

Unit 12 principles of diversity, equality and inclusion in adult social care sett...

[Sociology](#), [Human Rights](#)



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The Equality Act 2010 From 1 October 2010, the Equality Act 2010 came into effect. The Act replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and ensures consistency in what workplaces need to do to comply with the law and make working environments fair. The main purposes of the Equality Act are: -

- Establish the Commission for Equality and Human Rights
- Make discrimination unlawful
- Create a duty on public authorities to promote equality of opportunity between men and women and the prevention of sex discrimination

This new Act aims to protect disabled people, prevent disability discrimination and also strengthen particular aspects of equality law. It provides legal rights for disabled people in the areas of:

- * employment
- * education
- * access to goods, services and facilities including larger private clubs and land based transport services
- * functions of public bodies, for example the issuing of licences
- * buying and renting land or property

The Equality Act 2010 replaced most of the Disability Discrimination Act (DDA); however, the Disability Equality Duty in the DDA continues to apply. The Equality Act covers the same groups that were protected by existing equality legislation - age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity - but now extends some protections to groups not previously covered e. g. carers or parents of a disabled person. It provides rights for people not to be directly discriminated against or harassed because they have an association with a disabled person. In addition, people must not be directly discriminated against or harassed because they are wrongly

perceived to be disabled. Prior to the Equality Act 2010, the following Acts were individually used. These Acts are now incorporated into the Equality Act. The main Acts incorporated into the Equality Act 2010 are summarised below:

The Equal Pay Act 1970 Under this Act employers cannot discriminate between men and women by paying them differently and providing different employment terms and conditions if they are doing:

- The same or similar work
- Work rated as equivalent in a job evaluation scheme
- Work of equal value

Race Relations Act 1976 and Amended Act 2000 The Race Relations Act 1976 makes racial discrimination unlawful on the grounds of:

- Colour
- Race
- Nationality (including citizenship)
- ethnic or national origin

The race Relations Act 1976 also covers:

- Direct discrimination** - This occurs when someone is treated less favourably than someone else on racial grounds.
- Indirect discrimination** - This occurs when a condition or requirement is imposed equally to persons of any racial group - a considerably smaller proportion of persons in the particular racial group are able to comply with it
 - it is to the detriment of the person
 - it cannot be objectionably justifiableirrespective of the colour race, nationality or ethnic or national origins of the person in question.

Victimisation Where an employee is singled out for using their workplace complaints procedures or exercising their legal rights.

Examples include: refusal to promote an employee because he or she had invoked a grievance procedure, or for giving evidence against the employer at a tribunal. It has even been held that victimisation can take place after employment has finished, for example, when an employer refuses to give a former employee, who had begun tribunal proceedings, a reference.

Racial harassment An unwelcome or hostile act or series of acts carried out on

racial grounds. The Race Relations Act protects you if you have been abused or harassed on racial grounds in any of the situations covered by the amended Act. For example, you can bring a case against your employer if you experience racist abuse from other employees, or from customers or clients, and your employer does nothing to put a stop to it or to protect you from such abuse. The Race Relations (Amendment) Act 2000 1 outlaws race discrimination (direct, indirect and victimisation) in public authority functions not covered by the original Race Relations Act 1976; 2 defines " public authority" widely for the purpose of outlawing race discrimination, so that it includes public functions carried out by private sector organisations and has only limited exemptions; 3 places a general duty on specified public authorities to promote race equality; 4 empowers the home secretary to extend the list of public bodies in the act that are subject to the general duty to promote race equality to include other bodies exercising public functions; 5 empowers the home secretary (or Scottish ministers where appropriate) to impose specific duties on public bodies which are subject to the general duty to promote race equality to ensure their better performance of the general duty; 6 gives the Commission for Racial Equality (CRE) powers to enforce specific duties imposed on public authorities; 7 gives the CRE powers to issue codes of practice to provide practical guidance to public bodies on how to fulfil their general and specific duties to promote race equality; 8 allows race discrimination claims to be brought against educational bodies direct to a county or sheriff court 9 makes chief officers of police vicariously liable for acts of discrimination carried out by officers under their direction and control and provides for compensation, costs or expenses awarded as a result of a

claim to be paid out of police funds; 10 removes the power for a minister to issue conclusive certificates in race claims to the effect that an act of race discrimination was done for the purposes of national security and was therefore not unlawful. Sex Discrimination Act 1975 The two pieces of legislation in Great Britain which make provision relating to discrimination on the grounds of sex are the Sex Discrimination Act 1975 and the Equal Pay Act 1970. The Sex Discrimination Act 1975 (SDA) applies to both men and women and makes sex discrimination unlawful in employment and vocational training, education, the provision and sale of goods, facilities and services and premises. In employment and vocational training, it is also unlawful to discriminate against someone on the grounds of being married or a civil partner. In employment and vocational training, it is unlawful to discriminate on the grounds of gender reassignment. Human Rights Act 1998 The Human Rights Act 1998 (also known as the Act or the HRA) came into force in the United Kingdom in October 2000. It is composed of a series of sections that have the effect of codifying the protections in the European Convention on Human Rights into UK law. All public bodies (such as courts, police, local governments, hospitals, publicly funded schools, and others) and other bodies carrying out public functions have to comply with the Convention rights. This means, among other things, that individuals can take human rights cases in domestic courts. The Act sets out the fundamental rights and freedoms that individuals in the UK have access to. They include: * Right to life * Freedom from torture and inhuman or degrading treatment * Right to liberty and security * Freedom from slavery and forced labour * Right to a fair trial * No punishment without law * Respect for your private and family

life, home and correspondence * Freedom of thought, belief and religion * Freedom of expression * Freedom of assembly and association * Right to marry and start a family * Protection from discrimination in respect of these rights and freedoms * Right to peaceful enjoyment of your property * Right to education * Right to participate in free elections

