

Equality, Diversity and Inclusion Policy

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CONTENTS

Section		Page
1	Introduction and Overview	3
2	Policy Scope	3
3	Definitions and Abbreviations	3-4
4	Roles	4-5
5	Policy Implementation and Associated Documents	5-8
6	Education and Training	8
7	Process for Monitoring Compliance	8-9
8	Equality Impact Assessment	9
9	Supporting References, Evidence Base and Related Policies	9
10	Process for Version Control, Document Archiving and Review	9

Appendices		Page
1	Appendix 1 – Policy Monitoring Table	10

REVIEW DATES AND DETAILS OF CHANGES MADE DURING THE REVIEW

Minor grammatical and typological changes have been made throughout the document. As the Policy was 3 years old new requirements have been introduced and therefore these have also been added in to the document, for example, the Workforce Race Equality Standard (WRES), the Workforce Disability Equality Standard (WDES) and Gender Pay Gap reporting. Systems for monitoring and reporting have also changed and reflected in the document.

In addition a new paragraph 6.1.3 has been added with the heading of that section being extended to include “career progression.” A new section (5.4 and 5.5) has been added which sets out the process for employee and patient complaints.

Section 9 which lists relevant policies has been updated.

KEY WORDS

Equality Policy, Equality and Diversity Policy, Equality and Inclusion Policy, Diversity Policy, Inclusion Policy, Equality diversity and inclusion policy

1 INTRODUCTION AND OVERVIEW

- 1.1 Equality, Diversity and Human Rights are embedded in all our aims, objectives and actions towards addressing inequalities and promoting diversity in healthcare services and employment. The key principles of equality, diversity and Inclusion is that it is everyone's responsibility and that every individual has a right to be treated with dignity and respect as aligned to our core value that states "We treat people as we would like to be treated".

This Policy sets out the University Hospitals of Leicester (UHL) NHS Trusts approach in meeting its commitment to Diversity and Inclusion. It does so not merely to satisfy legal requirements, social or contractual obligations, but in the belief that such an approach will strengthen the culture of the organisation, optimise the potential therefore releasing the talent of all employees, reflect the local communities, and improve the quality of services to our diverse patient population.

In line with this the University Hospitals of Leicester NHS Trust is committed to ensuring that it treats its employees and patients fairly and with respect and that it does not discriminate against individuals or groups on the basis of any of the "protected characteristics" outlined in the Equality Act 2010:

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

The Trust is opposed to all forms of unlawful and unfair discrimination.

2 POLICY SCOPE

- 2.1 This policy applies to applicants for UHL jobs, employees, unpaid work placements, contractors, volunteers and staff from other organisations working on our premises and applies to patients and visitors to the trust's premises.

3 DEFINITIONS AND ABBREVIATIONS

- 3.1 **Equality** is about creating a fairer society where everyone can participate and has the same opportunity to fulfil their potential. It also means that everyone has equality of access to jobs and services.

- 3.2 **Equality of Opportunity** means that an individual is viewed positively and recognises that everyone is different, valuing equally the contribution that an individual's experience, knowledge and skills can make.
- 3.3 **Diversity** is about relating to and working with people who hold different perspectives and views, bring different qualities to the workplace, have different aspirations and have different customs and traditions.
- 3.4 **Inclusion** is about an individual's experience within society and the extent to which they feel valued and included.
- 3.5 **Discrimination** is when one person or a group of people are being treated less favourably than another because of their protected characteristics.
- 3.6 **Gender Pay Gap** is the percentage difference between average rates of pay for men and women across a whole workforce. It reflects broad trends in employment and salaries at an organisation, rather than comparing individuals. It is not the same as equal pay, which is the legal requirement to pay men and women the same rate for the same or similar work.
- 3.7 **Mindful Employer** is a charter that the Trust has signed up to demonstrate its commitment to being positive about mental health in the recruitment and retention of staff. Staff can talk to their manager about a mental health condition and disclosure of mental ill health can take place without fear of rejection or prejudice.
- 3.8 **Time to Change:** UHL recognises there can be a stigma around mental health, and signed the 'Time to Change' Employer Pledge in 2017, as a commitment to changing the way we think and act about mental health at every level of this organisation.
- 3.9 **Disability Confident** is a scheme the Trust has signed up to demonstrate its commitment to attract, recruit and retain disabled staff.
- 3.10 **The Workforce Race Equality Standard (WRES) and Workforce Disability Equality Standard (WDES)** are mandatory requirements through the NHS standard contract and require NHS healthcare providers and commissioners including independent organisations to demonstrate progress against a set of indicators to do with workforce equality.

