

Legal Reference

1.0 **Regulation 21 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014**

1.1 **The Equality Act 2010**

Outcome Statement

2.0 **Service Users:**

- Are safe and their health and welfare needs are met by staff who are fit, appropriately qualified and are physically and mentally able to do their job.

2.1 **This is because we comply with the regulations and will:**

- Have effective recruitment and selection procedures in place.
- Carry out relevant checks when we employ staff.
- Ensure that staff are registered with the relevant professional regulator or professional body where necessary and are allowed to work by that body.
- Refer staff who are thought to be no longer appropriate to work in adult social care, and meet the requirement for referral, to the appropriate bodies.

2.2 The service is aware of potential equalities issues which may exist and has taken steps to find solutions. Additionally, the service is fully supportive of people with “protected characteristics” as defined in the Equality Act 2010.

2.3 The service reviews the Equality, Diversity and Embracing Culture Policy annually.

2.4 Staff and service users have been made aware of the company position in relation to equalities issues and are invited to be involved in their review and promotion.

2.5 The terms “Equal Opportunities”, “Equality of Opportunity” and “Non-Discriminatory Practice” previously referred to in service documentation have the same meaning in relation to activities in the service as “Equality, Diversity and Embracing Culture”.

Policy Statement

3.0 We believe that service users, staff and visitors should be provided with a safe environment which embraces all aspects of their care and treatment. This includes being assured that the staff employed to provide care and treatment for service users will help to keep them safe.

We are committed to this in relation to the provision of Equality, Diversity and Culturally Embracing services by the following:

3.1 In relation to recruitment, staff:

- Are honest, reliable, trustworthy and treat service users with respect.
- Are not discriminated against during the application or recruitment process.
- Are qualified and competent to carry out their role and meet the needs of service users.
- Have been subject to the necessary checks as described in Schedule 3 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, so that the manager is assured that the worker is suitable for their role.
- Have been subject to a check that they are registered with the Independent Safeguarding Authority (ISA)
- Are only allowed to start work before a full and satisfactory Disclosure and Barring Service (DBS) check has been received in exceptional circumstances. Where this is the case the manager must have received an ISA Adult First check that confirms the staff member is not barred.
- Have demonstrated they meet the same standards of competency, qualification and experience for the role where they are recruited from outside the United Kingdom as they would have had they been trained in the United Kingdom.
- Are physically and mentally able to carry out their role, with support, where necessary. This means staff:
 - Are not placed at risk by the work they will do because of an illness or medical condition they have
 - Do not present a risk to service users because of an illness or medical condition they have.
- Are clear about their responsibilities because they have an up-to-date job description.

- 3.2 Where relevant, staff working in the service are either registered with the NMC or, in the case of unqualified staff, are enrolled on a training course leading to attaining a recognised qualification such as NVQ2 – or are willing to enrol on such a course, within the first year of employment.

Those registered with the NMC follow its Code of Practice for professional standards and other associated guidance such as CPD and records kept on file. Other staff are made aware of this guidance.

- 3.3 Service users receive a service from an organisation that has the right staff because:
- Staff are recruited following an effective recruitment and selection procedure that complies with legislation about employment, equalities and human rights.
This includes as a minimum when recruiting new staff:
 - a. Application process including all of the necessary checks
 - b. Interview
 - c. References
 - d. Records of the above.
 - The recruitment and selection process ensures that staff are fit both physically and mentally to perform their role.
 - Temporary, agency, bank and voluntary staff, are subject to the same level of checks and a similar selection criteria as staff recruited directly.
 - They take into account relevant guidance, including that from the Care Quality Commission as may from time to time be published.

Procedure

Equality, Diversity and Cultural Opportunity

- 4.0 The service undertakes to ensure that it will not discriminate against, or treat any individual less favourably than another on the grounds of colour, race, ethnicity, marital status, gender or disability.

This shall include anyone who applies for a job in the service or who wishes to work in the service as a contractor, short term contract worker or a person employed by an agency.

- 4.1 The policy adopted by the service is fully compliant with the requirements of the Equality Act 2010 and fully supports the rights of people with “protected characteristics” as defined by “The Act”.

