



Equality, Diversity and Human Rights (v2.0.0)

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Policy Statement

The Equality Act 2010 legally protects people from discrimination in the workplace and wider society.

Bluestar Care & Support- Bluestar Resourcing is committed to achieving a working environment that provides equality of opportunity and freedom from discrimination on the grounds of race, religion and belief, sex, sexual orientation, age, disability, marriage and civil partnership, pregnancy and maternity, gender reassignment. Bluestar Care & Support- Bluestar Resourcing is also committed to building a diverse workforce, reflecting the community and protecting their legal rights.

The Equality and Human Rights Commission (EHRC) from time to time, publish guidance and develops different Codes of Practice in line with a timetable set by the government. The basis upon which the Equality Act 2010 is structured is Protected Characteristics and how they apply both in the workplace and in everyday life.

Bluestar Care & Support- Bluestar Resourcing is committed to promoting Equality and Diversity and Human Rights throughout its operations through robust policies and procedures, training and ongoing review to ensure our service is accessible to all.

The Human Rights Act 1988

The Act sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act 1998 came into force in the UK in October 2000.

The Act sets out your human rights in a series of 'Articles'. Each Article deals with a different right. These are all taken from the ECHR and are commonly known as 'the Convention Rights':

- Article 2: Right to life
- Article 3: Freedom from torture and inhuman or degrading treatment
- Article 4: Freedom from slavery and forced labour
- Article 5: Right to liberty and security
- Article 6: Right to a fair trial
- Article 7: No punishment without law
- Article 8: Respect for your private and family life, home and correspondence
- Article 9: Freedom of thought, belief and religion
- Article 10: Freedom of expression
- Article 11: Freedom of assembly and association
- Article 12: Right to marry and start a family
- Article 14: Protection from discrimination in respect of these rights and freedoms
- Protocol 1, Article 1: Right to peaceful enjoyment of your property
- Protocol 1, Article 2: Right to education
- Protocol 1, Article 3: Right to participate in free elections
- Protocol 13, Article 1: Abolition of the death penalty

Our focus on human rights ensures that people receive good care and helps us fulfil our duties and purpose by meeting our legal obligations under the Health and Social Care Act 2008. It helps us prevent failures in care that are usually related to risks to human rights.

The service user has the right to:

- Have access to respectful and dignified care where their needs are fully understood and supported, particularly for those most likely to have a poorer experience of care.
- Be cared for in ways where restrictive practices are used only as a last resort, for example when there is no other option to keep people safe.
- Have any conflicting rights balanced and considered appropriately, especially in terms of positive risk-taking.

We are committed to supporting our diverse workforce and protecting their legal rights.

Accessibility

Bluestar Care & Support- Bluestar Resourcing strives to ensure that its services are accessible to all people. This includes a commitment to the Accessible Information Standard (AIS) , where information will be provided in the format of choice to ensure people can make informed decisions and feel free from discrimination.

Improving the accessibility of standard information documents is vitally important. Removing jargon, keeping the language simple, developing Easy Read, etc., all assist staff by education and awareness-raising and are the foundation of good accessibility. The following 'Top Tips' are intended to support Bluestar Care & Support- Bluestar Resourcing and our staff to make their information and communication more accessible and inclusive.

- Clear face to face communication
- Printed information provided in an accessible format i.e. Language of choice or easy read
- Key Word signing systems such as Makaton and Signalong.

People are treated as individuals and not discriminated in respect of their protected characteristics and this will be supported by staff training, awareness and ongoing review of our policies and procedures.

For more detailed information please refer to the separate Accessible Information and Communication Policy.

Digital Accessibility

Accessibility means that everyone can use the exact same technology as anyone else—regardless of whether they can manipulate a mouse, how much vision they have, how many colours they can see, how much they can hear, or how they process information. Accessible technology adds layers into computer operating systems, mobile phones, and more to allow people with disabilities to access the same information as everyone else.

We will explore various options based on individual needs such as built-in screen readers on mobile devices, using appropriate colour schemes for visually impaired people, and large print or easy-read formats for people with learning disabilities.

Information is recorded and shared with other organisations or providers on a need-to-know basis and complies with data protection legislation. We have a Record Keeping and Confidentiality policy which staff follow. staff and managers receive training on all aspects of data protection relevant to their role in Bluestar Care & Support- Bluestar Resourcing.

