

**CONTROLLED DOCUMENT**

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## EQUITY, EQUALITY, DIVERSITY AND INCLUSION

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| <b>CATEGORY:</b>  | Policy   |
| <b>CLASSIFICATION:</b>                                  | People   |
| <b>PURPOSE:</b>   | This policy sets out Brunelcare’s position on equity, equality, diversity and inclusion  |
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| <b>Essential Reading for:</b>                           | All Employees  |
| <b>Information for:</b>                                 |  |

**Document Consultation and Review Process**

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| <b>Groups/Individuals who have overseen the development of this Policy:</b> | People Leadership Team, Corporate Governance Department, Senior Leadership Team, Board Policy Group                     |
| <b>Groups/Individuals Consulted:</b>  | Remuneration, Nomination & Workforce Committee, Senior Leadership Team, Colleague Voice Representatives, Equality Forum |

**Document version control:**

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**For the Use of the Corporate Governance Team only:**

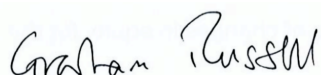
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## 1. POLICY STATEMENT

- 1.1 Brunelcare is committed to ensuring that policies, strategies, processes and behaviours that promote equality and contribute to a diverse and inclusive organisational culture are in place.
- 1.2 The aim is for our workforce to be truly representative of all sections of society and our customers, and for each employee to feel respected and able to give their best.
- 1.3 We aim to make reasonable adjustments to our working arrangements, policies and practices that enable disabled people to take up employment with us, provide us with services, participate in our projects, and other activities.
- 1.4 We are committed to treating our clients, customers and suppliers fairly, with dignity and respect based on our commitment to Equity, Equality, Diversity and Inclusion for their benefit and to earn and warrant their respect and confidence.
- 1.5 The Equity, Equality, Diversity and Inclusion Policy is fully supported by the Board and Senior Leadership Team.



Graham Russell  
Chair of the Board



Oona Goldworthy  
Chief Executive Officer

## 2. AIM OF THE POLICY AND RELATED LEGISLATION

2.1 The aim of the policy is to:

2.1.1 Provide equality, fairness and respect for all in Brunelcare's employment and care;

2.1.2 Not unlawfully discriminate on the grounds of any of the Equality Act 2010 protected characteristics including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex and sexual orientation;

2.1.3 Oppose and avoid all forms of unlawful discrimination. This includes pay and benefits, terms and conditions of employment, dealing with recruitment, grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities.

### **Legislative and Legal requirements:**

[The Equality Act 2010 \(Amendment\) Regulations 2023](#)

[Equality Act 2010](#)

[Protection from Harassment Act 1997](#)

[Human Rights Act 1998](#)

The key law which informs Brunelcare's approach is the Great Britain Equality Act 2010 which has harmonised and brought together many previous pieces of legislation. It has widened the scope of discrimination law beyond the area of employment and into the provision of education and training in the broadest sense and the wider supply of goods and/or services.

## 3. SCOPE OF THE POLICY

3.1 This policy applies to all employees working at all grades including bank employees, as well as agency employees, trustees, volunteers, consultants, and contractors.

## 4. DEFINITIONS

4.1 For the purpose of this policy '*individual*' refers to all employees, including agency employees, trustees, volunteers, consultants and contractors.

- 4.2 At its core, *equality* means fairness: Brunelcare will ensure that individuals, or groups of individuals, are not treated less favourably because of their protected characteristics.
- 4.3 *Equality* also means equality of opportunity. Brunelcare will ensure that those who may be disadvantaged can get the tools they need to access the same, fair opportunities as their peers.
- 4.4 *Diversity* is recognising, respecting and celebrating each other's differences. A diverse environment is one with a wide range of backgrounds and mindsets, which allows for an empowered culture of creativity and innovation.
- 4.5 *Inclusion* means creating an environment where everyone feels welcome and valued. An inclusive environment can only be created once we are more aware of our unconscious biases, and have learned how to manage them.
- 4.6 *Equity* refers to fairness and justice and is distinguished from equality: Whereas equality means providing the same to all, equity means recognising that we do not all start from the same place and must acknowledge and make adjustments to address imbalances.

