

**Document title:** **Equality And Diversity Policy**

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### Key points of this document

- To set out the Trusts commitment to Equality and Diversity
- To provide definitions
- To set out the legal requirements

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## **1.0 Introduction**

- 1.1** Royal Papworth Hospital NHS Foundation Trust is an employer and provider of health services. A significant proportion of staff and clients are from diverse ethnic and social backgrounds. The Trust is an equal opportunities employer and has operated an Equality and Diversity practices for a number of years. This policy aims to set a positive way forward for valuing diversity in the workforce and eradicating discriminatory practices.
- 1.2** The Policy outlines how the Trust will ensure compliance with legislative requirements such as the Equalities Act 2010 and Human Rights Act 1998 in respect of our duties as an employer and a provider of NHS services.
- 1.3** The policy sets out how the Trust will demonstrate that it is planning and delivering services in a fair and equitable manner to all sections of the community, free from discrimination and with dignity and respect.
- 1.4** The policy covers promotion of equality, diversity and human rights in relation to employment, service delivery, goods and service supplies, contractors and partner agencies.
- 1.5** Royal Papworth Hospital NHS Foundation Trust believes that it is a mutual benefit to the Trust and its employees to work in partnership with Staff side. This policy has been developed and agreed by management and Staff side, in order to ensure staff are treated consistently and fairly.

## **2.0 Scope**

- 2.1** This Policy applies to all staff working within the Trust, (including agency staff, contractors, students and those with honorary contracts) and relates to other Trust staff, contractors and staff from other organisations working on Trust premises.
- 2.2** It applies to all activities and functions undertaken by, or on behalf of, the Trust. It applies to all Trust premises and to all Trust staff working in other premises where the Trust delivers service.

## **3.0 Trust Equality Commitments**

- 3.1** To support our commitment to equality and diversity, the Trust will:
  - a) Set and publish equality objectives (paragraph 7).
  - b) Ensure that the Board is committed to setting equality and diversity as a priority on its Agenda.
  - c) Publish information annually on how we are meeting our Equality and Diversity obligations.
  - d) Ensure that equality issues are considered as part of our everyday business, through completion of equality analysis impact assessments for all business and policy reviews and changes.

- e) Seek opportunities to promote equality and diversity for our staff and service users.
- f) Ensure that our services are as accessible and inclusive as possible, for all our service users.
- g) Ensure that our service users know how to make a complaint or raise a concern if they feel they have been discriminated against.
- h) Ensure that our premises are accessible for staff and visitors.

**3.2** To support our commitment to be a fair and inclusive employer, the Trust will also:

- a) Carry out recruitment and selection fairly (please refer to the Trust's Recruitment and Selection Policy for further information).
- b) Support job applicants with disabilities by making reasonable adjustments to our recruitment processes, and by operating a Guaranteed Interview ('Two Ticks') Scheme for disabled applicants who meet the essential role criteria (as above).
- c) Support disabled employees by making reasonable adjustments.
- d) Support employees with different religious or cultural needs where practical, for example through the provision of appropriate spaces for prayer and adaptation of working patterns.

**3.3** In order to apply the above principles, the Trust will ensure that:

- a) All policies, strategies, service redesign undergo an equality impact assessment (EIA) (Due Regard) at the start of the policy development process, and the outcomes of these are implemented.
- b) All staff receives equality, diversity and human rights training through induction, staff briefings, face to face and e-learning training.
- c) The principle of promoting Equality, Diversity and Human Rights and meeting individual needs is part of the ethos of all policy and service development and is in line with the trust values.
- d) There is effective and sensitive staff support and complaints mechanisms, should staff or service users feel that they have experienced discrimination.
- e) Workforce, service user and complaints data is monitored by the Trust in accordance with the duties under the Equality Act 2010.

## **4.0. Duties and Responsibilities**

### **4.1 The Board:**

The Trust Board has overall corporate responsibility for ensuring that the Trust complies with its legal and ethical obligations with regard to equality, diversity and human rights in their dealings with staff, service users, patients, carers, members of the public and other stakeholders. In addition, the Board will:

- Set the right culture to encourage, foster and improve relations and Equality and Diversity within the trust.
- Ensure that the organisation has equality objectives that meet the requirements of the Public Sector Equality Duty (PSED) as set out under the provisions of the Equality Act 2010.
- Receive and consider regular reports in order to evaluate the effectiveness of the policy.

- Review and approve the Annual Equality Report.

#### **4.2 Chief Executive:**

- The Chief Executive will have overall responsibility for co-ordinating implementation, monitoring and review of this policy.
- To ensure that all reasonable steps are taken to prevent unlawful discrimination and promote equality, diversity, and human rights within the Trust.

#### **4.3 Director of Workforce and Organisation Development:**

- The Director of Workforce and Organisation Development is the executive lead responsible for ensuring the implementation of the policy that staff receive proper guidance and training.
- To ensure the effectiveness of the policy is monitored and reviewed on a regular basis at a strategic level.

#### **4.4 Managers and Team Leaders:**

- To ensure that the principles of this policy are applied in their work area and that it is incorporated in all other Trust policies and procedures they develop or review.
- Managers and Team Leaders should be aware that they will be expected to positively promote high equality standards in line with the requirements of the Equality Act.
- Managers, and other employees in supervisory positions, have a particular duty to ensure that discrimination, or any other breaches of this Policy, do not occur in any directorates/departments or areas of work for which they are responsible and to give positive support to any measures which will promote equality diversity and human rights.

