



Equality Diversity and Inclusion

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Version Control Sheet			
This must be completed and form part of the document appendices each time the document is updated and approved			
Date dd/mm/yy	Version	Author	Reason for changes
05/11/19	5	Tina Daniels, Equality and Diversity Lead	General review and update

Consultation / Acknowledgements with Stakeholders		
Name	Designation	Date Response Received
	Equality Diversity and Inclusion Implementation Group	
JNCC	Staff Side	
Alan Reid	Disability First	
Linda Sethi	N-Vision	
	Health Watch Lancashire	
Staff ED&I Ambassadors	Staff ED&I Ambassadors Meeting	

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1 Introduction / Purpose

The Trust is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in its employment or to service users. The Trust believes that the promotion of equal opportunities is a key component of good management as well as being legally required, socially desirable and morally right. Striving to ensure that the work environment is free of harassment and bullying and victimisation of any kind; and that treating everyone with dignity and respect is an important aspect of ensuring equal opportunities in employment. The Trust will ensure that all policies, document etc. are written using gender neutral language.

This policy applies to and covers all employees, agency staff, contractors working for or on behalf of the Trust, job applicants and individuals not employed by the Trust participating in any selection process. The 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. The policy will supersede all other relevant policies under previous terms and conditions of employment for individuals who have transferred into the Trust from other organisations.

2 General Principles / Target Audience

This policy applies to and covers all employees, agency staff, contractors working for or on behalf of the Trust, job applicants and individuals not employed by the Trust participating in any selection process. The 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. The policy will supersede all other relevant policies under previous terms and conditions of employment for individuals who have transferred into the Trust from other organisations.

3 Definitions and Abbreviations

Equality	Creating a fairer society where everyone can participate and has the opportunity to fulfil their potential
Diversity	To value physical culture and social differences among individuals
Equality Opportunities	Addresses issues of representation and balance
Direct Discrimination	Occurs where a person of one group is treated less favourably than another person from another group would be in the same or not materially different circumstances
Indirect Discrimination	Occurs when an unjustifiable requirement or condition is applied equally to everyone but has a disproportionately adverse effect on one or more groups
Harassment	Is where there is unwanted conduct related to one of the protected characteristics which has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person

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Victimisation Occurs when a person is treated less favourably than others because that person has made or intends to make a complaint or allegations of discrimination

4 Responsibilities (Ownership and Accountability)

The corporate responsibility for this managing this policy lies with the Trust Board through its Executive Directors, the Equality, Diversity and Inclusion Implementation Committee and the Equality and Diversity Lead.

The Trust is responsible for ensuring that managers and employees receive appropriate training and guidance in respect of equality and diversity, in particular the application in Recruitment and Selection. The Talent Acquisition and Retention Team is responsible for maintaining records of existing and new employees and job applicants and taking follow up action as required.

Managers will ensure all their staff are aware of the policy and the arrangements, and the reasons for the policy. Managers will also grievances concerning discrimination are dealt with properly, fairly and as quickly as possible.

Employees can be held personally liable as well as, or instead of, the Trust for any act of unlawful discrimination. Every employee is required to assist the Trust to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Every employee has a personal responsibility to comply with the policy, for their own behaviour and must treat their colleagues with respect and fairness. Staff must not victimise, harass or intimidate other staff or groups who have, or are perceived to have one or more of the protected characteristics.

Staff will ensure no individual is discriminated against or harassed because of their association with another individual who has a protected characteristic. Staff must inform their manager if they become aware of any discriminatory practice.

5 Policy

This policy aims to ensure that no employee or applicant for employment receives less favourable treatment on the grounds of any of the protected characteristics:

- Age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief and sexual orientation; or Trade Union membership, or non-membership or activity.

The national influences on this policy are Agenda for Change, NHS Employers Workforce Race Equality Standards (NHS England, n.d.) and NHS Employers Workforce Disability Equality Standards (NHS England, n.d.).

