

## Equality and Diversity Policy

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<b>Target Audience-</b> who does the document apply to and <u>who should be using it.</u> - The target audience has the responsibility to ensure their compliance with this document by:	<ul style="list-style-type: none"> <li>• Ensuring any training required is attended and kept up to date.</li> <li>• Ensuring any competencies required are maintained.</li> <li>• Co-operating with the development and implementation of policies as part of their normal duties and responsibilities.</li> </ul>		
	All employees directly employed by the Trust (including those who deliver services on behalf of Wiltshire Health and Care), whether permanent, part-time or temporary (including fixed-term contract). It applies equally to all others working for the Trust, including private-sector, voluntary-sector, bank, agency, locum, and secondees. For simplicity, they are referred to as 'employees' throughout this policy		
<b>Special Cases</b>			
<b>Accountable Director</b>	Director of Human Resources (HR)		
<b>Author/originator</b> – Any Comments on this document should be addressed to the author	Human Resources		
<b>Division and Department</b>	Corporate, Human Resources		
<b>Implementation Lead</b>	Human Resources		
<b>If developed in partnership with another agency ratification details of the relevant agency</b>			
<b>Regulatory Position</b>			
<b>Review period.</b> This document will be fully reviewed every three years in accordance with the Trust's agreed process for reviewing Trust -wide documents. Changes in practice, to statutory requirements, revised professional or clinical standards and/or local/national directives are to be made as and when the change is identified.			

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# 1 Introduction & Purpose

## 1.1 Introduction & Purpose

Great Western Hospitals NHS Foundation Trust (the Trust) aims to ensure equality for all of its job applicants, employees, or users of its services. The Trust will ensure that no job applicant, employee, or user of its services shall receive less favourable treatment than any other, on the grounds of the Protected Characteristics. The Protected Characteristics are detailed in the Equality Act 2010 (Ref 1) and are as follows;

1. Age;
2. Disability;
3. Gender reassignment;
4. Marriage and civil partnership;
5. Pregnancy and maternity;
6. Race;
7. Religion or belief;
8. Sex;
9. Sexual orientation

Diversity embodies the principle of fair treatment for all whilst understanding and respecting differences. The management of diversity also applies to social groups with evolved cultures, including gender, professions, and organisations.

The Trust seeks to employ a workforce which reflects and draws on the talents of a diverse community. Employees and job applicants/prospective employees will not be disadvantaged by any condition or requirement relating to employment that is not justifiable, nor suffer any detriment for exercising this right.

Services provided by the Trust are intended to be available and accessible to all members of the community and the Trust will continually seek and take account of individual needs and encourage suggestions for improvement through the Trusts Patient Advice and Liaison Service (PALS).

The Trust has a statutory duty under the Equality Act 2010 (Ref 1) to meet the general specific equality duties which include a due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a Protected Characteristic and those who do not.
- Foster good relations between people who share a Protected Characteristic and those who do not.

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## 1.2 Glossary/Definitions

The following terms and acronyms are used within the document:

<b>D&amp;O</b>	Diagnostic and Outpatients
<b>HR</b>	Human Resources
<b>NHS</b>	National Health Service
<b>PALS</b>	Patient Advice and Liaison Service
<b>PC</b>	Planned Care
<b>Protected Characteristics</b>	The 9 Protected Characteristics that are protected under the Equality Act 2010
<b>UK</b>	United Kingdom

## 2 Main Documents Requirements

### 2.1 Discrimination

#### 2.1.1 Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a Protected Characteristic they have, or are perceived to have, or because of their association with someone who has a Protected Characteristic.

#### 2.1.2 Indirect Discrimination

Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that puts other people with the same Protected Characteristic (with the exception of pregnancy or maternity) at a particular disadvantage.

#### 2.1.3 Disability Discrimination

Whilst disability is one of the Protected Characteristics, there are additional forms of discrimination which are relevant specifically when an individual is disabled. If an employee is, or becomes disabled, then the Trust encourages him/her to tell their line manager and Occupational Health about their condition so that the employee can be supported as appropriate.

If an employee experiences difficulties at work because of their disability, they should discuss any difficulties with their line manager who may bring in Occupational Health and/or the Human Resources Department to establish if there are any reasonable adjustments that would help to overcome or minimise this difficulty. The Trust may be considered to have discriminated against an employee or a job applicant if it fails to make reasonable adjustments.

The Trust will also be considered to have discriminated against a disabled person if it unjustifiably treats him/her less favourably because of something arising as a consequence of their disability. The Trust will not be considered to have discriminated against a disabled person in such a case if it did not know, and could not reasonably have been expected to know, that the person had the disability.

