Section 8

EQUALITY, DIVERSITY AND HUMAN RIGHTS POLICY

(EMPLOYMENT)

Policy lead:  Head of Equality and Diversity

Ratifying Committee / Group:  Joint Negotiating Consultative Committee

Status of policy:  Approved / Access

Policy reference:  TW/00054/12-15a

Signed:  

David Brettle, Director of Human Resources and Chair of the Human Resources Group

Ratification date  1st November 2012

Essential reading for the following staff groups:

Managers and all Human Resources Staff

Following staff groups should be aware exists for reference purposes:

All other staff

POLICY IMPLEMENTATION

DATE

12/12

DATE TO BE REVIEWED

12/15
**CONTENTS**

1. Key Points .............................................................................................................................. 3  
2. Purpose and Scope of this Policy .......................................................................................... 3  
3. Responsibilities ....................................................................................................................... 4  
4. Definitions used: an explanation of terms .............................................................................. 4  
5. Policy ......................................................................................................................................... 4  
   5.1 Equality and Diversity Legislation ..................................................................................... 4  
   5.2 Equality and Diversity Principles ....................................................................................... 5  
   5.3 Related Policies ................................................................................................................... 5  
   5.4 Policy in Practice ................................................................................................................ 6  
   5.5 Specific Policy in relation to Particular Equality Characteristics ....................................... 6  
   5.6 Human Rights ..................................................................................................................... 6  
   5.7 Training .............................................................................................................................. 7  
   5.8 Reporting Breaches of this Policy ..................................................................................... 7  
6. Monitoring compliance and effectiveness of this policy ....................................................... 7  
7. Associated Documents and support references ..................................................................... 7  
   Appendix A - Definitions of Discrimination, Harassment and Victimisation ............................ 8  
   Appendix B – Roles of Key Personnel ..................................................................................... 9  
   Appendix C – Specific Policy in relation to particular Equality Characteristics ....................... 12  
      Race ........................................................................................................................................ 12  
      Disability ............................................................................................................................. 12  
      Gender .................................................................................................................................... 12  
      Religion or Belief .................................................................................................................. 12  
      Sexual Orientation ............................................................................................................... 12  
      Gender Re-assignment ......................................................................................................... 12  
      Pregnancy and Maternity ..................................................................................................... 12  
   Appendix D – Related Trust Policies ....................................................................................... 13  
   Appendix E - Monitoring compliance and effectiveness of this policy .................................... 14  
   Appendix F – Equality and Human Rights Impact Assessment ............................................. 15
1. **Key Points**

1. In stating its commitment to equality, diversity and human rights in the workplace, the Central and North West London NHS Foundation Trust supports the rights of all people to seek, obtain and to hold employment without unlawful discrimination, with equality of opportunity and with respect towards their diversity and human rights.

2. The Trust is committed to providing an environment in which all staff, clients and visitors are treated with respect and dignity. The Trust has a Dignity at Work Policy.

3. All employment activities must fulfil the Trust's obligations under legislation relating to equality, diversity and human rights.

4. **The Equality Act 2010 applies to people who have particular ‘protected characteristics’.** These ‘protected characteristics’ are: race (including nationality, ethnicity and colour), disability, gender, gender re-assignment, religion or belief, sexual orientation, age, pregnancy and maternity, marriage or civil partnerships.

5. **Under the Equality Act 2010, it is unlawful to discriminate against, harass or victimise a person for a reason relating to a ‘protected characteristic’**. The types of discrimination, harassment and victimisation made unlawful under the Equality Act 2010 are listed in Appendix A.

6. The Trust affirms its commitment as an employer towards meeting the public sector equality duty under the Equality Act 2010

7. All staff in the course of their work have a responsibility:
   - To ensure that in the course of their employment no employee, or job applicant is discriminated against, or harassed in relation to any of the ‘protected characteristics’ as defined by the Equality Act 2010, or social background, HIV status, trade union membership or non-membership, political affiliation, domestic circumstances or employment status.
   - To eliminate harassment, third party harassment and victimisation in relation to the protected characteristics as defined under the Equality Act and are required to co-operate with measures introduced by the Trust to combat this.
   - To guard against the use of language and behaviour that could be perceived as, or have the effect of being offensive or demeaning in relation to any of the ‘protected characteristics’. Any use of language or behaviour by staff that could be perceived as, or has the effect of being, racist, sexist, homophobic, transphobic or demeaning to any of the groups covered in this policy, is unacceptable
   - To co-operate with measures introduced by the Trust to ensure equality of opportunity, respect for diversity and non-discrimination.
   - To report incidents of harassment, abuse, victimisation and pressure to discriminate unlawfully. Managers are expected to respond appropriately and in line with Trust policy and legislative requirements to reported incidents of breaches in equalities and human rights legislation in the provision and delivery of services.

