

Document Details		
Title	Policy and Procedure on Equality and Diversity 'Everyone Counts'	
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Local Ref (optional)		
Main points the document covers	This policy sets out the arrangements for meeting equality and diversity legislation, to eliminate all forms of discrimination and ensure equal treatment in both employment and provision of services	
Who is the document aimed at?	All staff	
Owner	HR Team and Julie Thornby, Director of Corporate Affairs	
Approval Process		
Who has been consulted in the development of this policy?	This draft policy has been shared with the Everyone Counts group as well as going through the Human Resources ratification process	
Approved by (Committee/Director)		
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Lead Director	Clair Hobbs Director of Nursing, Allied Health Professionals and Infection Prevention	
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No	Date	Amendment
1.	7 December 2015 Version 1.1	Additions of Trust values at 1.2; references to service provision and to Human Rights Act throughout; clarity on definitions of protected groups at 1.9; responsibility of Director of Corporate Affairs at 5.3; role of the 'Everyone Counts Group' at 6.2; reference to equality impact assessments at 8.5.

2	16 October 2015 Version 1.2	Included 'Everyone Counts' in the title as one of our values, replaced 'The Trust' with we or our, inserted 1.5, included Equality Act 2010 in Section 4, updated policy list page12, updated KSF for PDR throughout the policy, and included the Everyone Counts group in section 6.
3	March 2019 Version 1.3	Amendment to paragraph 7.5 – replacing 'Two Ticks' with 'Disability Confident Employer' in line with new scheme.
4	June 2022	No Amendments

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1. Introduction, Purpose and Policy Statement

- 1.1 The main purpose of this policy is to provide fairness for all involved in the Trust's employment and for all who receive services from us. The Trust is committed to eliminating discrimination and promoting equality.
- 1.2 This policy is central to supporting the achievement of our [vision and values](#), which include:
- *Respect and Dignity* – seeing the person every time – respecting their values, aspirations and commitments in life – for patients, carers and staff.
 - *Everyone Counts* – we make sure no one feels excluded or left behind - patients, carers, staff and the whole community.
- 1.3 The policy is central to our goal of providing high quality care which is person-centred and recognises the needs of each individual.

Policy Statement - Employment

- 1.4 We are committed to:
- **Fairness** with the aim of eliminating discrimination and ensuring equity of outcome for all employees and job applicants. We require all staff to abide by this principle.
 - **Diversity** with the aim of having:
 - a workforce that is representative of the communities we serve
 - a work environment characterised by dignity and mutual respect, where staff feel their individual differences and contributions are valued and they can give their best.
 - **Human rights** with the aim of ensuring staff treat each other and those they provide services to consistently with the principles of the Human Rights Act, and the Trust Values.
- 1.5 All employees, whether part time, full time, temporary or volunteers will be treated fairly and with respect. Selection for employment, promotion, training, or any other benefit will be on the basis of aptitude, ability and the needs of the service. All employees will be helped and encouraged to develop their full potential and talents will be fully utilised to maximise the efficiency of organisation.
- 1.6 It is the duty of all employees to accept their personal responsibility for the practical application of this policy, but it is acknowledged that specific responsibilities fall upon managers, supervisors and individuals involved in certain processes, for example in recruitment.

Service Provision

- 1.7 We are committed to providing services that meet the individual health needs and expectations of people who use our services. We will ensure that equality is embedded into the design and delivery of services to provide accessible, responsive community healthcare. This means fair access for all, recognising that some individuals or groups

of people need particular arrangements in order to have fair access and effective services. It also means delivering high quality services which ensure patients, service users, carers and members of the public are treated with dignity and respect and receive person-centred care.

- 1.8 The Trust recognises that our performance as an employer on equalities issues is also important because it may affect the confidence of our patients (and the wider community we serve) in how well we manage fair access to and delivery of our services.

Definitions and Forms of Discrimination

- 1.9 No individual shall be treated less favourably than another, in employment or in receiving services from us, on grounds of their gender, marital or civil partnership status, age, race, nationality, ethnicity, religion, religious belief, sexual orientation, disability, maternity/pregnancy, gender reassignment, social background, trade union membership, carer responsibilities or employment status.

Discrimination may be direct or indirect.

