Spring Care For You

Equality and Diversity

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1. Legislative framework and guidance

- Regulation 7: The children's wishes and feelings standard
- Guide to the children's wishes and feelings standard
- Regulation 10: The health and well-being standard
- Guide to the health and well-being standard
- Regulation 13: The leadership and management standard

- Guide to the leadership and management standard
- Regulation 14: The care planning standard
- Guide to the care planning standard

2. Outcome

- Looked-after children and young people have ongoing opportunities to explore and make sense of their identity and relationships.
- Each child's background, gender, religion, racial origin, cultural background, linguistic background, nationality, disability, sexual orientation, abilities, and interests are promoted so that all children have the chance to maximise their potential.

3. Difference between equality and diversity

- Equality is about ensuring everybody has an equal opportunity and is not treated differently or discriminated against because of their characteristics.
- Diversity is about taking account of the differences between people and groups of people and placing a positive value on those differences.

4. Overview of the Equality Act

- The Equality Act is now the main source of UK equality law. The values underpinning it are those reflected in many human rights instruments, including respect for the dignity and worth of all people.
- Respect for human dignity is a core theme running through all equality guarantees, and equality is an essential prerequisite to respecting dignity. In this way, equality and human rights are intimately linked.
- This can be seen in the United Nations Convention on the Rights of the Child (CRC), which contains its own equality guarantee, requiring states to respect and ensure the rights in the treaty to each child without discrimination, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- The CRC is founded on respect for the inherent dignity of each child, as its preamble and its substantive provisions make clear. The Equality Act gives concrete realisation to some of the rights in the CRC and should be viewed as a tool for securing respect for the inherent dignity of all children and young people.
- The Equality Act brings together discrete legislative measures addressing discrimination connected to sex, race, disability, religion and belief, sexual orientation, and age.

5. Protected characteristics

The Equality Act prohibits discrimination, harassment, and victimisation connected to certain “protected characteristics." The protected characteristics are:

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

6. Prohibited conduct

The Equality Act prohibits direct discrimination (including pregnancy and maternity discrimination); indirect discrimination; discrimination arising from disability; a failure to comply with the duty to make reasonable adjustments; and harassment and victimisation. Ultimately, this means that all people should have access to the same rights and services regardless of their characteristics and should not be discriminated against as a result of their specific characteristics.

7. Scope of Equality Act protection and provision

- The Equality Act covers a wide range of activities. These are:
- The provision of goods, facilities, and services;
- The exercising of public functions;
- The provision, letting, and management of accommodation;
- Clubs;
- Education, including in schools and further education institutions and community services;
- Work;
- Activities closely connected to the above but where the relationships have come to an end.

It is unlawful for children’s services in relation to the services that they provide to the public (or a section of the public) to discriminate, harass, or victimise a child or young person or their families, or to fail to make reasonable adjustments when providing those services, or by refusing to provide those services. Sometimes a service provider will not be directly discriminating against a child, young

person or their family in providing a service by treating them differently because they have a particular protected characteristic but will still be acting unlawfully. Where a service provider applies criteria that disadvantage a child, young person, or their family because they, or one of them, have a protected characteristic, this may amount to indirect discrimination (and sometimes discrimination arising from a disability or a failure to make reasonable adjustments).

8. Public sector equality duty and children's services

- The public sector equality duty (PSED) is very important. Complying with the PSED will help children's services avoid unlawful discrimination, harassment, and victimisation and ensure that they meet the duty to make reasonable adjustments. It will also help children's services promote equality for children by meeting all of their needs. The duty is compulsory, and compliance with it, or any element of it, is not discretionary. Children's services must comply with the PSED irrespective of how busy they are or what resources they have. However, the size of the organisation may affect what they are expected to do to meet the PSED.
- The PSED replaces the race, gender, and disability equality duties, but there are differences. The duty applies to public authorities, including local authorities and therefore children's services. It also applies to any person exercising public functions. This includes voluntary organisations that are performing public functions for a local authority, including for children's services departments. The PSED applies in respect of all the protected characteristics, except that the duties to advance equality and foster good relations do not apply to marriage or civil partnership. Otherwise, it applies to all of the protected characteristics, including age, and so will promote and protect children's rights, whatever their characteristics.

9. Policy

- We support looked-after children and young people to be given the opportunity to develop their own identity, rather than assumptions being made by those working with and caring for them based on particular characteristics, such as ethnicity, faith, or gender.
- It is our commitment to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by, or under, the Equality Act.
- We ensure that the staff team has the capacity and expertise to work sensitively with looked-after children and young people on the impact of discrimination, racism, bullying, and isolation on self-esteem and personal identity.
- We are fully committed to providing inclusive and equal services to a diverse range of children and young people.
- We support children/young people to have a positive identity of themselves and to receive care that is personalised to meet their needs.
- We encourage children/young people to develop respect for themselves and for others.

- We deliver services that recognise and build on the strengths of children/young people from all cultures, religions, gender, age, sexual orientation, ability, and backgrounds in ways that meet their needs and help them to achieve their full potential.
- We make every effort to ensure that the home is welcoming to all children/young people and others significant in their care and wellbeing. Resources used to develop work with children/young people are chosen for their suitability and anti-oppressive nature.
- We offer children/young people in our care every possible opportunity to try out new experiences, which are not restricted by traditional gender options.
- Any incidents of abuse or conduct towards a child who is looked after as a result of their race, religion, gender, sexuality, or disability will be reported to the police;
- We ensure that our staff team has training on equality and diversity and in the best ways to ensure that individuality is promoted.

10. Expectations from staff and managers

We will ensure staff know that they are expected to:

- Challenge attitudes, behaviour and language that are non-inclusive and discriminatory in a positive way.
- Monitor the range of children and young people placed within the home in terms of ethnicity, gender, and disability. This will ensure the service is reaching all and not creating barriers to certain groups.
- Ensure that all steps are taken to provide and promote a wholly inclusive environment for children and young people where they feel valued and can participate fully in the activities of the home. If necessary, seek additional support in order to do this.
- Identify local community resources that contribute to meeting the needs of individuals. These are highlighted and promoted, and where they do not meet required needs, alternatives are sought and suitably identified.
- Explore with children and young people as to how diversity can be valued and activities adapted to meet children and young people's needs. This would include choice and participation in the day-to-day running of the home.

11. Inclusion for children and young people

- We will ensure that young people are supported by a staff team who are suitably trained in all aspects of equality and diversity, including their duties and responsibilities.
- Children and young people will be supported and encouraged to understand their rights and be well-informed about appropriate ways in which to challenge discrimination.

- We will be sensitive to the needs of young people and ensure that, where necessary, we seek additional support for children and young people who are having difficulty understanding diverse or complex situations.

12. Disability discrimination

We believe in providing a welcoming, comfortable, and accessible environment that is safe and easy to use for children/young people, parents, relatives, staff, visitors, and other users of the premises. We will endeavor to achieve equality of opportunity for all to ensure equal access to its facilities. Where possible, we will avoid physical features that make it difficult for people with disabilities and make reasonable adjustments to improve the environment.

13. Key references

- Equality and Human Rights Commission Government Equalities Office
- Office for Disability Issues
- The Inter Faith Network for the UK
- Stonewall
- British Federation of Racial Equality Councils
- Council for Disabled Children
- Gender Identity and Research Society (GIRES)

14. Revision history

Date of review: September 2024

Date of next review: September 2025