aptitude and ability to carry out duties expected of that post.

We are a Disability Confident employer and are committed to recruiting, retaining and supporting disabled employees. CareTech aims to remove barriers, resolve issues relating to disability and consider individual needs. This includes taking

positive steps towards promoting equality of opportunity, inclusion for all and promoting positive attitudes towards disabled people.

8. What is Equal Opportunity and Diversity?

- Equality: A situation where everyone is able to participate and everyone is allowed to fulfil their potential.
- Equal Opportunity: The right of all individuals, and anyone within a protected group, to equality of access to any aspect of life.
- Diversity: Recognising, valuing and taking account of individuals' different backgrounds, knowledge skills and experience to create a more producing and effective organisation.

CareTech will ensure that policies, procedures and practice within the organisation do not discriminate against any individual that all individuals will be treated fairly and equally regardless of whom they are their background or their lifestyle or the number of hours worked.

The Company recognises that people from different backgrounds can bring fresh ideas and a different approach which can make the way we work and learn more fun, more creative, more efficient and more innovative, bringing benefits to the organisation.

9. Definitions

- Protected Characteristic:
 - Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation
- Direct Discrimination: When an individual is dealt with less favourably on the grounds of one of their protected characteristics or colour, nationality, ethnic or national origin; also because of, for example, marital status or caring responsibility, political or religious beliefs; HIV status; employment status; union activities. The treatment will still amount to direct discrimination even if it is based on the protected characteristic of a third party with whom the job applicant or employee is associated and not on the job applicant's or employee's own protected characteristic. In addition, it can include cases where it is perceived that a job applicant or an employee has a particular protected characteristic when in fact they do not.
- Indirect Discrimination: Indirect discrimination occurs when an employer applies a provision, criterion or practice which can only be met by a considerably smaller- proportion of people, therefore placing them at a particular disadvantage when compared with those who do not share the protected characteristic and the Company cannot show it to be a proportionate means of achieving a legitimate aim. Examples: a rule about clothing or requiring applicants to have British qualifications could amount to indirect discrimination if it disproportionately disadvantages a racial group and cannot be justified.
- Victimisation: When an individual is treated less favourably because that person has asserted rights under the Equality Act 2010, the relevant sections of the Employment Rights Act 1996 or acted as a Whistleblower, making a Protected Disclosure against a person or Company. Actions include those against persons who plan to make a complaint or have supported someone else who has made or is planning to make a complaint.
- Harassment: Repeated, unreciprocated and unwelcome comments, looks, actions, suggestions or physical contact which is found objectionable and offensive and which might threaten an employee or participant or create an intimidating or uncomfortable environment. Harassment can be sexual, racial, directed against people with

disabilities or indeed related to any characteristic exhibited by the individual. Reference should be made to the Company Bullying and Harassment Policy and Procedure for additional information.

- Positive Action: refers to measures taken to assist the Company or employees who have been under-represented in specific areas, to reach a level of workplace knowledge and competencies that are comparable with 'representative' employees. These measures would normally take the form of additional training.
- 'Positive discrimination' at the point of selection for work is not permissible. The Company urges all employees, service users, tenants, young persons and customers to be aware of the less obvious types of discrimination which result from general assumptions and pre-conceptions about the capabilities, interests and characteristics of individuals and report their concerns.
- Occupational Requirement (OR): In very limited circumstances it will be lawful for an employer to treat people differently if there is an occupational requirement. This is where there is a requirement which is crucial to the post

and a justifiable business reason for a particular person to undertake a job. This would be identified at the beginning of the recruitment, training or promotion process and should be reassessed every time a post becomes vacant

10. Aims of the Policy

1. To ensure that those groups that are underrepresented within the workforce are positively recruited and have
 - (a) Equal access to appropriate training, and
 - (b) Are given equal opportunities to succeed within the organisation.
2. To create an environment in which individual differences and the contributions of all our staff are recognised and valued.
3. That all employees work in an environment that promotes dignity and respect to all free from and nil tolerance of intimidation, bullying or harassment
4. To raise staff awareness of the sources of direct and indirect discrimination and how they may be identified.
5. To ensure that appropriate facilities are in place to enable equal access for all job applicants, training and promotion
6. To ensure that no person is excluded, discriminated against or treated unfairly because of any factors noted in the policy statement

11. Equal Opportunities in Employment

11.1. Recruitment and Selection

All applications will be considered on merit; the recruitment and selection procedure will be carried out fairly and consistently assessing each application against set non-discriminatory criteria.

