

CONTROLLED DOCUMENT

Equality and Diversity in Employment Policy

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PURPOSE	Outlines the Trust's commitment and responsibilities to Equality and Diversity in employment.
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1. Policy Statement

- 1.1. University Hospitals Birmingham NHS Foundation Trust (the 'Trust') aims to create an organisation that values diversity and promotes equal opportunities regardless of age, disability, sex, sexual orientation, gender reassignment, race, religion or belief, marriage or civil partnership, pregnancy or maternity.
- 1.2. The purpose of the Policy and any related procedural documents is to promote equality and remove unlawful discrimination so that everyone can fulfil their full potential in an environment of fairness, dignity and respect where decisions are based on merit. This is in keeping with University Hospitals Birmingham NHS Foundation Trust's (the 'Trust') values of respect and responsibility and reflects the provisions of the Equality Act 2010.

2. Scope

This policy covers all staff working for the Trust including employees, contractors, volunteers, students, locum, bank and agency staff and honorary contract holders.

3. Policy Framework

- 3.1. This section describes the broad framework for the Equality and Diversity in Employment Policy. Detailed instructions are provided in the associated procedural documents.
- 3.2. The Executive Director of Delivery shall approve all procedural documents associated with this policy, and any amendments to such documents, and is responsible for ensuring that such documents are compliant with this policy.
- 3.3. This section gives an overview of the relevant legislation and describes the key principles in relation to equal opportunities within the Trust.

3.4 Protected Characteristics

3.4.1 The Equality Act covers the following protected characteristics:

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

- Sex
- Sexual Orientation

3.5 Definitions

Direct Discrimination is where someone is treated less favourably because of a protected characteristic.

Discrimination by Association is the direct discrimination of someone because of their association with someone with a protected characteristic.

Discrimination by Perception is direct discrimination where an individual is discriminated against because someone perceives they have a protected characteristic. It applies regardless of whether the person has the protected characteristic or not.

Harassment is unwanted conduct related to a 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.

Indirect Discrimination is where there is a rule, condition or policy that applies to everyone but disadvantages a person with a particular protected characteristic.

Positive Action is where an employer can take steps to encourage people from groups with different needs or with a past track record of disadvantage or low participation to apply for jobs and to progress within the organisation.

The Public Sector Equality Duty (PSED) 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. Public sector organisations are required to publish information to demonstrate compliance with the PSED annually and to prepare and publish specific and measurable equality objectives at least every four years.

The Equality Delivery System 2 (EDS2) is a tool kit to help NHS organisations improve the services they provide for their local communities, consider health inequalities in their locality and provide better working environments, free of discrimination, for those who work in the NHS. The purpose of the EDS2 is to drive up equality performance and embed it into mainstream NHS business.

Victimisation is where someone is treated badly because they have either made or supported a complaint under the Equality Act.

Workforce Race Equality Standard (WRES) is a mandatory NHS standard which aims to ensure race equality and fair treatment for its Black and Minority Ethnic (BME) workforce. NHS organisations are required to report on 9 indicators and these then gauge the current state of race equality within the organisation and track what progress is being made to identify and promote talented BME staff as well as helping to eliminate wider aspects of discrimination in the treatment of BME staff.

3.6 Recruitment, Selection and Promotion

3.6.1 All recruitment and selection, including promotion, will take place in accordance with the associated Recruitment and Selection Policy and procedures. This is to ensure all appointments are made on the basis of the best candidate for the job.

3.6.2 If a particular group is under represented in the workforce or at a particular level, positive action may be considered to encourage/promote applications from such groups but appointments will still be made on merit.

3.6.3 Pre and post-employment checks are consistently applied across all groups and are undertaken in line with NHS mandatory Employment Check Standards, UK Visas and Immigration stipulations and relevant legislation i.e. Asylum and Immigration Act 1996.

3.7 Training and Development

3.7.1 Training materials will not stereotype, prejudice or discriminate in any way. All staff will have access to training and development opportunities based on the requirements of their role.