2. **Purpose and Scope of this Policy**

In acknowledging its moral and legal obligations as an employer, this Policy seeks to:

   a. communicate the commitment of the Trust to equality of opportunity and diversity in employment;
   b. ensure that employment matters within the Trust adhere to best practice and pertinent legislation;
   c. clarify the duties and responsibilities of staff, the Human Resources Department and Managers under statute, relevant codes of practice and in the operation of the policy;
   d. eliminate unlawful discrimination, harassment and victimisation in the workplace;
   e. advance equality of opportunity within the workplace
   f. promote good relations between people from diverse groups
   g. ensure the optimum utilisation of the Trust's human resources;
h. provide a procedural framework for use when individuals believe they have been discriminated against, contrary to provisions of the policy.

The policy will apply equally to all employees of the Trust including individuals engaged under agency.

3. Responsibilities

The responsibilities of the following are described at Appendix B.

- Employees
- Managers:

References are also made to specific responsibilities within Section 5.

4. Definitions used: an explanation of terms

Definitions of discrimination, harassment and victimisation can be found in Appendix A.

‘Equality’ is essentially about creating a fairer society where everyone can participate and has the opportunity to fulfil their potential. It is backed by legislation designed to address unfair discrimination (past, present or potential) that is based on membership of a particular group. It is often summarised in terms of equal access, equal treatment, equal shares and equal outcomes.

Diversity is about the recognition and value of difference in its broadest sense. It is about creating a working culture and practices that recognise, respect, value and harness difference for the benefit of the organisation and the individual...There is an emphasis on social inclusion rather than a focus on race, gender and disability. Diversity is more about the collective mixture of individuals, cultures and organisational expertise – all the differences that make us unique and the commonalities that connect us for the benefit of the individual and the organisation.'

DH Equalities and Diversity Strategy & Delivery Plan to Support the NHS (2003:8)

5. Policy

5.1 Equality and Diversity Legislation

The Equality Act 2010 applies to people who have particular ‘protected characteristics’. These ‘protected characteristics’ are: race (including nationality, ethnicity and colour), disability, gender, gender re-assignment, religion or belief, sexual orientation, age, pregnancy and maternity, marriage or civil partnerships.

Under the Equality Act 2010, it is unlawful to discriminate against, harass or victimise a person for a reason relating to a ‘protected characteristic’. The types of discrimination, harassment and victimisation made unlawful under The Equality Act 2010 are listed in Appendix A.

The Trust affirms its commitment as an employer towards meeting the public sector equality duty under the Equality Act 2010

1. A public authority and a person who exercises public functions must, in the exercise of those functions, have due regard to the need to—
   (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
   (b) advance equality of opportunity between persons who share a relevant protected characteristic* and persons who do not share it; in particular, to the need to—
      (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
      (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
      (iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, involving having due regard, in particular, to the need to—
    (i) tackle prejudice, and  (ii) promote understanding.

2. The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

3. Compliance with these duties may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

5.2  Equality and Diversity Principles

All employment activities must fulfil the Trust's obligations under legislation relating to equality, diversity and human rights.

Within the workplace, equality of opportunity is not about treating everyone the same, but about responding to different needs and circumstances in a positive and fair way. It is important that employees are given support, guidance and training to help them achieve their best potential and make a positive contribution to the Trust and service delivery.

Diversity is recognising and valuing the different backgrounds and experience (race, culture, gender, gender-reassignment, disability, religion, sexual orientation, age) that staff have and embracing the contribution and difference of others by actively utilising skills and experiences to help promote the best care possible to service and other users. This can best be achieved by having a workforce that reflects the community we serve at all levels.

It is important that the workforce is reflective of demographic changes and birth rates which are changing the cultural and ethnic make-up of the UK. The Trust is enriched by these differences and values the input of its diverse workforce.

5.3  Commitments

In stating its commitment to equality, diversity and human rights in the workplace, the Central and North West London NHS Foundation Trust supports the rights of all people to seek, obtain and to hold employment without unlawful discrimination, with equality of opportunity and with respect towards their diversity and human rights.

The Trust is committed to providing an environment in which all staff, clients and visitors are treated with respect and dignity. The Trust has a Dignity at Work Policy.