### 2.2 Victimisation

Victimisation occurs when an employee suffers a detriment because they have made, or is believed to have made or supported a complaint under the Equality Act 2010. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

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## 2.3 Harassment

Harassment is unwanted conduct related to a Protected Characteristic (except for pregnancy and maternity, and marriage and civil partnership), 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. Employees can complain of behaviour that they find offensive, even if it is not directed at them and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association with someone with a protected characteristic.

The Trust can be potentially liable for the harassment of employees by people (third parties) such as contractors, visitors etc.

## 2.4 Positive Action

Positive Action, unlike positive discrimination, is lawful and permits employers to address under-representation e.g. increasing the percentage of women on the Trusts Board. Positive Action can be taken to encourage people from particular groups to take advantage of opportunities for work and training. This can be done when under-representation of particular groups has been identified.

The Equality Act allows an employer to take a Protected Characteristic into consideration when deciding who to recruit or promote. However an organisation can only do this when there are candidates who are "as qualified as" each other. The Trust would also need evidence to show that people with that Protected Characteristic face particular difficulties in the workplace, or are disproportionately underrepresented in the workplace, or in the particular role. In these circumstances, an organisation can choose to use the fact that a candidate has that Protected Characteristic as a 'tie-breaker' when determining which one to appoint.

## 2.5 Policies, Processes and Procedures

### 2.5.1 Trust Policies and Procedures

The Trust is committed to ensuring that equality and diversity is a fundamental principle in all policies and procedures within the Trust. The Trust is committed to ensuring that all policies and procedures are effectively promoted and used equitably across the organisation.

### 2.5.2 Recruitment & Selection

The Trust is committed to ensuring that no job applicant receives less favourable treatment in the selection process than any other and will ensure that only the most capable individual is recruited. The Trust will assess the effectiveness of its processes by monitoring all Trust recruitment by gender, age, ethnic origin, disability and marital status. Applicants should not normally be asked about their health or disability before a job offer is made (although that offer may be conditional upon Occupational Health approval being received). The Trust is required by law to ensure that all employees have the right to work in the United Kingdom (UK) and so all prospective employees (regardless of nationality or appearance), must be able to produce original documents (such as a passport), as part of the recruitment process and prior to the start of employment.

### 2.5.3 Retention

The Trust is committed to ensuring that all reasonable steps will be taken to retain employees if they become disabled during employment. Analysis of Exit Interviews and Leaver Questionnaires will be scrutinised for evidence of discrimination or unfair treatment.

### 2.5.4 Training and Development Opportunities

The Trust is committed to ensuring that all employees are supported in developing the skills and abilities they require to carry out their current and any likely future role in the organisation. Use of

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Appraisal and Personal Development Plans and equality of access for all employees to both training and development opportunities is key and will be subject to regular monitoring.

### **2.5.5 Developing Managing Diversity Awareness and Skills in Managers and Employees**

The Trust is committed to ensuring that within the Trust there is an environment where everyone feels valued and is able to perform to their best potential. To achieve this all employees must have an awareness of diversity issues and all managers must have effective skills in managing diversity. To achieve this, the Trust has made the completion of Diversity training mandatory for all employees.

### **2.5.6 Setting Standards of Behaviour for Employees, Patients and Visitors**

The Trust is committed to ensuring that employees understand and do not discriminate, harass or victimise other employees, patients or visitors.

## **2.6 Monitoring and Evaluation**

The Trust is committed to ensuring that its decision-making structures are constituted in such a way that equality and diversity issues are appropriately considered when decisions are taken. The Trust is also committed to ensuring that there is a robust structure within the organisation for reviewing, formulating and ratifying Trust policies and procedures which is inclusive of as many parties as practical to ensure the widest possible representation and involvement of employees and employee representatives. To enable this, when any policy or process is formulated or reviewed, consideration must be given to whether it is “diversity friendly”. An Equality Impact Assessment Diagram is provided as an Appendix in the Trusts document templates (Appendix A – in all policies, procedures etc).

Monitoring is detailed in each policy and will provide a benchmark from which the effectiveness of the policy or process can be measured, and will include the workforce, job applicants and service users.

The Trust Board sets objectives every three years which are published on the Trusts internet pages. These are monitored by the Trust’s Equality and Diversity Group who have an action plan to track and monitor progress. Performance results will be communicated to the Trust Board, employees and the wider community through the annual Report.

The Director of HR will be advised of any cases reported within the framework of the Grievance (Ref 3) or Freedom to Speak Up policies and procedures (Ref 5), and those that are reported by job applicants.

Data analysis, identifying areas of over, under, or over representation of particular groups will be communicated to managers. Support and advice on positive action will be provided by the Human Resources Team.

