

CONTROLLED DOCUMENT

Fair Employment Policy			
Type of Document	Policy		
Purpose	Outlines the Trust’s commitment and responsibilities to diversity, equality and inclusion in employment.		
Controlled Document Number	608	Version Number	4.0
Document Sponsor	Chief People Officer		
Document Lead	Director of Inclusion		
Policy Status	Ordinary	Ratification Body	Group Executive Team
Date Ratified	19/05/2025	Review date	19/05/2028
This Policy is essential reading for:	Executive Directors Hospital Leadership Clinical Delivery Group (CDG) Leadership Heads of Service Line Managers People Directorate		
Information For	Trade Union Representatives All Staff		
What has changed since the last version of this controlled document?	<ul style="list-style-type: none">• Hyperlinks added for accessibility• Additional definitions and legislation• Updated terminology and links to online documents• Updated to include<ul style="list-style-type: none">○ Trust’s Inclusion Objectives○ Trust’s Anti Racist Statement○ Trust’s Sexual Safety Policy		

POLICY ON A PAGE FAIR EMPLOYMENT POLICY	
Summary	<ul style="list-style-type: none"> • Highlights the legal Frameworks that we operate under <ul style="list-style-type: none"> ○ Equality Act 2010 ○ Public Sector Equality Duty • Details the protected characteristics and defines key terms • Sets our inclusion expectations around organisational change, recruitment and training
Advice and guidance	Email inclusion@uhb.nhs.uk with any queries.
Training	This is set down in Appendix B .

The above summary highlights the main points for all users. For specific details please refer to the main document which follows.

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Version History

Version	Title	Issue Date
4.0	Fair Employment Policy – Diverse, Equal and Inclusive	21/05/2025
3.0	Fair Employment Policy – Diverse, Equal and Inclusive	05/08/2021
2.0	Equality and Diversity in Employment Policy	26/10/2017
1.0	Equality and Diversity in Employment Policy	12/02/2014

Details of Associated procedures which enact this Policy, and those which provide ancillary information can be found [here](#).

1. Policy Statement

- 1.1. University Hospitals Birmingham NHS Foundation Trust (the 'Trust') aims to have an inclusive culture where everyone feels like they belong, can thrive, knows they add value and feels valued regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or socio-economic background.
- 1.2. The purpose of the Policy is to promote diversity and equality and to remove unlawful discrimination. This is so everyone can reach their full potential in an environment that promotes fairness, dignity, kindness and respect, and where decisions are based on merit. This is in keeping with the Trust's values of Kind, Connected and Bold; the NHS People Plan's commitment to equality, diversity and inclusion; and reflects the provisions of the Equality Act 2010 and The Worker Protection (Amendment of Equality Act 2010) Act 2023.

2. Policy Objectives and Standards

Objective 1: Controlled documents are in place to provide guidance to staff around Fair Employment.

Standard A: Policy and Procedures are in place, and are communicated according to a communications plan to ensure managers and staff are aware of obligations.

Objective 2: The Trust complies with its contractual and legal requirements to publish annual reports regarding equality and diversity.

Standard B: Workforce Race Equality Standard (WRES), Workforce Disability Equality Standard (WDES), Gender Pay Gap, Equality Delivery System (EDS), and Public Sector Equality Duty (PSED) reports are published annually by the due dates.

Objective 3: To ensure policies are assessed for equality impact.

Standard C: Governance through EIA completion to ensure compliance with Public Sector Equality Duty.

3. Scope

- 3.1. In Scope: This Policy covers all staff working for the Trust including employees, contractors, volunteers, students, locum, bank and agency staff and honorary contract holders

4. Definitions

- 4.1. See [Appendix C](#).

5. Key Legislation/Guidance

- The Equality Act 2010
- The Worker Protection (Amendment of Equality Act 2010) Act 2023
- UK Border Agency stipulations and relevant legislation i.e. Asylum and Immigration Act 1996.

6. Framework

- 6.1. This section describes the broad framework for the Fair Employment Policy including an overview of the relevant legislation.
- 6.2. The Chief People Officer will Sponsor the Policy and is responsible for ensuring that any associated documents are compliant with this Policy.
- 6.3. The [Equality Act 2010](#) prohibits direct and indirect discrimination, harassment and victimisation in relation to any of the protected characteristics which are,
- Age;
 - Disability;
 - Gender Reassignment;
 - Marriage and Civil Partnership;
 - Pregnancy and Maternity;
 - Race;
 - Religion or Belief;
 - Sex;
 - Sexual Orientation.
- 6.4. 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.
- 6.5. The Equality Delivery System 2022 (EDS2022) is a system that helps NHS organisations improve the services they provide for their local communities and provide better working environments, free of discrimination, for those who work in the NHS, while meeting the requirements of the Equality Act 2010. Further information can be found [here](#).
- 6.6. The Workforce Disability Equality Standard (WDES) is a mandated report required through the NHS Standard Contract, that compares the experience of our staff with a disability and staff without a disability. Further details can be found [here](#).
- 6.7. The Workforce Race Equality Standard (WRES) is a mandated report required through the NHS Standard Contract, that compares the experience of our ethnic minority staff and white staff. Further details can be found [here](#).
- 6.8. [The Worker Protection Act 2023](#) (amendment of Equality Act 2010) places a duty on employers to take reasonable steps to prevent sexual harassment.

