



TRUST WIDE DOCUMENT

	<b>Policy</b>
<b>DOCUMENT TITLE:</b>	<b>Equality, Diversity and Inclusion Policy</b>
<b>DOCUMENT NUMBER:</b>	<b>ELHT/HR81 v1.0</b>
<b>DOCUMENT REPLACES</b>	<b>Equal Opportunities Policy V5.4</b>
<b>LEAD EXECUTIVE DIRECTOR DGM</b>	<b>Director of HR/OD</b>
<b>AUTHOR(S)</b>	<b>Equality, Diversity &amp; Inclusion Lead / Staff Side Representative</b>

<b>TARGET AUDIENCE:</b>	All Trust Personnel
<b>DOCUMENT PURPOSE:</b>	East Lancashire Hospitals NHS Trust or “ELHT” is committed to creating an inclusive working environment in which the contributions of all staff can be valued and supported, where individual differences are respected, it is about focusing on the needs of every individual and ensuring the right conditions are in place for each person to achieve their full potential and create an environment where employees can bring their whole-selves to work.
<b>To be read in conjunction with</b>	<ul style="list-style-type: none"><li>• ELHT Behavioural framework</li><li>• ELHT Mission, Vision &amp; Values</li><li>• ELHT People Plan</li><li>• NHS Equality Delivery System (EDS),</li><li>• Workforce disability equality standard (WDES),</li><li>• The workforce race equality standard (WRES),</li><li>• Gender pay gap</li><li>• Sexual orientation monitoring and the Rainbow Badge Scheme</li></ul>

<b>SUPPORTING REFERENCES</b>	<ul style="list-style-type: none"> <li>• Equality Act 2010</li> <li>• The essential guide to the public sector equality duty (EHRC)</li> <li>• The Equality Act 2010 – ACAS guidance for employers</li> </ul> <p><b>This policy will be supported by the following policies and procedures;</b></p> <ul style="list-style-type: none"> <li>• HR06 Sickness Absence Policy</li> <li>• HR07 Early Resolution Policy</li> <li>• HR 14 Special Leave policy</li> <li>• HR 23 Flexible working policy</li> <li>• HR04 Maternity pay and Leave Regulations</li> <li>• HR09 Disciplinary Procedure</li> <li>• HR11 Supporting staff with disabilities policy</li> <li>• HR20 Freedom to speak up, staff raising concerns Whistle-blowing policy</li> <li>• HR2 Induction Policy</li> <li>• HR60 Fair Recruitment and Selection Procedures</li> <li>• HR30 Employment policy on HIV &amp; AIDS</li> <li>• HR41 Appraisal Policy</li> <li>• HR50 Adoption policy</li> <li>• HR56 Breast feeding policy</li> <li>• HR70 Supporting staff who experience domestic abuse policy</li> <li>• HR71 Time off and support for staff undergoing fertility treatment</li> <li>• HR80 Agile working policy</li> </ul>
------------------------------	---

<b>CONSULTATION</b>		
	<b>Committee/Group</b>	<b>Date</b>
<b>Consultation</b>	HR Policy Group	17.03.22
<b>Approval Committee</b>	JNCC	14.04.22
<b>Policy approved date</b>	11/05/2022	
<b>NEXT REVIEW DATE:</b>	April 2025	
<b>AMENDMENTS</b>	None	

## CONTENTS

	<b>Content</b>	<b>Page Number</b>
1	Introduction	<b>4</b>
2	Our ambition as an organisation	<b>5</b>
3	Policy Statement	<b>8</b>
4	Scope	<b>10</b>
5	Language	<b>10</b>
6	Roles and responsibilities	<b>11</b>
7	Governance	<b>11</b>
8	Review	<b>12</b>
9	Monitoring Mechanism	<b>12</b>
Appendix 1	Equality, diversity and inclusion statement of intent	<b>13</b>
Appendix 2	Legislation, Types of discrimination, protected characteristics, protection from discrimination, NHS Frameworks and Positive Action	<b>14</b>
Appendix 3	Equality Impact Assessment Screening	<b>18</b>