## **2.7 Complaints Procedure**

If any employee believes that they have been subject to unlawful direct discrimination, indirect discrimination, harassment or victimisation, then this should be raised either in accordance with the Trust’s Bullying and Harassment Policy (Ref 2) (if they consider that they have been subject to harassment) or the Grievance Resolution Policy (Ref 3). Where an employee or service user(s) is subject to harassment and/or victimisation by another service user(s) or an employee the incident should be referred to the Line Manager in the first instance.

In the event that an employee is subject to unlawful direct discrimination, indirect discrimination, harassment or victimisation by a service user, the Managing Challenging Individuals and Violence Prevention Policy (Ref 4) may be followed.

If any individual witnesses any of the above behaviour they should raise this with their line manager or through the Trust’s Freedom to Speak Up Policy (Ref 5).

In the event that a case is found against an employee of the Trust, disciplinary action will be taken in line with the Trust’s Conduct Management Policy (Ref 6).

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### 3 Monitoring Compliance and Effectiveness of Implementation

The arrangements for monitoring compliance are outlined in the table below: -

Measurable policy objectives	Monitoring / audit method	Monitoring responsibility (individual / group /committee)	Frequency of monitoring	Reporting arrangements (committee / group to which monitoring results are presented)	What action will be taken if gaps are identified?
Equality & Diversity Mandatory Training	Monthly Report	Line Managers	Monthly	HR	HR will work with managers to ensure compliance with training.

### 4 Duties and Responsibilities of Individuals and Groups

#### 4.1 Chief Executive

The Chief Executive is ultimately responsible for the implementation of this document.

#### 4.2 Ward Managers, Matrons and Managers for Non Clinical Services

All Ward Managers, Matrons and Managers for Non Clinical Services must ensure that employees within their area are aware of this document; able to implement the document and that any superseded documents are destroyed.

- Ensure that employees within their area are aware of this document; able to implement the document and that any superseded documents are destroyed.
- Recognise and accept responsibility for equality and diversity as not simply a legal and moral issue, but one that has a strong business focus that should be built into the business plan for each Division/Department/Ward.
- Recognise and accept responsibility for equality and the management of diversity.
- Ensure that all employees are aware of their role in the delivery of this policy.
- Acknowledge that the key to effective change in attitude and behaviour rests not in good intentions alone, but in action to ensure that the management of diversity is implemented fairly and consistently in line with the Trust's agreed policies and procedures.
- Take responsibility for ensuring that any actual or potential discrimination is not tolerated and take action under the Conduct Management Policy procedure where there is a case to answer following investigation.

#### 4.3 Document Author and Document Implementation Lead

The document Author and the document Implementation Lead are responsible for identifying the need for a change in this document as a result of becoming aware of changes in practice, changes to statutory requirements, revised professional or clinical standards and local/national directives, and resubmitting the document for approval and republication if changes are required.

#### 4.4 Target Audience – As indicated on the Cover Page of this Document

The target audience has the responsibility to ensure their compliance with this document by:

- Treat employees, job applicants, volunteers, students/trainees, contractors, locum and agency staff and the Trusts service users with dignity and respect and ensure that no individual is subject to unlawful discrimination.
- Be made aware of the benefits of both equality and diversity at their induction and throughout employment, as an integral part of all their internal training courses.
- Be responsible for and know how to report instances of less favourable treatment of an individual due to discrimination, without fear of victimisation or detriment.
- Be encouraged to take action to address potential discrimination.
- Be subject to disciplinary action following full investigation, if found to be treating any individual in contravention of this policy. Summary dismissal will be the likely outcome in cases of very serious or gross misconduct.
- Be assured that provisions are in place to support them should they feel that they have been subjected to inequality.
- Ensuring any training required is attended and kept up to date.
- Ensuring any competencies required are maintained.
- Co-operating with the development and implementation of policies as part of their normal duties and responsibilities.

#### 4.5 The Trust Board

The Trust Board will:

- Agree the Equality Vision and Objectives
- Oversee the delivery of the objectives by the Equality and Diversity Group

#### 4.6 The Equality and Diversity Group

The Equality and Diversity Group will:

- Monitor and report to the Trust Board, and publicise organisational performance in the Annual Report.
- Measure organisational performance against national standards and recommendations.
- Ensure the review and development of policies to respond to any changes in legislation, national guidelines, the business need and best practice initiatives, reporting progress and performance to the Board annually.

#### 4.7 The Human Resources Department

The Human Resources Department will:

- Ensure existing and future employment policies, procedures and current practices address individual needs and are non-discriminatory.
- Support, advise, and develop managers in the effective implementation and practical application of the policy framework.
- Communicate widely the commitment to equality and diversity to all new and existing employees.
- Encourage communication of Trust information and documentation in other formats or language to employees and the community upon request.