Reasonable Adjustments

Under the Equality Act 2010, employers have a legal duty to make reasonable adjustments for disabled employees and workers, contractors, self-employed people hired to personally carry out the work, and job applicants.

These adjustments must be:

- Effective
- Practical
- Significant.

The aim is to remove substantial disadvantages faced by disabled people in their work compared to non-disabled people. This duty to reasonably adjust applies to three areas which put the person at a substantial disadvantage: i) a provision, criterion or practice; ii) a physical feature; iii) where an auxiliary aid is not provided For example:

- Making changes to the workplace, e.g. widening a door
- Changing someone's working arrangements, e.g. allowing them an earlier start and earlier finish than standard
- Providing equipment, services or support
- Adjusting sickness rules, for example, to allow more leniency on absence levels where an employee is disabled and their absences from work are because of, or linked to, their disability.

Reasonable adjustments are specific to the individual person.

We must make reasonable adjustments when a person is disabled and is at a substantial disadvantage in their work compared to non-disabled people and:

- We know, or could reasonably be expected to know, a person is disabled
- A disabled staff member asks for adjustments
- A job applicant asks for adjustments to the recruitment process.

What reasonable means

As employers, we must consider carefully if the adjustment is reasonable and each case will be different. However, considerations include whether the adjustment:

- Will remove or reduce the disadvantage – we always consult with the person and not make assumptions
- Is practical to make
- Is affordable
- Could harm the health and safety of others.

An employer does not have to make unreasonable adjustments. However, we try and find other ways to support the disabled person. This may include making other adjustments.

Protected Characteristics

Age

This means a person or persons belonging to a particular age group. An age group includes people of the same age and people of a particular range of ages. Where people fall in the same age group, they share the protected characteristics of age.

The Equality Act 2010 protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if it can be justified. i.e. if it can be demonstrated as a proportionate means of meeting a legitimate aim. Age is the only 'Protected Characteristic' that allows employers to justify direct discrimination.

Disability

Within the Equality Act 2010, a person has a disability if they have a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities. For the Act, these words have the following meanings:

Substantial means more than minor or trivial.

Long-term means that the effect of the impairment has lasted or is likely to last for at least twelve months (special rules are covering recurring or fluctuating conditions).

Normal day-to-day activities include everyday things like eating, washing, walking and going shopping. It also includes the person's ability to participate fully and effectively in working life on an equal basis with other workers.

People who have had a disability in the past that meets this definition are also protected by the Act.

The Act puts a duty on you as an employer to make reasonable adjustments for your staff to help them overcome the disadvantage resulting from an impairment (e.g. by providing assistive technologies to help visually impaired staff to use computers effectively).

The Act includes protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something arising from or in consequence of their disability (e.g. a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting on behalf of the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if the employer can show that it is a proportionate means of achieving a legitimate aim.

Disabled people are also protected from indirect discrimination. This means that a job applicant or employee could claim that a particular rule or requirement an employer has in place disadvantages persons with a disability. Unless this can be justified, it would be unlawful.

The Act also includes a provision that makes it unlawful, except in certain circumstances, for employers to ask questions about a candidate's health before offering them work.

Progressive conditions are considered to be a disability

There are additional provisions relating to people with progressive conditions. People with HIV cancer or multiple sclerosis are protected by the Act from the point of diagnosis. People with some visual impairments are automatically deemed to be disabled. Where people share the same disability, they share the protected characteristics of disability.

Gender Reassignment

This is defined by the Equality Act 2010 as to where a person has proposed, started or completed a process to change their sex. A transsexual person has the protected characteristics of gender reassignment.

A woman making the transition to be a man and a man making the transition to be a woman both share the characteristic of gender reassignment, as does a person who has only just started the process of changing their sex and a person who has completed the process. Another example would be a person taking steps to identify as non-binary. We do not discriminate against any person on the grounds of their gender, including whether a person is an intersex, non-binary or transgender.

At present, the Gender Recognition Act of 2004 allows people to gain full recognition of their new gender. This legal recognition enables people to obtain a new birth certificate that shows their new gender allowing them to adopt almost all the legal rights which are given to that sex, including equal marriage rights.