## 1. INTRODUCTION

- 1.1 East Lancashire Hospitals NHS Trust or “ELHT” is committed to creating an inclusive working environment in which the contributions of all staff can be valued and supported, where individual differences are respected, it is about focusing on the needs of every individual and ensuring the right conditions are in place for each person to achieve their full potential and create an environment where employees can bring their whole-selves to work.
- 1.2 We aim to celebrate and value the differences in people, recognising that people come from a wide variety of backgrounds and can be different from one another in many ways. These differences include;
- age; disability; gender identity or expression; marital or civil partner status; pregnancy or parental status; race (including colour, nationality, and ethnic or national origin); religion or belief; sexual orientation (the “Protected Characteristics”); or social background.
- 1.3 A brief outline of equality legislation, types of discrimination, protected characteristics, protection from discrimination and NHS Frameworks is set out in Appendix 2.
- 1.4 People with different backgrounds, skills, attitudes and experiences bring fresh ideas and perceptions. As a diverse organisation the Trust seeks to encourage and harness these differences to make our services relevant and accessible.
- 1.5 ELHT recognises that **equality is not about treating everyone the same**. Equal treatment involves much more than simply treating everyone alike; it requires recognition that some groups and individuals have diverse characteristics, different experiences, needs, capabilities and aspirations that need to be met if they are to enjoy equal access to the opportunities available in the Trust, examples include;
- flexible working requirements of employees with a protected characteristic which promote equity of opportunity and which enhance the quality of working life
  - being sensitive to cultural and religious needs of our staff e.g. time off for religious rituals and festivals, for example allowing Muslim colleagues to pray during work time, allowing Jewish people to observe Sabbath, a Christian colleague may want to attend mass, a Hindu colleague may want to do puja (silent prayers), a Buddhist colleague may want to meditate or chant in a quiet room, a colleague of no practising faith may find a quiet space offered helpful
  - having ‘family-friendly’ policies that promote work-life balance and flexibility
  - providing physical adaptations or equipment and reviewing working arrangements for people with disabilities e.g. adjustment of sickness absence triggers for staff with disabilities
  - the above list is not exhaustive
- 1.6 The Trust appreciates diversity and seek to recognise and value differences through inclusion. We aim to ensure the provision of accessible healthcare and to develop a diverse and well-supported workforce that is broadly reflective of the population we serve.

## 2. OUR AMBITION AS AN ORGANISATION

- 2.1 We know that diverse teams, where members can bring their whole selves to work and feel a sense of belonging, are more likely to be able to provide high quality care. Our ambition is to become a truly inclusive and anti-racist organisation.
- 2.2 A range of initiatives, policies and procedures are in place that promote equality, diversity and inclusion within ELHT. Examples include:

- I. **Behavioural Framework** – It is a set of core behaviours which define how we are expected to approach our work and sits alongside what we do. It details the behaviours and attitudes required by all of our ELHT colleagues and it supports the delivery of our strategic priorities, values and culture.

The behaviour framework sets out the expectations of each individual at ELHT. It will be embedded into the whole employment lifecycle from recruitment and selection and induction, through appraisals and development conversations. This sets the standard by which we can identify our talented individuals, enabling our organisation to develop its workforce and plan for the future. By demonstrating the behaviours within this framework, colleagues will contribute to make ELHT an effective, positive and rewarding place to work.

- II. **Early Resolution** - The Trust aims to provide a working environment where everyone is treated with dignity and respect and a commitment at Board and Executive level to ensure staff feel safe at work and have confidence that that they will be supported if they experience any form of inappropriate behaviour, incidents of violence or aggression, discrimination, harassment or bullying.

The Early Resolution Policy (HR07) provides information on what to do should you feel you have been discriminated against or your dignity at work has been affected, and also if you have been accused of offensive behaviour. It is aimed at securing constructive and lasting solutions to workplace disagreements, conflicts and complaints. It explains the Trust's response to employees who, during the course of their employment have a disagreement, conflict or complaint and ensure that they are dealt with quickly, fairly and constructively. It aims to encourage positive employee relations and to prevent discrimination, bullying, harassment and any form of unacceptable behaviour between employees. The policy also highlights the sources of information and assistance which are available for dealing with inappropriate behaviour. There are separate informal and formal procedures for resolving complaints under this policy. The main systems for resolution available through the policy include: -

