

# Equality and Diversity Policy

Policy reference – CCGHR23

SUMMARY	This policy aims to eliminate discrimination, advances equality of opportunity and fosters good relations between different groups in respect of all protected characteristics set out in the Equality Act 2010.
AUTHOR	eMBED Health Consortium E&D Team
VERSION	V1.5 Final
EFFECTIVE DATE	23 July 2018
APPLIES TO	All employees, workers and visitors
APPROVAL BODY	Remuneration and Nomination Committee
RELATED DOCUMENTS	All policies
REVIEW DATE	July 2022

## VERSION CONTROL SHEET

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Status</b>	<b>Comment</b>
1.1	20/07/15	Hannah Morris / Sharon Moore	Draft	
1.2	09/09/15	Hannah Morris	Draft	Comments from staff
1.3	29/09/15	Hannah Morris	Draft	9.4.2.2 updated following policy sub group
1.4	12/10/2015	Tazeem Hanif	Final	Consultation with Trade Unions via the collaborative Social Partnership Forum. Amendments and changes agreed and ratified.
1.5	23/05/2015	Lynne Carter/Ian Corbishley	Final	Updates in regard to GDPR Full review of Policy with transition to a single CCG

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## **1. PURPOSE**

The aim of this policy is to ensure that NHS Leeds Clinical Commissioning Group (CCG) meets its obligations under the Equality Act 2010, upholding equality rights and welcoming diversity of all current and prospective employees in a meaningful way. The CCG is committed to respecting and valuing differences, treating people as individuals and creating a working culture and practices that harness differences for the benefit of the CCG and the workforce. The CCG recognises the importance of equal opportunity in respect of the provision of equal rights and in responding to specific needs in a sensitive and appropriate way so that opportunity is equitably shared and potential is fully realised. Every person will be treated with respect, fairness and dignity according to their needs and personal characteristics.

1.1 The policy will also ensure due regard for the following general aims of the Public Sector Equality Duty to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and people who do not share it.

1.2 This policy relates to the CCG's workforce and to anyone applying to join the workforce. The CCG also has a legal duty to pay due regard to the three general aims above in respect of local patients, service users and communities.

## **2. SCOPE**

2.1 This policy applies to all employees (including those on permanent and temporary contracts), contractors, sub-contractors, prospective employees and job applicants.

## **3. EQUALITY STATEMENT**

In applying this policy, the CCG 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, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation. In addition, the CCG will ensure that employees and job applicants are not unreasonably discriminated against on the basis of other characteristics including socio-economic status, offending background, political affiliation and trade union membership.

3.1 An Equality Impact Assessment is used for all policies.

## **4. ACCOUNTABILITY**

4.1 The Chief Officer is accountable for this policy.

## **5. IMPLEMENTATION AND MONITORING**

5.1 The Remuneration and Nomination Committee is responsible for formal approval and monitoring compliance with this policy. Following ratification the policy will be shared with staff in the e-bulletin and will be available on the website. Relevant training will be

provided by the relevant specialist.

- 5.2 The policy and procedure will be reviewed periodically by the Senior Management Team in conjunction with managers, Human Resource Representatives and Trade Union representatives where applicable. Where review is necessary due to legislative change, this will happen immediately.
- 5.3 The CCG is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the CCG's Confidentiality and Data Protection and related policies and procedures,

## **6. RESPONSIBILITIES**

- 6.1 Good working relations are vital for the CCG to operate successfully and provide services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on issues in good faith and with the shared intention of facilitating good working relations.

### **6.2 Employees**

- 6.2.1 It is the responsibility of employees to ensure that they:

- Familiarise themselves and comply with the policy and arrangements;
- Respect others for their contribution and diversity;
- Pro-actively champion equality and diversity, and provide suggestions to enhance the working environment for everyone;
- Inform their manager or HR if they become aware of any (potential) discriminatory practice;
- Do not discriminate, victimise, harass or intimidate other staff or groups.

### **6.3 Line Managers**

- 6.3.1 It is the responsibility of line managers to ensure that they:

- Fully understand the needs of their staff and seek appropriate support to maximise the potential of all staff;
- Exercise leadership in this field by pro-actively challenging discrimination and harassment, promoting equality and modelling exemplary behaviour that reinforces the CCG's values and commitment to equality and diversity,
- Eliminate any unfair practices of which they are aware, whether or not a complaint has been made.
- Work with staff and take speedy, appropriate and proportionate action to deal with any breaches of the policy, or behaviour that could lead to a breach of the policy or equality legislation.