2. General Principles

- 2.1 No individual shall be required to comply with requirements connected with their employment which are different to the requirements for others in the same situation. No individual will be disadvantaged by conditions or requirements of a post which cannot be shown to be justifiable.
- 2.2 Managers will be expected to encourage a culture whereby discrimination is always challenged and appropriate action taken.
- 2.3 Any contravention of this policy will be dealt with under the Disciplinary Procedure. Any form of discrimination is considered to be gross misconduct which may lead to summary dismissal. In some situations the Trust may be at risk of being held responsible for the acts of individual members of staff and will not tolerate any discriminatory practices or behaviours
- 2.4 We are committed to the promotion of equal opportunities and building equality and diversity into our policies, procedures and practices. We will keep under review our policies, procedures and practices to ensure that people are not disadvantaged.
- 2.5 We recognise that equality in the workplace cannot be achieved through an Equal and Diversity Policy alone. For our policy to be successful, it is essential that everyone is committed to, and involved in its delivery. This policy forms the core statement of our philosophy and underpins commitments to achieve equality and fairness at work and other relevant policies are in place to support this policy.

3. Scope of the Policy

- 3.1 This policy applies to all Trust employees, employed directly or indirectly, and volunteers, individuals or organisations who provide goods and or services to us. It applies in our delivery of services to patients, clients and carers.

- 3.2 We aim to maintain and extend a fair working environment for all employees through the implementation and development of policies and practice aimed at promoting equal opportunity in employment. A list of relevant supporting policies can be found in Section 12.

4. The Legal and Performance Framework

- 4.1 **Legal requirements:** The Trust's policy has been developed within the framework of existing legislation. The main legal provisions are contained within the Equality Act 2010 and the Human Rights Act 1998.
- 4.2 The **Equality Act 2010** brought together separate previous pieces of anti-discrimination legislation into a single Act. It requires everyone to have equal access to employment as well as to private and public services, regardless of age, disability, gender reassignment, marriage or civil partnership, maternity or pregnancy, race, religion or belief, sex and sexual orientation.
- 4.3 The **Public Sector Equality Duty**, set out in section 149 of the Equality Act, requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services, and in relation to their own employees. It 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.

The Public Sector Equality Duty consists of (a) a general duty with three main aims, and (b) specific duties (set out in supporting legislation), as set out below:-

(a) General duty under Public Sector Equality Duty

Public Sector bodies must seek to:-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity (positive action in recruitment and promotion); and
- (iii) foster good relations

(b) Specific duties under the Public Sector Equality Duty

Public bodies are required to be transparent about how they are responding to the Public Sector Equality Duty – requiring them to publish relevant, proportionate information showing compliance with the Equality Duty, and to set equality objectives.

- 4.4 The **Human Rights Act 1998** sets out the rights in the UK which are protected by the European Convention on Human Rights. Human rights are based on the core principles that are relevant to day to day life and protect freedom to control one's own life and fulfil potential through; being safe and protected from harm, being treated fairly and with dignity, living the life you choose, and taking an active part in the community and wider society.

- 4.5 In line with the relevant legislation, we have a legal obligation to ensure that our employees do not unlawfully discriminate.
- 4.6 **Performance and Assurance:** The Equality Delivery System (2) is a national NHS framework for assuring Equality, Diversity and Human Rights performance. Through a four stage process of assessment, strategic planning, accountability and evidence we will implement its requirements which will also provide compliance with the duties within the public sector duty of the Equality Act 2010. This includes developing and implementing improvement actions. The Equality Delivery System focuses around 4 areas:
- Better health outcomes for all
 - Improved patient access and experience
 - Empowered, engaged and well supported staff, and
 - Inclusive leadership at all levels
- 4.7 **Workforce Race Equality Standard:** This is a set of NHS measures for race equality in the workplace which all Trusts will be required to show improvement against.

5. Responsibilities

5.1 Individual employees

- 5.1.1 All employees have a responsibility in the practical application of this and related policies. All employees are responsible for their behaviour and conduct within the workplace and to ensure that they treat all staff and those people with whom they have contact with in the course of their duty, with dignity and respect, ensuring they do not discriminate or encourage others to.

