

Policy Document

Reference: HR12

Equality, Diversity & Inclusion (Encompassing Employment and Service Provision)

Version:	8
Date Ratified:	June 2020 by Trust Executive Committee (TEC)
To Be Reviewed Before:	June 2023
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Version Control Schedule

Final Version	Issue Date	Comments
1	November 1995	Policy developed and approved by Executive Committee
2	February 2005	Ratified
3	March 2005	Ratified
4	August 2008	Ratified
5	November 2010	Ratified
6	September 2013	Ratified
7	February 2017	Policy reviewed and approved by Executive Committee
8	June 2020	1) Policy reviewed - change in title to include 'Inclusion' 2) New section 'Legal Framework' 3) Updated 'Statement' and 'Scope' 4) Updated monitoring and review arrangements 5) General updates to terminology and names of committees etc. 6) Updated to new policy format

Statement on Trust Policies

The latest version of 'Statement on Trust Policies' applies to this policy and can be accessed [here](#)

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1. INTRODUCTION

The University Hospitals of North Midlands NHS Trust, as a major employer and health service provider is committed to building an inclusive workforce which is valued and whose diversity reflects the community it serves, enabling us to deliver the best possible healthcare service to our patients, carers and communities.

The Trust's Equality, Diversity and Inclusion Policy (hereafter known as The/This Policy) provides a framework from which strategy, policy and procedures should be developed. It sets the standards to enable the Trust to meet its duties in line with the Equality Act (2010), Public Sector Equality Duty (PSED) and the Human Rights Act (1998), as both an employer and service provider.

Legal Framework

The Equality Act (2010) harmonises and consolidates existing equality legislation to ensure that there is no discrimination against groups of people with protected characteristics. These groups are as follows:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief (including lack of belief)
- Sex (i.e. gender)
- Sexual Orientation

Public Sector Equality Duty (PSED)

The public sector equality duty is a duty on public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

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

The Act explains that having due regard for advancing equality involves:

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

Human Rights Act (1998)

The Human Rights Act (1998) is the legislation which protects human rights in the UK through specific "articles" which go beyond the nine protected characteristics to outlaw discrimination on all grounds. As a public authority the Trust must ensure that none of our policies, procedures or strategies infringe the human rights of staff or patients. In practice this means treating individuals in line with the FREDA Principals: fairness, respect, equality, dignity and autonomy whilst also safeguarding the rights of the wider community when developing policies and procedures and carrying out our functions.

2. STATEMENT

We believe that unlawful discrimination is unacceptable. This policy commits us to:

- Understanding, valuing and working constructively with diversity to enable fair and full participation in our work and activities
- Ensuring that there is no unjustified discrimination in our recruitment, selection, performance management, career progression and other workplace processes
- Ensuring action that promotes equality, including equality monitoring and equality impact assessments of policies and services support the progression of diversity and inclusion
- Treating individuals with whom we work and our service users with fairness, dignity and respect and in accordance with our Trust Values
- Identify and take action to remove barriers and redress imbalances caused by inequality and unjustified discrimination

Equality of opportunity and the embracing of diversity will be central to everything we do. We recognise that inequalities in employment will lead to inequalities in service delivery. A workforce that has a supportive working environment is more productive, and a workforce that is drawn from a broad range of talent is able to better represent the community that they serve. Equality makes good business sense, an organisation that is able to provide services to meet the diverse needs of its users should find that it carries out its core business more efficiently. By addressing any inequalities in employment practices, the Trust seeks to ensure that all service users receive fair and equal treatment. We are committed to improving services and meeting the needs of the communities we serve and recognise the importance of effective consultation and communication.

3. SCOPE

The implementation of this policy is fundamental to the delivery of good quality patient care and to positive workplace experiences of our workers. As such:

- This policy will be applied fairly and equitably to all workers
- Every member of staff will have access to appropriate training and development in relation to their equality, diversity and inclusion responsibilities
- We will encourage a speaking up culture to empower and enable individuals to feel safe when raising any concerns in relation to the application of this policy
- This policy underpins the development of all Trust policies and procedures to ensure that equality, diversity, inclusion and human rights are embedded into everything we do

4. DEFINITIONS

Protected Characteristics The Equality Act (2010) protects against discrimination on the grounds of Age, Disability, Gender reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or belief, Sex or Sexual orientation. These are described in the Act as Protected Characteristics.