As part of its commitment to equality, diversity and human rights, the Trust will:

a. continually review the processes for recruitment and selection, promotion and the provision of training to ensure that no unlawful discrimination takes place;
b. continually monitor the application of the policy to ensure effectiveness;
c. provide training for managers in equality and diversity. This should include working together to gain greater understanding of different cultures, values, traditions and beliefs.
d. review other Trust policies to ensure that they comply with relevant legislation and promote a positive working environment that embraces diversity and human rights.
e. continually monitor the application of policies such as grievance, disciplinary and dignity at work to ensure that no unlawful discrimination takes place against any diverse group recognised under Equalities legislation as ‘protected characteristics’: race/ethnicity, disability, gender, gender re-assignment, age, sexual orientation, religion or belief, pregnancy and maternity, marriage and civil partnership.
f. have an appropriate infrastructure in place that is supported at Board of Director level, to promote equality, diversity and human rights within the Trust.
g. develop ongoing action planning to promote initiatives to tackle inequality and ensure that practice and process are monitored, evaluated, reviewed and action taken as appropriate.

5.3  Related Policies
This Policy should be read in conjunction with other Equality, Diversity and Human Rights related policies (See Appendix D).

5.4  Policy in Practice

All staff in the course of their work have a responsibility:

• to ensure that in the course of their employment no employee, or job applicant is discriminated against, or harassed in relation to any of the ‘protected characteristics’ as defined by the Equality Act 2010, or social background, HIV status, trade union membership or non-membership, political affiliation, domestic circumstances or employment status.

• To eliminate harassment, third party harassment and victimisation in relation to the protected characteristics as defined under the Equality Act and are required to co-operate with measures introduced by the Trust to combat this.

• To guard against the use of language and behaviour that could be perceived as, or have the effect of being offensive or demeaning in relation to any of the ‘protected characteristics’. Any use of language or behaviour by staff that could be perceived as, or has the effect of being, racist, sexist, homophobic, transphobic or demeaning to any of the groups covered in this policy, is unacceptable.

• To co-operate with measures introduced by the Trust to ensure equality of opportunity, respect for diversity and non-discrimination.

• To report incidents of harassment, abuse, victimisation and pressure to discriminate unlawfully. Managers are expected to respond appropriately and in line with Trust Policy and legislative requirements to reported incidents of harassment, abuse, victimisation and pressure to discriminate unlawfully.

In acknowledging their responsibilities under this Policy, members of staff need to be aware that they may be called to give evidence in public at any Employment Tribunal where an allegation of discrimination, unlawful under the Equality Act 2010, has been made.

As the Policy is not only concerned with unlawful discrimination, employees must be mindful of all circumstances in which they might be perceived as directly or indirectly discriminating against an individual or a group. The Trust will take account of available guidance on equality, diversity and human rights, including the advice of the Equality and Human Rights Commission.

The decision to progress a formal complaint under the Policy rests with the individual complainant unless the situation is so serious that by not taking action the Trust would be in breach of legislation or of prejudicing its reputation and welfare responsibilities.

The Trust will consider taking disciplinary action against any employee behaving in breach of this policy.

5.5  Specific Policy in relation to Particular Equality Characteristics

Specific Policy in relation to race or ethnicity, disability, gender, age, Religion or belief, sexual orientation, gender re-assignment and pregnancy and maternity are provided in Appendix C

5.6  Human Rights

The Trust recognises its direct responsibilities under the Human Rights Act 1988 and is committed to respecting the human rights of its staff. Policies and practice will, at all times, take account of the need to protect and develop human rights.

Trust policies and practice will be considered in the light of human rights guidance, to identify whether practice could breach, or changes could strengthen and foster, human rights.

Policies and practice will be kept under review. As much of Human Rights Law is related to the way Courts interpret the Act, any legal changes or developments will be reflected in changes to Trust policy and practice.
Where the rights of different groups seem to conflict, or where rights may be breached but there would appear to be justification for such a breach, expert advice, including legal advice if necessary, will be sought.

The Trust encourages staff to approach managers where they have concerns about possible or potential Human Rights breaches. Managers should seek advice from the Human Resources Department and ensure complaints made under the terms of the Policy are dealt with in a consistent manner.

5.7 Training

The Trust is committed to developing and providing training across all equalities strands and in relation to the application of Human Rights legislation. Whilst some training will be specific to an equalities strand, (for instance Understanding Disability e-learning), others will be embedded within training sessions having other specific areas of focus, for instance Recruitment, etc.

