

Employment Policy

Equality and Diversity Policy

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| Date approved by Board: | 14 March 2005 |
| Date approved by TCF: | 21 March 2005 |
| Review by date: | |
| Responsible Manager: | Director of Human Resources |

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Policy Statement

The Trust is committed to creating an organisation that actively promotes equality of opportunity and outcome for all, and is free from discrimination, harassment or victimisation of any sort. We aim to ensure that the Trust's service delivery and employment practices meet the highest possible equality standards.

Equality and diversity are a key part of our core values and will be 'mainstreamed' into everything that we do. We recognise the benefits of equality and diversity but also understand that a failure to confront and address individual/institutional discrimination will obstruct our aims and objectives as a provider of quality healthcare services.

The Trust will expect its staff, patients and visitors to act in accordance with the principles and standards contained in this Policy.

This policy has been agreed with the Trust Consultative Forum and approved by the Trust Board.

Who does this Policy apply to?

It applies to anyone in the following groups:

- all employees
- honorary contract holders
- external assessors
- agency workers
- voluntary workers
- contractors carrying out work on behalf of the Trust, including those working under NHS Service Level Agreements
- students on placement within the Trust
- secondees
- patients/carers/visitors

1 Key Principles

What are these?

As a minimum equality standard you, all future job applicants and patients/visitors can expect to receive **no** less favourable treatment from the Trust on the grounds of:

- age
- gender and/or marital status
- race, colour, ethnic or national origin
- religion/belief
- sexual orientation (including transgender status or identity)
- disability (including mental illness)
- health status (HIV/AIDS, sexually transmitted diseases etc)
- irrelevant criminal convictions
- domestic circumstances
- social class and/or employment status
- trade union membership
- political affiliation, unless this directly contrary to the spirit/application of this policy

We will strive to eliminate discrimination and become a diversity competent organisation, aiming to employ a workforce that reflects the communities we serve. We recognise that employing people from a diverse range of backgrounds will bring the widest mix of skills, abilities and experience to the Trust. We aim to attract, retain and make the best use of this talent.

We are committed to ensuring that you will be treated with 'courtesy, dignity and respect' by managers, colleagues and patients/visitors.

We will value the contribution you make towards the delivery of healthcare services.

We will specify your responsibilities for, and our expectations of you, in delivering and promoting equality and diversity. We will ensure that you receive appropriate training and are clear what to do if this policy is not being followed.

The Trust will ensure that it fulfils its legal obligations in service delivery and employment matters with regard to equality and diversity.

We fully recognise that good intentions alone will not bring the real and sustainable change we are determined to see. We are fully committed to delivering on a range of practical measures (refer to 7 'Practical Measures') to bring this policy to life and will carry out ongoing monitoring to track its progress and impact.

2 Responsibilities

What are my responsibilities under this policy?

You will have the following responsibilities:

- to always behave in a way that is supportive and consistent with the aims of this policy
- to promote equality and diversity, challenging discrimination where/whenever it occurs you must not unfairly discriminate, bully, harass and/or intimidate in any area of your work or encourage others to do so
- if you suspect that unfair discrimination, bullying/harassment/intimidation are taking place you should report it to a relevant manager
- support colleagues, service users or carers who make a complaint of discrimination, bullying/harassment
- to co-operate with any measures introduced to promote equality and diversity in the workplace

What are my manager's responsibilities?

These will be as follows:

- to always behave in a way that is supportive and consistent with the aims of this policy
- to promote equality and diversity, challenging discrimination where/whenever it occurs
- they must not (also) unfairly discriminate, bully, harass and/or intimidate in any area of their work or encourage others to do so
- take action and report progress on meeting equality targets/standards

- empowering/supporting you in identifying and challenging discrimination in the work area
- make/take decisions which are fair and reasonable and are not biased (this will include recruitment, appraisal, selecting for training and other development opportunities as well as applying other Trust employment policies and practices)
- to support you, service users or carers making a complaint of discrimination
- to communicate with and make you aware of your responsibilities under this policy
- to provide you with appropriate training

Are there responsibilities for patients/visitors?

