

Equality and Diversity Policy

ACTING IN A FAIR AND CONSISTENT MANNER

The Trust is committed to providing high quality care to patients within a safe environment by appropriately qualified and competent staff.

We aim to ensure that all staff act in a fair and consistent manner. If you feel these principles have not been applied to you, in the circumstances set out in the next section, you may appeal to the highest level agreed within the Trust. This procedure sets out how such a process will be conducted.

This Policy should be read in conjunction with the following policies: Recruitment & Selection, Grievance, Harassment & Bullying, Appeals, Raising Concerns

Who is included: This policy applies to everybody who works in the Trust.

Equality Statement

North Bristol NHS Trust is committed to eliminating individual and institutional discrimination, harassment and victimisation across all protected characteristics set out in the Equality Act 2010 which are: Race, Sex, Disability, Sexual Orientation, Religion or Belief, Gender Reassignment, Age, Marriage and Civil Partnership and Pregnancy and Maternity.

1) PRINCIPLES:

The Trust is committed to:

- 1.1 Creating an organisation that actively promotes equality of opportunity for all and ensuring that no-one receives less favourable treatment on the grounds of their age, disability, gender, gender identity, marital or civil partnership status, maternity or pregnancy status, race (including nationality or culture), religion or belief, sexual orientation, caring responsibilities in any aspect of their employment.
- 1.2 Creating a workplace in which people feel valued; treating people fairly and with dignity and respect at all stages of the employment process from recruitment to termination of employment.
- 1.3 Embedding Trust values and behaviours that highlight treating others as we would wish to be treated ourselves.
- 1.4 The Trust is opposed to all forms of unlawful and unfair discrimination and victimisation. The Trust expects its staff to treat each other and all patients, visitors and service users with dignity and respect, in a non-discriminatory manner and in accordance with their individual needs.

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- 1.5 The Trust recognises its legal responsibilities as contained in the Equality Act 2010 and the aims of the Public Sector Equality Duty (see Appendices 1 & 2).

2) DEFINITIONS:

Direct discrimination – direct discrimination occurs when someone is treated less favourably than another person because of their age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief, sex and sexual orientation (known as protected characteristics).

Indirect discrimination – indirect discrimination can occur when you have a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share one of the following protected characteristics: age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender reassignment.

Harassment – harassment is 'unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

Victimisation – victimisation occurs when an employee is treated badly (suffers a detriment) because they have made or supported a complaint or raised a grievance under the Equality Act 2010 or because they are suspected of doing so.

3) ROLES AND RESPONSIBILITIES:

3.1 Chief Executive

The Chief Executive is responsible for ensuring the effective implementation and management of this policy.

3.2 Director of People

The Director of People is responsible for:

- leading the management of equality and diversity within the Trust with support from the Equality and Diversity Manager and the Chair of the Equality and Diversity Committee.
- ensuring that the Trust compiles, publishes and reports on equality issues relating to employment and services as required by equality legislation and healthcare regulatory bodies;
- ensuring the communication of the policy within the Trust;
- ensuring the provision of appropriate training through which staff and managers are made aware of equality and diversity issues and of their responsibilities in relation to colleagues, patients, visitors and the wider community.

3.3 Staff

Staff are responsible for:

- acting in ways that are in accordance with this policy and with Trust values;
- acting fairly and compassionately;
- treating other people as individuals responding to their needs;
- respecting others' privacy and dignity;
- ensuring they do not discriminate, harass or intimidate others or encourage other people to do so;
- using communication methods that other people understand when carrying out duties;
- taking account of their own behaviour and its effects on others;
- undertaking relevant equality and diversity training;
- informing their manager if they become aware of any behaviour that undermines equality and diversity.

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3.4 People and Transformation

P&T will:

- advise managers on the application of this policy, equality legislation and best practice;
- advise managers on the fair application of other Trust employment policies in relation to equality and diversity issues;
- promote equality and diversity in the design of employment policies and procedures and by working towards standards of best practice

3.5 Occupational Health

Occupational Health will:

- advise managers on reasonable adjustments that would enable applicants and employees with disabilities to be employed and retained within the organisation.

4) IMPLEMENTING THE POLICY:

4.1 This policy sets out the principles and values for equality and fairness in employment and is a statement of commitment to equality and diversity in the workplace.

