

Equality and Diversity Policy

Document Summary

The Equality and Diversity Policy will ensure the Trust is in full compliance with Equality and Human Rights legislation and compliments the Trust's Single Equality Scheme.

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Important Note:

The Intranet version of this document is the only version that is maintained.

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1 SCOPE

This policy applies to all staff including temporary staff, contracted staff, volunteers, and employees of Cumbria Partnership Foundation Trust, students or employees of other external organisations that provide services to the Trust.

2 INTRODUCTION

The Trust is committed to providing an equal environment which eliminates victimisation, discrimination and harassment for **all** staff and service users. It does this by providing equal employment and advancement opportunities for all individuals. Employment with the Trust will be based on merit, ability, required qualifications, values and behaviours. The Trust will not accept discrimination in employment or related practices on the basis of any characteristics protected by law or otherwise.

The Trust's purpose for this policy is to prevent discrimination and victimisation and improve the quality of life for all which in return will improve the quality of its workforce, the services they deliver and the environment under which service users receive care, treatment and support. The Equality and Diversity Policy will ensure the Trust is in full compliance with Equality and Human Rights legislation and compliments the Trust's Single Equality Scheme. The intention of this policy is to build upon the statutory position and best practice, so that the Trust reflects the diversity of our people, partners and the community we serve, and to pursue an effective policy of promoting equal opportunity in everything we do.

The Trust will comply with the Public Sector Equality Duty as set out in the Equality Act 2010. The Trust will do this by eliminating discrimination, harassment and victimisation and have due regard to advancing equality for the relevant protected characteristics:

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

3 STATEMENT OF INTENT

All people have the right to be treated fairly with dignity and respect. Unlawful and unfair discrimination and harassment at work for whatever reason is unacceptable, the Trust is fully committed to equal opportunities in all aspects of employment.

4 DEFINITIONS

4.1 Direct Discrimination

Direct discrimination occurs when someone treats someone less favourably than someone else, on the grounds of sex, age, disability, race, nationality, ethnic or national origin, gender, religion or belief, sexual orientation, gender reassignment, or pregnancy or maternity status. For example, a decision not to employ a person because that person was aged over 50 would be a direct discrimination on the grounds of age.

4.2 Indirect Discrimination

Indirect discrimination occurs when a provision or requirement is applied to all workers, but with the result that one group is adversely affected, more than another. For example, a recruitment requirement for candidates to be *recent* graduates is likely to be found to be indirect discrimination on the grounds of age.

4.3 Victimisation

Victimisation occurs where a person is treated less favourably because he or she has carried out a “protected act”. For example

- (i) has alleged that discrimination has taken place;
- (ii) has presented a claim to an employment tribunal; or
- (iii) has acted as a witness in a discrimination case

4.4 Harassment

Harassment, perceived or otherwise, is behaviour that violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

4.5 Legislative Framework

- Equality Act 2010
- Sexual Orientation Regulations 2003
- Human Rights Act 1998
- Religion or Belief Regulations 2003
- Age relations 2006
- The Sex Discrimination (Gender Reassignment) Regulations 1999
- Gender Recognition Act 2004
- Civil Partnership Act 2004
- Rehabilitation of Offenders Act

5 DUTIES

5.1 Executive Directors and Senior/Appointing Managers

Executive Directors and Appointing/Senior Managers are responsible for ensuring that this policy is applied consistently and fairly in all areas.

5.2 Organisational Development and Learning

The Organisational Development and Learning Department will be responsible for monitoring and assessing compliance to this policy as detailed in section 6. The Organisational Development and Learning Department will also be responsible for offering advice to managers and staff.

5.3 All Employees

All employees are expected to demonstrate the Trust's values and behaviours in complying with this policy.

6 EQUALITY AND DIVERSITY IN THE TRUST

6.1 Roots of Discrimination in Stereotyping and Prejudice

The Trust recognises that discrimination has its roots very much in stereotyping and prejudice. Stereotyping, prejudice and discrimination are universal experiences and all people will hold at least some stereotypes and prejudices, even if they are unaware of them. This is true regardless of the ethnic, cultural, national and religious backgrounds of staff, their gender, age, sexual orientation, occupation or disability.

Discrimination in the workplace can affect all facets of the organisation. The negative effects mean that the Trust could hire the wrong people; undervalue and under utilise the people we already employ; de-motivate existing employees; create resentment, reduce potential creativity and fail to reflect the diversity of the community we serve.

