

EQUALITY POLICY EM67

Policy Title	Equality Policy EM67		
Policy Number	1772	Policy Version number	4
Applicable to	<p>This policy applies to patients, their families and carers, job applicants, staff and contactors working with the Trust. For the purposes of this policy, the term 'staff' also applies to modern apprentices, volunteers and any other individual on placement or engaged through, or by, an employment agency or bureau and supplied to the Trust on a temporary basis.</p> <p>Where contractors do not have relevant equality policies they will be expected to adopt the Trust's policies as a minimum requirement.</p>		
Aim of the Policy	To define the approach that will be taken to promoting and championing a culture of diversity and equality of opportunity, access, dignity, respect and fairness in the services the Trust provides and in employment practices.		
Next Review Date	01 September 2022		
Author/ Reviewer	Georgia Meakes, Graduate Management Trainee		
Policy Sponsor			
Expert Group	Equality and Diversity Steering Group ; Policy Sub Group		
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Specialty/ Department	Human Resources		
Secondary Specialty			

DOCUMENT MANAGEMENT SECTION			
Previous Policy Number	109/ EM67	Previous Version Number	3
Changes requested/dictated by:			Year: 2019
ACAS guidance regarding Religious festivals, holy days and observances, Update to job titles, group names, Updated Equality Action Plan			
Description of changes since last version: Updated the policy to include adjustments regarding religious observance during working time.			

PREFACE EQUALITY IMPACT AND COMPLIANCE ASSESSMENT

1. General

Title of document	Equality Policy
Purpose of document	The Equality Policy sets out the Trust's approach to promoting equality and meeting its equality duties in accordance with the Equality Act 2010.
Intended scope	<p>This policy applies to patients, their families and carers, job applicants, staff and contactors working with the Trust. For the purposes of this policy, the term 'staff' also applies to modern apprentices, volunteers and any other individual on placement or engaged through, or by, an employment agency or bureau and supplied to the Trust on a temporary basis.</p> <p>Where contractors do not have relevant equality policies they will be expected to adopt the Trust's policies as a minimum requirement.</p>

2. Consultation

Which groups/associations/bodies or individuals were consulted in the formulation of this document?	Equality & Diversity Steering Group, Policy Sub Group
What was the impact of any feedback on the document?	Feedback was incorporated where possible
Who was involved in the approval of the final document?	Partnership Forum
Any other comments to record?	None

3. Equality Impact Assessment

Does the document unfairly affect certain staff or groups of staff? If so, please state how this is justified.	No. The policy applies to all staff regardless of age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex; and sexual orientation.
What measures are proposed to address any inequity?	None
Can the document be made available in alternative format or in translation?	Yes, on request to the Workforce and Human Resources Department

4. Compliance Assessment

Does the document comply with relevant employment legislation? Please specify.	Yes. Equality Act 2010 and Human Rights Act 1998
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5. Document assessed by:

Name	Georgia Meakes
Post Title/Position	Graduate Management Trainee
Date	July 2019

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EXECUTIVE SUMMARY

Policy Title	Equality Policy
Purpose	The purpose of this policy is to embed equality into every aspect of the Trust's day to day activities to the benefit of patients and in order to achieve an improved working environment. While the Trust is required by equalities legislation to do so, the aspiration of this policy is not only to comply with these requirements, but to achieve the best in service delivery, good employment practice and employee relations.
Applicable to	<p>This policy applies to patients, their families and carers, job applicants, staff and contactors working with the Trust. For the purposes of this policy, the term 'staff' also applies to modern apprentices, volunteers and any other individual on placement or engaged through, or by, an employment agency or bureau and supplied to the Trust on a temporary basis.</p> <p>Where contractors do not have relevant equality policies they will be expected to adopt the Trust's policies as a minimum requirement.</p>
Aim	The aim of this policy is to define the approach that will be taken to promoting and championing a culture of diversity and equality of opportunity, access, dignity, respect and fairness in the services the Trust provides and in employment practices.
Main Features	The Equality Policy builds upon and replaces the Trust's previous equality policies and Single Equality Scheme. It takes account of the requirements of the Equality Act 2010, including the specific equality duties for the public sector. The legislation requires all public bodies, which includes the Trust, to promote equality and tackle discrimination by treating people fairly, valuing differences, removing barriers that prevent people from participating fully in public life and helping everyone to realise their full potential. The policy sets out the approach the Trust will take towards meeting these requirements.
Policy Lead	HR Manager Engagement and Wellbeing
Development Group	Equality and Diversity Steering Group; Policy Sub Group

1.0 Introduction

- 1.1 Dorset County Hospital NHS Foundation Trust (the Trust) aims to promote equality and diversity and develop a culture that actively recognises that people from different backgrounds and experience can make a valuable contribution to the way in which we work and deliver services.
- 1.2 As a public body, we are also committed to compliance with relevant equality legislation and best practice guidance. In this context, the Equality Policy takes account of the provisions of the Equality Act 2010 and the public sector Equality Duty (PSED), which requires all public bodies, including NHS Trusts, to promote equality and tackle discrimination by treating people fairly, valuing differences, removing barriers that prevent people from participating fully in public life and helping people to realise their full potential. We will also strive to uphold the rights and freedoms of staff and those who use our services, in accordance with the Human Rights Act 1998.
- 1.3 While the Trust must operate within the parameters of equal opportunities legislation, the aspiration of this policy is not only to comply with these requirements but to achieve the best in service delivery and good employment practice.
- 1.4 This policy, which replaces the Trust's previous Equality and Diversity Policy and Single Equality Scheme, should be read in conjunction with the Trust's Equality Objectives and Action Plan.

