

# Pacy & Wheatley Construction

## Equality and Diversity Policy

Incorporating the Equality Act 2010



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## Policy Statement

Pacy and Wheatley Construction is committed to eliminating discrimination, promoting diversity and providing equal opportunities, which is demonstrated through our employment policies, procedures and practices. Our aim is that our workforce will be truly representative of all sections of society and that each person feels respected and able to give of their best.

All employees have a duty to cooperate to make sure that this policy is effective to ensure equal opportunities and to prevent discrimination. Disciplinary action will be taken against any employee who breaches this policy and serious breaches will be treated as gross misconduct.

All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

To that end, the purpose of this policy is to provide diversity and equality to all in employment, irrespective of their protected characteristics such as: gender, gender reassignment, race, ethnic origin, pregnancy, disability, age, nationality, national origin, sexuality, religion or belief, marital status, civil partnership and social class. We oppose all forms of unlawful and unfair discrimination.

All employees, whether part time, full time or temporary, will be treated fairly, equally and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability.

### Our Commitment:

- To ensure Pacy and Wheatley's activities are of high quality and responsive to our clients' needs, ensuring that our employees adequately respond to the needs of our clients.
- Every employee is entitled to a working environment which promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- To ensure that Pacy and Wheatley fulfils its legal obligations under the equal opportunities legislation and complies with provisions contained in various Codes of Practice.
- The commitment to diversity and equality in the workplace is good management practice and makes sound business sense.

- To create an environment in which individual differences and the contributions of all our staff are recognised and valued.
- Breaches of our diversity and equality policy will be regarded as misconduct and could lead to disciplinary proceedings.
- The policy will be monitored and reviewed annually.

Implementation - The responsibility for enforcement of this policy rests with Anthony Wheatley (Managing Director), who will monitor the effectiveness of the policy and associated initiatives. All employees have an obligation to avoid discrimination and promote equal opportunities. The implementations of initiatives in support of the policy are the responsibilities of the Directors, Managers and Supervisors. This Equality Policy will be reviewed annually.

## Equality and Diversity at Work

In order to ensure that equality underpins all aspects of our employment policies, procedures and practices, we aim to:

- Ensure that our employment, training and development policies, procedures and practices comply with this policy and do not discriminate intentionally or unintentionally against any group or individual
- Become an employer of choice by promoting and developing policies that support a work-life balance and equal pay, ensuring that we maximise employment opportunities for all
- Monitor our employment processes by age, disability, gender, sexual orientation, religion and race and take action to address any inequalities that are apparent
- Recruit employees in a manner which is fair and open
- Ensure employees are aware of their personal responsibility to apply this policy
- Eliminate discrimination in the provision of training and development to ensure that all employees can realise their full potential and contribute to the company
- Ensure that all Managers / Supervisors undertake relevant training in equal opportunity issues to raise their awareness and understanding of the importance of equal opportunities in the workplace and in service delivery
- Promote a culture of fairness and respect in all employment policies, procedures and practices

- Provide appropriate training and development opportunities to all employees regardless of protected characteristics
- Take positive action to encourage under-represented groups to apply for posts or specific training
- Ensure pay structures reward all employees fairly
- Recognise that employees have the right to work in a supportive and safe environment free from harassment
- Ensure that we have in place procedures for equal pay
- Make reasonable access adjustments, wherever possible, to enable the employment and redeployment of staff with disabilities

## Guidelines for Recruitment

- I. The governing factor for appointments will be based on merit, competence and the ability to do the job
- II. All jobs will be advertised externally and internally
- III. All job advertisements will carry wording designed to encourage applicants from all sections of the community
- IV. Recruitment literature will describe jobs without gender, race or disability bias
- V. Consideration will be given to using a range of advertising media to encourage and attract applicants from all sections of the community
- VI. All applicants will be assessed in the same way using the same evaluation and selection criteria
- VII. Selection criteria will not be set to unlawfully discriminate (directly or indirectly) on the grounds of gender, gender reassignment, race, ethnic origin, pregnancy, disability, age, nationality, national origin, sexuality, religion or belief, marital status, civil partnership, or social class and should solely be related to the requirements of the job
- VIII. Age limits, age requirements or length of service restrictions will not be set as criteria for the job unless they can be justified, as they are likely to have a disproportionately adverse effect on women and people from minority communities, or if there is a genuine occupational qualification compliant with Section 5.(2)(d) of the Amended Race Relations Act 2000.

