

Worcestershire Acute Hospitals Trust Equality, Diversity and Inclusion Policy

Department/Service	Human Resources
Accountable Director	Chief People Officer
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Changes since previous version	Reviewed by Rich Luckman and Jack Wilkinson Minor Changes to legal definitions
Queries about interpretation and application of policy	wah-tr.hrenquiries@nhs.net
Target Organisation	Worcestershire Acute Hospitals Trust

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Table of Contents

What this Policy Covers	4
Definitions	5
Responsibilities	6
Policy in practice	8
Equality Statement.....	15

What this Policy Covers

This policy sets out Worcestershire Acute Hospitals Trust approach to equality, diversity and inclusion. As a Trust, we are committed to promoting equality and diversity and promoting a culture that actively values difference and recognises that people from different backgrounds and experiences can bring valuable insights to the workplace and enhance the way we work.

As a Trust we want to be an inclusive organisation, committed to providing equal opportunities throughout employment including in the recruitment, training and development of employees, and to pro-actively tackling and eliminating discrimination

The Trust recognises the benefits of having a diverse workforce that reflects the community we serve. A diverse workforce will enable the Trust to meet its objective of delivering inclusive, accessible and quality acute health care.

The Trust is opposed to any form of adverse, discriminatory or unfair treatment in all aspects of employment and service provision and is committed to the principles of the NHS Employers' campaign for Developing a Personal, Fair and Diverse NHS.

Colleagues are expected to promote a culture within the Trust that affords respect and dignity for fellow colleagues, patients and visitors. Breaches of this policy will be investigated under the Trust's Dignity at Work Policy or Disciplinary Policy.

This Policy has been developed to support the Trust's People Strategy and the implementation of the NHS Equality Delivery System (EDS2), which has been formulated in response to the 2010 Equality Act.

The 2010 Equality Act incorporated all previous equality legislation including: The Race Relations Act 2003, The Disability Act 2005 Act 2005, Gender Reassignment Regulations 1999, Gender Recognition Act 2004, Equality Act 2006, Sex Discrimination Act 1970 and the Equal Pay Act 1970.

The Equality Act (2010) bans unfair treatment and discrimination in relation to the nine protected characteristics:

- disability
- race
- gender
- sexual orientation
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- religion and belief

This policy has been written in the spirit of the NHS Constitution which outlines the rights and duties of employees regarding equality and diversity:

- working together for people
- respect and dignity
- commitment to quality of care
- compassion
- improving lives
- everyone counts

The Trust's Equality, Diversity and Inclusion Policy is intended to support and improve the services that we provide to our local communities. By providing better working environments, free of discrimination, for those who work in our Trust while meeting the requirements of the Equality Act 2010.

The Trust's Equality, Diversity and Inclusion Policy is in place to ensure that the Trust achieves its objectives towards providing a personal, fair and diverse NHS, where:

- everyone counts
- services are personal, designed to meet individual needs
- fairness is built in
- skills and experiences of all colleagues from all background are used and valued
- everyone is treated with dignity and respect
- when a complaint is made, we listen and take appropriate action
- talent flourishes and nothing stops people progressing
- we recognise the benefits of having a diverse workforce that reflects the community we serve to deliver inclusive, accessible and quality acute health care.
- All reasonable steps will be taken to ensure that there is no unlawful or unfair discrimination
- all employees, workers, patients, and visitors will be treated fairly and with respect.

Scope

This policy applies to all applicants for employment, all colleagues (including permanent and temporary staff), contract workers, bank staff, and volunteers.

Definitions

Equality/Equal Opportunities: Legislatively based. Everyone should be treated fairly and given the same opportunities irrespective of age, gender, race, ethnicity, disability, religion/belief, sexual orientation, gender reassignment, pregnancy or marital status.

Diversity: Diversity is about recognising and valuing difference in its broadest sense. Everyone has individual qualities and differences. Differences should be recognised and valued for the benefit of the organisation and individuals (colleagues, patients and carers).

Inclusion: is about an individual's experience within the workplace and in wider society and the extent to which they feel valued and included.