The Codes of Practice for Social Care Workers

The General Social Care Council began its work on 1 October 2001. The Councils have a duty to develop codes of practice and have worked together in developing these codes as part of their contribution to raising standards in social care services. The two codes for workers and employers are presented together in this document because they are complementary and mirror the joint responsibilities of employers and workers in ensuring high standards. The Code of Practice for Employers of Social Care Workers sets down the responsibilities of employers in the regulation of social care workers. The code requires that employers adhere to the standards set out in their code, support social care workers in meeting their code and take appropriate action when workers do not meet expected standards of conduct. As a social care worker you will have criteria to guide your practice and be clear about what standards of conduct you are expected to meet. You are encouraged to use the codes to examine your own practice and to look for areas in which you can improve.

The Essential Standards

If you are a provider that carries out any regulated activities, the framework requires you to be registered with the Care Quality Commission before you carry out these activities. There are outcomes and standards we have to meet that people using our services should be experiencing. CQC monitor our services annually check that we are continuing to meet the

regulations. They have the the powers of enforcement to bring about improvement in poor services, or to prevent a us from carrying out regulated activities if we do not comply. 2. 2 Explanation of the possible consequences of non — compliance Possible Consequences may include: * Prosecution * Being fined * Bringing the organisation you work for into disrepute * Being held accountable for your actions * Losing your job Be aware of how you can ensure that your own work is inclusive and respects the beliefs, culture, values and preferences of individuals As a provider of care and support you will need to ensure that you understand the legal framework regarding equality, diversity, discrimination and rights and be able to relate this to your everyday role. Discrimination could take the form of stereotyping, making assumptions, patronising, humiliating and disrespecting people, taking some people less seriously. These are some of the things you can do to make sure your work is inclusive and respectful of other peoples' social identity: - Recognise that you need to treat everyone you care and support as individuals and respond to them, and their social identity, in an individual manner - Understand that treating people fairly does not mean treating people in the same way. You need to recognise difference and respond appropriately - Respect all individuals you support regardless of their social identity - Try to increase your knowledge and understanding of aspects of social identity that may be different from our own - Avoid stereotyping or making assumptions about individuals based on their social identity - Recognise that your own social identity may impact on individuals in different ways - Avoid using inappropriate and disrespectful language relating to social identity We have a duty of care to challenge discrimination

in a positive way and promote inclusion. If discrimination is challenged effectively, future incidents of discrimination can be prevented, as well as empowering individuals to understand their rights. Always act fairly and try to see things from the other person's point of view. Consider that there could be different pressures, needs and cultures. Always use positive language and never use words or phrases that could be disrespectful towards another person. Don't allow prejudices and stereotyping to influence you and do not accept any type of discriminatory behaviour. Case Study I noticed that a male Muslim work colleague never has any eye contact with female colleagues or individuals he is supporting, when he is talking to them. He does have direct eye contact with male colleagues. Issues to consider? How should you deal with this issue? You may be concerned that this behaviour will impact on his relationships. We always want to respect the cultural perspective of others. However, in this context there are certain 'non-negotiables' to be considered. Care workers are required to treat all people with respect regardless of who they are. In the homes equality policy and procedures covering all employees it requires them not to discriminate on any aspect of social identity, including gender. Refusing to have eye contact with women could be considered discriminatory. There is a legal framework around sex discrimination that would prevent a person directly treating someone less favourably on the grounds of their gender. You would have a duty to report this behaviour to manager.

2. 5 Comparison of inclusive practice with practice that includes the individual

Inclusive practice may include:

- * actively and fully involving the individual
- * respecting the individual
- * valuing the individual
- * recognising the uniqueness of the individual

individual Practice that excludes may include: * not involving the individual * disrespectful interactions * de-valuing the individual * making assumptions about the individual * placing own beliefs, culture, values and preferences before those of the individual The cost of not being included is felt socially, emotionally and economically by service users. Making informed choices about how to be included in services and having that involvement respected and acted upon, leads to improved confidence and motivation for them. A greater understanding of the principles of inclusion, that includes developing an unrestrained space, leads to more successful environments for all. Environments considered inclusive by staff could be considered exclusive by service users. When staff feel that they are really making a difference, when they can build innovative and effective relationships with service users and see the impact of this, it raises morale. Services led by history, tradition or other frameworks for delivery, rather than being made-up by a focus on the needs of service users, can lead to ineffective outcomes and low morale amongst staff as well as the home.