



## Equality and Diversity Policy

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Lead Clinician <i>if appropriate</i>	N/A
In consultation with	Joint Union and Management Partnership (JUMP)
To be read in association with	This policy relates to all other policies but the following are particularly relevant: <ul style="list-style-type: none"> <li>• Whistle blowing Policy</li> <li>• Bullying and Harassment Policy</li> <li>• Grievance Policy</li> <li>• Recruitment and Selection Policy</li> <li>• Dignity in Care Policy</li> <li>• Consent to Treatment Policy</li> <li>• Safeguarding Children Policy</li> <li>• Safeguarding Adults Policy</li> </ul>
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Type of Document	Title	Author	Date	Version	Ratifying Committee
Policy	Equality and Diversity Policy	Ruth Moesby	Jan 2013	2	Governance and Quality Committee
Policy	Equality and Diversity Policy	Ruth Moesby	Feb 2016	3	Equality, Engagement & Involvement Group

## 1. Purpose

The purpose of this policy is to define and promote North Somerset Community Partnership's (NSCP) approach to equality, diversity and human rights, and to ensure that there are defined guidelines for those working for the organisation, in a paid or unpaid capacity, to follow.

We are committed to equality of opportunity for all who use our services or work for the organisation. We wish to create an environment which is free from discrimination, harassment or victimisation. Our commitment includes striving to meet our obligations under the Equality Act (2010) and to uphold human rights in accordance with the Human Rights Act (1998).

As a provider of NHS services, this policy seeks to support the rights of staff and services users laid out in the NHS Constitution. We are committed to:

- The principle of no discrimination between or against Patients, Service Users, Carers or Legal Guardians
- Respecting the human rights of every individual
- The wider social duty to promote equality through the services we provide, paying particular attention to disadvantaged groups
- Valuing each individual patient, family, carer and staff member, ensuring everyone counts
- Ensuring that any restrictions placed are proportionate and in line with human rights legislation

## 2. Definitions

The following terms are used in this document and are defined to ensure clarity about the meaning of these terms.

### Equality

Equality (or equal opportunities) is based on a principle of providing equal access to opportunities and services. Equality legislation aims to protect individuals against discrimination or harassment due to their:

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

These characteristics are referred to as '**protected characteristics**' in the Equality Act 2010.

## **Diversity**

Diversity is based on a principle of recognising, responding to, and valuing visible and non-visible differences amongst individuals, ensuring everyone can thrive and contribute.

## **Human Rights**

The Human Rights Act 1998 sets universal standards to ensure that a person's basic needs as a human being are recognised and met. These include:

- The right to life
- The right not to be tortured or treated in an inhuman or degrading way
- The right to liberty
- The right to a fair trial
- The right to respect private and family life, home and correspondence
- The right not to be discriminated against

## **Direct discrimination**

This means treating a person less favourably because of a particular protected characteristic, or a combination of, protected characteristics.

## **Indirect discrimination**

This means applying criteria or practice equally to all people but which has the effect of disadvantaging one group of people.

## **Harassment**

Harassment is unwanted behaviour which creates a humiliating, offensive or degrading environment, or violates an individual's dignity.

## **Victimisation**

Victimisation means treating a person less favourably because they have asserted their rights under this policy or equality legislation (e.g. made or assisted with a complaint).

## **3. Principles of Implementation**

Promoting equality and human rights is one of the cornerstones of all functions and activities, as an employer, and provider of services. This will be implemented by ensuring that:

- Equality objectives are reviewed and published on an annual basis

- All policies, service redesign and commissioned services undergo an equality impact assessment at the start of the development process, and the outcomes of these are implemented.
- Existing services will undertake an annual review of their equality impact assessment and act on the outcomes of the assessment.
- All staff are made aware of the principles and ethos inherent in this policy combined with an understanding of their responsibilities through equality and diversity training. This will be incorporated into the induction process and maintained through the Statutory Mandatory Training Matrix.
- All relevant policies, for example, Recruitment and Selection, Dignity in Care, Consent to Treatment, and Safeguarding Children & Adults are consistent with the principles of this policy
- Workforce and Service user data is monitored by NSCP to enable compliance with its duties under the Equality Act 2010 and the Workforce Race Equality Standards (WRES)
- There is effective complaint mechanisms in place should staff or service users feel that they have experienced discrimination, harassment or victimisation. Any allegation will be treated very seriously by the organisation, and should the allegation be found to be true, would be dealt with under the disciplinary procedure.
- We seek to promote diversity in employment and employ a workforce that reflects the communities we serve
- We work with our partners including those from the Community Forum to work towards ensuring that protected groups have equal access to our services
- Where appropriate, and taking into account, all relevant legislation and guidelines, promoting positive action will be implemented with regard to employment of people with protected characteristics.
- We continue to make reasonable adjustments and support those with disabilities to gain and remain in employment with NSCP