- IX. Disabled job applicants who meet the essential criteria of the job description will be guaranteed an interview
- X. Where selection tests are used, tests will be specifically related to the job, and in the case of ability tests they will be fully validated so as to avoid any bias on the grounds of gender, marital status, race or disability

The staff responsible for short listing, interviewing and making or recommending an appointment will be clearly informed of the selection criteria and the need for consistency. Wherever possible, at least two people will interview applicants and all questions will relate to the selection criteria. No questions will be based on assumptions about roles in the home and the family, or the assumed suitability of different ethnic groups for the post in question. Where it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves irregular hours or extensive travel) this will be discussed objectively and will be asked equally of all candidates. In the case of disabled applicants who identify themselves at the application stage, appropriate interview arrangements (such as accessible interview rooms or the assistance of a sign interpreter) will be offered to enable candidates to compete on an equal basis.

### Monitoring and Evaluation

To ensure we are achieving our policy objectives, we will monitor the effectiveness of our policy by keeping records of our recruitment selection process. We will annually monitor and measure the effectiveness of the policy, reviewing our practices where there are shortfalls, developing recommendations and implementing them.

The records will contain information such as Gender, Race, Age, Disability, Criminal Conviction and Marital Status. Each applicant and employee of Pacy and Wheatley will be required to complete our Recruitment Monitoring Questionnaire.

### Terms and Conditions

- I. All vacant posts will be open for job-sharing unless considered unsuitable (with regards to maintaining work efficiency) and will be advertised in a manner so as to encourage job sharing.
- II. Any existing employee or any two existing employees will be able to apply to their manager for a job-share arrangement in respect of their job.
- III. When an employee becomes disabled as a result of an accident or illness, reasonable adjustments will be made to seek to ensure the employee continues in the job.

- IV. Where an employee has cultural needs that may appear to conflict with existing work requirements, consideration will be given to varying the requirements, especially where it may be that the requirement is unjustifiable. In any such cases, advice should be sought from the employee's line manager.
- V. Where an employee requests leave over and above annual leave entitlement to visit relations in other countries, the employee will be able to "accumulate" part of their leave entitlement from previous years as part of the extended leave scheme. In this event, or in order to arrive at any other arrangement, advice should be sought from the employee's line manager.
- VI. Where an employee experiences sexual harassment this will be viewed as a form of sex discrimination which shall not be condoned or tolerated by the company.
- VII. Female employees are far more likely to suffer from such discrimination, which can be defined as unwanted conduct of a sexual nature, or conduct based on sex which is offensive to the recipient, which interferes with the recipient's work performance and creates a hostile working environment. The rebuttal of such unwanted conduct is often followed by threatened or actual employment retaliation. An employee experiencing conduct which is believed to be sexual harassment should follow the stages in the complaints procedures.
- VIII. Where an employee experiences racial harassment this will be viewed as a form of racial discrimination which will not be condoned or tolerated by the company.
- IX. Black and other minority ethnic employees are far more likely to suffer from such discrimination (though not exclusively), which can be defined as an unwanted conduct of racial nature, or conduct based on race which is offensive to the recipient and interferes with the recipient's work performance, creating a hostile working environment.
- X. An employee experiencing conduct that is believed to be racial harassment should follow the stages outlined in the complaints procedures.
- XI. Provisions relating to maternity leave and pay are detailed in Pacy and Wheatley's Maternity Pay and Leave policy. Maternity leave will not be treated as an obstacle to progression or career development.
- XII. All other terms and conditions of employment will not be related to the gender, marital status, ethnic origin or disability of employees and as far as practicable will not obstruct or limit the employment or promotion of any employee.
- XIII. Employees who have recruitment and selection responsibilities and/or who have supervisory responsibilities will undertake training in recruitment, selection and equal oppor-

tunities to ensure awareness and fairness in their assessment and selection processes, enabling them to encourage and promote equal opportunities for all.

## Appraisal, Training, Career Development, Promotion and Transfer

- I. Where posts are internally advertised only (i.e. offering career development and promotion opportunities to existing employees), the same principles as those governing external recruitment will apply.
- II. Pacy and Wheatley's performance and development scheme relates specifically to the job/career of the individual and will avoid any bias or assumptions based on an employee's gender, marital status, disability or ethnic origin or protected characteristics. The scheme will only involve assessing employees' aspirations and managers' views on employees' capabilities, performance and potential.
- III. In the case of trainees, merit increment and honoraria etc., the criteria on which employees' pay rises through increment are based will not be based on criteria related to gender, marital status, age, disability or ethnic origin.
- IV. All employees will be encouraged to take up suitable opportunities for training and advancement. In particular, in areas of work where certain groups are under-represented (especially in senior management), managers will take a proactive role in ensuring employees from such under-represented staff take up training opportunities that assist their future possible entry into these areas of work.
- V. Employees who have direct contact with members of the public will undertake training on dealing with service users to ensure awareness of their customer needs and the public at large, ensuring satisfactory service delivery.
- VI. In situations where employees are being re-deployed due to changes in the operational arrangements of Pacy and Wheatley, the procedures for re-deployment (including ring-fencing and priority candidates) will be free from bias on the grounds of gender, marital status, disability, ethnic origin and any other protected characteristics.
- VII. Where employees are seeking re-deployment on the grounds of disability or ill-health (and would otherwise be retired on the grounds of ill-health) assistance will be sought where appropriate from the Department for Work and Pensions.



