

## Equality, Diversity and Inclusion

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**Company:**

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**Date:**

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**Please complete the above, in the blocks provided, as clearly as possible.**

**Completing the details in full will ensure that your certificate bears the correct spelling and date.**

**The date should be the day you finish & must be written in the DD/MM/YYYY format.**

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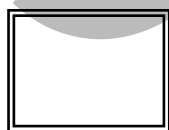
# Equality, Diversity and Inclusion

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N.B: We are aware that official practice is to use the terms “service users” or “people using this service” to describe those receiving care. We prefer the term “client” and use it throughout our training package.

### Key:



worksheet



important



# Equality, Diversity and Inclusion

## Learning outcomes.

- Understand the importance of equality, diversity and inclusion.
- Know how to work in an inclusive way.
- Know how to access advice, information and support about diversity, equality and inclusion.

## Fundamental standards.

The fundamental standards are the standards by which CQC will inspect social care. The standards are based on the regulations from the Care Act 2014 and CQC have changed the focus for the purposes of inspection.

The fundamental standards are those standards that no care setting must fall below.

## The standards are based on five areas as follows:

<b>Safe.</b>	People are protected from abuse and avoidable harm.
<b>Effective.</b>	People's care, treatment and support show quality of life and promote good outcomes, and providers should show evidence to prove it.
<b>Caring.</b>	Care should be person centred involving dignity and respect, and compassion.
<b>Responsive.</b>	Following correct working procedures as agreed by your workplace and as set out in the client's care plan.
<b>Well led.</b>	Management leadership and governance should ensure all of the above happens. Staff training should be recognised and openness and fairness be apparent.

These areas are known as key lines of enquiry or KLOES. Each KLOE has a set of criteria which CQC use to check whether the fundamental standards are being met.

# Equality, Diversity and Inclusion

The fundamental standards are as follows:

**Person centred care.** Ensuring that those receiving the care are at the centre of all decisions.

**Dignity and respect.** Providing the client with dignity and respect in all aspects of their care.

**Need for consent.** Asking the client's permission before carrying out tasks that affect them.

**Safe care and treatment.** Following correct working procedures as agreed by your workplace and the client's care plan.

**Safeguarding service users from abuse.** Following agreed working and safeguarding procedures and being aware of signs and symptoms.

**Meeting nutritional needs.** Being aware of dietary needs, working with the care plan, ensuring clients have the right equipment and conditions to eat.

**Cleanliness, safety and suitability of premises and equipment.** Carrying out required checks of premises and equipment, implementing cleaning rotas and carrying out safety checks.

**Receiving and acting on complaints.** Having a complaints policy and procedure in place that is accessible to all and act in accordance with the policy when dealing with complaints.

**Good governance.** Ensuring that all aspects of the workplace is overseen and policies and procedures are implemented and monitored regularly.

**Staffing.** Fit and proper persons employed.  
Fit and proper person requirement for Directors is followed.

**Duty of candour.** Relevant information must be volunteered to all persons who have or may have been harmed by the provision of services, whether or not the information has been requested and whether or not a complaint or a report about that provision has been made.

Our Redcrier manuals will provide your staff with training to support attainment of the fundamental standards.



# Equality, Diversity and Inclusion

## Introduction

Definitions from the Oxford Dictionary.

Equality.

Noun: the state of being equal.

Diversity.

Noun (pl. diversities):  
1. the state of being diverse.  
2. a diverse range; a variety.

Inclusion.

Noun: the act of including or state of being included.

When we discuss issues of equality and treating others fairly, we often talk about 'treating everyone equally' and 'treating others as we'd like to be treated ourselves'. In fact neither of these phrases is particularly helpful as they do not show us the way to achieve equality or respect diversity.

If we treat everyone equally we actually disadvantage many, for example, a disabled person given the same facilities as an able bodied person may well be unable to use them.

If we treat others as we like to be treated we ignore the ways in which they are different; in times of crisis you may find comfort from reading religious texts, an atheist would not be helped in the same way.

The purpose of this manual is to help you appreciate the diversity of the people you work with and for, and to give you ideas to support inclusion.

People are afraid of, or dismiss what they don't understand. This is nothing more than ignorance which leads to stereotyping and stigmatisation of sufferers, or, to put it simply being afraid of people who are just different.

- Helps us to realise that we are all equal.
- To understand that we are all different.

If we can accept these two principles, then we find it easier to understand and respect others.



## Unit One

### Legislation.

#### The Equality Act 2010.

The Equality Act 2010 brings together several previous pieces of legislation including:

- The Equality Act 2006.
- Employment Equality (Age) regulations 2006.
- Race Relations Act 1976.
- Disability Discrimination Act 1995.
- Sexual Discrimination Act 1975.