No vacancy will be advertised in a way that discouraged applications from any person unless there is a justifiable requirement (OR).

Interviews should be conducted in accordance with the terms and spirit of this policy; CareTech will, where appropriate, make reasonable adjustments to its arrangements for interviews and conditions of employment in order to ensure that the applicants with disabilities are not disadvantaged

The interview questions will be closely related to the selection criteria and will be asked in order to elicit information that will give a fair assessment of that particular applicant's ability to perform the tasks required by the vacancy

For further information please refer to the Recruitment and Selection policy and procedure.

11.2. Promotion and Career development

The Company will where possible offer promotion and career development opportunities for existing staff, advertising internally, using the selection criteria relevant to the vacancy.

11.3. Training and Development

The company will aim, within available resources, to provide a variety of training and development opportunities that will equip employees to meet our current and future needs; the training offered will consider the needs of all people.

For further information please refer to the Training and Development policy.

11.4. Employees with disabilities

The Discrimination Act 1995 (DDA) makes it unlawful to discriminate against a disabled person in terms of their employment, training, promotion opportunities, by dismissing them or by subjecting them to

any other detriment. It is also unlawful to subject a disabled person to harassment, or victimisation because they have brought a complaint or other proceedings. The DDA defines a disabled person as follows:

A person has a disability for the purpose of the Act if he/she has a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day to day activities. Long term means that it must last, or be likely to last, for more than 12 months.

The Company will always consider the role of people with disabilities; Managers will take all reasonable steps to ensure the working environment does not prevent people with disabilities from taking up positions within the organisation, if they are suitably qualified.

Where required, the Company will provide additional training and support to ensure on-going understanding of our policy and compliance with legislation. If employees of the Company, during their employment, become unable to carry out their normal duties because of disability, the organisation will take all reasonable steps to make sure they maintain or return to the roles appropriate to their experience and abilities. Consideration will be given to reasonable adjustments to the job and working conditions, redeployment and retraining, enabling them to remain with the Company whenever possible.

If you are disabled or become disabled, we encourage you to tell the Company about your condition so that you can be supported as appropriate.

11.5. Pay awards

The Company's arrangements for determining employees' salaries are based on the principle of awarding individual merit and therefore providing equality of pay regardless of gender, marital status, age, disability, colour, race, nationality, citizenship, ethnic or national origin, religion or sexual orientation or the number of hours they work. These arrangements are designed to ensure that pay awards are based on objective criteria, free from discrimination and have due regard to the principle of equal pay for work of equal value.

11.6. Progressive Medical Conditions

It is CareTech's policy to ensure that all employees with potentially contagious diseases, for example:

- HIV/AIDS
- SARS
- Hepatitis A, B of C

Are treated equally and not discriminated against, and that all possible measures are taken within the Company to ensure they have reasonable time off work for health-check appointments and any necessary workplace adjustments.

Though a person with HIV / AIDS and other conditions may not consider themselves to be disabled, they are afforded protection under legislation as the ailment is considered a disability as HIV can be a progressive condition controlled by drugs.

As a person's HIV status is not obvious, it is up to the infected worker to disclose his/her status to line management. The Company will encourage further disclosure only when absolutely necessary and will do everything possible to ensure the support of fellow workers. Further disclosure might be beneficial when the infected employee explicitly wishes and consents to it in order to reduce the stress of not divulging or when it helps facilitate the person's ability to do the job.

If the infected worker does not want to disclose his/her HIV status, the Company is obliged by the General Data Protection Regulation (GDPR) and the Human Rights Act to keep it confidential. All necessary staff

training on how to deal with the information will be carried out. If any adjustments are necessary, the employee's colleagues do not need to be told the precise medical reason.

Any harassment of Caretech workers infected with HIV or other potentially contagious diseases will not be tolerated and the offenders will be dealt with using the Disciplinary Procedure.