## Dismissal and Redundancy

- I. In cases where employees are being dismissed, this decision will not be made on the grounds of their gender, marital status, disability or ethnic origin and decisions will be made solely in accordance with our Company's disciplinary procedure.
- II. Intentional, direct and overt acts of race and sex discrimination and racial and sexual harassment will be regarded as gross misconduct and therefore a dismissible offence.
- III. In cases where employees are selected for redundancy, decisions will not take account of their gender, gender reassignment, race, ethnic origin, pregnancy, disability, age, nationality, national origin, sexuality, religion or belief, marital status, civil partnership, or social class and no criterion (such as 'part-timers first' or 'last in first out') will be applied if it cannot be justified and it has a disproportionately adverse effect on women and/or minority ethnic groups. In particular, registered disabled people will not be made redundant without reasonable cause.
- IV. Where an employee has been found guilty of theft or bringing the company into dispute, the employee may be dismissed.

## Equal Opportunities for All

- I. This policy also seeks to ensure that our Company does not discriminate on the grounds of age, sexual orientation, trade union activity, religious and political beliefs, poverty and social exclusion. These areas are not covered by anti-discrimination legislation or Codes of Practice in the same way legislation covers all protected characteristics of race, colour, ethnic or national origin, gender, marital status or domestic responsibilities, and disability.
- II. The objectives and our Equal Opportunities Policy apply equally to these areas as it does for those that have supporting legislation.

## General Provisions

- III. Whilst the overall responsibility for the Policy lies with the Managing Director, every employee has a personal and legal obligation to avoid discrimination and to promote equal opportunities for all. Pacy and Wheatley will ensure that employees are aware of these obligations.

- IV. We will regularly examine staffing information through workforce surveys, applications questionnaires, and any other aspects of personnel activity in order to ascertain the make-up and experience of our employees by gender, gender reassignment, race, ethnic origin, pregnancy, disability, age, nationality, national origin, sexuality, religion or belief, marital status, civil partnership and social class in order to monitor progress in implementing the Equal Opportunities Employment Policy.
- V. All personnel policies and procedures, particularly those relating directly to equal opportunities, will be regularly reviewed to ensure they are operating in a non-discriminatory manner and are adequately assisting the implementation of the Equal Opportunities Employment Policy.
- VI. Complaints of discrimination initiated by employees should be raised at an appropriate level of the Grievance Procedure and complaints by job applicants should be made to the Managing Director. Any complaints will be treated seriously, in confidence and sensitively.

## Equal Opportunity in Service Delivery

### Customer First Policy

Pacy and Wheatley takes active steps to provide equal opportunities in service, delivery and the employment of staff. We are committed to building on our existing achievements through improving our services and employment practices.

Equal opportunities means that our customers will not be treated less favourably because of their race, colour, national or ethnic origin, gender, marital status, disability, sexuality, age or religious belief.

Our commitment to equal opportunities means we will encourage the development of understanding and appreciation of diversity and lifestyles.

We expect our workforce to have a positive attitude to equality issues, treating each other and our customers equally and fairly regardless of their race, colour, national or ethnic origin, gender, marital status, disability, sexuality, age or religious belief. All employees are responsible for complying with our policies in the following ways:

## Accessibility of Services

Pacy and Wheatley will work with local people to provide a safe environment in accordance with our Health and Safety Policy.

## Planning and Improving Services

- We will ensure that the workforce and service delivered is reflective of the community it services
- The success of our service is demonstrated by our customer base and we aspire to continually review and improve services, ensuring they meet the needs of customers
- We are a customer-led organisation, committed to consulting widely with users and staff to ensure that our service meets their requirements
- We will ask our clients for feedback; this is part of our quality assurance designed to improve services wherever possible
- We will endeavour to enhance our reputation as a provider of high quality services

## Monitoring and Improving Performance

### Monitoring

We will endeavour to improve service by continually monitoring the quality of our service delivery and the effectiveness of our equal opportunities policy.

