

Equality & Diversity in Employment Policy

Liverpool Community Health 
NHS Trust

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1. Introduction

The Organisation is committed to Equality and Diversity in employment. We will proactively take steps to improve our workforce diversity and to provide opportunities for all. We are committed to encouraging and promoting diversity and eliminating discrimination.

This policy outlines our commitment to Equality and Diversity in all areas of the employment relationship (including applicant stage) and has been designed to demonstrate our understanding of current equality legislation, codes of practice and business requirements for Equality and Diversity.

We aim to ensure that our workforce is truly representative of the local community, that our culture values Equality and Diversity and recognises that diversity adds value and enables us to provide responsive and quality services to all patients and clients.

Our Equality & Diversity Strategy includes specific actions around Equality and Diversity in employment. The strategy identifies the following protected characteristics as key areas of action:

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

We recognise the right of all employees to be treated fairly and considerately in an employment framework that demonstrates commitment to equality and fairness for all. Fair treatment is a moral and legal duty and a business imperative. Equality and Diversity is a core element of our business strategy and is regularly reviewed by the Board

We are committed to providing an environment where people want to work through good employment practice in all areas of Equality and Diversity.

Everyone who works for Liverpool Community Health NHS Trust, or applies for work, will be treated fairly and valued equally. All recruitment processes, terms and conditions of employment and training and development opportunities will reflect the diversity of service and employment needs.

We are committed to enabling all staff to achieve their full potential in an environment of dignity and mutual respect. This is underpinned by ensuring that every employee is in possession of a Personal Development Plan (PDP) and is annually appraised in a Performance Development Review (PDR).

2. Aims and Objective

The key aims of this policy are to:

- Outline the benefits of Equality and Diversity.
- Demonstrate commitment to a culture where all individuals are respected and valued.
- Explain our dedication to developing a workforce representative of the local community to enable us to deliver responsive and quality services.
- Value the unique contribution that each individual brings, recognising differences in skills, experiences and knowledge.
- Ensure that no job applicant or employee receives less favourable treatment or is disadvantaged for any unjustifiable reason.
- Outline how we will take positive action to overcome previous disadvantage in access to employment and career progression.
- Define the responsibilities of individuals and collective groups under this policy.

The Organisation supports the national policy agenda on promoting Equality and Diversity and is committed to ensuring that:

- Equality & Diversity is considered within all **decision making** and that decision-making structures are constituted in a way that enables equality & diversity issues to be appropriately considered when key decisions are taken.
- Equality and Diversity is a fundamental principle in **all HR policies** and procedures. All policies and procedures are effectively promoted and used equitably across the organisation.
- **No discrimination occurs** in the employment relationship and no job applicant receives less favourable treatment than any other. We will assess the effectiveness of HR processes through workforce monitoring.
- All employees are supported to develop the skills and abilities they require to carry out their current and any likely future role in the organisation. **Equality of access** for all staff to both training and development opportunities is key to motivation, business performance and the organisation's aspiration to be an employer of choice and will be subject to regular monitoring.
- There is an environment where everyone feels valued and is able to perform to their best potential. To achieve this all staff must have an **awareness of Equality and Diversity** issues and all managers must have **effective skills in managing diversity** so that they can achieve the best performance from their staff and improve the overall performance of the organisation.

3. Scope

This policy applies to all staff employed in the Organisation and should be considered in light of current employment legislation.

All staff, including contracted and agency staff will be expected to treat colleagues, patients and visitors with dignity and respect to eliminate unlawful discrimination and promote Equality and Diversity.

The ethos of this policy covers all aspects of the employment relationship and the application of all HR policy and practice.

4. Duties

4.1. The Chief Executive

The Chief Executive has the primary legal and moral responsibility for ensuring that discrimination does not occur and that the Trust meets its statutory employment duties.

