

Northumbria Healthcare NHS Foundation Trust

Human Resources Policies and Procedures

Equality, Diversity and Human Rights Policy

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This Policy has been Impact Assessed against the Equality Act 2010

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6.	18/09/19	Inclusion of relevant up to date language to reflect recent changes in national legislation and best practice. Amendments made to guidance in Appendix 2 to specifically refer to current policies Incorporation of revised EIA in Appendix 3

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1. Operational Summary

Policy Aim

The aim of this policy is to support NHCFT in its commitment to providing high quality care to all, and in order to achieve this; it is the responsibility of all our staff at every level, to ensure patients and their carers' human rights and dignity is guaranteed during their time in our care. The policy also sets out the Trust's position on equal opportunities and to ensure and support the fair operation of employment policies and procedures on the basis of job requirements and individual's abilities, skills, aptitude and competencies for the work.

It will support the Trust to meet the Statutory Equality Duty by:

- Eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it
- Foster good relations between people who share a relevant protected characteristic and people who do not share it.

It will support the Trust to work in line with the Human Rights Act 1998 and ensure that the core principles of equality, dignity, respect, fairness and autonomy are applied to the development and operation of employment policies and practices. Respect, Dignity and Compassion is Everyone's Business. Respecting privacy and dignity is not an addition to care provision, but an integral part of high quality compassionate health care and is a requirement of Standards for Better Health, Core Standard 13a

Policy Summary

The policy defines all forms of discrimination and the responsibilities of staff and managers in relation to equal opportunities. NHCFT as a public body is required to ensure compliance with Human Rights legislation, the Equality Act 2010 and the Public Sector Equality duty. This policy contains information and references for staff to assist them in understanding the legislation, its impact upon their work and their care and treatment of patients.

What it Means for staff

Policy Authors – Need to be aware of the impact policies may have on Equality issues and ensure that Impact Assessments are carried out as required

The Chief Executive – has overall responsibility for ensuring NHCFT has effective and safe systems and processes in place, relating to Equality, Diversity and Human Rights being demonstrably embedded in the NHCFT.

Managers/Supervisors – are responsible for ensuring the dissemination and implementation of policies.

All Trust employees – are responsible for reading the revised policy to ensure they are aware of the standard of conduct the Trust expects from all its employees. Staff must also ensure they sign the back sheet of each document to agree they have read and understood the content.

2. Introduction

Northumbria Healthcare NHS Foundation Trust (NHCFT) is committed to, valuing diversity and protecting Human Rights and is therefore committed to taking a proactive stance on promoting equality of opportunity. NHCFT is committed to eliminating discrimination against any individual on the grounds of sex, age, disability, race, (including nationality or culture) gender, gender identity, gender re-assignment; beliefs or religion, marital (including all couples regardless of gender) or civil partnership status, maternity or pregnancy status, sexual orientation, domestic circumstance, social and employment status, HIV status, political affiliation or trade union membership. This list is not exhaustive.

NHCFT want to provide quality services in a culture where every one feels safe and where no one experiences discrimination because of their characteristics, background or personal circumstance.

In line with the NHS values set out in the NHS Constitution the Trust endorses that: We value every person (patients, their families or carers, or staff) as an individual, respect their aspirations and commitments in life, and seek to understand their priorities, needs, abilities and limits. We take what others have to say seriously. We are honest and open about our point of view and what we can and cannot do.” NHS Constitution 2013.

Everyone has different needs in relation to public services. In both the workplace and as service users certain individuals/groups can experience unfair and unequal outcomes. NHCFT acknowledges that some groups in society have greater issues and potential barriers to accessing public services.

NHCFT will regularly review its services in line with our Equality & Diversity Objectives contained within our Equality, Diversity and Inclusion strategy 2019 – 2024 to recognise and eliminate possible barriers to access. NHCFT will also gain this knowledge through issues raised via Patient Services and/or through analysis of access statistics for example through the progress reported via patient experience such as “2 minutes of your time” and the “friends and family” test.

NHCFT aims to promote a policy of equality of opportunity and to discourage unlawful discrimination either directly or indirectly against all employees, patients and service users (including their partners), carers, guests and visitors.

NHCFT believes in building a workforce, which feels valued, included and whose diversity reflects the communities they serve, enabling the workforce to deliver the best possible personalised healthcare service to all local communities. NHCFT has introduced a range of measure to ensure that when we identify potential barriers to access and staff progression we provide additional support.

NHCFT aims to ensure that the principles of diversity and inclusion underpin all our employment and service policies and procedures, committed to ensure that our managers and staff are equally aware of their responsibilities in this area, so they can recognise, challenge and know how effectively resolve any case of discrimination in this organisation.

NHCFT will comply with all staff and patient rights, legal duties and support their aspirations as detailed in the NHS Constitution, Equality Act 2010, Human Rights Act 1998 and Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 which are regulated by the Care Quality Commission (Fundamental Standards). See Appendix for further information.

This policy also sets out the Trust’s position on equal opportunity in all aspects of employment, including recruitment and promotion, and provides guidance and encouragement to staff at all levels to act fairly and prevent discrimination on the grounds of sex, age, disability, race, nationality, ethnic or national origin, gender, religion, beliefs, sexual orientation, domestic circumstances, social and employment status, HIV status, gender reassignment or political affiliation or trade union membership. This list is not exhaustive

Northumbria Healthcare NHS Foundation Trust takes a proactive stance on promoting equality of opportunity in the firm belief that staff perform better when they can truly be themselves. The Trust has introduced a range of measures to ensure that wherever possible we identify potential barriers to progression and provide additional support for staff that require this. These actions include the development of support networks for staff e.g. LGBT+ and BAME, proactive outreach to key staff groups, routine information on E&D issues, participation in national and local E&D initiatives and benchmarking programmes e.g. WRES, WDES and Stonewall WEI.

3. Purpose

This policy applies to all staff employed by the NHCFT and to all service users, carers and visitors to NHCFT.

It's also applies to all activities and functions undertaken by, or on behalf of NHCFT; including those provided by sub-contracted services to NHCFT.