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5.1 Statement of Intent

- 5.1.1 The Director of Human Resources and Organisational Development has lead responsibility for ensuring that this policy translates into effective action at the operational level.
- 5.1.2 All managers have responsibility for ensuring that employees are aware of the policy, and that they adhere to the terms of the policy.
- 5.1.3 Discrimination on the grounds listed above will not be tolerated by the Trust, whether committed with intent or negligence.
- 5.1.4 Discrimination may also be unlawful under the terms of the anti-discrimination legislation, which could result in costly action being taken against the Trust.
- 5.1.5 Any employee who fails to comply with this policy will be liable to action under the Disciplinary Procedure, under the heading of gross misconduct.
- 5.1.6 It is unlawful to victimise someone because he or she has alleged unlawful discrimination or supported someone to make a complaint or given evidence in relation to a complaint.
- 5.1.7 Any employee who victimises another for raising an Equal Opportunity issue or incites or aids another to discriminate in an unlawful or adverse manner will be liable to disciplinary action under the Disciplinary Procedure, under the heading of gross misconduct.

5.2 Positive Action for Equality in Employment

- 5.2.1 The Trust will avoid unlawful discrimination in all aspects of employment including recruitment, promotion and opportunities for training, redeployment, redundancy, pay and benefits.
- 5.2.2 Under the terms of the Equality Act 2010 (Crown, 2010) an employer may take **POSITIVE ACTION** to address under representation within the workforce. This means that an employer may take the following steps to address under representation:
 - encouragement
 - training
 - different working arrangements
 - return to work schemes
- 5.2.3 An employer must however select people for employment based on merit and may not positively discriminate at the point of selection.
- 5.2.4 The Trust cannot lawfully discriminate in the selection of employees for recruitment or promotion, but the Trust may use appropriate lawful methods, including lawful positive action, to address the under representation of any group which the Trust identifies as being under represented in particular types of job.

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5.3 Customers, Suppliers and other People not employed by the Trust

- 5.3.1 The Trust and its staff will not discriminate unlawfully against service users using or seeking to use goods, facilities or services provided by the Trust.
- 5.3.2 Employees should report any bullying or harassment by service users, suppliers, visitors or others to their line manager who will take appropriate action.

5.4 Action for Implementation

The following key areas of management activity are vulnerable to unfair discriminatory practices and are subject to particular scrutiny:

5.4.1 Recruitment and Selection

- a) All recruitment and selection activities will be undertaken in accordance with the Recruitment and Selection Policy (BTHFT - Procedure, 2016).
- b) 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.
- c) Employees who become disabled in the course of their employment will have a regular review with their manager to consider how best to utilise and develop their abilities.
- d) Any adjustments, which are deemed reasonable and practicable, to their employment or working conditions, that would assist them in the performance of their duties, will be made.
- e) Subject to operational needs the Trust will allow flexible working arrangements to attract and retain employees with particular wishes or needs in accordance with the Work Life Balance Policy (BTHFT - Procedure, 2016).
- f) It is the Trusts intention to recruit and retain high quality candidates whose skills and experience are most suited to the post.
- g) Managers involved in recruitment and selection, retention and the learning and development of employees will be appropriately training (which may be a formal course or individual coaching) to ensure that discrimination does not take place.
- h) Recruitment and Selection activities will be based on a person specification, which will be free of unjustifiable requirements.
- i) Selection decisions will be based on merit and competence.
- j) All substantive posts that are to be filled permanently will be advertised within the Trust.
- k) All applicants will be informed that the Trust operates an equal opportunities approach and Equality Diversity and Inclusion Policy.

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5.4.2 Promotion

- a) Promotion to posts will be in accordance with equal opportunities selection process, the Equality Diversity and Inclusion Policy and on the basis of aptitude and ability to undertake the role as specified in the job description and person specification.
- b) These will be subject to review to ensure that they accurately reflect the duties of the post and essential requirements for job applicants.

