

HUMAN RESOURCES POLICY

EQUALITY, DIVERSITY & INCLUSION

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| Policy Number: | HR08 |
| Version Number: | 4.0 |
| Issued Date: | October 2020 |
| Review Date: | October 2023 |

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| Consultation Process: | Partnership Forum |
| Formally Approved: | October 2020 |

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| Policy Adopted From: | BSA HR08 Equality & Diversity Policy |
| Approval Given By: | n/a |

Document History

| Version | Date | Significant Changes |
|---------|----------------|--|
| 1.0 | April 2013 | n/a |
| 2.0 | May 2015 | n/a |
| 3.0 | March 2017 | n/a |
| 4.0 | September 2020 | Updated to reference Inclusion. Definitions also strengthened. Reference to actions within the NHS People Plan included within Responsibilities. |

Equality Impact Assessment

| Date | Issues |
|--------------|--------|
| 22.03.13 | None |
| October 2020 | None |

Policy Validity Statement

This policy is due for review on the latest date shown above. After this date, policy and process

documents may become invalid. Policy users should ensure they are consulting the currently valid version of the documentation.

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1. POLICY STATEMENT

- 1.1 The CCG is committed to equality of opportunity for all employees and is committed to employment practices, policies and procedures which ensure that no employee, or potential employee, receives less favourable treatment on the grounds of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background, domestic circumstances, social and employment status, HIV status, gender reassignment, political affiliation or any other personal characteristic. Diversity will be viewed positively and, in recognising that everyone is different, the unique contribution that each individual's experience, knowledge and skills can make is valued equally. Supporting that our workforce is diverse and developing an inclusive culture ensures that we are best placed to deliver services to our diverse stakeholders and reflect the populations we serve.
- 1.2 The promotion of equality, diversity and inclusion will be actively pursued through policies and ensure that employees receive fair, equitable and consistent treatment and ensure that employees, and potential employees, are not subject to direct or indirect discrimination.
- 1.3 This policy is complimentary to the NHS Staff Council (NHS Employers) Equality and Diversity and Dignity at Work agreements, the NHS People Plan 2020 and the CCG's Prevention of Harassment and Bullying at Work policy.
- 1.4 It is a condition of employment that all employees respect and act in accordance with the Equality, Diversity and Inclusion Policy. Failure to do so will result in the disciplinary procedure being instigated, which could result in dismissal.

2. PRINCIPLES

- 2.1 The CCG will promote, through the provision of training and guidance, the impartial application of all employment policies and procedures, and will take action to deal with all inappropriate behaviour. Courses will be developed to meet specific training needs in relation to equality, diversity and inclusion and appropriate training events will be provided for all employees involved in selection for recruitment or training. The responsibilities of the employer and employee for equality, diversity and inclusion will be positively incorporated into employee training at all levels from induction courses to targeted workshops.
- 2.2 Employers will work with and consult union equality representatives where appointed.

3. DEFINITIONS

- 3.1 Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents, and believing that no one should have poorer life chances because of where, what or whom they were born, what they believe, or whether they have a disability. Equality recognises that certain groups of people with particular characteristics may experience discrimination.
- Age
 - Disability
 - Gender reassignment
 - Marriage or civil partnership (in employment only)
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation

- 3.2 Diversity aims to recognise, respect and value people's differences to contribute and realise their full potential by promoting an inclusive culture for all.
- 3.3 Inclusion is a sense of belonging. Inclusive cultures make people feel respected and valued for who they are as an individual or group. People feel a level of supportive energy and commitment from others so that they can do their best at work. As a CCG we aspire to ensure our culture is inclusive. Inclusive behaviour includes ensuring that people from all groups are included when decisions are made that impact staff within the organisation
- 3.4 The Equality Duty has three aims. It requires public bodies to have **due regard** to the need to:
- eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act
 - advance equality of opportunity** between people who share a protected characteristic and people who do not share it
 - foster good relations** between people who share a protected characteristic and people who do not share it.
- 3.5 Having **due regard** means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.
- 3.6 Having due regard to the need to **advance equality of opportunity** involves considering the need to:
- remove or minimise disadvantages experienced by people due to their protected characteristics;
 - meet the needs of people with protected characteristics; and
 - encourage people with protected characteristics to participate in public life or in other activities where their participation is low.
- 3.7 Direct discrimination occurs when an individual is treated less favourably because of their sex, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, pregnancy or maternity, offending background or any other personal characteristic. An example of direct discrimination would be dismissing a female employee because she is pregnant.
- 3.8 Indirect discrimination occurs when an unjustifiable condition or requirement is applied which has a discriminatory effect, as the number of people who can comply with the condition or requirement is smaller among a particular group. An example of indirect discrimination would be only sending full-time employees on training courses (as more female employees than male are likely to be part-time).
- 3.9 Associative discrimination occurs when an individual is discriminated against based on an individual's association with another person belonging to a relevant protected group. The relevant protected groups are Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex and Sexual Orientation. An example of associative discrimination would be overlooking an individual for promotion because they care for an elderly relative.
- 3.10 Perceptive discrimination occurs when an individual is treated less favourably due to a belief or perception that an individual is a member of a relevant protected group. Perceptive discrimination would occur if a staff member were excluded from team events and away days due to perceptions about their religion or belief.
- 3.11 Victimisation occurs when an individual is treated less favourably because he or she has