3.7.2 Reasonable adjustments to training will be made for staff with disabilities/conditions that affect their ability to learn e.g. training materials provided in vision friendly formats on request.

3.8 Organisational Change

3.8.1 Any decisions regarding organisational change will be made on the basis of service need and skills/experience, not protected characteristics.

3.8.2 All proposed organisational changes must be equality impact assessed prior to their implementation to ascertain whether the

proposed change may affect any group more or less favourably than another on the basis of a protected characteristic.

3.8.3 Where a group is affected more or less favourably there must be valid, legal and/or justifiable reasons.

3.9 Policies and Procedures

3.9.1 In line with the associated Policy for the Development and Management of Controlled Documents Policy and Procedure all policies must be equality impact assessed prior to their implementation to ascertain whether the policy may affect any group more or less favourably than another on the basis of a protected characteristic.

3.9.2 Where a group is affected more or less favourably there must be valid, legal and/or justifiable reasons.

3.10 Cultural and Religious Needs

The Trust will endeavour to accommodate particular cultural or religious needs including, but not limited to, observing prayer time or wearing specific clothing. However, service needs, health and safety and infection control requirements will take priority as set out in the associated Dress and Uniform Policy.

3.11 Disability

3.11.1 Where possible, the Trust will make reasonable adjustments for disabled staff, disabled staff whose disability worsens during their employment or staff who become disabled during their employment with the Trust.

3.11.2 The Trust will ensure that staff are aware of organisations that can support staff to remain in employment i.e. Access to Work.

3.11.3 Where it is not possible for a staff member to remain in their current job, the Trust will look for alternative jobs and/or retraining. Where appropriate ill health retirement can be considered. Dismissal will only be considered as a last resort.

3.12 Disciplinary and Grievance

3.12.1 Discriminatory behaviour of any kind will not be tolerated and any breach of this policy will be dealt with under the associated Disciplinary Policy and Procedure.

- 3.12.2 Where a member of staff feels that they have been treated less favourably than someone else in the same circumstances, they can use the Grievance Procedure to seek redress. Any such complaint will be thoroughly investigated and dealt with fairly and consistently.

4. Duties

4.1. Executive Director of Delivery

The Executive Director of Delivery will ensure:

- 4.1.1 Compliance with this policy;
- 4.1.2 Equality and diversity data is reported both to the Board of Directors and publicly on an annual basis in line with the Public Sector Equality Duty of the Equality Act 2010, the Workforce Race Equality Scheme, and any other statutory reporting requirements that the Trust must complete; and
- 4.1.3 That equality and diversity are promoted throughout the Trust.

4.2 Director of Human Resources

The Director of Human Resources will ensure that:

- 4.2.1 All human resources policies, procedures and practices are consistent with legislative requirements and equality and diversity best practice;
- 4.2.2 Workforce equality and diversity statistics are reported to the Board of Directors on an annual basis;
- 4.2.3 Formal employee relations cases and diversity statistics are reported to the Board of Directors on an annual basis via the Annual Workforce Report; and
- 4.2.4 Job applicant diversity statistics are reported to the Board of Directors on an annual basis via the Annual Workforce Report.

4.3 Managers

Anyone who has responsibility for staff must ensure that:

- 4.3.1 They and their team are fully aware of and understand this policy by attending relevant training provided by Human Resources;

4.3.2 They apply all Trust policies fairly, consistently and without discrimination;

4.3.3 All complaints of discrimination are properly investigated and dealt with quickly, sensitively and confidentially; and

4.3.4 They challenge any incidence of discrimination.

4.4 Staff side and Trade Union representatives

Staff side and Trade Union representatives will:

4.4.1 Be familiar with this policy in order to provide advice and support to their members if requested to do so; and

4.4.2 Assist in raising awareness and communication of the policy.

4.5 All Staff

All Staff must:

4.5.1 Treat all colleagues with dignity and respect and ensure that they do not intentionally discriminate;

4.5.2 Challenge and/or report any discrimination that they witness; and

4.5.3 Co-operate with any measures introduced to ensure equality of opportunity.

5. Implementation and Monitoring

5.1 Implementation

5.1.1 This policy will be available on the Trust's Intranet site. It will also be disseminated through the management structure within the Trust.