The Trust expects staff to apply the standards of its Cultural Competency Statement in the commissioning of Cultural Competency training. Cultural Competency Training for Managers is also provided by the Trust.

All new staff are expected to have completed the Trust’s Equalities and Diversity Induction e-learning (or workbook where there is not e-learning access) and staff are expected to complete the Trust’s ‘Diversity in the Workplace’ e-learning training.

5.8 Reporting Breaches of this Policy

Some breaches which are concerned with issues of equality may be dealt with under other separate procedures, e.g. Recruitment and Selection or Dignity at Work, etc. Where other procedures do not apply but an employee feels aggrieved by an act contrary to the terms of this policy they may raise their concerns in line with the Trust’s Grievance procedure.

Particular care must be taken to deal effectively and sensitively with all complaints of improper discrimination, victimisation or harassment. It should not be assumed that such complaints arise out of over-sensitivity on the part of the employee.

Where an individual does not initially wish to raise a formal complaint as per the Grievance procedure the issue may be discussed with the Human Resources Department, the Occupational Health Service or a more senior member of management. An informal mutual agreement may be the most suitable solution to all parties in the circumstances.

6. Monitoring compliance and effectiveness of this policy

For details of monitoring compliance and effectiveness of this policy see Appendix E.

ESR does not routinely capture gender re-assignment, pregnancy and maternity or marriage and civil partnership.

National staff surveys do not routinely capture gender re-assignment, pregnancy and maternity or marriage and civil partnership.

7. Associated Documents and support references

Equality Act 2010
Appendix A - Definitions of Discrimination, Harassment and Victimisation

Direct Discrimination
Direct discrimination means treating a person or group less favourably than another in their employment in relation to any of the ‘protected characteristics’ as defined by the Equality Act 2010:; or social background, HIV status, trade union membership or non-membership, political affiliation, domestic circumstances or employment status.

Discrimination by Association - Direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Discrimination by Perception - Direct Discrimination against someone because they think they possess a particular protected characteristic.

Indirect Discrimination
Indirect discrimination occurs when a requirement or condition, although equally applied to all people, disproportionately disadvantages a certain group where the treatment, requirement or condition cannot be justified.

Discrimination Arising from a Disability
It is discrimination to treat a disabled person unfavourably because of something connected with their disability. This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability.

Harassment
Unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual’s dignity or creating and intimidating, hostile, degrading, humiliating of offensive environment for that individual. The unwanted conduct does not have to be directed at the individual affected, and the affected individual does not have to possess the protected characteristic for it to be harassment.

Third Party Harassment is harassment of employees by people (thirds parties) who are not Trust employees, such as patients and service users, carers and visitors, Managers are responsible for responding to Third Party Harassment and to take reasonable steps to prevent it from happening again.

Victimisation
Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. However, an employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Positive discrimination.
Employing someone because they come from a particular group in preference to others equally or better qualified) is illegal.

Positive action
You can take positive action if you think that employees or job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.. Examples would include setting equality targets (but not quotas which are unlawful); encouraging people from particular groups to apply where they are under-represented; training for promotion or skill training for employees from under-represented groups who show potential; where two job applicants perform equally one of them can be offered the position in order to address under-representation of people having a particular protected characteristic.
Appendix B – Roles of Key Personnel

Role of any staff member

• To abide by standards of conduct expected by the Trust and defined within this and other policies.
• To promote and advance equality in relation to the ‘protected characteristics’. as defined by the Equality Act 2010.
• To recognise that the development of confidence in dealing with the diverse community employed by the Trust and receiving Trust services is an essential skill.
• To guard against the use of language and behaviour that could be perceived as, or have the effect of offensive or demeaning to groups covered in The Equality, Diversity and Human Rights Policy.

Role of the Occupational Health Service

• To provide a confidential advice and counselling service to staff who are the victims of discrimination.
• To co-operate with measures introduced by the Trust to ensure equal opportunity and non-discrimination and promote diversity and human rights.
• To guard against the use of language and behaviour that could be perceived as, or have the effect of offensive or demeaning to groups covered in The Equality, Diversity and Human Rights Policy.