#### **4. Responsibilities**

##### **Everyone working for NSCP in a paid or unpaid capacity**

- To understand your responsibilities and to behave in a way that is supportive and consistent with the aims and practices of this policy. For example, good equality and diversity practice involves:

- Communicating with patients, service users and carers in a way that is accessible to them;
  - Making reasonable adjustments in the way we do our work and deliver our services to take account of the particular needs of disabled people;
  - Understanding the role that cultural and religious beliefs play in health care and peoples' experiences of the health service;
  - Ensuring that everyone gets care which takes account of their individual needs;
  - Treating everyone with dignity and respect at all times.
- Not to discriminate unfairly in any area of your work, including harassing, bullying or otherwise intimidating other members of staff, or service users, and not inducing or encouraging other members of staff to discriminate.
  - To undertake mandatory training on equality and diversity, and any other relevant training.
  - To inform either your line manager or a member of the People Team if you suspect that unfair discrimination is taking place.

## **Managers**

- To carry out appropriate Equality Impact Assessments for their service and to act on their outcomes
- Not to discriminate unfairly within any area of staff management activity including recruitment and selection, promotion, appraisal, training and development opportunities, discipline (including sanctions and dismissal) and the application of other policies.
- Not to harass, bully or otherwise intimidate staff, or service users.
- To actively assist with any measures put in place to monitor equality, for example, but not restricted to, patient/client experience audits, service use, and employment of staff.
- To ensure that new and existing staff are aware of their responsibilities under this and related policies and undertake relevant training.

## **The Executive Team & Board**

- Overall responsibility for ensuring that this policy is fully implemented and that those working for NSCP do not unlawfully or unfairly discriminate against other workers or service users. There is a nominated Executive Lead and ultimate responsibility lies with the Chief Executive.

- Demonstrating through their own exemplary behaviour and management practice the value of embracing equality and diversity in the workplace.
- Actively adhering to the principles of fairness and equality enshrined in this policy and other relevant people policies.
- Ensuring prompt investigations and action should a complaint be raised.

## **5. Training**

Training on Equality & Diversity is provided via the e-learning site on the Managed Learning Environment. All staff must undertake this training in line with the Statutory and Mandatory Training requirements for their staff group. Specific updates on legal changes will be provided via workshops and other media.

Additional training will be provided to other groups such as the Board, and Senior Leadership group as required. All staff undertaking Recruitment and Selection and carrying out appraisals must ensure that they are fully compliant with the requirements not to discriminate unfairly. To support this, relevant face to face training sessions are available and Managers new to these processes or requiring a refresher should attend.

## **6. Effective Monitoring and Reporting**

This policy is monitored via NSCP Governance and Quality Committee and relevant sub-groups. We will measure the effectiveness of this policy by:

- Carrying out an assessment against the NHS Equality Delivery System to identify gaps and develop an appropriate action plan
- Reporting Workforce characteristics and Workforce Race Equality Standards to the Board via People Report and taking any appropriate action
- Monitoring of compliance with Statutory Mandatory Training by the Learning and Development Team
- Analysing the results of surveys and data such as complaints, patient and staff feedback surveys and working with Locality Leaders to develop an action plan to address any issues
- Setting and assessment of achievement of equality objectives on any annual basis.

## 7. Implementation and Review

This policy will be agreed with the Joint Union Management Partnership and ratified by the Governance and Quality Committee or relevant sub-committee. It will be published on the website and implemented through manager briefings, induction and relevant training programmes.

## 8. Concern about Application of this Policy

If you have any concerns about the application of this policy, or if you consider that you, a colleague or a service user has been the subject of discrimination, harassment or victimisation you are encouraged to raise this with your line manager or Business Manager in the first instance. Alternatively, you can seek advice from the People Team (for employment issues) or the Governance and Quality Team (for service or service user issues).