#### **Additional responsibilities include:**

- a) Ensuring that their employees have attended the appropriate mandatory equality and diversity training and if involved with recruitment and selection have the necessary training to enable them to be involved in that process.
- b) The manager will ensure that those who report to them, but are not employed by the Trust, e.g., volunteers and providers of goods and/or services, take responsibility for their behaviour and conduct in the workplace and to make them aware of the practical application of this policy
- c) Assisting with the monitoring of compliance within their area of responsibility in respect of delivering the NHS Equality Delivery System (EDS) outcomes.
- d) Carry out an equality impact analysis at an early stage when involved in developing policies / procedures and/or service redesign initiatives.
- e) Ensuring that any allegations of discriminatory behaviour or practices are correctly investigated, and appropriate action taken. This may involve the use of the Dignity at Work Procedure, Grievance Procedure, Your Behaviour Matters Disciplinary Procedure and Capability Procedure.
- f) Ensuring that all records in connection with bullying and harassment,

- disciplinary and grievances or any other conduct are properly completed.
- g) Monitoring of the protected characteristics as part of the workforce race equality standard.

#### 4.5 Line Manager

It is the responsibility of line managers to:

- Inform their staff of their rights and responsibilities under the policy and where the policy is located.
- Ensure that equality and diversity is an integral part of staff local induction.
- Encourage their staff, particularly those in disadvantaged groups specifically protected characteristics to take up courses to enhance promotion and career development.
- Guard against the use of language and behaviour that could be perceived as, or have the effect of, being racist, sexist, or demeaning to groups covered by the Equality and Diversity Policy. This includes understanding the impact it could have on their staff and providing support.
- Create and maintain employment records as required under the equality act 2010 code of practice.
- Act on staff grievances or patient complaints fairly, appropriately, and as quickly as possible. This may involve the use of the Trust Grievance Procedure.

#### 4.6 All Staff

Staff at all levels have a duty to ensure that they do not unlawfully discriminate, harass, or victimise other members of staff.

##### Staff expectations are:

- To value and respect their colleagues on the basis of their behaviour, skills and performance in their day-to-day duties.
- Co-operate with measures introduced by the Trust to ensure equal opportunity and non-discrimination.
- Not to victimise or attempt to victimise individuals on the grounds that they have made complaints or provided information on discrimination.
- Not to harass, abuse or intimidate other employees on account of their protected characteristics. Have a responsibility to bring any potentially discriminatory practice to the attention of their Line Manager, the Employee Relations Department, or relevant Trade Union/Professional Associations.
- Must not victimise individuals on the grounds that they have made complaints or provided information on discrimination but must be active in informing management of discrimination.

#### 4.7 Trade unions and Professional Bodies

Trade Unions and Professional Bodies have an important role to play in preventing unlawful discrimination and in promoting diversity and inclusion in the workforce and good industrial relations. They should encourage and promote diversity policies so that

measures to promote positive action and prevent discrimination in the workplace can be introduced with clear commitment of both management and trade unions.

#### **4.8 Equality & Diversity Lead**

- Advise the Trust and related committees such as Equality, Diversity, and Inclusivity Steering Group to enable them to comply with equality and human rights legislation.
- Support the Trust with setting and achieving equality objectives. Build and maintain relationships with other stakeholders who have a role to play in ensuring the Trust meets their equality objectives.
- Manage and report on the equality work plan.
- Collaborate with the Trust Leadership and Organisation Development Team to ensure that staff are able to access high quality and appropriate equality and diversity training and ensure that the principles of promoting equality are embedded into all training materials as appropriate.
- Work with Executives and Managers to ensure that they are achieving their equality objectives and that Due Regard (equality analysis) is proportionate and meaningful.
- Obtain feedback from service users, staff and other stakeholders on how the organisation is performing with respect to promoting equality and eliminating discrimination.

#### **4.9 External Contactors and Agencies (providers of Goods and Services)**

- Contractors and their staff have an equal responsibility to ensure that this policy is adhered to and will be the subject of any contract compliance monitoring.
- External contractors and agencies providing services on behalf of the Trust, on Trust premises will be expected to make their staff aware of the Trust's Policy and comply with it.
- No form of discrimination shall be tolerated by the Trust by any contractor and or their associates/employees.

### **5.0 Legal Context**

#### **5.1 The Human Rights Act 1998**

5.1.1 Human Rights are the basic rights all individuals have, regardless of who they are, where they live or what they do. Human rights represent all the things that are important to human beings, such as the ability to choose how to live their lives and being treated with dignity and respect.

5.1.2 All national legislation is underpinned by the Human Rights Act 1998, came fully into force on 2 October 2000. The Human Rights Act contains 15 basic rights:

- a) The right to life
- b) The right not to be tortured or treated in an inhuman or degrading way
- c) The right to be free from slavery or forced labour
- d) The right to liberty and security
- e) The right to a fair trial

- f) The right to no punishment without law
- g) The right to respect for private and family life, home, and correspondence
- h) The right to freedom of thought, conscience, and religion
- i) The right to freedom of expression
- j) The right to freedom of assembly and association
- k) The right to marry and have a family
- l) The right not to be discriminated against in relation to the enjoyment of any of the rights contained in the European Convention
- m) The right to peaceful enjoyment of possessions
- n) The right to education
- o) The right to free elections

5.1.3 The Trust will comply and respect these human rights principles in relation to all staff members and patients. Aiming to demonstrate a commitment to quality outcomes; that will improve patient experience and staff satisfaction (staff should feel valued).

