



EQUAL OPPORTUNITIES AND DIVERSITY EMPLOYMENT POLICY

Policy reference – HR16

SUMMARY	<p>The principle purpose and aim of this policy is to ensure that the organisation fairly supports all current and prospective employees to reach their full potential and to contribute to the success of the organisation.</p> <p>It supports the requirements of the Equality Act including the General Duty to eliminate all forms of unlawful discrimination, advance equality of opportunity and foster good relations and meets the two internal facing goals of the Equality Delivery System; A representative and Supported Workforce and Inclusive Leadership.</p>
AUTHOR	Equality and Diversity and Human Resources
VERSION	Version 3 - FINAL
EFFECTIVE DATE	17 th July 2017
APPLIES TO	Single shared management policy revised, amended and applicable to all NHS Airedale, Wharfedale and Craven, Bradford City and Districts CCGs employees
APPROVAL BODY	CCG Senior Management Team
RELATED DOCUMENTS	All HR policies
REVIEW DATE	July 2020

CCGs working together

Airedale, Wharfedale and Craven CCG
Bradford City CCG
Bradford Districts CCG

HR/EQUALITY POLICY IMPACT ASSESSMENT NOT REQUIRED

VERSION CONTROL SHEET

Version	Date	Author	Status	Comment
1.0	01/07/2013	Anna Lewandowska	HR Lead	New policy
2.0	02/07/2013	Sarah Mackenzie-Cooper	E&D Lead	Feedback
3.0	24/03/2014	Nadeem Murtuja	E&D Lead	Revision to policy, and author of integrated HR/EIA Framework
4.0	02/04/2014	Hannah Morris	HR Lead	Feedback from HR team incorporated
5.0	16/04/2014	Nadeem Murtuja	E&D Lead	Revision to appendix 1 – further guidance re race
6.0	25/04/2014	Nadeem Murtuja	E&D Lead	Further revision
7.0	06/05/2014	Hannah Morris	HR Lead	Removal of guidance – appendix 1 and 2 and further examples added on revision 6.0
Draft	16.07.2014	Alison Ewart	HR Lead	This policy included previous revisions across other CCG's as this is a core policy. Consultation with Trade Unions via the Collaborative Social Partnership Forum (SPF)
Final	13.08.2014	Alison Ewart	HR Lead	Updated with comments from the SPF and Ratified.
Final	Sept 2014	Alison Ewart	HR Lead	SMT
Revised	September 2015	Tazeem Hanif	HR Lead	Amendments made to the policy and taken to the West Yorkshire HR Policy Sub Group on 29.09.2015 to consult on changes
Final	02.12.2015	Tazeem Hanif	HR Lead	Ratified at the Social Partnership Forum
Draft	28.06.2017	Tazeem Hanif	HR Lead	AWC CCG and Bradford City and Districts policies merged to reflect single shared management arrangements. Change in logo, front sheet, section 1, 3, 7.8 and 10 Amended policy consulted with Trade Unions at the HR Policy Workshop and comments incorporated.
Final	17.07.2017	Tazeem Hanif	HR Lead	Ratified at SMT

Contents

1. PURPOSE	4
2. SCOPE	4
3. EQUALITY STATEMENT.....	4
4. ACCOUNTABILITY	5
5. IMPLEMENTATION AND MONITORING.....	5
6. RESPONSIBILITIES	5
7. DEFINITIONS	7
8. LEGISLATION COMPLIANCE	9
9. TRAINING.....	9
10. NHS EQUALITY DELIVERY SYSTEM	9
11. PROCEDURE FOR DEALING WITH COMPLAINTS.....	10
12. CONSULTATION, APPROVAL AND RATIFICATION.....	10

1. PURPOSE

The principle purpose and aim of this policy is to ensure that the organisation fairly supports all current and prospective employees to reach their full potential and to contribute to the success of the organisation. In this regard fairness does not mean treating everyone in the same manner. It means recognising and responding to individual needs and relationships in a sensitive, culturally and socially appropriate way, so that 'opportunity' is equitably shared and potential is fully realised. 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.