If raising the matter informally does not result in the resolution of your concerns, you can raise the matter formally through the NSCP Grievance Policy or Whistleblowing Policy.

## 9. Relevant Legislation and References

This policy has been developed in line with current employment legislation and good practice people management resources (e.g. ACAS, Chartered Institute of Personnel and Development, XpertHR.co.uk). In addition, reference has been made to the specific guidance and relevant legislation:

Equality Act 2010  
Human Rights Act 1998  
NHS Constitution  
Workforce Race Equality Standards

Further sources of good practice and information, which have been used to inform this policy are:

### **NHS Employers – NHS Equality Delivery System (EDS) Equality and Human**

<https://www.england.nhs.uk/about/gov/equality-hub/eds/>

### **Rights Commission – Public Sector Equality Duties**

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/>

### **Human Rights in Health Care: a Framework for local action 2008**

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_088970](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_088970)

Workforce Race Equality Standards

<https://www.england.nhs.uk/about/gov/equality-hub/equality-standard/>



## 10. Policy Review

This policy will be reviewed in three years or earlier if required. Non-renewal by the renewal date will not invalidate the policy and it will remain in force until reviewed.

## 11. Appendices

### Appendix 1 Human Rights and Application to Health Care Settings

Human Right	Application to Health Care
<p><b>The right to Life</b> Public authorities must:</p> <ul style="list-style-type: none"> <li>• Not take away a personal life, except in a very few specific and limited circumstances, such as lawfully defending someone from violence</li> <li>• Take reasonable steps to protect a person's life in nearly all circumstances</li> <li>• Although the right to life is fundamental, there is no corresponding right to medical treatment in all circumstances</li> </ul>	<ul style="list-style-type: none"> <li>• Do not resuscitate orders</li> <li>• Refusal of life saving medical treatment</li> <li>• Active or passive euthanasia</li> <li>• Death through negligence</li> <li>• Investigations including inquests where death is suspicious</li> </ul>
<p><b>The right not to be tortured or treated in an inhuman or degrading way</b></p> <ul style="list-style-type: none"> <li>• Inhuman treatment means the treatment causing severe mental or physical harm</li> <li>• Degrading treatment means treatment that is grossly humiliating and undignified</li> <li>• Inhuman or degrading treatment does not have to be deliberate</li> </ul>	<ul style="list-style-type: none"> <li>• Physical or mental abuse</li> <li>• Unchanged sheets</li> <li>• Leaving trays of food without helping patient to eat when they are too frail to feed themselves</li> <li>• Excessive force to restrain patients</li> <li>• Washing or dressing without regard to dignity</li> </ul>
<p><b>The right to liberty</b></p> <ul style="list-style-type: none"> <li>• The right to liberty is not the right</li> </ul>	<ul style="list-style-type: none"> <li>• Informal detention of patients who do not have the capacity to decide whether they would like to be admitted</li> </ul>

<p>to be free to do whatever you want.</p> <ul style="list-style-type: none"> <li>• The right to liberty is a right not to be locked in a cell or a room, or have any other extreme restriction place on movement.</li> <li>• The right to liberty is a limited right. It can be limited in number of specific circumstances, for example the lawful detention of someone who has mental health issues</li> </ul>	<p>into hospital e.g. learning disabled or older patients</p> <ul style="list-style-type: none"> <li>• Excessive restraint of patients e.g. tying them to their beds or chairs</li> </ul>
<p><b>The right to a fair trial</b></p> <ul style="list-style-type: none"> <li>• The right to a fair trial contains a number of principles that need to be considered, at some stage during the decision making process.</li> </ul> <p>The person who's rights will be affected has the right to;-</p> <ul style="list-style-type: none"> <li>• Independent and impartial tribunal</li> <li>• Be present at some stage during the decision making process</li> <li>• A reasonable opportunity to present their case before a decision is made</li> <li>• An adversarial hearing</li> <li>• Disclosure of all relevant documents</li> <li>• Having their hearing take place within a reasonable time and be given reasons to enable them to understand the decisions made</li> </ul>	<ul style="list-style-type: none"> <li>• Staff undergoing formal processes</li> <li>• Complaints processes</li> </ul>
<p><b>The right to respect private and family life, home and correspondence</b></p> <p>This right protects:</p> <ul style="list-style-type: none"> <li>• Family life, which is interpreted broadly and does not just cover blood relatives</li> <li>• Private life, also interpreted broadly. It covers more than just privacy, including issues such as personal choices, relationships, physical and mental wellbeing, excessive to personal information and participation to community life</li> <li>• The right to respect for home is not a right to housing, but a right to respect for the home somebody already has</li> </ul>	<ul style="list-style-type: none"> <li>• Privacy on wards and in care homes</li> <li>• Family visits</li> <li>• Sexual and other relationships</li> <li>• Participation in social and recreational activities</li> <li>• Personal records including medical, and care records</li> <li>• Independent living</li> </ul>

