



Equal Opportunities Policy

Background

AFA, both as an employer and as a provider of services, is fully committed to the promotion of equal opportunities. AFA aims to promote an environment that is free from discrimination in all its forms (protected characteristics).

This policy provides guidance to enable all who work with or for AFA to comply with anti-discrimination legislation and practices. This policy is for the benefit of all who are involved with AFA fostering whether they be children and young people, approved Foster Carers, Foster Care applicants, staff, job applicants or independently commissioned professionals. Failure to follow the procedures in this policy may lead to disciplinary action as relevant.

Aims and Objectives

- To encourage and promote diversity and equal opportunities within the Agency.
- To ensure equality in recruitment.
- To ensure compliance with legislation on discrimination and equality.
- To create an environment free from harassment and discrimination.
- To maximise the use of resources in the best interests of staff, carers and the children and young people who use our services.
- To confront and challenge discrimination wherever and whenever it arises.

AFA understands that the presence of an Equal Opportunities Policy does not in itself ensure fair and equal treatment for everyone, rather it is how it is understood and implemented.

The Directors and Senior Managers of AFA recognise their responsibility to ensure the policy is implemented and followed in a way that ensures all working practices are free from any form of discrimination. However, the understanding and commitment of all staff is required to make the policy a success.

We are committed to promoting equality of opportunity for all staff and job applicants. We aim to create a working environment in which all individuals can make best use of their skills, free from discrimination or harassment, and where all decisions are based on merit.

We do not discriminate against staff on the basis of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (all of which are protected characteristics).

The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat visitors, clients, customers, suppliers and former staff members. All staff have a duty to act in accordance with this policy and treat colleagues with dignity and not to discriminate against or harass other members of staff, regardless of their status.

Equal Opportunities Training

Managers will be given appropriate training on equal opportunities awareness and recruitment and selection best practice.

Scope and Purpose of the Policy

This policy applies to all aspects of our relationship with all individuals connected with AFA. This includes aspects such as job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures and termination of employment for employees. It also relates to the way AFA strives to treat everyone they come into contact with, with respect and consideration for them as individuals.

We will take appropriate steps to accommodate the requirements of different faiths, cultures, and domestic responsibilities.

Forms of Discrimination

Discrimination by or against an employee is generally prohibited unless there is a specific legal exemption. For example, an organisation could specify the gender of staff required if they are working in an area where they will have close or frequent contact with a client group for whom it would be inappropriate to be cared for by someone who identifies with a different gender.

Discrimination may be direct or indirect and it may occur intentionally or unintentionally. Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their race because they would not "fit in" would be direct discrimination.

Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage. For example, a requirement to work full time puts women at a particular disadvantage, because they generally have greater childcare commitments than men. Such a requirement therefore would need to be objectively justified.

Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment is covered more extensively in our Anti-harassment and Bullying Policy.

Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment or supported someone else's complaint.

Recruitment and Selection

We aim to ensure that no job applicant suffers discrimination because of any of the protected characteristics as outlined above. Our recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate.

Job advertisements should avoid stereotyping or using wording that may discourage particular groups from applying.

Applicants should not be asked about their health or disability before a job offer is made. There are limited exceptions which should only be used in exceptional circumstances.

For example:

- Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
- Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at an interview or assessment.
- Positive action to recruit disabled persons.
- Equal opportunities monitoring (which will not form part of the decision-making process). Applicants should not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants should not be asked about matters concerning their protected characteristics.

We are required by law to ensure that all employees have a right to work in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective staff, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation.

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our organisation, we monitor applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary and will not adversely affect an individual's chances of recruitment, or any other decision related to their employment. The information is removed from applications before shortlisting and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.

Staff Training and Promotion and Conditions of Service

Staff training needs will be identified through regular staff appraisals. All staff will be given access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit.

Our conditions of service, benefits and facilities are reviewed regularly to ensure they are available to all staff who should have access to them and that there are no unlawful obstacles to accessing them.

Termination of Employment

We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

We will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

Disability Discrimination

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

If you experience difficulties at work because of your disability, you may wish to contact your Manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your Manager may wish to consult with you and your medical adviser(s) about possible adjustments. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable, we will explain our reasons and try to find an alternative solution where possible.

We will monitor the physical features of our premises to consider whether they place disabled workers, job applicants or service users at a substantial disadvantage compared to other staff. Where reasonable, we will take steps to improve access for disabled staff and service users.

Fixed-term Employees

We monitor our use of fixed-term employees, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion, and permanent employment opportunities. We will, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

Part-time Work

We monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. We will ensure requests to alter working hours are dealt with appropriately under our Flexible Working Policy.