Direct Discrimination is where a person treats another person or group less favourably because of their protected characteristic.

Indirect Discrimination arises when an organisation has selection criteria, policies, employment rules or any other conditions or practices which, although applied equally to all employees can have the effect of disadvantaging a person or group because of their protected characteristic.

Discrimination by Association discrimination occurs if an employer discriminates against an employee because they associate with another person who possesses a protected characteristic.

Discrimination by Perception this is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Harassment is defined in the Equality Act (2010) as “unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Victimisation occurs when an employee is treated less favourably (suffers a detriment) because they have made or supported a complaint of discrimination under The Equality Act (2010) or is suspected of doing so.

5. ROLES & RESPONSIBILITIES

5.1 Trust Board

Lead responsibility for the implementation and promotion of this Policy rests with the Trust Board. The Lead Directors responsible for equality, diversity and inclusion are the Director of Human Resources and the Chief Nurse. Executive Directors also have nominated board sponsor responsibility towards staff networks to support them in developing and delivering their objectives.

5.2 Line Managers

It is the responsibility of Managers to:

- Act at all times as a role model of our Trust Values and ensure their behaviour is consistent with this policy
- Promote an inclusive and supportive workplace culture that values and celebrates diversity
- Apply this policy fairly and consistently in their own areas
- Ensure all workers are aware of this policy and their responsibilities under the policy
- Ensure that Trust processes are adhered to and that accurate records of employment decisions are maintained
- Ensure that all workers in their areas hold up to date statutory and mandatory equality, diversity and inclusion training
- Ensure that workers, service users, carers and visitors are treated fairly with dignity and respect, with due regard for any protected characteristic and making reasonable adjustments as required
- Encourage a speaking up culture where workers are empowered and supported to raise issues or concerns in relation to the application of this policy including incidents of discrimination, harassment and bullying
- Ensure that concerns relating to discrimination and harassment are dealt with promptly in accordance with Trust Policy
- Ensure that Equality Impact Assessments are undertaken on services, organisational change and on appropriate policies/procedures that they have responsibility for
- Ensure workers and service users contribute to the development and shaping of healthcare services and workplace practice

5.3 Employees, Workers, Contractors and Volunteers

Whilst the primary responsibility of providing equality of opportunity for all is an organisational responsibility, good employee relations and practices depend upon people’s attitudes and behaviour at work. In particular, individual employees, workers, contractors and volunteers:

- Should act at all times in ways that are in accordance with this Policy and with our Trust Values
- Act fairly and compassionately
- Should operate within established policy and procedure and take positive steps to eliminate unlawful discrimination and promote equal opportunity. This applies in terms of applicants, other employees, contractors, agency/bank staff, patients and visitors
- Should not unlawfully discriminate against other employees, applicants, patients or visitors, or encourage other employees, unions or management to practice unlawful discrimination

- Should not victimise individuals on the grounds that they have made complaints or provided information about unlawful discrimination
- Should be proactive in informing management if they suspect or have witnessed bullying, harassment, discrimination, abuse, victimisation or offensive banter has taken place
- Should maintain personal awareness of the Policy and associate its principles to their own responsibilities in terms of their contractual obligations and the service that they provide

5.4 Staff Side

The University Hospitals of North Midlands NHS Trust and the Trade Unions representing the workforce are committed to developing and agreeing a range of industrial relations policies as laid out in the Trust Policy for Recognition and Local Collective Bargaining Arrangements HR06. The Trust and the trade unions are committed to working in partnership to achieve these and other Trust wide, local and national objectives.

It is the role of staff side to raise concerns, or provide support on a member's behalf as necessary in relation to this policy.