This policy defines and promotes NHCFT's approach to Human Rights and its central position to help us achieve our core function, which is to provide high quality, safe and caring health and social care.

This policy provides guidance to employees to follow in order for them to ensure their approach to work is founded on respect for our patients and carer's human rights, dignity, and care.

4. Duties

The Chief Executive has the overall responsibility for ensuring the Trust has systems and processes relating to the Equality Act, Human Rights Act and Public Sector Equality Duty of the Trust.

Service Managers/General Managers/Ward and Departmental Managers - It is the responsibility of managers to ensure that the requirements of this policy are adhered to and that the Trust stance on Equal Opportunities and human rights are maintained and to ensure its Implementation in their area of responsibility and must demonstrate an understanding of the implications for NHCFT and employees on not carrying out this policy.

Managers are required to demonstrate leadership in promoting the Trust's Human Rights policy in their business area and understanding how these core principles affect their practice.

Human Resources - The HR department will ensure consistency of approach in relation to Trust policy for staff. Any queries on the application of this policy should be directed to the HR Department.

Staff

Staff should make themselves aware of their requirements under this policy. Every employee has a part to play in ensuring that NHCFT provides an environment in which everyone is treated fairly and with respect. Employees are expected to abide by NHCFT Values.

The NHS Constitution gives clear guidance on employee's legal duties:

“Not to discriminate against patients or staff and to adhere to equal opportunities and equality and human rights legislation.” – The Handbook to the NHS Constitution p.124.

Professions working within the NHCFT must comply with their own professional ethics and code of practice in line with the obligations of the Human Rights Act and the Equality Act. This would apply to all external providers operating within Trust premises and is a clear expectation set out in procurement processes.

Staff Side Representatives- have responsibility to:-

Explain and positively promote the Trust's Human Rights Policy to their members. Discourage their members from any involvement in discriminatory practice and take action when discrimination is identified.

Patients or Service Users (including their partners), Carers and Visitors NHCFT requires any person who comes into contact with the organisation, whether as a patient, service user (and their partners), carers or visitor, to abide by this policy. NHCFT will not tolerate any discrimination towards its staff or other patients or service users (including their partners), carers or visitors and will take appropriate action.

Please refer to:

<http://www.nhsemployers.org/~media/Employers/Publications/Violence%20against%20staff.pdf>

The Equality Leads and Workforce Committee

The Equality, Diversity and Inclusion Lead as part of the Workforce Committee must work together in each business unit to support dissemination and implementation of this policy throughout NHCFT:

- To provide a management platform for the co-ordination of activity relating to equality and diversity.
- To monitor progress against the Equality and Diversity strategy and objectives and for the collection and reporting of relevant data.

The Workforce Committee will provide assurance to the NHCFT Board on any issues which require address. The Workforce Committee will monitor compliance with statutory and other compliance requirements. The Equality, Diversity & Inclusion Leads will provide a forum for discussion for best practice, emerging themes and Initiatives.

5. Definition of Terms Used

Privacy refers to - “freedom from intrusion and embarrassment and relates to all Information and practice that is personal or sensitive in nature to an individual. Privacy is a key principle, which underpins human dignity, and remains a basic human and the reasonable expectation of every person”. Please refer to: <http://www.legislation.gov.uk/ukpga/1998/42/contents>

Dignity is concerned with how people feel, think and behave in relation to the worth or value of themselves and others. To treat someone with dignity is to treat them as being of worth, in a way that is respectful of them as valued individuals, being of equal value and worth irrespective of differences such as age, race, culture, gender, gender reassignment, sexual orientation, social background, health or marital status, disability, religion or political conviction.

Respect is positive regard shown to a person as a human being as an individual, by others, and demonstrated as courtesy, good communication, taking time and equal access.

Diversity is about the recognition and valuing of difference in its broadest sense. It is about creating a working culture and practices that recognise, respect, value and harness difference for the benefit of the organisation and individual, including patients.

Equality is about creating a fairer society where everyone can participate and has the opportunity to fulfil their potential. It is backed by legislation designed to address unfair discrimination.

Equality Analysis is a way of finding out whether an existing or proposed policy, service or proposed change has differential impact on particular persons and, if so, whether the differential impact is adverse or positive and whether it can be justified or not.

Protected Characteristics

The Equality Act (2010) describes different types of discrimination, and it also identifies the protected characteristics that are covered by legislation against discrimination. These are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

Due Regard

To 'have due regard' means that in making decisions, and in its other day-to-day activities a body subject to the Public Sector Equality Duty, must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations in a proportionate manner.

Human Rights

The Trust must act in a way that is compatible with the European Convention on Human Rights. This includes the following responsibilities to promote and protect individuals' human rights. This means treating people fairly, with dignity and respect while safeguarding the rights of the wider community. To apply core human rights values, such as equality, dignity, privacy, respect and involvement, to all organisational service planning and decision making.

What rights does the Human Rights Act protect?

- The right to life – protects your life, by law. The state is required to investigate suspicious deaths and deaths in custody;
- The prohibition of torture and inhuman treatment – you should never be tortured or treated in an inhuman or degrading way, no matter what the situation;
- Protection against slavery and forced labour – you should not be treated like a slave or subjected to forced labour;
- The right to liberty and freedom – you have the right to be free and the state can only imprison you with very good reason – for example, if you are convicted of a crime;
- The right to a fair trial and no punishment without law - you are innocent until proven guilty. If accused of a crime, you have the right to hear the evidence against you, in a court of law;
- Respect for privacy and family life and the right to marry – protects against unnecessary surveillance or intrusion into your life. You have the right to marry and raise a family;
- Freedom of thought, religion and belief – you can believe what you like and practise your religion or beliefs;
- Free speech and peaceful protest – you have a right to speak freely and join with others peacefully, to express your views;
- No discrimination – everyone’s rights are equal. You should not be treated unfairly – because, for example, of your gender, race, sexuality, religion or age;
- Protection of property, the right to an education and the right to free elections – protects against state interference with your possessions; means that no child can be denied an education and those elections must be free and fair.

