

SAFEBREAKS DEVON CIC

Equality, Diversity and Inclusion Policy

Policy title	Equality, Diversity and Inclusion Policy
Applies to	All staff, volunteers, contractors, and workers; all service users and representatives; all Safebreaks services (Day Service, Community Enabling, Supported Living)
Policy owner	Managing Director
Version	1.0
Date	April 2026
Next review date	April 2027
Approved by	Managing Director

Legal and Regulatory Framework

This policy operates within the following legislative and regulatory framework:

Equality Act 2010: The principal legislation governing discrimination, harassment, and victimisation in employment and service delivery. Establishes the nine protected characteristics, the duty to make reasonable adjustments, and the legal tests for direct and indirect discrimination.

Human Rights Act 1998: Article 8 (right to private and family life) and Article 14 (prohibition of discrimination in the enjoyment of Convention rights).

Care Act 2014: The wellbeing principle (section 1) includes protection from abuse and neglect, control over day-to-day life, and suitability of living accommodation, all of which engage equality considerations. Local authorities to whom Safebreaks provides commissioned services are subject to the Public Sector Equality Duty.

Mental Capacity Act 2005: Underpins supported decision-making and the obligation to provide information in accessible formats.

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Fundamental Standards. Although Safebreaks is not CQC-registered (see Unregulated Support Service Scope Policy), the fundamental standards set the benchmark for quality and non-discriminatory care, and are expected by commissioners and partners.

Employment Rights Act 1996: The framework for employment terms, dismissal, and workplace protections that supports equality in employment.

Public Sector Equality Duty (Equality Act 2010, section 149): Applies directly to public bodies. Where Safebreaks delivers commissioned services, the commissioning authority's PSED responsibilities cascade through contracted expectations.

EHRC Codes of Practice on Services, Public Functions and Associations (2011) and on Employment (2011): Statutory guidance on the application of the Equality Act 2010 which courts and tribunals take into account.

UK GDPR and Data Protection Act 2018: Article 9 governs the processing of special category data, including data about race, religion, health, and sexual orientation. This is relevant to any equality monitoring Safebreaks undertakes.

1. Purpose

This policy sets out how Safebreaks Devon CIC meets its legal, regulatory, and ethical responsibilities under the Equality Act 2010 and related legislation across its service delivery, employment, and wider operations.

Its purposes are to:

- Eliminate unlawful discrimination, harassment, and victimisation.
- Advance equality of opportunity for people who share a protected characteristic.
- Foster good relations between people who share a protected characteristic and those who do not.
- Ensure service delivery is accessible, person-centred, and responsive to individual need.
- Ensure employment practices are fair, consistent, transparent, and developmental.
- Demonstrate compliance and good practice to regulators, commissioners, and partners.

Safebreaks Devon CIC is a Community Interest Company whose social purpose is to support adults with additional needs. Equality considerations are therefore integral to our mission, not an adjunct to it.

2. Scope

This policy applies to:

- All employees, volunteers, contractors, bank staff, and workers engaged by Safebreaks in any capacity.
- All service users who receive support from Safebreaks, and their Named Representatives or family members in their interactions with Safebreaks.
- All applicants for employment and service placement.
- All visitors to Safebreaks premises and community locations where services are delivered.

This policy covers all Safebreaks services, including Day Service, Community Enabling, and Supported Living, and all stages of the service user and employment relationship.

3. Definitions and Protected Characteristics

The Equality Act 2010 protects people from discrimination in relation to nine protected characteristics:

Protected characteristic	What it covers
Age	A person belonging to a particular age group, or range of ages.
Disability	A physical or mental impairment that has a substantial and long-term adverse effect on the ability to carry out normal

Protected characteristic	What it covers
	day-to-day activities. Most service users will have a disability in law.
Gender reassignment	A person who is proposing to undergo, is undergoing, or has undergone a process to reassign their sex. Protection does not require medical supervision.
Marriage and civil partnership	A person who is married or in a civil partnership.
Pregnancy and maternity	A woman who is pregnant, or on maternity leave, and (in employment) a woman breastfeeding for 26 weeks after giving birth.
Race	Colour, nationality, ethnic or national origins.
Religion or belief	Any religion, or a philosophical belief that is genuinely held and affects how a person lives their life. Includes lack of religion or belief.
Sex	Whether a person is a man or a woman.
Sexual orientation	A person's sexual orientation towards people of the same sex, opposite sex, or either sex.