4.2 Director of Human Resources and Organisational Development

The Director of Human Resources and Organisational Development is responsible for ensuring all Board Members, including the Executive Management Team:

- Understand and apply our Equality and Diversity in employment commitments in all communications
- Ensure that consideration has been given to mainstreaming Equality and Diversity in employment to all areas of governance
- Be committed to achieving Equality and Diversity at all levels
- Be responsible and accountable for the development of equality and Diversity in employment within the organisation
- Monitor the Equality and Diversity in employment performance of all areas of the Trust

4.3 Managers

All managers of the Trust should:

- Understand and apply our Equality and Diversity commitment in all communications.
- Ensure that employees are aware of and understand the Equality and Diversity in Employment policy.
- Carry out Equality and Diversity activities assigned to them under the Trust action plans and Equality and Diversity strategies.
- Through the Performance Development Review process, consider impact of Equality and Diversity with all staff within their daily activities where appropriate.
- Demonstrate and promote considerate and fair behaviour.
- Contribute ideas for the advancement of these practises in the organisation.
- Demonstrate their contribution in respect of this policy in annual performance review.
- Ensure that unacceptable behaviour is challenged and individuals are supported to change.
- Promote a working atmosphere that encourages all staff equally.
- Ensure Equality Impact Assessments are undertaken to assess any functions, policies and procedures.

4.4 Staff

All employees of The Trust should:

- Understand our Equality and Diversity commitment.
- Treat everybody with respect, consideration and without prejudice.
- Encourage the same levels of behaviour in colleagues.
- Recognise the diverse needs and experiences of everyone they come into contact with.
- Take appropriate action under Trust policy if they are aware of any contravening acts.
- With the support of managers develop an Equality and Diversity target within their daily activities.

4.5 Staff Networks

Staff Network Leads should:

- Understand and apply our Equality and Diversity commitment in all communications.
- Ensure that members are aware of and understand the Equality and Diversity in Employment policy.
- Carry out Equality and Diversity activities assigned to them under the Single Equality Scheme action plan and Equality and Diversity strategies.
- Through the Equality Impact Assessment Process provide appropriate, fair and consistent advice and expertise to managers and staff.
- Demonstrate and promote considerate and fair behaviour.
- Contribute ideas for the advancement of these practices in the organisation.
- Demonstrate their contribution in respect of this policy in the annual report and annual Single Equality Scheme.
- Ensure that unacceptable behaviour is challenged and individuals are supported to change.
- Promote a working atmosphere where staff feel confident and supported at work.

4.6 Business Human Resources Service

The Business Human Resources Service has a responsibility to monitor the implementation of the policy and to ensure that procedures are managed fairly and consistently across the Trust. Business Human Resources will provide training, guidance and support to line managers on the operation of this policy at all stages.

5. Main Policy Content

5.1. Defining Equality & Diversity

Equality is essentially about creating a fairer society where everyone can participate and has the opportunity to fulfil their potential. It is backed by legislation designed to address unfair discrimination [past, present or potential] that is based on

membership of a particular group. In some circumstances, positive action is encouraged to address discrimination. It is often summarised in terms of:

- Equal Access;
- Equal Treatment;
- Equal Shares;
- Equal Outcomes.

Diversity is about the recognition and valuing of difference in its broadest sense. Diversity is based on the concept that people should be valued as individuals for reasons related to business interests as well as for moral and social reasons. Diversity recognises that people from different backgrounds can bring fresh ideas and creativity that taps in to hidden capacity for growth and improved services

Equality and Diversity are not inter-changeable but are inter-dependent. There is no equality of opportunity if difference isn't recognised and valued. Diversity is more about the collective mixture of individuals, cultures and or expertise – all the differences that make us unique and the commonalities that connect us for the benefit of the individual and the organisation.

The concept of 'Managing Diversity' requires that equality is dealt with in a strategic co-ordinated way it broadens the concept of equal opportunities beyond the requirements of compliance with the law.