4 ROLES

- 4.1 **The Chief Executive** has overall responsibility for leading and promoting and monitoring the equality, diversity and inclusion (EDI) agenda within the organisation.

- 4.2 The **Executive Lead** is the Director of People and Organisational Development.
- 4.3 **Individual** members of staff have responsibility to ensure that they do not discriminate, harass or bully anyone and promote a climate free from unacceptable behaviour. Each individual must ensure that their own conduct, and that of their colleagues, does not cause offence. Staff are encouraged to challenge and discourage offending behaviour and support colleagues who are experiencing harassment, discrimination or bullying. Staff found to be acting unacceptably will be subject to the Trusts Disciplinary and Anti Bullying Policy and procedures.
- 4.4 **Patients and visitors to the Trust** will be expected to treat other patients, visitors and members of staff with dignity and respect. Any patient or visitor who behaves in a discriminatory manner will be asked to stop doing so. The Trust will use its legal powers to, where necessary and appropriate, ask patients or visitors to leave Trust premises if the discriminatory behaviour does not stop or escalates to violence or aggression.
- 4.5 **Corporate and Clinical Management Group (CMG) Senior Managers** are required to ensure that the policy is observed, implemented and applied consistently and fairly within their areas of responsibility and to ensure that all staff complete the required Equality and Diversity training.
- 4.6 **The Equality Team** is available to provide specialist advice and support on queries relating to Equality, Diversity and Inclusion and can be contacted on 0116 258 4382 or via email equality@uhl-tr.nhs.uk.
- 4.7 **The Patient Information and Liaison Service** can be contacted by patients to provide feedback on their experiences of the services the Trust provides including raising complaints (refer to section 5.5.1 below). The team can be contacted on 0808 178 8337, via post, Patient Information and Liaison Service, The Firs, C/O Glenfield Hospital, Groby Road, Leicester, LE3 9QP or via email pils@uhl-tr.nhs.uk.

5. POLICY IMPLEMENTATION AND ASSOCIATED DOCUMENTS

5.1 Equality in Employment

UHL's values are:

- We **treat** people how we would like to be treated
- We **do** what we say we are going to do
- We **focus** on what matters most
- We are **one team** and we are best when we work together
- We are **passionate** and **creative** in our work

- 5.1.1 In line with this the University Hospitals of Leicester NHS Trust is committed to ensuring that it treats its employees fairly and with respect and that it does not discriminate against individuals or groups on the basis of any of the “protected characteristics” outlined in the Equality Act 2010. These include age, disability, gender reassignment, race, religion or belief, pregnancy or maternity, marriage or civil partnership, sex and sexual orientation.
- 5.1.2 The Trust has a legal requirement to implement the WRES, WDES and Gender Pay Gap reporting. It will work towards ensuring that it complies with all of its obligations in ensuring that all NHS England Workforce Standards are implemented in full and develops and publishes its data and action plans.
- 5.1.3 Additionally, the Trust recognises its responsibilities as a signatory to the Mindful Employer Charter (which aims to increase awareness of mental ill health. The Charter is a demonstration of the Trust’s commitment to being positive about mental health in the recruitment and retention of staff) and is a Disability Confident Employer (Disability Confident is a scheme which helps the Trust to recruit and retain disabled people and people with health conditions for their skills and talent).
- 5.1.4 The Trust recognises its responsibility in relation to the Time to Change pledge. Information relating to the health and wellbeing including stress can be accessed through the UHL Health and Wellbeing pages of INsite <http://insite.xuhl-tr.nhs.uk/homepage/health-and-wellbeing>
The MIND Wellness Action Plan (WAP) guide for employees and managers is available through the Health and Wellbeing pages and is designed for anyone in employment or a voluntary role who would like to use the plan to support and promote their mental health and wellbeing at work. The guides are available through the following links:
http://insitetogether.xuhl-tr.nhs.uk/Divisions/Corporate/LiA/Documents/mind-guide-for-employees-wellness-action-plans_final.pdf
http://insitetogether.xuhl-tr.nhs.uk/Divisions/Corporate/LiA/Documents/mind-guide-for-line-managers-wellness-action-plans_final.pdf