- Resolution meetings between managers and employees
- Informal discussion within department
- Facilitated conversation with suitably trained facilitator(s)
- Mediation
- Coaching
- Facilitated move
- Investigation to establish the facts if necessary
- Formal resolution meeting
- Appeals

- III. **Disability, implementing reasonable adjustments in the workplace** – If someone is disabled or becomes disabled in the course of their employment or engagement, they are encouraged to inform ELHT about their condition as soon as possible in order that they can be supported and reasonable adjustments made for them if required. In conjunction with the member of staff, line manager, and Occupational Health Service, we will endeavour to identify and meet different work-related needs such as providing physical adaptations or equipment and reviewing working arrangements for people with disabilities, refer to Supporting Staff with Disabilities in the workplace policy (HR11) and Sickness & Absence policy (HR06).
- IV. **Freedom to Speak Up/Whistleblowing** – The Trust has Freedom to Speak Up Guardians and champions who support a positive culture where people feel they can speak up and their voices will be heard, and their suggestions acted upon.
- V. **Employee Relations Case Review Group** – This multi-disciplinary group is responsible for ensuring all employee relations issues are received, considered, investigated where appropriate, and managed in the interest of patient safety and high standards of patient care.
- VI. **Work-life Balance policies** - Including a range of flexible/alternative working patterns, parental leave, career breaks and agile working. While every effort is made to accommodate requests for flexible/alternative working arrangements, consideration is also given to business need and maintaining service delivery.
- VII. **Diversity awareness training** – The training explores the area of diversity, inclusion, bias and being sensitive to cultural and religious needs of staff. By understanding the business case for diversity and inclusion, as well as the moral and social benefits, employees recognise the practical benefits of transforming their own behaviour and influencing cultural change within the trust.
- VIII. **Recruitment and selection, including promotion** – The intention of ELHT is to recruit for any position in a fair and non-discriminatory manner. It is essential that recruitment and selection procedures are based on objective criteria related to the needs of the job, and that such criteria are applied equally at all stages during the process to all applicants at all levels within the Trust (subject to any reasonable adjustments being made to the selection process). The Trust is reviewing its recruitment processes to ensure that all methods used to attract and select candidates are justifiable and free from bias and/or prejudice All staff involved in recruitment are trained in applying equality and diversity principles in the recruitment process.
- IX. **Monitoring** – The Trust collects key workforce information to look for differences between groups, identify trends over periods of time, to investigate the reasons for these differences and to put appropriate actions in place. Understanding the composition of the workforce enables the Trust to highlight differences between groups in terms of satisfaction, engagement and progression. This in turn enables the Trust to identify tackle and prevent issues that would otherwise undermine employee engagement and productivity. Equality and diversity monitoring helps to:
- recruit and retain the best - from the widest talent pool;
  - create awareness – signalling the Trust’s commitment to creating a more inclusive work environment;
  - improve productivity – valuing and supporting the diversity of people’s backgrounds and lifestyles is important in making the most of the contribution that they can bring to the Trust’s performance;
  - identify and address any inequalities in the application of employment practices;

- build reputation – research shows that the best performing organisations are those that invest most on promoting equality and diversity in the workplace; and
- meet obligations under equality legislation.

X. **Annual Festival of Inclusion** – As part of our commitment to Inclusion ELHT's has an annual Festival of Inclusion, which celebrate our diversity, our differences, our cultures and our commonalities. It provides a platform for employees and services to highlight their work to create a fairer, more inclusive ELHT for patients and staff.

XI. **Health & Wellbeing** – ELHT is committed to improving the health and wellbeing of our staff as it is recognised that to deliver high quality care, the Trust needs a workforce that is healthy, well and at work. Research shows that where Trusts prioritise health and wellbeing and actively engage with their staff, morale, loyalty, innovation and productivity all increase resulting in a better patient experience with improved patient outcomes and reduced mortality. Some of the initiatives include;