Protected Characteristics: The 2010 Equality Act defines nine protected characteristics: age, gender, race, sexual orientation, gender reassignment, disability, religion/belief, pregnancy/maternity, marital status.

Disability: A person has a disability if she or he has a physical or mental impairment or Long-Term Health condition which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment: Gender reassignment refers to individuals, whether colleagues, who either:

- Have undergone, intend to undergo or are currently undergoing gender reassignment (medical and surgical treatment to alter the body).

- Do not intend to undergo medical treatment but wish to live permanently in a different gender from their gender at birth.

'Transition' refers to the process and/or the period of time during which gender reassignment occurs (with or without medical intervention).

Marriage and civil partnership

Marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple.

Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

Race: Refers to the protected characteristics of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief: religion or belief can mean any religion, for example an organised religion like Christianity, Judaism, Islam or Buddhism, or a smaller religion like Rastafarianism or Paganism, as long as it has a clear structure and belief system. The Equality Act also covers non-belief or a lack of religion or belief.

Sexual orientation: Refers to an enduring pattern of romantic or sexual attraction (or a combination of these) to persons of the opposite sex or gender, the same sex or gender, or to both sexes or more than one gender. These attractions are generally subsumed under heterosexuality, homosexuality, and bisexuality, while asexuality (the lack of sexual attraction to others) is sometimes identified as the fourth category.

Indirect Discrimination: Where requirements, conditions, policies or practices imposed have an adverse effect that is disproportionate to a specific group.

Direct Discrimination: Where a person is treated less favourably than another individual because of a protected characteristic.

Discrimination by Association: Discrimination occurs because someone is associated with an individual with a protected characteristic.

Discrimination by Perception: Discrimination against someone because others perceive that they have a protected characteristic.

Responsibilities

Executives

Overall responsibility for this Policy rests with the Chief Executive Officer and Trust Board. Specific responsibility for Equality and Diversity is delegated to the Chief Nursing Officer (in respect of patients) and the Chief People Officer (in respect of employment).

The Trust Board will:

- provide leadership and direction on equality and inclusion
- promote an inclusive and harmonious place of work where there is mutual respect and where harassment, bullying, intimidation or violence are not tolerated
- comply with equality legislation.
- address any breaches of this policy.

Equality Leads

Operational responsibility for Equality and Diversity in so far as developing the EDS 2022 and maintaining policies, training and advice is shared between the Head of Patient Experience (in respect of patients) and the Associate Director of People & Culture (in respect of employment).

Human Resources

HR Business Partners and Officers are responsible for providing advice and guidance to any manager or employee on the application and implementation of this policy in respect of employment.

Trade Unions

Trade Union representatives are available to provide advice and support to members in respect of equality and diversity issues.

Managers, Matrons, Service Leads & Supervisors Responsibilities

All managers are responsible for ensuring that this policy is fairly and consistently applied by and to all members of colleagues that they manage. Managers are responsible for:

- monitoring compliance of the Equality, Diversity and Human Rights mandatory training required of all colleagues within their team (renewed every 3 years)
- Facilitating colleagues within their team to have access to mandatory training
- ensuring that colleagues have completed the FTSU Speak Up training, which is essential to role
- ensuring the criteria used to select candidates for appointment, promotion, redeployment, training, and selection for redundancy is objective and does not discriminate unfairly
- they are positive role models of best practices for equality and inclusion
- managerial action is fair, equitable and reasonable in all circumstances and is effectively monitored
- appropriate action is taken to prevent unfair discrimination
- any allegations of discrimination are investigated and documented and where appropriate disciplinary action is taken
- they address any discriminatory practices from service users in line with the Trust Policy for the Management of Violence and Aggression.

Colleagues

All colleagues must act within the spirit of this policy in their behaviour towards colleagues, patients and the public. They shall:

- support and implement the principles of equality, diversity and inclusion
- report any incidents and contraventions of this policy and not indirectly support discrimination and unfair treatment by ignoring what is happening around them
- treat all members of staff, patients, visitors, volunteers, contractors, carers, and members of the public with respect and dignity
- ensure that they undertake equality and diversity e-learning training at least once every 3 years.