## **5.2 Human Rights Based Approach**

5.2.1 A human rights-based approach is the process by which human rights are put into practice. The Department of Health and British Institute of Human Rights have set out five key principles:

- a) Putting human rights principles and standards at the heart of policy and planning.
- b) Empowering staff and service users with knowledge, skills and organisational leadership and commitment to achieve human rights-based approaches.
- c) Enabling meaningful involvement and participation of all key Stakeholders
- d) Ensuring clear accountability throughout the organisation
- e) Non-discrimination and attention to vulnerable groups

5.2.2 Duties under The Human Rights Act 1998 are to ensure that all staff and service users are equally able to access all their human rights as set out in the Act, both as employees and service users of the Trust.

## **5.3 The Equality Act 2010**

5.3.1 The Equality Act 2010 provides a single cross-cutting legislative framework to protect the rights of individuals, tackling disadvantage and discrimination of people with protected characteristics, and advance equality of opportunity for all.

5.3.2 The Act makes it unlawful to discriminate, harass or victimise a person on the grounds of the following nine protected characteristics:

- a) Age
- b) Disability
- c) Gender reassignment
- d) Marriage and civil partnership
- e) Pregnancy and maternity
- f) Race, including colour, nationality, ethnic or national origin
- g) Religion and belief
- h) Sex
- i) Sexual Orientation

## **5.4 Public Sector Equality Duty (PSED)**

5.4.1 The Public Sector Equality Duty was created by the Equality Act 2010. It contains two parts, the General Duty and the Specific Duty. Public Sector organisations are required to meet both in exercising of their functions to have due regard to the need to:

- a) Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- b) Advance Equality of opportunity between people who share a protected characteristic and people who do not share it.
- c) Foster good relations between people who share a protected characteristic and people who do not share it.

## **5.5 Specific Duties**

Specific duties are legal requirements designed to help public bodies meet the general duty. These require the publication of:

- a) Publishing information to demonstrate how we have given due regard to the general duty relating to persons who share relevant protected characteristics and are employees or other persons affected by our policies and procedures.
- b) Preparing and publishing one or more equality objectives covering a 4-year period.

## **5.6 Published Information**

5.6.1 This requires the Trust to publish Information annually. In particular:

- a) Information on the effect that our policies and practices have had on people who share a relevant protected characteristic, to demonstrate the extent to which we have furthered the aims of the general equality duty for our employees and for others with an interest in the way we perform our functions.
- b) Evidence of analysis undertaken to establish whether policies and practices have (or would) further the aims of the general equality duty.
- c) Details of the information considered in carrying out this analysis.

- d) Details of engagement undertaken with people considered to have an interest in furthering the aims of the general equality duty.

### **5.6.2 Published Equality Objectives**

The Trust is required to prepare and publish Equality Objectives at least every 4 years in a manner that is accessible by the public:

- a) Objectives that we think we should achieve to meet one or more aims of the general equality duty.
- b) Details of the engagement we undertook, in developing our objectives, with people whom we consider have an interest in furthering the aims of the general equality duty.

### **5.7 Exceptions under the Equalities Act**

5.7.1 There are several highly specific exceptions to the law where you can treat someone differently because of their protected characteristic. The main ones are:

- a) If someone being of a particular protected characteristic (e.g., a specific gender)
- b) Is central to a particular job. This is known as an “occupational requirement”
- c) If you must do it in order to avoid breaking another law. For example, legal age limits
- d) Special provisions apply to the treatment at work of women or other pregnant employees who are pregnant or taking parental leave for health and safety reasons

5.7.2 Staff are advised to consult with the Employee Relations Department or the Equality and Diversity Lead if there is a need for clarification on applying an exception or whenever there is doubt relating to exception.

### **6.0 Translating Policy into Practice**

#### **Equality, Diversity & Inclusivity Steering Group**

The Trust has established an Equality, Diversity & Inclusivity Steering Group that is embedded in its governance arrangements. The group has a responsibility to ensure that this policy is adhered to. Their duties involve:

- a) Ensuring the effective implementation of the policy.
- b) Reviewing and amending the policy as necessary.
- c) Reporting to the Trust Quality and Risk Committee and Board on issues relating to equality and diversity including monitoring arrangements and outcomes.

## 7.0 Trust Equality Objectives

7.1 The Trust in consultation with stakeholders including partnership with staff side has identified the following Equality Objectives to meet the General Duty under the Equality Act:

| TRUST EQUALITY OBJECTIVES |   |
|---------------------------|---|
| <b>A</b>                  | <b>Better Health Outcomes for All</b>   |
| 1                         | Ensure that all patients regardless of ethnicity, disability, age or gender are able to access services fairly and consistently   |
| 2                         | Improve understanding of service user's cultural and personal needs and deliver this within our services.   |
| 3                         | Collate and analyse data to improve commissioning, procurement, design and delivery of services to meet the health needs of local communities.  |
| <b>B</b>                  | <b>Improved Patient Access and Experience</b>   |
| 4                         | Ensure that our new hospital provides excellent accessibility for all patients and visitors.  |
| 5                         | Update our patient information system and improve recording and monitoring of equalities data by aiming to capture <b>all</b> protected characteristics.  |
| 6                         | Analyse service user data across services to identify patterns and address areas of inequality or disproportionality. With the support of patient user groups.  |
| <b>C</b>                  | <b>Empowered engaged and inclusive staff</b>  |
| 7                         | Increase the number of staff from the protected groups at bands 8A -9 to ensure proportionate representation in relation to the workforce.  |
| 8                         | Create opportunities for members of staff from any/all protected groups to share their experience of working for the Trust through staff forums or other activities and implement actions to effect improvements. |
| 9                         | Significantly increase the number of staff declaring their disability by encouraging a positive culture of disability within the Trust.   |
| <b>D</b>                  | <b>Inclusive leadership</b>   |
| 10                        | Increase the proportion of staff from protected groups represented on the Board by 20%.   |
| 11                        | Embed equality standards in appraisals for managers and ensure they are incorporated into line managers training.   |