- A dedicated Occupational health and care staff support service, including confidential support via phone and email, open 7 days a week 8am-8pm
- Our Staff Portal offers support in a number of different areas, including Physical, Financial and Mental Health and Wellbeing.
- The Lancashire and South Cumbria Resilience Hub is here to help staff find what they need, whether they are struggling to get by or you just feel they've been feeling under the weather
- Free access to mental health and wellbeing apps
- Bereavement support line, Pastoral Support Line, Victim Support, Confidential help for Domestic abuse, Virtual staff common rooms, Bespoke support for Doctors, Dentists, line managers & teams
- Group and one-to-one support, including specialist services e.g. Crisis support
- Mental health support & talking therapies, including for people affected by suicide
- Employee Assistance Programme- Our Vivup Employee Assistance Programme (EAP) offers:
  - Support, advice and information to help with mental health and wellbeing
  - Telephone access to appropriately qualified professionals 24 hours a day, seven days a week, 365 days a year
  - Independent confidential counselling support provided by caring and suitably qualified personnel
  - An online Cognitive Behavioural Therapy (CBT) programme and an extensive range of CBT workbooks

XII. **Staff Network groups**- We have 6 active staff network groups including; Black Asian Minority ethnic, Womens, LGBTQ+, Muslim, Disability and Mental Health staff network groups. The networks provide ELHT with a fantastic opportunity to drive forward Inclusion and to change the lived experiences of its employees. The networks have had good involvement in meetings and campaigns (e.g. Black, Disability & LGBT

History Months, cultural calendar to raise awareness of diversity, festival of inclusion, reverse mentoring, pride, etc.)

XIII. **Equality Impact Assessments (EIA)** – It is a process that helps the Trust to evidence and understand the impacts that our decisions might have on different types of people, and improve them where we can by developing action plans to address them. These decisions can relate to existing services, service re-design, major projects, policies and functions, plans for future changes and new projects.

2.3 As an employer we will:

- a) ensure that recruitment, retention, redundancy and redeployment policies and processes are fair and transparent
- b) make reasonable adjustments so that potential barriers are removed for disabled employees, refer to Supporting staff with disabilities policy (HR11)
- c) regularly review our policies and procedures to make sure they comply with legislation and good practice
- d) publicise our commitment to equality to potential job applicants
- e) be robust in our response to complaints of discrimination or harassment from employees
- f) make clear our requirements of employees regarding equality and inclusivity for all
- g) encourage applications from people with non-standard qualifications and lived experience
- h) ensure everyone has a right to equality of opportunity and to a good and harmonious working environment and atmosphere where they are treated with dignity and respect.

2.4 From our employees we expect:

- a) adherence to the Trust's code of conduct and behavioural standards
- b) workplace environment that respects individual differences and is free from discrimination or harassment
- c) the patient to be at the heart of everything we do
- d) individuals to treat each other with dignity and respect
- e) inequality to be challenged
- f) equality of opportunity, diversity & inclusion to be promoted.

### 3. POLICY STATEMENT

3.1 The Trust has a strong and clear statement of Intent setting out our commitment to equality, diversity & inclusion at ELHT, see Appendix 1.

3.2 In order to provide Safe Personal Effective care to patients the Trust needs to attract, recruit, develop and retain the very best people at all levels. Our approach is based on 4 key principles:

- I. **Equality** – we promote equality of opportunity by seeking to remove barriers, eliminating discrimination and ensuring equal opportunity and access for all groups of people.
- II. **Diversity** – to mean celebrating difference. Each person is an individual with visible and non-visible differences, and these are respected. Our success is built on our ability to embrace diversity – and we believe that everyone should feel valued for their contributions.



- III. **Inclusion** – we create a working culture where differences are not merely accepted, but valued; where everyone has the opportunity to develop in a way that is consistent with, and adheres to, Trust values. Our aim is to be an organisation where people feel involved, respected and connected to our success.
- IV. **Belonging**- we encourage all employees to be authentic to their own identities and for people to bring their full selves to work, and not feel like they're a different person there than at home. It's not enough to simply include people at the table, but it's imperative to amplify everyone's voices, clear barriers and appreciate each other for our unique backgrounds. We want to ensure people feel a sense of belonging at ELHT.

3.2 It is ELHT policy that all employees shall have equal opportunity for employment and advancement in the Trust on the basis of their ability, qualifications and aptitude for the work.

3.3 We aim to provide opportunities for all sections of the community and continue to strive to create an inclusive working environment in which difference is recognised and valued. Bringing together people from diverse backgrounds and giving each person the opportunity to contribute their skills and experience will help us to respond more effectively to the needs of the people we serve.

