EQUAL OPPORTUNITIES AND MANAGING DIVERSITY POLICY

<table>
<thead>
<tr>
<th>Reference</th>
<th>SWBH/HR/005</th>
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<tr>
<td>Category</td>
<td>Human Resources</td>
</tr>
<tr>
<td>Date Approved</td>
<td>January 2010</td>
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<tr>
<td>Date of Next Review</td>
<td>30-09-2016</td>
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### POLICY PROFILE

**Overview**

<table>
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<tr>
<th>Key overall purpose of policy</th>
<th>This policy sets out the aims and objectives of the Trust and also the responsibilities of various parties in maintaining and promoting equality and diversity.</th>
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<tr>
<td>Principal target audience</td>
<td>All employees</td>
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<td>Application</td>
<td>This policy shall apply to the whole workforce from Trust Board, all employees, in all locations including temporary employees, locums, agency staff, bank staff, contractors and visiting clinician/practitioners</td>
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<tr>
<td>Accountable Executive Director</td>
<td>Workforce Director</td>
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<td>Author(s)</td>
<td>Human Resource Manager</td>
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<td>Date of initial equality impact assessment</td>
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<td>January 2010</td>
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<td>Date of full equality impact assessment (if appropriate)</td>
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<tr>
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<td>Employee Networks</td>
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<td>Equalities Team</td>
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| Complementary Trust documents for cross reference | Embracing Our Diverse Communities - Single Equality Scheme |

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<td>Monitoring and audit</td>
<td>Trust Board and Equality and Diversity Steering</td>
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<th>Date of Implementation</th>
<th>Next Review Date</th>
<th>Reason for Change e.g. full rewrite, amendment to reflect new legislation, updated flowchart, etc.</th>
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<td>31-01-2012</td>
<td>No changes, review in progress, agreed by executive lead</td>
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1.0 Introduction

1.1 Sandwell and West Birmingham Hospitals NHS Trust (“the Trust”) recognises that individual and institutional discrimination obstruct the fundamental aims and objectives of the Trust as a public service provider. In addition, the Trust respects and values the diversity of its workforce and its patients, service users, relatives, carers and visitors (“patients/visitors”). It is therefore committed to working towards genuine equality of opportunity and outcome.

1.2 The Trust is committed to challenging inequality, discrimination and disadvantage and will take action to reduce and eliminate them. It is also committed to achieving the highest standard of service delivery and employment practice. Equality of opportunity for all sections of the community and workforce is an integral part of this commitment.

1.3 The Trust expects all staff to promote equality in the workplace and in the services it delivers. In this way, the Trust can help redress inequality.

1.4 This policy sets out the aims and objectives of the Trust and also the responsibilities of various parties in maintaining and promoting equality and diversity.

The Trust acknowledges the benefits of equality & diversity in:

(a) Serving its community in a way which is appropriate, accessible and responsive;
(b) Making best use of the range of talent and experience available within its workforce and potential workforce
(c) Ensuring that its legal obligations are fulfilled.

2.0 Objectives

2.1 The aim of this policy is to ensure that the Trust’s service delivery and employment practices are of the highest possible equality standards. This can be achieved by working towards providing services that are appropriate, accessible and responsive, and by working towards ensuring fair and inclusive employment practices.

2.2 To enable each employee to fulfil his or her full potential in an environment characterised by dignity and mutual respect.

2.3 For every employee’s unique diversity to be viewed positively and at the same time valuing the unique contribution that individual experience, knowledge and skills can make to the organisation.

2.4 Every employee or those applying for employment with the Trust should be treated fairly and valued equally. All conditions of service and job requirements must be determined for the needs of the service primarily but also for and with those who work in it regardless of age, disability, race, nationality, ethnic or national origin, gender, religion, beliefs, sexual orientation, domestic circumstances, social and employment status, HIV status, gender reassignment, political affiliation or trade union membership.
2.5 To ensure that there is a process of continual monitoring, review and evaluation of equality in employment practices.