### **6.4 Workforce Team**

- 6.4.1 The Human Resource representative will provide advice and support on all aspects of this policy to ensure application and support. The Learning and Development representative will make managers aware of their team's statutory and mandatory training compliance.

## **6.5 Equality and Diversity Manager/ Lead**

6.5.1 The Equality and Diversity manager/ lead is responsible for providing expert advice and guidance to staff, managers and governing body/ board members on equality matters relating to their field of expertise.

## **7. LEGAL LIABILITY**

- 7.1 The CCG may be liable for any act of unlawful discrimination committed by its employees during the course of their employment, unless it can be proved that all reasonable and practicable steps had been taken to prevent such an act from occurring. Individual employees can also be held personally liable for acts of unlawful discrimination. The CCG has a legal and moral responsibility for ensuring that discrimination does not occur.
- 7.2 Any deliberate act of discrimination, harassment or victimisation will be managed under the Acceptable Standards of Behaviour Policy and referred to the Disciplinary Policy and Procedure as appropriate.

## **8. DEFINITIONS**

### **8.1 Equality Act (2010)**

8.1.1 The Act harmonises and replaces previous equality legislation and ensures consistency in what employers need to do to make the workplace a fair environment to comply with the law. The act covers the nine protected characteristics listed below (please see [the good practice guide](#) for further information) :

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

### **8.2 Direct Discrimination**

8.2.1 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 perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below). Discrimination is only permitted in very limited circumstances if there is a genuine occupational requirement for an individual to have a particular characteristic.

### **8.3 Discrimination by Association**

8.3.1 This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

### **8.4 Discrimination by Perception**

8.4.1 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.

#### **8.5 Indirect Discrimination**

- 8.5.1 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. Indirect discrimination can be justified if you can show that you acted reasonably in managing your service responsibilities, i.e. that it is ‘a proportionate means of achieving a legitimate aim’.

#### **8.6 Victimation**

- 8.6.1 This takes place when a person is treated less favourably than others in the same circumstances because it is suspected or known that he/she has brought proceedings under one of the Acts or has given evidence or information relating to such proceedings or alleged that discrimination has occurred.

#### **8.7 Harassment**

- 8.7.1 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.

#### **8.8 Third Party Harassment**

- 8.8.1 Where employees are subject to harassment by people who are third parties such as patients, the CCG must take reasonable steps to prevent the harassment from happening again once it has been made aware it has taken place.

#### **8.9 Disability**

- 8.9.1 This is defined as someone who ‘has a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities’.

#### **8.10 Reasonable Adjustment**

- 8.10.1 The CCG is required to consider reasonable adjustments in the workplace where a disabled person would otherwise be put at a substantial disadvantage compared with their colleagues. What is “reasonable” depends on the individual circumstances of the case. It would have to be practicable, effective and within the scope of the CCG’s financial and human resources.

## **9. STRATEGIES FOR ACHIEVING EQUALITY OF OPPORTUNITY**

### **9.1 Training and Development**

- 9.1.1 All staff are required to undertake statutory and mandatory E-learning in equality and diversity. Further face to face equality and diversity training will also be provided to staff where a more in depth understanding is required to fulfil their role in the context of the CCG.
- 9.1.2 The CCG is also committed to ensuring that all staff have equal opportunity in accessing training and development opportunities. Further information can be found in the Education, Training and Development Policy.

### **9.2 Disability**

- 9.2.1 The CCG has made the following specific commitments to which all staff must adhere as a Disability Confident Employer for which we are currently accredited and regularly assessed and as such we commit:

- To interview all disabled applicants who meet the minimum criteria for a job vacancy and consider them on their abilities.
- To ensure there is a mechanism/reference group in place to discuss, at any time, but at least once a year, with disabled employees what the organisation can do to support disabled employees and to understand better the non-visible barriers they face, and how in partnership those barriers can be addressed. To undertake a review of reasonable adjustments in light of changing circumstances, and make necessary recommendations.
- To make every effort through the effective implementation of reasonable adjustments that when employees become disabled to make sure they stay in employment with appropriate support measures in place.
- To take action to ensure that all employees develop the appropriate level of disability awareness needed to make our commitments work.
- Each year, to review the five commitments and what has been achieved, to plan ways to improve on them and let employees and Jobcentre Plus know about:
  - progress and future plans.
  - inclusive and accessible recruitment
  - communicating vacancies
  - offering an interview to disabled people
  - providing reasonable adjustments
  - supporting existing employees