- 6.9. All staff have a responsibility to create an inclusive environment based on respect including reporting areas of concern. For more information see the Trust's Employee Relations Policy and the Freedom to Speak Up: Raising Concerns Policy.

7. Anti Racism

- 7.1. The Trust's Anti Racist Statement expresses a commitment to make meaningful and sustainable change as an employer and service provider to demonstrate accountability and to be judged on progress towards becoming an actively anti-racist organisation. For more information visit <http://uhbhome/anti-racist-organisation-statement.htm>.

8. Sexual Safety Charter

- 8.1. The Trust has committed to the NHS Sexual Safety Charter which makes clear that misogyny, sexism and inappropriate sexual behaviour will not be tolerated. For more information visit <https://www.uhb.nhs.uk/hr/employee-relations/not-okay.htm>.

9. Disciplinary and Grievance

- 9.1. Unlawful discriminatory behaviour of any kind will be addressed under the Disciplinary Procedure or Procedure for Maintaining High Professional Standards (MHPS) in the Modern NHS.
- 9.2. Where a member of staff feels that they have been treated less favourably than someone else in the same circumstances, they should approach their line manager in the first instance. If the matter remains unresolved, they may wish to seek advice and support from a number of sources including;
- The People Team,
 - The Inclusion Team,
 - Staff Networks,
 - Trade Union Representatives,
 - Freedom to Speak up Guardian,
 - Confidential Contacts.
- 9.3. Staff can use the Trust Dignity at Work Procedure or the Grievance and Disputes Procedure to seek redress. Any such complaint will be thoroughly investigated and dealt with fairly and consistently.

10. Recruitment, Selection and Promotion

- 10.1. All recruitment and selection, including promotion, should take place in accordance with the Recruitment and Selection Policy and associated Procedure. This is to ensure all appointments are made fairly on the basis of the best candidate for the job.
- 10.2. Recruitment and selection training will challenge bias in selection and be one

part of the Trust's objectives to develop culturally intelligent leaders. At least one member of a recruiting panel will be required to have undertaken the required recruitment and selection training.

- 10.3. The Trust is committed to inclusive recruitment and selection, including making reasonable adjustments for staff with a disability as part of the process. The recruitment team keeps updated guidance titled Managers' guide to shortlisting and interviewing for candidates with a disability.
- 10.4. If a particular group is underrepresented in the local working population or at a particular level, positive action may be considered to encourage/promote applications from such groups; appointments will still be in line with fair recruitment process and based on merit.
- 10.5. Pre- and post-employment checks 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.

11. Training and Development

- 11.1. Training materials must 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. More information about training can be found in the Mandatory Training Policy.
- 11.2. Reasonable adjustments to training will be made for staff with disabilities or long-term health conditions to support them to access learning materials.

12. Organisational Change

- 12.1. Any decisions regarding organisational change will be made on the basis of service need and skills/experience. More information can be found in the Change Management Procedure.
- 12.2. All proposed organisational changes must have an Equality Impact Assessment completed to ensure due regard is given to the potential impact on individuals, particularly those with protected characteristics. More information can be found in the Equality Impact Assessment Procedure and supporting guidance toolkit.

13. Policies and Procedures

- 13.1. In line with the Controlled Documents Policy, all Policies must have an Equality Impact Assessment completed to ensure due regard is given to the potential impact on individuals, particularly those with protected characteristics. More information can be found in the Equality Impact Assessment Procedure and supporting guidance toolkit.