4.2 To achieve the implementation of this policy, North Bristol Trust will:

- undertake equality monitoring for starters, leavers, grievance and disciplinary hearings
- consult widely about how our services and employment practices could be improved
- assess the impact of current and proposed policies, practices and services using Equality Impact Assessments
- Promote Equality and Diversity training amongst staff
- Use corporate Equality Champions to promote and raise awareness of equality
- Review the Equality Delivery System annually
- Set equality objectives at least every four years and take action to achieve those objectives
- Publish an Annual Equality Report
- Publish an Annual Equality Workforce Statistics Report
- Promote the Trust's Equality Statement

In order to meet its legal requirements the Trust Board adopted the Equality Delivery System (EDS) as this demonstrates how the Trust delivers better outcomes for patients and communities and better working environments for staff, which are personal, fair and diverse.

To support the EDS the Trust Board also continues to carry out Equality Impact Assessments (EIAs) as this process systematically analyses relevant policy or service functions, written and unwritten, to identify whether there is an impact on patients or staff with protected characteristics and to identify if further action is required.

5) **MONITORING COMPLIANCE:**

Implementation of this policy will be monitored by the Equality and Diversity Committee and others reviewing the application of employment policies by protected characteristic in line with the requirements of the Equality Act 2010 and guidance or requirements of the Equality and Human Rights Commission and healthcare regulatory bodies.

The Annual Equality report, which sets out how the Trust has met the public sector equality duty will be presented to the Equality and Diversity committee along with the Annual Equality Statistics monitoring report. These reports will be published on the Trust's website. Individual demographic information will be anonymised in reporting.

6) **COMPLAINTS:**

Any employee who wishes to make a complaint about the application or non-application of this policy should raise the matter through the Trust's Grievance procedure.

Any prospective employee or other workers not directly employed by the Trust should make their complaint using the Trust's Complaints Procedure.

7) **DISCIPLINE:**

Proven acts of discrimination will be treated as disciplinary offences and dealt with in accordance with the Trust's Disciplinary Policy.

8) **REFERENCES AND RELATED GUIDANCE:**

- Equality Act 2010
- Gender Recognition Act 2004
- Employment: Statutory Code of Practice
- Code of Practice on Employment Equality and Human Rights Commission April 2011 updated June 2014 Equality and Human Rights Commission
- Code of Practice on Services, Public Functions and Associations Equality and Human Rights Commission April 2011 updated June 2014 Equality and Human Rights Commission

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9) **REVIEW PERIOD**

This policy will be reviewed after 3 years or at the request of either management or staff side.

Managers must ensure that in applying this policy and any local rules they must have due regard for the principles of equality and diversity.

Refer to HR Policy Governance Principles document for details of the policy approval process and monitoring of this policy.

FINDING OUT MORE...

For further information on the Trust's Equality & Diversity Policy please speak to your Manager in the first instance .

Name of Policy: Final version 1.0

Date: 28th January 2015

Reviewed and updated April 2018

HR Management & Development Services

Appendix 1

Legislative Framework

Equality Act 2010

The Equality Act 2010 aims to create “a society built on fairness and respect where people are confident in all aspects of their diversity.”

The Act harmonises discrimination law, and strengthens the law to support progress on equality.

The Act replaces all existing equality legislation including the Equal Pay Act. The main provisions of this Act came into effect on 1 October 2010.

The Act strengthens the law in a number of key areas by:

- Creating a general public duty
- Extending the range of lawful positive action to overcome or minimise a disadvantage arising from a protected characteristic
- Extending the circumstances in which a person is protected against discrimination, harassment or victimisation because of a protected characteristic
- Allowing employment tribunals to make recommendations in discrimination cases which apply to the whole workforce

As above, the Act created a ‘general duty’ that all public authorities must enforce which is to:

- a) Eliminate discrimination, harassment, victimisation
- b) Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it
- c) Foster good relations between persons who share a protected characteristic and persons who do not share it.

Appendix 2

The NHS Equality Delivery System

The Equality Delivery System (EDS) is a toolkit and framework for assessing how NHS organisations are performing with regard to equality, diversity and human rights; how they can improve; and how they get to where they want to be.

By using the EDS we will be able to meet the requirements of the Equality Act 2010. The EDS is a self- assessment tool which is about:

- real people making real improvements, that can be sustained over time.
- focussing on the things that matter the most for patients, communities and staff.
- emphasising genuine engagement, transparency and the effective use of evidence.

Equality Delivery System objectives

The Equality Delivery System objectives are:

Better health outcomes for all

Improved patient access and experience

Empowered, engaged and included staff

Inclusive leadership

The EDS is driven by good engagement and evidence

The NHS Equality Delivery System (EDS) is a framework designed to help us improve equality performance and embed equality into our mainstream business so that we can provide a better service that meets the requirements of people from diverse communities.