Role of the Human Resources Department

• To advise managers and staff on their rights and responsibilities under the policy.
• To help inform the workforce of the Policy and any new legislative changes that impact on equality, diversity and human rights.
• To promote and advance equality in relation to the ‘protected characteristics’. as defined by the Equality Act 2010 such that all staff experience equality of opportunity and respect for their human rights.
• To ensure the concept of equality, diversity and human rights are part of all employment policies of the Trust.
• To provide training on recruitment and selection and equality, diversity and human rights, and to ensure that managers and others involved in recruitment are aware of the options available for positive action to promote equality in relation to the ‘protected characteristics’. as defined by the Equality Act 2010..
• To create and maintain employment records of all the Trust's employees in order to monitor changes in the characteristics of the workforce relating to the ‘protected characteristics’. as defined by the Equality Act 2010..
• To be aware of, monitor and advise on the effectiveness of the Trust's recruitment and selection processes by reference to recruitment and selection data surveys of the workforce and periodic audits.
• To co-operate and lead measures introduced by the Trust to ensure equal opportunity and non-discrimination and promote diversity.
• To carry out investigations on behalf of the Director of Service where a recruitment and selection decision is challenged and cannot be resolved by the Appointing Manager.
• Ensure that monitoring is undertaken and reports fed back to the appropriate committees with recommendations for action.

**Role of Trade Union/Professional Organisations**

• To help inform the workforce of the Policy.
• To advise members on their rights and responsibilities under the Policy.
• To guard against the use of language and behaviour that could be perceived as, or have the effect of offensive or demeaning to groups covered in The Equality, Diversity and Human Rights Policy.

**Role of Managers**

• To promote and advance equality in relation to the ‘protected characteristics’. as defined by the Equality Act 2010 such that all staff experience equality of opportunity and respect for their human rights.
• To inform employees on their rights and responsibilities under the Policy.
• To act on reports of harassment, abuse, victimisation and pressure to discriminate.
• To invoke the Trust’s Disciplinary Procedures as appropriate.
• To behave responsibly whilst on Trust business by not harassing, abusing or intimidating others on the grounds of a protected characteristic under The Equality Act 2010; or their social background, HIV status, marital status, or Trade Union membership or non-membership.
• To be personally responsible for preventing behaviour by themselves and others that could be construed as discriminatory and contrary to the Policy.
• To co-operate and lead measures introduced by the Trust to ensure equal opportunity and non-discrimination and promote diversity.
• To attend training events as required.
• To treat as confidential information associated with an investigation into a possible contravention of the Policy.
• To be aware of and to act on, as appropriate, the Human Resources and the Training Departments’ reports on equality and diversity data.
• To ensure that an understanding of equalities legislation and respect for diversity are an integral part of employee induction.
• To encourage employees, particularly those in disadvantaged groups (including part-timers), to take up courses to enhance promotion and career development.
• To ensure staff know what is expected of them including the standards of the organisation relating to equality and diversity.
• To guard against the use of language and behaviour that could be perceived as, or have the effect of being offensive or demeaning to a person having any of the protected characteristics identified within the Equality Act 2010.
• To promote the use of language and behaviour that is not offensive or demeaning to a person having any of the protected characteristics identified within the Equality Act 2010.
• To ensure that developmental opportunities adhere with The Equality, Diversity and Human Rights Policy.
• To arrange for reasonable adjustments to enable staff who have a disability to access or undertake their work.
Role of Training Department

- To be familiar with the Policy and Procedure for making a complaint.
- To promote and advance equality in relation to the ‘protected characteristics’ as defined by the Equality Act 2010.
- To plan and organise training for disadvantaged groups where appropriate, to provide equal opportunities for promotion and career development.
- To ensure the concept of equality, diversity and human rights is an integral part of all induction and general management training.
- To encourage and support employees with communication difficulties relating to language, culture, literacy and hearing or other communication-related difficulties to receive relevant training.
- To monitor and advise on the take up of training and education opportunities by ‘protected characteristic’ and part-time/job share/night shift working arrangements.
- To provide training on an on-going basis to increase employee awareness of their individual roles under the terms of the Policy.
- To guard against the use of language and behaviour that could be perceived as, or have the effect of, being offensive or demeaning to groups covered in The Equality, Diversity and Human Rights Policy.
- To promote and advance the use of language and behaviour that is not offensive or demeaning to a person having any of the protected characteristics identified within the Equality Act 2010.
- To ensure training opportunities are widely publicised and in circumstances where access is restricted eligibility criteria are equally applied.
- To help ensure that developmental opportunities adhere with The Equality, Diversity and Human Rights Policy.
- To arrange for reasonable adjustments to enable staff who have a disability to access the training that they provide.
Appendix C – Specific Policy in relation to particular Equality Characteristics

**Race**
- The Trust is mindful of the Stephen Lawrence Inquiry Report which defines Institutional Racism as:
  
  "The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviours which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people."

