

EQUALITY, DIVERSITY AND HUMAN RIGHTS POLICY

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Name of Executive Sponsor	Nicola Airey, Director of Planning and Delivery
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VERSION CONTROL

Version	Date	Author	Status	Comment
3.2	April 2013	Nicola Airey, Director of Planning & Delivery	New	
3.3	Feb 2019	Tanya Betts, Financial Controller	Review	No updates



EQUALITY IMPACT ASSESSMENT TOOL

Stage One: Screening for Relevance to Equality Strands and Prioritising

1. Name of the strategy / policy / proposal / service function	Equality, Diversity and Human Rights Policy		
2. Who is the strategy / policy / proposal / service function aimed at?	This policy applies to all employees, job applicants and individuals not employed by Surrey Heath CCG participating in any selection process.		
3. What are the main aims and objectives?	This policy supports Surrey Heath CCG's intention to promote staff and organisational development and to raise awareness about equality, diversity and human rights at all levels within the organisation		
4. Identify the data / information you have regarding the use of the strategy / policy / proposal / service function by diverse groups? Use qualitative, quantitative and anecdotal information e.g. Demographic data, results of consultations, research and surveys. Local authority monitoring data, PALS, complaints, public enquiries, audits & reviews.	Workforce data, results from staff surveys		
5. Is the strategy / policy / proposal / service function relevant to any of the protected characteristics below? Please include negative and positive impact. If YES please indicate if the relevance is LOW, MEDIUM or HIGH. (See description below)			
Equality Strands	Patient, their carer or family	Staff	<p>Low</p> <ul style="list-style-type: none"> The policy may not be relevant to the Equality Duty as stated by law Little or no evidence is available that different groups may be affected differently Little or no concern raised by the communities or the public about the policy etc when they are consulted – (recorded opinions, not lack of interest) <p>Medium</p> <ul style="list-style-type: none"> The policy may be relevant to parts of the Equality Duty in the policy etc regarding differential impact There may be some evidence
Age	H	H	
Sex (male, female, gender reassignment)	H	H	
Race / Ethnic communities / groups	H	H	
Disability - learning disabilities, physical disability, sensory impairment and mental health problems	H	H	
Nationality			

Religious / other beliefs	H	H	Low <ul style="list-style-type: none"> suggesting different groups are affected differently There may be some concern by communities and the public about the policy High <ul style="list-style-type: none"> There will be relevance to all or a major part of the Equality Duty in the policy regarding differential impact. There will be substantial evidence, data and information that there will be a significant impact on different groups There will be significant concern by the communities and relevant partners on the potential impact on implementation of the policy
Marriage and civil partnership	H	H	
Pregnancy and maternity	H	H	
Sexual Orientation, Bisexual, Gay, heterosexual, Lesbian	H	H	
Human Rights	H	H	
Carers	H	H	
6.	Are there barriers which could inhibit access to the benefits of the strategy / policy / proposal / service function? E.g. Communication / information, physical access, location, sensitivity etc. These have been addressed in the policy.		
7.	Does the strategy / policy / proposal / service function relate to an area where there are known inequalities? If so which and how? The policy aims to remove disadvantage and inequality across all staff groups.		
8.	Please identify what evidence you have used / referred to in carrying out this assessment.		
9.	Identify any minor changes to the strategy / policy / proposal / service function which will reduce potential adverse impacts at this stage.		
10.	Please indicate if a Full Equality Impact Assessment is recommended.	NO X	YES
11.	If you are not recommending a Full Impact assessment please explain why. No changes needed		
12.	Signature of lead manager or director	Date of completion and submission	
13.	Submitted to E & D lead for approval	Date 10.3.11	
Names of panel members carrying out the Screening Assessment (min of 3- author, manager and staff member or patient representative)		1. T Gull 2. P Byne 3. E Stevens	Name of lead manager / director & contact number

For advice in respect of answering the above questions, please contact the HR department, Frimley Health NHS Foundation Trust. If you have identified a potential discriminatory impact of this procedural document, please contact as above.