The law applies powerful sanctions where discrimination occurs and the Trust is aware of the possibility of such sanctions, but the positive benefits of equality and diversity are as important. Implementing policies to create equality for all and training staff so that they understand what discrimination means and that it will not be tolerated is not just a matter of law, it constitutes good employee relations practice, which makes sound business sense.

Through promoting equality and diversity in all it does, the Trust ensures that all its people feel they are being treated fairly and their contribution to the Trust's business objectives is valued and recognised. No employee, or patient, will fear coming to work, or using our services, because of the threat of discriminatory behaviour.

6.2 Duty to Make Reasonable Adjustments

Under the Equality Act 2010 employers are **not** permitted to enquire about a person's health unless for a particular purpose, this can include establishing whether an employer must make reasonable adjustments for an individual to undergo an interview or assessment. This may include the Trust making reasonable adjustments to working arrangements or physical features of the premises, which place a disabled employee or job applicant at a substantial disadvantage; this is designed to help disabled employees to overcome the practical effects of their disability. The duty does not arise if the Trust is not aware, or could not be reasonably expected to know, that a disabled person has (or has had) a disability and is likely to be placed at a substantial disadvantage.

Examples of steps which the Trust may be expected to take in order to comply with the duty would be structural or physical changes, allocating some of the disabled person's duties to another person, transferring the disabled person to fill an existing vacancy. For further guidance please see the Special Leave Policy. Where the duty applies, the Trust may be able to justify not making the adjustment on the basis that: (i) it was not reasonable or practicable, due to costs, disruption to activities, etc; (ii) the only reasonable adjustment that could be made would make no difference, as the individual would still remain disadvantaged.

6.3 Other Legal Implications and Taking Reasonable Steps

Trust Liability - The Trust will be liable for acts of discrimination committed by employees during the course of employment, with or without the Trust's knowledge or approval. The Trust could be liable for acts of discrimination at events which are held outside of work time involving employees, but where the nature of the event is directly linked to work, e.g. a leaving party to say farewell to a colleague. The Trust can also be liable for discrimination committed by third parties if the discriminatory act was reasonably foreseeable and/or when it occurred the Trust did nothing to prevent it. There is no minimum length of service necessary to bring a claim, nor is there any age restriction.

6.4 Employment of Ex-Offenders

The Trust is required to request information on any "spent" convictions of applicants and employees under the provisions of the Rehabilitation of Offenders Act.

6.5 Recruitment and Selection

The Trust has a separate Recruitment and Selection Policy, HR/POL/004/003, and will ensure that all staff involved in recruitment and selection have been appropriately trained and are aware the importance of non-discriminatory practices.

6.6 Raising Concerns

This policy outlines the main areas of discrimination and gives details of policies in operation within the Trust which will help to minimise any impact to Equality & Diversity or related issues. However if you need to discuss this subject or have been witness to an incident you should In the first instance discuss any concerns with the appropriate Line Manager to try to resolve issues informally wherever possible. If such concerns remain, there are details in each policy regarding how to raise concerns.

7 TRAINING

In order to underpin the Equality and Diversity policy, the Trust will ensure that all employees are provided with the opportunity to undertake appropriate training including equality and diversity initiatives.

8 MONITORING COMPLIANCE WITH THIS POLICY

The table below outlines the Trusts' monitoring arrangements for this policy/document. The Trust reserves the right to commission additional work or change the monitoring arrangements to meet organisational needs.

Aspect of compliance or effectiveness being monitored	Monitoring method	Individual responsible for the monitoring	Frequency of the monitoring activity	Group / committee which will receive the findings / monitoring report	Group / committee / individual responsible for ensuring that the actions are completed
Recruitment - profile of ethnicity, gender and disability.	Collating data of applicants at all stages of recruitment. Benchmarked between previous years and local workforce information.	Head of Workforce	6 months	Equality and Diversity Steering Group	Quality & Safety Committee
Effectiveness of this policy in discrimination issues.	Review of all grievances submitted. Assess whether any come under this or related policies. Report to E&D group for appropriate action if necessary.	Head of Workforce.	Annual	Equality and Diversity Steering Group	Quality & Safety Committee

9 REFERENCES/ BIBLIOGRAPHY

Not Applicable

10 RELATED TRUST POLICY/PROCEDURES

POL/004/002	Grievance Policy (incorporating Dignity at Work)
POL/004/003	Recruitment and Selection Policy
POL/004/029	Flexible Working Policy
POL/004/016	Special Leave Policy
POL/004/005	Management of Sickness Absence Policy
POL/004/007	Raising Concerns Policy