Breaches of the Policy

If you believe that you may have been discriminated against you are encouraged to raise the matter through our Grievance Procedure. If you believe that you may have been subject to harassment you are encouraged to raise the matter using the procedures outlined in the Anti-harassment and Bullying Policy. If you need advice on how to proceed you should speak to your Manager.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Staff who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under our Disciplinary Procedure.

Any member of staff who is found to have committed an act of discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to serious breaches of this policy.

Employment or Approval of Persons with Criminal Convictions Policy

AFA uses the Disclosure and Barring service to assist in undertaking an assessment of an applicants' suitability for positions of trust. In so doing it undertakes not to discriminate without justification against any subject of a Disclosure based on conviction or other information revealed through the Disclosure process.

All candidates will be selected for interview or assessment on the basis of their skills, qualifications and experience in relation to the requirements of the job. Likewise, all carers will be selected due to the skills and experience that they have.

For all positions (including for all main carers and support carers), a disclosure from the DBS of the presence, or not, of a criminal record will be required. For all carers, this is discussed during the screening process prior to applications being completed. In relation to employment, it follows that offers of employment to such positions will be conditional upon further assessment of the relevance of any conviction(s) to the job in question before being confirmed. For carers, this will also be the case. As details of the DBS check are only sent to the person they concern, it is an expectation that if the applicant wishes to continue to pursue their application, they must share the disclosure with the Agency.

All applicants (both carers and staff) are required to provide details of a criminal record at an early stage in the application process. For staff, the Rehabilitation of Offenders Act 1974 section of the application form enables the applicant to declare convictions to the recruiting officer who will use this information only for assessment of suitability for the position being applied for. For carers, this will be part of the statutory check forms completed at the point of application.

Applicants are asked to declare all 'unspent' convictions unless the nature of the position being applied for is exempt as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2001 and then it is a requirement that all of a criminal record (including spent convictions) is declared. This will be made clear in the recruitment literature.

Appropriate guidance on identifying and assessing the relevance of the content of criminal records is provided to those involved in the recruitment process.

Where applicable, applicants will be given the opportunity at interview or during the fostering assessment process to discuss the subject of any declared offences or other matters and their relativity to the position being sought. As any such disclosures potentially impact on the assessment of an applicant's suitability to foster, where there is a joint application, any such disclosures will be discussed with both applicants. Consent to such by both parties is detailed within the application form.

Failure to reveal information that is relevant to the position sought could lead to the immediate withdrawal of any offer of employment. It is also likely to mean that the assessment process for potential carers will cease.

Any information revealed in a Disclosure, which gives cause for concern will be discussed with the individual before any conditional offer of employment already made is withdrawn. Likewise, it will be discussed fully before an assessment for approval as Foster Carers can continue.

Employment of Persons with Criminal Records

All individuals are assured that the presence of a criminal record will not necessarily exclude them from employment with AFA. Any criminal background will be assessed by reference to the circumstances and nature of offences and how these relate to the nature of the position.

Approval of Carers with Criminal Records

All individuals are assured that the presence of a criminal record will not necessarily exclude them from becoming a carer with AFA. Any criminal background will be assessed with reference to the circumstances and nature of offences and how these relate to the nature of their ability to be carers.

Where information is provided, or updating Disclosure and Barring Service checks reveal that an approved foster carer has been convicted of, or cautioned for, a criminal offence which would lead them to becoming a disqualified person, an urgent review of their approval will be held and a written report detailing the circumstances leading to the conviction/caution, together with background information from the Foster Carer's case record, will be considered. This must be presented to the Fostering Panel as soon as possible. The report should include a recommendation as to whether consent should be granted to allow the Foster Carer to continue to be approved as a Foster Carer for the (named) child or children currently in placement.

Where such information is received, the Social Worker for any child currently in placement must be informed, and contingency plans for a possible change of placement following the termination of a carer's approval needs to be considered. If the report recommends

termination of approval the report should be presented to the earliest possible Fostering Panel.

The Decision Maker will consider the recommendation of the Fostering Panel and decide which will be conveyed to the Foster Carer as soon as practicable.

Relevant Legislation:

Equal Opportunities Act 2010
Rehabilitation of Offender's Act 1974

Connected Policies or Guidance

Name of policy / Guidance	Relevant for
Complaints and Compliments Policy	All staff and carers
Staff handbook: in particular <ul style="list-style-type: none">• Recruitment and Selection Policy• Equal Opportunities Policy	All staff
Safeguarding Policy	All staff and carers
Whistleblowing policy	All staff and carers
Foster Carer Handbook	All staff and carers
Fostering Panel Policy	All staff and carers, panel members
Assessment and Approval of Foster Carers <ul style="list-style-type: none">• Persons disqualified from fostering guidance	All staff and carers

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