Once a trans person has received a Gender Recognition Certificate they are able to change their birth certificate and are treated as that gender. A Gender Recognition Certificate exists solely for the purpose of changing the person's birth certificate and the act specifies that it is unlawful to request to see a Gender Recognition Certificate for any other means. As a professional, it is also unlawful to disclose that a person has or has applied for a Gender Recognition Certificate except in very exceptional circumstances (such as medical emergencies or where the information is essential for investigating a crime).

Marriage and Civil Partnership

This refers to people who have the common characteristics of being married or of being civil partners. A heterosexual man and a heterosexual woman who are married to each other and a man and another man who are civil partners and a woman and another woman who are civil partners all share the protected characteristic of marriage and civil partnership.

- People who are not married or civil partners do not have this protected characteristic.
- A person who is engaged to be married is not married and therefore does not have this protected characteristic.
- A divorcee or a person whose civil partnership has been dissolved is not married or in a civil partnership and therefore does not have this protected characteristic.

Pregnancy and Maternity and Breast Feeding

An employee remains protected in their employment during the period of the pregnancy and any statutory maternity leave to which they are entitled. This is separate from protection on grounds of sex and discrimination in connection with pregnancy and maternity would be brought under this ground. It is unlawful to treat an employee unfavourably because of any period of absence due to pregnancy-related illness when making decisions about their employment. Less favourable treatment on grounds of breastfeeding constitutes direct discrimination on grounds of sex, and this applies in the workplace as in other settings covered by the 2010 Act.

Race

For the Act 'race' includes nationality and ethnic or national origins. People which have or share characteristics, of colour nationality or ethnic or national origins can be described as belonging to a particular racial group. Examples include:

- Colour includes black or white.
- Nationality includes being a British, Australian or Swiss Citizen.
- Ethnic or national origins include being from a Roma background or of Chinese heritage.
- A racial group could be 'Black Britons' which would encompass those people who are both black and who are British citizens.

Religion and Belief

This covers people with religious or philosophical beliefs. To be considered a religion within the meaning of the Act, it must have a clear structure and belief system. The Act includes the following examples: the Baha 'I' faith, Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Rastafarianism, Sikhism and Zoroastrianism.

To be considered a philosophical belief for the Act, it must be:

'Genuinely held; be a belief and not an opinion or viewpoint; be a belief as to a weighty and substantial aspect of human life and behaviour; attain a certain level of cogency, seriousness, cohesion and importance; and be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others'

The Act cites as examples of philosophical beliefs, humanism and atheism.

A cult involved in illegal activities would not satisfy these criteria nor would allegiance to a particular football team.

People who are of the same religion or belief share the protected characteristic of religion or belief.

Ethical Veganism

In January 2020 an employment tribunal found that ethical veganism was a philosophical belief and therefore comes under the scope of the legal protection of the Equality Act 2010. Ethical veganism is not just about choices of diet, but rather is where the person has chosen to live, as far as possible, without the use of animal products - for example in what they wear, what personal care products they use and in their hobbies.

Sex

For the Act, sex means being a man or a woman. Men share sex characteristics with other men and women with other women.

Sexual Orientation

This is defined in the Act as a person's sexual orientation towards:

- People of the same sex as him or her (in other words the person is a gay man or a lesbian).
- People of the opposite sex from him or her (the person is heterosexual).
- People of both sexes (the person is bisexual)

The list for sexual orientation can be extended to include:

- Biromantic - a person who experiences romantic attraction to more than one gender but little or no sexual attraction
- Demisexual - a person who only experiences sexual attraction to people they have a close emotional connection with.
- Pansexual - a person of any gender who is attracted to people of all genders.
- Questioning - a person who is uncertain about and/or exploring their own sexual orientation (and /or gender identity).

People sharing a sexual orientation mean that they are of the same sexual orientation and therefore share the characteristics of sexual orientation.

We do not discriminate on the grounds of any form of sexual orientation.

Types of Discrimination

Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a 'Protected Characteristic' they have or are thought to have (see perception discrimination below), or because they associate with someone who has a 'Protected Characteristic' (see discrimination by association below).