Failure to comply with the Equality, Diversity, and Inclusion Policy will result in disciplinary action. This applies equally to all colleagues.

Where the Trust uses external providers of services, they will be required to ensure that the equality and diversity standards identified in this policy are met.

Legal Liability

Individual colleagues can be held personally and, in some cases, criminally responsible, for acts of unlawful discrimination.

The Trust as an employer may be liable for acts of unlawful discrimination committed by its employees during the course of their employment unless it can be proved that all reasonable and practicable steps had been taken by the Trust to prevent such an act from occurring. The Trust has a legal and moral responsibility for ensuring discrimination does not occur.

Policy in practice

Processes and monitoring

Analysing data both from a service and a workforce perspective is essential for helping us to make decisions about our organisation.

Monitoring information and data will be provided regularly to the Equality and Diversity Committee and will include information about our workforce, patients, members and national and local population data. This information will be published in an Annual Equality and Diversity Report, and on the Trust's equality and diversity web pages to comply with the Equality Act 2010 requirements. This will be maintained by:

- implementing the NHS Equality Delivery System (EDS2022)
- undertaking equality monitoring for starters, leavers, grievances, disciplinaries, applications for employment, training etc.
- monitoring of complaints from patients
- engaging with the local community and voluntary sector to promote diversity and inclusion through partnership working and to ensure that the Trust is providing services which are accessible to all
- undertaking Equality Impact Assessments on all policies, and plans
- monitoring via staff and patient surveys.

The Trust will use the Equality Delivery System (EDS2022) as a tool to progress its equality and diversity objectives. The EDS2 consists of four goals:

1. Better health outcomes for all
2. Improved patient access and experience
3. Empowered, engaged and included staff
4. Inclusive leadership at all levels

The Trust is committed to developing an inclusive culture where everyone feels valued and respected. This will be maintained through fair application of key policies.

Inclusive culture & policies

The Trust is committed to developing an inclusive culture where everyone feels valued and respected. This will be maintained through fair application of key policies.

The People & Culture Strategy

The aim of this strategy is to ensure the Trust has an inclusive environment in which individual contributions of all people are recognised and valued

Dignity at Work Policy:

- creating an environment in which everyone is treated with dignity and respect

- ensuring that bullying and harassment of any kind will not be tolerated.

Recruitment and Selection Policy:

- implementing recruitment and selection procedures that are fair and transparent (Inclusive Recruitment approach)
- guaranteeing an interview to any applicant with a disability who meets the essential criteria for a job.
- operating under the 'Disability Confident Employer scheme' which identifies that it supports requirements with regard to the recruitment and retention of people with disabilities.

Sickness Absence, Health and Wellbeing Policy:

- making reasonable adjustments to prevent an employee with a disability from being placed at a substantial disadvantage by any physical feature of the premises, or by any unjustified provision, criteria or practice.

Training and Development Policy:

- providing training and development opportunities available to all
- equality and diversity training for colleagues.

Disciplinary Policy:

- acting on breaches of this policy which will be considered to be misconduct and subject to appropriate action under the Trust Disciplinary Policy.,

Flexible Working Policy:

- applying flexible working arrangements fairly and consistently.

Uniform Standards of Dress Policy:

- uniform standards for all colleagues
- guidance on cultural and religious observance in respect of dress codes.

Equality Impact Assessments (EqIA)

Under the general equality duty, Trusts are required to analyse the effect of existing and new policies and practices in relation to equality. This can include the use of equality impact assessments to consider the effect on different groups diverse groups protected from discrimination by the Equality Act, such as people of different ages. There are two reasons for this:

- to consider if there are any unintended consequences for some groups
- to consider if the policy will be fully effective for all target groups.

EqIA's are a tool to analyse a plan/policy to determine whether it affects all groups equally or unfavourably and should be completed prior to the development of a policy, plan, strategy or project plan. This will allow the Trust to better assess, measure and quantify the effectiveness of these documents.

