



**TRAINING & CONSULTANCY LTD**

# **Equality, Diversity and Human Rights**

**TRAINING & CONSULTANCY LTD**

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## Key Learning Outcomes

### The learner will:

- Understand the terms of Equality and Diversity and Human Rights and how they are applied within the context of the health sector
- Understand how a proactive inclusive approach to equality and diversity and human rights can be promoted
- Understand the purpose and benefits of monitoring equalities and health inequalities
- Understand the benefits that an effective approach to equality and diversity and human rights can have on society, organisations and individuals
- Understand how legislation, organisational policies and processes can empower individuals to act appropriately and understand people's rights
- Know how to treat everyone with dignity, courtesy and respect and value people as individuals
- Know what to do if there are concerns about equality and diversity practices, including how to use any local whistle blowing policy procedures and other related policies such as Bullying at Work and Dignity at Work

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The overall aim of this course is to provide information about the issues and anti-discrimination laws that relate to equality and diversity, which will help the student to become a more effective member of their organisation within a diverse society.

### What is Diversity?

Diversity is the many distinct characteristics that staff, service users, carers and families bring to our organisation. These distinct characteristics bring variations of thinking, communication styles, skills and personalities that are respected and valued. Diversity is being different and varied.

#### Diversity is:

- Recognising and valuing individual and group differences
- Ensuring many different types of people contribute to society

### What is Equality?

Equality is recognising that discrimination is unacceptable regardless of people's gender, race, sexual orientation, nationality, religion, ethnic or national origin, marital status, age, colour, disability, carer status or social background.

**Equality** is not treating everyone the same, but:

- Making sure people are treated fairly
- Meeting individuals' needs appropriately
- Challenging the factors that limit individuals' opportunity

## Diversity in the United Kingdom

The word diverse means different and varied. The population of the UK today is diverse. We are all different and varied in the way we look, how we dress, how we behave, what we believe in, where we work and live, which sex we are and how old we are.

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When there are similarities between people we categorise them into groups. There are a number of social categories used to classify people:

- Age
- Class
- Ethnic group
- Sex

This is the kind of information that the Government collects when they do a population census – the results of the last census (2001) show that the UK is becoming an increasingly diverse society.

**Other classifications that can be used are:**

- **Gender** – behaviour characteristics associated with masculinity or femininity
- **Disability** – physical or mental impairment which has an adverse effect on a person's ability to carry out day to day activities
- **Sexual Orientation** – which sex individuals are attracted to
- **Nationality** – the country a person was born in or has full citizenship rights to
- **Household** – the people who share a common place of residence as a home and the relationship between those people
- **Religion** – a system of faith and worship

Everyone belongs to an ethnic group. People are varied and different because we are born with different characteristics, at different times, in different places, with different ancestors and different experiences

The population of the UK has changed throughout history. People have come to the UK (immigration) and left it (emigration). As people come to the UK they have brought with them different religions, ideas, beliefs, skills, knowledge, food and lifestyles. Immigrants have contributed to the success of the UK economy and form an important part of the workforce – often doing work that no one else wanted to do.

In a diverse society we all need to tolerate and value the differences in people so that we can continue to be individuals.

# The Equality Act 2010

The new Equality Act came into force on 1<sup>st</sup> October 2010. This Act brings together over 116 separate pieces of legislation into one single Act. Together they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

## Protected characteristics

The Equality Act 2010 makes it unlawful to discriminate against people with a 'protected characteristic'. Each characteristic is addressed in the new Act in summary as follows:

### 1. Age

The Act protects employees of all ages but remains the only protected characteristic that allows employers to justify direct discrimination, i.e. if an employer can demonstrate that to apply different treatment because of someone's age constitutes a proportionate means of meeting a legitimate aim, then no discrimination will have taken place.

### 2. Disability

The Act includes a new protection arising from disability and now states that it is unfair to treat a disabled person unfavourably because of something connected with a disability. An example provided is the tendency to make spelling mistakes arising from dyslexia. Also, indirect discrimination now covers disabled people, which means that a job applicant could claim that a particular rule or requirement disadvantages people with that disability.

The Act includes a provision which makes it unlawful, with limited exceptions, for employers to ask about a candidate's health before offering them work.

### 3. Gender Reassignment

It is discriminatory to treat people who propose to start to or have completed a process to change their gender less favourably, for example, because they are absent from work for this reason.

### 4. Marriage and Civil Partnership

The Act continues to protect employees who are married or in a civil partnership. Single people are however not protected by the legislation against discrimination.

### 5. Pregnancy and Maternity

The Act continues to protect women against discrimination because they are pregnant or have given birth.

### 6. Race

The Act continues to protect people against discrimination on the grounds of their race, which includes colour, nationality, ethnic or national origin.

## 7. Religion or Belief

The Act continues to protect people against discrimination on the grounds of their religion or their belief, including a lack of any belief.

## 8. Sex

The Act continues to protect both men and women against discrimination on the grounds of their sex, for example paying women less than men for doing the same job.

## 9. Sexual orientation

The Act continues to protect bisexual, gay, heterosexual and lesbian people from discrimination on the grounds of their sexual orientation.