Please refer to: <https://www.liberty-human-rights.org.uk/human-rights/what-are-human-rights/human-rights-act>. The Human Rights Act (1988) urges public authorities to apply a ‘human rights based approach’ which means including core human rights principles and values, such as fairness, respect, equality, dignity and autonomy (FREDA) in decision making.

Discrimination in employment happens as a result of prejudice, misconception and stereotyping which in turn hinders the proper consideration of an individual’s talents, skills, abilities, potential and experience. It can be defined as:

Discrimination can be direct or indirect. Both forms of discrimination are illegal and must be avoided

Direct discrimination is where a person is treated less favourably purely because of an issue related to a protected characteristic – e.g. age, gender, race etc.

Indirect discrimination is when a provision, criterion or practice is applied to everyone but which disadvantages people of a particular group (defined by one of the protected characteristics)

Associative discrimination occurs when someone is treated less favourably than another person because they are linked to someone with a protected characteristic e.g. someone whose parent is Trans.

Victimisation occurs if someone is given less favourable treatment than others because they have exercised their rights, or helped others exercise their rights, under this policy or the Equality Act.

Harassment is any behaviour deliberate or otherwise which is directed at an individual and is found to be offensive, humiliating or embarrassing to the recipient, and which might threaten an employee's job security or create an intimidating environment.

Bullying can be defined as repeated aggression - verbal, psychological or physical – conducted by an individual or group in relation to another individual or group. In general terms it can be described as the intimidation or undermining of someone, or the misuse of power or position which leaves the individual or group feeling upset, hurt, vulnerable or helpless.

Further information and the Trust stance on dealing formally with issues in respect of Harassment and Bullying are detailed in Trust Policy PP10 Dignity at work which is available on the Trust intranet.

6. Process

6.1 Human Rights Based Approach: Human Rights, Equality Act and Public Sector Equality Duty (PSED)

The acts and PSED are very broadly defined and have an impact on all Health Services. It is crucial therefore that staff are familiar with their principles so that operational policies and practices preserve and protect individual rights.

Their principles and requirements must be incorporated into all existing and future policies and procedures, with cross referencing into existing arrangements for initiating and reviewing policies within NHCFT.

A human rights based approach is the process by which human rights principles and standards at the heart of policy, planning and practice.

Human Rights and Equality principles go to the very heart of clinical decision – making and in particular should be reflected in a clinician’s record –keeping to justify decisions and record the thinking behind decisions. There are five key principles to take into account:

- 1) Is the decision justified i.e. in accordance with good medical practice?
- 2) Is it auditable i.e. can the process be traced through good record keeping?
- 3) Is it proportional i.e. is the restraint or the medication proportionate to the need?
- 4) Has it been authorised i.e. has the authority been delegated to you or do you need to obtain approval from an on-line manager or senior clinician or nurse?
- 5) Is the treatment or procedure necessary? Is there another alternative, less invasive option?

It is the policy of Northumbria Healthcare NHS Foundation Trust to ensure that no job applicant or employee receives less favourable treatment on the grounds of the protected characteristics, or is disadvantaged by conditions or requirements that cannot be shown to be justifiable. Northumbria Healthcare NHS Foundation Trust is committed not only to its legal obligations but to the positive promotion of equality of opportunity in all aspects of employment. The trust collects personal data at application/interview stage to ensure that we have the most accurate picture possible of our workforce so that we can measure our practice in comparison to our recruitment population.

During their employment with Northumbria Healthcare NHS Foundation Trust staff are given additional opportunities and are actively encouraged to keep their personal data up to date.

Northumbria Healthcare NHS Foundation Trust recognises that adhering to the Equal Opportunities Policy, combined with relevant employment policies and practices, maximises the effective use of individuals in both the Trust’s and employees’ best interests. Northumbria Healthcare NHS Foundation Trust recognises the great benefits in having a diverse workforce with different backgrounds, solely employed on ability.

It is this Policy's aim to establish a culture where all staff are valued equally and treated fairly so that the principles of the Policy are met.

The application of recruitment, training, and promotion policies to all individuals will be on the basis of job requirements and the individual's ability and merits.

All employees of the Northumbria Healthcare NHS Foundation Trust will be made aware of the provisions of this policy and the support mechanisms the Trust has put in place to raise the profile of Equality and Diversity.

6.2 Recruitment and Promotion

Advertisements for posts will give sufficiently clear and accurate information to enable potential applicants to assess their own suitability for the post. Information about vacant posts will be provided in such a manner that does not restrict its audience in terms of the protected characteristics

Recruitment literature will not imply a preference for one group of applicants unless there is an occupational requirement which limits the post to this particular group, in which case this must be clearly stated.

Vacancies will be circulated internally on TRAC or will be advertised on NHS Jobs website. In addition the trust promotes job opportunities at external community events to raise awareness that we encourage applications from key groups e.g. at Pride to promote job opportunities to LGBT people and at MELA to promote jobs to BAME communities and at any other suitable community events.

All descriptions and specifications and outlines for posts will include only requirements that are necessary and justifiable for the effective performance of the job.

All selection will be thorough, conducted against defined criteria and will deal only with the applicant's suitability for the job. Where it is necessary to ask questions relating to personal circumstances, these will be related purely to job requirements and asked to all candidates.

For further information please refer to the Trust's Recruitment & Selection Policy PP33.

6.3 Employment

Northumbria Healthcare NHS Foundation Trust will not discriminate in the allocation of duties between staff employed at any level with comparable job descriptions.

Northumbria Healthcare NHS Foundation Trust will put in place any reasonable measures and/or adjustments within the workplace for those employees who become disabled during employment or for disabled appointees. Further information can be found in this respect in the Trust Health at Work Policy PP06

All employees will be considered solely on their merits for career development and promotion with equal opportunities for all in recognition that different characteristics bring different qualities.

The Trust values its staff and recognises the varying personal/domestic needs of individuals. The Flexible Working Policy PP13 has been developed to assist staff and enable them where possible to balance personal needs with the needs of the organisation. Details of the Flexible Working Policy are available on the Trust intranet.