3.4 Nepotism or showing favouritism e.g. affinity bias towards friends, family, relatives, or colleagues in the in-group, as a result they receive better opportunities, can cause conflicts of interest, hurt feelings, cause great feelings of resentment and limit the diversity of our workforce. As such, all managers are encouraged in hiring and promoting people based on their knowledge, skills, abilities, and potential.

3.5 Behaviours, practices, actions or words that breach policies will not be tolerated and will be dealt with in line with the Trust's Disciplinary Procedure (HR09). It is essential that:

- everyone is aware of the policy,
- understands what it means and puts it into practice;
- our employment policies/practices avoid any kind of unfair treatment or unlawful discrimination;
- individual differences are valued and respected.

3.6 Discriminatory behaviour on any protected characteristics including on the grounds of racism, sexism, biphobic, homophobic and transphobic discrimination in employment or access to our services will be viewed most seriously. Breaches by employees will be dealt with in accordance with the Trust's Disciplinary Procedure (HR09). Discrimination may be considered an act of gross misconduct which can lead to summary dismissal or summary termination of contract/engagement.

3.7 ELHT seeks to embed a culture which eliminates all types of discrimination highlighted at appendix 2. If anyone feels they have been discriminated (including harassment and victimisation and bullying) or for any workplace concern, then individuals are encouraged to raise a "Request for Resolution" via the Early Resolution policy (HR07).

3.8 We remind all staff and managers that the responsibility to ensure that there is no unlawful or improper discrimination rests not only with East Lancashire Hospitals NHS trust but also with each of you as individuals, and that **claims for unlawful discrimination** can be brought against you personally. You must therefore ensure that you do not unlawfully or improperly discriminate, or assist others to do so.

## **4. SCOPE**

4.1 The policy applies to all those working within East Lancashire Hospitals NHS Trust and this includes: -

- (a) All employees and job applicants
- (b) Those with a licence to practice
- (c) Agency and Bank workers
- (d) Voluntary workers and other partners in delivering health services
- (e) Contractors carrying out work/activity on behalf of ELHT, including those working under NHS Service Level Agreements
- (f) Trainees and Students on work experience or placement within the Trust
- (g) Non-executive Directors

4.2 The Policy applies to all aspects of ELHT's relationship with employees and to relations between employees at all levels. This includes job advertisements, recruitment and selection, training and development, opportunities for promotion and career progression, conditions of service, rewards, pay and benefits, conduct at work, disciplinary and grievance procedures, working environment, termination and post termination of employment and redundancy and re-deployment.

## **5. LANGUAGE**

5.1 The language used to describe protected characteristics such as disability, gender expression or identity, race and sexual orientation evolves with particular rapidity, and people may use different terminology to describe their own such characteristics. The use of outdated language, or the application of specific language to a person with which that person does not identify, may cause offence. Employees within ELHT should avoid outdated language, and are encouraged to use the language preferred by specific individuals when referring to such individuals.

## **6. ROLES AND RESPONSIBILITIES**

6.1 Senior Leaders and the Trust Board are fully committed to the policy and will endeavour to ensure its full implementation.

6.2 Operational responsibility for implementing the policy and procedures lies with the Trust. Managers and supervisors also have a duty to implement this policy, ensuring that they treat staff fairly and objectively in all areas including allocation of duties, performance appraisal, temporary promotion, training and development and the handling of grievances and complaints.

6.3 Those working at management level have a specific responsibility to set appropriate standards of behaviour, to lead by example and to ensure that those they manage adhere to the Policy. Management development programmes will raise awareness of the Policy as well as providing support to managers in promoting equality and diversity in the workforce.

6.4 All managers and team leaders are expected to have due regard to this policy and to work to achieve the objectives as set out in the;

- ELHT HR People Plan
- NHS Equality Delivery System (EDS)
- Workforce disability equality standard (WDES)
- Workforce race equality standard (WRES)
- Gender pay gap
- Sexual orientation monitoring and the Rainbow Badge Scheme

- and associated action plans

6.5 Every employee working for ELHT has a personal responsibility for their personal involvement in the practical application of the Policy, and for creating a work environment which eliminates all forms of discrimination (including harassment and victimisation and bullying) and promoting the principles of equality, diversity and inclusion in their day-to-day dealings with everyone – including job applicants, work colleagues, members of the public, patients, customers and partners.