# Equal Opportunities

Equal opportunities means equal access to all the things that improve your life chances e.g. education, qualifications, employment, promotion, choosing your leisure activities and social life etc.

Equal opportunities cannot exist where there is discrimination.

### Equality Duty

The Public Sector Equality Duty consists of a general equality duty, which is set out in section 149 of the Equality Act 2010 itself.

In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the general equality duty. The Act helpfully explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

## Choice

People have more choice when equal opportunities exist.

In the UK at one time, many schools did not allow girls to take certain subjects such as science, woodwork and other subjects that were considered to be for "males only" and boys were not allowed to take subjects such as cookery, domestic sciences, needlework and childcare.

This limited choice had an impact on their life as the subjects taken at school often related to the type of job you would do when you left school. This was based on gender stereotyping and led to the beliefs that for example, only women are suitable for jobs in care or catering or only men are suitable for jobs in science and technology. Therefore, men and women did not have equal opportunities.

## Equal Opportunities in Employment

Employers may not discriminate against people on the basis of their sex, age, ethnicity, religion, race, colour, sexual orientation, relationship status, or disability. In certain jobs it is allowed and this is called a genuine occupational qualification – this is when the job requires a particular gender or race of person for example, women only to provide intimate care of female service users. In all other circumstances, candidates must be selected for jobs based on their qualifications, knowledge, skills, experience and personal qualities.

## Equal Opportunities When Buying Goods or Services

It is unlawful for businesses to discriminate against men or women because of their ethnicity or because of disability when supplying goods, services or facilities.

**There are some exceptions to this rule:**

- Private members' clubs
- Services for men or women only so as to protect privacy e.g. swimming lessons
- Organisations that provide for men or women only, or provide services to a particular ethnic group e.g. care homes.

## Equal Opportunities in Healthcare

In healthcare commitment to equality, diversity and human rights is the basis upon which the principals of understanding the needs of different cultures and communities can help to eliminate discrimination, reduce inequality and break down any barriers that could potentially prevent people from accessing the care and services that they need. We should all be aiming to address any inequalities by recognising and valuing individual diversity and involving people in the delivery of their care. When a service user accesses healthcare they have a right to be assessed according to their individual need.

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Conversely, all healthcare staff should feel valued, motivated and treated fairly to be able to work within an organisation where they can fulfil their potential. With a more diverse workforce comes greater flexibility which can help to improve service provision to all service users/patients.

### Social and Individual Characteristics

#### Identity

Every one of us is an individual but also belongs to a social group. People are a unique combination of their own personality and the social influences and conditions with which they come into contact with. Your personal identity is based on factors individual to you e.g. physical characteristics, your likes and dislikes, your emotions and what is important to you.

Your social identity is based on factors such as you age, ethnicity, sex, gender, nationality, disability, type of household you live in, religion etc.

#### Social categories have an influence on our individual choices:

- **Age** – there are certain things we can legally do at certain ages e.g. you cannot legally vote until you are 18 years old. Health, hobbies, relationships and income change with our age
- **Sexual orientation** – can influence your choice of relationships, your sense of personal identity and possibly your career.
- **A disability** – can influence many factors e.g. relationships, career, where you live and possibly your health and education.
- The type of **household** you live in can influence your relationships and lifestyle
- Your **nationality** may influence your economic resources, legal rights, communication needs and access to information.
- **Ethnic background** can influence education, lifestyle, relationships and access to resources.

Discrimination can occur in all of the above categories.

## Individuality

Your individuality is a mix of your personal and social identity.

Social factors contribute to diversity because people have different backgrounds and individual factors contribute to diversity because people have different personalities.

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We tend to be challenged by people who are different from ourselves, but we need to respect individuality in order to help us grow and learn. This is particularly important in care work. We need to respect and understand people's individuality in order to care for them effectively and without discrimination or prejudice.

To respect individuals we need to know much more about a person than just their social influences. We need to speak to them and listen to them to find out what they have to say about themselves as individuals.

### Different Beliefs, Values and Attitudes

All of us have different beliefs and values, some may have remained the same since we can ever remember, but, some may have changed over time. These beliefs and values can be shared e.g. political, moral, ethical, religious or cultural to name a few. When people share a set of beliefs and values they often form groups e.g. a political party. However, not everyone will choose to join a group as they may have some common beliefs and values with that group and may disagree with others.

Attitudes are how people think and feel about people, events and things – how they behave reflects how they think and feel.

Some attitudes can be prejudices as they are formed without direct knowledge of the thing or person and have been based on stereotypes, e.g. what is the general public's attitude towards young people who wear hooded sweatshirts?

### Different Ideas, Beliefs and Religions

As people have migrated to the UK they have brought with them many different ideas, beliefs and religions. Some of the main religions of the world such as Buddhism, Christianity, Hinduism, Islam, Judaism and Sikhism are practised in the U.K. all of the religions have beliefs and practices associated to them, however, there may also be many variations within each religion.

All of these beliefs, values and practices contribute to the variety and diversity of society.