Disability Confident Employers are recognised as going the extra mile to make sure disabled people get a fair chance and we have self-assessed our progress in:

- getting the right people for our business
- keeping and developing our people

### **9.3 Mindful Employer: Positive about Mental Health**

- 9.3.1 The CCG is currently signed up to the Mindful Employer Charter which promotes mental health at work in recruiting and retaining staff. As a result the CCG aims to:
  - Show a positive and enabling attitude to employees and job applicants with

- mental health issues. This will include positive statements in local recruitment literature.
- Ensure that at least one member of staff involved in recruitment and selection are briefed on mental health issues and The Equality Act 2010, and given appropriate interview skills.
  - Make it clear in any recruitment or occupational health check that people who have experienced mental health issues will not be discriminated against and that disclosure of a mental health problem will enable both employee and employer to assess and provide the right level of support or adjustment.
  - Not make assumptions that a person with a mental health issue will be more vulnerable to workplace stress or take more time off than any other employee or job applicant.
  - Provide non-judgemental and proactive support to individual staff that experience mental health issues.
  - Ensure all line managers have information and training about managing mental health in the workplace.

## **9.4 Recruitment and Selection**

### **9.4.1 Advertising**

9.4.1.1 The CCG will take measures to ensure that where appropriate all sections of the community and the existing workforce are informed about job opportunities. All posts will be advertised either internally or externally. This may be done internally across the local health economy where this is justified, for example a citywide collaborative role hosted by one organisation. The intention is for all permanent positions to be advertised via NHS Jobs unless this is justified otherwise, for example, for internal training, development and promotion opportunities as appropriate. Recruitment solely on the basis of “by word of mouth” will not be deemed acceptable and may result in unlawful discrimination. Ring fencing and slotting in may limit advertising and will take place in line with Organisational Change and Redeployment Policies and Procedures.

### **9.4.2 Selection**

9.4.2.1 Every role will have a detailed, up-to-date and relevant person specification, which describes relevant criteria. This will be used as a tool during the selection process. It is vital that the person specification does not include any criteria or requirements which are unnecessary for the post and which might exclude applicants from particular groups. Individuals will be appointed solely on the basis of their relevant experience, abilities and their suitability to do the job in accordance with the objective criteria laid down in an appropriate person specification. The interview structure will be consistently applied to all candidates.

9.4.2.2 In line with the Mindful Employer commitment, at least one interview panel member must have received the CCG’s (or equivalent) recruitment and selection training. This is to ensure that recruiting managers comply with the Equality Act, and are familiar with the principle of equal opportunities and the CCG’s approach to diversity. Interview panels must consist of a minimum of two people to eliminate bias. It is considered best practice to have three people on an interview panel where possible.

## **9.5 NHS Equality Delivery System 2 and NHS Workforce Race Equality Standard**

9.5.1 The NHS Equality Delivery System 2 (EDS2) is an assurance framework to help the CCG improve services provided to local communities, consider local health inequalities and provide working environments free from discrimination. The CCG

regularly assesses itself against four goals outlined below, which have eighteen outcomes.

- Better health outcomes for all
- Improved patient access and experience
- Empowered, engaged and included staff
- Inclusive leadership at all levels

- 9.5.2 The NHS Workforce Race Equality Standard (WRES) assists the CCG in considering and reducing any identified differences between the treatment and experience of white and black and minority ethnic (BME) staff, taking necessary remedial action where required on the causes of ethnic disparities. There are nine indicators covering workforce indicators, staff survey findings and boards.
- 9.6 Further guidance on complying with the Equality Act 2010 and reasonable adjustments for all protected characteristics and can be found in the good practice guide.

## **10. MONITORING**

- 10.1 Monitoring is an essential part of the policy. The CCG produces quarterly and annual equality data on the workforce and board. Assessment and grading also takes place regularly on the EDS2 and annual reporting of the WRES. The Recruitment Team monitors demographic data from application forms. The annual staff survey information is also analysed where appropriate for any disparities in experience between groups. Information and issues are brought to the Workforce and Diversity Management Group and Senior Management Team for engagement and consideration.