raised a complaint or supported a colleague who has made a complaint. For example, a senior member of staff starts to behave in a hostile manner to another member of staff, who previously supported a colleague, in submitting a formal complaint against the senior manager for sexist behaviour. A hostile manner can include excluding team members from social events after they have made a formal complaint.

- 3.12 Harassment is unwanted conduct on the grounds of any of the protected characteristics which has the purpose or effect of either violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. The impact does not have to have been intended or deliberate to be defined as harassment.

Examples of unwanted behaviour include but are not limited to:

- spoken or written words or abuse
- offensive emails, tweets or comments on social networking sites
- images and graffiti
- physical gestures
- facial expressions
- jokes

4. RESPONSIBILITIES

The Chief Officer

- 4.1 The CCG's Chief Officer has ultimate responsibility for monitoring the operation and implementation of the Equality, Diversity and Inclusion Policy and for ensuring that monitoring records are maintained, Public Sector Equality Duty requirements are met and an Equality, Diversity and Inclusion strategy is in place.

Responsibilities of Lay Members and Directors

- 4.2 Lay Members and Directors will adopt appropriate strategies to support and value equality, diversity and inclusion within the organisation and ensuring staffing reflects the diversity of the community and labour markets.

Responsibilities of Managers

- 4.3 Managers are required to exercise leadership in this field by discouraging prejudice and by modelling appropriate behaviour. They must ensure that the policy is clearly communicated to their employees along with sources of available support. They must also take speedy and appropriate action to deal with any breaches of the policy, or behaviour that could lead to a breach of the policy.
- 4.4 Any identified breaches of the Equality, Diversity and Inclusion Policy should be dealt with using the Disciplinary, Grievance or Harassment and Bullying policies.
- 4.5 Managers are responsible for applying employment practices, policies and procedures fairly and consistently, and for highlighting and addressing any practices which could lead to discrimination.
- 4.6 Managers should seek to establish inclusive practices in the management and leadership of their teams. This includes equality, diversity and inclusion discussions as part of individual health and well-being conversations with staff and ensuring that any reasonable adjustments are implemented effectively. Managers should also encourage an inclusive team culture and support staff who indicate an interest in Equality, Diversity and Inclusion to become involved with CCG activity including involvement in relevant employee networks, organising and

attending diversity and inclusion events. The needs of the organisation and the services we provide will remain the highest priority.

- 4.7 Managers should work with union equality representatives, where appointed, in promoting diversity management, ensuring legal compliance, conducting audits, raising awareness and engaging employees on equality issues.

Responsibility of Employees

- 4.8 All employees are responsible for familiarising themselves with the Equality, Diversity and Inclusion Policy and for complying with it. Employees should inform their manager if they know or suspect that discrimination/ harassment is occurring.
- 4.9 All employees have a responsibility for creating an inclusive culture and we are therefore required to consider the impact of our behaviour on our colleagues and those around us, even where there is no malicious intent. All employees, at all levels are required to complete mandatory Equality and Diversity training and are encouraged to become involved in Equality, Diversity and Inclusion activities and diversity networks where these apply.
- 4.10 All employees are encouraged to discuss equality, diversity and inclusion as part of their health and well-being conversations.

5. EQUALITY

- 5.1 In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6. DATA PROTECTION

- 6.1 In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal information. Employees will have access to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues.