Understanding of people's beliefs, values and practices will also have a direct bearing on the way in which we care for people too.



## Fostering Diversity in the Workplace

The government is committed to diversity and equality in the workplace so all workplaces must have a policy to promote diversity and equality.

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### We can all contribute to fostering diversity in the workplace by:

- Welcoming people and being open
- Respecting people and their differences
- Listening to their views and opinions
- Not being prejudiced
- Not engaging in discriminatory behaviour
- Valuing people's individuality and the contribution that they make to the organisation
- Not making assumptions about people based on stereotyping
- Considering each person as an individual

The above applies equally to both staff and service users.

## Promoting Equality in the Workplace

If an employee commits an act of illegal discrimination, the employer can be held responsible for it. The person who has committed the offence can be disciplined and may be dismissed.

### What employers can do to promote equal opportunities in the work place:

- Have an equal opportunities policy that covers all types of discrimination
- Make all employees aware of the policy
- Provide training for employees to make them aware of equal opportunities legislation
- Monitor recruitment, selection and promotion
- Promote equal training opportunities
- Advertise promotion of diversity and equality within their organisation
- Operate an objective and fair complaints system.

### What can we do as employees to promote equal opportunities in the work place:

- Attend and take note of training
- Do not engage in discriminatory practice and report any to your line manager
- Do not engage in prejudiced behaviour and language
- Offer support to people who are being subjected to discrimination
- Respect the rights of individuals
- Read and understand your employer's policy

## What Is Bullying and Harassment?

These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment.

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**Harassment as defined in the Equality Act 2010 is:** Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

**Bullying may be characterised as:** Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

One form of discrimination that often goes unnoticed is harassment.

### Examples of bullying/harassing behaviour include:

- Spreading malicious rumours, or insulting someone by word or behaviour (copying memos that are critical about someone to others who do not need to know, ridiculing or demeaning someone – picking on them or setting them up to fail)
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may also occur in written communications, email, phone, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers.

Bullying and harassment can make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered.

Some people may try to retaliate in some way. Others may become frightened and de-motivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

The Health Service recognises the right of all employees to be treated with dignity and respect. That all employees are provided with a safe working environment which is free from all forms of bullying, sexual harassment and harassment. The Dignity at Work policy is represented in the Equalities Act 2010.

If anyone is experiencing bullying or harassment in the workplace or is witness to it, they should report it to their manager or use the Whistleblowing Policy. Page | 11

## Stereotyping

This means to make everything the same. We have already discussed categorising groups of people to collect statistics, but it can also have very negative effects because we make groups of people all the same based on one assumption or characteristic about the group.

### **Stereotyping is:**

- Generalisation
- Fixed
- Unjustifiable
- Nearly always untrue
- Often a negative thing to do

### **Why people stereotype:**

- To help deal with differences
- To help people form group identities
- It makes people feel safe
- It makes people think that they can justify actions

Slavery was allowed because it was based on stereotyping – one group of people being inferior. The slave owners believed they were superior. They used this belief to justify their actions and to keep people as slaves.

### **Stereotyping can lead to:**

- Oppression – the misuse of power over people
- Disempowerment – not feeling in control of your life
- Discrimination – unfair or unequal treatment
- Exploitation – making use of people for one's own ends
- Denial of rights – stopping people having the rights they are entitled to

## Labelling

This is the way people place labels on other people that places them into a certain category.

Research shows that when a person has been labelled with the same label many times, they begin to behave in terms of that label – this is called a self-fulfilling prophecy. We build our self-image and identity partly from how people label us. The media are very powerful in creating stereotypes and labels.

## Prejudice

This means to be biased or to have a preconceived opinion about someone i.e. making your mind up before you know all the facts. Prejudices usually come from other people we know e.g. friends, family, work colleagues etc. but can also come from people that we do not know e.g. someone we admire or the media etc.

Prejudices reflect our beliefs about people. Imagine you were the member of a jury at trial. If you believe that all nurses and carers are honest, law abiding citizens, and the person on trial was a nurse accused of murder you may well have a problem believing it. This would be a positive prejudice in the nurse's favour. If you believed that all travellers were thieves and one was accused of theft, you may well assume that they are guilty – this would be a negative prejudice which could be harmful to the accused if they were innocent.

Your beliefs may have come from a variety of sources. Our beliefs can change over time when we meet different people who may help us to overcome our prejudices.

## Behaviour and Language

**Stereotyping, prejudices and discrimination are maintained by:**

- Culture – the media, jokes, advertising etc.
- Institutions – authorities, governments, businesses etc.
- People – in positions of power, in the community, at work and recreation.

We all speak a language to each other and hear and see things on the television and radio, magazines, advertising billboards, posters etc. images are very powerful forms of communication.

## Images and Language

Both images and language send messages and the messages that we receive can be positive or negative.

If we use derogatory language about or to a person who is older, has a disability, or is from an ethnic minority group you are engaging in prejudicial language – if you continue to do this you may well be harassing that person which is an offence.