  The Trust therefore recognises the need to examine carefully internal perceptions, attitudes, behaviour, systems and processes to help eliminate the possibility of institutional racism and to break down the barriers.
- The Trust supports staff in accessing the BME Staff Network that is actively involved in supporting and developing initiatives to advance Race Equality.
- Race Relation Advisors are being trained (as at July 2012) to provide advice, information and support for staff.

**Disability**
- The Trust has in place a Disability Policy (Employment) detailing it’s commitment to Disability Equality, and a range of guidance documents addressing disability issues.
- The Trust has signed up to the standards of the Employment Service “Two ticks – Positive about Disabled People” symbol.
- The Trust is committed to providing reasonable adjustments for disabled staff to enable them to access the workplace, including training provided by the Trust, and to perform their work.
- The Trust supports staff in accessing the Staff Disability Equality Network which provides consultancy on disability matters as well as support for disabled staff and a mechanism through which Disability Equality can be advanced.

**Gender**
- Female staff are encouraged to achieve their fullest potential through initiatives such as: Women in Management and Springboard Women’s Development Programme.

**Religion or Belief**
- The Trust is committed to accommodating the religious needs of staff, subject to the safe and efficient running of services. Access to prayer facilities is available for staff attending the Trust’s corporate training rooms

**Sexual Orientation**
- The Trust has a Lesbian Gay, Bisexual and Transgender Staff Network which actively contributes to staff development and provides consultancy on Human Resources matters. The Network has set up an LGBT Advice, Information and Support Service for staff seeking support on issues arising in the workplace.

**Gender Re-assignment**
- The Trust has a Transgender Policy which includes a section addressing employment issues in relation to gender-reassignment.
- The Trust has a Lesbian Gay, Bisexual and Transgender Staff Network and LGBT Advice, Information and Support Service (see 6.5.1)

**Pregnancy and Maternity**
- The Trust has a Pregnancy Risk Assessment Policy and a Maternity Leave Policy.
Appendix D – Related Trust Policies

- Equality, Diversity and Human Rights Policy (Service Delivery)
- Disability Policy (Employment)
- Dignity at Work Policy
- Disability Policy (Service Delivery)
- Transgender (Recognition and Response) Policy
- Personal Alarms Policy
- Pregnancy Risk Assessment Policy
- Zero Tolerance Policy
- Interpreters Policy
- Disciplinary Policy (in particular Appendix C Standards of Personal Conduct Expected of Staff in all areas of the Trust)
**Appendix E - Monitoring compliance and effectiveness of this policy**

<table>
<thead>
<tr>
<th>Element to be monitored</th>
<th>Lead</th>
<th>Tool</th>
<th>Frequency</th>
<th>Reporting arrangements</th>
<th>Acting on recommendations and Lead(s)</th>
<th>Change in practice and lessons to be shared</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The workforce profile by ethnicity, disability, gender, age, sexual orientation, religion or belief to include seniority, recruitment, training, career development, disciplinaries, grievances, etc.</td>
<td>1. Head of E&amp;D</td>
<td>ESR records and records held within the Learning and Development and other HR Depts.</td>
<td>1. Annually</td>
<td>E&amp;D Group, Corporate HR Group, JNCC. Will form part of the Trust’s annual Equality Monitoring Report and the Trust’s Annual Equality Act Compliance Report which are presented to the Trust’s Board of Directors.</td>
<td>Head of E&amp;D and/or relevant HR Manager(s) and local management group(s) depending upon the nature of the recommendations and action planning requirements.</td>
<td>Required changes to practice will be identified and actioned within a specific time frame. The E&amp;D Team and/or HR Managers will report on progress. Lessons will be shared with all the relevant stakeholders via the E&amp;D Group, Corporate HR Group and network of E&amp;D Leads.</td>
</tr>
<tr>
<td>2. The experience of staff by equalities characteristics: ethnicity, disability, gender, age, sexual orientation, religion or belief, gender re-assignment, pregnancy and maternity.</td>
<td>2. Head of E&amp;D</td>
<td>Annual Staff Surveys, Employee Relations records, Training feedback, feedback from Staff Networks.</td>
<td>2. Reporting Annually. Feedback from Staff Networks – quarterly.</td>
<td>E&amp;D Group, Corporate HR Group. Will form part of the Trust’s Annual Equality Act Compliance Report, which is presented to the Trust’s Board of Directors.</td>
<td>Head of E&amp;D and/or relevant HR Manager(s) and local management group(s) depending upon the nature of the recommendations and action planning requirements.</td>
<td>Required changes to practice will be identified and actioned within a specific time frame. The E&amp;D Team and/or HR Managers will report on progress. Lessons will be shared with all the relevant stakeholders via the E&amp;D Group, Corporate HR Group and network of E&amp;D Leads.</td>
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Appendix F – Equality and Human Rights Impact Assessment