2.0 Aim of the Policy

- 2.1 The overall aim of the Equality Policy is to define the approach that will be taken by the Trust to meeting legislative requirements and promoting and championing a culture of diversity and equality of opportunity, access, dignity, respect and fairness in the services we provide and in our employment practices.

3.0 Objectives

- 3.1 In support of this aim, the specific objectives of this policy are to:
 - ensure that everyone is aware of the Trust's approach to equality, diversity and human rights in relation to the delivery of care and the workplace;
 - foster an open culture based on trust, mutual respect and good communication, ensuring all staff have a clear focus on reducing health inequalities and unlawful discrimination;
 - regularly review our services, ensuring there is public involvement in decision making, planning, policy and service delivery;
 - ensure all employment practices provide equality of opportunity;
 - provide training and guidance to staff to enable them to recognise and fulfil their responsibilities under this policy;
 - treat breaches of the policy seriously and deal with them appropriately;

- maintain a Trust forum for addressing and monitoring equal opportunities issues; and
- provide regular information to the Trust Board which demonstrates progress in achieving equality objectives and compliance with legislation and regulatory standards.

4.0 Who the Policy is for

- 4.1 This policy applies to patients, their families and carers, job applicants, staff and contractors working with the Trust. For the purposes of this policy, the term 'staff' also applies to modern apprentices, volunteers and any other individual on placement or engaged through, or by, an employment agency or bureau and supplied to the Trust on a temporary basis.
- 4.2 Where contractors do not have relevant equality policies they will be expected to adopt the Trust's policies as a minimum requirement.

5.0 Definitions

➤ **Equality**

- 5.1 Equality (or equality of opportunity) is based on the legal obligation to comply with anti-discrimination legislation, ensuring all groups are afforded equal access to goods and services and are treated fairly in employment.

➤ **Diversity**

- 5.2 Diversity is based on the principle of recognising, responding to, and valuing visible and non-visible differences amongst individuals.

➤ **Direct Discrimination**

- 5.3 Direct discrimination occurs in circumstances where a person treats, or proposes to treat, someone unfavourably because of a personal characteristic protected by law.

➤ **Indirect Discrimination**

- 5.4 Indirect discrimination takes place when a requirement, practice or condition is applied to everyone, but particularly disadvantages a group of people or individuals who share a protected attribute.

➤ **Discrimination by Association**

- 5.5 Associative discrimination is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

➤ **Perceptive Discrimination**

- 5.6 Discrimination linked to a perceived characteristic is direct discrimination against an individual because of a belief that they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic, for example, discrimination against someone because they are thought to be gay when in fact they are not.

➤ **Harassment**

- 5.7 Harassment is defined as *'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'*.
- 5.8 Harassment applies to all protected characteristics, with the exception of pregnancy and maternity and marriage and civil partnerships.
- 5.9 Staff can complain of behaviour that they find offensive, even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. The behaviour does not have to be committed with intention; it is the person's perception of the treatment that is important.

➤ **Victimisation**

- 5.10 Victimisation takes place in circumstances where one person treats another less favourably because he or she has asserted their legal rights in line with the Equality Act 2010, or has helped someone else to do so. This includes making a complaint, taking legal action, providing evidence related to proceedings or alleging that discrimination has taken place.
- 5.11 An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

➤ **Reasonable Adjustment**

A reasonable adjustment is an adjustment required to help overcome a barrier for a disabled person. For an adjustment to be considered 'unreasonable', the cost or inconvenience of implementing it would have to far outweigh the benefit.

➤ **Positive Action**

- 5.12 As a general rule 'positive discrimination' is prohibited in employment law. By contrast 'positive action', which refers to means designed to counteract the effects of past discrimination and help abolish stereotyping, is permitted. Positive action is intended as a remedy for situations that lead to or perpetuate race or sex inequality in the workplace and may include encouraging people from a particular racial group or sex to apply for particular posts if they have been under-represented in that area of work at any time during the previous twelve months.

6.0 Our Legal Responsibilities

The Equality Act 2010

- 6.1 Under the Equality Act 2010 we have a legal duty, as a public authority, to:
- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
 - advance equality of opportunity;
 - foster good relations between people;
 - publish objectives to demonstrate how we will meet the above; and
 - publish information on our performance.

- 6.2 This duty applies to nine 'protected characteristics' – age; disability; gender reassignment; marriage and civil partnership (at work, in relation to the first point above); pregnancy and maternity; race; religion and belief; sex; and sexual orientation.

In summary, each of the characteristics relates to individuals as follows:

➤ **Age**

- 6.3 Applies to people of all ages, but those at most risk of prejudice and discrimination are younger and older people.

➤ **Disability**

- 6.4 Applies to people with a disability, including those with a physical impairment, sensory impairment, learning disability or difficulty, mental health condition, long-term health condition or illness, cognitive impairment or severe disfigurement.

- 6.5 Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, for example, using a telephone or being able to lift, carry or move everyday objects.

- 6.6 'Substantial' means more than minor or trivial. 'Long term' means that the impairment has lasted, or is likely to last, for at least 12 months or for the rest of the affected person's life. In most circumstances, a person retains this protected characteristic if they have had a disability in the past, but no longer have that disability.

➤ **Gender Identity and Sex Equality**

- 6.7 Applies to men and women. Those most at risk of prejudice and discrimination are women (who are often parents/carers of young children and older dependants), men with caring responsibilities and people undergoing or who have undergone gender reassignment. Where there is an imbalance of men or women, the minority gender may be disadvantaged.

➤ **Pregnancy or Maternity**

- 6.8 Applies to women during the period of their pregnancy and any maternity leave to which they are entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination.