5.2 Service Delivery

- 5.2.1 The Trust will ensure that its services are non-discriminatory and treat patients with dignity and respect. The Trust will enable equality of access to services in order to meet the requirements under the Equality Act 2010. The Trust will use the Equality Delivery System (EDS) and the Accessible Information Standard (AIS) to ensure that service priorities are influenced and set by the health needs of all our local population through consultation and community engagement. These will form part of our annual Equality work plan.
- 5.2.2 The Trust will engage and involve the Equality Advisory Group (an external, engagement and consultation group with representatives from the community) and its Patient Partners in the equality, diversity and inclusion work of the

Trust. This may mean involvement and feedback on policies, procedures, employment and recruitment practices, service review or improvement.

5.3 **Paying Due Regard to Equality in decisions**

5.3.1 The Trust will assess the potential effects of a policy or change of practice on relevant populations in a rigorous way by undertaking a Due Regard to Equality Assessment (Equality Impact Assessment).

5.3.2 To pay '**due regard**' means that in making decisions and in its other day-to-day activities the Trust must consciously consider the need to do the things set out in the Public Sector Equality Duty (PSED).

5.3.3 **The PSED and 'due regard'** – Section 149 of The Equality Act 2010 says that public bodies, when carrying out their functions, must have due regard to three needs. These are the needs to:

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

5.3.4 Further information on the Equality Act 2010, the Public Sector Equality Duty and the specific duties within it can be accessed via the links below.

- Equality Act 2010
http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf
- Public Sector Equality Duty – What You Need to Know
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85041/equality-duty.pdf
- Public Sector Equality Duty – Specific Duties
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85049/specific-duties.pdf

5.4 **Complaints Process – Employees, volunteers or work placements**

5.4.1 Any employee, volunteer or work placement who feels that they are discriminated against or experiences harassment or victimisation should raise the issue with their manager. If they are unable to do so, they should seek advice from the HR Helpline (258 5495), by contacting the Equality Team (258 4382), the Anti-Bullying and Harassment Helpline (258 8096), or the Freedom to Speak Up Guardian (07950839130) in the first instance.

5.4.2 All complaints should, in the first instance be attempted to be resolved between the parties concerned informally if possible.

5.5 Complaints Process – Patients

- 5.5.1 Any patients who feel that they have been treated unfairly should contact the Patient Information Liaison Service to put their complaint in writing (refer to section 4.7 above). If they are not able to put their complaint in writing then the team can be contacted on 0808 178 8337.