<ul style="list-style-type: none"> <li>• Correspondence covers all forms of communication including phone calls, Letters, faxes, email, etc.</li> <li>• This right is a qualified right and maybe interfered with in order to take account of rights of other individuals and/or the wider community</li> </ul>	
<p><b>The right not to be discriminated against</b></p> <p>The right not to be discriminated against is In relation to the other human rights contained in the Human Rights Act. Discrimination takes place when someone is treated in a different Way compared to someone in a similar situation, or where people in very different situations are treated the same. However, an action or Decision will only be considered discriminatory if it cannot be reasonably or objectively justified.</p>	<ul style="list-style-type: none"> <li>• Refusal of medical treatment to an older person solely because of their age</li> <li>• Non English speakers being presented with health options without the use of an interpreter</li> <li>• Failure to make reasonable adjustments for a disabled employee</li> </ul>

<b>Equality Impact Assessment</b>	
<b>Section 1: Initial Assessment</b>	
<b>Policy Author</b>	<b>Date of Assessment</b>
Ruth Moesby	February 2016
<b>Title of Policy</b>	<b>Is this a new or existing policy?</b>
Equality and Diversity Policy	Reviewed and substantially amended policy
<b>1. Briefly describe the aims, objectives and purpose of the Policy / Guidance Document:</b>	
The purpose of this policy is to define and promote North Somerset Community Partnership's approach to equality, diversity and human rights, and to ensure that there are defined guidelines for those working for the organisation, in a paid or unpaid capacity, to follow.	
<b>2. Who is intended to benefit from the proposed process and in what way?</b>	
All those who work for NSCP, or use, NSCP services	
<b>3. Who are the main stakeholders in relation to this Policy/Guidance?</b>	
Staff, Community Forum and Service Users	
<b>4. Are there concerns that the Policy/Guidance does, or could have, a differential impact due to any of the equality areas?</b> (Y/N – delete as appropriate)	
Age	N
Disability	N
Gender reassignment	N
Marriage and Civil Partnership	N
Pregnancy and Maternity	N
Race	N
Religion or Belief	N
Sex	N
Sexual orientation	N

**5. What existing evidence (either presumed or otherwise) do you have for this?**

Aim of the policy is to ensure that the organisation that the organisation promotes equality of opportunity for protected groups.

**6. Based on the answers given in questions 4 & 5 is there potential for an adverse Impact in this policy/guidance?**

No

**7. Can this adverse impact be justified?**

No

**If you have not identified adverse impact or you can justify the adverse impact, finish here.**

**If you have identified adverse impact that cannot be justified, please continue to Section 2**

## **Section 2: Full Impact Assessment**

**8. What experts/relevant groups have you approached to explore their views on the issues? Please list the relevant group/experts, how they were consulted and when.**

<b>Relevant groups/experts</b>	
<b>How were the views of these groups obtained?</b>	
<b>Date contacted</b>	

**9. Please explain in detail the views of these groups/experts on the issues involved:**

**10. Taking into account the views of the groups/experts and the available evidence, what are the risks associated with the policy, weighed against the benefits of the policy if it were to stay as it is:**

<b>Risks</b>	<b>Benefits</b>

<p>If you have found that the risks outweigh the benefits you need to review the policy further and put together an implementation plan which clearly sets out any actions you have identified as a result of undertaking the EIA. These may include actions that need to be carried out before the EIA can be completed or longer-term actions that will be carried out as part of the policy or development.</p>	
<p><b>11. Monitoring arrangements and scheduled date to review the policy and Equality Impact Assessment:</b></p>	
<p><b>Review Date</b></p>	