14. Cultural and Religious Needs

- 14.1. The Trust will endeavour to accommodate 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 relevant Policies and Procedures e.g. Dress and

15. Disability

- 15.1. Disability is an umbrella term, which can include those with a physical disability, long term health condition, mental health condition or neurodiversity.
- 15.2. The Trust is committed to the Disability Confident Scheme and attracting recruiting and retaining staff with a disability.
- 15.3. The Trust will make reasonable adjustments in the workplace for staff with a disability; this includes making workplace adjustments to support individuals in completing their role. All adjustments must be reviewed regularly. See the Guidelines for Implementing Workplace Adjustments for Disabled Staff or Long Term Health Conditions.
- 15.4. The Trust will ensure that managers and staff are aware of organisations that can support staff to remain in employment i.e. Access to Work as well as support available within the Trust such as from the Inclusion Team or Occupational Health.
- 15.5. Where it is not possible for a member of staff to remain in their current job because of their disability, the Trust will look for alternative jobs through the Redeployment Procedure. Where appropriate, applications for ill-health retirement can be supported, however, the decision as to whether the application will be granted ultimately lies with NHS Pensions. Dismissal will only be considered as a last resort. More information can be found in the Sickness Absence and Attendance Procedure.

16. Transgender (Trans) and Non-Binary Staff

- 16.1. Trans is an umbrella term used to cover gender identities such as transgender, non-binary, gender fluid or third gender.
- 16.2. The Trust will not tolerate any unlawful discrimination against Trans staff and has standards and procedures in place to support Trans staff, including whilst transitioning in the workplace. Please refer to the Supporting Individuals who are Transgender (Trans) and Non-binary Policy and associated procedure.

17. Duties

- 17.1. Chief People Officer

The Chief People Officer will:

- 17.1.1. 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.
- 17.1.2. Ensure all workforce Policies, Procedures and practices are consistent with legislative requirements and equality, inclusion and diversity best practice.
- 17.1.3. Ensure training is provided on workforce Policies, Procedures and

practices to ensure implementation is fair, consistent and in line with Trust values.

- 17.1.4. Ensure Workforce diversity statistics including for leavers are reported to the Board of Directors on an annual basis.
- 17.1.5. Ensure compliance with this Policy is reported.

17.2. Director of Inclusion

The Director of Inclusion will:

- 17.2.1. Report workforce diversity data to both the Board of Directors and publicly on an annual basis in line with the Public Sector Equality Duty of the Equality Act 2010 and The Worker Protection (Amendment of Equality Act 2010) Act 2023, and any other statutory reporting requirements that the Trust must complete.
- 17.2.2. Publish the Workforce Race Equality Standard and the Workforce Disability Equality Standard annually in line with NHS England obligations.
- 17.2.3. Ensure that diversity, equality and inclusion are promoted throughout the Trust, and that relevant training is made available.

17.3. Line Managers

Anyone who has responsibility for staff will ensure that:

- 17.3.1. They apply all Trust Policies fairly, consistently and without discrimination.
- 17.3.2. All complaints of discrimination are properly addressed and dealt with sensitively, confidentially, and in a timely manner.
- 17.3.3. They challenge any incidence of discrimination.

17.4. Trade Union representatives

Trade Union representatives will:

- 17.4.1. Be familiar with this Policy and appropriately trained in order to provide advice and support to their members if requested to do so; and
- 17.4.2. Assist in raising awareness and communication of the Policy.

17.5. All Staff

All Staff must:

- 17.5.1. Treat all colleagues with dignity and respect and ensure that they do not unlawfully discriminate.

- 17.5.2. Challenge and/or report any discrimination that they witness.
- 17.5.3. Co-operate with any measures introduced to ensure equality of opportunity.

18. Associated Documents

18.1. Documents which are linked to this Policy:

Version	CDN	Title	Review Date
2.1	1093	Change Management Procedure	06/06/2025
10.2	001	Controlled Documents Policy	10/10/2027
2.1	120	Disciplinary Procedure	22/01/2026
2.1	1178	Employee Relations Policy	27/04/2026
7.1	547	Mandatory Training Policy	28/09/2025
7.1	153	Freedom to Speak Up: Raising Concerns Policy	27/04/2026
4.0	609	Recruitment and Selection Policy	14/10/2027
4.0	562	Sickness Absence and Attendance Procedure	22/01/2026
2.2	1016	Supporting Individuals who are Transgender (Trans) and Non-Binary Policy	28/08/2022
1.1	1038	Procedure for Supporting Individuals who are Transgender (Trans)	04/09/2022
2.1	1203	Grievance and Disputes Procedure	22/01/2026
2.2	1202	Dignity at Work Procedure	22/01/2026
6.0	341	Procedure for Maintaining High Professional Standards (MHPS) in the Modern NHS	10/01/2026

19. References

- 19.1. Equality Act 2010 (Specific Duties) Regulations 2011
- 19.2. Equality and Human Rights Commission
- 19.3. Guidelines for Implementing Workplace Adjustments for Disabled staff or Long-Term Health Conditions.
- 19.4. NHS Equality Delivery System 2022
- 19.5. NHS Mandatory Employment Checking Standards
- 19.6. NHS People Plan
- 19.7. Public Sector Equality Duty 2011
- 19.8. UK Border Agency stipulations and relevant legislation i.e. Asylum and Immigration Act 1996.
- 19.9. Worker Protection Act (2023)
- 19.10. Workforce Disability Equality Standard
- 19.11. Workforce Race Equality Standard

20. Implementation, Monitoring, and Training

- 20.1. This Policy will be available on the Trust's Intranet Site. The Policy will also be disseminated through the management structure within the Trust.
- 20.2. The Monitoring of this Policy can be found in Appendix A.
- 20.3. Training for those staff covered in the Duties section of this regarding this Policy can be found in Appendix B.