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## 5 Further Reading, Consultation and Glossary

### 5.1 References, Further Reading and Links to Other Policies

The following is a list of other policies, procedural documents or guidance documents (internal or external) which employees should refer to for further details:

Ref. No.	Document Title	Document Location
1	Equality Act 2010	<a href="http://www.legislation.gov.uk/ukpga/2010/15/contents">http://www.legislation.gov.uk/ukpga/2010/15/contents</a>
2	Bullying and Harassment Policy	T:\Trust-wide Documents
3	Grievance Resolution Policy	T:\Trust-wide Documents
4	Managing Challenging Individuals and Violence Prevention Policy	T:\Trust-wide Documents
5	Freedom to Speak Up Policy	T:\Trust-wide Documents
6	Conduct Management Policy	T:\Trust-wide Documents
7	Rehabilitation of Offenders Act 1974	<a href="http://www.legislation.gov.uk/ukpga/1974/53/contents">http://www.legislation.gov.uk/ukpga/1974/53/contents</a>
8	Immigration, Asylum and Nationality Act 2006	<a href="http://www.legislation.gov.uk/ukpga/2006/13/contents">http://www.legislation.gov.uk/ukpga/2006/13/contents</a>
9	Human Rights Act 1998	<a href="http://www.legislation.gov.uk/ukpga/1998/42/contents">http://www.legislation.gov.uk/ukpga/1998/42/contents</a>
10	Employment Relations Act 1999	<a href="http://www.legislation.gov.uk/ukpga/1999/26/contents">http://www.legislation.gov.uk/ukpga/1999/26/contents</a>
11	Employment Rights Act 1996	<a href="http://www.legislation.gov.uk/ukpga/1996/18/contents">http://www.legislation.gov.uk/ukpga/1996/18/contents</a>
12	Protection from Harassment Act 1997	<a href="http://www.legislation.gov.uk/ukpga/1997/40/contents">http://www.legislation.gov.uk/ukpga/1997/40/contents</a>

### 5.2 Consultation Process

The following is a list of consultees in formulating this document and the date that they approved the document:

Job Title / Department	Date Consultee Agreed Document Contents
Health and Safety	02/03/2020
Matron, Diagnostic and Outpatients (D&O), Planned Care (PC)	02/03/2020
HR Business Partner	02/03/2020
Equality & Diversity Group	18/12/2019

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## 6 Equality Impact Assessment

An Equality Impact Assessment (EIA) has been completed for this document and can be found at Appendix A.

### Appendix A - STAGE 1: Initial Screening For Equality Impact Assessment

At this stage, the following questions need to be considered:			
1	What is the name of the policy, strategy or project? Equality and Diversity Policy		
2.	Briefly describe the aim of the policy, strategy, and project. What needs or duty is it designed to meet? It outlines the definitions of discrimination, harassment, positive action and victimisation. It outlines how applicants and staff should expect to be treated and refers to the Equality and Diversity objectives that the Trust works towards.		
3.	Is there any evidence or reason to believe that the policy, strategy or project could have an adverse or negative impact on any of the nine protected characteristics (as per Appendix A)?		<b>No</b>
4.	Is there evidence or other reason to believe that anyone with one or more of the nine protected characteristics have different needs and experiences that this policy is likely to assist i.e. there might be a <i>relative</i> adverse effect on other groups?		<b>No</b>
5.	Has prior consultation taken place with organisations or groups of persons with one or more of the nine protected characteristics of which has indicated a pre-existing problem which this policy, strategy, service redesign or project is likely to address?		<b>No</b>

Signed by the manager undertaking the assessment	S Allison-Green
Date completed	12/3/2020
Job Title	HR Business Partner

On completion of Stage 1 required if you have answered YES to one or more of questions 3, 4 and 5 above you need to complete a [STAGE 2 - Full Equality Impact Assessment](#)

# Equality Impact Assessment

### Are we Treating Everyone Equally?

Define the document. What is the document about? What outcomes are expected?

Consider if your document/proposal affects any persons (Patients, Employees, Carers, Visitors, Volunteers and Members) with protected characteristics? Back up your considerations by local or national data, service information, audits, complaints and compliments, Friends & Family Test results, Staff Survey, etc.

If an adverse impact is identified what can be done to change this? Are there any barriers? Focus on outcomes and improvements. Plan and create actions that will mitigate against any identified inequalities.

If the document upon assessment is identified as having a positive impact, how can this be shared to maximise the benefits universally?

### Our Vision

Working together with our partners in health and social care, we will deliver accessible, personalised and integrated services for local people whether at home, in the community or in hospital empowering people to lead independent and healthier lives.



### Trust Equality and Diversity Objectives

Better health outcomes for all	Improved patient access & experience	Empowered engaged & included staff	Inclusive leadership at all levels
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