The promotion of equality and diversity will be actively pursued through policies and procedures which ensure that employees receive fair, equitable and consistent treatment and ensure that employees, and potential employees, are not subject to direct or indirect discrimination.

Staff and others need to be aware of their role in relation to promoting equality within their work, relationships at work and as they represent the CCG.

2. SCOPE

This document is relevant to all board members, employees, contractors and sub-contractors working within, and with the organisation including all prospective job applicants. The organisation will ensure that all current and new members of staff are made aware of this policy. Moreover the aim of this policy is to support governance leads and staff to further embed equality and diversity within their respective roles to improve outcomes for everyone.

3. EQUALITY STATEMENT

In applying this policy, the organisation will demonstrate compliance with the Equality Act 2010. They will also demonstrate due regard to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations between people. The Equality Act (2010) defined protected characteristics; age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

In order to remain compliant the organisation will implement three specific actions:

- 1 **Monitoring:** Workforce data and contractual relationships will be robustly monitored to identify issues, manage risk and highlight specific opportunities to further embed equality and diversity in the workplace. 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 and diversity and appropriate training events will be provided for all employees involved in selection for recruitment or training;
- 2 **Equality Impact Assessment/analysis:** will be used as part of commissioning, policy and service development processes, organisational change strategies to understand better the impact of 'planned intentions' and raise recommendations including appropriate/necessary interventions;

- 3 Performance Management: collect and utilise both qualitative and quantitative intelligence in a meaningful way to further the aim of this policy, and the impact of organisational policy, performance and decision making on the people associated to the organisation (in some instances this may even include the public, for example in relating to advertising positions to a wider diverse pool)

4. ACCOUNTABILITY

The Chief Officer is accountable for this policy.

5. IMPLEMENTATION AND MONITORING

The Senior Management Team is responsible for formal approval and monitoring compliance with this policy. Following ratification the policy will be disseminated to all employees via the organisation's intranet and through mandatory equalities training and awareness sessions, targeting three tiers of the organisation – specifically designed for their respective roles and responsibilities:

- Governance Body / Committees
- SMT and Exec Group
- Staff

The Human Resources service will encourage all staff to provide their personal equality data in confidence, making clear how it is to be used and the possible benefits to the organisation and themselves. The HR service will populate a workforce intelligence system to maintain records of staff's equality data (if provided), and utilise it to understand better the effectiveness of HR policies, identify opportunities for improvement, and the impact of the actions of the organisation on those people who share protected characteristics compared to those who don't.

This information will be collected and stored in line with the Data Protection Act 1998 and will only be used to monitor compliance and advance equality of opportunity as articulated within this document. HR policies will be periodically reviewed by Human Resources in conjunction with managers and Trade Union representatives based on intelligence collated or legislative changes. HR staff will utilise and analyse intelligence that has been compiled through staff profiling processes, and through the usage and implementation of the broader HR Policy framework implementation on an annual basis.

Data will only be published and used in ways that prevents person identification, and any (potential) discrimination. This process of monitoring will also identify the impact training investment has on staff, organisational culture, specific (characteristic) needs, developing a representative workforce, setting targets, and areas of potential risk to the CCG as per their annual governance assessment sign off responsibilities.

6. RESPONSIBILITIES

Good working relations are vital for the organisation to operate successfully and provide needs-led services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on equality issues in good faith and with the shared intention of facilitating and fostering good working relationships.