## 5. KEY PRINCIPLES AND REQUIREMENTS

- 5.1 Brunelcare commits to:
  - 5.1.1 Encouraging equity, equality, diversity and inclusion in the workplace as they are good practice and make business sense;
  - 5.1.2 Creating a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where personal differences and the contributions of all individuals are recognised and valued. Definitions are provided in Appendix 1;
  - 5.1.3 Training managers and all other individuals about their rights and responsibilities under the equity, equality, diversity and inclusion policy. Responsibilities include individuals conducting themselves to help the organisation provide equal opportunities in employment, and prevent bullying, harassment, victimisation and unlawful discrimination;
  - 5.1.4 Making recruitment decisions based on the strength of the application and suitability for the role;
  - 5.1.5 Making decisions concerning individuals based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act);

- 5.1.6 Reviewing employment practices and procedures when necessary to ensure fairness, and also updating them and the policy to take account of changes in the law;
- 5.1.7 Monitoring the make-up of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability in encouraging equity, equality, diversity and inclusion, and in meeting the aims and commitments set out in the equity, equality, diversity and inclusion policy;
- 5.1.8 Monitoring will also include assessing how the equity, equality, diversity and inclusion policy, and any supporting action plan, are working in practice, reviewing them annually, and considering and taking action to address any issues.

### **Individual Liability**

- 5.2 All individuals should understand that they, as well as Brunelcare, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow colleagues, customers, suppliers and the public.

### **Complaints**

- 5.3 Complaints of bullying, harassment, victimisation and unlawful discrimination by fellow colleagues, customers, suppliers, visitors, the public and any others in the course of the Charity's work activities will be taken seriously. Misconduct of such acts will be dealt with under the Charity's grievance and/or disciplinary procedures, and appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.
- 5.4 Further, sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence.

### **Raising a concern**

- 5.5 Details of the Charity's grievance and disciplinary policies and procedures can be found on the Charity's intranet site. This includes with whom an employee should raise a grievance – usually their line manager.
- 5.6 Use of the organisation's grievance and/or disciplinary procedures does not affect an employee's right to make a claim to an employment tribunal.

## **6. ROLES AND RESPONSIBILITIES**

### **Board**

- 6.1 The Board has a statutory responsibility to have due regard to the Equality Act 2010 and the Human Rights Act 1998.
- 6.2 It has delegated oversight and monitoring of this policy to the Remuneration, Nomination and Workforce (RN&W) Committee. The committee is responsible for:
  - 6.2.1 ensuring that equity, equality, diversity and inclusion are integrated into all Charity business, in both service delivery and in the treatment of individuals;
  - 6.2.2 agreeing the Equity, Equality, Diversity and Inclusion strategy; and
  - 6.2.3 supporting the People Director in identifying areas for improvement.
- 6.3 The Board has delegated the responsibility of implementation and monitoring of this policy to the Chief Executive Officer who in turn has delegated this to the People Director.

### **People Director**

- 6.4 The People Director will:
  - 6.4.1 ensure existing and future employment policies, procedures and current practices address individual needs and are non-discriminatory;
  - 6.4.2 support, advice, and development is available to all managers in the effective implementation and practical application of the policy framework; and
  - 6.4.3 ensure training is provided to all employees in relation to this policy.

### **Managers**

- 6.5 Managers have the responsibility to:
  - 6.5.1 ensure that individuals under their directive are aware of this document and of their role in the delivery of this policy;
  - 6.5.2 recognise and accept responsibility for equity, equality and diversity as not simply a legal and moral issue, but one that has a strong business focus;
  - 6.5.3 recognise and accept responsibility for equity, equality and the management of diversity;
  - 6.5.4 acknowledge that the key to effective change in attitude and behaviour rests not in good intentions alone, but in action to ensure that the



management of diversity is implemented fairly and consistently in line with the Charity's agreed policies and procedures; and

- 6.5.5 take responsibility for ensuring that any actual or potential discrimination is not tolerated and appropriate investigations are conducted and disciplinary action is taken where appropriate.