Joanna Smith has come from Poland to work in the U.K. She has worked in a care home for 2 years as a care assistant. She went to see her manager about a personal matter. He went to the filing cabinet to pull out her file and said, “it will be under R not S”. Joanna asked why and he said “R for refugee”. The manager may well have been making a joke but that does not count. He used prejudicial language and Joanna was extremely upset as she had come to the U.K. to work and married an English man. If this type of behaviour occurs, it should always be challenged by explaining to the person that their behaviour or language is upsetting to someone.

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When negative images are portrayed consistently, the group of people that they apply to can become the victims of discrimination. Another way that people can become victims of discrimination is when they are systematically excluded from every day images.

How many examples can you find from T.V., magazines, advertisements or newspapers that portray people over the age of 50 or people with a disability in the following categories:

- Engaging in sport
- Advertising exotic location holidays
- Being successful in business
- Modelling clothes

You could probably think of very few – does this mean that older people or people with a disability do not go on holiday, wear clothes, have successful businesses or do not wear clothes?

When there are no positive images appearing about a group of people then that group of people can become victims of discrimination because other groups are not treated in the same manner.

## TRAINING & CONSULTANCY LTD **Discrimination**

Discrimination is unfair or unequal treatment of individuals or groups and happens when someone is treated less favourably than someone else in the same situation. Discrimination can lead to disadvantage and disempowerment.

Discrimination is usually practiced by or on behalf of a powerful group against a group which is less powerful or has no power.

## Types of Discrimination

The 2010 Act also extends some of these protections to characteristics that previously were not covered by equality legislation. There are different types of discrimination under the new legislation.

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**These are:**

**Direct discrimination** - where someone is treated less favourably than another person because of a protected characteristic

**Associative discrimination** - this is direct discrimination against someone because they are associated with another person who possesses a protected characteristic

**Discrimination by perception** - this is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to.

**Indirect discrimination** - this can occur when you have a rule or policy that applies to everyone but disadvantages a person with a particular protected characteristic

**Harassment** - this is behaviour that is deemed offensive by the recipient. Employees can now complain of the behaviour they find offensive even if it is not directed at them.

**Victimisation** - this occurs when someone is treated badly because they have made or supported a complaint or grievance under this legislation.

### **Third Party Harassment**

Harassment of employees by people (third parties) who are not employees (for example, contractors or external trainers). Third parties can also include students).

## **Institutional Discrimination**

Institutions can discriminate against people by having policies that exclude a group or groups of people. Also if a person in charge has prejudiced views they can sometimes use their position of power to discriminate against people.

There are many examples in the past where organisations have excluded a group of people, so the individuals working for them and the organisation have engaged in discriminatory behaviour e.g. the armed forces would not allow homosexuals to join.

People with hearing or sight impediments or from an ethnic minority can be discriminated against by institutions if that organisation does not make available to them information in a format that they can access or in a language they can understand.

Those institutions there to serve the community such as social services, schools, police and health services need to ensure that everyone can access information and exercise the rights – if this fails to happen it should be challenged

## Racism

This is the discrimination against other races, ethnic or religious groups or nationalities based on the belief that one group is superior and the other group is inferior.

## Institutional Racism

This is the expression of a whole organisation's racist practice and culture.

## Individual Racism

### Examples of discrimination

Mrs Thomas, a black woman, works in a supermarket in a small village. The local people often tell the manager they don't like being served by her. The manager makes Mrs Thomas redundant telling her that he has to make cost cuts. **What type of discrimination is this?**

A leading menswear shop has a policy that all male employees be clean-shaven to promote their image. **What type of discrimination is this?**

## Ageism

This is where there is discrimination on the basis of age.

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## Sexism

This is where one sex believes it is superior to the other and results in discrimination based on sex.

Gender is the culturally learned aspects of a person's sexual identity. It is the behaviour that society defines as feminine or masculine. Gender becomes sexism when it is used as the basis to justify stereotypes of inferiority and discrimination e.g. "she can't do a car mechanics job – she wears a dress"

Michael applied for a job in a care home where the service users were both male and female. The person in charge of recruitment believed that women were better carers than men so she did not call Michael in for interview. **What type of discrimination is this, direct or indirect?**

A care home wanted an unqualified kitchen assistant – their advert stated that the applicant must have considerable experience with food preparation. **What type of discrimination is this, direct or indirect?**

## Disablism

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This is where people with a disability have been discriminated against on the basis of their disability where negative images are fostered through stereotyping of and prejudice against disabled people.

