



# Family Nursing & Home Care

## **Equality and Diversity Policy**

**September 2023**

## Document Profile

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<b>Author</b>	Amanda De Freitas, Head of HR, with input from Law At Work and support of Mo de Gruchy, Governance Team
<b>Category</b>	Human Resources
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<b>Document Status</b>	This is a controlled document. Whilst this document may be printed, the electronic version posted on the intranet is the controlled copy. Any printed copies of this document are not controlled. As a controlled document, this document should not be saved onto local or network drives but should always be accessed from the intranet.

### Version control / changes made

Date	Version	Summary of changes made	Author
August 2023	1	Revised policy which replaces current policy and associated procedures contained within Staff Handbook	Mo de Gruchy

Development of this policy has been informed by the Jersey States Employment Board Equality and Diversity Policy 2018

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## 1. INTRODUCTION

### 1.1 Rationale

The Discrimination (Jersey) Law 2013 first came into force on 1 September 2014. It currently applies to the following protected characteristics: sex, sexual orientation, gender reassignment, maternity and pregnancy, age, race and disability (Carey Olson 2021). In the UK the Equality Act 2010 also includes the protected characteristics of religion, belief, marriage or civil partnership – as yet these are not protected characteristics under Jersey Law (BCR Law 2022).

The behaviours which the Law prohibits in the workplace are:

- Direct Discrimination
- Indirect Discrimination
- Harassment
- Victimisation

Aside from an organisation meeting its legal obligations, there are a number of benefits to promoting equality and diversity in any workplace. These include:

- Improved ability to attract talent and skilled workforce
- Increased staff retention, workforce satisfaction and lowered employee turnover
- Improved innovation and creativity
- Access to new markets and improved customer satisfaction
- Stronger brand identity and reputation
- Reduced risks of workplace conflict
- Reduced risk of litigation

(BCR Law 2022)

Family Nursing & Home Care (FNHC) is committed to the policy of exercising equal and fair treatment of all employees and job applicants and to providing an environment where employees are treated with respect and dignity.

The aims of this policy are to:

- promote equal opportunities
- ensure that employees achieve their full potential and that all employment decisions are taken without reference to irrelevant or discriminatory criteria
- promote a good and harmonious working environment in which all people are treated with respect
- prevent occurrences of unlawful discrimination, harassment and victimisation
- ensure FNHC meets its legal obligations under the relevant (local) legislation

## **1.2 Scope**

This policy applies to all employees of FNHC and those working for the organisation, including on a voluntary basis.

## **1.3 Role and Responsibilities**

### **Chief Executive Officer (CEO)**

The CEO has overall responsibility for ensuring that this policy meets the requirements of the organisation.

### **Director of Governance and Care**

The Director of Governance and Care has responsibility to ensure that the organisation maintains an up to date Equality and Diversity Policy and associated procedures.

### **Line Managers**

Line managers are responsible for:

- ensuring their staff are aware of their responsibilities under this policy, through regular training, professional development and other measures
- giving equal opportunities to those who share a protected characteristic and those who do not
- adapting, where possible to the specific needs of individuals

### **Human Resources (HR)**

HR are responsible for:

- advising Line Managers on equality and diversity particularly when recruiting or promoting employees
- providing advice and support to all employees if they feel they are being disadvantaged in any way due to their particular characteristics
- supporting and promoting equality across the organisation

### **Employees**

Employees are responsible for:

- treating all fellow employees, service users, visitors, volunteers or contractors fairly and with respect
- adapting, where possible to the specific needs of all individuals

- ensuring their working relationships between those who share a particular characteristic and those who do not are equal and balanced
- co-operating with any measures introduced by FNHC to promote equal opportunities in the workplace
- refraining from taking any actions or decisions which are contrary to the letter or spirit of this policy
- not harassing, victimising or otherwise discriminating against employees, clients or potential clients
- not instructing or pressurising others to act in breach of this policy
- advising their Line Manager if they are aware of any discriminatory conduct, either against themselves or any third party contrary to the spirit of this policy, so that FNHC can take steps to deal with it at an early stage

## **2. POLICY**

### **2.1 Key Principles**

Everyone, regardless of age, disability, gender reassignment, marital or civil partnership status, pregnancy, maternity, race, religion or belief, sex or sexual orientation can expect to be treated with dignity and respect whether they are employees, service users, customers, clients, visitors, volunteers or contractors.

Discrimination in employment happens as a result of prejudice, misconception and stereotyping which in turn hinders the proper consideration of an individual's talents, skills, abilities, potential and experience. It can be direct or indirect, intentional or not intentional.

FNHC will not tolerate discrimination on any of the following grounds; race (defined as colour, nationality, ethnic or national origin), gender, gender re-assignment, sexual orientation, civil partnership, marital status, pregnancy or maternity, age, religious and political beliefs or disability.