1. What is the name of the Policy, Service Development, Business Plan, Strategy or Organisational Change being assessed?
Equality, Diversity and Human Rights Policy (Employment)

2. Briefly describe the aim of the Policy, Service Development, Business Plan, Strategy or Organisational Change that is being Impact Assessed. What needs or duties is it designed to meet? What are its intended outcomes?
To set out the Trust’s position with regard to meeting its legal duties in relation to Equality, Diversity and Human Rights in terms of its function as an employer.

3. Does this development have an impact on information quality, information security and/or information compliance, including staff or patient privacy? Yes or No
No

4. If yes, have you completed an information governance impact assessment form or otherwise contacted the Information Governance team? Yes or No
No

For the purposes of this assessment, the relevant protected characteristics are: Age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief, gender/sex, sexual orientation.

MEETING THE PUBLIC SECTOR EQUALITY DUTY

5. How does the service / policy / procedure / development contribute in a positive way to:

(a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(b) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share that characteristic.

(c) fostering good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

Race / Ethnicity
The Policy clearly states the Trust’s commitment to the above and the ways that this will be monitored and actions taken where breaches of this Policy are identified. The Trust BME Staff Network is also referred to which has a positive role in the above and the current recruitment of Race Relations Advisors.

Disability
The Policy clearly states the Trust’s commitment to the above and the ways that this will be monitored and actions taken where breaches of this Policy are identified. The Trust’s Staff Disability Equality Network is also referred to which has a positive role in the above as well as the Trust Disability Policy (Employment).

Gender
The Policy clearly states the Trust’s commitment to the above in relation to race/ethnicity and the ways that this will be monitored and actions taken where breaches of this Policy are identified. The
Trust has specific initiatives to support women’s career progression which are referred to in this Policy.

**Gender Re-assignment**

The Policy clearly states the Trust’s commitment to the above in relation to disability and the ways that this will be monitored and actions taken where breaches of this Policy are identified. The Trust’s LGB&T Staff Network is also referred to and the LGB&T Staff Advice, Information and Support Service that has been developed. The Trust’s Transgender Policy is also referred to.

**Sexual Orientation**

The Policy clearly states the Trust’s commitment to the above in relation to gender and the ways that this will be monitored and actions taken where breaches of this Policy are identified. The Trust’s LGB&T Staff Network is also referred to and the LGB&T Staff Advice, Information and Support Service that has been developed.

**Religion or Belief**

The Policy clearly states the Trust’s commitment to the above and the ways that this will be monitored and actions taken where breaches of this Policy are identified. The Trust Faith and Spiritual Support Policy is referred to which includes references to faith and spiritual support / observance for staff.

**Age**

The Policy clearly states the Trust’s commitment to the above and the ways that this will be monitored and actions taken where breaches of this Policy are identified.

**Pregnancy and Maternity**

The Policy clearly states the Trust’s commitment to the above and the ways that this will be monitored and actions taken where breaches of this Policy are identified.

**Marriage and Civil Partnership (applies to a. above only)**

The Policy clearly states the Trust’s commitment to the above and the ways that this will be monitored and actions taken where breaches of this Policy are identified.

**ADVERSE IMPACT**

6. Is there any evidence that the subject of this EHRIA could affect people having a protected characteristic disproportionately, thus leading to an adverse impact? The disproportionate effect or adverse impact might be actually happening or have the potential to happen.

What evidence have you analysed to inform your conclusion? For example, evidence might be from equalities data on patients accessing/not accessing the service, findings from patient or staff surveys, service user complaints, staff grievances, concerns from local or national pressure groups or public concern in the local or national media.

**Race / Ethnicity**

The Policy clearly outlaws racial discrimination, harassment and victimisation and affirms the Trust’s commitment to advancing equality, diversity and human rights for all staff, including BME staff. It is intended that the policy will support initiatives to ensure BME staff are treated equally and fairly. It is not anticipated that people will be adversely affected by the implementation of this Policy due to their race or ethnicity. Ethnic Monitoring indicates that there is under-representation of BME staff at senior levels within the Trust and Staff Surveys have shown higher % of Black staff experiencing violence and harassment from patients in particular which are being addressed.

