

# Equality and Diversity Policy

**Author:** Deputy Director of HR  
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## Approval and Authorisation

Completion of the following signature blocks signifies the review and approval of this Process

Review / Approval	Committee or Team	Date
Review	HR Team	November 2010
Review	Trust Partnership Forum	10 December 2010
Review	Policy Steering Group	December 2010
Approval and Adoption	Trust Board	27 January 2010

## Change History

Version	Date	Author	Reason for change and Sections Affected
1.00	February 2009	Associate Director of HR	Update to incorporate change of name from equal opportunities to equality and diversity, to incorporate changes in legislation and put into new Trust policy format.
V.1.01	11/02/09	Information Governance Manager	Minor formatting changes
V.1.02	27/02/09	Associate Director of HR	Minor amendments
V.1.03	17/03/09	Information Governance Manager	Minor typographic changes and removal of "draft".
V.2.00	24/11/10	Deputy Director of HR	Update in line with provisions of Equality Act 2010
<b>Next Review Date</b>	<b>January 2014</b>		

**This document can be found on the Intranet (P Drive) in the 'Policies' section.**

**Any other printed copies must be checked as to accuracy, currency and version number against the intranet version to ensure that the latest issue is being referred to.**

## Contents

Approval and Authorisation .....	2
Change History .....	2
Contents.....	3
1. Introduction .....	4
2. Policy Scope .....	4
3. Objectives .....	5
4. Key Areas .....	5
5. Complaints .....	5
6. References.....	5
7. Related Policies and Procedures.....	6
8. Training and awareness programme .....	6
9. Monitoring and Review.....	7
Appendix A.....	8
The Legal Framework.....	8
Appendix B Equality Impact Assessment .....	9
Equality Impact Assessment (EIA) Form.....	10

## 1. Introduction

Hinchingbrooke Health Care NHS Trust ('the Trust') is committed to building a workforce which is valued and whose diversity reflects the community it serves, enabling it to deliver the best possible healthcare service to the community.

The Trust is committed to enabling all staff to achieve their full potential in an environment characterised by dignity and mutual respect.

The Trust recognises the past effects of institutionalised discrimination and seeks to guarantee equality of opportunity for all.

Equality of opportunity means that an individual's diversity is viewed positively and, in recognising that everyone is different, valuing equally the unique contribution that individual experience, knowledge and skills can make.

Everyone who works in the Trust, or applies to work in the Trust, will be treated fairly and valued equally. All conditions of service and job requirements should fit with the needs of the service and those who work in it, regardless of the nine protected characteristics under the Equality Act 2010, of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation and also nationality or national origin, domestic circumstances, social and employment status, HIV status, political affiliation or trade union membership.

The Trust is striving to be a place where people want to work and to be a leader in good employment practice. This policy seeks to build on the current legal framework through the establishment of good practice.

Equality in the workplace cannot be achieved through an Equality and Diversity Policy statement alone. The policy forms the core statement of the Trust's philosophy and underpins commitments to achieve equality and fairness at work. The Equality and Diversity Procedure and associated procedures and schemes have been developed to support this statement.

The Trust Board has set up appropriate governance arrangements to ensure compliance with the policy by naming an executive and non executive director as lead for equality and diversity, and by monitoring progress through the Single Equality Scheme action plan which sets out actions to implement this policy, and the Annual Equality and Diversity Report which is reported to Trust Board. This work is overseen by the Senior Workforce Leads Group, a formal Committee that reports directly to the Trust Board.

## 2. Policy Scope

This policy applies to all employees of the Trust including bank and locum staff, all prospective applicants who apply for posts in the Trust and those who have left the Trust as it relates to issues pertaining to their employment with the Trust, such as in the provision of employment references.

Through the procurement process, contracts and service level agreements the Trust will seek to ensure that workers employed by other employers to do work for the Trust, such as agency staff and contractors, are covered by the principles of this policy.

Equality and diversity issues pertaining to the Trust as a provider of services are contained in the Trust's Single Equality Scheme which is published on the Trust website.

