



## Equality and Diversity Policy

### 1. INTRODUCTION

- 1.1 The promotion of equality and making provisions for fairness and dignity in the workplace is the responsibility of everyone and the Trust recognises its specific role in ensuring equal treatment for all.
- 1.2 The Trust supports equal opportunities in employment and commits to ensuring that no job applicant or employee receives less favourable treatment where it cannot be shown to be justifiable on the grounds of age, gender, marital status, sexual orientation, race, nationality, ethnic origin, colour, religious belief or disability. This principle will apply to recruitment and selection, promotion, transfer, training, discipline and grievance and all terms and conditions of employment. This policy should be read in conjunction with the Trust's Equality and Diversity strategy.
- 1.3 This policy is aligned with the Trust's Proud to CARE values (Compassion, Achievement, Relationships, Environment). Further information on the Trust's values is available on the intranet.

### 2. POLICY STATEMENT

- 2.1 The Trust will:
  - Continually develop the potential of its workforce through training, development and progression opportunities for all staff
  - Recognise patients, clients, staff and visitors represent the community at large and that the Trust has an important role to play in ensuring its corporate social responsibility (CSR)
  - Eliminate discriminatory practices and encourage best practice at all levels, creating a working environment that promotes dignity and respect for all
  - Recognise the organisation's legal responsibilities in line with key legislation providing protection from discrimination, including the Equality Act (2010), Human Rights Act (1998), Rehabilitation of Offenders Act (1974), Public Interest Disclosure Act (1998), Protection from Harassment Act (1997), Part Time Workers Regulations (2000), Employment Act (2002), Fixed Term Employee Regulations (2002), Racial And Religious Hatred Act 2006
  - Seek to enable all employees equal opportunity for self development within the Trust, removing barriers and implementing appropriate and effective development programmes
  - Communicate this policy throughout the Trust and regularly review the policy's effectiveness
  - Monitor applications for employment, ensuring that prospective job applicants are aware of the Trust's commitment to equality of opportunity
  - Review the Equality and Diversity objectives on a regular basis and ensure that the delivery of these objectives continues to support and promote equality and diversity across the Trust.

### **3. EQUALITY IMPACT ASSESSMENT**

- 3.1 The Trust commits to the design and implementation of services, policies and measures that meet the diverse needs of services, the population and workforce, ensuring that none are placed at a disadvantage over others.
- 3.2 Therefore, this policy applies to all Trust employees irrespective of age, race, colour, religion, belief, disability, nationality, ethnic origin, sexual orientation or marital status, carer status, social and employment status, HIV status, gender reassignment, political affiliation or trade union membership. All employees will be treated in a fair and equitable manner.
- 3.3 The Trust will take account of any specific access or specialist requirements for individual employees during the implementation of this policy.

### **4. DEFINITIONS**

- 4.1 The term 'equal opportunities' is the principle of treating all people the same and not being influenced by a person's age, gender, marital status, sexual orientation, race, nationality, ethnic origin, colour, religious belief or disability.

### **5. PROCEDURE/GUIDELINES**

#### **5.1 Responsibilities**

- 5.1.1 All employees have a responsibility to accept their personal involvement in the practical application of this policy. Should individuals feel that unfair barriers exist regarding equal opportunity issues, they should firstly raise the matter with their line manager.
- 5.1.2 Line managers will ensure that the individual's concern is addressed effectively, speedily and taken seriously. Should the individual still feel that they have a grievance the Trust's grievance procedure should be used.
- 5.1.3 Managers and those staff involved in making decisions with regard to recruitment, training and development, also have specific responsibilities in relation to how those decisions impact on individuals.

### **6. Discrimination**

- 6.1.1 It is unlawful to discriminate directly or indirectly in employment or recruitment on the basis of gender, age, marital status (including civil partnerships), disability, sexual orientation, gender reassignment, religion or belief (including a lack of), race (including colour, nationality or ethnic or national origins). These are called 'protected characteristics'.
- 6.1.2 However it is important to recognise that employment is by its nature discriminatory. The selection of one individual over another means that the unsuccessful individual suffers a disadvantage. This is justified when the criteria used are objective, lawful and relevant to the post. It should however be recognised that some criteria may have an indirect unlawful effect.
- 6.1.3 Direct discrimination occurs where a person is treated less favourably than another because of one of the above mentioned protected characteristics. For example, refusing to recruit a woman because she is pregnant or excluding an employee from essential training because of their disability.
- 6.1.4 Indirect discrimination occurs where a provision, criterion or practice ('PCP') is applied to everyone, but which puts one particular group with one of the above protected characteristics at a disadvantage. For example, applying an unjustifiable age barrier or insisting on certain educational qualifications which may not be essential to the performance of the job.