6.1 Employees

It is the responsibility of employees to ensure that they:

- Familiarise themselves with this policy and apply it to their everyday functions;
- To understand the broader HR policy framework, its purpose in terms of supporting their development, their service areas and the culture of the organisation;
- Comply with the policy and arrangements;
- Do not discriminate in their day to day activities or induce others to do so,
- Do not victimise, harass or intimidate other staff or groups, including but not limited to those people who have, or are perceived to have one of the protected characteristics;
- Do not discriminate against or harass any individual because of their association with another individual who has a protected characteristic;
- Respect colleagues for their contribution;
- Pro-actively champion equality and diversity, and provide suggestions to enhance the working environment, output and business relationships for everyone;
- Inform their manager or HR if they become aware of any (potential) discriminatory practice.

Any deliberate act of discrimination, harassment or victimisation will be investigated under the Acceptable Standards of Behaviour Policy and referred to the Disciplinary Policy as appropriate.

6.2 Line Managers

It is the responsibility of line managers to ensure that they:

- Fully understand the needs of their staff and seek appropriate support to maximise the potential of all staff;
- Exercise leadership in this field by pro-actively challenging discrimination and harassment, promoting equality and model exemplary behaviour that reinforces the organisation's values and commitment to equality and diversity,
- Utilise data and intelligence to ensure that organisational change/restructuring does not disproportionately impact on any specific characteristic group, and to take appropriate (reasonable and proportionate) action to mitigate against the likelihood of any adverse impact;
- Ensure that the HR policy framework is clearly communicated to their employees, specifically highlighting its benefits, safeguards and opportunities, along with resources available for support, training and development;
- Work with staff to acquire their confidence and take speedy, appropriate and proportionate action to deal with any breaches of the policy, or behaviour that could lead to a breach of the policy and equality legislation.

6.3 Human Resources

It is the responsibility of the HR service to ensure that they:

- Develop and utilise a performance management framework/intelligence system that has the capacity and capability to monitor and evaluate the success of this and associated HR policies in the context of local staff needs (their equality characteristics) and future potential employees and recommend CCG action.
- Regularly critique the policy framework in accordance with workforce and business needs to ensure that policy and procedure is fit for purpose specifically highlights risk and growth opportunities and robustly responds to organisational, national policy or legislative changes, recommending opportunities to the CCG.
- Provide regular advice and support in the application of this policy in individual cases, to line managers and outside bodies when commissioned to do so;
- Better understand the impact of future employment policies, procedures and practices by working with staff to ensure they are non-discriminatory, through robust monitoring and intelligence gathering.
- Monitor progress of the operational implementation of the policy within the organisation by cross referencing with other (associated) HR policies through the analysis of intelligence;
- Support and advice line managers on the effective implementation of the policy.

7. DEFINITIONS

7.1 Equality Act (2010)

The Act harmonises and replaces previous equality legislation and ensures consistency in what employers need to do to make the workplace a fair environment to comply with the law. The act covers the nine protected characteristics listed below

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

7.2 Direct Discrimination

This takes place when a person is treated less favourably than others (in the same circumstances) on the grounds of their protected characteristic. (e.g. advertising a post which specifically restricts applicants to a specific race or age group etc.).

Discrimination is only permitted in **very limited** circumstances if there is a genuine occupational requirement for an individual to have a particular characteristic. Selection for recruitment or promotion must be on merit; however, in some circumstances it is possible to take certain steps to redress the effects of previous inequality of opportunity. This is called positive action and employers may give special encouragement to, or provide training to, individuals with a specific characteristic.

7.3 Indirect Discrimination

This is more subtle and can occur when an apparently neutral provision, criterion or practice would put people of a particular group at a disadvantage compared with other people. (e.g. an unjustified age limit or range which may discriminate against women who have taken time out from employment for family purposes or a rule about clothing or uniforms which disproportionately disadvantages a religious group and cannot be justified).

7.4 Victimization

This takes place when a person is treated less favourably than others in the same circumstances because it is suspected or known that he/she has brought proceedings under one of the Acts or has given evidence or information relating to such proceedings or alleged that discrimination has occurred.