6. EDUCATION AND TRAINING

Appropriate training is provided to ensure that all staff and managers understand their responsibilities under the Policy. Equality, diversity and inclusion themes are integrated into other Trust learning and development programmes as appropriate. All training should be recorded within employee personal records on ESR.

The principles of this policy are incorporated into the Trust's Corporate Induction course and included in all local induction packages for newly appointed employees. This is also included in statutory and mandatory training as outlined in Trust policy HR53 Statutory & Mandatory Training.

It is expected that the chair of interview panels will have undertaken Recruitment/Equality and Diversity training. An Equality and Diversity in Recruitment training package can be accessed via ESR.

It is also a requirement that those involved in chairing disciplinary panels and leading investigations will have undertaken and hold up to date Equality and Diversity training.

7. MONITORING AND REVIEW ARRANGEMENTS

7.1 Monitoring Compliance

The Trust Equality, Diversity & Inclusion Group meets on a bi-monthly basis and reports to the People and Transformation Committee through to Trust Board.

The Trust, in order to meet its legal requirements has adopted the Equality Delivery System (EDS2) as the mechanism of demonstrating how the Trust delivers upon its equality responsibilities for patients and communities and our workforce. The Trust will review the EDS2 in accordance with national requirements and use the feedback from the EDS2 to identify our Equality Objectives.

The Annual Diversity and Inclusion Report sets out how the Trust is meeting its requirements under the Public Sector Equality Duty and progress against our Equality Objectives.

The Trust monitors how effectively we address any gaps in the treatment and experience of our black and minority ethnic (BAME) workforce through the Workforce Race Equality Standard (WRES), and our Disabled workforce through the Workforce Disability Equality Standard (WDES). Our Gender Pay Gap report shows the difference in the average earnings between all men and women employed at UHNM and includes the actions we are taking to further reduce the gender pay gap.

7.2 Employment Monitoring

Equality monitoring for all job applicants, new starters, and leavers is recorded for ethnicity, age, gender, sexual orientation, religion or belief and disability status.

7.3 Service Provision

Complaints about the service the Trust provides are analysed by the Patient Experience department to ascertain whether there are trends to suggest perceived discrimination against under-represented groups. Should trends be identified, recommendations will then be made on the approach required to rectify the issue.

Patient information is routinely collected to address issues for the particular requirements of the communities we serve.

In keeping with the requirements of the NHS Plan, the Trust has a Patient Experience Team, who provide a service whereby patients, carers or visitors may seek rapid resolution of problems or concerns and a responsibility to actively seek the views of service users about the services provided, and ensure that this information is utilised to change services accordingly. Patients and members of the public can gain information about services through the Patient Experience team and be referred to specialist advocacy services where required.

As a result of patient feedback the Patient Experience Department is able to provide many opportunities to assist in determining the quality of service provision and therefore the improvement of services. For those who may be in groups at risk of discrimination, such issues may impact on an individual or on a whole group. The Hospital User Group can also make a contribution to ensuring that minority groups can access services appropriately and can be actively involved in shaping present and future service provision.

7.4 Review

The impact of this Equality, Diversity and Inclusion Policy is evaluated through the EDS2 and other tools such as the Workforce Race Equality Standard, Disability Equality Standard and monitored and actioned by the Equality, Diversity & Inclusion Group.

8. REFERENCES

The Equality Act Guidance published by the Equality and Human Rights Commission
NHS Employers – The Equality Act 2010 Employment implications for the NHS
The NHS Zero Tolerance Campaign
The NHS Constitution
ACAS

Trust Documents:
People Strategy
HR08 Recruitment & Selection Policy and Procedure
HR02 Dignity at Work Policy and Procedure
HR30 Speaking Up Policy
EF02 Trust Policy for Security

OVERARCHING PRINCIPLES

Workforce Planning & Development

At University Hospitals of North Midlands NHS Trust we know that investing in, supporting and developing our staff has a direct impact on the quality of care that we deliver. Our employees are as important as our patients and the population that we serve. Our People Strategy plays a critical role in developing our culture and supporting all that we do to attract, recruit, develop, retain, support and reward our staff and teams to meet our future goals and aspirations.