### **Individuals**

- 6.6 It is crucial that everyone takes personal responsibility to help ensure that the work environment, consistent with cultural relations, respects the dignity of everyone and in broad terms, values the differences that exist between people and cultures.
- 6.7 Individuals have the responsibility to:
  - 6.7.1 treat all colleagues, visitors and customers with dignity and respect and ensure that no individual is subject to unlawful discrimination;
  - 6.7.2 report instances of less favourable treatment of an individual due to discrimination management or a member of the People team in line with the Charity's Speaking Up Policy; and
  - 6.7.3 co-operate with the development and implementation of policies as part of their normal duties and responsibilities.

## **7. EQUALITY AND DATA PROTECTION**

### **Equality and Diversity**

- 7.1 Brunelcare seeks to embed an environment where all clients, visitors, employees, agency employees, contractors, consultants, trustees, volunteers and any other workers are treated as individuals, fairly and in a consistent way. Brunelcare works within the spirit and the practice of the Equality Act 2010 by promoting a culture of respect and dignity and actively challenging discrimination, should it ever arise. This Policy will be applied in a way that is consistent with these principles.

### **Data Protection**

- 7.2 Brunelcare is committed to ensuring protection of all personal information that it holds, and to provide and protect all such data.
- 7.3 Brunelcare is dedicated to safeguarding the personal information under its control and in maintaining a system that meets the Charity's obligations under the Data Protection Act 2018 and UK General Data Protection Regulation. Brunelcare's practice is set out in the Privacy and Confidentiality Policy.

## **8. IMPLEMENTATION AND TRAINING**

- 8.1 Managers will attend appropriate training to ensure they are aware of the policy and their role and responsibilities within it.
- 8.2 Equity, Equality, Diversity and Inclusion is covered within the corporate induction.
- 8.3 Refresher training will be provided at regular intervals to ensure managers remain up to date with any legislative changes on an on-going basis. Any questions or requests for further training should be addressed to the People Development Team in the first instance.
- 8.4 Managers will ensure all individuals under their directive receive training on the principles of this policy on induction to the team, this could include online training.

## **9. MONITORING AND REVIEW**

- 9.1 This policy will be reviewed every three years, or sooner should the author or legal requirements deem it to be required.
- 9.2 Formal action taken in relation to this policy is documented on the Employee Relations Tracker and regularly reviewed by the People Partnering Team.
- 9.3 The Equity, Equality, Diversity and Inclusion report is shared with the Board of Trustees on an annual basis with anonymisation of data related to sensitive information.

A definition of terms used within this policy are as follows:

### **Discrimination**

#### *Direct Discrimination*

Direct discrimination occurs when someone is treated less favourably than another person because of a Protected Characteristic they have, or are perceived to have, or because of their association with someone who has a Protected Characteristic.

#### *Indirect Discrimination*

Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that puts specific groups at a disadvantage.

#### *Disability Discrimination*

In addition to direct and indirect discrimination, unjustified discrimination can also occur where an individual with a disability is treated less favourably than others because of the effects of a disability. Discrimination can also occur where there is a failure to comply with the duty to make reasonable adjustments.

### **Victimisation**

Victimisation occurs when an employee suffers a detriment because they have made, or is believed to have made or supported a complaint under the Equality Act 2010. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

### **Bullying**

Bullying should be considered as:

‘Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient’.

Examples include but are not limited to;

- Spreading rumours about or insulting a colleague.
- Unreasonable exclusion of an individual.
- Criticising an employee without justification or purposefully preventing them from progressing through the organisation’s hierarchy.
- The misuse of a position of power.

## Harassment

Harassment is unwanted conduct related to a Protected Characteristic (except for pregnancy and maternity, and marriage and civil partnership), which has the purpose or effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Employees can complain of behaviour that they find offensive, even if it is not directed at them and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association with someone with a protected characteristic. The Charity can be potentially liable for the harassment of employees by people (third parties) such as contractors, visitors etc.