## **7. GOVERNANCE**

7.1 The Inclusion Committee will:

- a. ensure that this policy is published and communicated throughout the Trust, and that they are reviewed and updated at least once every 3 years
- b. delegate responsibility for reviewing the effectiveness of the policy to the Employee Relations Case Review and Staff Network Groups.

7.2 The Trust's equality, diversity and inclusion lead will:

- a. work with staff and managers across the Trust and other relevant colleagues, to discuss any issues and how these are being addressed
- b. promote knowledge and understanding of the equality objectives amongst staff and managers
- c. maintain a watching brief on appropriate equality and diversity legislation and case law
- d. report back to the senior leadership team and Trust Board regarding any issues
- e. monitor success in achieving the objectives and report back to the senior leadership team and the Trust Board
- f. support HR/OD in identifying any employee and member training needs

## **8. REVIEW**

8.1 The Trust will keep the Equality, Diversity and Inclusion Policy under review to ensure it reflects accurately any change in legislation and good practice. This policy may be amended at any stage by joint agreement. In any event, a formal review will take place by April 2025.

## 9. Monitoring Mechanism:

Measuring and monitoring compliance with the effective implementation of this procedural document is best practice and a key strand of its successful delivery. Hence, the author(s) of this procedural document has/have clearly set out how compliance with its appropriate implementation will be measured or monitored. This also includes the timescale, tool(s)/methodology and frequency as well as the responsible committee/group for monitoring its compliance and gaining assurance

Aspect of compliance being measured or monitored.	Individual responsible for the monitoring	Tool and method of monitoring	Frequency of monitoring	Responsible Group or Committee for monitoring
A representative and supported workforce	Equality, Diversity and Inclusion Lead	Workforce Race Equality standard (WRES)	Annual	Trust Board
Improved patient access and experience for all protected characteristics		Accessible Information Standards		Patient Experience Group
Provide working environments that are free of all forms of inequalities and discrimination, for those who work for ELHT		Workforce Disability Equality standard (WDES)		Inclusion Group
Better health outcomes for all protected characteristics		Gender Pay Gap reporting		
Fair and inclusive recruitment, career development and career progression for all protected characteristics		NHS Rainbow Badge Scheme 2		
		Equality Delivery system Framework		

## APPENDIX 1

### EQUALITY, DIVERSITY AND INCLUSION STATEMENT OF INTENT

## Uniqueness is powerful.

ELHT is striving for Equality, Fairness and Sense of Belonging. We want this for everyone.

When we say everyone, we mean **all** employees. To do that well, we need a workforce that's more representative of the communities we serve. That's why we've embraced a refreshed and accelerated approach to inclusion.

Many of the greatest ideas, innovation and discoveries come from a diverse mix of minds, backgrounds and experiences we are committed to cultivating a thriving, inclusive work environment.

So we're building a culture where differences in race, gender, age, neurodiversity, disability status, religion & belief, sexual orientation, identity, national origin or any other protected characteristics, are valued and celebrated.

We want diversity, equality, fairness and inclusion practices in everything we do. We want all of our processes, systems and policies to promote equality of opportunity without bias and discrimination.

We want all employees to feel included, welcomed, respected, supported, developed, appreciated and recognised. We want an inclusive workplace where everyone feels empowered and comfortable to bring their full, authentic selves to work. We respect the visible and invisible qualities that make you who you are.

We strive to build and nurture a culture where inclusiveness is a default, not an initiative; where there is a deep sense of pride, passion and belonging that transcends any role.

We know through experience that diversity of ideas, perspectives and backgrounds creates a stronger and more creative work environment that delivers better results. To support an environment where employees feel empowered to share their experiences, ideas and influence change, we've encouraged the creation of Employee Network Groups including;

- Black Asian Minority Ethnic (BAME) Employee Network
- Disability Employee Network
- Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ+) Employee Network
- Mental Health & Wellbeing Employee Network
- Womens Employee Network
- Muslim Employee Network

There is more to do, but with the help of our entire ELHT family - employees, volunteers, service users, partners, and community- we're greater when we're Equal and, Together, we can achieve Equality for All.