2.6 To ensure that the Trust fulfils its obligations in accordance with the relevant legislation.

2.7 To ensure that all staff are aware of, and clearly understand their obligations in relation to equal opportunities, diversity and the relevant legislation.

2.8 Communication and care with patients will take place in a manner that respects their individual knowledge, abilities and preferences. For any patient who is incapable of helping themselves additional support will be provided. The Trust also recognises some groups are ‘hard to reach’ and is committed to promoting and developing equality of opportunity for these members of our community.

3.0 Scope

3.1 The Trust intends to “mainstream” high equality standards into everything it does and considers this policy to embody one of its pervasive key organisational principles. The Trust therefore expects its employees, staff, patients and visitors to act in accordance with the principles and standards contained in this policy in every dimension of delivering or receiving the Trust’s healthcare services and of participating in its organisational culture.

3.2 As a minimum equality standard, unless overriding national guidance and statutory legislation indicates, all employees, job applicants and patients/visitors can expect to receive no less favourable treatment on the grounds of:

- race,
- religion,
- ethnic or national origin,
- gender,
- sexual orientation,
- transgender status or identity

3.3 This policy shall apply to the whole workforce from Trust Board, all employees, in all locations including temporary employees, locums, agency staff, bank staff, contractors and visiting clinician/practitioners ensuring equality of opportunities in all employment practices and particularly in the major areas as follows:

- Recruitment and Selection:
- Managing Performance:
- Discipline and Grievance
- Career Development - promotion, transfer and staff development
- Training and Development
- Terms and Conditions of Service
- Working Environment
3.4 The Trust also has a legal duty to deliver equitable services to its patients, carers and visitors. It is committed to providing a caring environment in which individuality, preferences and dignity are respected. The Trust continuously impacts, monitors and assess its services for equity.

4.0 Definitions

4.1 This policy uses broadly similar definitions to those set out in the current legislative framework for equality issues. However, it is not possible to use one set of definitions that exactly duplicate the current legislation, as the relevant Acts of Parliament vary from each other in their definitions and application.

4.2 Harassment: Behaviour which is unwanted, unreciprocated, and offensive to another. This may include physical, verbal or non-verbal contact. This can take the form of, for example, verbal abuse, unwanted physical contact, suggestive remarks, jokes, gossip, graffiti or the display of material which gives offence, derogatory statements etc. It may be a single incident or be persistent and may be directed at more than one individual.

4.3 Inequality: This is about recognising those organisational barriers that may discriminate against disadvantaged groups in our society and ensuring all groups are able to compete on equal terms.

4.4 Direct Discrimination: This is where a person is treated less favourably than another in comparable circumstances on a prohibited ground.

4.5 Indirect Discrimination: This is where a provision, criterion or practice is applied which is such that it would be to the detriment of a considerably larger proportion of the relevant group that the individual belongs than to others, which is not objectively justifiable.

4.6 Victimisation: This is when a person is treated less favourably than others would be in the same or similar circumstances because the person has made a complaint or allegation of discrimination or has acted as a witness or informant, in connection with proceeding under the Race, Sex and/or Disability Discrimination Acts.

4.7 Bullying: This includes persistent criticism, intimidation, personal abuse and/or ridicule which humiliates or demeans the individual involved, eroding their self confidence.

4.8 Equality: This is about creating a fairer society in which everyone has the opportunity to fulfil their potential.

4.9 Diversity: This is concerned with recognising and valuing difference in its broadest sense.

5.0 Roles and responsibilities
5.1 The Chief Executive, on behalf of the Trust, has the primary legal, moral and social responsibility for ensuring that employees do not discriminate on the grounds referred to in 4.1 and will develop measures to effect change in areas highlighted for improvement through the monitoring process.

5.2 The Director of Workforce is responsible for the implementation and monitoring of this policy. S/he will ensure that the policy is properly introduced and that staff receive appropriate guidance and training.

