

# Equality and Diversity Policy

## Policy reference – HR012

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| SUMMARY            | <p>The principle purpose and aim of this policy is to ensure that the organisation fairly supports all current and prospective staff to reach their full potential and to contribute to the success of the organisation.</p> <p>The policy supports the requirement of the Equality Act 2010 to eliminate all forms of unlawful discrimination, advance equality of opportunity and foster good relations.</p> |
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| VERSION            | 2.0 FINAL  |
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| APPLIES TO         | All employees of the CCG, individuals engaged under a contract for service, students, volunteers and those on work experience.   |
| APPROVAL COMMITTEE | CCG Remuneration Committee   |
| REVIEW DATE        | April 2021   |

***This policy has been aligned to Greater Huddersfield and North Kirklees CCGs in light of shared staff working across the CCGs.***

**THIS POLICY HAS BEEN SUBJECT TO AN EQUALITY IMPACT ASSESSMENT**

**VERSION CONTROL SHEET**

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| 1.2            | 15.03.2018  | Tazeem Hanif   | Draft                       | Policy agreed by Trade Unions at the Social Partnership Forum                                       |
| 2.0            | 16.04.2018  | Tazeem Hanif   | Final                       | Policy approved by the Remuneration Committee, in line with the electronic policy approval process. |

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## **1. POLICY STATEMENT**

- 1.1 The principle purpose and aim of this policy is to ensure that the Clinical Commissioning Group (“CCG”) fairly supports all current and prospective staff to reach their full potential and to contribute to the success of the CCG. In this regard fairness does not mean treating everyone in the same manner. It means recognising and responding to individual needs and relationships in a sensitive, culturally and socially appropriate way, so that ‘opportunity’ is equitably shared and potential is fully realised.
- 1.2 The promotion of equality and diversity will be actively pursued through policies and procedures which support staff and potential staff to receive fair, equitable and consistent treatment and are not subject to direct or indirect discrimination.
- 1.3 Employees and others need to be aware of their role in relation to promoting equality and diversity within their work, relationships at work and as they represent the CCG.

## **2. SCOPE**

- 2.1 This document is relevant to all employees, Governing Body members, contractors, sub-contractors working within, and with the CCG including all prospective job applicants. The CCG will ensure that all current and new employees are made aware of this policy. Moreover, the aim of this policy is to support staff to embed equality and diversity within their respective roles to improve outcomes for everyone.

## **3. RESPONSIBILITY**

- 3.1. 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.

### **3.2. Line Managers**

The key responsibilities for Line Managers include:

- Understanding the needs of staff within their responsibility and seeking appropriate support to maximise the potential of all;
- Exercising leadership in this field by proactively challenging discrimination and harassment, promoting equality and modelling exemplary behaviour that reinforces the organisation’s commitment to equality and diversity;
- Ensuring that the HR policy framework, including this policy, is clearly communicated to staff, specifically highlighting its benefits, safeguards and opportunities, along with supporting individuals to identify source support, training and development;
- Working with staff to build positive relationships and take timely, appropriate and proportionate action to deal with any breaches of the policy, or behaviour that could lead to a breach of the policy and /or equality legislation;
- Facilitating the same access to development and promotion opportunities for all staff, equally, regardless of an individual’s background and based on evidence and organisational needs.

### **3.3. Staff**

It is the responsibility of the member of staff to ensure that they:

- Familiarise themselves with this policy and understand the broader HR policy framework;
- Comply with the policy and arrangements;
- Do not discriminate in their day to day activities or induce others to do so,
- Do not victimise, harass or intimidate other staff or groups, including but not limited to those people who have, or are perceived to have one or more of the protected characteristics;
- Do not discriminate against or harass any individual because of their association with another individual who has a protected characteristic;
- Respect colleagues for their contribution;
- Proactively champion equality and diversity;
- Inform their Line Manager if they become aware of any (potential) discriminatory practice.