6.4 Responsibilities

The Trust has the primary legal and moral responsibility for ensuring that discrimination does not occur and is met by an effective policy which is continually monitored.

The Trust is liable together with its employees for any acts of unlawful discrimination by its staff even when such acts are carried out without the Trust's knowledge or approval.

The Chief Executive has the primary legal/moral responsibility for ensuring that the Trust and its employees do not discriminate unfairly against any person.

Head of Function/Line Managers have responsibilities for ensuring the provision of equal opportunities and should in particular:

- Take all reasonable measures to ensure that they and their employees are aware of, and carry out their responsibilities in accordance with this Policy;

- Ensure that proper records of employment decisions are maintained so that the Trust can demonstrate that the principles of equality of opportunity have been applied and that if required an investigation of any complaints can be carried out;
- Identify and review practices and procedures which may lead to discrimination;
- Ensure that grievances are dealt with fairly and consistently;
- Not allow discrimination where individuals assert their rights in accordance with legislation, or help others to assert their rights;

Individual employees also have responsibilities under the policy and should:-

- Not discriminate against any employee, patient, visitor or contractor of the Trust, either directly or indirectly;
- Not induce or try to induce their fellow employees or others to discriminate unfairly;
- Not victimise or attempt to victimise individuals on the grounds that they have made complaints or provided information about discrimination;
- Not harass, abuse, or intimidate other employees, patients, visitors or contractors of the Trust on account of any protected characteristic.

It is the responsibility of all individuals to act in accordance with the spirit of the Equal Opportunities Policy and the legislation covering discrimination. Failure to do so may result in disciplinary action under the Trust Disciplinary Procedure PP04.

This policy applies to those members of staff that are employed by Northumbria Healthcare NHS Foundation Trust. However, it is recognised that other organisations engage with the Trust via other avenues e.g. contracting and volunteering. The Procurement department check with potential contractors as part of the tendering process that their approach to Equality and Diversity issues are compatible with those of the Trust. As required and appropriate this policy may be offered for use by them to adapt to their own practices and organisations

6.5 Complaints Procedure

An employee who feels that they have been unfairly treated within the scope of this policy should raise their grievance through the Trust's Grievance procedure and policy PP05, the Trust's Dignity at Work Policy PP10 or the Trust's Whistleblowing Policy. Details of which are available on the Trust intranet. All complaints of unfair treatment under these policies will be treated seriously and in a confidential manner. The circumstances of any complaint will be fully investigated.

A complaint from an individual not employed by the Trust must be made in writing to the Patient Services Department. The Trust emphasises that discrimination is unacceptable conduct which may lead to disciplinary action under the Disciplinary Procedure.

6.6 Equality Analysis

The Trust has an Equality analysis process and guidelines to enable it to consider the impact of policies in relation to all protected groups, as defined by the Equality Act 2010 - Appendix 1.

The Trust is responsible for making a wide range of decisions, from the contents of overarching policies and budget setting to day-to-day decisions which affect specific individuals.

Equality analysis is a way of considering the effect on different groups protected from discrimination by the Equality Act, such as people of different ages. There are two reasons for this:

To consider if there are any unintended consequences for some groups
To consider if the policy will be fully effective for all target groups.

It involves using equality information, and the results of engagement with protected groups and others, to understand the actual effect or the potential effect of our functions, policies or decisions. It can help to identify practical steps to tackle any negative effects or discrimination, to advance equality and to foster good relations.

6.7 Monitoring Information

Northumbria Healthcare NHS Foundation Trust recognises the importance of monitoring the profile of its workforce, and in particular:

- Changes in the distribution of staff employed in the Trust over a period of time (race, disability, gender, sexual orientation and age breakdowns)
- Applicants for employment and promotion (and success rates)
- Take up of training opportunities
- Grievance, disciplinary and dismissal
- Staff who cease employment
- Length of service/time on pay grade, and
- Gender pay gap, and pay gap information for other protected groups

Monitoring is an active process. It requires the full consideration of the findings to ensure that, at every stage where decisions are made about individuals, no prejudices influence decisions or no indirect discrimination exists which will have an adverse impact on particular groups. Therefore the Trust will ensure it:

- The Trust encourages staff to complete and update E+D monitoring data on a regular basis.
- Follows the guidelines provided by the Commission for Equality and Human Rights
- Monitoring information is confidential, and information will be collected in line with the Data Protection Act 2018 (GDPR).
- Data collected will be analysed to see whether there are any differences between groups.
- Underlying reasons for difference will be investigated in order to deal with any unfairness, disadvantage or possible discrimination
- Findings will be reported to the relevant committees
- Monitoring data will be published at least annually, and will demonstrate sufficient information to meet the public sector equality duty. This information will be presented to the Workforce committee and published on the Trust website.
- The staff survey results are published and widely circulated and are followed on an annual basis by a Trust wide E+D survey. The results of that survey are published routinely through the staff newsletter and presented to the Workforce committee and help to shape the trusts' action planning process.

6.8 Disability Provisions

NHCT is committed to both employing and retaining people with disabilities; ensuring parity of esteem for those with mental ill-health.

NHCFT is compliant with national best quality standards for employment practice towards those with protected characteristics for example NHCFT is signed up to the Disability Confident Scheme which replaces the former 'positive about disabled people' or two ticks scheme <https://www.gov.uk/guidance/disability-confident> and also engages the Mindful Employer Scheme, <http://www.mindfulemployer.net/> and The Stonewall Workplace Equality index, <http://www.stonewall.org.uk/get-involved/workplace/workplace-equality-index>.

We value the commitment and contributions made by our Employees with disabilities and we encourage applications from people with disabilities. All Disabled Applicants who meet the essential criteria for applied post are guaranteed an interview.

NHCFT has developed a Support Network for disabled staff, whereby staff are enabled to take time out from work to attend and gain support around any issues relating to work place practice.

All employees will be considered solely on their merits for career development and promotion with equal opportunities for all in recognition that different characteristics bring different qualities.

NHCFT values its entire staff and recognises the diverse personal and domestic needs of individuals and to support these needs in a flexible way has developed a Flexible Working Policy.