➤ **Race (ethnicity)**

- 6.9 Applies to everyone on the basis of skin colour, race, national origin, nationality, settled and travelling communities of travellers and gypsies, ethnicity (shared history, cultural traditions, ancestral origin and language). A racial group can also be made up of two or more different racial groups, for example, black Britons.

- 6.10 Those at most risk of prejudice and discrimination are those from ethnic minority communities, including travellers and gypsies.

➤ **Religion or Belief**

6.11 Applies to everyone, including those who follow a particular faith or religion and those who do not, for example, atheists and agnostics. Discrimination can also occur in circumstances where the discriminator and recipient are of the same religion or belief.

➤ **Sexual Orientation, Marriage and Civil Partnership**

6.12 Applies to everyone, including heterosexual people. Gay, lesbian and bisexual people are most at risk of prejudice and discrimination.

6.13 Sexual orientation is defined as

- orientation towards people of the same sex (lesbians and gay men);
- orientation towards people of the opposite sex (heterosexual); and
- orientation towards people of the same sex and the opposite sex (bisexual).

Marriage covers any formal union of a man and woman legally recognised in the United Kingdom as a marriage. A civil partnership refers to a registered civil partnership under the Civil Partnership Act 2004, including those registered outside the United Kingdom.

6.14 Only people who are married or in a civil partnership are protected against discrimination. People who intend to marry or form a civil partnership, or who have divorced or had their civil partnership dissolved, are not protected on these grounds.

Equality Delivery System 2

6.15 The NHS Equality Delivery System (EDS2), which has been adopted by the Trust, has been developed by the NHS Equality and Diversity Council to support NHS organisations in delivering better outcomes for patients and compliance with the Equality Act 2010, ensuring services and workplaces are 'personal, fair and diverse, with equality of opportunity and treatment for all'.

6.16 The Trust's EDS2 Outcomes Framework sets out the way in which the Trust makes a public commitment to meeting its obligations under equality legislation over the next three years and how, in doing so, it will make a real and positive difference to those affected by the work of the Trust.

Human Rights

6.17 The Human Rights Act (1998) sets universal standards to ensure that a person's basic needs as a human being are recognised and met.

6.18 Under the Act, public authorities, including NHS Trusts, have an obligation to treat people in accordance with their convention rights. They are also encouraged to apply a human rights framework to decision making across public services in order to achieve better service provision.

6.19 A 'human rights based approach' means considering human rights in all aspects of work, based on core principles known as the FRED A values. Further information regarding the FRED A principles – **F**airness, **R**espect, **E**quality, **D**ignity and **A**utonomy - and their relationship to the provision of services and the development of the workforce are set out in the Trust's EDS Outcomes Framework.

Gender Pay Gap (GPG)

6.20 Since the Equality Act 2010 (Specific Duties) Regulations 2011 (SDR) came into force on 10 September 2011, there has been a duty for public bodies with 150 or more employees to publish information on the diversity of their workforce. Although the SDR did not require mandatory GPG reporting, the Government Equalities Office (GEO) and the Equality and Human Rights Commission (EHRC) provided guidance that made it clear that employers should consider including GPG information in the data they already publish. It was evident that not all employers did this, so the government made GPG reporting mandatory by amending the SDR so that all public sector employers with more than 250 employees have to measure and publish their gender pay gaps. The new reporting requirements for public bodies are set out in the [Equality Act 2010 \(Specific Duties and Public Authorities\) Regulations 2017](#).

6.21 Employers with 250 employees and over will need to publish the following information annually for all employees who are employed under a contract of employment, a contract of apprenticeship or a contract personally to do work. This will include those under Agenda for Change terms and conditions, medical staff and very senior managers. All calculations should be made relating to the pay period in which the snapshot day falls. For the first year, this will be the pay period including 31 March 2017.

Employers will need to:

- calculate the hourly rate of ordinary pay relating to the pay period in which the snapshot day falls
- calculate the difference between the mean hourly rate of ordinary pay of male and female employees, and the difference between the median hourly rate of ordinary pay of male and female employees
- calculate the difference between the mean (and median) bonus pay paid to male and female employees
- calculate the proportions of male and female employees who were paid bonus pay
- calculate the proportions of male and female employees in the lower, lower middle, upper middle and upper quartile pay bands by number of employees rather than rate of pay

6.22 The information outlined above will need to be published within one year of the date for the 2017 snapshot. The information must be published on a website that is accessible to employees and the public free of charge. The information should remain on the website for a period of at least three years beginning with the date of publication.

The EHRC will be responsible for monitoring how public bodies are complying with the GPG reporting requirements and can take enforcement action.

7.0 Equality Impact Assessment

7.1 The Trust is committed to ensuring that, as far as is reasonably practicable, the way in which services to the public are provided and staff are treated reflect their individual needs and do not discriminate against individuals or groups on the basis of any 'protected characteristic'.

7.2 This policy has been assessed accordingly.

8.0 Stakeholders and Consultation

- 8.1 Working with colleagues from other health organisations in the Dorset EDS2 Cluster, a programme of consultation and engagement has been undertaken with staff and members of the public, the results of which have helped to shape the Trust's equality objectives.
- 8.2 In accordance with the EDS2 Outcomes Framework and as part of the Cluster, the Trust will continue to carry out further engagement, as appropriate, with staff and specific local interests who have a relationship with the Trust, either through their involvement or on behalf of their service users.

9.0 Responsibilities

- 9.1 Everyone has a responsibility to uphold the law and to actively work to achieve the aims of this policy. In addition to this general responsibility, there are specific responsibilities as follows:

Trust Board

- 9.2 The Trust Board has overall responsibility for this policy and ensuring adequate resources are provided for its implementation. The Trust Board will scrutinise progress against the principles set out in this policy by consistently monitoring the equality objectives.