7.5 Harassment

Harassment is defined as improper, offensive and humiliating behaviour, practices or conduct which may threaten a person's job security, create an intimidating, unwelcoming and stressful environment, or cause personal offence or injury.

7.6 Discrimination by association

This takes place when an individual is directly discriminated against or harassed for their association with another individual or group who has a protected characteristic. This protection does not extend to marriage and civil partnerships, and pregnancy and maternity.

7.7 Discrimination by Perception

This occurs when an individual is directly discriminated against or harassed based on a perception that they possess a particular characteristic when they do not, in fact, have that protected characteristic. However this protection does not extend to marriage and civil partnership, and pregnancy and maternity.

7.8 Disability

Definition of Disability

The Equality Act 2010 defines a person as someone who 'has a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities'.

Long term is defined as at least 12 months. Progressive illnesses are also covered and once staff are diagnosed as having a progressive condition they will be covered under the Act. Further information about legislation and support can be obtained from HR or Occupational Health.

Reasonable Adjustment

- 7.9 The organisation is required to consider reasonable adjustments in the workplace where a disabled person would otherwise be put at a substantial disadvantage compared with their colleagues. What is “reasonable” depends on the individual circumstances of the case. It would have to be practicable, effective and within the scope of the organisation’s financial and human resources.

8. LEGISLATION COMPLIANCE

This policy complies with current legislation relating to current employment law in this country. However this and all other associated HR policies will continuously evolve taking into account national policy changes, case law, statutory amendments and local intelligence analysis.

9. TRAINING

It is critical that all who are involved in recruitment/selection, appraisal, employee development and promotion receive specific training so that they are able to both support staff and manage contracts effectively in the context of equality and diversity needs.

No manager should undertake recruitment without first understanding the terms of this procedure and associated legislation. One member of every interview panel should have attended a mandatory training course on recruitment and selection that incorporates equality and diversity implications.

Diversity/equal opportunity issues will be covered at all induction courses held throughout the organisation. The organisation will utilise Organisational Development and Equality and Diversity specialists where possible to develop and implement creative and participative programs that involve all staff and increases their collective understanding of equality and diversity in the context of business needs.

For further information on recruitment and selection please refer to the HR Recruitment and Selection Policy.

10. National initiatives that support our equal opportunities work

The NHS Equality Delivery System (EDS) is an assurance framework to help the organisation improve services provided to local communities, considering local health inequalities and providing working environments free from discrimination. The organisation regularly assesses itself against four goals outlined below, which have eighteen outcomes.

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

The NHS Workforce Race Equality Standard (WRES) assists the organisation in considering and reducing any identified differences between the treatment and experience of white and BME staff. There are nine indicators covering workforce indicators, staff survey findings and boards.

The CCGs will annually gather data for each of the nine WRES indicators, analyse that data to identify the most significant inequalities and produce, publish and implement an action plan to reduce those inequalities. WRES data will be used to evaluate the effectiveness of the actions within the plan and to develop the plan so that the organisation does not continue to take action which is not leading to reduced inequalities.

A new Workforce Disability Equality Standard is being developed. The CCGs will use this standard in a similar way to the WRES standard to ensure that disability equality is improved.

11. PROCEDURE FOR DEALING WITH COMPLAINTS

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 Team.

Where resolution cannot be achieved through informal discussion, an employee may put forward a grievance in line with the guidelines set down in the organisation's Grievance Procedure. At all stages of the procedure, employees can be accompanied by a Trade Union representative or work colleague.

12. CONSULTATION, APPROVAL AND RATIFICATION

The HR Policy Workshop which is composed of management, staff side and HR representatives considers all draft HR policies and guidance. All members have the opportunity to make comments and suggestions on the document content which is debated within the group and amendments made and agreed.

The CCGs Senior Management Team and/or other relevant Committees ratify the final HR policies. The role of the Staff Partnership Forum is to discuss and minute the policies and procedures that are submitted to the HR Policy Workshop.