## Appendix 2

### Legislation, Types of discrimination, protected characteristics, protection from discrimination, NHS Frameworks and Positive Action

#### Legislation

The Equality Act 2010 provides the framework of protection from discrimination, victimisation and harassment. ELHT aims to meet its legal requirements under the public sector equality duty by having due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Equality Act 2010
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it
- The Equality Act 2010, which introduced the public sector equality duty and protects people from discrimination
- The Equality Act 2010 (Specific Duties) Regulations 2011, which require local authorities to publish information to demonstrate how they are complying with the public sector equality duty and to publish equality objectives.

<b>Types of discrimination</b>	<b>Prohibited conduct</b>
Direct discrimination	<p>Being treated less favourably than someone else due to a perceived difference.</p> <p>Direct discrimination occurs where someone is treated less favourably than another person because of a "protected characteristic". Direct discrimination includes discrimination by association and discrimination by perception. Associative discrimination occurs when someone is treated less favourably than another person because of association with another person who possesses a protected characteristic. Discrimination by perception occurs when someone is treated less favourably because others think they possess a protected characteristic even if they do not actually possess that characteristic.</p>
Indirect discrimination	<p>The way something is done means you are treated less favourably than someone else due to a perceived difference.</p> <p>Indirect discrimination occurs where someone is subjected to an unjustified provision, criterion or practice which puts them at a particular disadvantage because of a protected characteristic. Indirect discrimination can be justified if it is a proportionate means of achieving a legitimate aim.</p>
Discrimination arising from a disability	<p>Where the discrimination is as a result of the disability. It is also unlawful discrimination to treat a disabled person unfavourably because of something arising in consequence of their disability. This type of discrimination can be justified if you can show that the treatment is a proportionate means of achieving a legitimate aim. Disability discrimination also includes a failure to comply with a duty to make reasonable adjustments.</p>

Perception discrimination	Being treated less favourably than someone else because of a perceived difference, regardless of whether it is true.
Discrimination by association	Being treated less favourably than others because of your association with someone with a protected characteristic (which protects carers).
Victimisation	<p>Being treated unjustly or unfairly when making a complaint or taking out a grievance or helping someone else to make a complaint in relation to a protected characteristic.</p> <p>Occurs when a person is subjected to a detriment because they have done a protected act or it is believed the person has done, or may do, a protected act. A protected act is, for example, when a person brings proceedings under the Equality Act 2010 or makes an allegation that someone has contravened the Equality Act 2010. Giving false evidence or information, or making a false allegation is not a protected act if the evidence or information is given, or the allegation is made, maliciously.</p>
Harassment	<p>Unwanted conduct relating to a protected characteristic.</p> <p>Discrimination also includes harassment which occurs when a person is subjected to unwanted conduct related to a relevant 'protected characteristic' which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or an offensive environment</p>

### Protected characteristics

Age	A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).
Disability	A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
Gender reassignment	The process of transitioning from one gender to another.
Marriage and civil partnership	<p>Marriage is a union between a man and a woman or between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).</p> <p>The Equality Act only protects you from discrimination at work because you are married or in a civil partnership.</p>
Pregnancy and maternity	Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
Race (ethnicity)	Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion or belief	Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
Sex (gender)	In the Equality Act, sex can mean either male or female, or a group of people like men or boys, or women or girls. There are some circumstances when being treated differently due to sex is lawful, for example, where being a particular sex is essential for a job, or an organisation is taking positive action.
Sexual orientation	Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

### Situations in which a person is protected from discrimination

Under the Equality Act a person is protected from discrimination:

- when you are in the workplace
- when you use public services like healthcare (for example, visiting your doctor or local hospital) or education (for example, at your school or college)
- when you use businesses and other organisations that provide services and goods (like shops, restaurants, and cinemas)
- when you use transport
- when you join a club or association (for example, your local tennis club)
- when you have contact with public bodies like your local council or government departments.