5.2 Directors and Human Resources Department

- 5.2.1 The Director of Corporate Affairs is responsible for the overall implementation of this policy. He/she will maintain the profile of equalities issues across the Trust, ensure that the Trust is kept up to date with any changes in the legal framework, and brief the Quality and Safety Committee and Board on related progress and issues.
- 5.2.2 It is the responsibility of the Head of Human Resources and Workforce, supported by the Human Resources Department, to ensure full compliance with the employment aspects of this policy and to put in place systems and procedures to support the full application of its principles and procedures.

5.3 Managers and supervisors

- 5.3.1 Directors and Managers (and other staff with comparable responsibilities) have a particular duty to ensure that discrimination, or any other breaches of this policy, do not occur in the department or area of work for which they are responsible and to give positive support to any measures which will promote equality of opportunity. Specific responsibilities include:
- ensuring that their staff are aware of, understand and comply with the requirements of this policy, related policies and procedures or other good practice guides;
 - ensuring that their staff have undertaken the appropriate equal opportunities training

- maintaining a culture which welcomes and respects diversity, and where discrimination is unacceptable
- tackling promptly and fairly any instances of discrimination, harassment, or victimisation in areas for which they are responsible
- ensuring that proper records of employment decisions are maintained
- maintaining and submitting information for monitoring purposes
- monitoring and evaluation to ensure compliance with good equal opportunities practice as required by relevant policies, within their areas of responsibility;
- fully investigate all allegations of potential unfair discrimination or harassment in line with the relevant Trust policies.

5.4 **Providers of goods and/or services**

5.4.1 We expect that providers of goods and/or services (volunteers, individuals and organisations) adhere to the principles of this policy and treat all those with whom they have contact with, whilst providing these goods and/or services to us with dignity and respect.

6. Implementation

6.1 We have a legal and moral responsibility to ensure that discrimination does not occur. The overall responsibility for this policy rests with the Trust Board, however, the responsibility for the implementation and review of the policy is delegated to the Director of Corporate Affairs.

6.2 The Trust's Everyone Counts Group promotes shared learning and disseminates information on equality and diversity issues and leads on the work for the Equality Delivery System and Workforce Race Equality Standard. The Group includes Equality and Diversity Champions, who are managers from each of the Trust's main operational service areas (Children and Young People, Adult Community Services and Community Hospital and Out Patient Services). The Champions co-ordinate and lead equality improvement work in their service delivery areas, and help share learning.

7. Recruitment and Selection

7.1 The intention of the Recruitment and Selection Policy (Safer Recruitment) is to ensure the most appropriate response to vacancies and to ensure that the highest quality of candidates apply and are appointed.

7.2 As an equal opportunities employer we promote the efficient, effective, fair and consistent recruitment and selection practices for all staff. It is our policy to recruit the best person for each vacancy, regardless of their gender, race, nationality, religion, religious belief, disability, age, sexual orientation, marital or civil partnership status, gender reassignment, pregnancy/maternity or trade union membership. Wherever possible, existing employees will be encouraged to apply internally for promotion opportunities. Where there is a relevant occupational requirement, this should be reviewed carefully with advice from the Human Resources Department.

7.3 All vacancies will be advertised internally, in local Job Centres, local communities where agreed and where appropriate in relevant media publications. Exceptions to this will be where an employee has been identified as being 'at risk' of redundancy or where specific

development opportunities are 'ring-fenced' to a particular team/department or where redeployment is sought for employees on grounds of their health.

- 7.4 The selection process is of vital importance and must be carried out according to predetermined and objective job-related criteria. When drawing up job descriptions/person specifications criteria should be directly related to the requirements of the post and care should be taken not to overstate these requirements. Use of a fair and justifiable Person Specification should ensure that discrimination does not take place. There should be involvement of more than one person within shortlisting, interviewing and recording the reasons for selection/rejection of applicants in accordance with the recruitment Toolkit for Appointing Managers.
- 7.5 We have signed up to the 'Disability Confident' scheme operated through Jobcentre Plus and we are currently at the Disability Confident 'employer' level. We have provisions in place to assist the employment opportunities of disabled persons. We are committed to interview all disabled applicants who meet the minimum criteria of the person specification for a vacancy and consider them on their abilities. We are committed to the employment of disabled people where the criteria of the person specification are met and where they are the best candidate for the job determined at interview. We will endeavour to make reasonable adjustments to support employees in their role. (See separate section on reasonable adjustments)
- 7.6 Flexible working will be considered and implemented where appropriate and consistent with the needs of the service.
- 7.7 We will ensure that all staff involved in making selection decisions have received appropriate training.
- 7.8 We are committed to the use of positive action where it is deemed necessary and in line with legislation.