5.4.3 Learning and Development

- a) Equality and Diversity training has been identified as mandatory for all staff groups.
- b) All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.
- c) Arrangements will be made if reasonable and practicable, to accommodate the needs of staff in order that they may take advantage of learning and development opportunities.
- d) Equality and Diversity awareness training is available for all staff new to the organisation as part of the Corporate Induction Programme.
- e) Staff with specific responsibilities for employees and patients will receive other appropriate training as identified in their personal development plan.
- f) Under-represented groups will be encouraged to apply for learning and development opportunities through the Learning and Development department.
- g) Selection decisions for learning and development activity, where this is not part of a programme of positive action, will be made on assessed training needs, merit and potential.
- h) Criteria for learning and development selection will be free of unjustifiable requirements.
- h) Learning and Development activity will be delivered in a format which gives maximum access to the workforce, and which avoids indirect discrimination.
- i) Turnover rates will be monitored to ensure that the reasons for leaving do not relate to management practice that is unresponsive to the needs of the workforce and therefore may be indirectly discriminatory.

The Trust recognises that the retention of experienced, competent staff is financially effective and may enhance commitment from the workforce.

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5.5 Rights of Disabled People

- 5.5.1 The Trust gives particular importance to the needs of disabled people. Under the terms of this policy, managers are required to:
- 5.5.2 Make reasonable adjustment to maintain the services of an employee who becomes disabled, for example, in training, provision of special equipment, reduced working hours. **(N.B.** Managers are expected to seek advice on advice and guidance from external agencies to assist disabled people stay in employment.)

5.6 Valuing Diversity

- 5.6.1 The Trust acknowledges that employees have different abilities to contribute to organisational goals and performance and that action may be required to give everyone an opportunity to contribute on equal terms.
- 5.6.2 Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- 5.6.3 To create an environment in which individual differences and the contributions of all our staff are recognised and valued.
- 5.6.4 To promote equality and diversity in the workplace is good management practice and makes sound business sense.
- 5.6.5 Employees will be valued by the organisation as individuals, and will be treated with respect and dignity.

5.7 Monitoring Arrangements

- 5.7.1 In order to ensure the effective operation of the Equality and Diversity Policy a record will be kept of all employees and job applicants' age, disability, gender, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation or any other factor as considered necessary for equality and diversity monitoring, subject to the persons consent.
- 5.7.2 The Human Resources Department has responsibility for monitoring information which will be kept strictly in accordance with the General Data Protection Regulation (ICO, 2018) and the Data Protection Act 2018 (Crown, 2018).
- 5.7.3 Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the General Data Protection Regulation and the Data Protection Act 2018 (Crown, 2018).
- 5.7.4 The Human Resources Department will routinely analyse and present workforce and recruitment and selection information to monitor the commitment of the Trust to equal opportunities.
- 5.7.5 Where problem areas are identified these will be addressed by policy development or other initiatives.

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5.7.6 Details of monitoring and the Trusts commitment to Equality and Diversity will be a central feature of its Communication Strategy. This will be published / discussed in various ways such as:

- Team Brief
- Annual Reports
- On the web and intranet sites
- Advertisements
- Job Descriptions
- Recruitment Literature
- Patient Information
- Appraisals

5.8 Grievances

Any employee who believes he/she has been subjected to discrimination should raise the issue with the immediate line manager. The emphasis is placed on resolving workplace grievances at the managerial level closest to the source of the problem.

All employees have access to the Trust Grievance Procedure when making a complaint of discrimination.

5.9 Review

This policy will be subject to review after three years and at any stage at the request of either management or the Joint Negotiation and Consultation Committee.