## 8.0 Due Regard

8.1 Decisions are made within the Trust that affect the lives and relationships of Service Users, Carers, Staff, Other Stakeholders and Visitors daily. The Equality Act 2010 requires us to pay 'Due Regard', when considering the effects on diverse groups protected from discrimination (protected characteristics). Due regard can be demonstrated by conducting an equality analysis (EA).

## 8.1 Equality Analysis

8.1.1 Equality analysis (EA) is most effective when it is integrated into day-to-day activities such as policymaking, business planning and other governance and corporate decision-making arrangements. This means that the person who is making the decision or advising the decision-maker needs to undertake an equality analysis, with appropriate assistance and support from the Equality and Diversity lead. This is not an administrative task, but a core part of policy and decision making.

8.1.2 All Trust policies and strategies including projects and decisions will include commitment to undertake equality analysis to ensure consideration of groups with protected characteristics. The Equality Impact Assessment (EIA) guidance and tool (**Appendix 2**).

## 9.0 Consultation and Engagement Involving Service Users and the Public

To fulfil our responsibilities to our patients and the public, the Trust will also identify and engage with those in the protected characteristics through national and local representative groups to:

- a) Identify any particular needs of our patients and public in each protected characteristic
- b) Examine the reasons for any difference in access to or experience of our services
- c) Develop initiatives to meet these needs and overcome any barriers
- d) Identify opportunities to promote equality and diversity
- e) Determine priorities for our EDS2 action plan
- f) Analyse the equality impact of particular programmes, policies, or proposals
- g) Check the quality, relevance, and comprehensiveness of relevant public and patient information

## 10.0 Supporting our staff

The Trust will provide support to staff by:

- Ensuring that all our staff are trained at local induction and regularly throughout their employment on equality, diversity, and inclusivity.
- Actively promote diversity awareness and respond to individual patient needs in line with our duties under the Act.
- Develop staff forums and other networks to support staff within protected characteristic groups.
- Make reasonable adjustments to support staff to be able to do their jobs and contribute fully to the work of the Trust.

## 11.0 Recruitment, Selection and General Employment (Including Promotion)

11.1 Consistent and justifiable reasons for recruitment, selection and promotion are pre-requisites for good management. Without consistency, decisions are subjective and are open to direct and indirect discrimination. Therefore, the

Trust's policy on advertising for posts will be to not include any requirements or criteria which are unnecessary to the post, and which might exclude future applicants of under-represented groups with protected characteristics.

11.2 In order to avoid indirect discrimination, there will be 'no word of mouth' recruitment, and posts will not be advertised in such a way as would effectively exclude minority/disadvantaged groups, as outlined in the Recruitment and Selection Procedure

11.3 It is important to note that the policy applies not only to current employees, but also to prospective employees. It nevertheless applies to any employment matter in which the equitable treatment of a current or potential employee may be an issue. The Trust's policy on Recruitment and Selection is a reference point on employment issues.

11.4 The Trust will undertake to:

- Avoid discrimination when advertising job vacancies. The Recruitment Team will be responsible for the coordination of all recruitment advertising and will review all advertisements in advance of publication; to ensure compliance with the Trust's policy and legislation.
- Set interview questions that relates to the circumstances and requirements of the job. Questions which could be discriminatory will not be allowed within the interview process.
- Not ask questions relating to health or disability before a conditional employment offer is made. This is in accordance with the Equality Act 2010.
- Invite candidates, as a matter of routine, to inform the organisation of any special arrangements or reasonable adjustments which need to be made in attending a job selection interview.
- Ensure that people who are responsible for recruitment and selection are trained in equality, diversity, and human rights, so that discrimination will not take place.
- Ensure that applicants applying for posts where there is under representation within the Trust will be offered additional advice and guidance on their application process.
- To ensure that a commitment to interview all disabled applicants who meet the minimum criteria of the person specification in line with the Trust's "Guaranteed Interview Scheme". Adverts will include a statement to encourage applications from under-represented groups with protected characteristics.

## **12.0 Meeting the Standards**

To meet the standards outlined in the policy and to meet the expectation of our service users, members of the public and staff, the Trust will:

- Undertake impact assessments of all our policies and service changes to identify any potential negative impacts on those in protected characteristics and take steps to address them.
- Undertake an assessment of our performance against the EDS objectives, engage the public and service users in each of the nine protected characteristics

in our assessment, and publish our EDS performance on Trust's website each year.