3.1 Types of Unlawful Conduct

Direct discrimination: Treating a person less favourably than another because of a protected characteristic.

Indirect discrimination: Applying a provision, criterion, or practice that applies to everyone but puts people sharing a protected characteristic at a particular disadvantage, unless it can be justified as a proportionate means of achieving a legitimate aim.

Discrimination arising from disability: Treating a disabled person unfavourably because of something arising in consequence of their disability, unless it can be objectively justified.

Failure to make reasonable adjustments: Failing to make reasonable adjustments where the duty under section 20 of the Equality Act 2010 is engaged. This is itself a form of disability discrimination.

Harassment: Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating, or offensive environment.

Sexual harassment: Unwanted conduct of a sexual nature that has the same purpose or effect as set out above.

Victimisation: Subjecting a person to a detriment because they have done, or are suspected of having done or being about to do, a protected act (such as making a complaint of discrimination or supporting another person's complaint).

4. Our Commitments

Safebreaks commits to:

- Treat all service users, staff, and others we engage with fairly and with respect, regardless of any protected characteristic.

- Comply fully with the Equality Act 2010 and related legislation in service delivery and employment.
- Provide reasonable adjustments where required, to both service users and staff, and to do so proactively wherever possible.
- Maintain accessible information and communication, including easy-read, large print, and other formats on request.
- Recruit, develop, promote, and reward staff on the basis of merit and capability, without reference to protected characteristics.
- Investigate all complaints and concerns about discrimination, harassment, or victimisation promptly, fairly, and confidentially.
- Train all staff in their responsibilities under this policy at induction and annually.
- Review this policy and its effectiveness at least annually, and respond to learning from incidents and complaints.

5. Equality in Service Delivery

5.1 Person-Centred and Non-Discriminatory Support

Every service user's support is planned and delivered on the basis of their individual needs, preferences, and goals as set out in their Placement Plan. Decisions about the support a person receives are never made on the basis of their protected characteristics in isolation, but on a holistic, person-centred assessment.

Cultural, religious, dietary, linguistic, and communication needs are identified during the pre-placement assessment (see Terms and Conditions, clause 2a) and are incorporated into the Placement Plan. These needs are revisited at each annual review and whenever the service user's circumstances change.

5.2 Reasonable Adjustments in Service Delivery

Under section 20 of the Equality Act 2010, Safebreaks has a duty to make reasonable adjustments to avoid putting disabled service users at a substantial disadvantage compared to non-disabled service users. This duty is anticipatory: Safebreaks considers in advance what adjustments may be needed, not only when a specific request is made.

The three-limbed duty requires Safebreaks to consider adjustments to:

- Provisions, criteria, or practices: for example, how activities are offered, how communication is managed, how sessions are structured.
- Physical features: although this applies more directly to premises owners and landlords, Safebreaks considers the accessibility of its day service premises and community locations.
- Auxiliary aids and services: for example, accessible formats, communication aids, additional staffing, or specialist equipment where reasonable and practicable.

Reasonable adjustments are considered as part of every placement assessment and reviewed whenever a service user's needs change. The Placement Plan records the adjustments in place. Where a requested adjustment cannot reasonably be made, the decision and reasons are recorded and the service user or Named Representative is informed in writing.

5.3 Accessibility of Information and Communication

Safebreaks produces service user information in accessible formats as part of standard practice. Easy-read versions of key documents are available, and bespoke formats (large print, translated, symbol-supported, audio) can be produced on request. See the Service User Privacy Notice for the equivalent commitment in relation to data protection information.