5.1.2 Human Resources will provide consistent advice and guidance to managers and staff on the application of this policy.

5.1.3 All new starters to the Trust will be trained in equality and diversity at Corporate Induction.

5.1.4 Equality and Diversity training is available for all staff and managers via the Learning and Development Department.

5.2 Monitoring

Please see Appendix A for the Monitoring Matrix.

6. References

ACAS

Equality Act 2010 (Specific Duties) Regulations 2011

Equality and Human Rights Commission

NHS Equality Delivery System

NHS Mandatory Employment Checking Standards

Public Sector Equality Duty 2011

UK Border Agency stipulations and relevant legislation i.e. Asylum and Immigration Act 1996.

Workforce Race Equality Scheme

7. Associated Policy and Procedural Documentation

Consultant Recruitment Procedure

Controlled Documents Policy and Procedure

Data Protection and Confidentiality Policy

Disciplinary Policy and Procedure

Dress and Uniform Policy

Employment Checking Procedure

Flexible Working Procedure

Grievance Policy and Procedure

Maintaining High Professional Standards in the Modern NHS

Managing Poor Performance Policy and Procedure

Organisational and Workforce Change Policy and Procedure

Prevention of Harassment and Bullying at Work Policy and Procedure

Recruitment and Selection Policy

Recruitment and Selection of Medical and Dental Posts Procedure

Retirement Procedure

Sickness Absence and Attendance Policy and Procedure

Supporting Individuals who are Transgender (Trans) Policy

MONITORING MATRIX

MONITORING OF IMPLEMENTATION	MONITORING LEAD	MONITORING PROCESS	MONITORING FREQUENCY	REPORTED TO PERSON/GROUP	ACTION PLAN LEAD
Annual Workforce Report	Human Resources Department	Workforce statistics: Age Disability Ethnicity Gender Religion and belief Sexual orientation	Annually	Executive Director of Delivery via Board of Directors	Director of Human Resources
Annual Workforce Report	Human Resources Department	All formal cases of sickness, harassment, discipline, grievance and performance management recorded via KPI reports and if cause for concern action plan developed	Annually	Executive Director of Delivery via Board of Directors	Director of Human Resources
Annual Workforce Report	Recruitment	Job applicant statistics based on: Disability Ethnicity Gender	Annually	Executive Director of Delivery via Board of Directors	Director of Human Resources
Staff survey	Human Resources	Feedback from Staff Survey regarding equal opportunities analysed and if cause for concern action plan developed	Annually	Executive Director of Delivery via Board of Directors	Director of Human Resources

MONITORING OF IMPLEMENTATION	MONITORING LEAD	MONITORING PROCESS	MONITORING FREQUENCY	REPORTED TO PERSON/GROUP	ACTION PLAN LEAD
Equality Impact Assessments (EIAs) for policies	Corporate Affairs	EIAs for policies presented at Policy Review Group.	Bi-Monthly	Policy Review Group	Director of Corporate Affairs
Attendance at Equality and Diversity mandatory training for new starters	Learning and Development Department	Attendance levels for new starters at Equality and Diversity mandatory training reported via KPI report and if cause for concern action plan developed.	Quarterly	Executive Director of Delivery via Operational Workforce Group	Head of Education
EDS2 Report	Head of Inclusion, Engagement and Wellbeing	Report and action plan published	Annually	Executive Director of Delivery	Head of Inclusion, Engagement and Wellbeing
Workforce Race Equality Scheme	Head of Inclusion, Engagement and Wellbeing	Report and action plan published	Annually	Executive Director of Delivery via Board of Directors	Head of Inclusion, Engagement and Wellbeing