All existing, relevant and new policies must be accompanied by an EqIA which is incorporated in the Trust's template for policies. The purpose and benefits of this process are to:

- assist the Trust to fulfil legal obligations
- ensure facilities and services do not discriminate
- support equality of opportunities for all,
- identify whether any particular groups are disadvantaged by Trust policies, procedures, strategies or projects

- Identify where changes or adjustments to policies or practice is required to eliminate inequalities and promote equity for all.

EqlA process broadly consists of two parts:

- the Initial Screening Process
- the Full Equality Impact Assessment (if initial screening process identifies a significant adverse or negative impact).

As such, the process, outcomes or findings as well as progress or shortfalls must be published by law. An EqlA briefing and process template are attached at Appendix 1.

Training

Appropriate mandatory training will be provided to ensure colleagues understand their responsibilities under the Policy. Equality and diversity issues will be integrated as appropriate into other Trust learning and development programmes.

The Trust will provide training for managers in respect of Equality and Diversity as part of management development programmes, including Recruitment and Selection, sickness absence training etc.

All new colleagues will receive an introduction to Equality and Diversity as part of the corporate induction programme.

A programme of Equality and Diversity Training will be provided for colleagues. This will include training around specific topics such as supporting patients who have hearing impairments etc. and Prevent/Wrap training. Learning points will be shared through Patient Stories etc.

As a minimum, all colleagues will be required to undertake on-line Equality and Diversity training once every 3 years.

Procurement

EU Requirements state that all public sector contracts, regardless of size or value, must comply with basic EU Treaty principles, particularly transparency, equal treatment and non-discrimination. The Trust is required to include an equality compliance clause in all its contracts. For existing contracts, equality clauses should be introduced when the contract is formally reviewed or in the event of significant change to the contract terms. This may be reviewed if there is evidence of inequality in relation to the contract e.g. from complaints, public concern or equality monitoring information.

The Culture Steering Group

The Trust has a Culture Steering Group with an agreed Terms of Reference. The Group reports to the People & Culture Committee

Complaints

Colleagues

Complaints should be raised and dealt with in accordance with the Dignity at Work Policy. Mediation services are available to help resolve issues where appropriate.

Service users to include patients and visitors

All formal complaints are to be made using the Trust's Complaints procedure, which is available from the Complaints Department. The Trust's Complaints Procedure follows the national guidance for managing complaints.

Consultation

Consultation is central to achieving equalities compliance. Patient involvement and public engagement will better enable the Trust to reduce any inequalities in acute care and thereby improve service provision based on needs whilst meeting equality objectives.

The Trust will engage with local residents, the voluntary sector and minority communities through its work programme.

In terms of access to information, Trust Web pages provide information about equality schemes, employment monitoring data, relevant policies, surveys and consultation. The Trust will seek feedback and comments from colleagues, the public and patients with access to the Internet and through other forms of communication and consultation.

Implementation Plan

This policy will be available on the Trust Intranet.

A policy briefing will be developed for Divisional Management Boards, Directorate Meetings and Worcestershire weekly.

Appendix 1 Equality Impact Assessment Tool

To be completed by the key document author and attached to key document when submitted to the appropriate committee for consideration and approval.

Herefordshire & Worcestershire STP - Equality Impact Assessment (EIA) Form

Please read EIA guidelines when completing this form

Section 1 - Name of Organisation (please tick)

Herefordshire & Worcestershire STP	<input type="checkbox"/>	Herefordshire Council	<input type="checkbox"/>	Herefordshire CCG	<input type="checkbox"/>
Worcestershire Acute Hospitals NHS Trust	<input checked="" type="checkbox"/>	Worcestershire County Council	<input type="checkbox"/>	Worcestershire CCGs	<input type="checkbox"/>
Worcestershire Health and Care NHS Trust	<input type="checkbox"/>	Wye Valley NHS Trust	<input type="checkbox"/>	Other (please state)	<input type="checkbox"/>

Name of Lead for Activity	
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Details of individuals completing this assessment	Name	Job title	e-mail contact
	Rich Luckman	Asst Director – People & Culture	Rich.luckman@nhs.net
Date assessment completed			