### **3.4. Human Resources**

The key responsibilities for Human Resources are:

- Supporting and advise Line Managers on the effective implementation and application of the policy;
- Monitoring and reviewing the policy in conjunction with other associated policies, to ensure the policy and procedure are fit for purpose and respond to organisational, national policy or legislative changes, in the context of the needs of current and future potential employees (their equality characteristics);
- Providing intelligence data in line with data protection rules, and working with staff as appropriate, to aid understanding of the impact of future employment policies, procedures and practices to ensure they are non-discriminatory.

## **4. EQUALITY STATEMENT**

4.1 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, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, carers and sexual orientation.

4.2 In order to evidence 'due regard' the CCG will implement the following specific actions:

1. **Monitoring:** workforce data and contractual relationships will be monitored to identify issues, manage risk and highlight specific opportunities to further embed equality and diversity in the workplace. The CCG 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.
2. **Equality Impact Assessment/Analysis:** will be used as part of commissioning, policy and service development processes, organisational change strategies to understand better the impact of 'planned intentions' and raise recommendations including appropriate/necessary interventions.

- 4.3 The CCG will promote equality and will avoid unlawful discrimination in all aspects of employment including recruitment, promotion and opportunities for training. For further guidance please refer to the CCGs Recruitment and Selection Policy.

## **5. ACCOUNTABILITY**

- 5.1 The Chief Officer is accountable for this policy.

## **6. LEGISLATIVE COMPLIANCE**

- 6.1 This policy complies with current legislation relating to current employment law in this country. However this and all other associated HR policies will continuously evolve taking into account national policy changes, case law, statutory amendments and local intelligence analysis.

## **7. IMPLEMENTATION AND MONITORING**

- 7.1 The Remuneration Committee is responsible for the formal approval of this policy. Following approval, the policy will be disseminated to staff via internal communication methods and available through the staff intranet and through mandatory equalities training and awareness sessions targeting all CCG staff.
- 7.2 The HR team will encourage all staff to provide their personal equality data in confidence, making clear how it is to be used and the possible benefits to the organisation and themselves. The HR team will populate a workforce intelligence system to maintain records of staff equality data (if provided), and utilise it to understand better the effectiveness of HR policies, identify opportunities for improvement, and the impact of the actions of the organisation on those people who share protected characteristics compared to those who don't.
- 7.3 This information will be collected and stored in line with the Data Protection Act 1998 and other relevant legislation and will only be used to monitor compliance and advance equality of opportunity as articulated within this document. HR policies will be periodically reviewed by Human Resources in conjunction with Line Managers and Trade Union representatives based on intelligence collated or legislative changes. HR staff will utilise and analyse intelligence that has been compiled through staff profiling processes, on a regular basis.
- 7.4 Data will only be published and used in ways that prevents person identification, and any (potential) discrimination. This process of monitoring will also seek to identify the impact training investment has on staff, organisational culture, specific (characteristic) needs, developing a representative workforce, setting targets, and areas of potential risk to the CCG as per their annual governance assessment sign off responsibilities. It is important to note as part of this policy, that the organisation is relatively small, and all data and related actions will be managed with this in mind.

## **8. DEFINITIONS**

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

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:

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

### **8.2 Direct Discrimination**

This takes place when a person is treated less favourably than others (in the same circumstances) on the grounds of their protected characteristic. (e.g. advertising a post which specifically restricts applicants to a specific race, age group etc.). Discrimination is only permitted in very limited circumstances if there is a genuine occupational requirement for an individual to have a particular characteristic. Selection for recruitment or promotion must be on merit; however, in some circumstances it is possible to take certain steps to redress the effects of previous inequality of opportunity. This is called positive action and employers may give special encouragement to, or provide training to, individuals with a specific characteristic.