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EQUALITY STATEMENT

Surrey Heath CCG aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It recognises its legal responsibilities contained in the Equality Act 2010 and the aims of the Public Sector Equality Duty which are listed in section 49 (10) of the Equality Act 2010. This document has been assessed to ensure that no employee receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

Members of staff, volunteers or members of the public may request assistance with this policy if they have particular needs. If the member of staff has language difficulties and difficulty in understanding this policy, the use of an interpreter will be considered.

Surrey Heath CCG embraces the four staff pledges in the NHS Constitution. This policy is consistent with these pledges.

1 INTRODUCTION

This policy has been updated in line with the Equality Act 2010 and sets out Surrey Heath CCG's commitment to equality, diversity and human rights.

This policy supports Surrey Heath CCG intention to promote staff and organisational development, and to raise awareness about equality, diversity and human rights at all levels within the organisation is one method to achieve this. Surrey Heath CCG also intends to work closely with local partner organisations in promoting equality, diversity and human rights.

2 PURPOSE AND SCOPE

This policy applies to all employees, job applicants and individuals not employed by Surrey CCG participating in any selection process.

This policy is applicable to recruitment including the advertising of jobs and appointment to them, conditions of work, pay, learning and development and every other aspect of employment.

Breaches of this policy will be dealt with under one of the human resources policies whichever is deemed most appropriate following advice from human resources. Cases of discrimination will be taken seriously and may be considered gross misconduct.

This policy covers all employees within Surrey Heath CCG and will supersede all other relevant policies under previous terms and conditions of employment held by individuals who have transferred into the organisation from other NHS organisations.

3 POLICY STATEMENT

Surrey Heath CCG is committed to providing a consistently high standard of service and it recognises that the establishment of a supportive and open culture which ensures equality and values diversity and human rights and is essential to achieving this goal. In this regard it seeks to operate in line with relevant NHS initiatives.

It is Surrey Heath CCG's intention to be an employer of choice and ensure that no job applicants or employees are unfairly disadvantaged due to any of the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity or trade union membership, or any other factors that are not relevant to their capability or potential.

Surrey Heath CCG seeks to ensure that it has access to the widest labour market, secures the best employees for its needs and achieves an ability based workforce which reflects the community it serves.

Staff will be given the help they need to attain their full potential to deliver the most accessible responsive and appropriate services. The organisation will support staff networks in the aims and objectives to assist staff in their career development.

Surrey Heath CCG seeks to observe the spirit as well as the letter of employment legislation and is opposed to any form of less favourable treatment through any form of discrimination.

4 DUTIES AND RESPONSIBILITIES

The corporate responsibility for this policy lies with the Surrey Heath CCG Chief Executive.

Surrey Heath CCG is responsible for ensuring that managers and staff receive appropriate training and guidance in respect of equality, diversity and human rights

Managers are role models for the behaviours required and must therefore behave accordingly. They must identify problems and take action where they perceive it to be appropriate, maintaining good communication, listening carefully and investigating objectively. Managers are required to follow the Code of Conduct for NHS managers.

Every employee has a personal responsibility for their own behaviour and must treat their colleagues with respect and fairness.

5 DEFINITIONS – see Appendix A

6 PROCEDURE

It is Surrey Heath CCG's intention to recruit and retain high quality candidates whose skills and experience are most suited to the post. Managers involved in recruitment and selection, retention and the learning and development of employees will be appropriately trained to ensure that discrimination does not take place. Training on recruitment and selection is available to all managers and is a requirement for managers leading a recruitment panel.

6.1 Recruitment and Retention

Vacancies will be advertised in order to ensure that they reach a broad range of potential applicants.

Job descriptions and person specifications will be produced which reflect the key duties and responsibilities of the post and requirements of job applicants. All applicants will be assessed against these factors and treated on merit.

All recruitment will be undertaken in accordance with Surrey Heath CCG Recruitment and Selection Policy and Procedure.