A shop is advertising a sale on the second floor – the lift is broken and will not be fixed until the sale finishes – **what type of discrimination is this, direct or indirect?**

A care worker takes Josie in her wheelchair out to a café for a coffee. The café is busy and the manager came up to the care worker and told her to leave stating that the wheelchair was blocking the way - **what type of discrimination is this, direct or indirect?**

## Multiple Discrimination

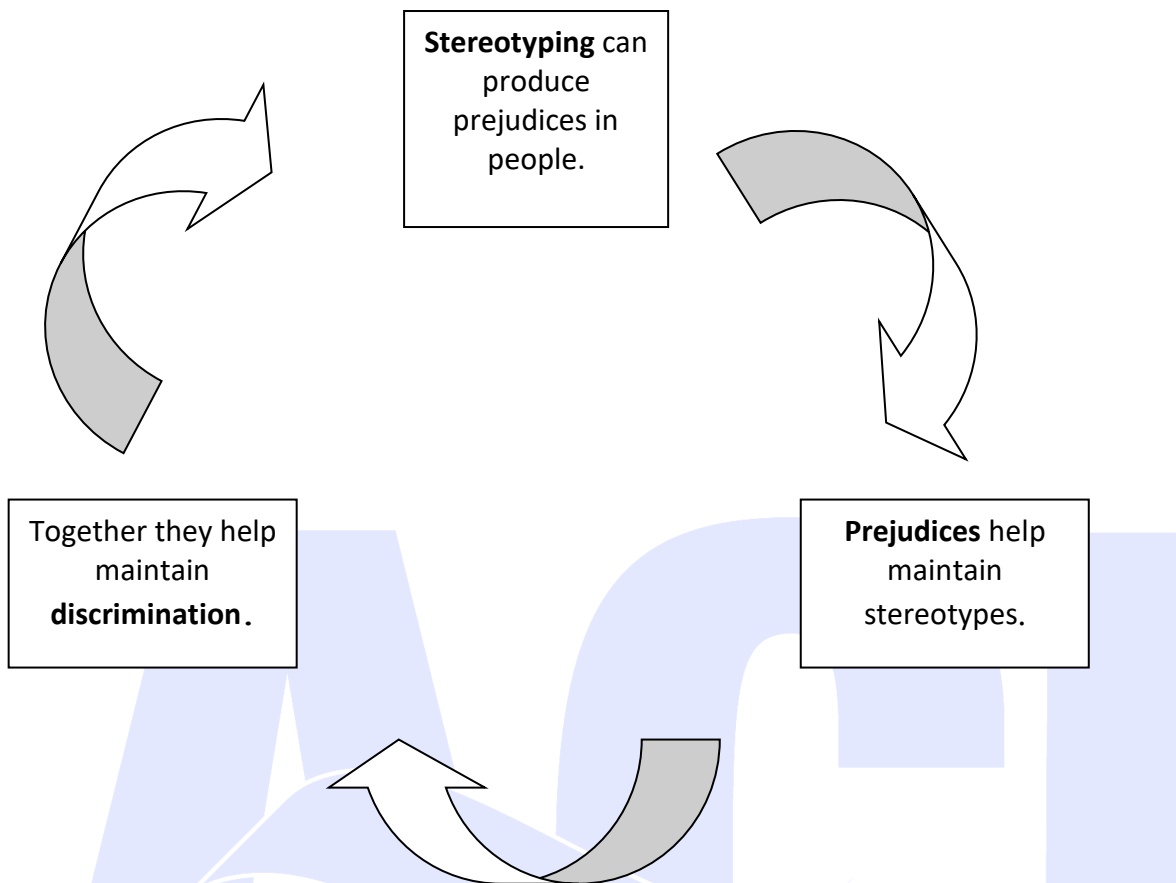
This is where some people suffer because they are subject to more than one type of discrimination and prejudice.

**This can have a major effect on people and can result in:**

- Confidence and self-esteem
- Social expectations
- Health
- Career opportunities
- Life chances

Co-operation is essential for working together and prejudices have to be overcome in order to ensure this.





We can become more aware by attending training, thinking about the behaviour and language that we use and by gaining as much information as possible.

## Discrimination and the Law

### The Equality Act 2010

There have been a number of laws passed since 1970 in the U.K. which are designed to help stop discrimination. In October 2010 the Equality Act came into force which brought together over 116 separate pieces of legislation into one single Act. The Act simplifies, strengthens and harmonises the current legislation to provide a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

### The nine main pieces of legislation that have merged are:

- The Equal Pay Act 1970
- The Race Relations Act 1975
- The Sex Discrimination Act 1975
- The Disability Discrimination Act 1995
- The Employment Equality (Religion or Belief) Regulations 2003
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Age) Regulations 2006
- The Equality Act 2006 Part 2
- The Equality Act (Sexual Orientation) Regulations 2007

## Human Rights

The Human Rights Act was passed in 1998.

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The Human Rights Act 1998 gives legal effect in the UK to 16 of the fundamental rights and freedoms contained in the European Convention on Human Rights (ECHR). These rights not only affect matters of life and death like freedom from torture and killing but also affect your rights in everyday life: what you can say and do, your beliefs, your right to a fair trial and many other similar basic entitlements.

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.

The rights are not absolute – governments have the power to limit or control them in times of severe need or emergency. You also have the responsibility to respect the rights of other people – and not exercise yours in a way which is likely to stop them from being able to exercise theirs.