- Develop an EDS action plan to improve the Trust's EDS performance, engage on the plan, and publish the plan on the Trust's website each year.
- Review our equality and diversity objectives, engage our public and service users on those objectives and publish them, every four years.
- Complete the Workforce Race Equality Standard (WRES) and assess areas for improvement for the WRES action plan each year.
- Implement the Accessible Information Standard.
- Produce an annual Equality and Diversity report for the Trust's Board and publish on for public access.

### **13.0 Service Users/Carers/Visitors**

- 13.1 Service Users, Carers and Visitors will be expected to comply with the principles set out in this Policy whilst on the Trust's premises or whilst accessing the Trust's services.
- 13.2 Service Users, Carers and Visitors are expected to be respectful to all staff and other Service Users they encounter.
- 13.3 Service Users, Carers and Visitors who are verbally or physically abusive or who make derogatory statements that are of a discriminatory nature to any staff or other Service Users should be aware that they will be challenged about their behaviour and appropriate action/s taken.

### **14.0 Procedure for dealing with potential breaches of this policy**

- 14.1 Any employee who feels like they have been discriminated against on any grounds set out in this policy should raise concerns directly with their line manager. Where an employee's concern relates to their line manager, the next in line manager should be contacted. Alternatively, employees may wish to discuss their concerns with a member of the Human Resource Department or the Freedom to Speak up Guardian. Where resolution cannot be achieved through informal discussion, the employee may raise a formal complaint in line with the Trust's Grievance Procedure or Dignity at Work Procedure.
- 14.2 Any breaches of the principles set out in this policy by staff could lead to disciplinary action up to and including dismissal.

### **15.0 Dissemination and Implementation arrangements**

This policy will be publicised via the Trust's communication networks and published on the Trust Intranet/Website. There will be briefings for managers through the directorate HR Teams.

## 16.0 References

### 16.1 References in relation to this Policy:

- a) The Equality Act (2010).
- b) The Equality Act 2010 (Statutory Duties) regulations 2011.
- c) Equality and Delivery Systems (EDS)
- d) NHS Workforce Race Equality Standard (WRES) guidance 2015 – 2016.
- e) NHS Workforce Disability Equality Standards (WDES) guidance 2020.
- f) Mental Health Act Code of Practice – January 2015.

### 16.2 Code of practice and guidance

- ACAS [www.acas.org.uk](http://www.acas.org.uk)
- Guidance on legislation and good practice on age, disability, gender, race, religion or belief and sexual orientation.
- British Institute of Human Rights [www.bih.org.uk](http://www.bih.org.uk).
- Guidance on human rights, including human rights in healthcare.
- NHS England <https://www.england.nhs.uk/about/equality/> Information about equality and human rights including advice and guidance.
- Equality and Human Rights Commission [www.ehrc.org.uk](http://www.ehrc.org.uk) - Guidance on legislation and good practice.
- Frequently Asked Questions – The Equality Act 2010. Equality and Human Rights Commission - <http://www.equalityhumanrights.com/private-and-public-sector-guidance/guidance-all/faqs>.

## 17. Monitoring, reporting and review of Policy

### 17.1 Monitoring and reporting:

17.1.1 It is the specific responsibility of the Director of Workforce and Organisation Development to ensure that this policy and its implementation are properly and adequately monitored.

17.1.2 Trust performance against equality and diversity requirements and the standards set out in this policy will be overseen and monitored by the Trust's Equality, Diversity & Inclusivity Steering Group which reports to the Quality & Risk Committee.

17.1.3 The results of monitoring will be reviewed and published annually to ascertain the effectiveness of the implementation of this policy and as part of a continued process to make improvements. Information will be published on the Trust's Intranet and website.

## **17.2 Review of Policy:**

This policy will be reviewed every two years (or earlier if required by legislative or business changes). A change can be effected by the Workforce Committee, Trade Union Representatives, Equality & Diversity Steering group and any Trust Staff network Group.

## **18. Equality Impact Assessment -**

During the development of this Policy, an equality impact assessment (EIA) was completed to assess the impact on protected groups. The EIA concluded that there were no negative impacts, and the Policy takes into account the adjustments to be made when an employee is on maternity leave, has a disability or is on long term sick leave.

## **19. Values and behaviour framework**

In implementing this policy all colleagues should act within the Trust's values and behaviours framework ensuring compassion, excellence and collaboration.

[http://papsvrintra/papworthonline/values//files/RPH\\_Our\\_Values\\_Framework.pdf](http://papsvrintra/papworthonline/values//files/RPH_Our_Values_Framework.pdf)

## Appendix 1

### Definitions

**Diversity** – Defined as ‘the differences in the values, attitudes, cultural perspectives, beliefs, ethnic backgrounds, sexual orientation, skills, knowledge, and life experiences of each individual in any group of people.’ This term refers to the differences in people and is used to highlight individual needs – it is inappropriate to use ‘diversity’ as an alternative to ‘equal opportunities’.

**Equality** – The term used to describe systems, policies and practices that tackle inequalities, aiming to ensure that all staff are treated fairly, and that service users do not experience discrimination.

**Due Regard** - To ‘have due regard’ means that in making decisions, and in its other day-to-day activities a body subject to the Public Sector Equality Duty, must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations in a proportionate manner.

**Nine Protected Characteristics** – as defined by the Equality Act 2010:

- a) Age.
- b) Disability.
- c) Sex.
- d) Gender reassignment
- e) Marital or Civil Partnership Status (including Same Sex Marriage).
- f) Maternity or Pregnancy Status.
- g) Race, including colour, nationality, ethnic or national origin.
- h) Religion or Belief.
- i) Sexual Orientation.

