

# HW Kingston Equality Diversity and Inclusion (EDI) Policy and Procedures

## 1. Scope

This policy applies to

Employees	x
Contractors	x
Volunteers	x
Partners	x
Suppliers	x
Consultants	x

Unless otherwise stated, this policy and procedure is non-contractual, does not form part of any contract of employment, and may be adapted or amended at any time by the Board of Trustees.

## 2. Policy Statement

It is the policy of Healthwatch Kingston to:

- Prevent its employees and volunteers from committing any unlawful discrimination, harassment, victimisation or any other conduct prohibited by the Equality Act 2010
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it by respecting diversity and promoting inclusion
- To foster good relations between people who share a protected characteristic and people who do not share it
- Constructively challenge any discrimination or abuse committed by people outside of HW Kingston that HW Kingston employees and volunteers observe in the course of their work.

## 3. External Standards and Definitions

The [Equality Act 2010](#) was introduced to legally protect people from discrimination in the workplace and in wider society.

Under the Equality Act, it is unlawful to discriminate directly or indirectly in recruitment or employment because of a 'protected characteristic'. The Equality Act defines the protected characteristics as being age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion, or belief, or because someone is married or in a civil partnership. Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

It is also unlawful to discriminate against or harass a member of the public or service user in the provision of services or goods or to fail to make reasonable adjustments to overcome barriers to using services caused by disability.

The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

### **Types of Unlawful Discrimination:**

- **Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. However, discrimination may be lawful if there is an occupational requirement which is core to a job role and a proportionate means of achieving a legitimate aim.
- **Indirect discrimination** means putting in place, a rule or policy or way of doing things that has a worse impact on someone with a protected characteristic than someone without one, when this cannot be objectively justified.
- **Harassment** is where there is unwanted behaviour related to a protected characteristic (other than marriage and civil partnership, and

pregnancy and maternity) which has the purpose or effect of violating someone's dignity or which creates a hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

- **Associative discrimination** is where the individual treated less favourably does not have a protected characteristic but is discriminated against because of their association with someone who does e.g. the parent of a disabled child.
- **Perceptive discrimination** is where the individual discriminated against or harassed does not have a protected characteristic, but they are perceived to have a protected characteristic.
- **Third-party harassment** occurs where an employee is harassed by third parties such as service users, due to a protected characteristic.
- **Victimisation** is treating someone unfavourably because they have taken some form of action relating to the Equality Act i.e. because they have supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected if they acted maliciously or made or supported an untrue complaint.
- **Failure to make reasonable adjustments** is where a rule or policy or way of doing things has a worse impact on someone with a protected characteristic compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

#### **4. External Standards**

Healthwatch Kingston aims to meet not only the requirements of the Equality Act 2010 but also to promote diversity and inclusion in all its work.

- **Diversity** is recognising that people are different, both in visible and non-visible ways with individual personal needs, values, and beliefs.

Diversity means valuing everyone as an individual and understanding that a 'one-size-fits-all' approach does not achieve fairness and equality of opportunity for everyone and therefore processes and approach need to be flexible and inclusive.

- **Inclusion** is about creating a workplace culture where everyone has a sense of belonging, feels respected for who they are and valued for their individual contribution.

## **5. Procedure**

### **5.1 Recruitment and Employment**

Care will be taken to ensure that items included in the Person Specification used at the time of recruitment are based upon objectively justified criteria.

HW Kingston will ensure that no job applicant or employee receives less favourable treatment or is disadvantaged by conditions or requirements that cannot be shown to be justifiable in the context of this policy.

HW Kingston regards discrimination, abuse, harassment, victimisation and the bullying of staff, volunteers, service user and clients by employees as disciplinary offences that could be regarded as gross misconduct.

### **5.2 Volunteering**

Healthwatch Kingston aims to ensure that no-one applying to become a volunteer or working as a volunteer receives less favourable treatment or is disadvantaged by conditions or requirements that cannot be shown to be justifiable in the context of this policy.

The recruitment, selection, induction, and training of volunteers will be subject to regular review to ensure that they comply with this policy.

Healthwatch Kingston regards discrimination, abuse, harassment, victimisation or bullying by volunteers as unacceptable and such behaviour will result in the application of remedial measures and, in

certain circumstances, may result in termination of an individual's involvement in Healthwatch Kingston as a volunteer.

### **5.3 Accessibility**

In developing its services and publicity materials, Healthwatch Kingston will seek to ensure that access is equitable for all. This will include, wherever practicable, making specific access arrangements for people with disabilities or learning difficulties, or any other protected characteristic which may apply.

### **5.4 Reviewing and commenting on health and social care services**

Healthwatch Kingston recognises that certain groups and individuals in society experience discrimination and disadvantage and that such people may experience particular issues when accessing health and social care services. Healthwatch Kingston employees and volunteers will be supported in bringing any such issues to the attention of partner organisations. Whenever practical and possible, Healthwatch Kingston will support public sector organisations in undertaking **Equality Impact Assessments**.

One of the criteria that Healthwatch Kingston will use when deciding whether to undertake new work will be the extent to which the issue disproportionately affects people who are experiencing greater discrimination/disadvantage/exclusion and/or have the poorest health and social care outcomes.

### **5.5 EDI Complaints**

Healthwatch Kingston will treat seriously any complaints of unlawful discrimination or any other breaches of this policy.

All complaints made by external parties will be investigated in accordance with Healthwatch Kingston **Complaints Policy and Procedures**.

In the event of an investigation concerning a complaint against an employee, Healthwatch Kingston's **Grievance Procedures** will be followed and any action necessary dealt with under the **Disciplinary Procedures**.

**Supporting Documents - None.**