Appendix A: Monitoring Matrix

What is being monitored	Who prepares the report?	Which meeting or Group is it reported to?	How often is it reported?	Where/who are concerns escalated to?
Standard A: Policy and Procedures are in place, and are communicated according to a communications plan to ensure managers and staff are aware of obligations.				
A communications plan is in place	Director of Inclusion	People and Culture Committee	As required but at least annually	Board of Directors
Standard B: Workforce Race Equality Standard (WRES), Workforce Disability Equality Standard (WDES), Gender Pay Gap, Equality Delivery System (EDS), and Public Sector Equality Duty (PSED) reports are published annually by the due dates.				
Workforce statistics including leavers	Deputy Chief People Officer	People and Culture Committee	Reported via monthly workforce report	Board of Directors
Workforce diversity statistics	Director of Inclusion	People and Culture Committee	Reported via quarterly workforce report	Board of Directors
Workforce Race Equality Standard	Director of Inclusion	People and Culture Committee	Annual Workforce race equality standard report and action plan	Board of Directors
Workforce Disability Equality Standard	Director of Inclusion	People and Culture Committee	Annual Workforce disability equality standard report and action plan	Board of Directors
Equality Delivery System	Director of Inclusion	People and Culture Committee	Equality Delivery System report and action plan	Board of Directors
Public Sector Equality Duty	Director of Inclusion	People and Culture Committee	Public Sector Equality Duty report	Board of Directors
Gender Pay Gap Report	Director of Inclusion	People and Culture Committee	Annual Gender pay gap report and action plan	Board of Directors
Standard C: Governance through EIA completion to ensure compliance with Public Sector Equality Duty.				
Equality Impact Assessments (EIAs) for Policies	Corporate Risk and Compliance Manager	Policy Review Group	EIAs for Policies presented at Policy Review Group.	Relevant Department Lead

Appendix B: Training Needs Analysis: Fair Employment Policy

Staff Group (from Duties)	Training Level		
	Awareness	Process	Expert
Inclusion Team			X
Chief People Officer	X		
Hospital Leadership teams and Corporate equivalents	X		
Associate Directors of People	X		
Staff with Line Manager responsibilities		X	
Accredited Trade Union representatives		X	
All Staff	X		

Training Level	What is provided	How will it be measured?
Awareness	Staff who require additional support or have questions about the policy can contact the Inclusion Team to discuss. Publication of mentioned Policies and supporting procedures on the intranet.	The number of staff contacting the Inclusion Team.
Process	As above.	Line manager engagement with Inclusion Team and People Teams for support.
Expert	CPD for the Compliance Manager with updates shared with the Inclusion Team.	Training/conferences attended.

Appendix C: Definitions

Anti Racism is the policy or practice of opposing racism and promoting racial equality.

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.

Gender Pay Gap - Under the provisions of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, the Trust is legally required to publish an annual gender pay gap report including mean and median gender pay gaps, gender bonus pay gaps and a breakdown of the Trust's workforce by pay quartiles by gender. Reports can be found here [Gender pay gap](#).

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 a rule, condition or policy applies to everyone but disadvantages a group with a particular protected characteristic and then a person within that group.

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.

Sexual Harassment is behaviour characterised by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace or other professional or social situation.

Victimisation is where someone is treated less favourably because they have either made or supported a complaint under the Equality Act 2010.

Workforce Race Equality Standard (WRES) is a mandatory NHS standard which aims to ensure race equality and fair treatment for its ethnic minority 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 BAME staff as well as helping to eliminate wider aspects of discrimination in the treatment of BAME staff. The Trust publishes an annual report and action plan which can be found here [Workforce Race Equality Standard](#).

Workforce Disability Equality Standard (WDES) is a set of ten specific measures (metrics) which enables NHS organisations to compare the workplace and career experiences of Disabled and non-disabled staff. NHS trusts use the metrics data to develop and publish an action plan. Year on year comparison enables trusts to demonstrate progress against the indicators of disability equality. The Trust publishes an annual report and action plan which can be found here [Workforce Disability Equality Standard](#).