5.4 Culturally Appropriate Care

Safebreaks respects the cultural, religious, and spiritual identity of each service user. Staff support service users to:

- Observe religious or cultural practices important to them, where these are compatible with their safety and the safety and rights of others.
- Access culturally appropriate food, celebrate festivals meaningful to them, and engage with their community.
- Receive personal support from staff whose presence the service user feels comfortable with, taking into account same-sex personal care preferences and other dignity considerations.

Where a service user's cultural, religious, or preference-based request cannot reasonably be accommodated within the unregulated scope of Safebreaks' services (see Unregulated Support Service Scope Policy), the limitations are discussed honestly with the service user and their Named Representative, and alternative arrangements are explored.

5.5 Sexual Orientation and Gender Identity

Safebreaks supports service users who are lesbian, gay, bisexual, trans, non-binary, intersex, or questioning on the same basis as any other service user. Pronouns and names in use are recorded in the Placement Plan and respected by staff. Relationships, partners, and families of choice are recognised alongside families of origin.

Staff who hold personal views on sexual orientation or gender identity must not allow those views to affect the care they provide. Refusal to support a service user, or differential treatment, on grounds of sexual orientation or gender identity is unlawful direct discrimination under the Equality Act 2010 and is treated as a serious disciplinary matter.

5.6 Age

Safebreaks provides services to adults aged 18 to 65 inclusive, as set out in our Terms and Conditions. Within that age range, service planning and delivery takes account of the individual's life stage, social connections, and aspirations without reference to age-based stereotyping.

6. Equality in Employment

6.1 Scope of Employment Equality

Safebreaks applies equality principles at every stage of the employment relationship, including:

- Recruitment, selection, and offer.
- Terms and conditions of employment, including pay.
- Training, development, and supervision.
- Promotion, internal progression, and secondment opportunities.
- Performance management, capability procedures, and appraisal.
- Disciplinary and grievance procedures.

- Working time, flexible working, and leave.
- Redundancy and the end of the employment relationship.

6.2 Recruitment and Selection

Safebreaks recruits on the basis of the skills, experience, values, and capability required for the role. Job descriptions, person specifications, and advertisements are drafted to avoid requirements or language that could indirectly disadvantage applicants on the basis of a protected characteristic.

Where practical, shortlisting is carried out on an anonymised basis to reduce the influence of unconscious bias. Interviews use a structured format with the same core questions asked of all candidates for a given role. Selection decisions are recorded with reasons.

Safebreaks makes reasonable adjustments for disabled applicants at every stage, including making the recruitment process itself accessible (for example, providing information in alternative formats, adjusting interview times, allowing a support person, or conducting interviews in accessible locations). Applicants are invited to request adjustments at the point of application.

Under section 158 of the Equality Act 2010, Safebreaks may take proportionate positive action where people sharing a protected characteristic are under-represented in a role or are disadvantaged in connection with that characteristic. Positive action is distinct from positive discrimination, which remains unlawful. Any positive action is documented with its rationale.

6.3 Reasonable Adjustments for Staff

The duty under section 20 of the Equality Act 2010 applies in employment just as it does in service delivery. Safebreaks makes reasonable adjustments for disabled employees and job applicants. The duty applies to:

- Provisions, criteria, or practices: working hours, shift patterns, duties, or policies that place a disabled employee at a substantial disadvantage.
- Physical features of the workplace.
- Auxiliary aids, equipment, and support services.

Requests for reasonable adjustments can be made to any line manager or to the Managing Director. Requests are considered promptly, with input from the employee and, where appropriate, Occupational Health or Access to Work. Safebreaks engages constructively even where an adjustment cannot be fully implemented and seeks alternatives. The decision and rationale are recorded in the employee's personnel file.

6.4 Pay and Terms

Safebreaks pays staff on the basis of role, experience, and responsibility. The organisation complies with National Living Wage and National Minimum Wage legislation, pays overtime in accordance with employment terms, and ensures that pay decisions are not influenced by protected characteristics. The Equality Act 2010 equal pay provisions apply: men and women doing equal work must receive equal pay.

7. Harassment, Bullying and Victimisation

7.1 Zero Tolerance

Safebreaks does not tolerate harassment, bullying, or victimisation in any form, whether between staff, from staff to service users, from service users or their families to staff, or from any third party to any person within the Safebreaks environment.

