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| **Human Resources** | **HR08 Equality, Diversity and Inclusion Policy** |

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| **Version Number** | **Date Issued**  | **Review Date** |
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| **Consultation Process:** | North of England Commissioning Support (NECS) in partnership with CCG management and Trade Union organisations via the HR Policy Working Group and the CCG Partnership Forum. |
| **Formally Approved:** | July 2022 |
| **Approved By:** | ICB Board |

**EQUALITY IMPACT ASSESSMENT**

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| **Date** | **Issues** |
|  | To be completed, as outlined in the agreed 2022/23 HR EIA review schedule. |

**POLICY VALIDITY STATEMENT**

Policy users should ensure that they are consulting the currently valid version of the documentation. The policy will remain valid, including during its period of review. However, the policy must be reviewed at least once in every 3-year period.

**ACCESSIBLE INFORMATION STANDARDS**

If you require this document in an alternative format, such as easy read, large text, braille or an alternative language please contact necsu.icbhr@nhs.net

**Version Control**

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# **1. POLICY STATEMENT**

1.1 The organisation is committed to equality of opportunity for all employees and is committed to employment practices, policies and procedures which ensure that no employee, or potential employee, receives less favourable treatment on the grounds of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background, domestic circumstances, social and employment status, HIV status, gender reassignment, political affiliation or any other personal characteristic. Diversity will be viewed positively and, in recognising that everyone is different, the unique contribution that each individual’s experience, knowledge and skills can make is valued equally. Supporting that our workforce is diverse and developing an inclusive culture ensures that we are best placed to deliver services to our diverse stakeholders and reflect the populations we serve.

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

1.3 This policy is complimentary to the NHS Staff Council (NHS Employers) Equality and Diversity and Dignity at Work agreements, the NHS People Plan 2020 and the organisation’s Prevention of Harassment and Bullying at Work policy.

1.4 It is a condition of employment that all employees respect and act in accordance with the Equality, Diversity and Inclusion Policy. Failure to do so will result in the disciplinary procedure being instigated, which could result in dismissal.

# **2. PRINCIPLES**

2.1 The organisation will promote, through the provision of training and guidance, the impartial application of all employment policies and procedures, and will take action to deal with all inappropriate behaviour. Courses will be developed to meet specific training needs in relation to equality, diversity and inclusion and appropriate training events will be provided for all employees involved in selection for recruitment or training. The responsibilities of the employer and employee for equality, diversity and inclusion will be positively incorporated into employee training at all levels from induction courses to targeted workshops.

2.2 Employers will work with and consult union equality representatives where appointed.

# **3. DEFINITIONS**

3.1 Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents, and believing that no one should have poorer life chances because of where, what or whom they were born, what they believe, or whether they have a disability. Equality recognises that certain groups of people with particular characteristics may experience discrimination.

  Age

 Disability

 Gender reassignment

 Marriage or civil partnership (in employment only)

 Pregnancy and maternity

 Race

 Religion or belief

 Sex

 Sexual orientation

3.2 Diversity aims to recognise, respect and value people’s differences to contribute and realise their full potential by promoting an inclusive culture for all.

3.3 Inclusion is a sense of belonging. Inclusive cultures make people feel respected and valued for who they are as an individual or group. People feel a level of supportive energy and commitment from others so that they can do their best at work. As an organisation we aspire to ensure our culture is inclusive. Inclusive behaviour includes ensuring that people from all groups are included when decisions are made that impact staff within the organisation

3.4 The Equality Duty has three aims. It requires public bodies to have ***due regard*** to the need to:

  **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act

  **advance equality of opportunity** between people who share a protected characteristic and people who do not share it

  **foster good relations** between people who share a protected characteristic and people who do not share it.

3.5 Having ***due regard*** means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.

3.6 Having due regard to the need to **advance equality of opportunity** involves considering the need to:

 • remove or minimise disadvantages experienced by people due to their protected characteristics;

 • meet the needs of people with protected characteristics; and

 • encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

3.7 Direct discrimination occurs when an individual is treated less favourably because of

 their sex, race, colour, ethnic or national origin, sexual orientation, marital status,

 religion or belief, age, trade union membership, disability, pregnancy or maternity, offending background or any other personal characteristic. An example of direct discrimination would be dismissing a female employee because she is pregnant.

3.8 Indirect discrimination occurs when an unjustifiable condition or requirement is applied which has a discriminatory effect, as the number of people who can comply with the condition or requirement is smaller among a particular group. An example of indirect discrimination would be only sending full-time employees on training courses (as more female employees than male are likely to be part-time).

3.9 Associative discrimination occurs when an individual is discriminated against based on an individual's association with another person belonging to a relevant protected group. The relevant protected groups are Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex and Sexual Orientation. An example of associative discrimination would be overlooking an individual for promotion because they care for an elderly relative.

3.10 Perceptive discrimination occurs when an individual is treated less favourably due to a belief or perception that an individual is a member of a relevant protected group. Perceptive discrimination would occur if a staff member were excluded from team events and away days due to perceptions about their religion or belief.