Every consideration will be shown to job applicants and employees who are disabled and those who meet the minimum criteria for the post will be invited for interview. All applicants invited for interview are asked if they need any additional support when attending the interview. Employees who become disabled in the course of their employment will have a regular review with their manager to consider how to best utilise and develop their abilities. Any adjustments, which are deemed reasonable, to their employment or working conditions, that would assist them in the performance of their duties, will be made as advised in the Reasonable Adjustments Policy.

Subject to operational needs Surrey Heath CCG will allow flexible working arrangements to attract and retain employees with particular wishes or needs in accordance with the Flexible Working and Employment Policy.

In accordance with the Rehabilitation of Offenders Act 1974, Surrey Heath CCG will not discriminate against or dismiss the applications of candidates with spent convictions for posts which are not exempt from this legislation.

6.2 Promotion

Promotion to posts will be on the basis of ability to undertake the role as specified in the job description and person specification.

These will be subject to review to ensure that they accurately reflect the duties of the post and essential requirements for job applicants.

6.3 Learning and development

Equality and Diversity training has been identified as mandatory for all staff groups. (Please refer to the Statutory and Mandatory Guidance document). Arrangements will be made and reasonable adjustments implanted, to accommodate the needs of staff in order that they may take advantage of learning and development opportunities.

Equality, diversity and human rights training is available for all staff new to the organisation as part of the Induction Programme.

Equality, diversity and human rights updates are mandatory every three years and can be accessed in a number of ways including team sessions and e learning.

Staff with specific responsibilities for employees and patients will receive other appropriate training as identified within their personal development plan.

All groups will be encouraged to apply for learning and development opportunities through the equality and diversity and learning and development sections of the extranet, team briefing and staff newsletters.

Managers are expected to record when learning and development takes place. They should to discuss any non attendance with their employee and take appropriate action following this.

It is the manager's responsibility as part of the personal development review process to ensure members of staff attend the jointly agreed personal development identified within their personal development plan. Please refer to the Personal Development Review Policy for Exceptional Grounds for Deferral of Pay Progression due to non attendance.

Reporting should include the monitoring of training attendance, equality and diversity reporting and where there are issues of capability due to non compliance. Surrey Heath CCG will take positive action where there is identified low uptake of Learning & Development opportunities, in any staff groups as identified within the Annual Equality, Diversity and Human Rights Workforce Report.

7 APPROVAL, RATIFICATION AND REVIEW PROCESS

This policy will be subject to review after three years and at any stage at the request of either management or the joint negotiating and consultative committee or staff networks.

8 DISSEMINATION AND IMPLEMENTATION

Details of monitoring and Surrey Heath's commitment to equality, diversity and human rights will be a central feature of its communication strategy. This will be published in various ways such as:

- Newsletters
- Annual reports
- On the website and Joint Sharepoint
- Advertisements
- NHS jobs website
- Job descriptions
- Recruitment literature
- Patient information

All staff will have access to the policies and procedures via the CCG Joint Sharepoint.

A national staff survey will be regularly undertaken which will explore the views of minority and under represented staff.

9 MONITORING COMPLIANCE AND EFFECTIVENESS

In order to ensure the effective operation of the Equality, Diversity and Human Rights Policy employees and job applicant's equality information will be kept as is considered necessary for equality and diversity monitoring, subject to their consent. This information will be reported on and analysed in the Annual Equality, Diversity and Human Rights Workforce Report to the Board.

Employees will be able to check, and where necessary, correct their own record of these details otherwise access to this information will be restricted to the HR department and managers who will use it for legitimate purposes.

Monitoring information will be kept strictly in accordance with the General Data Protection Regulation (GDPR) and the DPA 2019 (Data Protection Legislation).

Surrey Heath CCG will monitor and report information to the Board in an Annual Equality, Diversity and Human Rights Workforce Report.

Any member of staff who has a grievance arising from the application of this policy should raise it through the most appropriate human resources policy and procedures following advice from human resources.

10 REFERENCES

Associated Legislation

Equality Act 2010

Equality Act (Specific Duties) Regulations 2011

Equality Information and the Equality Duty, A guide for Public Authorities

Equality and Human Rights Commission January 2012

Code of practice on Employment Equality and human Rights commission April 2011

Code of practice on Services, Public functions and Associations Equality and Human Rights Commission April 2011.