12. Responsibilities and Procedure

12.1. The Group Board

The Group board fully endorses this Policy and holds ultimate responsibility for reviewing and achieving its aims. The Group Board recognises its role in being responsible and accountable for the development of diversity awareness in the Company and as such lead by example.

12.2. The Human Resources Department

The HR department, will collate information, solely for the purpose of monitoring equal opportunity and to ensure that

- There is no discrimination in selection decisions in recruitment, promotion, transfer or training, that
- Grievances are dealt with in a fair and consistent manner, and
- Any allegation of discrimination has been investigated and treated seriously and to take up any follow-up action as required These records will be maintained solely for the purpose of monitoring equal opportunity and decision making to actively promote equal opportunities.
- All personal data collected for equality and diversity monitoring such as race, gender or disability is confidential. We monitor to ascertain if a person has any needs related to a diversity characteristic. This information is treated sensitively and without prejudice.
- We are committed to promoting equality of opportunity on all equality grounds. Information collected allows Caretech to assess how we are meeting this commitment and how we can improve recruitment or retention for people with particular characteristics. We are keen that our workforce represents the diverse communities we serve.
- We publish information each year on our website relating to the Gender pay gap. This policy is available to all employees during recruitment and via our policy portal. Stakeholders may also access our portal on request. An easy read version is also available.

12.3. Managers

All managers are responsible for implementing and enforcing this Policy and ensuring that their teams and employees are aware of their responsibilities.

Managers should promote, respect and encourage each employee to reach their full potential and deal appropriately with any breach of this Policy. They are to ensure all employees are trained and made aware of

their responsibilities, under the company policy and through legislation, providing additional development and support where necessary.

In addition, they should monitor and ensure that:

- Grievances are dealt with in a fair and consistent manner.
- Correct records of employment decisions are maintained and regular reviews carried out of employment practices.
- There is no discrimination in selection decisions in recruitment, promotion, transfer or training.
- Any employee who has acted on the grounds of discrimination will not be treated any less favourably than any other member of staff.
- Any allegation of discrimination will be investigated and treated seriously.

12.4. Individual Employees

All employees of CareTech, at every level, have an individual responsibility for ensuring that there is equality of treatment and opportunity and adherence to this Policy.

Each employee should endeavour to promote a working environment free from prejudice and discrimination by personally exhibiting the correct behaviour and challenging any colleague who falls short of these expectations.

Everyone has a responsibility to co-operate with the measures introduced regarding equal opportunity and diversity, and not to:

1. Discriminate against any other employee.
2. Induce, or attempt to induce, other employees to practice unlawful discrimination.
3. Victimise or attempt to victimise individuals on the grounds that they have made complaints or provided information on discrimination.
4. Harass abuse or intimidate other employees.

Any employee who witnesses any incident or behaviour that they are not comfortable with or if they suspect discrimination is taking place, should inform their manager and a member of the Human Resources Department without delay.

13. Policy Enforcement

The Company will not tolerate behaviour in the form of discrimination, victimisation, harassment or bullying.

Legislation and associated company regulations exist to protect employees, and there are a number of policies and procedures in place that are regularly reviewed to support the legislation.

Breaches of our Equality and Diversity Policy will be regarded as misconduct and could lead to a disciplinary proceeding.

14. Reporting Complaints

All allegations of discrimination or harassment will be dealt with seriously, confidentially and speedily.

Any employee found or suspected of harassing or bullying another person may well face severe disciplinary action if, following an investigation into the circumstances, an outcome of reasonable belief is found that bullying, discrimination or harassment has taken place.

The perpetrator(s) will be dealt with through the company disciplinary procedure.

The Company will not ignore or treat lightly grievances or complaints of discrimination or harassment from employees. If an employee wishes to make a complaint of discrimination, they should use the Company's grievance procedure.

With cases of Harassment, while the Company encourages employees who believe they are being harassed or bullied to notify the offender (by words or by conduct) that their behaviour is unwelcome; the Company also recognises that there may be a perceived status disparity that individuals may consider makes such confrontation impractical.

In the event that such informal direct communication is impractical, such discussion had been ineffective or indeed it is considered that the situation is too serious to be dealt with informally, you should follow the procedure set out below.