### Your human rights are:

- The right to life
- Freedom from torture and degraded treatment
- Freedom from slavery and forced labour
- The right to liberty
- The right to a fair trial
- The right not to be punished for something that wasn't a crime when you did it
- The right to respect for private and family life
- Freedom of thought, conscience and religion
- Freedom of expression
- Freedom of assembly and association
- The right to marry or form a civil partnership and start a family
- The right not to be discriminated against in respect of these rights and freedoms
- The right to own property
- The right to an education
- The right to participate in free elections

If any of these rights and freedoms are abused you have a right to an effective solution in law, even if the abuse was by someone in authority, for example, a policeman.

## Adult Autism Strategy

The Department of Health Statutory guidance for Local Authorities and NHS organisations to support implementation of the Adult Autism Strategy March 2015 state that 'For many people with autism, mainstream public services can be hard to access. This can be due to a lack of understanding of autism among staff in those services but there are other contributory factors.'

People with Autism can experience many different sensory differences that can affect the way they access public services.

**The sensory differences that can experience are:**

- Communication
  - Verbal communication
  - Written communication e.g. letters
- Socializing
- Living independently
- Hypersensitive to:
  - Light
  - Smell
  - Touch
  - Noise

Under the Equality Act 2010 all public sector organisation are required to make reasonable adjustments so their service can be accessed by disabled people including people with autism. Disabled people including those with autism are initialed to access services in the someway as everyone else. Without public sector organisation making reasonable adjustment some people with autism would not be able to benefit form those services in order to live healthy and independent lives.

**Examples of Reasonable Adjustment That Should Be Made By Public Sector Organisations:**

- **Premises**
  - Considering hypersensitivities and noise
- **Processes**
  - Appointments at quieter times
  - Giving extra time to adults with autism
  - Flexible with appointment times
  - Flexible with communication e.g. telephone consultations, face to face
- **Face to Face Communication**
  - Non-verbal communication even in face to face consultation
  - Avoid ambiguous questions
  - Be aware of touch
- **Written Communication**
  - Ensure that forms are in different formats
- **Planning and Preparation**
  - Allowing an adult with autism to visit the area in advance so they can familiarise themselves.

The Adult Autism Strategy states that improving training around autism is at the heart of the autism strategy for all public service staff but particularly for those working in health and social care. When professionals do understand autism, the positive impact on the lives of adults with autism can be immense.

It goes onto say that Health and Social Care Professionals must be able to communicate effectively with people with autism if they are to be able to manage their own care and exercise genuine choice and control.

ACI do an Introduction to Autism course. If you would like further details please email into [info@acinternational.org.uk](mailto:info@acinternational.org.uk) or telephone 01291 624451.

## FREDA – Human Rights Based Approach

The concept of a human rights-based approach to clinical practice is relatively new.

### The Department of Health (2008) has stated that:

*‘a human rights based approach is one where the realisation of human rights principles is a central aim in policy and planning, where staff and patients are empowered and involved in achieving these, where accountability is clear and the most vulnerable groups are prioritised.’*

### There are five core values that underpin the approach:

- Fairness
- Respect
- Equality
- Dignity
- Autonomy.

These 5 core values should be at the very centre of service user care.

## Responsibilities

Everyone has responsibilities as well as rights. These may include responsibilities to parents, children, a partner, an employer or the local community.

You may have had difficulty deciding whether some things were your responsibility.

Some people do not recognise their responsibilities and this can cause problems for others.

The laws that exist in the U.K. can help to promote equal opportunities but it is the responsibility of each of us as individuals to see that the law is complied with and that we behave in a non-discriminatory manner.

### Individuals' responsibilities are:

- To not unjustifiably discriminate
- To behave in a manner that does not constitute harassment of another person
- Not to discriminate on behalf of an employer, but to point out that the action requested may be discriminatory.

### Employer's responsibilities are:

- To make sure that staff do not discriminate
- To make sure that staff understand what is considered discriminatory behaviour
- To provide adequate access and facilities to make sure people are not discriminated against
- To take action to stop any harassment that may be occurring on their premises if requested to do so

## Conflict

There are some situations in which people's rights can conflict with the responsibilities of an organisation.

Organisations and companies have the responsibility to protect the rights of several groups e.g. their clients, their workforce and their shareholders/investors.

### When an individual exercises their rights an organisation has to take into account whether:

- Other people's safety is put at risk
- The service for other people would be seriously disrupted
- The rights of the majority will be infringed

Tension can be caused when an individual chooses to exercise a right that conflicts with the rights of the majority e.g. the NHS has the responsibility of treating everyone who is ill. An individual has the right to life. If two people needed a life support machine in order to live and there is only one machine, then a very difficult choice would have to be made. There would be tension between the rights of the two individuals and the responsibility of the NHS.

When individual rights conflict you may need to establish priority. The most important thing would be to minimise harm to another person or people.

Think back to the Human Rights for example; a person has the right to respect for private and family life. A child has the right to life – these rights could be in conflict if the child was at risk of abuse from the parents and which could ultimately lead to the death of the child. In this situation the child would be removed from the abusing parent in order to protect the child. The child's right is given priority because she or he may suffer harm.