Pacy and Wheatley will:

- Monitor services regularly and bring forward action plans for improvement
- Solicit feedback from our customers about our standard and quality of service delivery
- Recognise and use the experience of staff in improving services
- Monitor the effectiveness of our equalities policy to ensure that there is clear representation and transparency in our recruitment and promotion processes
- Provide regular public reports about the quality of the services and the views of those who use them. This includes, but is not limited to, disabled people, the elderly and both adults and children with physical or mental special needs

## Improving Performance

We pride ourselves on the quality of our services and want to keep our customers. We want our customers to be honest with us, and we will be honest when things go wrong and work quickly to put them right.

Pacy and Wheatley will:

- Provide clear information to the public and our customers on how to complain
- Listen to complaints and comments and act upon them in an agreed timescale
- Tell the complainant what action we have taken on their complaint
- Treat all complaints fairly in accordance with our equalities policy and framework and monitor all complaints to ensure that this is being achieved
- Use complaints to improve the quality of services

## Code of Conduct

“This Code of Conduct is presented to our staff at induction and is available within our Company Staff handbook at all times”

It is of extreme importance to remember that when you carry out your duties you are representing Pacy and Wheatley and it is important that you understand and comply with our company's Equal Opportunity Policy.

The aim of the Equal Opportunity Policy is to ensure that customers, clients, stakeholders and members of the public are treated equally and fairly and no one is discriminated against, harassed or victimised because of their race, sex, disability, sexuality, marital status or religion.

Employees are urged to be considerate of others and avoid harassing, offending or discriminating against our clients or members of the public, as this is offensive. Should any employee be found guilty of this they will face disciplinary action and could be dismissed for gross misconduct. Your intention may not be to offend but people differ and have different needs, expectations and use different words at different times.

To ensure that you understand what the company expects of you, we ask you to bear in mind the following at all times:

## Sexual Harassment

Sexual harassment is unwanted and unwelcome. This means comments, looks, actions, suggestions or physical contact that people object to or find offensive.

There should be no unwanted physical contact that people object to which can be offensive.

You should never harass members of the public or clients for example by shouting or whistling. Sexual harassment is not tolerated when experienced by women or men.

Physical contact can also include pats, pinches, unnecessary touching or brushing against someone's body. Also do not make suggestive remarks, use affectionate pet names, tell sexually explicit jokes or make comments on appearance.

## Sexual Orientation

It is unacceptable to victimise or harass clients, members of the public or colleagues on the grounds of sexuality. This includes embarrassing or offensive jokes, remarks or name-calling, and unnecessary comments on dress, appearance or lifestyle.

Harassment can take the form of intimidation or threatening to "expose" a lesbian or gay person to colleagues or other people in the local community.

Victimisation is defined as treating a person less favourably than others would be in the same circumstances because that person has made a complaint or allegation of discrimination or has acted as a witness or informant in these proceedings.

Harassment, Discrimination and Victimisation of members of the public, customers or colleagues is an offence and will not be tolerated. Disciplinary action will be taken against anyone found guilty of committing such an offence.

## Our Staff

We will endeavour to have a workforce that reflects the communities serviced. This is achieved through our Equality and Diversity Policy which is practised in recruitment and selection for jobs. We encourage job applications from the widest possible pool, providing opportunities for discriminated-against groups. We offer training and promotion equally to our staff. We:

- Provide staff with training on equal opportunities in service delivery within the framework of the Company's Code of Conduct
- Ensure that staff treat everyone fairly and equally and to a high standard of behaviour
- Do not use discriminatory practices in delivering services
- Take disciplinary action against staff in breach of the policy
- Develop the potential of staff from discriminated-against groups (through training, mentoring and monitoring)
- Enhance our reputation as an equal opportunities employer
- Provide a safe and harassment-free environment for staff
- Make sure staff are comfortable with and clear about their rights and responsibilities.

## Our Customers

Pacy and Wheatley values its customers and has a duty of care to ensure that all customers are treated fairly and without prejudice. Our Customer Care Policy is consolidated with the principles of our Equality and Diversity Policy and all members of staff are bound by this.

We have an expectation that our customers will not harass or discriminate against our staff and will treat our staff fairly and equally. As we will act upon a member of our staff discriminating against or harassing our customers, so we will also take action upon a customer harassing or discriminating against our staff.

## Translation and Equality

**Pacy and Wheatley bridges communication gaps between our company and its staff and service users who struggle to communicate in English.** The provision of language and communication assistance is one of the legal requirements placed on public bodies by the Race Relations (Amendment) Act 2000. Additionally, other statutory legislation, such as the Human Rights Act 1998 and the Disability Discrimination Act 2005, also impacts on language and communication assistance.