<http://intranet2/home/policies-and-procedures/files/2012/10/PP-13-V04-Flexible-Working-Policy.doc>

7. Training and Support

Employees will be provided with appropriate training regardless of the grounds detailed in the protected characteristics. Where appropriate, adjustments may be provided to enable staff with particular needs to attend/access training.

All employees will be encouraged to discuss their career prospects and training needs with their Line Manager.

Every new employee will undergo an induction programme which will include information on the Equality Act, Protected characteristics and the Public Sector duty, unconscious bias and an awareness of the equal opportunity policy and practice within the Trust.

On line Training is available to all staff that meets level one and 2 of the KSF outlines

Training for managers on recruitment and selection includes an Equality element to highlight responsibility in this regard.

Information about support networks for staff who share one or more of the protected characteristics e.g. Disabled staff, LGBT staff is routinely communicated via internal bulletins/newsletters. The trust has also developed an E&D Allies programme to increase capacity in tackling E&D issues across the estate.

8. Process for Monitoring and Audit

Monitoring/audit arrangements	Methodology	Reporting		
		Source	Committee	Frequency
Annual Equality Report	Full report detailing Trust Equality metrics and comparison of Grievance and Disciplinary issues	Trust Equality Lead	Workforce	Annual
Equality Impact Assessment	Compiled on each Trust Policy and Service Change	Relevant manager	Policy Sub-Group	As required
Annual Staff Survey	Trust wide survey of 10% randomly selected staff	HR department and relevant BU managers	Workforce	Annual
Workforce monitoring – to identify any under representation in our organisation. (incorporates EDS2)	Collate and analyse recruitment data.	Trust Equality Lead	Workforce	Annual
Recruitment Monitoring at application, shortlisting and appointment in order to identify any bias within the recruitment and selection process	Collate, analyse workforce demographic data. Incorporated into EIR	Trust Equality Lead	Workforce	Annual

PP26 Equal, Diversity and Human Rights Policy Version 6.0

Policy Author: Patrick Price

(Created: Oct 2019 – Disposal date: Oct 2044)

Monitoring/audit arrangements	Methodology	Reporting		
		Source	Committee	Frequency
Complaints- in order to assess any particular group being treated unfairly.	As above, although we recognise this requires some improvement.	Trust Equality Lead	Workforce	Annual
Workforce Race Equality Standard	Full Report: key elements for employment of staff.	Trust Inclusion Lead	Workforce	Annual
Workforce Disability Equality Standard	Full Report: key elements for employment of staff.	Trust Inclusion Lead	Workforce	Annual

9. References

- The Equality Act 2010
www.equalityhumanrights.com
- **The Human Rights Act**
www.equalityhumanrights.com
- **Acas Guide to Equality and Diversity**
[www.acas.org.uk/.../Acas_Delivering_Equality_and_Diversity_\(Nov_11\)-accessible-version-Apr-2012.pdf](http://www.acas.org.uk/.../Acas_Delivering_Equality_and_Diversity_(Nov_11)-accessible-version-Apr-2012.pdf)

10. Associated Documentation

- Equality Analysis forms and guidance at Appendix 1

Appendix 1 - Equality Impact Assessment

TEMPLATE

To be completed for all key policies. Cite specific data and consultation evidence wherever possible.

Duties which need to be considered:

- 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

PART 1 – Overview

Date of equality impact assessment:

Name(s) and role(s) of staff completing the assessment:

Overall, what are the outcomes of the policy?

PART 2 – Relevance to different Protected Characteristics

Answer these questions both in relation to people who use services and employees as appropriate

Protected Characteristic	Does this characteristic have specific relevance to this policy?	If No –	If Yes –						
		Please state why:	What do you know about usage of the services affected by this policy by people in this protected group, about their experiences of it, and about any current barriers to access?	Could people in this protected group be disproportionately advantaged or disadvantaged by the policy?	Could the policy affect the ability of people in this protected group participate in public life? (E.g. by affecting their ability to go to meetings, take up public appointments etc.)	Could the policy affect public attitudes towards people in this protected group? (e.g. by increasing or reducing their presence in the community)	Could the policy, change make it more or less likely that people in this protected group will be at risk of harassment or victimisation?	If there are risks that people in this protected group could be disproportionately disadvantaged by the policy are there reasonable steps or adjustments that could be taken to reduce these risks?	Are there opportunities to create positive impacts for people in this protected group linked to this policy?
Disability <i>Note: “disabled people” includes people with physical, learning and sensory disabilities, people with a long-term illness, and people with mental health problems.</i>	Yes / No								
Sex <i>Note: all policies should be gender neutral and use pronouns such as them, their and they, not he/she; her/him</i>	Yes / No								
Age	Yes / No								

Protected Characteristic	Does this characteristic have specific relevance to this policy?	If No –	If Yes –						
		Please state why:	What do you know about usage of the services affected by this policy by people in this protected group, about their experiences of it, and about any current barriers to access?	Could people in this protected group be disproportionately advantaged or disadvantaged by the policy?	Could the policy affect the ability of people in this protected group participate in public life? (E.g. by affecting their ability to go to meetings, take up public appointments etc.)	Could the policy affect public attitudes towards people in this protected group? (e.g. by increasing or reducing their presence in the community)	Could the policy, change make it more or less likely that people in this protected group will be at risk of harassment or victimisation?	If there are risks that people in this protected group could be disproportionately disadvantaged by the policy are there reasonable steps or adjustments that could be taken to reduce these risks?	Are there opportunities to create positive impacts for people in this protected group linked to this policy?
<p>Race</p> <p><i>Note: For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins.</i></p>	Yes / No								
<p>Religion or belief</p> <p><i>Note: In the Equality Act, religion includes any religion. It also includes a lack of religion. Belief means any religious or philosophical belief or a lack of such belief.</i></p>	Yes / No								