Chief Executive

- 9.3 The Chief Executive has primary legal and moral responsibility for ensuring that discrimination does not occur and that the Trust meets its statutory duties under equality legislation.

Director of Workforce and Organisational Development

- 9.4 The Director of Workforce and Human Resources is responsible for ensuring that
- policies, systems and processes are in place which aim to eliminate discrimination, advance equality and promote good relationships between different groups and individuals;
 - the Trust has equality objectives and an associated work plan for achievement of the objectives that meet the requirements of the public sector Equality Duty; and
 - staff and patients can be confident that any complaints relating to this policy are dealt with effectively and appropriately.

Equality, Inclusion and Health & Wellbeing Lead

- 9.5 It is the responsibility of the Equality, Inclusion and Health & Wellbeing Lead to:
- support the Trust in setting and achieving equality objectives;

- manage and report on the equality work plan; and
- provide advice to members of the Equality, Diversity and Inclusion Steering Group and the Health & Wellbeing Steering Group to enable the Group to fulfil its Terms of Reference.

HR Managers

9.6 HR Managers are responsible for:

- supporting managers in the implementation of this policy;
- ensuring Equality Impact Assessments (EIA's) are undertaken and are proportionate and meaningful; and
- ensuring staff are able to access equality training appropriate to their needs.

Head of Education, Learning and Development

9.7 The Head of Education, Learning and Development is responsible for ensuring that the principles of promoting equality are embedded into induction and training materials, where appropriate.

Head of Procurement

9.8 The Head of Procurement will ensure all procurement practices in respect of goods and services support this policy and enable the Trust to meet its duties under equality anti-discrimination legislation.

Managers

9.9 Managers must ensure that staff within their own Divisions and departments are aware of the policy, trained to meet its requirements and equality is clearly incorporated into policies and the design and delivery of services and functions, where relevant. Managers are also required to take action where staff, patients, visitors or other individuals have acted inappropriately.

Staff

9.10 Staff have a responsibility to adhere to the principles of this policy and to conduct themselves in a professional and considerate manner at all times and in line with standards of behaviour expected by the Trust. Any breach of the policy will be taken seriously and could lead to disciplinary action.

9.11 Staff have a duty to report any discrimination or suspected discrimination occurring within the Trust, whether by colleagues, patients, visitors or contractors, to their line manager.

Volunteers

9.12 Although not specifically protected by the Equality Act, volunteers are expected to comply with, and be treated in line with the provisions of this policy.

Staff Representatives

9.13 Staff representatives are expected to work in partnership with the Trust in contributing to the development, implementation and review of this policy.

Equality, Diversity and Inclusion Steering Group

9.14 The Equality, Diversity and Inclusion Steering Group will provide assurance to the Board that the organisation is meeting its statutory obligations. In this context, the Group will

- act as the expert group on matters related to equality, promoting awareness and ensuring the Trust remains compliant with current and emerging equality and diversity legislation; and
- lead the work programme associated with the implementation and future development of the EDS2, embedding the System's goals and objectives into everyday practice and behaviour.

10.0 Implementation

10.1 The content of this policy will be communicated to managers and staff via Trust publications, the intranet, briefing sessions, corporate and local induction and equality training.

10.2 Applicants for Trust posts will be made aware of the existence of the policy and it will form part of the Trust's terms and conditions of service for all new employees and volunteers.

10.3 As a public document, the policy will be made available to patients, their families and carers on the Trust's website.

10.4 On request, the policy can be made available in a range of formats and languages.

11.0 Training

11.1 The Workforce/Human Resources Directorate will support the implementation of this policy through a rolling programme of training delivered via an e-learning package. Equality training forms part of essential skills training for all staff, including Trust Board members, and is identified within the training matrix as a requirement for managers and staff every three years.

11.2 The uptake of training will be monitored by the Education, Learning and Development Department in line with the Essential Skills Training Policy.

12.0 Monitoring Compliance and Review Arrangements

- 12.1 To ensure the policy's effectiveness, the Trust will collate, analyse, interpret and publish information related to equality and diversity in the workforce and service delivery. This information will be used in equality analysis to inform service planning and decision making processes, to help develop and monitor equality objectives, identify ways of improving performance and to demonstrate how the Trust is meeting its equality duty.
- 12.2 In order to do this, the Trust will routinely ask staff and patients to provide information about their personal characteristics. All personal data will be processed in accordance with the Data Protection Act 1998 and Trust policies on Data Protection and Confidentiality.
- 12.3 This policy will be reviewed three years from the date of ratification or sooner if there is a requirement to meet new legal, statutory or good practice standards.

13.0 Putting Equality into Practice

Acceptable Behaviour

- 13.1 The Trust's organisational values reflect the rights of everyone to be treated with dignity and respect, free from discrimination and according to their needs. The Trust's values are:
- respect ;
 - teamwork;
 - integrity;
 - excellence
- 13.2 To meet our values, the Trust expects staff to behave in a way that demonstrates them by:
- sharing a common sense of purpose in that caring for and serving patients is the Trust's highest priority;
 - treating patients as individuals at all times showing compassion, kindness and respect;
 - ensuring privacy and dignity of all patients;
 - listening and communicating honestly and clearly with colleagues, patients, families and carers;
 - acting professionally with a high degree of integrity and giving the best at all times;
 - taking personal and collective responsibility for the issues and helping to find solutions;
 - working as part of team, not just in a ward or department, but across the whole hospital;

- striving to make a positive difference for patients, their families and the organisation;
- showing pride in the organisation and leading by example; and
- challenging colleagues, teams and departments who by words or actions consistently fall short of the expectations of the hospital and its staff.