### 3. Objectives

The objective of this policy is to ensure that everyone who works in the Trust, or applies to work in the Trust is treated fairly and valued equally, and to minimize the risks associated with people taking Employment Tribunal claims against the Trust by ensuring compliance with equality legislation.

The policy aims to make equality and diversity part of everything that the Trust does and to this end the Trust will ensure that:

- All staff know about the agreements which exist and what they say, and know their responsibilities in relation to equality and diversity through the provision of procedures and guidance at induction and throughout their working lives.
- Steps are taken to promote equality and diversity and to ensure that it is monitored; and
  - Appropriate training is provided.

### 4. Key Areas

The following key areas which are to be addressed are set out below and are covered by the NHS Terms and Conditions of Service Handbook and through Trust procedures and guidance which are available to staff on the Trust intranet.

- Recruitment
- Promotion
- Staff Development
- Dignity at work (harassment and bullying)
- Caring for Children and Adults
- Flexible Working Arrangements
- Balancing Work and Personal Life
- Employment Break Scheme

### 5. Complaints

Any member of staff who feels that this policy is not being applied to them should complain under the Trust's Grievance Procedure. All complaints will be taken seriously and dealt with quickly and no one will be told about the complaint without appropriate permission.

### 6. References

This Policy is in line with the following legislation and documents:

- Equality Act 2010 and other relevant UK legislation and Codes of Practice on equality and diversity (see appendix A.)
- NHS Terms and Conditions Service Handbook Part 5 Equal Opportunities Statement<sup>1</sup>
- NHS Constitution: Staff Rights<sup>2</sup>

<sup>1</sup> Available on the intranet or via [www.nhsemployers.org](http://www.nhsemployers.org)

## 7. Related Policies and Procedures

All of the following policies, procedures, schemes and supporting documents are available on the Trust intranet.

- Carers and Special Leave Procedure
- Disciplinary Policy and Procedure
- Employing People with a Disability Procedure
- Employment Break Scheme
- Equality and Diversity Procedure
- Equality Impact Assessment Process and Forms
- Flexible Working Procedures and schemes
- Grievance Procedure
- Harassment and Bullying Procedure
- Learning and Development Policy
- Management of Attendance Policy and Procedure
- Personal Development Review Procedure
- Positively Divers Respect and Understanding Manual
- Recruitment and Selection Procedures and guidance
- Retirement Policy and Procedure
- Single Equality Scheme 2010 – 2013 and action plan
- Violence and Aggression Policy

## 8. Training and awareness programme

Appropriate guidance, awareness and training are essential to ensure the successful implementation and overall effectiveness of the arrangements for equality of opportunity as part of induction and also provided periodically throughout their employment. Genuine commitment is also required from all staff.

Training programmes in equality and diversity will aim to:

- Inform all staff about their individual responsibilities and obligations under the equality and diversity legislation and this policy.
- Raise awareness about equality and diversity amongst staff.
- Provide guidance on how to translate policy into practice through objective assessment and selection criteria, awareness of cultural differences etc.
- Eliminate potential inequalities in the opportunities available to staff to develop skills relevant to their jobs and careers.

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<sup>2</sup> NHS Constitution, staff rights: have a good working environment with flexible working opportunities, consistent with the needs of patients and with the way that people live their lives; have a fair pay and contract framework; have healthy and safe working conditions and an environment free from harassment bullying or violence; are treated fairly, equally and free from discrimination; and can raise an internal grievance and if necessary seek redress, where it is felt that a right has not been upheld. Available from [www.dh.gov.uk](http://www.dh.gov.uk)

- Develop an understanding of the procedures to be followed when dealing with complaints of discrimination, harassment and bullying.
- Cover knowledge of how to monitor the effectiveness of the policy.

Equality and diversity issues will also be covered in training programmes such as the Management Development Programme and individual training programmes on Recruitment and Selection, Dignity at Work and Flexible Working etc.