Harassment and victimisation, as defined in Section 3.1, are unlawful under the Equality Act 2010 and, in serious cases, may also constitute criminal offences (for example, under the Protection from Harassment Act 1997 or offences related to violence and sexual misconduct).

7.2 Raising Concerns

Any person who experiences or witnesses harassment, bullying, or discrimination at Safebreaks can raise the matter through the following routes:

Situation	First route	Escalation
Staff-to-staff concern	Line manager or any senior colleague	Managing Director; then external routes (ACAS, employment tribunal, EHRC)
Staff-to-service-user concern	Report immediately under the Safeguarding Adults Policy	Managing Director as Designated Safeguarding Lead; Local Authority safeguarding team; police if criminal
Service-user or family concern about staff	Any Safebreaks manager or the Managing Director	External complaints route under Terms and Conditions clause 9.7; Local Authority; EHRC
Applicant concern about recruitment	Managing Director	EHRC; employment tribunal within statutory time limits

7.3 Handling Complaints

All complaints are handled promptly, fairly, and confidentially. The person raising the concern is kept informed of progress at appropriate points. Investigation outcomes are recorded in writing. Where a complaint is upheld, action is taken in accordance with the disciplinary procedure for staff, or under the Terms and Conditions for service users and representatives where appropriate.

Safebreaks does not subject any person to detriment for raising a concern in good faith. Victimisation of a person for having raised a complaint, supported someone else's complaint, or given evidence in an investigation, is itself unlawful and is treated as a separate disciplinary matter.

8. Balancing Protected Characteristics

Situations sometimes arise where the rights or preferences of one person under the Equality Act 2010 appear to come into tension with the rights or preferences of another. This is most likely in a care setting. Safebreaks' approach is:

- The dignity, safety, and rights of the service user take priority in the delivery of care.
- Staff cannot refuse to provide care to a service user on grounds of any protected characteristic of the service user, including religion, sexual orientation, or gender identity. Personal belief is not a lawful basis for differential treatment of a service user.
- Where a staff member's religious or philosophical belief leads to a request to be excused from specific duties, the request is considered under the reasonable

adjustment framework, balanced against the needs of service users and other staff. Safebreaks will seek workable solutions but will not allow accommodations that impact service users' rights or access to care.

- A service user's preferences in relation to personal support (such as same-sex preference for intimate aspects of care, where intimate care is within scope) are accommodated where reasonably practicable, as a matter of dignity and person-centred planning.
- Where a Named Representative or family member expresses views that would require staff to act in a discriminatory way towards the service user (for example, concealing a service user's sexual orientation or partner, or disregarding a service user's religious observance), Safebreaks acts in the interests and wishes of the service user themselves, consulting the Mental Capacity Act 2005 framework where relevant.

Complex cases are escalated to the Managing Director and, where necessary, external advice is sought from the commissioning Local Authority, legal advisers, or specialist equality organisations.

9. Monitoring and Equality Data

Data about protected characteristics is special category data under Article 9 of the UK GDPR. Safebreaks processes equality monitoring data only where there is a lawful basis and where it is proportionate and genuinely useful.

Equality monitoring at Safebreaks is currently limited to:

- Anonymised workforce composition, reported in aggregate, to identify patterns and inform recruitment and development.
- Service user characteristics captured as part of the Placement Plan (disability, age, and other characteristics directly relevant to support planning), used to inform delivery and not aggregated for external reporting without explicit consent or another lawful basis.
- Complaints and incidents involving protected characteristics, recorded to identify patterns and training needs.

No equality monitoring data is shared externally in a form that identifies individuals, except where required by law or contract (for example, commissioning data returns to Devon County Council as commissioner, where anonymity is preserved wherever practical).

10. Roles and Responsibilities

Role	Responsibility
Managing Director	Owns this policy. Approves changes. Responsible for ensuring the organisation meets its duties under the Equality Act 2010. Handles formal equality complaints. Acts as Designated Safeguarding Lead where relevant.
Operations and Team Leads	Apply this policy in their service area. Address concerns raised by staff or service users at first instance. Ensure reasonable adjustments are documented in Placement Plans. Identify training needs.