Section 2

Activity being assessed (e.g. policy/procedure, document, service redesign, policy, strategy etc.)	Title: HR Policy - Equality, Diversity & Inclusion Policy			
What is the aim, purpose and/or intended outcomes of this Activity?	Policy document updated with terminology with reference to Trust Personnel and Governance meetings.			
Who will be affected by the development & implementation of this activity?	<input type="checkbox"/> Service User <input type="checkbox"/> Patient <input type="checkbox"/> Carers <input type="checkbox"/> Visitors	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Staff Communities Other _____	

Is this:	<input checked="" type="checkbox"/> Review of an existing activity <input type="checkbox"/> New activity <input type="checkbox"/> Planning to withdraw or reduce a service, activity or presence?			
What information and evidence have you reviewed to help inform this assessment? (Please	Reviewed policy document and updated terminology with reference to Trust Personnel and Governance meetings.			
name sources, e.g. demographic information for patients / services / staff groups affected, complaints etc.				
Summary of engagement or consultation undertaken (e.g. who and how have you engaged with, or why do you believe this is not required)	HR Policy Discussion, HR Policy Working Group, Culture Steering Group.			
Summary of relevant findings				

Section 3

Please consider the potential impact of this activity (during development & implementation) on each of the equality groups outlined below. **Please tick one or more impact box below for each Equality Group and explain your rationale.** Please note it is possible for the potential impact to be both positive and negative within the same equality group and this should be recorded. Remember to consider the impact on e.g. staff, public, patients, carers etc. in these equality groups.

Equality Group	Potential <u>positive</u> impact	Potential <u>neutral</u> impact	Potential <u>negative</u> impact	Please explain your reasons for any potential positive, neutral or negative impact identified
Age		✓		Reviewed policy document and updated terminology with reference to Trust Personnel and Governance meetings.
Disability		✓		As above
Gender Reassignment		✓		As above

Marriage & Civil Partnerships		✓		As above
Pregnancy & Maternity		✓		As above
Race including Traveling Communities		✓		As above
Religion & Belief		✓		As above
Sex		✓		As above
Sexual Orientation		✓		As above
Other Vulnerable and Disadvantaged Groups (e.g. carers; care leavers; homeless; Social/Economic deprivation, travelling communities etc.)				
Equality Group	Potential <u>positive</u> impact	Potential <u>neutral</u> impact	Potential <u>negative</u> impact	Please explain your reasons for any potential positive, neutral or negative impact identified
Health Inequalities (any preventable, unfair & unjust differences in health status between groups, populations or individuals that arise from the unequal distribution of social, environmental & economic				

conditions within societies)				
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Section 4

What actions will you take to mitigate any potential negative impacts?	Risk identified	Actions required to reduce / eliminate negative impact	Who will lead on the action?	Timeframe
How will you monitor these actions?				
When will you review this EIA? (e.g. in a service redesign, this EIA should be revisited regularly throughout the design & implementation)	At the expiry of the HR policy.			



Section 5 - Please read and agree to the following Equality Statement

Equality Statement

1.1. All public bodies have a statutory duty under the Equality Act 2010 to set out arrangements to assess and consult on how their policies and functions impact on the 9 protected characteristics: Age; Disability; Gender Reassignment; Marriage & Civil Partnership; Pregnancy & Maternity; Race; Religion & Belief; Sex; Sexual Orientation

1.2. Our Organisations will challenge discrimination, promote equality, respect human rights, and aims to design and implement services, policies and measures that meet the diverse needs of our service, and population, ensuring that none are placed at a disadvantage over others.

1.3. All staff are expected to deliver services and provide services and care in a manner which respects the individuality of service users, patients, carer's etc, and as such treat them and members of the workforce respectfully, paying due regard to the 9 protected characteristics.

Signature of person completing EIA	
Date signed	02/09/2024
Comments:	
Signature of person the Leader Person for this activity	
Date signed	02/09/2024
Comments:	

NB:

Where an inappropriate, negative or discriminatory impact has been identified please proceed to conduct a Full Equality Impact Assessment and refer to Equality and Diversity Committee, together with any suggestions as to the action required to avoid / reduce this impact.

Advice can be obtained from the Equality and Diversity Leads in HR and Nursing Directorates (details available on the Trust intranet).