## 9. Monitoring and Review

The Trust management and staff representatives will look together at the progress being made towards the aims of this policy. Annual “equality audits” will be conducted to cover:

- Data on the make up of the workforce by race, sex, age, disability<sup>3</sup> and contract status (i.e. part time) in comparison with the census data for the local population;
- Data on the recruitment process by race, sex, age and disability<sup>4</sup>;
- The selection decisions for appointment, transfer, promotion and training allocation and the reasons for those decisions. Records on recruitment and promotion will be kept for a period of 12 months;
- The number and nature of complaints and their outcomes made under the Harassment and Bullying Policy, the Trust’s incident recording procedures and disciplinary and grievance issues;
- The take up of flexible working arrangements and policies such as job share, Carer and Special Leave and the return to flexible working patterns following maternity leave;
- What equality policies and procedures are in place;
- Pay and grading;
- Current monitoring processes.
- Information from the annual NHS Staff Survey on equality issues.

All information collected for the purposes of monitoring will be treated as confidential and will only be used for this purpose. This information will be analysed in partnership with local Trade Union representatives and will be reported to the Trust Board as part of the annual Equality and Diversity Report.

Based on the results of the audit, plans will be agreed about what is to be done towards meeting the aims of the agreement over the coming year. Where under-representation of particular racial groups or of a particular sex is identified, the Trust will take advantage of the positive action provisions of the discrimination legislation, assuming that the detailed conditions in the legislation are met. This will be included in the Single Equality Scheme action plan.

This policy will be reviewed with staff side representatives in line with developments in legislation on equality and diversity and no less than every two years from date of approval.

<sup>3</sup> The Trust has recently started to monitor workforce by religion and belief and sexual orientation and will look at widening this to include all nine protected characteristics under the Equality Act 2010 in line with government guidance on implementing the Act.

<sup>4</sup> As above

## Appendix A

### *The Legal Framework*

#### Equality Act 2010

The Equality Act<sup>5</sup> received Royal Assent in April 2010 with the majority of its core provisions coming into effect on 1 October 2010. Of the remaining provisions, some are expected to come into force in April 2011 (for example, the single public sector equality duty). Others are still under consultation at the publication of this Scheme and may not be brought into force by the current Government at all (for example, the socio-economic duty and the requirement for employers to disclose their gender pay gap).

#### Protected Characteristics

The Equality Act outlaws discrimination based on nine “protected characteristics”. The terminology is new but the characteristics largely reflect existing law. The nine protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex; and
- Sexual orientation

#### Types of unlawful behaviour

The core types of unlawful discrimination are:

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation; and
- The duty to make reasonable adjustments (for disability only)

These also include:

**Perceptive discrimination or harassment**, which arises where a person is less favourably treated or harassed because he or she is thought or believed to have a particular protected characteristic, even if that perception is mistaken.

**Associative discrimination or harassment**, which arises where an individual is less favourably treated or harassed because of the protected characteristic of a person with whom he or she is connected or associated.

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<sup>5</sup> Information provided by Mills & Reeve Solicitors, Employment Update, Equality Act 2010, October 2010

**Third party harassment**, where an employer may be liable for the harassment of employees by a third party.

**Discrimination arising from a disability**, which occurs when a person is treated unfavourably because of something arising in consequence of a disability.

For information on the planned public sector duties of the Act see section 2.4 of the Scheme.

### ***Additional Legislation and supporting Trust policies, procedure and guidance***

The following additional legislation is also relevant and has been considered in our single equality scheme:

- Sex Discrimination Act 1975, and as amended 2007
- Employment Equality (Age) Regulations 2006
- Equality Act 2006
- Disability Discrimination Act 1995 and as amended 2005
- Employment Equality (Sex Discrimination) Regulations 2005
- Gender Recognition Act 2004
- Civil Partnership Act 2004
- Carers (Equal Opportunities) Act 2004
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2001
- Race Relations Act 1976 and Amendment Act 2000
- The Sex Discrimination (Gender Reassignment) Regulations 1999
- Employment Relations Act 1999
- Human Rights Act 1998
- Trade Union and Labour Relations (Consolidation) Act 1992
- Equal Pay Act 1970 and amended 1983
- Rehabilitation of Offenders Act 1974