- 6.1.5 Discrimination by association occurs when a person is directly discriminated against for being associated with another individual who has a protected characteristic. For example, not promoting someone because they care for their disabled child; this is discrimination against them because of their association with a disabled person.
- 6.1.6 Discrimination by perception occurs when a person is directly discriminated against based on a perception that they have a particular protected characteristic, when they do not. For example, rejecting a male job applicant because they are wrongly thought to be gay.
- 6.1.7 Where there is any doubt or confusion, clarification regarding the above should be sought from the Human Resources team.
- 6.1.8 Breaches of this policy may constitute gross misconduct and are likely to be dealt with under the Trust's disciplinary procedure, which may result in dismissal. Employees can be held personally liable for any act(s) of unlawful discrimination as well as, or instead of the Trust, which could lead to legal proceedings against them (see point 12.1.2).

## **7 Disability**

- 7.1 The Trust recognises that a number of issues arise when an individual becomes, or is, disabled. Though disability is included within the remit of this policy, further guidance notes are included with the Trust's recruitment and selection policy (policy number 8) and the Health and Attendance Management Policy (policy number 24b).
- 7.2 Disability is defined under the Equality Act 2010 as a 'physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.'

## **8 Recruitment**

- 8.1 It is the intention of the Trust to establish and implement procedures to ensure the fair and effective recruitment and selection of staff. All such procedures will comply with relevant legislation and appropriate training in their operation and will be available for all staff engaged in the recruitment process.
- 8.2 A separate policy has been developed to ensure that recruitment practices are effective, non-discriminatory and facilitate the selection of the best person available for any identified vacancy.
- 8.3 No person involved in the recruitment process should deviate from the recruitment policy.
- 8.4 Checklist – key points:
- Job Descriptions should not contain duties which may be regarded as directly or indirectly discriminatory unless this can be objectively justified.
  - Qualifications should only be specified where they are a requirement of the post, or justifiable.
  - That Job Descriptions, Person Specifications and advertisements are drawn up without bias.
  - All posts will be eligible for job share except when a manager can demonstrate this is not feasible.
  - NHS jobs is to be used by all applicants, unless an applicant is unable to access or use the internet due to a disability for example, in which case alternative arrangements should be made. Statistical monitoring information collated from the confidential equal opportunities monitoring form may be used for monitoring purposes.
  - Shortlisting of candidates for interview will be made by evaluating the application form against the job description and person specification for the post.
  - Selection interviews will be undertaken fairly, with due regard to legal requirements and avoiding assumptions and stereotyping about ability, attitudes, motivation, ambition etc.

based on age, gender, sexual orientation, gender reassignment, marital status (including civil partnerships), race (including colour nationality, national or ethnic origins), religion or belief, pregnancy or disability.

- Consideration will be given to flexibility in working patterns regarding part-time working, subject to the staffing needs of that particular area.

## **9 Training and Development**

9.1 The Trust has a policy and strategy to ensure that barriers to staff receiving training and development are eliminated.

9.2 The Trust recognises that an important part of encouraging and developing an equal opportunities culture within the organisation is through supporting training in awareness of equal opportunity issues and by providing appropriate training to enable locally determined targets to be achieved. Those involved in the recruitment, selection and training of staff will be fully trained by the Trust in order to follow its policies and procedures,

9.3 Checklist – key points:

- Part-time staff will have the same development opportunities pro-rata to full-time staff.
- Course places to address identified training needs will be offered regardless of age, gender, sexual orientation, gender reassignment, marital status (including civil partnerships), race (including colour, nationality, national or ethnic origins), religion or belief, pregnancy or disability.
- Individuals will not be disadvantaged by conditions or requirements which cannot be shown to be objectively justifiable.
- Selection of in-house courses (e.g. first line management course (ILM)) will be undertaken fairly using agreed performance criteria.
- Managers must ensure that their support for study leave is fair and consistent.

## **10 Career Development**

10.1 The Trust will encourage staff to take responsibility for planning their careers by assisting them to develop their own potential.

10.2 Checklist – key points:

- Staff will be encouraged to complete their appraisal each year to enable them to review their skills and identify their own development needs in order to plan to achieve them.
- Identified training and development needs will be collated annually.
- They will then be prioritised in a justifiable and non-discriminatory way.
- Developmental opportunities, e.g. mentoring/shadowing/open learning will be available to all subject to service/individual need, as identified by their appraisal.