Yes. These are as follows:

- to recognise and comply with the principles set out in this Policy whilst on the Trust's premises or whilst receiving care originating from the Trust
- be respectful to all staff and other patients
- be aware that any verbally/physically abusive or derogatory statements that discriminate, bully, harass and/or intimidate staff or other patients will be challenged (this is set out in the Trust's Withholding Treatment Policy)
- be aware that the Trust will consider limiting or withdrawing the provision of services to them, and where appropriate, seek to prosecute

What are the Trust Board's responsibilities?

These are as follows:

- to always behave in a way that is supportive and consistent with the aims of this policy
- to promote equality and diversity, challenging discrimination where/whenever it occurs
- they must not (also) unfairly discriminate, bully, harass and/or intimidate in any area of their work or encourage others to do so
- they will have overall responsibility for ensuring that this policy is fully implemented (ultimate accountability will rest with the Chief Executive)
- they will identify and allocate the resources necessary for proper implementation
- they will agree, establish and support governance arrangements (to include the creation of a Trust Diversity Group) designed to implement, communicate, measure progress and continuously review this policy

3 Implementation

How will this policy be communicated?

You will be briefed about this policy by your line manager.

We will ensure that other individuals and organisations that come into contact with the Trust, such as job applicants and contractors, are made aware of and abide by the standards and requirements of this policy.

Any new employees joining the Trust will receive information about this policy and their responsibilities as part of their induction.

Progress reports and updates, including monitoring data, will be communicated to you through staff newsletters and team-briefings.

Reference to this policy will be included within relevant recruitment documentation to indicate to potential job applicants and the general public the Trust's commitment to practising equality and achieving diversity in employment.

What training will be provided?

Training will be provided to help you understand your general and any specific responsibilities that you may have relating to equality and diversity at work. The Trust sees training and education about equality and diversity issues (set out below) as vital if we are to achieve our stated aims:

- equality and diversity principles/practices will be fully integrated into all on-going training programmes (this will apply to those provided internally and externally)
- training will be developed for Trust Board members and managers on achieving/sustaining a culture of equality and diversity, recruiting fairly, appraisal interviewing skills and managing harassment/bullying complaints (refer to the Trust's 'Dignity at Work' Policy)
- diversity awareness sessions will be provided for all employees (attendance will be compulsory)
- all new employees will receive training, as part of their induction, about the Trust's values, equality and diversity standards, expectations and their responsibilities
- provide you with support, training and encouragement to pursue appropriate educational and development needs in order for you to be able to fulfil your potential
- positive action training will be provided, as appropriate, to address any under-representation of particular groups in our workforce (this may relate to programmes for staff who are under-represented in management or for people who are not employed wishing to apply to do particular jobs where there is under-representation from those groups)
- we will strongly support the establishment of networks for staff who are currently under-represented in our organisation and provide career development advice, guidance and support, as required

4 Legislative Framework

Which equality/diversity laws apply to this policy?

There is extensive legislation covering equality and diversity in the UK. These laws place responsibilities on you, as an individual citizen, and also on the Trust (covering both its service provision and employment responsibilities). The Trust has taken into account this legislation and its obligations in developing this policy.

This Policy also anticipates the introduction of forthcoming legislation on age discrimination.

5 Recruitment and Selection

How will the Trust make sure it is recruiting fairly?

We recognise that our recruitment and selection arrangements are of vital importance to our ability to achieve our aims and will therefore take the following steps:

- all job opportunities in the Trust, including secondments, will be advertised on the Trust's internal vacancy bulletin, as well as in any other media used
- we will take positive action to ensure that information about job opportunities is publicised as widely as possible within local communities (this may involve advertising in media read by groups who are currently under-represented in the workforce and organising recruitment events within local communities)
- all recruitment decisions, including promotion decisions, will be made in accordance with fully objective and completely justifiable person specification criteria (the recruitment process will not commence until the criteria used are clearly described, fully justifiable and can be objectively measured)
- initially, all recruitment panels will have a minimum of one accredited 'appointing officer' who will have received recruitment and selection skills training (all panels members **must** have achieved accreditation within 2 years of the introduction of this policy to be eligible to participate in recruitment processes)
- all shortlisting will take place without reference to candidate personal details (i.e. name, age, gender, ethnic origin etc) and formal records of all short-listing/interview decisions and notes will be maintained, including the reasons that candidates were or were not selected
- all job applicants, on request, will receive honest, accurate and constructive feedback on their applications and/or interviews

6 Discrimination, Bullying and Harassment

What should I do if I think I am being bullied/harassed?