13.3 In support of the promotion of the Trust's values and behaviours, we have developed a Staff Charter, i.e. an explicit statement not only of the Trust's commitment to individuals as employees, but also of its expectations of staff in terms of their responsibility to the organisation, their colleagues and service users. The principles established by the Staff Charter will be promoted at every level of the organisation, such that they become accepted and unquestioned practice.

Providing Access to Services, Facilities and Information

13.4 In order to provide an environment which is accessible to all, we will take steps to continually improve access to services, facilities and information wherever possible. To this end, we will

- involve people, including minority and disadvantaged communities, as far as possible in the design, delivery, monitoring and prioritisation of services so that their needs can be met in the best way;
- ensure that we always consider equality and diversity and make the best use of information and monitoring data available when planning, procuring and delivering services;
- ensure buildings are accessible. Trust buildings and facilities will be audited for their compliance with Schedule 2 of the Equality Act and disability access related building regulations, with plans in place for changes to be made to physical features if they do not comply.
- consider the needs of patients and take steps to make information as accessible and easy-to read as possible; and
- provide alternative formats, translations and interpreters when needed in accordance with the Trust's Interpreting and Translation Policy.

Recruiting and Employing People Fairly

13.5 Staff or anyone applying for a job with the Trust must not be discriminated against because of a protected characteristic. In this respect, we will provide equality of opportunity in all aspects of employment, from advertising vacancies, recruitment and selection, terms and conditions of service, learning and development to termination of employment. We will do this by:

- advertising jobs openly, making sure they draw the attention of a wide range of applicants, in line with employment policies. In specific circumstances, including redundancy and redeployment, priority can be given to internal candidates;
- ensuring that job descriptions and person specifications do not include criteria that could directly or indirectly discriminate against an applicant;

- seeking to have a workforce which is at least representative of the local area and taking steps to encourage applicants from underrepresented groups to apply for employment with the Trust;
- ensuring promotion is on the basis of ability to undertake the role as specified in the job description and person specification;
- recognising and supporting the potential of all employees by offering opportunities for training and personal development appropriate to their role;
- providing all employees with the opportunity of discussing their achievements and planning future development through an annual appraisal;
- making sure the working environment is supportive and demonstrating zero tolerance of acts of discrimination or harassment;
- supporting employees with specific needs or disabilities by making reasonable adjustments wherever possible;
- keeping accurate records of applicants and employees to make sure Trust policies are appropriate and addressing areas of under representation; and.
- ensuring employment policies do not discriminate and promote equality of opportunity in line with legislative requirements and best practice.

Meeting Specific Needs

➤ **Age Equality**

- 13.6 Age will not be used as a determining factor for physical or mental performance or as the deciding factor for access to services or employment, including recruitment, training and promotional opportunities.
- 13.7 Age specific services, conditions and benefits may be provided if they meet a General or Specific Exception or can be objectively justified or for positive action purposes, for example, where another piece of legislation allows or requires people to be treated differently on the grounds of age limits.

➤ **Racial Equality**

- 13.8 We will recognise the relevance of, and prioritise, racial equality and ensure we challenge inequalities as well as celebrate diversity.
- 13.9 Measures that are lawfully permitted to meet special needs or to train or encourage people from a racial group will be taken where we have identified that group as under-represented in a particular area of work.

➤ **Gender Identity and Sex Equality**

- 13.10 In order to be afforded protection under the Act, there is no requirement for a transsexual person to inform their manager of their gender reassignment status. If, however, a member of staff is proposing to undergo gender reassignment or is in the course of transitioning, they may wish to discuss their needs with their manager so that they can be supported during the process.

13.11 A range of flexible working options will continue to be provided to support appropriate work/life balance in relation to the care of dependents and others. These include job-sharing, reduced hours working, flexible retirement options and other working arrangements where these arrangements are wholly appropriate to the requirement of the individual's role within the organisation.

➤ **Disability**

13.12 Wherever possible the Trust will take steps to meet needs and achieve equal outcomes even if this requires 'more favourable treatment', for example, by putting disabled parking bays close to entrances, adjusting application processes, providing physical access to facilities, or providing support or advocacy.

13.13 In relation to recruitment, the Trust is a Disability Confident Employer. This means that:

- all applicants with a disability who meet the essential criteria (after reasonable adjustments are made) must be interviewed;
- staff with a disability must be asked, at least once a year and usually during the appraisal process, what can be done to make sure they can develop and use their abilities at work;
- when a member of staff becomes disabled, every effort must be made to keep them in employment;
- action must be taken to ensure that key staff develop an awareness of disability.

13.14 These commitments are reviewed each year in partnership with The Department of Work & Pensions. We will review what has been achieved, plan ways to improve, and let staff know about progress and future plans.

➤ **Religious and Cultural Needs**

13.15 The Chaplaincy Team provide spiritual and pastoral support which addresses the religious, spiritual and cultural needs of patients and their families whilst in our care, as well as supporting staff in their work. The service is confidential and open to everyone.

13.16 A multi-faith prayer room, with access to a washing facility, is available for staff who wish to participate in religious observance whilst at work. Any staff who wish to take prayer time during the working day (not during their lunch break) need to arrange to do so at their manager's discretion. Patients who are unable to leave their beds will receive chaplaincy services at their bedside, taking account of the requirements for privacy and dignity as far as practicable

13.17 If staff wish for adjustments to be made when they are fasting (e.g. during Ramadan) they need to inform line managers of their intention to fast. The Trust understands that long periods of fasting can be challenging and tiring for employees and will work to support staff during this time. An example of an adjustment which can be made is to alter rest break times for staff who are fasting whilst on shift.