**Discrimination** - as defined by the Equality Act 2010

**Direct Discrimination** - A person discriminates against another if they treat a person, (because of a protected characteristic), less favourably than they would treat others. For instance, making jokes at the expense of someone’s sexual orientation or faith.

**Indirect Discrimination** – A person discriminates against another if they apply a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic. For example, if something is applied universally, but its practical effect disproportionately disadvantages one or more specific groups. For instance, having an inflexible dress code or uniform policy that prohibits people wearing headwear, could potentially disadvantage certain religious groups as this is requirement of their religion.

**Associative Discrimination** – This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For instance, deciding someone is unable to do a job because of their caring responsibilities for someone who is disabled.

**Discrimination Arising from Disability** – This occurs when a disabled person is treated unfavourably because of something connected with their disability and the unfavourable treatment cannot be justified (i.e., it can be demonstrated to be the least discriminatory way of delivering a service, policy, or procedure – contact the Workforce ER team for more details).

For example, a parent seeks admission to a crèche for their child who has a disability which means that they do not have full bowel control. The crèche says that they cannot admit the child because they are not toilet trained and the children at the crèche are required to be. The refusal to admit the child is not because of the disability itself; but due to experiencing detrimental treatment as a consequence of their incontinence.

**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 protected characteristic.

**Harassment** – as defined by the Equality Act 2010.

**Harassment** – This takes place where, for a reason that relates to person's protected characteristic, the harasser engages in unwanted conduct which has the purpose or effect of violating the person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her.

**Victimisation** – Occurs when an employee is punished or treated unfavourably as a result of complaining or supporting a complaint of discrimination/harassment. For example, an employee raises a grievance about disability discrimination and is dismissed as a result.

**Genuine Occupational Requirement** - In limited circumstances it can be lawful for an employer to require a job applicant or worker to have a particular protected characteristic. This requirement must be both intrinsic to the role and has to be a proportionate means of achieving a legitimate aim.

In an acute NHS setting there are very few roles that a Genuine Occupational Requirement can be successfully applied, and this should be discussed with the Equality and Diversity Lead before applying it.

**Hate Crime** - Any criminal activity (for example physical assault, verbal abuse, vandalism, etc.) that is targeted at a person, for example, because of prejudice towards a person's:

- Disability
- Race or Ethnicity
- Religion or Belief
- Sexual Orientation (e.g., homophobia, biphobia, or heterophobia)
- Gender Identity (e.g., transphobia)

**Failure to make a reasonable adjustment** - Under disability legislation, discrimination also refers to failure to make a reasonable adjustment to the workplace or to employment arrangements without justification. This is in order that the disabled person is not put at any substantial disadvantage compared to a non-disabled person.

**Age** - This means a person belonging to a particular age group. This includes people of the same age and people of a particular range of ages, e.g., Over 60s or under 21s.

**Disability** - Protection is provided where someone has a physical or mental impairment which is substantial and has a long-term adverse effect on the person's ability to conduct normal day to day activities.

**Sex** - Protection is provided for both men and women to ensure equitable treatment for both sexes Equality and Diversity Policy.

Sexual Orientation (e.g., Heterosexual, Homosexual and Bisexual) - Protection is provided for all sexual orientation to ensure equitable treatment for all.

**Gender Reassignment** - Protection is provided where someone has proposed, started or completed a process to change their sex. It is clear that there is no requirement to be undergoing medical treatment or supervision.

**Marriage and civil partnership** - Protection from discrimination for being married or in a civil partnership is provided in employment and vocational training only.

**Pregnancy and maternity** - For all areas covered by the Act a woman is protected from unfavourable treatment because of pregnancy or because she has given birth.

**Race** - 'Race' includes colour, nationality and ethnic or national origins. A racial group can also be made up of two or more distinct racial groups.

**Religion and Belief** - Religion means any religion and includes a lack of religion. It is for the courts to determine what constitutes a religion.

**Human Rights** are about treating individuals humanely. Human Rights include the right to life, security and liberty, privacy, marriage and family life, freedom from torture, slavery and mistreatment and the freedom to assemble, express oneself and live without discrimination. Human Rights for the Trust means that we will provide employment and delivery of services based on Human Rights principles.

## Appendix 2

### Equality Impact Assessment (EIA)

Please complete the template by following the instructions in each section. Should you have any queries or suggestions on this template, please contact the Equality and Diversity Lead

Send your completed EIA by email to [papworth.edi@nhs.net](mailto:papworth.edi@nhs.net)

#### Introduction

This Toolkit sets out the Trust's framework and guidance for undertaking an Equality Impact Assessment (EIA) and has been approved by the Equality, Diversity & Inclusivity Steering Group. This Toolkit is designed to assist Managers and Staff who will have to undertake Equality Impact Assessments in the course of their work

As a Public Authority, the Trust has a legal requirement to promote equality and set out how we plan to meet the 'general' and specific duties specified in the Public Sector Equality Duty. Public Sector Equality Duties give public bodies legal responsibilities to demonstrate that they are taking action to promote equality in relation to policy making, the delivery of services and employment.