Example: Paul, a senior manager, turns down Angela's application for promotion to a supervisor position. Angela, who is a lesbian, learns that Paul did this because he believes that the team, she applied to manage is homophobic. Paul thought that Angela's sexual orientation would prevent her from gaining the team's respect and managing them effectively. This is direct sexual orientation discrimination against Angela.

Discrimination by Association

This applies to all characteristics apart from marriage/civil partnership. This is direct discrimination against an individual because they associate with another person who possesses a 'Protected Characteristic'.

Example: June works as a project manager and is looking forward to a promised promotion. However, after she tells her boss that her mother, who lives at home, has had a stroke, the promotion is withdrawn. This may be discrimination against June because of her association with a disabled person.

Perception Discrimination

This applies to all characteristics apart from marriage/civil partnership. This is direct discrimination against an individual because others think they possess a particular 'Protected Characteristic'. It applies even if the person does not possess that characteristic.

Example: Jim is 45 years old but looks much younger. Many people assume that he is in his mid-20s. He is not allowed to represent his organisation at an international meeting because the Managing Director thinks that he is too young. Jim has been discriminated against on the perception of a 'Protected Characteristic'.

Indirect Discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your organisation that applies to everyone but particularly disadvantages people who share a 'Protected Characteristic'. Indirect discrimination can be justified if you can show that you acted reasonably in managing your organisation, i.e. that it is 'a proportionate means of achieving a legitimate aim.' A legitimate aim might be any lawful decision you make in running your organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

Being proportionate essentially means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make.

An individual who has the same disadvantage as suffered by those with a protected characteristic can claim indirect discrimination, even though they do not have that protected characteristic allowing them to bring an indirect discrimination claim.

Example: A small finance organisation needs its staff to work late on a Friday afternoon to analyse stock prices in the American finance market. The figures arrive late on Friday because of the global time differences. During the winter some staff would like to be released early on a Friday afternoon to be home before sunset - a requirement of their religion. They propose to make the time up later during the remainder of the week.

The organisation is not able to agree to this request because the American figures are necessary to carry on the business, they need to be worked on immediately and the organisation is too small to have anyone else able to do the work.

The requirement to work on Friday afternoon is not unlawful indirect discrimination as it meets a legitimate business aim and there are no alternative means available.

Harassment

Harassment is 'unwanted conduct related to a relevant 'Protected Characteristic', 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.'

Harassment applies to all Protected Characteristics except for pregnancy and maternity, and marriage and civil partnership. Employees will now be able to complain of behaviour 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.

Example 1: Paul is disabled and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. Richard shares an office with Paul and he too is claiming harassment, even though he is not disabled, as the manager's behaviour has also created an offensive environment for him.

Example 2: Steve is continually being called gay and other related names by a group of employees at his work. Homophobic comments have been posted on the staff notice board about him by people from this group. Steve was recently physically pushed to the floor by one member of the group but is too scared to take action. Steve is not gay but heterosexual; furthermore, the group know he isn't gay. This is harassment because of sexual orientation.

Sexual Harassment

The Worker Protection (Amendment of Equality Act 2010) Act 2023, which came into force on 26 October 2024, amends the Equality Act 2010 in two respects. It:

- Introduces a new duty on employers to take reasonable steps to prevent sexual harassment of their employees. This marks a key change in focus in the legislation from redress to prevention, imposing a new obligation on employers to be proactive in tackling sexual harassment
- Gives employment tribunals the power to uplift sexual harassment compensation by up to 25% where an employer is found in a harassment claim to have breached this new duty
- As an organisation we have
 - Put in place a reporting register for complaints about all forms of harassment in the workplace, to help us detect any trends and provide an opportunity to resolve the issues

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- Following Data Protection legislation this register is stored securely and access is strictly limited to those who need to know
- Reviewed and updated our Bullying and Harassment Policy and circulated it to staff to ensure they are aware of the standards of behaviour expected of them, equip them with the tools to address such behaviour and raise awareness of the protection available to them
- Risk assessed for any potential areas within the workplace or organisation where there is a greater risk of harassment
- Reviewed our staff training programme to include anti-harassment training and ensure every member of staff receives regular training which is current and meaningful.

Refer to the Bullying and Harassment Policy for further details.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint; raised a grievance under the Equality Act 2010; or are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

There is no longer a need to compare the treatment of a complaint with that of a person who has not made or supported a complaint under the Act.