The Trust does not tolerate any forms of harassment and bullying and is committed to eliminating these behaviours from the workplace. Refer to the Trust's 'Dignity at Work' Policy for further information but you can raise any concerns about bullying/harassment, in confidence, with your manager, other managers, the Human Resources Department, a Harassment Adviser or your trade union representative.

Can I complain if I feel this policy is not being implemented properly?

Yes. If you feel that the Trust is not taking its responsibility to promote equality and diversity seriously, is not implementing this policy in the way described or feel that you have been discriminated against in the application of any of the Trust's employment policies or procedures you have the right to complain and should use the Trust's Individual Grievance Procedure.

7 Practical Measures

What measures will the Trust put in place?

The Trust is committed to the following:

- making sure that everyone is aware of the policy
- providing training for **all** staff regarding equality and diversity
- creating a Trust Diversity Group which will take appropriate actions, monitor and develop equality standards/targets for the Trust

- meeting the 'Positive About Disabled People' standards and making (as far as possible) any 'reasonable adjustments' for job applicants and existing staff to the workplace
- removing the 'compulsory' retirement age in the Trust so that you can freely choose when you wish to finish your working life
- eradicating age discrimination and the use of age limits/ranges in all of our advertising, selection, promotion, training and employment practices and decision making
- ensuring that all vacant posts are advertised and are filled using objective and measurable criteria
- putting in place 'positive action' initiatives and training both within the Trust and our local community to help address issues of under-representation
- putting in place a policy to enable those staff wishing to observe non Christian religious festivals the opportunity to request paid or unpaid time off to do so
- promoting flexible working and employee leave policies designed to help you achieve a work life balance
- dealing effectively with complaints about discrimination, harassment and bullying which includes the provision of a free 24 hour Employee Assistance Programme for staff (and their family members) and trained staff 'harassment advisers'
- putting in place proper monitoring arrangements (refer to 8 'Monitoring Arrangements') to track both the progress and impact of this policy

8 Monitoring Arrangements

How will the Trust monitor the effectiveness of this policy?

We will measure our progress by putting in place monitoring arrangements which track the take up of our policies, record the make up of our workforce and tap into feedback from staff. Specifically monitoring will cover the following:

- Workforce Diversity - we will monitor the composition of our workforce by reference to racial group, gender, age and disability (analysis of employment information will be carried out by the Human Resources Department to ensure that the Trust's obligations are being met and to assist in the identification of areas for action)
- Recruitment - we will monitor and analyse by racial group, gender, age and disability the success rates of those applying for and appointed to jobs with the Trust
- Disciplinary and Grievance Procedures - we will monitor by racial group, gender, age, disability and other specific groups, as required, the numbers of staff who are subject to formal disciplinary action and who bring grievances
- Race Equality Scheme - we will monitor the impact of both our services and policies on race equality, in line with our obligations under the Race Relations (Amendment) Act 2000. This will involve looking at effectiveness, accessibility, promotion of race equality and public consultation/involvement.
- Staff Turnover (reasons for leaving) - we will monitor by racial group, gender, age, disability, band and department/ward
- Access to Training and Development - we will monitor by racial group and other specific groups, as required, the numbers of staff who apply for and attend training and development events
- Appraisal interviews - we will monitor by racial group and other specific groups as required, to check that all staff have an annual appraisal and personal development action plan
- Harassment and Bullying - we will monitor the number of incidences of harassment and bullying by racial group, gender, disability and other specific groups, as required

- Work Life Balance and other Employment Policies - we will monitor the take up, refusal rates and impact of our flexible working and other employment policies and schemes
- Staff Views - we will conduct an Annual Staff Attitude Survey to get your views on how satisfied you are with progress made to promote and deliver equality and diversity at work

Where we identify areas of inequality/unfairness or dissatisfaction with our employment practices we will, following consultation, take remedial action accordingly.

Monitoring results will be provided to the Trust Diversity Group, the Trust Board and Trust Consultative Forum.

9 Review of Policy

This policy/procedure may be reviewed at the request of management or the recognised Trade Unions by giving 4 weeks notice of the request and the reason(s) for the review.