13.18 The chaplaincy service can be contacted on Ext 5198 or by e-mailing ron.martin@dchft.nhs.uk. Out of hours and at weekends, there is always a duty chaplain contactable via the switchboard, on 01305 251150.

➤ **Sexual Orientation, Marriage and Civil Partnership**

- 13.18 By their very nature, sexual matters are private and confidential. Although some people are comfortable talking about their partner, many people do not wish to share such information with their managers and colleagues. We will encourage a culture of openness regarding sexual orientation, while recognising that some staff may not be 'out' for personal reasons or through choice.
- 13.19 In the context of sexual orientation, marriage and civil partnership, we will ensure as part of our on-going review of employment practices and procedures that these promote fairness and equal treatment in respect of these groups.

Procurement

- 13.20 The Trust sets out criteria when tendering contracts and services. As part of this process, equality clauses which businesses are required to meet in order to be successful through the tendering process are included in the tender documentation. We will not award contracts if a commitment to equality and fairness is not demonstrated and reaches may lead to termination of contracts
- 13.21 Where contractors do not have relevant equality policies they will be expected to adopt the Trust's policies as a minimum requirement.

Equality Objectives

- 13.22 In order to meet the PSED, we have developed four specific equality objectives, aimed at strengthening our performance in advancing equality for protected groups in relation to patients and staff.
- 13.23 Our objectives have been developed from feedback through consultation and from engagement with a wide range of stakeholders, including patients, staff, staff representatives, governors, members and local interest groups.
- 13.24 The objectives are included at **Appendix 1** and our progress against these objectives and their under-pinning actions will be formally reviewed on a bi-annual basis at the end of March and September each year by the Equality, Diversity and Inclusion Steering Group, and their continuing relevance reassessed.
- 13.25 Progress on our equality objectives will also be reported in our annual equality information report to the Workforce Committee.

Equality Impact Assessments

- 13.26 Equality Impact Assessments (EIAs) assesses the likely or actual effects of policies or services on people with a protected characteristic and help to ensure their needs are taken into account.
- 13.27 In developing and implementing new policies or services or when changes are being made to a current policy or service, the relevant manager will complete an EIA at the earliest opportunity, in accordance with the Trust's Guide to Equality Impact Assessments. As far as possible, negative consequences for a particular group or sector of the community should be eliminated, minimised or counterbalanced by other measures. Any action plan to minimise, reduce or eliminate negative impact will be kept under review and progress monitored by the manager responsible for the service. Help and advice in undertaking EIA's is available from HR Managers.

Breaching this Policy

- 13.28 The Trust will take seriously any instances of non-adherence to this policy. Any occurrence of non-compliance will be investigated and, where appropriate, disciplinary action will be taken.
- 13.29 With regard to any breach of the policy by a contractor, the Trust will take appropriate action in relation to the nature of the incident.

Reporting Procedures

- 13.30 While this policy aims to ensure fair and equitable treatment of staff in all aspects of employment, including recruitment and selection, terms and conditions of service, education, learning and development, performance, retirement or redundancy, employees who feel they have been unfairly treated may wish to refer to the Trust's Grievance Procedure or, where they feel unable to raise concerns with their manager or senior member of staff, the Policy and Procedure for Raising Concerns (Whistleblowing Policy) Confidential advice may also be sought from their HR Manager or Staff Representative.
- 13.31 Complaints about breaches of this policy in relation to the provision of services can be made to the Trust's Complaints Manager. Support to make a complaint or raise a concern is provided by the Patient and Public Engagement Lead.

14.0 Supporting Policies, Structures and Processes

- 14.1 In order to reduce the risk of unlawful discrimination, the Trust has a number of supporting policies, structures and processes in place in addition to this policy. These include:
- The Equality Delivery System (EDS2) Outcomes Framework, which presents the structure within which we will deliver our public commitment to meeting our general and specific duties and the way in which this will play a part in making the Trust a leading equality organisation.
 - Equality Impact Assessment guidance to support analysis of the effect our policies and services have on people.
 - Recruitment standards, a competency framework and learning and development opportunities.
 - The Trust's , Mission and Values,
 - Dignity and Respect at Work, Disciplinary, Grievance and Raising Concerns (Whistleblowing) Policies and Procedures
 - Feedback (complaints) procedure for patients.
 - Communication standards, including a policy and guidance for providing translations and providing interpreters.
 - Performance reporting on equality – the Annual Equality and Diversity Report.

14.2 External scrutiny is provided via

- the Care Quality Commission (CQC) Essential Standards of Quality and Safety; and
- NHS Litigation Authority (NHSLA) Risk Management Standards.

15.0 Acknowledgements and Reference Sources

The NHS Constitution – www.dh.gov.uk

Equality and Human Rights Commission – <http://equalityhumanrights.com>

NHS Employers – <http://www.nhsemployers.org/Pages.aspx>

The Equality Act 2010 – www.equalities.gov.uk

Advisory Booklet - Delivering Equality and Diversity (ACAS) - www.acas.org.uk

16.0 Approval and Ratification

- 16.1 This policy will be approved by the Policy Sub Group and ratified by the Partnership Forum.