Some other examples of conflicting rights would be if other people were seriously disrupted e.g. we all have a right to freedom of expression. If one person started shouting their views at the top of their voice in a local park where people were relaxing enjoying their right to peaceful enjoyment of their possessions, this is a situation of conflicting rights. The person who is shouting could be asked to leave the park as he or she is infringing the rights of the majority. The same would apply if a child consistently disrupted the education of other children in a school. The child being disruptive may have to be suspended so as to protect the rights of the other children.

**If there is a conflict over individual rights the following steps should be taken in order to try and minimise and resolve the conflict:**

- Assess the situation
- Be aware of your prejudices, values and beliefs and do not say or do anything to increase the conflict
- Show respect for the people involved and listen carefully to their points of view
- Speak to the people, explain the situation calmly and the consequences that are possible due to their actions (e.g. they may well be in breach of the law)
- Speak to the person in charge/responsible person in order for them to take any necessary action.

## Whistleblowing

If an employee has any concerns regarding Equality and Diversity or Human Rights they can report those concerns through the organisation's Whistle Blowing Policy.

Whistleblowing is when a worker reports suspected wrongdoing at work. Officially this is called 'making a disclosure in the public interest'.

**A worker can report things that aren't right, are illegal or if anyone at work is neglecting their duties, including:**

- Someone's health and safety is in danger
- Damage to the environment
- A criminal offence
- The company isn't obeying the law
- Covering up wrongdoing

## How to 'Blow The Whistle'

- The way a worker can 'blow the whistle' on wrongdoing depends on whether they feel they can tell their employer.
- The worker should check their employment contract or ask human resources or personnel if their company has a whistleblowing procedure.
- If they feel they can, they should contact their employer about the issue they want to report.
- If they can't tell their employer, they should contact a prescribed person or body.

## A worker can only tell the prescribed person or body if they think their employer:

- Will cover it up
- Would treat them unfairly if they complained
- Hasn't sorted it out and they've already told them

## Dismissals and whistleblowing

A worker can't be dismissed because of whistleblowing. If they are, they can claim unfair dismissal - they'll be protected by law as long as certain criteria are met.

### Types of Whistleblowing Eligible for Protection

These are called 'qualifying disclosures'.

#### They include when someone reports:

- That someone's health and safety is in danger
- Damage to the environment
- A criminal offence
- That the company isn't obeying the law (like not having the right insurance)
- That someone's covering up wrongdoing

### Who is protected?

#### The following people are protected:

- Employees
- Agency workers
- People that are training with an employer, but not employed
- Self-employed workers, if supervised or working off-site

You're also protected if you work in a school or sixth-form college, whether you're an employee or an agency worker.

NHS workers who work under certain contractual arrangements, e.g. certain GPs and dentists, are also protected.

#### A worker will be eligible for protection if:

- They honestly think what they're reporting is true
- They think they're telling the right person
- They believe that their disclosure is in the public interest

## Who Isn't Protected?

### Workers aren't protected from dismissal if:

- They break the law when they report something
- They found out about the wrongdoing when someone wanted legal advice

Workers who aren't employees can't claim unfair dismissal because of whistleblowing, but they are protected and can claim 'detrimental treatment'.

## Overcoming Bad Practice

Every employer should encourage good practice by having a charter or policy that sets out the types of discrimination that should not occur in the workplace. This includes provision of training to make people aware of the issues and laws and also what to do in the case of bad practice.

In all cases of bad practice, the employer should speak to all persons involved and act accordingly within the realms of the law.

### Most employers have a commitment to overcoming bad practice in the workplace by implementing the following standards:

- Maintaining an equal opportunities policy
- Monitoring and reviewing equal opportunities
- Taking all reasonable steps to prevent discrimination
- Ensuring that they recruit people from diverse backgrounds
- Ensuring that equal pay is given to people who do equal jobs
- Ensuring that equal opportunities are given to staff in regard to training and promotion
- Ensuring that any necessary adjustments are made to allow people to work who have a disability, religious needs, special health needs or family commitments.

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## Appendix 1

A brief overview of the 5 main religions – please note that the information is general and Individual clarification should be sort.

### Muslim

- A global religion. Therefore, it is subject to cultural variation from country to country.
- Muslim also has many factions (Sunni, Shi'ite) etc.
- Main book – Koran
- Main character – Mohammed (the prophet)
- God is called – Allah (a devout Muslim would avoid saying God's name, out of respect)
- Main day for religious observance is Friday – however, a devout Muslim will pray 5 times a day. The practice of prayer will generally require ritual washing, a prayer mat and knowledge of where Mecca is as they pray facing Mecca.
- Place of worship is the Mosque
- Special dietary requirements – Halal food (this is food that is subject to specific methods of preparation – certain meats are avoided e.g. pork)
- Washing is very important – especially before prayers and after using the toilet.
- Spiritual leader – Imam
- Post death – body should be buried not cremated. Bodies should be washed Muslim to Muslim and gender to gender. Do not wash anybody without consent from the family.
- Holiest place is – Mecca
- Main religious festivals – Ramadan / Eid (Eid is pronounced as eed)
- Muslims will fast during some religious festivals, but can eat after sunset and before sunrise.