## **11 Terms and Conditions of Employment, Benefits, Facilities and Services**

11.1 The Trust will conform with legislation in developing appropriate new Trust terms and conditions and will seek to encompass, as a minimum, its statutory obligations.

11.2 Benefits, facilities and services will be available to everyone of the same employment status, irrespective of age, gender, sexual orientation, marital status, race, nationality, religion or belief, ethnic origin, colour or disability.

## **12. ROLES AND RESPONSIBILITIES**

### **12.1 Responsibilities of all Employees**

12.1.1 All employees are responsible for supporting the Trust in promoting equality of opportunity by adhering to the policy. The Trust's Management and Prevention of Bullying and Harassment at Work policy supports this policy (policy number 15).

- 12.1.2 It is unlawful to harass, abuse or intimidate others on any grounds but with particular reference to age, gender, sexual orientation, gender reassignment, marital status (including civil partnerships), race (including colour, nationality, national or ethnic origins, religion or belief, pregnancy or disability). Harassment is where there is unwanted conduct usually related to a relevant protected characteristic which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It does not matter whether or not this effect was intended by the person responsible for the conduct. For example, innuendoes, lewd comments or the display or sending of offensive material.
- 12.1.3 Victimisation is unlawful and occurs when an employee is subject to a detriment, such as being denied a promotion or transfer, because they have made a complaint or provided information about a concern in relation to discrimination.
- 12.1.4 Employees must not make remarks or commit acts that are likely to cause offence to others. To do so may be construed as direct or indirect discrimination, discrimination by association or perception and are unlawful. The Trust's disciplinary policy will be referred to in relation to allegations of this nature.
- 12.1.5 Employees will attend training courses or complete any e-learning on equality and diversity as appropriate and as directed by their line manager.
- 12.1.6 Where there is any doubt or confusion, clarification regarding the above should be sought from Human Resources.
- 12.1.7 All employees are responsible for their own actions and are expected to behave with dignity and respect, to be alert to unacceptable behaviour and be prepared to draw attention to it, either directly with the individual concerned or, if it is more appropriate, via their line manager. Failure to do so may result in the prolonged distress of victims of unacceptable behaviour. Employees should also be aware that where acts of harassment are condoned by employees, they themselves may become liable to have action taken against them.

### **13 Responsibilities of Managers**

- 13.1 The Chief Executive has the ultimate responsibility for the promotion of this policy. The Chief Executive however, has delegated development and monitoring of equal opportunity issues to the Director of Workforce and Organisational Development.
- 13.2 Managers hold key influencing positions within the Trust. The success of promoting and ensuring that the Trust's policy is effective is particularly dependent on the skills of managers. They will therefore receive appropriate guidance, support and training to enable them to carry this out.
- 13.3 Management checklist – key points:
- Managers will be responsible for upholding the principles of the policy and applying them within their areas of responsibility.
  - Managers will receive guidance/training, as appropriate, to raise their awareness of equal opportunity issues.
  - Managers will be responsible for encouraging a culture which removes restrictions on individuals, so that all have access to the same opportunities.

### **14. TRAINING REQUIREMENTS**

- 14.1 The principles of equality and diversity are covered during induction for all its staff and volunteers and during certain management training, for those responsible for certain aspect, for example recruitment and selection training.

## **15. MONITORING**

- 15.1 Equal opportunities data is captured as part of the recruitment and selection process, the training and development process, and other formal management processes, and is monitored periodically.

## **16. KEYWORDS**

- 16.1 Equal Opportunity, Equality, Diversity, Fairness, Disability, Direct Discrimination, Indirect Discrimination, Protected Characteristic, Harassment, Victimisation, Bullying,

## **17. REFERENCES**

- 17.1 Equality Act (2010)  
Human Rights Act (1998)  
Rehabilitation of Offenders Act (1974)  
Public Interest Disclosure Act (1998)  
Protection from Harassment Act (1997)  
Part Time Workers Regulations (2000)  
Employment Act (2002)  
Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations (2002)  
Racial And Religious Hatred Act 2006

## **18. RELATED POLICIES**

Appraisal Policy - Human Resources Policy number 40  
Learning and Development Policy for non-medical staff – Human Resources Policy Number 10  
Recruitment and Selection – Human Resources Policy Number 8  
Individual and Collective Grievance Procedure – Human Resources Policy Number 5  
Management and Prevention of Bullying and Harassment at Work Policy – Human Resources Policy Number 15  
Disciplinary Procedure – Human Resources Policy Number 3

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