5.2 Business Benefits of Diversity

Growing corporate and social responsibility and legislative requirements means that Equality and Diversity is a key business priority. We recognise that embracing Equality and Diversity is good for business. Substantial evidence shows that managing diversity is key to:

- an organisation's reputation - a good reputation attracts talent from all communities, helping to meet service delivery needs
- staff recruitment and retention - valuing diversity enables employers to recruit and retain the best people for the job
- productivity - staff perform better in organisations that value diversity and are committed to employees' well being
- mitigating organisational risks - effective diversity management limits the risk of legal challenges and costly awards

5.2.1 Common Understanding of Business Case

Equality and Diversity recognises the strengths and potential of each individual. It broadens the working culture so that a variety of thinking and styles can be accommodated for the benefit of the individual and the organisation's performance. Pursuing Equality and Diversity goals opens up new ideas, attracts new people and creates new networks. It also improves services to communities and customers as well as improving relations with the wider public.

5.3 Governance

We acknowledge that Board representation and those in senior management positions should reflect the diverse communities we serve. We will monitor information, take appropriate actions through target setting and positive action where necessary to ensure we are representative of the communities we serve.

5.4 Recruitment and Selection

We operate a fair and objective system for recruiting, which places emphasis on individual skills, abilities and experience. This enables a full diversity of people to demonstrate their ability to do a job. Selection criteria contained within the Job Descriptions and Personal Specifications is regularly reviewed to ensure that they are justifiable and so do not unfairly discriminate directly or indirectly and are essential for the effective performance of the role.

Staff involved in interviews will receive recruitment training which will include Equality and Diversity to enable them to apply our commitments in this policy. We will ensure that there is more than one person involved in the selection process. Please refer to Liverpool Human Resources Recruitment and Selection Handbook for further guidance.

Steps will be taken to ensure that knowledge of vacancies reach under represented groups, community organisations and individuals internally and externally through positive action initiatives.

Equality monitoring questionnaires will be used for monitoring the selection process to ensure our commitment to Equality and Diversity. The analysis of results will be reported to the Board regularly and will be used to track performance.

5.5 Employment Conditions

The Organisation adopts standard NHS Terms and Conditions of Employment (Agenda for Change and Medical Terms and Conditions), which have been implemented in consultation with staff side on a national and local basis.

All staff are supported to achieve their full potential, and all staff that identify as having a disability will have an annual review to assess and review support needs.

All managers will be supported to develop an understanding of managing diversity so that all staff are managed flexibly and appropriately through training interventions, policy guidance and Equality and Diversity toolkits.

Every job description within the trust includes a specific Equality and Diversity requirement for which the predetermined minimum standard is level 2 of Core Dimension 6 in the national Knowledge and Skills Framework (KSF). This standard is attached as Appendix 2. Roles that require a higher level of competence in Equality and Diversity are expected to also have duties incorporated in to the main responsibilities of the role.

5.6 Equality and Diversity Training

The Organisation is committed to ensuring that staff receive appropriate awareness training in Equality and Diversity to undertake their role. Equality and Diversity training is mandatory for all staff commensurate with the duties that they are required to undertake.

Every postholder is required to demonstrate respect for Equality and Diversity as an NHS employee. This is outlined in their KSF post outline as core dimension 6. Training and development opportunities for Equality and Diversity will be identified and progressed through the KSF in the PDR process.

5.7 Discrimination Complaints

Harassment and bullying at work undermines the performance of our business and cannot be allowed to go unchallenged. There is always a need to consider the full situation in all cases.

All complaints will be dealt with efficiently, seriously and confidentially and staff will be protected against victimisation from making, or being involved in, a complaint. Intentional false allegations will be considered a form of harassment and can result in disciplinary action.

Discrimination will be treated as a disciplinary offence and will be dealt with under the Disciplinary Policy. Harassment/bullying and victimisation will be dealt with under the Bullying & Harassment Policy.

Please see section 6.2 for other policies which allow employees of the Trust to take action if they are subjected to any form of discrimination.

5.7.1 Direct Discrimination

Where one person is treated less favourably than another, has been, or would be treated in a comparable situation. There is no possibility of justification unless a genuine occupational requirement applies.