Protected Characteristic	Does this characteristic have specific relevance to this policy?	If No –	If Yes –						
		Please state why:	What do you know about usage of the services affected by this policy by people in this protected group, about their experiences of it, and about any current barriers to access?	Could people in this protected group be disproportionately advantaged or disadvantaged by the policy?	Could the policy affect the ability of people in this protected group participate in public life? (E.g. by affecting their ability to go to meetings, take up public appointments etc.)	Could the policy affect public attitudes towards people in this protected group? (e.g. by increasing or reducing their presence in the community)	Could the policy, change make it more or less likely that people in this protected group will be at risk of harassment or victimisation?	If there are risks that people in this protected group could be disproportionately disadvantaged by the policy are there reasonable steps or adjustments that could be taken to reduce these risks?	Are there opportunities to create positive impacts for people in this protected group linked to this policy?
Sexual Orientation <i>Note: The Act protects bisexual, gay, heterosexual and lesbian people and asexual people</i>	Yes / No								
Gender Reassignment <i>Note: The Act provides protection for trans people. A trans person is someone who proposes to, starts or has completed a process to change their gender.</i>	Yes / No								
Pregnancy and Maternity <i>Note: the law covers those who are pregnant or those who have given birth within the last 26 weeks, and those who are breast feeding.</i>	Yes / No								

Protected Characteristic	Does this characteristic have specific relevance to this policy?	If No –	If Yes –						
		Please state why:	What do you know about usage of the services affected by this policy by people in this protected group, about their experiences of it, and about any current barriers to access?	Could people in this protected group be disproportionately advantaged or disadvantaged by the policy?	Could the policy affect the ability of people in this protected group participate in public life? (E.g. by affecting their ability to go to meetings, take up public appointments etc.)	Could the policy affect public attitudes towards people in this protected group? (e.g. by increasing or reducing their presence in the community)	Could the policy, change make it more or less likely that people in this protected group will be at risk of harassment or victimisation?	If there are risks that people in this protected group could be disproportionately disadvantaged by the policy are there reasonable steps or adjustments that could be taken to reduce these risks?	Are there opportunities to create positive impacts for people in this protected group linked to this policy?
Marriage and Civil Partnership <i>Note: This applies to changes, decisions or proposals impacting on <u>employees only</u>. The Act protects employees who are married or in a civil partnership regardless of gender.</i>	Yes / No								
Human Rights	Could the policy impact on human rights? (e.g. the right to life, the right to respect for private and family life, the right to a fair hearing)								

PART 3 - Course of Action

Based on a consideration of all the potential impacts, tick one of the following as an overall summary of the outcome of this assessment:

<input type="checkbox"/>	The equality analysis has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.
<input type="checkbox"/>	The equality analysis has identified risks to equality which will not be eliminated, and/or opportunities to promote better equality which will not be taken. Acceptance of these is reasonable and proportionate, given the objectives of the policy and its overall financial and policy context.



Equality Impact Assessment Template – Guidance Notes

When?

Equality issues should be taken into account for all key policies the Trust adopts.

The Equality Impact Assessment Template is designed to assist service managers and stakeholders to consider protected characteristics and identify potential impacts that may arise from specific policies.

Why?

The purpose of completing this template is to be able to demonstrate that there has been full consideration of the equality duties in all key policies.

Under the Equality Act 2010, the Trust has the following equality duties:

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

The Equality Act 2010 provides protection for the following groups:

- Disability
- Sex
- Age
- Race
- Religion and Belief
- Sexual Orientation
- Gender Reassignment
- Pregnancy and Maternity
- Marriage and Civil Partnership

Undertaking equality impact assessment is not just a means of meeting legal duties. It is also an effective way of improving the way we work, by making sure that the Trust considers the specific needs of the communities we serve and its workforce.

How?

General principles:

- Cite specific data and consultation evidence wherever possible.
- Remember that equality is not necessarily about treating everyone the same, instead it is about recognising that some people or groups may need additional support, or services delivered slightly differently, in order to achieve the same outcomes as others.
- If there's clearly a potential adverse impact on a particular group, document it, even if it's not possible to avoid it. The Trust's equalities duties do not mean that it can never do something which has an adverse impact; only that it must be able to show that it has considered this impact and weighed it against other considerations (which can include costs and other Trust duties or objectives).
- Similarly, if there's clearly a potential way to reduce impact, document it, even if, when balanced against the Trust's overall financial position, it is not possible to do so.
- It's **not** acceptable to act as if you don't know.

PART 1 Overview of your Policy

Being as clear and specific as possible here makes it easier to understand the scope of the equality impact assessment.

Ideally, people with a range of experience should be involved as a mixed group is more likely to identify the different potential impacts of the policy on different groups. All those involved should be listed along with their job title or the area they represent.

PART 2 Screening and Assessment

Initial Screening

There is an initial screening question intended to help you rule out any protected groups that are not likely to be affected by your policy.

It is important to make sure that protected groups are not screened out inappropriately; however, it is also important to take a *pragmatic and proportionate approach* to your equality impact assessment.

A full equality impact assessment on each protected group will *not* be necessary in every case. An initial assessment should be carried out to decide whether there are any significant equalities implications.

The Equality and Human Rights Commission have set out the following questions to ask yourself when considering if your policy has any relevance to equality:

- Will it affect patients, service users, employees or the community?
- Is it a major change significantly affecting how functions are delivered?
- Will it have a significant effect on how other organisations operate in terms of equality?
- Does it relate to functions that previous engagement has identified as being important to particular groups?
- Could it affect different groups differently?
- Does it relate to an area with known inequalities (e.g. access to public transport for disabled people, racist/homophobic/biphobic or transphobic bullying etc.)

After having considered these factors, you feel some or more of the protected groups are *not* relevant from an equalities perspective to your policy then you should give a clear reason as to why.

Relevance to different Protected Characteristics

If you identify your policy to be relevant from an equalities perspective, then you should complete the rest of the assessment.

Data and Evidence

You should include as much quantitative and qualitative data you have available about the use and experience of the service or function affected by the policy by different groups. This might include things like:

- Service activity information
- Complaints and compliments
- Satisfaction levels
- Survey feedback

PP26 Equal, Diversity and Human Rights Policy Version 6.0

Policy Author Patrick Price

Created: October 2019 – Disposal date: October 2044

- Local, regional and national research findings
- Feedback from engagement events
- Performance indicators (attainment rates, recovery rates etc.)
- Numbers of enquiries
- Rates of provision of information in other formats
- Usage of interpreters
- Benchmarking data

This data will help inform your judgements about the possible impact your policy may have on different groups.