The general equality duty that is set out in the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

There are three aims of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Public Authorities have a **legal** responsibility to assess their policies and to set out how they will protect people from discrimination based on the following nine 'protected characteristics':

- Age
- Disability
- Gender reassignment
- Marriage and civil Partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

In considering the nine protected characteristics, whether it involves service users or employees, the following questions could be asked when you are developing a policy:

- Does the policy have implications regarding the accessibility of services to the whole community? Are reasonable adjustments to be made circumstances in relation to people with disabilities?
- Is there any reason to believe that people with protected characteristics could be adversely affected by this policy?
- Could this policy disproportionately affect sub-groups with protected characteristics, e.g., different racial groups, different impairment groups, etc.?

In addition to these nine 'protected characteristics', Carers and Human Rights will also be considered as part of the Trust's Equality Impact Assessment.

### **Which policies should be assessed?**

All Trust healthcare activities and policies and procedures should be assessed as all of our policies are relevant to a varying degree.

An Equality Impact Assessment should be carried out when developing:

- New policies and procedures
- New guidelines
- New service/function Trust tender
- New project reviewing
- Existing policies and procedures
- Existing guidelines
- Existing services / functions

### **Why do we need to undertake EIA's?**

Public Authorities have a **legal** responsibility to assess their activities, and to set out how they will monitor any possible negative impact on (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) equality. They also must consult on proposed activities and train their staff about relevant law and have a positive duty to promote good relationships among communities.

The key purpose of an Equality Impact Assessment is to:

- Promote all aspects of equality.
- Identify whether certain groups are excluded from any of our services including staff with regard to policies and practices.
- Identify any direct or indirect discrimination.
- Assess if there is any adverse (negative) impact on particular groups.
- Promote good relations between people of different equality groups.
- Act as a method to improve services or employment practices

Other reasons for Equality Impact Assessments are to:

- increase user/public/staff trust
- enhance value for money
- inform business plan.
- increase social inclusion
- promote understanding and sensitivity.

## Inspecting and enforcing bodies:

Various bodies have legal remedy against the Trust for non-compliance with equality issues including the Commission for Equalities and Human Rights (CEHR)

The Audit Commission and the Care Quality Commission can scrutinise Trusts and can report their findings to the CEHR. Inspecting frameworks are available to the commissions which they apply when visiting trusts. Equality issues are a key component of the Care Quality Commission's Core Standards

## Equality Impact Assessment Tool

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|---|
| <b>Title of the policy/practice:</b><br><i>Policies or practices include any policy, strategy, project, programmes of work or a decision</i>  |
| <b>What are the intended outcomes of this work?</b><br><i>Include outline of objectives and function aims</i>   |
| <b>Who will be affected?</b><br><i>e.g. staff, service users, patients, job applicants etc.</i>   |
| <b>Evidence</b><br><i>The Trust commitment to transparency requires staff to be open about the information on which we base our decisions and the results. You must understand your responsibilities under the transparency agenda before completing this section of the assessment.</i>  |
| <b>What evidence have you considered?</b> <ul style="list-style-type: none"> <li>• <i>List the main sources of data, research and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic below).</i></li> <li>• <i>This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations etc. If there are gaps in evidence, state what you will do to close them in the Action Plan on the last page of this template.</i></li> </ul> |
| <b>Disability</b><br><i>Consider and detail (including the source of any evidence) on attitudinal, physical and social barriers.</i>  |
| <b>Sex</b><br><i>Consider and detail (including the source of any evidence) on men and women (potential to link to carers below).</i>   |

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| <p><b>Race</b><br/><i>Consider and detail (including the source of any evidence) on difference ethnic groups, nationalities, Roma gypsies, Irish travellers, language barriers.</i></p>  |
| <p><b>Age</b><br/><i>Consider and detail (including the source of any evidence) across age ranges on old and younger people. This can include safeguarding, consent and child welfare.</i></p>   |
| <p><b>Gender reassignment (including transgender)</b><br/><i>Consider and detail (including the source of any evidence) on transgender and trans-identified people. This can include issues such as privacy of data and harassment.</i></p>                            |
| <p><b>Sexual orientation</b><br/><i>Consider and detail (including the source of any evidence) on heterosexual people as well as lesbian, gay and bisexual people.</i></p>   |
| <p><b>Religion or belief</b><br/><i>Consider and detail (including the source of any evidence) on people with different religions, beliefs or no belief.</i></p>   |
| <p><b>Pregnancy and maternity</b><br/><i>Consider and detail (including the source of any evidence) on working arrangements, part-time working, infant caring responsibilities.</i></p>  |
| <p><b>Carers</b><br/><i>Consider and detail (including the source of any evidence) on part-time working, shift-patterns, general caring responsibilities.</i></p>  |
| <p><b>Other identified groups</b><br/><i>Consider and detail and include the source of any evidence on different socio-economic groups, area inequality, income, resident status (migrants) and other groups experiencing disadvantage and barriers to access.</i></p> |

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| <p><b>Engagement and involvement</b></p>  |
| <p>How have you engaged stakeholders in gathering evidence or testing the evidence available?</p> |
| <p>How have you engaged stakeholders in testing the policy proposals?</p>                         |

For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs:

**Summary of Analysis**

- Consider the evidence and engagement activity you listed above, please summarise the impact of your work.
- Consider whether the evidence shows potential for differential impact, if so state whether adverse or positive and for which groups.
- How you will mitigate any negative impacts.
- How you will include certain protected groups in services or expand their participation in public life.

- Now consider and detail below how the proposals impact on elimination of discrimination, harassment and victimisation, advance the equality of opportunity and promote good relations between groups.