6 References and Associated Documents

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Appendix 1: Equality Impact Assessment Form					
Department	HR&OD	Service or Policy	ED&I Policy	Date Completed:	March 2020
GROUPS TO BE CONSIDERED Deprived communities, homeless, substance misusers, people who have a disability, learning disability, older people, children and families, young people, Lesbian Gay Bi-sexual or Transgender, minority ethnic communities, Gypsy/Roma/Travellers, women/men, parents, carers, staff, wider community, offenders.					
EQUALITY PROTECTED CHARACTERISTICS TO BE CONSIDERED Age, gender, disability, race, sexual orientation, gender identity (or reassignment), religion and belief, carers, Human Rights and social economic / deprivation.					
QUESTION	RESPONSE			IMPACT	
	Issue	Action	Positive	Negative	
What is the service, leaflet or policy development? What are its aims, who are the target audience?	No issues around policy development. Aim is to support and give equal opportunities all staff irrespective of any protected characteristic and caring responsibilities	To improve knowledge on E&D creating a more inclusive work and patient environment.	All staff have equal opportunities and receive the right support to achieve their potential in the organisation and avoid discrimination in all aspects of employment across all groups	N/A	
Does the service, leaflet or policy/ development impact on community safety • Crime • Community cohesion	No issues	All staff to receive E&D training both general and topic specific to improve knowledge and understanding which will impact on community cohesion (acute and community settings)	Equal Opportunities should improve the retention of experienced competent staff and enhance commitment of the staff across all groups	N/A	
Is there any evidence that groups who should benefit do not? i.e. equal opportunity monitoring of service users and/or staff. If none/insufficient local or national data available consider what information you need.	No evidence at this stage to suggest any group may benefit. Monitoring of protected characteristics will assist in identifying groups who may disadvantaged	None at this stage	Policy is expected to benefit all staff in achieving equal opportunities in an inclusive environment	N/A	
Does the service, leaflet or development/ policy have a negative impact on any geographical or sub group of the population?	Although this policy is for staff it should not impact on any geographical or sub group of the population	N/A	Equal opportunities assists in creating an inclusive approach for all	N/A	
How does the service, leaflet or policy/ development promote equality and diversity?	This policy promotes E&D in employment and to avoid unlawful discrimination	Promote equal opportunities and ensure the workplace is free from harassment, bullying and victimisation for all groups.	Yes by encouraging equal opportunities across all protected characteristics to create an inclusive organisation.	N/A	
Does the service, leaflet or policy/ development explicitly include a commitment to equality and diversity and meeting needs? How does it demonstrate its impact?	The policy includes a commitment to E&D and meeting the needs of staff. Impact is demonstrated via monitoring of the protected characteristics which will show if any group is disadvantaged.	To ensure everyone is treated with dignity and respect in the workplace and has the same opportunity and access for progression and development	All staff are given the same opportunities irrespective of protected characteristics.		
Does the Organisation or service workforce reflect the local population? Do we employ people from disadvantaged groups	Our systems do not allow us to record this data but we encourage people from any diverse group to work for the Trust whenever possible	Encourages people from disadvantaged groups to work in the Trust. Amend our systems to record such data	The workforce is reflective of the community we serve.		
Will the service, leaflet or policy/ development i. Improve economic social conditions in deprived areas ii. Use brown field sites iii. Improve public spaces including creation of green spaces?	N/A	N/A	N/A	N/A	
Does the service, leaflet or policy/ development promote equity of lifelong learning?		Encourages the equity of lifelong learning by promoting equal opportunities for all staff	Policy is expected to benefit all staff to have the same opportunity and access for learning and development	N/A	

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Does the service, leaflet or policy/development encourage healthy lifestyles and reduce risks to health?	N/A	N/A	N/A	N/A
Does the service, leaflet or policy/development impact on transport? What are the implications of this?	N/A	N/A	N/A	N/A
Does the service, leaflet or policy/development impact on housing, housing needs, homelessness, or a person's ability to remain at home?	N/A	N/A	N/A	N/A
Are there any groups for whom this policy/ service/leaflet would have an impact? Is it an adverse/negative impact? Does it or could it (or is the perception that it could exclude disadvantaged or marginalised groups?	This policy should not have any adverse impact on any group of staff	The policy encourages inclusion for people from all groups and backgrounds to be treated equally during their employment	Support is given to employees to achieve their potential which will benefit the organisation by having a diverse range of skills, experience and knowledge.	N/A
Does the policy/development promote access to services and facilities for any group in particular?	N/A	N/A	N/A	N/A
Does the service, leaflet or policy/development impact on the environment <ul style="list-style-type: none"> ● During development ● At implementation? 	N/A	N/A	N/A	N/A
ACTION:				
Please identify if you are now required to carry out a Full Equality Analysis		Yes	No	(Please delete as appropriate)
Name of Author:	Tina Daniels		Date Signed:	31 October 2019
Signature of Author:				
Name of Lead Person:	Tina Daniels		Date Signed:	31 October 2019
Signature of Lead Person:				
Name of Manager:	Director of HR & OD		Date Signed:	
Signature of Manager:				

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