5.3 Every Directorate/Divisonal Manager is responsible for ensuring that:

- this policy is implemented and operates effectively in their sphere of control;
- all employees are aware of the requirements and purpose of this policy and their individual responsibilities in this respect;
- all employment matters are dealt with in a fair and consistent manner, and are appropriately documented;
- any concerns raised under the scope of this policy are treated seriously and sensitively;
- all managers are trained and competent to carry out this policy and that managerial action is monitored effectively.

5.4 Every employee has a responsibility to:

- not unlawfully discriminate in any employment practice/process;
- draw to the attention of senior managers suspected discriminatory acts or practices;
- co-operate with measures introduced to ensure equality of opportunity and non-discrimination;
- refrain from harassment or intimidation of other employees; and
- refrain from victimising employees who have made allegations or complaints of discrimination or who have provided information about such discrimination.

5.5 Patients, Carers, Visitors will be expected to recognise and comply with the principles set out in this policy whilst on the Trust’s premises or whilst receiving care originating from the Trust. In particular, patients/visitors are expected to be respectful to all staff and other patients. Patients/visitors who are verbally or physically abusive or who make derogatory statements that are of a discriminatory nature to any staff or other patients should be aware that they will be challenged about their behaviour. Where appropriate, the Trust may consider limiting or withdrawing the provision of services to patients/visitors, and may seek to prosecute individuals where it deems necessary.

5.6 Trade union representatives have a responsibility to:

- support and represent employees as appropriate and to treat all complaints of discrimination seriously, sensitively and confidentially as well as support action, where appropriate.
- co-operate and promote awareness initiatives which may facilitate a working environment free of discrimination.
6.0 Policy Statement

6.1 Sandwell and West Birmingham Hospitals NHS Trust is committed to delivering high quality patient centred service and becoming a model employer by ensuring that all patients, employees, contractors, agency staff and visitors will receive appropriate treatment and will not be disadvantaged by conditions or requirements which can not be shown to be justified.

6.2 Everyone working in or coming into contact with the Trust will be treated fairly, valued equally in an environment characterised by dignity and respect regardless of age, disability, race, nationality, ethnic or national origin, gender, marital status, religion, beliefs, sexual orientation, gender reassignment, domestic circumstances, carer responsibilities, social or employment status, HIV status, political affiliation or trade union membership or whether they work full or part time. The Trust opposes all forms of unlawful and unfair discrimination and no form of intimidation, bullying or harassment will be tolerated.

6.3 This policy is fundamental to the delivery of good quality patient care. This can only be achieved by the Trust valuing and respecting the diverse talents of its employees and continuing to recruit and apply good employment practice in order to enrich this diversity.

6.4 The Trust is committed to monitoring and supporting good practice in terms of diversity and inclusion of hard-to-reach groups. We have a variety of feedback mechanisms including, Safeguarding Adults, Mental Health and The Independent Living Group (ILG) that monitor service improvements for this sector if the community.

6.5 The Trust will actively promote and monitor this policy and regularly review our employment practices and procedures to ensure fairness.

7.0 Working Principles

7.1 Equality and diversity considerations will be incorporated in all Trust activities so that it becomes common practice.

7.2 Employees will promote equality by challenging misconceptions, stereotypes and prejudice and by highlighting and working to eliminate any practices that are potentially discriminatory.

7.3 Equality Impact Assessments will be an integral part of the development of policy, practice and procedures and of planning and service changes.

7.4 Barriers to services and employment will be identified and removed and where they can not be removed, adjustments will be made.

7.5 Equality of opportunity in recruitment and employment practice and the lawful use of positive action initiatives will be promoted.
8.0 Legal framework

8.1 This policy is underpinned by extensive legislation and Codes of Practice, which places individual legal responsibilities on staff and patients/visitors and collective legal responsibilities on the Trust.

