# Equality and Diversity in Employment Policy

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<tr>
<th>CATEGORY:</th>
<th>Policy</th>
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<tr>
<td>CLASSIFICATION:</td>
<td>Human Resources</td>
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<tr>
<td>PURPOSE</td>
<td>Outlines the Trust’s commitment and responsibilities to Equality and Diversity in employment.</td>
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<td>Controlled Document Number:</td>
<td>608</td>
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<td>Director of Partnerships</td>
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<td>Director of Human Resources</td>
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<td>Board of Directors</td>
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<tr>
<td>- Essential Reading for:</td>
<td>Executive Directors Directors of Operations Divisional Directors Heads of Service Line Managers HR Team</td>
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<tr>
<td>- Information for:</td>
<td>Trade Union Representatives All employees</td>
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1. **Policy Statement**

1.1. 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 the Trust values of respect and responsibility.

1.2. The Trust aims to create an organisation that values diversity and promotes equal opportunities regardless of age, disability, ethnic origin, sex, sexual orientation, gender reassignment, race, religion or belief, marriage or civil partnership, pregnancy or maternity.

2. **Scope**

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

3. **Policy Framework**

This section gives an overview of the relevant legislation and describes the key principles in relation to equal opportunities within the Trust.

3.1 **Legislation**

This Policy reflects the provisions of the Equality Act 2010.

3.2 **Protected Characteristics**

3.2.1 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

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

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

Discrimination by Association is the direct discrimination of someone because they associate with someone with a protected characteristic.

Discrimination by Perception is direct discrimination where an individual is discriminated against because someone thinks 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.

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

The Equality Delivery System (EDS) 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 EDS is to drive up equality performance and embed it into mainstream NHS business.

Positive Action is the 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.

3.4 Recruitment, Selection and Promotion

3.4.1 With the exception of Executive Director, Non-Executive Director and Senior posts, all recruitment and selection, including promotion, will take place in accordance with the Recruitment and Selection Policy and associated procedures. This is to ensure that all appointments are made on the basis of the best candidate for the job.

3.4.2 For Executive Director, Non-Executive Director and Senior posts, recruitment will be subject to a separate process based on national standards.
3.4.3 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.

3.4.4 Pre and post employment checks are consistently applied across all groups and are undertaken in line with NHS Mandatory Employment Checking Standards, UK Border Agency stipulations and relevant legislation i.e. Asylum and Immigration Act 1996.

3.5 Training and Development

3.5.1 All staff will have access to training and development opportunities based on the requirements of their role.

3.5.2 Training materials will not stereotype, prejudice or discriminate in any way.

3.5.3 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.

3.6 Organisational Change

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

3.7 Policies and Procedures

3.7.1 In line with the Controlled Documents Policy and Procedure all policies must be equality impact assessed prior to their implementation. This will assess whether a policy affects any group more or less favourably than another on the basis of a protected characteristic.

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

3.8 Cultural and Religious Needs

The Trust will try, where possible, to accommodate particular cultural or religious needs e.g. observing prayer time or wearing specific clothing. However, service needs, health and safety and infection control considerations will take priority as detailed for example in the Dress Code and Uniform Policy.
3.9 Disability

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

3.9.2 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. Dismissal will be as a last resort.

3.10 Disciplinary and Grievance

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

3.10.2 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 Director of Partnerships

The Director of Partnerships will:

4.1.1 Sponsor this policy;

4.1.2 Ensure equality and diversity data is reported both to the Board and publicly on an annual basis in line with the Public Sector Equality Duty of the Equality Act;

4.1.3 Chair the Equality and Diversity Steering Group;

4.1.4 Ensure that equality and diversity are promoted throughout the organisation.

4.2 Equality and Diversity Steering Group

The Equality and Diversity Steering Group will:
4.2.1 Ensure that the Trust is compliant with the Equality Delivery System;

4.2.2 Provide assurance to the Board that equality and diversity is integrated into all Trust business, including service delivery and the treatment of staff.

4.3 **Director of Human Resources**

The Director of Human Resources will ensure that:

4.3.1 All human resources policies, procedures and practices are consistent with legislative requirements and equality and diversity best practice;

4.3.2 Workforce equality and diversity statistics are reported to the Board on an annual basis;

4.3.3 Formal employee relations cases and diversity statistics are reported to the Strategic Delivery Group (SDG) on a monthly basis;

4.3.4 Job applicant diversity statistics are reported to SDG on a monthly basis.

4.4 **Managers**

Anyone who has responsibility for staff must ensure that:

4.4.1 They and their team are fully aware of and understand this policy by attending relevant training provided by HR;

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

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

4.4.4 They challenge any incidence of discrimination.

4.5 **Staff side and Trade Union representatives**

Staff side and Trade Union representatives will:

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

4.5.2 Assist in raising awareness and communication of the policy.
4.6 Staff

Staff must:

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

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

4.6.3 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

6.1 ACAS

6.2 Equality Act 2010

6.3 Equality and Human Rights Commission

6.4 NHS Equality Delivery System

6.5 Terms of Reference Equality and Diversity Group

7. Associated Policy and Procedural Documentation

7.1 Consultant Recruitment Procedure
7.2. Controlled Documents Policy and Procedure
7.3. Disciplinary Policy and Procedure
7.4. Dress Code Policy
7.5. Flexible Working Procedure
7.6. Grievance Policy and Procedure
7.7. Maintaining High Professional Standards in the Modern NHS
7.8. Managing Poor Performance Policy and Procedure
7.9. Organisational and Workforce Change Policy and Procedure
7.10. Prevention of Harassment and Bullying at Work Policy and Procedure
7.11. Recruitment and Selection Policy
7.12. Retirement Procedure
7.13. Sickness Absence and Attendance Policy and Procedure
## APPENDIX A

### MONITORING MATRIX

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<th>MONITORING LEAD</th>
<th>MONITORING PROCESS</th>
<th>MONITORING FREQUENCY</th>
<th>REPORTED TO PERSON/GROUP</th>
<th>ACTION PLAN LEAD</th>
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<td>Human Resources Department</td>
<td>Workforce statistics: Age, Disability, Sexual orientation, Ethnicity</td>
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<td>Director of Human Resources</td>
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<td>KPI Reports</td>
<td>Human Resources Department</td>
<td>All formal cases of sickness, harassment, discipline, grievance and performance management recorded via KPI reports and if cause for concern action plan developed</td>
<td>Monthly</td>
<td>Executive Director of Delivery via Strategic Delivery Group</td>
<td>Director of Human Resources</td>
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<td>KPI Reports</td>
<td>Recruitment</td>
<td>Job applicant statistics based on: Ethnicity, Disability</td>
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<td>Human Resources Department</td>
<td>Feedback from Staff Survey regarding equal opportunities analysed and if cause for concern action plan developed</td>
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<td>Director of Human Resources</td>
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<td>MONITORING OF IMPLEMENTATION</td>
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<td>Equality Impact Assessments (EIAs) for policies</td>
<td>Corporate Affairs</td>
<td>EIAs for policies presented at Policy Review Group.</td>
<td>Monthly</td>
<td>Policy Review Group</td>
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<td>Monthly</td>
<td>Executive Director of Delivery via Strategic Delivery Group</td>
<td>Head of Education</td>
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