7. MONITORING & REVIEW

- 7.1 Equality, Diversity and Inclusion updates are reported regularly to the Governing Body through the Governance Assurance Reports and annually in the CCGS Annual Report.
- 7.2 Equality impact assessments are embedded into Governance processes and are completed for all new and reviewed policies, projects and service updates. Completed EIAs are reviewed by the (NECS) Equality Team and relevant Committee e.g. CCG Governing Body/CCG Quality and Safety Committee .

- 7.3 The policy and procedure will be reviewed periodically by Human Resources and trade unions giving due consideration to legislative changes.

PART 2

1. PROCEDURE FOR DEALING WITH COMPLAINTS OF DISCRIMINATION

- 1.1 Any employee who feels that they have been discriminated against on any grounds set out in this policy should initially raise their concerns with their line manager. Where an employee's concerns relate to their line manager, the employee should raise their concern with the next more senior officer. Alternatively, employees may wish to discuss their concern with a member of the Human Resources Department.
- 1.2 Where resolution cannot be achieved through informal discussion, an employee may put forward a grievance in line with the guidelines set down in the CCG's Grievance Procedure. Alternatively the CCG's Prevention of Harassment and Bullying at Work policy may be followed. At all stages of the procedure, employees can be accompanied by a Trade Union representative or work colleague.

Equality Analysis Initial Assessment

Title of the change proposal or policy:

Equality, Diversity and Inclusion Policy

Brief description of the proposal:

To ensure that the policy amendments are fit for purpose, that the policy is legally compliant, complies with NHSLA standards and takes account of best practice.

Name(s) and role(s) of staff completing this assessment:

Date of assessment September 2020

Please answer the following questions in relation to the proposed change:

What impact will the new policy/system/process have on the following:

Age - Consider and detail age related evidence. This can include safeguarding, consent and welfare issues

Appropriate methods of communication of the Policy have also been carefully considered to ensure they reach all ages of the workforce. Email and the internet can be accessed by all users in the workplace.

Disability - Consider and detail disability related evidence. This can include attitudinal, physical and social barriers as well as mental health/ learning disabilities

The disability status of the workforce across the region is unknown therefore relevant tools could be made available to staff that potentially do have a disability that the organisations are unaware of. The policy should be able to be communicated in alternative methods as required for those with a disability and/or visual impairment such as braille, large font, interpreters etc.

Gender reassignment (including transgender) - Consider and detail evidence on transgender people. This can include issues such as privacy of data and harassment.

The policy does not include content or vocabulary that could cause offense or discriminate against any staff members who have undergone or are undergoing gender reassignment or that identify as transgender.

Marriage and civil partnership - Consider and detail evidence on marriage and civil partnership. This can include working arrangements, part-time working, caring responsibilities.

The content of this policy does not include content or vocabulary that discriminates against staff that may be married or in a civil partnership.

Pregnancy and Maternity - Consider and detail evidence on pregnancy and maternity. This can include working arrangements, part-time working, caring responsibilities.

The policy does not discriminate against staff that are currently pregnant or on maternity leave and can be accessed while on maternity leave or any other leave of absence via the organisation's website.

Race - Consider and detail race related evidence. This can include information on difference ethnic groups, Roma gypsies, Irish travellers, nationalities, cultures, and language barriers.

The policy does not include vocabulary or content that discriminates against staff on the grounds of race.

Religion or belief - Religion is defined as a particular system of faith and worship but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

The policy does not discriminate against staff that hold any particular religion or belief.

Sex/Gender - Consider and detail evidence on men and women. This could include access to services and employment.

The Policy does not discriminate between staff that of any gender.

Sexual orientation - Consider and detail evidence on heterosexual people as well as lesbian, gay and bisexual people. This could include access to services and employment, attitudinal and social barriers.

The content of this policy and vocabulary used does not discriminate against staff based on their sexual orientation.

Carers - Consider and detail evidence on part-time working, shift-patterns, general caring responsibilities.

The content of this policy and vocabulary used does not discriminate against staff who have carer responsibilities.

Other Identified Groups and Health Inequalities - Consider and detail evidence on groups experiencing disadvantage and barriers to access and outcomes. This can include different socio-economic groups, geographical area inequality, income, resident status (migrants, asylum seekers). What is the potential impact of your work on health inequalities?

Other groups have been considered however as the policy is for staff there are no additional impacts on health inequalities.

Alternative formats of this policy will be provided on receipt of individual request.