The legislation on which this policy relies, directly or indirectly, include:

- The Race Relations Act 1976
- The Race Relations (Amendment) Act 2000
- The Asylum and Immigration Act 1996
- The Human Rights Act 1998
- The Employment Relations Act 1999
- Part Time Workers Regulations
- The Police Act 1997 (Part V)
- The Protection of Children Act 1999
- The Criminal Justice and Court Services Act 2000
- Disability Discrimination Act 1996
- Human Rights Act 1998
- Employment Equality (Age) Regulations 2006
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Gender Recognition Act 2004
- Age Discrimination Act 2006
- Rehabilitation of Offenders Act 1974
- Mental Health Capacity Act 2007
- Civil Partnership Bill 2004
  - Employment Relations Act 1996
  - Health and Safety at Work Act 1974
  - Protection from Harassment Act 1997

A Detailed summary of this legislation can be found within the Trust's Single Equality Scheme which can be located the Equality and Diversity website.

8.2 Codes of Practice include:

- Commission for Racial Equality
- Equal Opportunities Commission
- European Code of Practice on Harassment
- Professional Codes of Conduct

8.3 The Trust’s Single Equality Scheme is referenced within this policy and sets out how Sandwell and West Birmingham Hospitals NHS Trust will meets its statutory duties under the Race Relations Amendment Act 2000; the Disability Act 2005 and the Sect Discrimination Act 1975 as amended by the Equality Act 2006.
9.0 Equality and Diversity

The Trust recognises the diversity of the local community and those in its employ. Our aim is, therefore, to provide a safe environment free from discrimination and a place where all individuals are treated fairly, with dignity and appropriately to their need. The Trust recognises that equality impacts on all aspects of its day-to-day operations and has produced and Equality Policy Statement to reflect this. All policies are assessed in accordance with the Equality impact assessment tool, the results for which are monitored centrally.

10.0 Review

This policy will be reviewed in two years time. Earlier review may be required in response to exceptional circumstances, organisational change or relevant changes in legislation of guidance.

11.0 Training and awareness

11.1 The Trust will provide training and guidance for managers on equal opportunities and diversity in employment. It will also ensure that employees and potential employees, contractors, volunteers, agency works etc where possible, are made aware of this policy. The Trust will ensure that equal opportunities and diversity issues are covered as part of the Trust induction of new employees.

11.2 Every member of staff is responsible for maintaining up to date awareness of this policy and for adherence to it in the course of their daily work. All new staff joining the Trust will be made aware, through their line manager management of all current trust wide documents and Divisional/Directorate documents relevant to them.

12.0 Key Performance Indicators/Process for Monitoring Effectiveness

12.1 To ensure compliance with our legal duties and organisational intent, the Trust will monitor the overall achievements and performance of action plans as outlined in the Single Equality Scheme through Divisional performance management and governance process.

12.2 The Equality and Diversity Steering Group, supported by the following four sub groups: Workforce Monitoring Group Sub Group; Independent Living Group; Service and Policy Assessment Group and Patient Experience Group, will provide quarterly and annual reports to the Trust Board.

13.0 Discipline

Breaches of this policy will be investigated and may result in the matter being treated as a disciplinary offence under the Trust’s disciplinary procedure.
14.0 References

14.1 Embracing Our Diverse Communities – Single Equality Scheme

14.2 Key associated Trust Employment Policies and Procedures

- Dignity at Work policy
- Grievance Procedure
- Disciplinary policy
- Recruitment and Selection Procedure
- Flexible Working policy
- Sickness Absence policy
- Retirement policy
- Family Leave policy
- Capability Procedure
- Personal Development Review Procedure
- Privacy and Dignity Policy
- Mental Capacity Act Policy
- Safeguarding Adults/Children’s Policy

15.0 Further enquiries

15.1 The Trust recognises that individuals who feel they have been subjected to discrimination, harassment or unfavourable treatment have the right to seek redress.

15.2 Where an employee feels they have a complaint of unequal treatment they should follow the Trust’s Grievance and Disputes Procedure. Where the issue is one of harassment or bullying then this should be dealt with in line with the Trust’s Dignity at Work policy.

15.3 Patients/visitors who feel they have been subjected to discrimination or harassment should use either the Patient Advice and Liaison Service (PALS) or the Trust’s Complaints procedure