### Jew

**Judaism can mean someone's ethnic background and not religious belief.**

- Main book – Torah
- Main characters – Moses, Abraham.
- God is called – Yahweh (A Jew would not use God's name out of respect)
- Day of religious observance is the Sabbath. However, as the days according to the Jewish calendar are from sunset to sunset, the Sabbath **STARTS** on Friday evening – which is generally a special family oriented meal.
- Place of worship is the Synagogue
- Special dietary requirements – Kosher (this is food that is subject to specific methods of preparation)
- This is a family orientated tradition, the family is very important.
- Spiritual leader – Rabbi
- Post death – Orthodox Jews should be buried. There are strict rules in relation to washing a body post death which must be carried out. Therefore, care staff can only be involved with

washing the body post death if invited to do so and then they should handle the body as little as possible.

- Holiest place – Jerusalem
- Main religious festivals – Passover / Yom Kippur

## Christianity

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- A global religion. Therefore, it is subject to cultural variations from country to country. Christianity has many factions (Roman Catholic, Baptist, Methodist) etc.
- Main book – Bible
- Main Character – Jesus
- God is called – God, the Almighty
- Main day of religious observance is Sunday
- Place of worship is the church
- No specific dietary requirements.
- Spiritual leader – vicar, priest, minister or pastor.
- Post death – no specific requirements. However, prior to death some Christians may require confession with a priest and if a child is dying baptism may be important.
- Holiest place – Jerusalem
- Main religious festivals – Easter / Christmas.

## Hinduism

This originates from India and is a global religion and therefore subject to cultural variations. Hinduism is very tolerant and will include many different, even contradictory, beliefs. Unlike the other religions, it is not easy to give a list of 'absolutes'. It is therefore better to gain an understanding of some of their fundamental beliefs. The interpretation and practice of these beliefs will vary.

### Essential Characteristics of a Hindu Life

- Belief in Samsara – this is the circle of birth, death and re-birth.
- Belief in Karma – this describes an action and its good or bad effect. The karma accumulated through the acts done in a previous life will determine the conditions of the present life, this then effects the re-birth in the next life.
- Absolute spiritual freedom (Moksha).
- Hindus have developed a concept of Brahman – this is seen as the ultimate reality, the one and all. However, in human terms they understand the divine in the form of millions of gods and goddesses (which are the physical manifestation of Brahman). The most well-known gods are Krishna and Vishnu.
- Hinduism has produced many sacred oral and written traditions and texts. The most famous of these is the Bhagavad-Gita.
- Hygiene and modesty is of great importance.
- Hindus have a strict vegetarian diet.

- Prior to death, a Hindu may wish to be on the ground. This helps with their reincarnation.
- Post death, Hindus are usually cremated.
- Post death, the body must not be touched by non-Hindus. All jewellery, religious threads, ties etc. must be left on the body.
- Main festival is Diwali (pronounced Divali).
- Although there are a number of Hindu temples, worship is generally conducted within the family unit at shrines placed within the family home.

## Sikhism

This originates from India. This religion developed from Hinduism.

### Essential Information on Sikhism

- Sikhism developed because some Hindu teachers began to believe in a single God and salvation through God's grace.
- Guru Nanak (Guru = teacher) is seen as the first spiritual leader of Sikhism.
- Sikhism owes its existence from its principle Gurus. These are seen as the source of wisdom and teaching.

### All Sikhs will adhere to the 5Ks

1. Kesh – long uncut hair. This symbolises spirituality.
2. Kangha – a comb keeping the hair in place. This symbolises order and discipline in spirituality.
3. Kirpan – a sword, from a few inches in size to 2-3 feet. This signifies dignity, courage and self-sacrifice.
4. Kara – a steel bracelet worn on the right wrist. This symbolises unity with God.
5. Kach – shorts worn as underwear. Introduced by the Guru as more practical in battle and more modest in everyday life.

To these 5 Ks is added the Turban. The turban is worn in respectful imitation of the Gurus. All Sikhs will adhere to the above 5 Ks and should therefore be taken into consideration when caring for a Sikh.

- Holy book is called the Guru Granth Sahib.
- Place of worship is the Gurdwarah.
- Sikh festivals: Diwali and Gupurbs (Gupurbs are anniversaries associated with the births and deaths of the 5 Gurus)
- They adhere to strict vegetarianism
- Post death, non-Sikhs are allowed to tend to the body. Important to remember **never** trim beards or hair.

## Buddhism

### There are many different types or schools of Buddhism.

- No main book – there are lots of different scriptures and writings.
- Main character – Buddha

- Main principle and belief is reincarnation
- The purpose of reincarnation is to achieve Nirvana (Navana) – when one is absorbed into total reality.
- Meditation is a guiding principle for all Buddhists. They will actively participate in this, no matter how ill they are.
- Strict vegetarian diet
- Spiritual leader – most Buddhists will acknowledge the Dali Lama as a spiritual leader, but he is not the only one. This really depends on the school of Buddhism.

By respecting someone's beliefs, values and attitudes, it does not mean you have to believe in them yourself or agree with them. It means that you recognise that each individual has the right to have beliefs and values which are different from your own.



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