Disability

“Disabled people” includes people with physical, learning and sensory disabilities, people with a long-term illness, and people with mental health problems. You should consider potential impacts on all of these groups.

Things you might want to think about include:

- Will the policy make it harder for disabled people to access services?
- Is there a way to implement the policy that would protect disabled people more than non-disabled people? (e.g. making a service only available to disabled people)
- Does the policy take into account that some buildings may have better disabled access than others?
- If you are organising any consultation about the policy, has any thought been given to providing additional support to help disabled people access it? (E.g. BSL interpreter, Loop system, Advocate, cover for carers etc.)

Sex

Both males and females and those who are non-binary are protected under the Equality Act.

Things you might want to think about include:

- Will the opening times of services be affected which might make it harder for women in particular to access the service (taking into account they are more likely to have childcare or caring responsibilities)?

- Will the policy impact on the gender ratio of staff in services where that is relevant?
- Do the services affected have a greater uptake by males or females – are these going to be affected by the policy more or less than other services with a more equal take up?

Age

The Equality Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if it can be justified as a way of meeting a legitimate aim.

Things you might want to think about include:

- Will the policy make it more or less difficult for older people / younger people to find out about your service and to use your service?
- Will the policy affect any eligibility criteria for your service that may discriminate against older or younger people without just cause?
- Have you thought that you may need to target any communication or information about the policy differently to younger / older people?

Race

Under the Equality Act 'race' includes colour, nationality and ethnic or national origins.

Things you might want to think about include:

- Is there any reason to think that the services affected by the policy will have a higher proportion of people from different racial groups than that in other services?
- Are there any components of the affected services that are specifically relevant to different racial groups?
- Have you thought that you may need to consider the use of interpreters or translation services in any communication or information about the policy?

- Do you have robust systems in place to record the race of people accessing the services that may be affected by the policy so you can monitor the actual impact on people from different racial groups?

Religion and Belief

In the Equality Act, religion includes any religion. It also includes a lack of religion. Belief means any religious or philosophical belief or a lack of such belief.

Things you might want to think about include:

- If your policy may result in a change to opening times of services, have you taken into account different religious needs when thinking about this? (e.g. (e.g. under Islamic law men are required to perform prayers in the mosque every Friday therefore a service for men only available on a Friday may make access for Muslims more difficult).
- If your policy means that there will be an increase in home visits for example, have you considered if there are any religious or cultural sensitivities you need to bear in mind when visiting someone at home?
- Have any specific needs been considered if your policy impacts on the provision of meals? (e.g. providing Halal, Kosher, Vegetarian food options)

Sexual Orientation

The Equality Act protects bisexual, gay, heterosexual and lesbian people.

Things you might want to think about include:

- If your policy will result in new or different written materials (leaflets, guides etc.) being produced, have you considered ensuring the use of inclusive images and language? (e.g. couples regardless of gender)
- If your policy will involve public consultations, how will you ensure that Lesbian, Gay and Bisexual, Asexual and Tran's people feel safe and welcome to attend, and be open about their sexuality and gender choices?

Gender Reassignment

The Equality Act provides protection for Tran's people. A Tran's person is someone who proposes to, starts or has completed a process to change their gender.

This is usually only going to be relevant in relation to employment issues in the infrequent circumstances when someone is transgender or undergoing gender reassignment. However, if your policy is something that is going to impact differently on men and women, then you should give consideration to how this might impact on people who have changed or are in the process of changing their gender.

Pregnancy and Maternity

The law covers people who are pregnant or those who have given birth within the last 26 weeks, and those who are breast feeding.

Things you might want to think about include:

- If your policy relates to public premises, have you considered ensuring suitable baby changing and breastfeeding facilities are available?
- If your policy relates to staff issues, have you considered how best to ensure that anyone on maternity/paternity leave are kept informed and up to date with what's happening?

Marriage and Civil Partnership

This applies to policies impacting on employees only. The Act protects employees who are married or in a civil partnership. It aims to ensure that someone is protected from discrimination at work (or in training for work) because they are married or in a civil partnership (e.g. a single person cannot be promoted over a married person or a person in a civil partnership purely because they are single).

Human Rights

Is there a chance that people affected by this policy may feel that their Human Rights are being infringed? (E.g. Right to respect for private and family life; Right to education; Right to freedom of thought, religion and belief etc.)

Course of Action

In this section, you need to indicate what your course of action is based on your assessment. There are 2 possible outcomes:

1. The equality analysis has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.
2. The equality analysis has identified risks to equality which will not be eliminated, and/or opportunities to promote better equality which will not be taken. Acceptance of these is reasonable and proportionate, given the objectives of the policy and its overall financial and policy context.

You should place a cross in whichever of the option boxes that apply to your equality impact assessment of your policy.

Appendix 3 - Equality Impact Assessment

To be completed for all key policies. Cite specific data and consultation evidence wherever possible.

Duties which need to be considered:

- 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

PART 1 – Overview

Date of equality impact assessment:

Sept 2019

Name(s) and role(s) of staff completing the assessment:

Patrick Price, GM, Equality, Diversity & Inclusion

Overall, what are the outcomes of the policy?

This policy will support the Trust to work in line with the Equality Act 2010 the Human Rights Act 1998 and ensure that the core principles of equality, dignity, respect, fairness and autonomy are applied to the development and operation of employment policies and practices. It will help the trust move beyond legal requirements to a position where we promote and celebrate diversity in employment and practice.