## Managerial Responsibilities

The responsibility for ensuring the effective implementation and operation of the arrangements will rest with the Senior Management. Senior Management shall ensure that they and their staff operate within the policy and arrangements, and that all reasonable and practical steps are taken to avoid discrimination. Managers will:

- Demonstrate commitment to the Policy by incorporating it into plans and objectives
- Be responsible for the implementation and monitoring of the Policy within departmental plans/objectives
- Ensure that policies and strategies are communicated to all employees and allow for discussion and feedback, e.g. personal development plans, performance reviews
- Ensure that all employees understand their responsibilities, i.e. that any form of discrimination will not be tolerated and will be treated as a serious offence which may lead to disciplinary action
- Effectively manage and deal promptly and thoroughly with any complaints of discrimination including harassment, victimisation and bullying
- Deal promptly with complaints of inequality and ensure the matter is investigated thoroughly and any other necessary steps taken

## Legislative Guidance (Equality Act 2010)

This policy will be implemented within the framework of the relevant legislation, which includes:

- Equality Act 2010 including:
  - Equal Pay Act 1970
  - The Sex Discrimination Act 1975
  - The Race Relations Act 1976
  - The Sex Discrimination Act 1986
  - The Employment Act 1989
  - The Disability Discrimination Act 1995
  - The Employment Equality (Religion or Belief) Regulations 2003
  - The Employment Equality (Sexual Orientation) Regulations 2003
  - The Equality Act 2006

This covers but is not limited to: Indirect discrimination, Associative discrimination, Perceptive discrimination, Harassment, Harassment by a third party, Victimisation, Positive action, Pre-employment health-related checks, Extension of employment tribunal powers, Equal pay direct discrimination and Pay secrecy.

- Rehabilitation of Offenders Act 1974
- Equal Opportunities Commission: Code of Practice
- Department of Education & Employment: Code of Practice
- Commission for Racial Equality: Code of Practice

## DBS Policy Statement on the Recruitment of

### Ex-Offenders

The Code of Practice Published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

- Pacy & Wheatley will not take an individual's old and minor cautions and convictions into account when making decisions.
- All cautions and convictions for specified serious violent and sexual offences, and other offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.
- For guidance and criteria on the filtering of old and minor cautions and convictions which are now "protected" so not subject to disclosure to employers; applicants are directed to the following website [www.ddc.uk.net](http://www.ddc.uk.net) (see Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013; Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013
- As an organisation assessing applicant's suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Pacy & Wheatley complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. Pacy & Wheatley undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other relevant information revealed.
- Pacy & Wheatley can only ask an individual to provide details of convictions and cautions that Pacy & Wheatley are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offences Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended), Pacy & Wheatley can only ask an individual about convictions and cautions that are not protected.



- Pacy & Wheatley is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- Pacy & Wheatley has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.
- Pacy & Wheatley actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome application from a wide range of candidates, including those with criminal records.

Pacy & Wheatley select all candidates for interview based on their skills qualifications and experience.

- An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
- Pacy & Wheatley ensures that all those in Pacy & Wheatley who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. Pacy & Wheatley also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- At interview, or in a separate discussion, Pacy & Wheatley ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- Pacy & Wheatley makes every subject of a criminal record check submitted to DBS aware of the existence of the Codes of Practice and makes a copy available on request.
- Pacy & Wheatley undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.
- As standard the below is our policy:

All Site Managers, Assistant Site Managers to be Advanced DBS checked

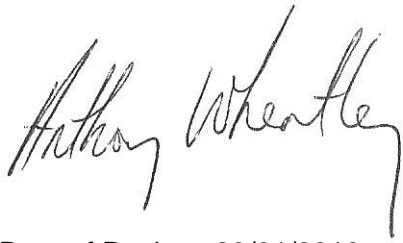
Contracts Manager/ Construction Managers - to be Advanced DBS Checked

After sales Manager/ Operative to be Advanced DBS Checked

All other directly employed site related staff (Forklift Drivers, Labourers, Groundworkers and the like - including trainees working on site including trainee SM's) are to have standard DBS checks.

Other Head Office Staff, visiting site on intermittent basis, will not be DBS checked unless specifically required.

Reviewer: Anthony Wheatley

A handwritten signature in black ink that reads "Anthony Wheatley". The signature is written in a cursive style with a large initial 'A'.

Date of Review: 23/01/2019

Date of Next Review: 23/01/2020

**This policy will be reviewed every 12 months.**