Furthermore, FNHC will endeavour to provide those employees who have physical or mental disabilities known to FNHC with specific assistance and arrangements to enable them to work for FNHC wherever this is reasonable and practical.

FNHC will not tolerate any form of discrimination and will treat all complaints seriously, sensitively and with as much confidentiality as reasonably practicable. Whilst it is hoped that the majority of cases can be resolved on an informal basis between the parties concerned, all formal complaints will be investigated and if necessary be dealt with through FNHC's Grievance Policy or Disciplinary Policy as appropriate.

All employees will complete mandatory online training in equality, diversity and human rights as part of their induction and every three years thereafter.

### **3. PROCEDURE**

#### **3.1 Expected Standards – Line Managers and Senior Leadership Team**

Care should be taken to ensure that advertisements for job vacancies are drafted in such a way that all interested candidates may consider they are eligible to apply. Equal opportunity factors should be considered when compiling FNHC's publications and communications.

Recruitment documentation may seek details on gender, age and ethnic group but make it clear that such information is required for monitoring purposes only. Procedures should be monitored to ensure that prejudice has no influence on decisions concerning recruitment, promotion, training opportunities or any terms or conditions of employment.

Short listing for interview should be carried out against selection criteria based on essential competencies associated with the job and the personal qualities and level of experience required. These criteria should be drawn up as objectively and as inclusively as possible.

All interviewers should be fully aware of this Policy and base their assessment on using competency-based interviewing. Wherever possible, brief records should be kept at short listing and final selection stages to assist with recording the reasons for short listing or rejecting the candidates.

All promotion decisions will be governed by an objective assessment of individual merit, standard of work performance and development potential.

Employees will receive the appropriate training to perform their job competently and to develop professionally in order to fulfil realistic career opportunities. In cases where any employee becomes disabled, re-training will be provided wherever possible to help the individual continue in the current role or to carry out a new role where this is available.

If an employee's contract is terminated for whatever reason, FNHC should not discriminate against employees and decisions to terminate employment will be based upon non-discriminatory grounds.

All employees who resign from FNHC may be asked to participate in an exit interview in order to ascertain their reasons for leaving. If these interviews reveal that employees are leaving on grounds of perceived discrimination, a full investigation will be carried out.

#### **3.2 Expected Standards – All Employees**

Whilst overall responsibility for the effective operation of this policy lies with FNHC, all employees, whatever their position, are responsible for ensuring its effective implementation.

Employees can be held personally liable for any unlawful acts of discrimination. Apart from being subject to potential disciplinary sanctions, an individual who breaches FNHC's policy may become personally liable to compensate their victim.

All employees should ensure that they:

- co-operate with any measures introduced by FNHC to promote equal opportunities in the workplace
- refrain from taking any actions or decisions which are contrary to the letter or spirit of this Policy
- do not harass, victimise or otherwise discriminate against employees, clients or potential clients
- do not instruct or pressurise others to act in breach of this policy
- advise their Line Manager if they are aware of any discriminatory conduct, either against themselves or any third party contrary to the spirit of this policy, so that FNHC can take steps to deal with it at an early stage

### 3.3 Equality Impact Screening Tool

All FNHC policies should have a completed Equality Impact Screening Tool as an Appendix, to ensure that FNHC policy does not affect one group less or more favourably than another on the basis of age, disability, ethnic origin etc.

## 4. CONSULTATION PROCESS

Name	Title	Date
Elspeth Snowie	Head of Quality and Safety	09.08.23
Justine Bell	Head of Education and Development	16.08.23
Teri O'Connor	Home Care Manager	16.08.23
Tia Hall	Operational Lead Adult Nursing	16.08.23
Michelle Cumming	Operational Lead Child and Family Services	16.08.23
Clare Stewart	Operational Lead RRRT	16.08.23
Clare Whelan	Head of Information Governance and Systems	16.08.23
Sue Ashford	HR Officer	16.08.23
Elaine Walsh	Director of Finance	16.08.23



## 5. IMPLEMENTATION PLAN

Action	Responsible Person	Planned timeline
Upload onto Procedural Document Library (PDL)	Secretary / Administration Assistant (Quality and Governance Team)	Within two weeks of ratification
Upload to Virtual College (VC)	Head of Education and Development	Within two weeks of ratification
Communication regarding updated policy on PDL and VC	Secretary / Administration Assistant (Quality and Governance Team)	Once uploaded onto PDL and VC

## 6. MONITORING COMPLIANCE

Compliance will be monitored informally by line managers and the HR department. Incidents of discrimination, victimisation and/or harassment will be monitored through the organisation's incident reporting system and investigated so learning can be identified. Complaints involving issues relating to equality and diversity will also be monitored and investigated and will be reported monthly on the performance board report.