5.7.2 Indirect Discrimination

Indirect discrimination occurs when a condition or requirement puts or would put a person at a particular disadvantage when compared with others

5.7.3 Victimisation

Is treating an individual differently because they have made a complaint of discrimination or provided information on discrimination.

5.7.4 Harassment

This occurs when a person is subjected to unwanted attention or advances attributable to a factor related to their individual diversity. An individual does not have

to share a protected characteristic to claim that they have been harassed. For example a heterosexual person could claim to have been harassed by a colleagues telling of offensive homophobic jokes.

5.7.5 Discrimination by association

This refers to a situation where an individual is discriminated against through their association with another person. For example, if an individual is subjected to harassment by their colleagues because they are married to someone who is Catholic or because they have a family member who is disabled.

5.7.6 Perceptive Discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. For example a heterosexual member of staff is bullied because her colleagues perceive that she is a lesbian.

5.7.7 Third Party Harassment

An employer could potentially be liable if their employees are harassed by people who aren't employees such as contractors or patients. The harassment would have to have taken place on two separate occasions and the employer must have been made aware and failed to have taken reasonable steps for it not to happen again.

5.8 Recording and Monitoring of Equality & Diversity

The Trust understands the legal and organisational case for Equality and Diversity and will make sure that this is translated into practice. To support this a Performance Management Framework has been developed to review, monitor and report on relevant Equality Data Sets. The data will be collated, analysed and published on an annual basis as part of our workforce equal opportunities monitoring statistics on our website in the annual report. The data will also be monitored as part of our Single Equality Scheme annual review. The monitoring will meet statutory employment duties under the Equality Act. Where adverse impact is identified through the monitoring process we will investigate and take corrective action to mitigate and prevent any negative impact and will use the data to set meaningful targets to improve workforce diversity and drive positive action initiatives.

The information collected will be non-identifiable and for monitoring and reporting purposes only. It will be treated as confidential and it will not be used for any other purpose.

6 Associated Documentation and References

6.1. Relevant Legislation

The Equality Act 2010

6.2 Associated Policies and Guidance Documents

Reasonable Adjustments Policy
Bullying & Harassment Policy
Disciplinary Policy
Grievance Policy
KSF Core Dimension 6

7 Implementation - Training and Resources

Equality and Diversity is included in the induction programmes for all staff. A range of programmes have been developed to improve understanding of Equality and Diversity.

As part of staff briefing sessions, there will be items on Equality and Diversity issues reflecting the work we do.

Training and awareness briefings on this policy, related legislation, procedures and performance requirements will be provided for all managers and the Board.

All training provision will consider Equality and Diversity as a continuous process.

8 Policy Governance

8.1. Equality and Diversity

The Trust is committed to an environment that promotes equality and embraces diversity in its performance as an employer and service provider. It will adhere to legal and performance requirements and will mainstream equality and diversity principles through its policies, procedures and processes. This policy should be implemented with due regard to this commitment.

This policy and procedure can be made available in alternative formats on request including large print, braille, moon, audio cassette, and different languages. To arrange this please contact the Equality & Diversity Team in the first instance.

Liverpool Community Health NHS Trust will endeavour to make reasonable adjustments to accommodate any employee with particular equality and diversity requirements in implementing this policy and procedure. This may include accessibility of meeting venues, providing translation, arranging an interpreter to attend meetings, extending policy timeframes to enable translation to be undertaken, or assistance with formulating any written statements

8.2. Management and Review of Policy

The Business Human Resources Team will be responsible for the management of this policy. The formal review of all HR Policies will be undertaken on two year basis in accordance with the Trusts HR Policy Review Programme. In addition, the effectiveness of this policy will be monitored by the Business HR Team and the

policy may be reviewed and amended at any time if is deemed necessary.
Notification of any changes to polcies will be communicated to all staff.

Staff should be aware that the Trust intranet site version of this document is the only version that is maintained and controlled. Any printed copies should be viewed as 'uncontrolled' and as such may not necessarily contain the latest updates and amendments.