Recruitment & Selection

All recruitment and selection activities will be undertaken in accordance with the Recruitment & Selection Policy. Recruitment and selection activities will be based on a person specification, which will be free of unjustifiable requirements. Selection decisions will be based on merit and competence.

Every consideration will be shown to job applicants and employees who are disabled and those who meet the minimum criteria for the post will be invited to interview.

Disabled employees (including those who become disabled in the course of their employment) will be supported with a range of supportive processes including reasonable adjustments to best utilise and develop their abilities.

Managers who are involved in recruitment and selection, retention and the learning and development of employees will be appropriately trained to ensure that discrimination does not take place.

Learning and Development

Equality, Diversity & Inclusion Training has been identified as mandatory for all staff groups. All staff new to the Trust will receive this training as part of the Corporate Induction Programme.

All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

All reasonable arrangements will be made to accommodate the needs of staff in order that they may take advantage of learning and development opportunities, and learning and development activity will be delivered in a format which gives maximum access to the workforce and which avoids indirect discrimination.

Where appropriate under-represented groups will be encouraged to apply for learning and development opportunities.

Information is gathered periodically to ensure there are no inequalities in opportunities for promotion.

Valuing Diversity

We want to create an environment in which individual differences and the contributions of all our diverse staff are recognised and valued. Every employee is entitled to a working environment that promotes dignity and respect for all. No form of bullying, harassment or discrimination will be tolerated.

Instances of bullying, harassment or discrimination are treated very seriously and are addressed under the Dignity at Work, Grievance and Disciplinary Policies. This includes Third Party Harassment (instances where employees are harassed by people who are not employees of the Trust, such as patients or members of the public).

All staff have equal access to staff support services, such as Occupational Health Department, Health & Safety training and support from the Staff Counselling service.

Monitoring information is gathered which highlight any inequalities in any employee relations issues and resulting implementation of such policies.

Zero Tolerance

The University Hospitals of North Midlands NHS Trust is committed to developing and maintaining a safe and secure environment for its workforce, patients and visitors and has a duty to take all reasonable steps to protect and support its staff. Our Trust Policy for Security (EF02) outlines how we will do this.

Violent and abusive behaviour includes bullying and/or harassment of any description. Violent or abusive behaviour by patients, visitors or staff is not tolerated and decisive action will be taken to protect staff, patients and visitors.

Security incidents, including verbal and physical assaults, thefts and criminal damage, are reported using the Trust online reporting system, Datix, and in accordance with the Trust Policy for Reporting and Management of SIRS and STEIS Reportable Incidents (RM07). Appropriate investigations and remedial actions are taken. Datix reports facilitate the ability to identify trends in Security related occurrences.

Service Provision

The Trust aims to ensure that its healthcare and facilities are not discriminatory and, wherever possible, attend to the physical, psychological, spiritual, and social and communication needs of any patient or visitor showing no discrimination on the grounds of ethnic origin or nationality, disability, gender, gender reassignment, marital status, age, sexual orientation, race, trade union activity or political or religious beliefs.

Contractors, Agency staff and voluntary workers undertaking work at the Trust are expected to associate the principles of this Policy with their own responsibilities in terms of their contractual obligations and the service they provide.

The Trust investigates any complaint or claim of discrimination in relation to the services it provides. Information relating to comments and complaints about service provision is available in languages appropriate to the community the Trust serves.

The Trust provides an Ecumenical Chaplaincy team that offers spiritual, religious and pastoral care to patients, relatives, carers and staff. The Chaplains are available for all, whatever their beliefs. Within the Trust there is a Prayer Centre Chapel, Mosque and Contemplation Centre on the Lower Ground Floor 2 in the Main Building at Royal Stoke Hospital and a Chapel and Prayer Room at County Hospital; they are available for worship, prayer and quiet reflection. The Chaplaincy Service has some local contacts with non-Christian Faith groups.