## 7. EQUALITY IMPACT STATEMENT

Family Nursing & Home Care is committed to ensuring that, as far as is reasonably practicable, the way services are provided to the public and the way staff are treated reflects their individual needs and does not discriminate against individuals or groups on any grounds.

This policy document forms part of a commitment to create a positive culture of respect for all individuals including staff, patients, their families and carers as well as community partners. The intention is to identify, remove or minimise discriminatory practice in the areas of race, disability, gender, sexual orientation, age and 'religion, belief, faith and spirituality' as well as to promote positive practice and value the diversity of all individuals and communities.

The Family Nursing & Home Care values underpin everything done in the name of the organisation. They are manifest in the behaviours employees display. The organisation is committed to promoting a culture founded on these values.

### Always:

- ✓ Putting patients first
- ✓ Keeping people safe
- ✓ Have courage and commitment to do the right thing
- ✓ Be accountable, take responsibility and own your actions
- ✓ Listen actively
- ✓ Check for understanding when you communicate
- ✓ Be respectful and treat people with dignity
- ✓ Work as a team

This policy should be read and implemented with the Organisational Values in mind at all times. See [appendix 1](#) for the Equality Impact Screening Tool.

## **8. GLOSSARY OF TERMS**

### **Discrimination**

Any act or omission of an act, which results in an employee or applicant suffering less favourable treatment or a disadvantage.

Direct discrimination is when an individual is treated less favourably than another person would be under the same circumstances on the grounds of race, gender, gender re-assignment, pregnancy and maternity, sexual orientation, age, religious belief, political opinion, civil partnership, marital status or disability.

Indirect discrimination is when the application of an unjustifiable condition or requirement, adversely affects one particular group of people and an individual within that group suffers a disadvantage as a result.

### **Disability**

An individual who has a long-term (lasting for more than 6 months) physical, mental, intellectual or sensory impairment which has an effect on their ability to engage or participate in their normal day-to-day working activities.

### **Diversity**

Recognising, valuing and taking account of individual's different backgrounds, skills and experience.

### **Gender Reassignment**

A personal, social and sometimes medical process by which a person's gender presentation (how they appear) is changed. Not all transgender individuals undergo medical treatment to change their gender.

### **Harassment**

Harassment is defined as any unwanted behaviour or provocation that is deemed offensive to the individual and related to a protected characteristic, whether physical, verbal, aural or visual and whether actual or by innuendo or any other means.

### **Sexual orientation**

Whether a person is attracted to people of their own sex, the opposite sex or both sexes.

### **Protected characteristic**

Disability, gender reassignment, marriage, civil partnership, pregnancy, maternity, race, religion or belief, age, sex or sexual orientation.

### **Victimisation**

Victimisation occurs where a person is treated unfavourably because, for example, they have brought proceedings or given evidence or information in a case relating to discrimination.

## 9. REFERENCES

BCR Law (2022) *BCR Explores Law – Discrimination and the Law*. Available at: [BCR Explores Law - Discrimination and The Law - BCR Law \(bcrlawllp.com\)](https://www.bcrlawllp.com/BCR-Explores-Law-Discrimination-and-The-Law). Last accessed 16.08.2023

Carey Olson (2021) *Carey Olson Starting Point Employment Law Guide – The Discrimination (Jersey) Law 2013*. Available at: [Carey Olsen Starting Point Employment Law Guide | Carey Olsen](#). Last accessed 16.08.2023

States of Jersey (2018) *Equality and Diversity Policy*. Available at [P Equalities and Diversity Policy 20150902 SH.pdf](#). Last accessed 09.08.2023

## 10. APPENDIX

### Appendix 1 Equality Impact Screening Tool

Stage 1 - Screening			
Title of Procedural Document: Equality and Diversity Policy			
Date of Assessment	23.08.23	Responsible Department	Human Resources
Name of person completing assessment	Amanda De Freitas	Job Title	Head of Human Resources
<b>Does the policy/function affect one group less or more favourably than another on the basis of :</b>			
	<b>Yes/No</b>	<b>Comments</b>	
• Age	No		
• Disability Learning disability; physical disability; sensory impairment and/or mental health problems e.g. dementia	No		
• Ethnic Origin (including hard to reach groups)	No		
• Gender reassignment	No		
• Pregnancy or Maternity	No		
• Race	No		
• Sex	No		
• Religion and Belief	No		
• Sexual Orientation	No		
<b>If the answer to all of the above questions is NO, the EIA is complete. If YES, a full impact assessment is required: go on to stage 2, page 2</b>			
Stage 2 – Full Impact Assessment			
<b>What is the impact</b>	<b>Level of Impact</b>	<b>Mitigating Actions (what needs to be done to minimise / remove the impact)</b>	<b>Responsible Officer</b>
Monitoring of Actions			
The monitoring of actions to mitigate any impact will be undertaken at the appropriate level			