PART 2 – Relevance to different Protected Characteristics

Answer these questions both in relation to people who use services and employees as appropriate

Protected Characteristic	Does this characteristic have specific relevance to this policy?	If No –	If Yes –						
		Please state why:	What do you know about usage of the services affected by this policy by people in this protected group, about their experiences of it, and about any current barriers to access?	Could people in this protected group be disproportionately advantaged or disadvantaged by the policy?	Could the policy affect the ability of people in this protected group participate in public life? (E.g. by affecting their ability to go to meetings, take up public appointments etc.)	Could the policy affect public attitudes towards people in this protected group? (e.g. by increasing or reducing their presence in the community)	Could the policy, change make it more or less likely that people in this protected group will be at risk of harassment or victimisation?	If there are risks that people in this protected group could be disproportionately disadvantaged by the policy are there reasonable steps or adjustments that could be taken to reduce these risks?	Are there opportunities to create positive impacts for people in this protected group linked to this policy?
Disability <i>Note: "disabled people" includes people with physical, learning and sensory disabilities, people with a long-term illness, and people with mental health problems.</i>	Yes		This policy applies to all staff and aims to ensure that the impact of policies on protected groups are properly assessed	No	No	No	No	-	This policy applies to all staff and aims to ensure that the impact of policies on protected groups are properly assessed
Sex <i>Note: all policies should be gender neutral and use pronouns such as them, their and they, not he/she; her/him</i>	Yes								
Age	Yes								

Protected Characteristic	Does this characteristic have specific relevance to this policy?	If No –	If Yes –						
		Please state why:	What do you know about usage of the services affected by this policy by people in this protected group, about their experiences of it, and about any current barriers to access?	Could people in this protected group be disproportionately advantaged or disadvantaged by the policy?	Could the policy affect the ability of people in this protected group participate in public life? (E.g. by affecting their ability to go to meetings, take up public appointments etc.)	Could the policy affect public attitudes towards people in this protected group? (e.g. by increasing or reducing their presence in the community)	Could the policy, change make it more or less likely that people in this protected group will be at risk of harassment or victimisation?	If there are risks that people in this protected group could be disproportionately disadvantaged by the policy are there reasonable steps or adjustments that could be taken to reduce these risks?	Are there opportunities to create positive impacts for people in this protected group linked to this policy?
Race <i>Note: For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins.</i>	Yes								
Religion or belief <i>Note: In the Equality Act, religion includes any religion. It also includes a lack of religion. Belief means any religious or philosophical belief or a lack of such belief.</i>	Yes								
Sexual Orientation <i>Note: The Act protects bisexual, gay, heterosexual, asexual and lesbian people.</i>	Yes								

Protected Characteristic	Does this characteristic have specific relevance to this policy?	If No –	If Yes –						
		Please state why:	What do you know about usage of the services affected by this policy by people in this protected group, about their experiences of it, and about any current barriers to access?	Could people in this protected group be disproportionately advantaged or disadvantaged by the policy?	Could the policy affect the ability of people in this protected group participate in public life? (E.g. by affecting their ability to go to meetings, take up public appointments etc.)	Could the policy affect public attitudes towards people in this protected group? (e.g. by increasing or reducing their presence in the community)	Could the policy, change make it more or less likely that people in this protected group will be at risk of harassment or victimisation?	If there are risks that people in this protected group could be disproportionately disadvantaged by the policy are there reasonable steps or adjustments that could be taken to reduce these risks?	Are there opportunities to create positive impacts for people in this protected group linked to this policy?
<p>Gender Reassignment</p> <p><i>Note: The Act provides protection for trans people. A trans person is someone who proposes to, starts or has completed a process to change their gender.</i></p>	Yes								

Protected Characteristic	Does this characteristic have specific relevance to this policy?	If No –	If Yes –						
		Please state why:	What do you know about usage of the services affected by this policy by people in this protected group, about their experiences of it, and about any current barriers to access?	Could people in this protected group be disproportionately advantaged or disadvantaged by the policy?	Could the policy affect the ability of people in this protected group participate in public life? (E.g. by affecting their ability to go to meetings, take up public appointments etc.)	Could the policy affect public attitudes towards people in this protected group? (e.g. by increasing or reducing their presence in the community)	Could the policy, change make it more or less likely that people in this protected group will be at risk of harassment or victimisation?	If there are risks that people in this protected group could be disproportionately disadvantaged by the policy are there reasonable steps or adjustments that could be taken to reduce these risks?	Are there opportunities to create positive impacts for people in this protected group linked to this policy?
<p><i>Pregnancy and Maternity</i> <i>Note: the law covers those who are pregnant or those who have given birth within the last 26 weeks, and those who are breast feeding.</i></p>	Yes								
<p><i>Marriage and Civil Partnership</i> <i>Note: This applies to changes, decisions or proposals impacting on <u>employees only</u>. The Act protects employees who are married or in a civil partnership.</i></p>	Yes								

Protected Characteristic	Does this characteristic have specific relevance to this policy?	If No –	If Yes –						
		Please state why:	What do you know about usage of the services affected by this policy by people in this protected group, about their experiences of it, and about any current barriers to access?	Could people in this protected group be disproportionately advantaged or disadvantaged by the policy?	Could the policy affect the ability of people in this protected group participate in public life? (E.g. by affecting their ability to go to meetings, take up public appointments etc.)	Could the policy affect public attitudes towards people in this protected group? (e.g. by increasing or reducing their presence in the community)	Could the policy, change make it more or less likely that people in this protected group will be at risk of harassment or victimisation?	If there are risks that people in this protected group could be disproportionately disadvantaged by the policy are there reasonable steps or adjustments that could be taken to reduce these risks?	Are there opportunities to create positive impacts for people in this protected group linked to this policy?
Could the policy impact on human rights? (e.g. the right to life, the right to respect for private and family life, the right to a fair hearing)									
<i>Human Rights</i>	Yes – this policy aims to ensure that human rights issues are properly considered in the development of policies								

PART 3 - Course of Action

Based on a consideration of all the potential impacts, tick one of the following as an overall summary of the outcome of this assessment:

<input checked="" type="checkbox"/>	The equality analysis has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.
<input type="checkbox"/>	The equality analysis has identified risks to equality which will not be eliminated, and/or opportunities to promote better equality which will not be taken. Acceptance of these is reasonable and proportionate, given the objectives of the policy and its overall financial and policy context.