Appendix 1 - EQUALITY DELIVERY SYSTEM



**EQUALITY, DIVERSITY & INCLUSION ACTION PLAN 2019 – 2021
FROM EDS2 PUBLIC/STAKEHOLDER CONSULTATION MAY-JUNE 2018**

EDS GOAL 1 – BETTER HEALTH OUTCOMES FOR ALL

Objective **	Action	Measures of Success	Lead	Date Added	Timescale	Progress Update
1.3 (Developing) Transitions from one service to another, for people on care pathways, are made smoothly with everyone well-informed	Ensure that patient leaflets are available in a variety of formats and work with parties across the health community	<ul style="list-style-type: none"> • Availability of resources in several different formats • Improvement of questionnaire scores next year 	Patient and Public Experience Lead	March 2019	Ongoing	Reviewing leaflet process and formats available
	Publicise the use of patient care passports to staff, patients, carers and local interest groups	<ul style="list-style-type: none"> • Increased use of patient care plan passports 	Patient and Public Experience Lead	March 2019	Ongoing	LD passports Dementia 'This is me' Carers Awareness – John's Campaign
	Seek engagement opportunities with Patient Engagement Groups. To establish a Public & Youth Forum (Volunteers)	<ul style="list-style-type: none"> • Patient survey responses relating to accessibility of services • Feedback from 	Patient and Public Experience Lead	March 2019	Ongoing	HealthWatch Dorset Discharge project Pan Dorset Carers Groups Engagement with local LD

	Utilise Health Watch. Link with small local groups	Carers, patient forums and HealthWatch reports				Speak Up groups Attendance at Dorset Carer Hub
	Creation of Patient & Public Engagement Strategy	<ul style="list-style-type: none"> Implementation of Patient & Public Engagement Strategy in line with Trust aims & objectives 	Patient and Public Experience Lead	March 2019	Ongoing	Ongoing piece of work
	Ensure compliance with the accessible information standard	<ul style="list-style-type: none"> Increase awareness of patient communication needs Evidence of information accessible in other format 	Patient and Public Experience Lead	March 2019	Dec 2019	PPE lead to work with Head of Access to develop policy and implementation Interpretation policy reviewed to confirm that the Trust can access other formats of information via K International.

EDS GOAL 2 IMPROVED PATIENT ACCESS AND EXPERIENCE

Objective	Action	Measures of Success	Lead	Date Added	Timescale	Progress Update
2.1 (Achieved) Patients' carers and communities can readily access services and should not be denied access on unreasonable grounds	Include patient representatives in the development of Trust travel plans	<ul style="list-style-type: none"> • Development of inclusive travel plan 	AM	March 2019	Ongoing	Green Travel Plan – G Troop
	Accessibility audits relating to protected groups to be completed with local patient forums	<ul style="list-style-type: none"> • Audit outcomes and related action plans • PLACE inspections 	AM	March 2019	Ongoing	
	Communication methods with patients to be reviewed	<ul style="list-style-type: none"> • Accessible Information Standard 	AS	March 2019	Ongoing	Hearing Loop – A Savin
	Site signage to be reviewed	<ul style="list-style-type: none"> • Audit outcomes and related action plans • PLACE Inspection • Estates Master Plan 	AM / Estates	March 2019	Ongoing	

<p>2.4 (Achieved)</p> <p>Patients and carers complaints about services and subsequent claims for redress should be handled respectfully and efficiently</p>	<p>Review of Complaints Policy</p>	<ul style="list-style-type: none"> Complaints Survey 	<p>AM</p>	<p>March 2019</p>	<p>December 2019</p>	<p>Complaints Policy currently being updated</p>
<p>2.2 (Developing)</p> <p>People are informed and supported to be as involved as they wish to be in decisions about their care</p>	<p>Develop co-production opportunities as part of the Engagement Strategy.</p>	<p>Service improvements made with the involvement of patients/service users.</p>	<p>AM</p>	<p>March 2019</p>	<p>December 2019</p>	<p>OPD Listening event to inform the OPD transformation project</p> <p>Co-design training for staff</p> <p>PPE Lead working with Transformation team to ensure that patients part of improvement projects.</p>
<p>2.3 (Developing)</p> <p>People report positive experiences of the NHS</p>	<p>Patient Experience Team to share positive feedback</p>	<p>Compliments recorded</p> <p>FFT comments</p> <p>Care Opinion & NHS Choice</p>	<p>AM</p>	<p>March 2019</p>	<p>Ongoing</p>	

EDS GOAL 3 – EMPOWERED, ENGAGED AND WELL SUPPORTED STAFF

Objective **	Action	Measures of Success	Lead	Date Added	Timescale	Progress Update
3.2 (Achieving) The NHS is committed to equal pay for work of equal value and expects employers to use equal pay audits to help fulfil legal obligations	Undertake Gender Pay Gap audits as part of workforce planning processes Repeat annually GPG in line with statutory requirements Analyse areas of significant variance and identify key actions	<ul style="list-style-type: none"> Communicate variances in GPG data Communicate action plan to address variances Regular communication of progress against action plan 	SS	March 2019	July 2019 Annual requirement	
3.4 (Achieving) When at work, staff are free from abuse, harassment, bullying and violence from any source	Promotion of the whistleblowing process and policy Publicise whistleblowing process by using leaflets, posters, communication updates, team brief, FTSUG's and focus groups Analyse annual Staff Survey Data	<ul style="list-style-type: none"> Staff surveys Feedback through staff side forums Staff survey outcomes are published Whistleblowing process updates are publicised in communications updates/team brief quarterly Evidence of leaflets/posters in the organisation 	SS	March 2019	Ongoing	
	Analysed anonymised summary of disciplinary cases relating to dignity & respect to be provided to the	<ul style="list-style-type: none"> Present analysis at ED&I steering group and review actions 	SS	March 2019	July 2019	Detail included within annual ED&I report