Example: Anne makes a formal complaint against her manager because she feels that she has been discriminated against because of her marriage. Although the complaint is resolved through the organisation's grievance procedures, Anne is subsequently ostracised by her colleagues, including her manager. She could claim victimisation.

Pregnancy and Maternity

People who are pregnant are protected against unfair workplace practices because of their pregnancy.

Example: Lydia is pregnant and works at a call centre. The manager disciplines her for taking too many toilet breaks as they would any other member of staff, despite knowing that she is pregnant. This is discrimination because of pregnancy and maternity, as this characteristic does not require normal comparison or treatment with other employees.

Recruitment and Selection

Bluestar Care & Support- Bluestar Resourcing practices an equal opportunities policy and wishes to recruit and employ those people who are best suited for the vacancies for which they have applied, regardless of sex, sexual orientation, religion and belief, race, disability, maternity and pregnancy, age, gender reassignment, marriage and civil partnership. This will include making reasonable adjustments for interviews for disabled candidates.

To monitor the equal opportunities policy all applications (and their ultimate selection or rejection) are thoroughly reviewed.

Please refer to the separate Recruitment and Selection Policy.

Monitoring and Audit

Equality and Diversity will be monitored under our Governance and Quality Management procedures. This will include audits of our processes which will review:

- Policies and Procedures at least annually
- Recruitment records
- Printed Information
- Quality Questionnaires (service user, families, staff and wider stakeholders)
- Complaints
- Training & Competency assessments

Data from monitoring and audit will be analysed to identify themes or trends which will form a service improvement plan if required. This is our commitment to the principles of continuous improvement.

Staff must be aware of the changes in the act and their role concerning Bluestar Care & Support- Bluestar Resourcing and colleagues. Within the social care sector, services are often provided which are of a sensitive and private nature. Staff must be made aware of the cultural and ethnic needs of the service user in the delivery of care to the individual concerned.

Note: Bluestar Care & Support- Bluestar Resourcing is aware of the specific guidance which is now available to small

businesses via the Equality and Human Rights website. Under their 'Advice and Guidance' heading there are now specific guidance notes which assist small businesses and are example led for different situations. This advice and guidance are aimed at all service providers and include guidance about ISSP.

If you provide services through a website such as direct marketing or advertising you are known as an Information Society Service Provider (ISSP).

Bluestar Care & Support- Bluestar Resourcing takes advice and guidance regarding discriminatory advertising seriously and regularly reviews any marketing or advertising on its website.

Training Statement

All staff, during induction, are made aware of the organisation's policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used including one to one, online, workbook, group meetings, individual supervision and external courses are sourced as required.

Related Policies

- Accessible Information And Communication (Including Statement) (Domiciliary)
- Adult Safeguarding (Domiciliary)
- Bullying And Harassment (Domiciliary)
- Complaints (Domiciliary)
- Dignity And Respect (Domiciliary)
- Equal Opportunities (Domiciliary)
- Female Genital Mutilation (FGM) (Domiciliary)
- Good Governance (Domiciliary)
- Grievance (Staff) (Domiciliary)
- Maternity, Paternity, Adoption And Shared Parental Leave (Domiciliary)
- Meeting Needs (Domiciliary)
- Recruitment And Selection (Domiciliary)
- Religion And Belief (Domiciliary)
- Sexuality And Relationships (Domiciliary)
- Social Inclusion (Domiciliary)

Related Guidance

- [Equality and Human Rights Commission: Codes of Practice](#)
- [Protected Characteristics](#)
- [Gov.UK: Discrimination - Your Rights](#)
- [The Human Rights Act](#)
- [Legislation.gov.uk: The Gender Recognition Act 2004](#)
- [Skills for Care: Equality and Diversity](#)
- [SCIE: Equality, Diversity and Human Rights](#)
- [GOV.UK: Report Hate Crime](#)
- [The Vegan Society: Supporting Veganism in the Workplace Guide to Employers](#)
- [Gov.UK: The Equality Act 2010 \(Amendment\) Regulations 2023](#)
- [SCIE: LGBTQ+ Older Adult Social Care Assessment \(LOASCA\) project](#)

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