**Eliminate discrimination, harassment and victimisation**  
 Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).

**Advance equality of opportunity**  
 Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).

**Promote good relations between groups**  
 Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).

**What is the overall impact?**  
 Consider whether there are different levels of access experienced, needs or experiences, whether there are barriers to engagement, are there regional variations and what is the combined impact?

**Addressing the impact on equalities**  
 Please give an outline of what broad action you or any other bodies are taking to address any inequalities identified through the evidence.

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| <p><b>Action planning for improvement</b></p> <ul style="list-style-type: none"> <li>• <i>Please give an outline of the key actions based on any gaps, challenges and opportunities you have identified.</i></li> <li>• <i>Identify actions to improve the policy (summarised). An action plan template is appended for specific action planning).</i></li> <li>• <i>Include here any general action to address specific equality issues and data gaps that need to be addressed through consultation or further research</i></li> </ul> |
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| <p><b>Outline of next steps based on the challenges and opportunities identified.</b></p> <p><i>Include here any or all the following, based on your assessment:</i></p> <ul style="list-style-type: none"> <li>• <i>Plans already under way or in development to address the challenges and <b>priorities</b> identified.</i></li> <li>• <i>Arrangements for continued engagement of stakeholders.</i></li> <li>• <i>Arrangements for continued monitoring and evaluating the policy for its impact on different groups as the policy is implemented (or pilot activity progresses)</i></li> <li>• <i>Arrangements for embedding findings of the assessment within the wider system, other partner agencies, local service provider</i></li> <li>• <i>Arrangements for publishing the assessment and ensuring relevant colleagues are informed of the results</i></li> <li>• <i>Arrangements for making information accessible to staff, patients, service users and the public</i></li> <li>• <i>Arrangements to make sure the assessment contributes to reviews of Trust strategic</i></li> </ul> |
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|                                      |
|--------------------------------------|
| <b>Assessment completed by:</b>      |
| <b>Date assessment completed:</b>    |
| <b>Name of responsible Director:</b> |
| <b>Date assessment signed:</b>       |

## Action plan template

This part of the template is to help you develop your action plan. You might want to change the categories in the first column to reflect the actions needed for your policy.

Send your completed EIA by email to [papworth.hrhotdesk1@nhs.net](mailto:papworth.hrhotdesk1@nhs.net)

| Category                             | Actions | Target date | Person responsible and their Directorate |
|--------------------------------------|---------|-------------|--|
| Involvement and consultation         |         |             |  |
| Data collection and evidencing       |         |             |  |
| Analysis of evidence and assessment  |         |             |  |
| Monitoring, evaluating and reviewing |         |             |  |
| Transparency (including publication) |         |             |  |

**Monitoring table and document management**

| What key element(s) need(s) monitoring as per local approved policy/ procedure or guidance? | Who will lead on this aspect of monitoring?<br>Name the lead and what is the role of the multidisciplinary team or others. | What tool will be used to monitor/check/ observe/assess/ inspect/ authenticate that everything is working according to this key element from the approved policy/ procedure? | How often is the need to monitor each element?<br>How often is the need complete a report?<br>How often is the need to share the report? | Who or what committee will the completed report goes to.<br><br>How will each report be interrogated to identify the required actions and how thoroughly should this be documented in e.g. meeting minutes. | Which committee, department or lead will undertake subsequent recommendations and action planning for any or all deficiencies and recommendations within reasonable timeframes? | How will system or practice changes be implemented?<br>how will the lessons learned be shared? |
|---|--|--|--|---|---|--|
| Element to be monitored   | Lead   | Tool   | Frequency  | Reporting arrangements  | Acting on recommendations and Lead(s)   | Change in practice and lessons to be shared  |
| The Equality standards in line with trust obligations                                       | Director of Workforce and Organisation Development   | Employee Relations data<br>Feedback from the Equality, Diversity and Inclusivity Steering Group  | Every 12 months  | Quality and Risk Committee via the Equality, Diversity and Inclusivity Steering Group, Trust Executives   | Operational Executive Group, Heads of Departments and Line Managers   | Employee relations manager and Equality Lead in conjunction with other managers                |

### Further document information

|  |   |
|--|---|
| Approval – Approved by Executive Director/local committee  | Joint Staff Council<br>Operational Executive Group  |
| Approval date ( <i>this version</i> ) (Day, month, year):  | 19.01.2023  |
| Approval by Board of Directors or Committee of the Board ( <b>required for Strategies and Policies only</b> ):   | Joint Staff Council   |
| Date (Day, month, year):   | 19.01.2023  |
| This document supports: <i>standards and legislation – include exact details of any CQC</i>  | Equality Act 2010<br>The Employment Act 2002<br>Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002, 2006 & 2009<br>Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000<br>Working Time Regulations 1998<br>Work and Families Act 2006  |
| Key associated documents:  | Your Behaviour Matters – Disciplinary Procedure DN117<br>Equality and Diversity Strategy<br>Special Leave Procedure<br>Flexible Working Procedure and guidance<br>Maternity, Paternity and Adoption Leave procedures<br>Induction Procedure<br>Recruitment and Selection Procedure DN121<br>Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy |
| <p><b>Counter Fraud In</b> creating/revising this document, the contributors have considered and minimised any risks which might arise from it of fraud, theft, corruption or other illegal acts, and ensured that the document is robust enough to withstand evidential scrutiny in the event of a criminal investigation. Where appropriate, they have sought advice from the Trust’s Local Counter Fraud Specialist (LCFS).</p> |   |