	HRD to ensure all cases were appropriately implemented and managed. Identify any actions required to address (WRES)					
	Engage with trade union representatives to inform staff engagement and equality initiatives	<ul style="list-style-type: none"> Staff Side involvement in planning and delivery of equality and engagement initiatives 	SS/CG/JK	March 2019	Ongoing	
	Engage with staff to ensure initiatives are having desired effect	<ul style="list-style-type: none"> Staff feedback received 	SS/CG/JK	March 2019	Ongoing	
	Analyse Staff Survey results for incidences and trends	<ul style="list-style-type: none"> Staff survey outcome will identify reducing trend in incidences of B&H 	SS	March 2019	Sept 19	
3.1 (Achieving) Fair NHS Recruitment & Selection processes lead to a more representative workforce at all levels	Promote schemes that support underrepresented groups securing placements and/or employment at DCH	<ul style="list-style-type: none"> Supported Internship Accredited as a Disability Confident employer 	SS / HH / Education	March 2019	Ongoing	
	Provide options for different recruitment methods	<ul style="list-style-type: none"> Evidence that methods other than face to face are offered for recruitment activities (skype/assessments) 	HH	March 2019	Ongoing	
	Delivery of Recruitment Training for 95% of recruiting staff which will include D&I module	<ul style="list-style-type: none"> Evidence of training records Staff being signed off by manager as competent 	HH	March 2019	May 2019	

		<p>fair recruiter</p> <ul style="list-style-type: none"> • Updates on progress will be reported to the workforce committee 				
<p>3.5 (Achieving) Flexible working options are available to all staff consistent with the needs of the service and the way people lead their lives</p>	<p>To review and refresh flexible working policy Promote policy to all staff</p>	<ul style="list-style-type: none"> • Local staff survey to be carried out to ascertain views • Evidence of policy promotion in communications following review • Carry out in year audit of requests and policy application 	SS	March 2019	Sept 19	
<p>3.3 (Achieving) Training & Development opportunities are taken up and positively evaluated by all staff</p>	<p>Develop process pre-education centre involvements to allow collection of anonymised summary of training refusal. (informal and formal requests) (WRES)</p>	<ul style="list-style-type: none"> • Data published in WRES/WDES 	SS / Education	March 2019	Ongoing	
<p>3.6 (Achieving) Staff report positive experiences of their membership of the workforce</p>	<p>Staff Survey results disseminated to departments and action plans developed</p>	<ul style="list-style-type: none"> • Evidence of analysis and trends in comms 	SS	March 2019	May 2019	Completed
	<p>Develop support networks for minority groups</p>	<ul style="list-style-type: none"> • Details of groups published to all staff 	SS	March 2019	Ongoing	
	<p>Staff Engagement Event to be held annually</p>	<ul style="list-style-type: none"> • Event to be publicised and reviewed in trust communications 	SS	March 2019	April 2020	

EDS GOAL 4 INCLUSIVE LEADERSHIP AT ALL LEVELS

Objective **	Action	Measures of Success	Lead	Date Added	Timescale	Progress Update
4.3 (Achieving) Middle managers and other line managers support their staff to work in culturally competent ways within a work environment free from discrimination	D&I training to form part of recruitment training (see objective 3.1 above)	<ul style="list-style-type: none"> Monitor attendance 	HH	March 2019		
	Create and deliver Diversity Awareness sessions for staff of all levels	<ul style="list-style-type: none"> Monitor attendance Review impact and content with minority groups 	SS	March 2019	September 2019	
	Staff Cultural Appreciation Event to be held annually	<ul style="list-style-type: none"> Event to be publicised and reviewed in Trust Communications 	SS / HH	March 2019	Ongoing	Annual event – starting September 2019
	Deliver bullying and harassment training for line managers	<ul style="list-style-type: none"> Monitor attendance 	HR Team	March 2019	Ongoing	Part of HR Training
	Support staff from minority groups to have a voice and to share experiences	<ul style="list-style-type: none"> Membership of staff networks 	All	June 2019	Ongoing	BAME and Disabled listening events held
	Ensure representative from each of the divisions is in attendance at the D&I steering group Strengthen “reporting up” and feedback from divisions relating to D&I	<ul style="list-style-type: none"> Membership of D&I Steering group Minutes of D&I steering group published on intranet 	MW / SS	March 2019	Ongoing	

4.1 (Achieving) Boards and senior leaders routinely demonstrate their commitment	D&I updates to be provided at workforce committee monthly – deep dive twice per year.	<ul style="list-style-type: none"> Meeting minutes Attendance at board development days 	MW / SS	March 2019	July 2019 October 2019 March 2020	
	Development opportunities to be provided to board member and senior leaders	<ul style="list-style-type: none"> Meeting minutes Attendance at board development days 	MW / SS	March 2019	August 2019	
	Senior Leaders to support an annual listening/engagement event for staff partnership / BAME / Disability Network	<ul style="list-style-type: none"> Meeting minutes 	MW / SS	March 2019	March 2020	
4.2 (Achieving) Papers that come before board and other major committees identify equality related impacts including risks, and say how these risks should be managed	Review trust reporting template to ensure D&I is adequately addressed	<ul style="list-style-type: none"> Updated template and review minutes in D&I meeting 	MW / SS	March 2019	August 2019	

OTHER ACTIONS						
Objective	Action	Measures of Success	Lead	Date Added	Timescale	Progress Update
N/A	To work with BAME staff network to explore differences in SoS responses	<ul style="list-style-type: none"> Improvement in response in 2019 survey 	MW / SS	June 2019	December 2019	
N/A	To undertake sampled quality assurance checks in relation to sickness capability and grievances	<ul style="list-style-type: none"> Improvement in data 	SS	June 2019	December 2019	

Review and Monitoring

Progress against these objectives and their under-pinning actions will be formally reviewed on a quarterly basis , by the Equality, Diversity & Inclusion Steering Group and their continuing relevance reassessed.