3.11 Victimisation occurs when an individual is treated less favourably because he or she has raised a complaint or supported a colleague who has made a complaint. For example, a senior member of staff starts to behave in a hostile manner to another member of staff, who previously supported a colleague, in submitting a formal complaint against the senior manager for sexist behaviour. A hostile manner can include excluding team members from social events after they have made a formal complaint.

3.12 Harassment is unwanted conduct on the grounds of any of the protected characteristics which has the purpose or effect of either violating an individual’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. The impact does not have to have been intended or deliberate to be defined as harassment.

 Examples of unwanted behaviour include but are not limited to:

 spoken or written words or abuse

 offensive emails, tweets or comments on social networking sites

 images and graffiti

 physical gestures

 facial expressions

 jokes

 **4. RESPONSIBILITIES**

 **The Chief Officer**

4.1 The organisation’s Chief Officer has ultimate responsibility for monitoring the operation and implementation of the Equality, Diversity and Inclusion Policy and for ensuring that monitoring records are maintained, Public Sector Equality Duty requirements are met and an Equality, Diversity and Inclusion strategy is in place.

**Responsibilities of Lay Members and Directors**

4.2 Lay Membersand Directors will adopt appropriate strategies to support and value equality, diversity and inclusion within the organisation and ensuring staffing reflects the diversity of the community and labour markets.

**Responsibilities of Managers**

4.3 Managers are required to exercise leadership in this field by discouraging prejudice and by modelling appropriate behaviour. They must ensure that the policy is clearly communicated to their employees along with sources of available support. They must also take speedy and appropriate action to deal with any breaches of the policy, or behaviour that could lead to a breach of the policy.

4.4 Any identified breaches of the Equality, Diversity and Inclusion Policy should be dealt with using the Disciplinary, Grievance or Harassment and Bullying policies.

4.5 Managers are responsible for applying employment practices, policies and procedures fairly and consistently, and for highlighting and addressing any practices which could lead to discrimination.

4.6 Managers should seek to establish inclusive practices in the management and leadership of their teams. This includes equality, diversity and inclusion discussions as part of individual health and well-being conversations with staff and ensuring that any reasonable adjustments are implemented effectively. Managers should also encourage an inclusive team culture and support staff who indicate an interest in Equality, Diversity and Inclusion to become involved with organisation activity including involvement in relevant employee networks, organising and attending diversity and inclusion events. The needs of the organisation and the services we provide will remain the highest priority.

4.7 Managers should work with union equality representatives, where appointed, in promoting diversity management, ensuring legal compliance, conducting audits, raising awareness and engaging employees on equality issues.

**Responsibility of Employees**

4.8 All employees are responsible for familiarising themselves with the Equality, Diversity and Inclusion Policy and for complying with it. Employees should inform their manager if they know or suspect that discrimination/ harassment is occurring.

4.9 All employees have a responsibility for creating an inclusive culture and we are therefore required to consider the impact of our behaviour on our colleagues and those around us, even where there is no malicious intent. All employees, at all levels are required to complete mandatory Equality and Diversity training and are encouraged to become involved in Equality, Diversity and Inclusion activities and diversity networks where these apply.

4.10 All employees are encouraged to discuss equality, diversity and inclusion as part of their health and well-being conversations.

# **5. EQUALITY**

5.1 In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination**,** promote equality of opportunity**,** and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

**6. DATA PROTECTION**

6.1 In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal information. Employees will have access to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues.

# **7. MONITORING & REVIEW**

7.1 Equality, Diversity and Inclusion updates are reported regularly to the Governing Body through the Governance Assurance Reports and annually in the organisation's Annual Report.

7.2 Equality impact assessments are embedded into Governance processes  and are completed for all new and reviewed policies, projects and service updates. Completed EIAs are reviewed by the (NECS) Equality Team and relevant Committee e.g. Organisation's Governing Body/Organisation Quality and Safety Committee .

7.3 The policy and procedure will be reviewed periodically by Human Resources and trade unions giving due consideration to legislative changes.

# **PART 2**

# **1. PROCEDURE FOR DEALING WITH COMPLAINTS OF DISCRIMINATION**

1.1 Any employee who feels that they have been discriminated against on any grounds set out in this policy should initially raise their concerns with their line manager. Where an employee’s concerns relate to their line manager, the employee should raise their concern with the next more senior officer. Alternatively, employees may wish to discuss their concern with a member of the Human Resources Department.

1.2 Where resolution cannot be achieved through informal discussion, an employee may put forward a grievance in line with the guidelines set down in the Organisation’s Grievance Procedure. Alternatively the Organisation’s Prevention of Harassment and Bullying at Work policy may be followed. At all stages of the procedure, employees can be accompanied by a Trade Union representative or work colleague.

# **Appendix 1 - Equality Impact Assessment**

Equality Impact Assessments will be updated to include statistical data. Equality Impact Assessments will be updated and included in each Human Resource policy, as per the agreed 2022/23 HR EIA review schedule