Reasonable Adjustments

- 7.9 The Equality Act 2010 includes the right for all disabled employees to have 'reasonable adjustments' made to their role or working environment or where this is not practicable identifying an alternative role/environment. This is the case for those employees who already have a disability or become disabled during their employment.
- 7.10 The Trust's Managing Attendance Policy sets out the arrangements for making reasonable adjustments.

8. Training, Promotion and Career Development

- 8.1 We will not discriminate in the provision and selection for training and development programmes. Appropriate training will be provided to all staff to enable them to perform effectively in their job, to pursue development opportunities and develop their careers.
- 8.2 Activities including promotion and training and development (which should be firmly based on the Personal Development Review (PDR) Framework process) should be monitored.

- 8.3 We commit to ensure that training in equal opportunities and equality and diversity forms an integral part of induction and training activity. Equality and diversity training is mandatory for all staff.
- 8.4 Secondments will be encouraged, subject to an open selection/advertising procedure.

Equality Impact Assessments

- 8.5 Equality Impact Assessment is a process whereby the impact of policies or services on patients, clients or staff can be considered and any necessary actions identified and implemented. The Trust has a process for equality impact assessment as part of its quality impact assessments. The Director of Nursing and Operations and Medical Director review Quality and Equality Impact Assessments within the Trust.

9. Monitoring and Review

- 9.1 This policy will be periodically reviewed (at least every 3 years) in light of any developments in legislation or relevant national NHS frameworks (including employment legislation or employee relations' practice). If necessary, it will be revised in order to ensure its continuing relevance and effectiveness. Any amendments will be introduced only after consultation with staff-side representatives.
- 9.2 The responsibility for monitoring statistics within this and related policies lies with Human Resources. The monitoring of statistics for the Workforce Race Equality Standard and Equality Delivery System (2) will be done by the Human Resources Team in consultation with the Trust-wide Everyone Counts Group.

10. Complaints

- 10.1 Employees who wish to make a complaint of discrimination should do so using the Trust's Dignity at Work Policy. Proven discrimination will be treated as a disciplinary issue.
- 10.2 The Disciplinary Procedure will be applied to all staff regardless of their gender, age, race, nationality, ethnic or national origin, religion, religious belief, sexual orientation, disability, gender reassignment, pregnancy/maternity, social background, trade union membership, carer responsibilities or employment status.
- 10.3 Job applicants who wish to make a complaint of discrimination should be referred to the Head of Human Resources, who will ensure that the complaint is responded to and investigated. Thereafter, the complainant will be given factual information relating to the issues raised and, if appropriate, a further opportunity for assessment and/or an apology or assurance about future arrangements.
- 10.4 Patients, clients or carers who wish to make a complaint of discrimination will be supported to do so, and their complaint will be fully investigated using the Trust complaints policy.
- 10.5 Volunteers who wish to make a complaint should in the first instance raise the matter with their nominated supervisor. If the complaint is not resolved then the matter should be raised with Human Resources.

10.6 Providers of goods and/or services who wish to make a complaint should refer to the Trust's Complaints Policy, available on the Trust website.

11. Communicating the Equality and Diversity Policy

11.1 The policy will be communicated in the following ways:

- Issuing the policy to all managers via Datix and placing it on the staff zone of the Trust web site
- ensuring that managers are aware of the implications of the policy in all relevant situations (e.g. recruitment and selection, PDR)
- providing relevant training to all staff on equality and diversity

11.2 For further advice or information on any aspects of this policy, please contact the Human Resources department.

12. Related Policies and Procedures

- Disciplinary Policy and Procedure
- Employment Break Scheme Policy
- Flexible Working Policy
- Grievance and Concerns Policy
- Maintaining High Standards of Performance Policy
- Management of Corporate & Local Induction Policy
- Managing Attendance at Work Policy
- Maternity, Adoption and Maternity Support (Paternity) Leave Policy
- Organisational Change Policy
- Recognition and Facilities Agreement
- Recruitment and Selection Policy (Safer Recruitment)
- Secondment Procedure and Agreement
- Special Leave (Time Off) Arrangements Policy