Role	Responsibility
All staff	Conduct themselves in accordance with this policy. Treat service users, colleagues, and others with dignity and respect. Raise concerns about discriminatory conduct promptly. Complete equality and diversity training at induction and annually.
Named Representatives and families	Treat Safebreaks staff with respect and in accordance with the Terms and Conditions. Raise concerns through the complaints route rather than taking unilateral action.
Commissioners and partners	Safebreaks expects commissioning Local Authorities and partner organisations to deal with Safebreaks and its service users on a non-discriminatory basis, and to respect this policy in their interactions.

11. Training

All staff receive training on the contents of this policy and on equality, diversity, and inclusion more broadly:

- At induction, covering the Equality Act 2010, the nine protected characteristics, the reasonable adjustment duty, and the complaints route.
- Annually, as a refresher, and whenever legislation or practice guidance changes materially.
- Role-specific training for managers covering recruitment, reasonable adjustments in employment, and handling complaints.
- Additional scenario-based training for staff delivering personal support, covering cultural, religious, and preference-based considerations in care.

Training records are maintained in SOL.Y or the equivalent training records system. Completion is reviewed in supervision.

12. Review and Effectiveness

This policy is reviewed at least annually by the Managing Director. An interim review is triggered by:

- Significant changes in legislation or EHRC guidance.
- A serious incident, complaint, or safeguarding concern involving equality considerations.
- A commissioner or partner requirement for policy alignment.

Effectiveness is assessed through:

- Numbers and outcomes of equality-related complaints and incidents.
- Training completion rates.
- Anonymised workforce composition trends.
- Feedback from service users, Named Representatives, and staff.

Findings inform policy updates, training content, and operational practice. Significant findings are reported to the Managing Director and recorded in the governance record.

13. External Support and Complaint Routes

Where a matter cannot be resolved internally, the following external routes are available:

Route	Purpose	Contact
Equality and Human Rights Commission (EHRC)	Guidance and enforcement of the Equality Act 2010	equalityhumanrights.com
Equality Advisory and Support Service (EASS)	Free advice on discrimination and human rights	equalityadvisoryservice.com ; 0808 800 0082
ACAS	Workplace disputes, early conciliation before employment tribunal	acas.org.uk ; 0300 123 1100
Employment Tribunal	Formal claims under the Equality Act 2010 in employment (subject to statutory time limits, usually 3 months less one day)	gov.uk/employment-tribunals
County Court	Claims under the Equality Act 2010 in service delivery (subject to a 6-month time limit)	gov.uk
Local Authority (Devon County Council)	Complaints about commissioned care services	devon.gov.uk
Information Commissioner's Office (ICO)	Concerns about handling of equality monitoring data	ico.org.uk ; 0303 123 1113

14. Related Safebreaks Documents

This policy should be read alongside the following Safebreaks documents:

- Service User Privacy Notice: handling of personal information, including special category data.
- Consent and Information Sharing Policy: consent, capacity, and information sharing.
- Unregulated Support Service Scope Policy: boundaries of Safebreaks' services.
- Safeguarding Adults Policy: safeguarding duties and interaction with equality considerations.
- Terms and Conditions: service user contractual framework.
- Code of Conduct and Disciplinary Policy: staff behaviour standards and consequences.
- Recruitment and Selection Policy: operational detail on the recruitment approach.
- Reasonable Adjustments Procedure (if maintained as a separate document).

These documents are available on request by contacting the Managing Director at info@safebreaks.co.uk.

Change Log

Version	Date	Author	Summary
1.0	April 2026	Managing Director	First issued version. Covers Equality Act 2010 compliance across service delivery and employment; nine protected characteristics; reasonable adjustment duties (service users and staff); harassment, bullying, and victimisation procedures; positive action; tension resolution between protected characteristics in a care context; equality monitoring aligned to UK GDPR Article 9; training and review cycle; external complaint and support routes.