### **8.3. Indirect Discrimination**

This is more subtle and can occur when an apparently neutral provision, criterion or practice would put people of a particular group at a disadvantage compared with other people. (For example, an unjustified age limit or range which may discriminate against women who have taken time out from employment for family purposes or a rule about clothing or uniforms which disproportionately disadvantages a religious group and cannot be justified).

### **8.4 Victimisation**

This takes place when a person is treated less favourably than others in the same circumstances because it is thought or known that he/she has brought proceedings under the Equality Act 2010 or has given evidence or information relating to such proceedings or alleged that discrimination has occurred.

### **8.5 Harassment**

Harassment is defined as improper, offensive and humiliating behaviour, practices or conduct which may threaten a person's job security, create an intimidating, unwelcoming and stressful environment, or cause personal offence or injury.

### **8.6 Discrimination by association**

This takes place when an individual is treated less favourably because they are linked or associated with a protected characteristic. This protection does not extend to marriage and civil partnership, and pregnancy and maternity.

### **8.7 Discrimination by perception**

This occurs when an individual is discriminated against based on a perception that they possess a particular characteristic when they do not, in fact, have that protected characteristic. This protection does not extend to marriage and civil partnership, and pregnancy and maternity.

### **8.8 Third party harassment**

This takes place when an employee is harassed in the workplace by a third party and that subject of the harassment is based on a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity). Third parties can include customers, client and third party contractors.

### **8.9 Disability**

The Equality Act 2010 defines a disabled person 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'.

Long term is defined as at least 12 months. Progressive illnesses are also covered and once employees are diagnosed as having a progressive condition they will be covered under the Act. Further information about legislation and support can be obtained from HR or Occupational Health.

For the procedure on employing people with disabilities, please refer to the Disability Confident Scheme referenced in the CCGs Recruitment and Selection Policy.

### **8.10 Reasonable Adjustment**

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 CCGs financial and human resources. Advice should be sought from Occupational Health and the HR team in relation to reasonable adjustments.

## **9. TRAINING**

- 9.1 It is critical that all who are involved in recruitment/selection, appraisal, employee development and promotion receive specific training so that they are able to both support staff and manage contracts effectively in the context of equality and diversity needs.
- 9.2 No Line Manager should undertake recruitment without first understanding the terms of this procedure and associated legislation. One member of every interview panel should have attended a mandatory training course on recruitment and selection that incorporates equality and diversity implications.
- 9.3 Diversity/equal opportunity issues will be covered at the local induction held throughout the CCG.
- 9.4 The CCG will utilise Equality and Diversity specialists where possible to develop and implement creative and participative programs that involve all staff and increases their collective understanding of equality and diversity in the context of business needs.



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

- 10.1 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 Manager. Alternatively, employees may wish to discuss their concern with a member of the Human Resources team.
- 10.2 Where resolution cannot be achieved through informal discussion, an employee may put forward a grievance in line with the guidelines set down in the CCGs Grievance Policy. Any act of discrimination, harassment or victimisation will be investigated in line with the Grievance Policy and referred to the Disciplinary Policy and Procedure as appropriate.

## **11. NATIONAL INITIATIVES THAT SUPPORT THE CCGs EQUAL OPPORTUNITIES WORK**

- 11.1 The NHS Equality Delivery System (EDS) is an assurance framework to help the CCG improve services provided to local communities, considering local health inequalities and providing working environments free from discrimination. The organisation 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
- 11.2 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 BME staff. There are nine indicators covering workforce indicators, staff survey findings and boards.
- 11.3 The CCGs will annually gather data for each of the nine WRES indicators, analyse that data to identify the most significant inequalities and produce, publish and implement an action plan to reduce those inequalities. WRES data will be used to evaluate the effectiveness of the actions within the plan and to develop the plan so that the organisation does not continue to take action which is not leading to reduced inequalities.
- 11.4 A new Workforce Disability Equality Standard is being developed. The CCGs will use this standard in a similar way to the WRES standard to ensure that disability equality is improved.