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- 4.2 The service also recognises the requirement of Regulation 21 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 to ensure that all staff employed are both “physically and mentally fit” to carry out their duties.
This means that recruiting managers must ensure that ALL applicants must be able to satisfy this requirement prior to their appointment.
- 4.3 The manager and staff are clearly committed to the promotion of equality of opportunity in any of the services provided and are committed to ensuring that all staff employed will equally promote this policy.
- 4.4 The service actively seeks applications for employment from all sectors of society, but will endeavour to employ only those people who share our values.
- 4.5 Staff will have received training in issues relating to The Equality Act 2010 and Equality, Diversity and Cultural Opportunity as part of their Induction Training Programme.
- 4.6 The manager will ensure that all service users:
- Are treated as individuals
 - Are able to receive treatment in line with their chosen religion and cultural beliefs.
 - Care and treatment planning will reflect their differing and diverse needs.
- 4.7 The manager should ensure that the Equality, Diversity and Embracing Culture Policy and Procedures are reviewed on an annual basis in order to ensure that it remains suitable and effective for use in the service.
- 4.8 A copy of this procedure should be:
- Made available to prospective service users as part of the organisations Information Pack.
 - Displayed in a prominent place within the offices .
 - Made available, on request, to anyone who asks for a copy.
- 4.9 Each person who applies for a job in the service should be given an Equality, Diversity and Cultural Opportunity Monitoring Form (Form – DCF-023) to complete.
- This includes any person who is working in the service through an agency.
- 4.10 The use of the Equality, Diversity and Cultural Opportunity Monitoring Form (Form – DCF-023) should be seen as voluntary, anonymous and is used to ascertain:
- The ethnic mix of applicants in relation to the local population
 - The effectiveness in recruitment of attracting minority groups
 - The balance of gender in the recruitment process
 - The relative age of the applicant pool
- 4.11 Staff, service users and their families should be listened to and necessary actions taken when issues of equality are raised.

- 4.12 The manager is required to identify a range of issues to be included as part of an Equality Impact Assessment on each policy, procedure, practice, protocol and purchase. This should be carried out at least once every year in the service as part of the Annual Management Review. This range of issues will include:
- Race
 - Culture
 - Religion
 - Mental / Physical Health
 - Mobility
 - Sight and Hearing
 - Physical well-being
- 4.13 The Equality, Diversity and Cultural Opportunity Review Programme should focus on the impact of paragraph 4.12 above in relation to:
- Staff employed in the service – and their carers / supporters
 - Service users receiving care and treatment – and their carers / supporters
 - The physical environment in which services are delivered
 - Services offered by the organisation
- 4.14 Equality, Diversity and Cultural Opportunity issues should be a standing agenda item at each Staff Meeting and comments made or issues raised should be included in the minutes of each meeting.
- 4.15 Progress by the service in relation to equalities issues should be communicated to both the staff group and to service users.
The method of this communication is to be at the discretion of the manager but must be appropriate to the understanding levels of all concerned.

The Following Evidence Will Demonstrate That The Required Outcomes Are Being Met And Relevant Standards Achieved

- 5.0 There is evidence that:
- The service operates an Equality, Diversity and Cultural Opportunity policy
 - Observation of activity in the organisation shows that the Equality, Diversity and Cultural Opportunity policy is applied in a fair and equitable way
 - All staff are offered the same opportunities to access training, development and promotion
 - Service users confirm that services offered and provided are in line with the Equality, Diversity and Cultural Opportunity policy
 - Staff employed have received training in provision of services which follow best practice guidance in Equality, Diversity and Cultural Opportunity
 - Staff are aware of how Equality, Diversity and Cultural Opportunity is applied in the service
 - Recruitment records confirm the application of the policy
 - Equality, Diversity and Cultural Opportunity Monitoring information is used appropriately for analysis and improvement

Training Required

- 6.0 Staff should be aware of the following:
- The diverse nature of Equality, Diversity and Cultural Opportunity
 - Behaviour which is not acceptable in the organisation in relation to Equality, Diversity and Cultural Opportunity
 - The organisational Equality, Diversity and Cultural Opportunity Policy
 - All staff will receive training in the subject of, and issues relating to, Equality, Diversity and Cultural Opportunity
 - The definition of which groups may be classed as “people with protected characteristics” as defined in the Equality Act 2010.
- 6.1 The manager must work within the requirements of:
- The Equality Act 2010
 - Mental Capacity Act 2005
 - Any other relevant legislation which may be from time to time enacted by the English Parliament or European Union

Forms And Referenced Documents For This Procedure

- 7.0 Form – DCF-023 Equal Opportunities Monitoring Form
- 7.1 Ref – ACAS Equality Act 2010 Guidance
- Ref – The Equality Act 2010