APPENDIX A – Definitions

Equal Opportunities

Equal opportunities emphasises the structures, systems and measure of groups within society and within organisations. Equal opportunity is about addressing issues of representation and balance.

Equality

Equality is 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 based on membership of a particular group.

Diversity

Diversity is about the recognition and valuing 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, including patients

Human rights

Rights protected by the Human Rights Act

1. the right to life
2. the right not to be tortured or treated in an inhuman or degrading way
3. the right to be free from slavery or forced labour
4. the right to liberty
5. the right to a fair trial
6. the right to no punishment without law
7. the right to respect for private and family life home and correspondence
8. the right to freedom of thought, conscience and religion
9. the right to freedom of expression
10. the right to freedom of assembly and association
11. the right to marry and found a family
12. the right not to be discriminated against in relation to any of the rights contained in the European Convention
13. the right to peaceful enjoyment of possessions
14. the right to an education
15. the right to free elections

Human rights give us;

- They are part of what it means to be a human being
- They belong to everyone, all of the time, not certain groups at certain times
- They cannot be given to us, only claimed or fulfilled
- They cannot be taken away, only limited or restricted in some circumstances
- They give expression to a set of core principles including dignity, equality, respect, fairness and autonomy
- They are about how public authorities such as the NHS must treat

everyone as human beings

Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

Indirect Discrimination

Already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. Now extended to cover disability and gender reassignment. Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic.

Institutional Discrimination

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 behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people.

Associative Discrimination

Already applies to race, religion or belief and sexual orientation. Now extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perceptive Discrimination

Already applies to age, race, religion or belief and sexual orientation. Now extended to cover disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

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”.

Third Party Harassment

Already applies to sex. Now extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation.

The Equality Act makes the employer potentially liable for harassment of their employees by people (third parties) who are not employees of the company, such as customers or clients. The employer will only be liable when

harassment has occurred on at least two previous occasions, the employer is aware that it has taken place, and has not taken 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 legislation or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Positive Action

This is a legal term described in the Sex Discrimination and Race Relations and Equality Acts. The positive action provisions make it lawful to provide training and special encouragement (for example through targeted advertising) for people of a particular racial group, or either sex, who have been under-represented in certain occupations or grades during the previous 12 months. It is also lawful to address any special educational, training or welfare needs identified for a specific racial group.

Reasonable Adjustments

The concept of 'reasonable adjustments' is described in the Disability Discrimination Act 1995, and refers to the arrangements that a prospective employer, an employer or service/education provider must make to remove the disadvantage experienced by a disabled person and caused by their disability; in other words, to create a 'level playing field' as far as possible.

BAME (Black Minority Ethnic)

This abbreviation is used to describe people from black and minority ethnic backgrounds. The word black does not refer to skin colour but is a generic term referring to people identifying themselves, either directly or by descent, from African, Caribbean or Asian backgrounds. Minority ethnic refers to people or groups who are currently representative of minority cultures in our communities and society and includes people who identify themselves as 'white other', which includes Irish and gypsies and travellers.

Accessible Information

We have a legal duty to provide information in accessible formats that meets people's needs. This may mean translating material, providing in Braille, audio or easy read format. It is good practice to use 14 point Arial font to increase readability for people with visual impairments. It is also good practice to provide support for people whose first language is not English. The Easy Read format is designed to help people with reading difficulties, such as people with learning disabilities and people that have had head injuries or strokes. It can also be helpful to people whose first language is not English.

APPENDIX B - Protected Characteristics

The Equality Act introduced the term 'protected characteristics' these replace what was previously known as equality strands. The protected characteristics are:

Age

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment

The process of transitioning from one gender to another.

Marriage and civil partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and maternity

Pregnancy is the condition of being pregnant. Maternity refers to the period of 26 weeks after the birth, which reflects the period of a woman's ordinary maternity leave entitlement in the employment context.

Race

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

Religion and belief

Religion has the meaning usually given to it 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.

Sex

A man or a woman.

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes