

# Equality, Diversity and Inclusion Policy

## W30

### Additionally refer to:

Handling concerns about Doctor's and Dentists' Conduct and Capability  
Grievance Policy  
Special Leave Procedure  
Recruitment & Selection  
Disciplinary Policy

Resolving Bullying & Harassment Policy  
Dress Code and Appearance Policy  
Concerns and Complaints Policy and Procedure

Version:	V4 July 2020
Approved by	Policy Assurance Group, JNCC
Date Approved	October 2020
Ratified by:	SaTH Leadership Committee
Date Ratified:	October 2020
Document Lead	E,D & I Lead
Lead Director	Workforce Director
Date issued:	September 2020
Review date:	September 2023 (Unless required earlier)
Target audience:	All staff including those on Bank, Agency, Temporary and Honorary Contracts; External Secondees with the Trust; Contractors; Volunteers

**C Version Control Sheet**

<b>Document Lead/Contact:</b>	Kal Parkash E,D & I Lead Kal.parkash@nhs.net
Document ID	W30 (Previously HR01)
Version	V4
Status	FINAL
Date Equality Impact Assessment completed	July 2020
Issue Date	September 2020
Review Date	September 2023
Distribution	Please refer to the intranet version for the latest version of this policy. <b>Any printed copies may not necessarily be the most up to date</b>
Key Words	Equality, Diversity, equal, EDS; Equality Delivery System;
Dissemination	Published on HR pages on the intranet and website; Staff Quarterly Newsletter

**Version history**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Status</b>	<b>Comment</b>
V2	2009	Keith Hudson Deputy Head of HR	Final	
V3	2013	Bridget Chambers HR Manager	Final	Policy put into new template format Updated legislative information Inclusion of the Trust's Equality Delivery System Forum (EDS) Updated references section Updated monitoring section
V4	2020	Kal Parkash Equality, Diversity & Inclusion Lead		Aligned to new Diversity Strategy

## Contents –

Paragraph		Page
	Policy on a Page	4
1	Document Statement	5
2	Overview	5
3	Definitions	5
4	Links to national standards	5
5	Duties	6
6	Policy detail	7
7	Training needs	9
8	Review process	9
9	Equality Impact Assessment	9
10	Process for monitoring compliance	9
11	References	10
12	Associated Documentation	10
13	<b>Appendices</b>	10
Appendix A	Equality Act and Equality Delivery System	11
Appendix B	Equality Impact Assessment	13

## **Policy on a page**

This policy sets out our commitment to Equality, Diversity and Inclusion at SaTH.

This is a revised policy, developed to help create an inclusive organisation, which values all staff. The policy applies to all employees, including our Directors, Bank staff, Agency staff and Contractors.

Through our equality, diversity and inclusion work we will look to promote our values at every opportunity and specifically to:

- Engender a sense of belonging for all by creating an environment where we value unique differences.
- Improve our service proposition by listening and engaging better with our patients and communities and developing 'diversity of thought' in our service delivery.

Any acts, omissions or failure to follow this policy may result in disciplinary action being taken against any employee of the organisation

## **1 Document Statement**

- 1.1 The purpose of this policy is to make clear the Trust's commitment to preventing discrimination and promoting equality and diversity. It does so not merely to satisfy legal requirements, social or contractual obligations, but in the belief that such a policy will secure the maximum contribution from employees, that it is in our employees' best interests, and that it will primarily benefit the community we exist to serve.

## **2 Overview**

- 2.1 In line with our new Diversity Strategy (see section 12), the Trust understands that we have an important role to play in the communities we serve both as an employer and a provider of healthcare services. The Trust also recognises that our performance as an employer will be closely associated in the perceptions of patients (and by the wider community we serve) with how well we manage access to and the delivery of our services, and vice versa.
- 2.2 The provisions and obligations of this policy apply to all Trust employees. They also apply to any other personnel working in but not employed by the Trust (including agency staff, contractors, volunteers and other workers undertaking work on Trust premises). The Trust reserves the right to remove from our premises anyone who does not comply. They also apply, where appropriate, to patients and visitors.

We recognise that staff working offsite or not on work premises need protection as well.

- 2.3 In implementing this Policy, Managers must ensure that all staff are treated fairly and within the provisions and spirit of this policy. Special attention should be paid to ensuring that the policy is understood when using it for staff new to the NHS or Trust, by staff whose literacy or use of English is weak, for persons with little experience of working life or where there are barriers to understanding.

## **3 Definitions**

- 3.1 Equality is about ensuring all people are treated fairly and equally and that any decisions made are based on objective relevant criteria.
- 3.2 Diversity is about recognising and valuing the different contributions that all staff, patients, carers and families can bring to the organisation.

## **4. Links to National Standards:**

### **4.1 NHS Equality Delivery System 2 (EDS2)**

The Equality Delivery System for the NHS – EDS2, being a tool designed to help NHS organisations, in partnership with local stakeholders, to review and improve their performance for people with characteristics protected by the Equality Act 2010, and to support them in meeting the Public Sector Equality Duty.

### **4.2 Workforce Race Equality Standard (WRES) & Workforce Disability Equality Standard (WDES)**

The WRES and WDES requires organisations employing almost the entire 1.4 million NHS workforce to demonstrate progress against nine indicators of workforce race and disability

equality. The indicators focus upon Board level representation and differences between the experience and treatment of staff within the UK.

- 4.3 **EDS – Equality Delivery System** – a system of recording and publishing information by the Trust in regards to Equality and Diversity within the Trust including information on Gender, Age, Disability, Marital Status, Ethnicity, Religious Belief, Sexual Orientation and Pregnancy & Maternity. (see Appendix A).
- 4.4 **Equality Act 2010** – known as “the Act” brought together all previous equality legislation under one Act and broadened the definitions of discrimination to encompass 9 protected characteristics.

## 5. Duties

### Chief Executive

- 5.1 The Chief Executive is responsible for the overall implementation of this policy and for keeping the Board informed at regular intervals of the progress being achieved in implementing the provisions of this policy.

### Lead Directors

- 5.2 Responsibility for ensuring the realisation and implementation of this policy in relation to employment and development and training issues is vested in the Workforce Director.
- 5.3 Responsibility for ensuring the realisation and implementation of this policy in relation to health services is vested in the Chief Operating Officer and the Medical Director.

### Senior Managers/Managers & Supervisors

- 5.4 Managers (and other staff with comparable responsibilities) have a particular duty to ensure that discrimination (or any other breach of this policy) does not occur in the department or area of work for which they are responsible, and to give positive support to any measures which will promote equality and diversity. Specific responsibilities include:
- ensuring that their staff are aware of, and comply with, the requirements of this Policy, related policies and procedures and good practice guides;
  - ensuring that their staff are appropriately trained in equality and diversity issues as required in relation to the performance of their duties;
  - monitoring and evaluating compliance with good practice in relation to equality and diversity within their areas of responsibility; and
  - fully investigating allegations in relation to breaches of this policy in a timely manner, and initiating remedial action (which may involve disciplinary action up to and including dismissal under: Handling concerns about Doctors and Dentists’ Conduct and Capability or Disciplinary Policy as appropriate) wherever necessary.
  - ensure they play their part in promoting equality and challenging discrimination
  - ensure that staff are not victimised for raising, or being suspected of raising, alleged complaints or grievances

### Individual Employee

- 5.5 All employees have a personal responsibility for the implementation of this policy and to co-operate with any measures introduced in furtherance of it. In particular, employees are required to:
- co-operate fully with this policy and embed it into everyday policy, procedure, and practice

- bring to the attention of the Trust all discriminatory acts or practices
- ensure they do not harass or intimidate others and to not discriminate in the process of employment, or employee relations or the provision of services
- ensure that staff are not victimised for raising, or being suspected of raising, alleged complaints or grievances
- uphold the relevant policies around equality and diversity and to embrace the visions and values of the organisation
- ensure they play their part in not discriminating, promoting equality and challenge discrimination

Any acts, omissions or failure to follow this policy may result in disciplinary action being taken against anyone employed by SaTH under Handling concerns about Doctors and Dentists' Conduct and Capability, Disciplinary Policy or Resolving Bullying and Harassment Policy as appropriate) wherever necessary.

### **Agency Staff, Contractors, Volunteers and Workers**

- 5.6 Agency staff, contractors, volunteers and other workers undertaking work on Trust premises are required to comply with this policy. The Trust reserves the right to remove from our premises anyone who does not.

## **6 Policy detail**

- 6.1 This policy is designed to ensure that no staff member or job applicant receives less favourable treatment. The Trust upholds the Equality Act 2010, and we are committed to promoting measures that eliminate all forms of unlawful or unfair discrimination on the basis of the 'protected characteristics' of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The Trust values all members of its workforce, and is committed to ensuring that individuals are treated fairly, with mutual respect and dignity, and that decisions in recruitment, selection, training, promotion and redeployment are based solely on objective organisational factors and job related criteria.

We recognise that all forms of discrimination are unacceptable and we are committed to a policy of equal opportunities and a 'zero tolerance' approach to discrimination in our employment practices. This approach also applies to the way that service users behave towards our staff and other service users.

The policy is written in accordance with relevant employment legislation.

- 6.2 The Trust will monitor implementation of equality and diversity in employment through the web portal of NHS Employers (currently NHS Jobs) reporting mechanism.
- 6.3 The Trust's Strategic Diversity Group will determine priorities and commission work or other action required for the realisation of the EDS objectives and priorities including:
- monitoring the effectiveness of existing policies and practices;
  - identifying the scope for improvements to related policies and practices;
  - establishing training programmes and setting training targets, as required;
  - determining equality and diversity development plans for the Trust;
  - formally reporting progress against the policy (and other related issues or initiatives) to the Board.

Key areas of specific interest will include (but not limited to):-

6.4 **On-going Review of Policy and Procedures** to ensure that this policy is supported as required by specific policies and procedures and good practice guides which are known to and used by Trust staff:

- **Recruitment and Selection Procedures:** To ensure that recruitment and selection processes are in place so that decisions are based on objective assessment and free from unfair discrimination
- **Flexible Working Arrangements:** To promote the use of flexible working arrangements wherever possible, to try to balance individual staff circumstances and needs with organisational/operational requirements; to promote the appropriate use and application of the Trust's Special Leave Procedure and the Disability Passport to assist staff who may require time off work for personal or domestic reasons; to ensure the Trust meets its statutory obligations (e.g. the Equality Act 2010, and making arrangements for rehabilitation and assessment as required).
- **Training and Development:** To ensure (as far as possible) equal access to training, education and development opportunities based on an objective assessments of needs.

6.5 **Workforce Composition**

To seek to ensure that our workforce is representative of the population we serve.

6.6 **Service-Related Issues and Initiatives**

To monitor progress against the Trust's obligations to ensure equal opportunities in relation to the provision of services.

6.7 **Staff Training and Information**

To oversee the in-house provision of equality and diversity training and information for staff to enable them to discharge their responsibilities under this policy; to identify the scope for positive training initiatives.

6.8 **Work Programme Priorities**

To identify the action required to meet NHS and other national equality and diversity policies and initiatives, and to monitor progress thereafter.

## **COMPLAINTS FROM EMPLOYEES, AGENCY STAFF, CONTRACTORS, VOLUNTEERS AND WORKERS**

6.9 Any employee who feels that they have received inequitable treatment in respect of selection, training, promotion, the application of conditions of service, or any other criteria which might fall within the scope of this policy, should raise this with the manager or supervising officer concerned in the first instance, as provided for under Trust's Grievance Policy

6.10 Employees may also discuss the matter in-confidence with their HR Advisory Team/Manager, Freedom To Speak Up Guardian or with their recognised Trade union or Professional Organisational Representative, for the purpose of obtaining advice.

Deleted: .

6.11 Any employee who subsequently wishes to pursue a complaint about inequitable treatment should do so through Trust's Grievance Policy.



## PATIENT OR VISITOR COMPLAINTS

6.12 Patients or visitors who express dissatisfaction with, or complain about, how they have been treated (not limited only to any medical treatment) should be advised to register this through the Trust's Patients Complaints procedure. Trust employees have a responsibility to be familiar with the operation of the Patients Complaints procedure and also to bring the existence of this procedure to the attention of patients or visitors as appropriate. A copy of the Concerns and Complaints Policy and Procedure is available from the intranet or from your Manager. (See intranet pages [http://intranet/document\\_library](http://intranet/document_library))

## 7 Training Needs

Training required to fulfil this policy will be provided in accordance with the Trust's Training Needs Analysis. Management and monitoring of training will be in accordance with the Trust's Risk Management Training Policy. These can be accessed via the Learning zone pages on the Trust intranet.

## 8 Review process

In order that this document remains current, any of the appendices to the policy can be amended and approved during the lifetime of the document without the document strategy having to return to the ratifying committee.

It may also be reviewed by external partners and bodies in the spirit of partnership working across the Health Care Economy.

## 9 Equality Impact Assessment (EQIA)

This policy applies to all staff, external secondees, contractors, agency, bank and holders of honorary contracts with the Trust in its application. There are no detrimental affects on any of the protected characteristics in line with the Equality Act 2010, and ensures that there is a focus on key areas where E&D may be impacted upon such as recruitment, promotion and access to training for example.

## 10 Process for monitoring compliance

<b>Aspect of compliance or effectiveness being monitored</b>	<b>Monitoring method</b>	<b>Responsibility for monitoring (job title)</b>	<b>Frequency of monitoring</b>	<b>Group or Committee that will review the findings and monitor completion of any resulting action plan</b>
<i>The application of the policy in employment terms relating to recruitment, promotion, access to training,</i>	<i>Equality Delivery System</i>	<i>Workforce Director</i>	<i>Annually</i>	<i>Workforce Committee</i>
	<i>NHS Jobs web portal</i>	<i>Workforce Team</i>	<i>Annually</i>	<i>Workforce Committee</i>
<i>Equality Duty (Public Sector requirements of Equality Act 2010 Section 149</i>	<i>Equality Delivery System</i>	<i>Workforce Director</i>	<i>Annually</i>	<i>Workforce Committee</i>

## 11 References

[www.nhsemployers.org](http://www.nhsemployers.org) – for general information regarding Equality and Diversity

[www.eastmidlands.nhs.uk/about-us/inclusion/eds](http://www.eastmidlands.nhs.uk/about-us/inclusion/eds) - specific information for EDS

[www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf) - Equality Act 2010

## 12 Associated Documentation

Equality Act 2010 – (Specific Duties) Regulations 2011 - Public Sector Equality Duty – requirement for the Trust to publish relevant, proportionate information showing compliance with the Equality Duty. Report is available within the Trust Board papers available on the intranet.

Trust Diversity Strategy:



equality\_diversity\_str  
ategy.pdf

## 13 Appendices:

Appendix A – Equality Act 2010 – Public Sector Duty - EDS

Appendix B – Equality Impact Assessment

## About the Equality Act 2010 – Public Sector Duty – Equality Delivery System

The Equality Act 2010 brought together discrimination legislation. It contained new measures to strengthen protection against discrimination. It requires everyone to have equal access to employment as well as to private and public services, regardless of age, disability, gender reassignment, marriage or civil partnership, maternity or pregnancy, race, religion or belief, sex and sexual orientation.

### What is the public sector Equality Duty?

The public sector Equality Duty, set out in **section 149 of the Equality Act**, requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services, and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding how their activities affect different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective.

The public sector Equality Duty consists of a general duty, with three main aims, and specific duties (set out in supporting legislation).

#### General duty – aims to:

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity (positive action in recruitment and promotion); and
- (iii) foster good relations.

#### Specific duties

**The Equality Act 2010 (Specific Duties) Regulations 2011** came into force on 10 September 2011.

This requires public bodies to be transparent about how they are responding to the Equality Duty – requiring them to publish relevant, proportionate information showing compliance with the Equality Duty, and to set equality objectives. The Government believes that publishing information about how decisions have been made, and how equality data was used to support those decisions, will open public bodies up to informed public scrutiny. It will give the public the information they need to challenge public bodies and hold them to account for their performance on equality.

## **Who does the Equality Duty apply to?**

The public sector Equality Duty applies to public authorities and others carrying out public functions, including NHS organisations. The duty requires public bodies to have regard to the need to tackle discrimination and promote equal opportunities. When designing and delivering their services, they should consider how they can make the services fair for everyone. It will also ensure that decision making is based on real life experience and evidence of need, rather than assumptions and stereotypes.

## **About the Equality Delivery System (EDS)**

The EDS is designed to help NHS organisations improve equality performance, embed equality into mainstream NHS business and is one of the key products to come out of [the Equality and Diversity Council \(EDC\)](#).

The EDS is designed for the NHS by the NHS and is based on:

- best practice from across industry, including the Equality Framework for local government
- the views of over 660 people (including patients and staff)
- reviews and reports on equality in the NHS, including guidance from the [Equality and Human Rights Commission \(EHRC\)](#)
- learning from programmes such as Pacesetters, [Breaking Through](#) and Positively Diverse

## **Who the EDS covers**

The EDS applies to all NHS organisations, both current and planned NHS commissioning organisations, including Clinical Commissioning Groups, and to NHS providers including Foundation Trusts.

## **What the EDS delivers**

By using the EDS it helps the NHS to meet the requirements of the Equality Act 2010 and deliver on:

- the NHS Outcomes Framework
- the right and pledges of the NHS Constitution for patients and staff
- addressing health inequalities in general, improving outcomes and reducing gaps

**Appendix B**

**Equality Impact Assessment Form  
Stage 1 – Initial Assessment**

<b>Managers Name</b>	Kal Parkash	<b>Centre</b>	Workforce Directorate
<b>Function, Policy, Practices, Service</b>	W30 Equality, Diversity, Inclusion Policy	<b>Purpose and Outcomes – intended and differential</b>	Guidance for all staff (and others listed below) on ensuring equality and diversity is supported and promoted throughout the Trust.
<b>Implementation Date</b>	July 2020	<b>Who does it affect?</b>	All staff ; external secondees, Agency, Bank and Contractors;
<b>Consultation Process</b>	JNCC policy group; PAG; HEC; JNCC full group; Trust Board	<b>Communication and awareness</b>	Staff newsletters, intranet; website; Notice Boards

For completion of the following table please see point 7 in the guidance notes.

Equality Target Group	(a) Positive Impact	(b) Negative Impact	Reason/Comment
Men			<p>This policy is for raising awareness of Equality and Diversity issues across the whole range of protected characteristics and therefore aims to have a positive impact as such.</p> <p>The policy is intended to remind all staff and others (as listed above) are aware of the requirements to ensure that all people that they come into contact with in the course of their duties are treated equally, fairly and with respect at all times.</p>
Women			
Transgender			
Black/Black British			
Asian/Asian British			
Chinese			
White (including Irish)			
Other racial/ethnic group (please specify)			
Mixed race			
Disabled			
Gay/Lesbian/Bi-sexual			
Younger People (17-25) and children			
Older People (50+)			
Faith groups (please specify)			

Following completion of the Stage 1 assessment, is Stage 2 (Full Assessment) necessary? **No**

Date Completed:

July 2020

Signed by Manager completing the assessment: Kal Parkash, Equality, Diversity and Inclusion Lead