**Disability**

The Policy clearly outlaws disability discrimination, harassment and victimisation and affirms the Trust’s commitment to advancing equality, diversity and human rights for all staff, including disabled staff. It is intended that the policy will support initiatives to ensure disabled staff are involved in Trust
processes and should be read in conjunction with the Trust’s Disability Policy (Employment). It is not anticipated that people will be adversely affected by the implementation of this Policy due to their disability.

**Gender**
The Policy clearly outlaws gender discrimination, harassment and victimisation and affirms the Trust’s commitment to advancing equality, diversity and human rights for all staff. It is not anticipated that people will be adversely affected by the implementation of this Policy due to their gender.

**Gender Re-assignment**
The Policy clearly outlaws gender re-assignment discrimination, harassment and victimisation and affirms the Trust’s commitment to advancing equality, diversity and human rights for all staff, including transgender staff. It is not anticipated that people will be adversely affected by the implementation of this Policy for reasons of gender re-assignment.

**Sexual Orientation**
The Policy clearly outlaws sexual orientation discrimination and affirms the Trust’s commitment to advancing equality, diversity and human rights for all staff, irrespective of their sexual orientation. It is not anticipated that people will be adversely affected by the implementation of this Policy due to their sexual orientation.

**Religion or Belief**
The Policy clearly outlaws religion or belief discrimination, harassment and victimisation and affirms the Trust’s commitment to advancing equality, diversity and human rights for all staff, including accommodating religious needs, subject to the safe and efficient running of the service. It is not anticipated that people will be adversely affected by the implementation of this Policy due to their religion or belief.

**Age**
The Policy clearly outlaws age discrimination, harassment and victimisation and affirms the Trust’s commitment to advancing equality, diversity and human rights for all staff, irrespective of their age. It is not anticipated that people will be adversely affected by the implementation of this Policy due to their age.

**Pregnancy and Maternity**
The Policy clearly outlaws age discrimination, harassment and victimisation and affirms the Trust’s commitment to advancing equality, diversity and human rights for all staff, irrespective of their age. It is not anticipated that people will be adversely affected by the implementation of this Policy due to their age.

**HUMAN RIGHTS**

7a. How does the subject of this EHRIA contribute to encouraging respect for human rights?

The Trust commitment to respecting human rights and fulfilling the requirements of the Human Rights Act are clearly stated within this Policy.

7b. Is there any evidence that the subject of this EHRIA is at risk of unlawfully restricting an individual’s human rights?

No

**CONSULTATION**

8. Have you consulted representatives from groups having protected characteristics (staff, patients and service users, carers, other stakeholders or expert groups) as part of your assessment? Please give details of who have you consulted, the method used, the results of the consultation, how the results have been used and where they have been published.
This revised Policy has been publicised to the Trust Staff Networks (BME Staff Network, Staff Disability Equality Network and LGB&T Staff Network. And to all Trust E&D Leads. No specific concerns raised in response.

RESPONDING TO ADVERSE IMPACTS / BREACHES IN HUMAN RIGHTS

9. Can any identified adverse impacts relating to Equality or breaches in Human Rights be justified? If they cannot be justified, how do you intend to deal with it?

There is no identified adverse impact anticipated from the implementation of this policy. The risk will arise if the Policy is not implemented as written. This will be a matter for senior managers and Human Resources staff to manage.

Should an impact stemming from the contents of this policy arise that cannot be justified, the relevant section of the Policy will be reviewed and revised. If this requires further consultation (for instance, with disabled staff, legal advice), this will be undertaken.

MONITORING

10. Provide information on how you intend to monitor for actual adverse impact in the future

Routine collection of ethnicity, disability, gender, age, religion or belief and sexual orientation data for staff with annual analysis of in relation to a range of Human resources functions.

Census of as required to update data (although the Trust is looking at a ‘self-selection’ recording system for staff to update their own records).

Equality and Human Rights Impact Assessment Action Plan

The following actions will be undertaken as a result of the Equality and Human Rights Impact Assessment to address identified adverse impact:

<table>
<thead>
<tr>
<th>Adverse impact identified</th>
<th>Action to be taken</th>
<th>Timescale</th>
<th>Responsible manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>None identified</td>
<td></td>
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To be signed by the manager undertaking the full assessment

Name Richard Bryant-Jefferies
Designation Head of Equality and Diversity
Date 20th July 2012

To be countersigned by the Senior Manager, i.e. Service Head, Line Manager, Director, as appropriate

Name David Brettle
Designation Director of Human Resources
Date 9th August 2012