## **11. PROCEDURE FOR DEALING WITH COMPLAINTS**

- 11.1 Staff who feel they have been discriminated against on any grounds set out in this policy should initially raise their concerns with their line manager or another appropriate manager if the concerns relate to their line manager. Alternatively, staff may wish to discuss their concern with a member of the Human Resources Team or a staff side representative. It may be appropriate to deal with the matter under the CCG's Acceptable Standards of Behaviour Policy (Incorporating bullying, harassment and other behaviours which affect people's dignity at work) or the CCG's Grievance Policy where it cannot be resolved through informal discussion.

## Equality Impact Assessment

<b>Title of policy</b>	Equality and Diversity Policy	
<b>Names and roles of people completing the assessment</b>	Lynne Carter, Deputy Head of Engagement and Equality, eMBED Health Consortium	
<b>Date assessment started/completed</b>	Start: 07/06/2018	Completion: 07/06/2018

<b>1. Outline</b>	
<b>Give a brief summary of the policy</b>	This policy aims to eliminate discrimination, advances equality of opportunity and fosters good relations between different groups in respect of all protected characteristics as set out in the Equality Act 2010 and referred to at 3.1 of the policy.
<b>What outcomes do you want to achieve</b>	Equal opportunity and a discrimination free workplace.

<b>2. Analysis of impact</b>			
	<b>Are there any likely impacts? Are any groups going to be affected differently? Please describe.</b>	<b>Are these negative or positive?</b>	<b>What action will be taken to address any negative impacts or enhance positive ones?</b>
<b>Age</b>	Yes	Positive	The policy specifically provides protection to the group to prevent discrimination and provide equality of opportunity.
<b>Carers</b>	Yes	Positive	The policy specifically provides protection to the group to prevent discrimination and provide equality of opportunity.
<b>Disability</b>	Yes	Positive	The policy specifically provides protection to the group to prevent

			discrimination and provide equality of opportunity. It also includes the two ticks and mindful employer accreditations to make reasonable adjustments etc.
<b>Sex</b>	Yes	Positive	The policy specifically provides protection to the group to prevent discrimination and provide equality of opportunity.
<b>Race</b>	Yes	Positive	The policy specifically provides protection to the group to prevent discrimination and provide equality of opportunity.
<b>Religion or belief</b>	Yes	Positive	The policy specifically provides protection to the group to prevent discrimination and provide equality of opportunity.
<b>Sexual orientation</b>	Yes	Positive	The policy specifically provides protection to the group to prevent discrimination and provide equality of opportunity.
<b>Gender reassignment</b>	Yes	Positive	The policy specifically provides protection to the group to prevent discrimination and provide equality of opportunity.
<b>Pregnancy and maternity</b>	Yes	Positive	The policy specifically provides protection to the group to prevent discrimination and provide equality of opportunity.
<b>Marriage and civil partnership</b>	Yes	Positive	The policy specifically provides protection to the group to prevent discrimination and provide equality of opportunity.
<b>Other relevant group</b>	Yes	Positive	The policy specifically provides protection to the group to prevent discrimination and provide equality of opportunity.

<p><b>If any negative/positive impacts were identified are they valid, legal and/or justifiable?</b></p> <p>Please detail.</p>	<p>No anticipated detrimental impact on any equality group. The policy is applicable to all employees and adheres to the NHS Litigation Authority Standards, statutory requirements and best practice. The policy makes all reasonable provision to ensure equality of access to all employees. There are no statements, conditions or requirements that disadvantage any particular group of people with one or more protected characteristic.</p>
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<b>4. Monitoring, Review and Publication</b>			
<b>How will you review/monitor the impact and effectiveness of your actions</b>	Workforce inequalities will be identified through the use of tools such as the Workforce Race Equality Standard, Workforce Disability Equality Standard and Gender Pay Gap reporting. Actions to reduce these inequalities will be included in the implantation plan for the CCG's People and OD plan.		
<b>Lead Officer</b>	John Scott, Head of People, OD and Office Services	<b>Review date:</b>	July 2022
<b>5.Sign off</b>			
<b>Lead Officer</b>	John Scott, Head of People, OD and Office Services		
<b>Director</b>	Jo Harding, Executive Director of Quality and Safety/Governing Body Nurse	<b>Date approved:</b>	17/07/2018