### NHS Frameworks

ELHT is required to meet the requirements of the;

- NHS Equality Delivery System (EDS),
- Workforce disability equality standard (WDES),
- The workforce race equality standard (WRES),
- Gender pay gap
- Sexual orientation monitoring and the Rainbow Badge Scheme

Ensuring the Trust is performing against the targets it has set itself and, if need be, refining its framework and strategies for delivery to address any gaps identified. Progress against these plans will be managed, monitored and reported to the Trust Board and externally through the annual report and other mechanisms.

### Positive Action

The Equality Act 2010 allows the Trust to take positive action if: -

- employees or job applicants from equality groups suffer a disadvantage;
- participation in an activity is low from equality groups
- as a means targeting the provision of services at a particular under-represented or disadvantaged group for example;



- placing job adverts to target particular groups, to increase the number of applicants from that group
- including statements in job adverts to encourage applications from under-represented groups, such as 'we welcome female applicants'
- offering training or internships to help certain groups get opportunities or progress at work
- offering shadowing or mentoring to groups with particular needs
- hosting an open day specifically for under-represented groups to encourage them to get into a particular field
- favouring the job candidate from an under-represented group, where two candidates are 'as qualified as' each other, or of equal merit, and one has a protected characteristic that is under represented on the training programme or workplace, then it would be lawful to recruit the individual with the under-represented protected characteristic to address the imbalance.

## Appendix 3

### Equality Impact Assessment Screening Form

Department/Function	Equality Diversity & inclusion			
Lead Assessor	Nazir Makda			
What is being assessed?	Equality Diversity & inclusion Policy			
Date of assessment	10 March 2022			
What groups have you consulted with? Include details of involvement in the Equality Impact Assessment process.		<input checked="" type="checkbox"/>	Staff Side Colleagues	<input checked="" type="checkbox"/>
	Service Users	<input checked="" type="checkbox"/>	Staff Inclusion Network/s	<input checked="" type="checkbox"/>
	Personal Fair Diverse Champions	<input checked="" type="checkbox"/>	Other (Inc. external orgs)	<input checked="" type="checkbox"/>
	Please give details:			

1) What is the impact on the following equality groups?		
Positive:	Negative:	Neutral:
<ul style="list-style-type: none"> <li>➤ Advance Equality of opportunity</li> <li>➤ Foster good relations between different groups</li> <li>➤ Address explicit needs of Equality target groups</li> </ul>	<ul style="list-style-type: none"> <li>➤ Unlawful discrimination, harassment and victimisation</li> <li>➤ Failure to address explicit needs of Equality target groups</li> </ul>	<ul style="list-style-type: none"> <li>➤ It is quite acceptable for the assessment to come out as Neutral Impact.</li> <li>➤ Be sure you can justify this decision with clear reasons and evidence if you are challenged</li> </ul>
Equality Groups	Impact (Positive / Negative / Neutral)	Comments <ul style="list-style-type: none"> <li>➤ Provide brief description of the positive / negative impact identified benefits to the equality group.</li> <li>➤ Is any impact identified intended or legal?</li> </ul>
Race (All ethnic groups)	Positive	
Disability (Including physical and mental impairments)	Positive	
Sex	Positive	
Gender reassignment	Positive	
Religion or Belief	Positive	
Sexual orientation	Positive	
Age	Positive	
Marriage and Civil Partnership	Positive	
Pregnancy and maternity	Positive	
Other (e.g. caring, human rights)	Positive	

2) In what ways does any impact identified contribute	The policy is positive as in the Trust is committed to creating an inclusive working environment in which the contributions of all staff can be valued and supported, where individual differences are respected, it is about
---	---

to or hinder promoting equality and diversity across the organisation?	focusing on the needs of every individual and ensuring the right conditions are in place for each person to achieve their full potential and create an environment where employees can bring their whole-selves to work.
--	--

3) If your assessment identifies a negative impact on Equality Groups you must develop an action plan **to avoid discrimination and ensure opportunities for promoting equality diversity and inclusion are maximised.**

- This should include where it has been identified that further work will be undertaken to further explore
- the impact on equality groups
- This should be reviewed annually.

Action Plan Summary

Action	Lead	Timescale

*This form will be automatically be inserted as an appendix in all Policies and Procedures which are presented for ratification at the Policy Council. Please do not hesitate to contact the [qualityandsafetyunit@elht.nhs.uk](mailto:qualityandsafetyunit@elht.nhs.uk) if you have any queries.*