6 EDUCATION AND TRAINING REQUIREMENTS

6.1 Training, Development and Career Progression

- 6.1.1 All new employees will be expected to attend the mandatory corporate induction programme and complete new starter mandatory training which includes training in Equality and Diversity. All staff are required to undertake or refresh their Equality and Diversity training every 3 years via the online ‘e’ learning package on HELM <https://uhlhelm.com>.
- 6.1.2 Equality is a vital element of the NHS Constitution and all employees will have access to an annual review of their performance, and a personal development plan which identifies their training needs. This will include a review of any Equality training appropriate to their job function. Information on training and development opportunities will be published on the Trusts website. Employees should be encouraged to undertake training and development that will enable them to develop within the Trust in line with the Trust’s competency framework.
- 6.1.3 No employee will be discriminated against in respect of their access to training and development opportunities which may impact upon their career progression. All employees will be considered for development opportunities objectively. Some groups of employees from specific protected characteristics may be offered additional training as a result of under-representation of those employees in the Trust. This will constitute lawful positive action measures permissible under the Equality Act 2010.

7 PROCESS FOR MONITORING COMPLIANCE

- 7.1 The Policy will be monitored through regular reporting to the Equality and Diversity Board chaired by the Chief Executive, the People, Process and Performance Committee (PPPC) and to our commissioners through a bi-annual report to the Corporate Quality Review Management Group. The Trust is also required to report to NHS England on its WRES and WDES metrics, publish information on its equality information annually (including Gender Pay Gap Reporting) and is inspected by the CQC on its equality and diversity requirements.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 The Trust recognises the diversity of the local community it serves. Our aim therefore is to provide a safe environment free from discrimination and treat all individuals fairly with dignity and appropriately according to their needs.
- 8.2 As part of its development, this policy and its impact on equality have been reviewed and no detriment was identified. This policy is intended to have a positive impact on all those with protected characteristics.

9 SUPPORTING REFERENCES, EVIDENCE BASE AND RELATED POLICIES

- 9.1 The Trust has a number of related workforce and service policies that should be read in conjunction with this policy:
- Disciplinary UHL Policy & Procedure (A6/2004)
 - Policy for the Management of Complaints (A11/2002)
 - Freedom to Speak Up: Raising Concerns (Whistleblowing) UHL Policy (A15/2001)
 - Staff Grievance and Disputes Policy and Procedure (A7/2004)
 - Anti-Bullying and Harassment Policy & Procedure (B5/2016)
 - Staff Disability Policy (B38/2011)
 - Trans and Non-Binary Employees UHL Policy (B38/2011)
 - Recruitment and Selection Policy and Procedure (B43/2009)
 - Interpreting and Translation Policy and Procedure (B30/2015)
 - Management of Violence, Aggression and Disruptive Behaviour Policy (Including Restraint Guidance) (B11/2005)
 - Study Leave and Funding Support for Non-Medical Staff Policy and Procedures (B32/2004)

10 PROCESS FOR VERSION CONTROL, DOCUMENT ARCHIVING AND REVIEW

- 10.1 The updated version of the Policy will be uploaded and available through INsite Documents and the Trust's externally-accessible Freedom of Information publication scheme. It will be archived through the Trusts PAGL system.

POLICY MONITORING TABLE

Element to be monitored	Lead	Tool	Frequency	Reporting arrangements Who or what committee will the completed report go to.
Equality and Diversity Strategic Action plan includes EDS2	Director of People and OD	Monitoring of progress made against actions and regular reporting	Bi-monthly	Equality and Diversity Board and Equality Advisory Group (EAG)
Equality Work plan	Director of People and OD	Equality Update paper	Bi-annual	People, Process and Performance Committee (PPPC) and Clinical Quality Review Group (CQRG)
The Workforce Race Equality Standard (WRES)	Director of People and OD	The WRES template	Annually by 31 st August	Equality and Diversity Board, NHS England
The Workforce Disability Equality Standard (WDES)	Director of People and OD	The WDES template	Annually by August 1 st (from 2019)	Equality and Diversity Board, NHS England
Publishing of equality information (includes monitoring report and Gender Pay Gap report)	Director of People and OD	Reports	Annually by 31 st March	Executive Workforce Board (EWB), PPPC then Published on Trust's external website
Trust is meeting its equality and diversity requirements	Director of People and OD	Inspection and CQC paperwork	Annually	Care Quality Commission (CQC)