15.Procedure

If you wish to make a complaint of harassment, whether against a fellow employee or a third party, such as a client, customer, contractor or supplier, you should follow the following steps:

1. First of all, report the incident of harassment to your line manager. If you do not wish to speak to your line manager, you can instead speak to an alternative manager or to a member of the Human Resources Department; it may be more comfortable to place your concerns in writing and then forward them onto the relevant person.
2. Such reports should be made promptly so that investigation may proceed and any action taken as speedily as possible.
3. All allegations of harassment will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the details of your complaint. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, the Company must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged harasser so that he or she is able to fairly respond to the allegations. The Company reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter.
4. The Company will also invite you to attend at least one meeting at a reasonable time and place at which your complaint can be discussed. You must take all reasonable steps to attend that meeting and you have the right to be accompanied at it by either a trade union official or a fellow employee of your choice.
5. Once the investigation has been completed, you will be informed in writing of the outcome and the Company's conclusions and decision as soon as possible. You will also be notified in writing of your right to appeal against the Company's decision if you are not satisfied with it. The Company is committed to taking appropriate action with respect to all complaints of harassment which are upheld. If appropriate, disciplinary proceedings will be brought against the alleged harasser.
6. If you wish to appeal against the Company's decision, you must appeal in writing to a more senior manager or to a Director of the Company within five working days of the Company's decision. On receipt of an appeal, a more senior manager or a Director (who may not be the person to whom you addressed your appeal) shall plan to hear it at an appeal meeting and at that meeting you may again, if you wish, be accompanied by either a trade union official or a

fellow employee of your choice. You must take all reasonable steps to attend that meeting. Following the meeting, the relevant manager or director will inform you in writing of the Company's final decision on your appeal.

7. You will not be penalised for raising a complaint, even if it is not upheld, unless your complaint was both untrue and made in bad faith; any accusations found to be malicious will be dealt with under the Company disciplinary procedure.

8. If your complaint is upheld and the harasser remains in the Company's employment, the Company will take all reasonable steps to ensure that you do not have to continue working alongside him or her if you do not wish to do so. The Company will discuss the options with you.

9. If your complaint is not upheld, arrangements will be made for you and the alleged harasser to continue or resume working and to repair working relationships.

Additionally, mediation through an Accredited Workplace Mediator, internal or external, may be offered and made available by the company as a further tool to assist in moving to a mutually acceptable conclusion together with additional training for the parties involved. Alternatively, you may, if you wish, use the Company's grievance procedure to make a complaint of harassment.

Any employee who is found to have discriminated against or harassed another employee in violation of this policy will be subject to disciplinary action under the Company's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal. In addition, line managers who had

knowledge that such discrimination or harassment had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under the Company's disciplinary procedure.

16. Monitoring Equal Opportunity and Dignity at Work

The Company will regularly monitor the effects of selection decisions and personnel and pay practices and procedures in order to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices.

If changes are required, the Company will implement them. The Company will also make reasonable adjustments to its standard working practices to overcome substantial disadvantages caused by disability.

17. Contact details

17.1. CareTech

If you have any concerns about equality and diversity and do not feel able to raise this with your line manager or regional HR Business Partner, you can contact CareTech Senior management:

Group Freedom to Speak Up Guardian
Amanda Sherlock
Group Executive Director, Compliance
07816660289
Amanda.sherlock@caretech-uk.com

Shilleen Freeth
Group Head of Human Resources
07929042220
Shilleen.freeth@caretech-uk.com

Where concerns affect the well-being of individuals we support and you feel unable to raise internally, this can be raised with the placing authority or the relevant care regulator.

17.2. Care Quality Commission

CQC National Customer Service Centre
Citygate Gallowgate
Newcastle upon Tyne
NE1 4PA
Tel: 03000 616161
www.cqc.org.uk

17.3. Social Care Wales

Social Care Wales
South Gate House
Wood Street
Cardiff
CF10 1EW
Tel: 0300 303 3444
ftp@ccwales.org.uk

17.4. Care Inspectorate

Compass House
11 Riverside Drive
Dundee
DD1 4NY

Tel: 0345 600 9527

Email: enquiries@careinspectorate.com

17.5. Ofsted

enquiries@ofsted.gov.uk

0300 123 4666

18.Revision History

This policy will be updated when appropriate, in line with any Company or regulatory changes.

Date of review: September 2023