The Act was intended to both simplify and strengthen existing legislation and to go further towards eliminating discrimination in British society. There are now 9 'protected characteristics' and the law also prevents people from being discriminated against because they are believed to have a protected characteristic or because they associate with someone who has.

The protected characteristics are:

- Age.
- Disability.
- Gender reassignment.
- Race.
- Pregnancy or maternity.
- Religion / belief.
- Marriage or civil partnership.
- Sex.
- Sexual orientation.

## Age discrimination.

It is unlawful to discriminate against employees, trainees and job seekers because of their age. Work opportunities must be open to all regardless of whether they are young or old.

Best practice requires that personal care is not carried out by employees under the age of 18.

It may not be appropriate for employees under the age of 21 to be put in charge.

## Disability discrimination.

When employing staff and providing services it is unlawful to discriminate against people who have had a disability or are disabled. The last amendment of the Disability Discrimination Act extended the definition of disability to include HIV, Multiple Sclerosis and cancer.

In practical terms employers and service providers are required to make premises accessible to all and to provide specialist equipment etc where necessary, to create equal opportunities for people with disabilities.

## Disability equality duty.

Public bodies have a duty to actively promote disability equality. Organisations have a specific duty to publish a 'Disability Equality Scheme' setting out the ways in which they intend to promote disability equality.

## Sexual discrimination.

When employing people or providing goods and services it is unlawful to discriminate against:

- Men and women on the grounds of sex.
- Married persons on the grounds of their marital status.
- Men and women on the grounds of gender reassignment.
- Any person on the grounds of victimisation for asserting a statutory right to equality of treatment.

Discrimination may be direct or indirect. Direct discrimination occurs when a person is treated less favourably simply because of their sex; for example if a woman is sacked for getting pregnant. Indirect discrimination occurs when restrictions are put on employment which are unjustifiable and affect members of one sex more than another, for example height restrictions would affect more women than men.

## Gender equality duty.

Public authorities have a duty to:

- Eliminate unlawful discrimination and harassment.
- Promote equality of opportunity between men and women.

A proactive approach must be taken, instead of reacting to complaints from individuals, public authorities must consider the differing needs of men and women and demonstrate that they are treating both fairly.

## Race relations.

Employers must promote race equality, eliminate unlawful discrimination, promote equality of opportunity and promote good relations between racial groups.

Overall legislation emphasises the need to actively promote equality and diversity within businesses. It is not enough simply to prevent discrimination, steps must be taken to achieve equal opportunities for all employees and service users.

Your clients have the same rights and freedoms as any other individuals. The Human Rights Act 1998 and the Mental Capacity Act 2005 make it a legal duty for you to respect clients' rights to make choices and take actions for themselves and to be cared for in a way which restricts their freedoms as little as possible.

Clients (like anybody else) may want to take risks, they may make poor decisions or do things which have the potential to be harmful. These are not sufficient reasons to restrict their freedoms; if a client has the mental capacity to make choices they must be allowed to do so. Your instinct may be to protect clients from harm but you must ask yourself if you have the right to prevent them living their lives as they want to.

## Human Rights Act 1998.

The Human Rights Act has major implications for provision of care; particularly influencing the move towards person centred care. Successful prosecutions against local authorities have shown that blanket policies imposed by organisations are unlawful. In practice this means that policies such as 'no lifting of clients' must be replaced by individual risk assessments.

When developing policies and procedures to protect the health, safety and welfare of clients and staff it is necessary to find solutions which are least restrictive of individuals' rights and freedoms.



## Mental Capacity Act 2005.

Under the terms of the Mental Capacity Act a person must be assumed to have capacity unless, after all necessary help has been given, it can be proved that they do not.

If an individual is found to lack capacity then decisions made on their behalf must take their best interests into account.

A person lacks capacity if:

1. They have an impairment or disturbance (for example, a disability, condition or trauma) that affects the way their mind or brain works.
2. The impairment or disturbance means that they are unable to make a specific decision at the time it needs to be made.

To decide whether an action or decision is in the best interests of the individual the following should be taken into account:

- Physical health needs.
- Mental health needs.
- Previous decisions made.
- Relevant information in advance care plans.
- Statements of wishes / preferences.
- Characteristics of the individual.

## Unit One Questions

1. What are the 9 protected characteristics?

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

2. How must organisations show that they are promoting disability equality?

3. Describe indirect discrimination in relation to gender.

4. Why is it unlawful to have a 'no lifting' policy?

5. The following notices are put up in your place of work, why might they be classed as discriminatory?

- Care worker wanted aged 18-40 for new unit.
- Party Friday night, bring your husband / wife.
- Why do women get married in white? "To match the kitchen appliances?"

Sample