## Appendix B

### Equality Impact Assessment (EIA) Form 1

#### Initial Screening

<b>Policy/ Function/Development being assessed</b>	<b>Who is responsible for it?</b>
Equality and Diversity Policy	Deputy Director of HR
<b>People involved in the review:</b>	<b>Date of review:</b>
Director of HR, Deputy Director of HR, Senior HR Managers, Communications Specialist, Head of Learning and Development, Staff Side Trust Partnership Forum.	March 2009 and reviewed November/December 2010
<b>What is the purpose/ objective and any associated aims of the policy/function/development?</b>	
The objective of the policy is to ensure that everyone who works for the Trust or applies to work in the Trust is treated fairly and valued equally, and to minimize the risks associated with people taking employment tribunal claims against the Trust by ensuring compliance with equality legislation.	
<b>Who are the stakeholders affected by it? (e.g. patients, staff, PCT, public, clinicians)</b>	
All staff employed by the Trust; people who apply for jobs in the Trust; people who have left the Trust and are making applications for references or who have outstanding issues arising from their employment with the Trust, e.g. grievances, tribunal claims; locums; bank staff. Contractors' staff are covered by the principles of this policy as part of the procurement process.	
<b>What are the intended outcomes?</b>	
The policy aims to make equality and diversity a part of everything that the Trust does and to this end the Trust will ensure that: <ul style="list-style-type: none"> <li>• All staff know about the agreements which exist and what they say, and know their responsibilities in relation to equality &amp; diversity through the provision of procedures and guidance at induction and throughout their working lives;</li> <li>• Steps are taken to promote equality and diversity and to ensure that it is monitored and</li> <li>• Appropriate training is provided</li> </ul>	
<b>Does the policy/ function/development have a potential adverse impact on any of the following groups?</b>	
<b>Group</b>	<b>Yes/No</b> If yes, state if high or low impact (see below )
<b>Age</b>	No
<b>Disability</b>	No
<b>Gender reassignment</b>	No
<b>Religion or belief</b>	No
<b>Race / nationality</b> (including ethnic and national origin) State any specific group(s)	No
<b>Sex</b>	No

<b>Sexual orientation</b> (e.g. gay, lesbian, bisexual and trans)	No
<b>Marriage &amp; civil partnership</b>	No
<b>Pregnancy and maternity</b>	No
<b>Other factors</b> (e.g. the homeless, people with mental health problems, travellers people in the criminal justice system, domestic circumstances, social and employment status, HIV status, political affiliation or trade union membership)	No
<b>Examples of High Impact</b> <ul style="list-style-type: none"> <li>• Is it designed to meet specific statutory requirements or business plan objectives?</li> <li>• Could it hinder equality of opportunity or good relations between groups?</li> <li>• Does it constitute direct or indirect discrimination?</li> <li>• Does it have an adverse impact or disproportionate impact on groups?</li> <li>• Is there a risk of litigation, loss of confidence, loss of reputation or service restriction?</li> <li>• Are individuals or groups unable to access the service?</li> <li>• Will it prevent the Trust from meeting any targets/ standards</li> </ul>	<b>Examples of low impact</b> <ul style="list-style-type: none"> <li>• Is it not a high priority for the organisation?</li> <li>• If there is a differential impact on groups of service users, staff or the community, is this justifiable or proportionate?</li> </ul>
Having completed the screening, have you found potential for: <ul style="list-style-type: none"> <li>• Unlawful discrimination?</li> <li>• Certain individuals or groups to be disadvantaged?</li> <li>• Relations between different groups to be damaged?</li> </ul>	<b>NO</b>
If <b>NO</b> , there is no need to assess further. This EIA should be sent to the Human Resources Department and reviewed again in three year's time or prior to that if the policy or service is amended.	If <b>YES</b> , you will need to complete a partial impact assessment – see Form 2
<b>Approval/ sign off</b>	<b>Name &amp; position</b>
Person responsible for the policy or function	Catherine Hall, Deputy Director of HR
Relevant AD/ Director	Anita Pisani, Director of HR and Organisational Change

This form must be sent electronically to the Deputy Director of Human Resources (Equality & Diversity) lead: [catherine.hall@hinchingbrooke.nhs.uk](mailto:catherine.hall@hinchingbrooke.nhs.uk)

CLH/E&D/EIAform1/v3/ 25 November 2010