

Equality, Diversity, Inclusion and Human Rights Policy

Please be aware that this printed version of the Policy may NOT be the latest version. Staff are reminded that they should always refer to the Intranet for the latest version.

Purpose of Agreement	This policy provides a framework for Solent NHS Trust to meet requirements of the Equality Act 2010 and Human Rights Act 1998. The policy demonstrates the Trusts commitment to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as a major employer.
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Review Log

Include details of when the document was last reviewed.

Version Number	Review Date	Name of reviewer	Ratification Process	Reason for amendments
1	May 2019	Associate Director of Human Resources and ED Lead	Policy Steering Group	New Policy
2	February 2020	Head of Diversity and Inclusion	Policy Steering Group	Due for revision

Amendments Summary:

Amend No	Issued	Page(s)	Subject	Action Date
1	February 2020	1 and throughout 4 6 7 8 9 9 and throughout 10 and throughout 10 11 13 14	<p>Changed to Equality, Diversity, Inclusion and Human Rights policy throughout document.</p> <p>Summary of policy updated.</p> <p><i>Ensure employees, patients and service users</i> are free from unlawful discrimination.</p> <p>Scope of policy updated to standard Trust wording.</p> <p>Section 3.2.2 Word diverse added</p> <p>Definition of inclusion added</p> <p>Date of Equality Act added</p> <p><i>This is new in the protected characteristics of Age, Disability, Gender Reassignment and Sex</i> removed.</p> <p><i>At least every four years</i> added</p> <p><i>and ensure that staff are satisfied that they are undertaking a valued role</i> added</p> <p>4.11 <i>A more diverse workforce</i> added</p> <p>Freedom to Speak Up Guardians added to sections about raising concerns.</p> <p>Equality Impact Group changed to Diversity and Inclusion Strategic Group</p> <p>4.12.5 Whistleblowing removed</p> <p>Section on Equality Delivery System removed and incorporated into section 6.3</p> <p>5.3.1 Added that the Diversity and Inclusion Strategic Group report to the Workforce Organisational Committee and the Community Engagement Committee.</p> <p>5.3.3 and 5.3.4 Purpose of Diversity and Inclusion Strategic Group updated.</p> <p>Item 5.4 and throughout Human Resources changed to People Services</p> <p>5.4.1 Head of People services changed to Chief People Officer</p> <p>6.3 Section on Equality Impact Analysis updated.</p> <p>9 Equality Impact Assessment changed to Equality Impact Analysis</p> <p>9.1 Section broadened to include business practices and change management.</p> <p>10.1 Diversity scorecard removed.</p> <p>10.11 <i>Equality and Diversity team will publish an annual performance report</i> removed</p> <p>12.1 Whistleblowing removed</p> <p>Equality Impact Assessment <i>Appendix 1</i> added</p> <p>New equality analysis template used.</p>	All completed March 2020

Summary of Policy

This policy outlines the Trust's position in relation to Equality, Diversity, Inclusion and Human Rights. Everyone has the right to be treated with dignity and respect, and the Trust is committed to creating a culture in which equality, diversity, inclusion and human rights are promoted actively and unlawful discrimination is not tolerated.

The legislation surrounding this is explained in **section 4**, including a list of the **9 protected characteristics**.

The Trust is subject to the **Public Sector Equality Duty (PSED)** and the details of this are in **section 4.9**.

The Trust has a statutory responsibility to have due regard to the **Equality Act 2010** and the **Human Rights Act 1998**. It is therefore essential that a culture is created where unlawful discrimination is unacceptable and will not be tolerated. The **roles and responsibilities** of all employees and volunteers in relation to equality, diversity, inclusion and human rights are outlined in **section 6**.

It is imperative that there is a commitment to embed Equality, Diversity, Inclusion and Human Rights in all that we do. To ensure this all employees must undertake training in equality, diversity and inclusion. Additionally this policy will be monitored and reported through the annual diversity and inclusion report, based on performance against equality objectives and actions outlined in the work plan and related Equality Delivery System 2 (EDS2) objectives.

Equality, Diversity, Inclusion and Human Rights Policy

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Equality, Diversity, Inclusion and Human Rights Policy

1. Introduction and Purpose

- 1.1 As an equal opportunities employer, Solent NHS Trust (the Trust) will promote equality with due regard to the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 1.2 Everybody has a right to be treated with dignity and respect and in doing so; the Trust recognises its legal duties under the Equality Act 2010 and Human Rights Act 1998.
- 1.3 The Trust is committed to creating a culture in which equality, diversity and human rights (EDHR) are promoted actively and unlawful discrimination is not tolerated. The Trust recognises that the experiences and needs of every individual are unique and strives to respect and value the diversity of its patients, service users, carers, public and employees.
- 1.4 The management of Equality, Diversity and Human Rights (EDHR) is important to the Trust as it will help to:
- ensure that the services we provide are accessible to all people;
 - actively promote equality; ensure employees, patients and service users are free from unlawful discrimination; develop services which best meets the needs of our diverse communities;
 - eliminate from our services, policies and decision making, any adverse impact on the promotion of equality and inclusion for our patients and employees; and
 - promote the corporate reputation of the organisation.

2. Scope

- 2.1 This policy applies to locum, permanent, and fixed term contract employees (including apprentices) who hold a contract of employment or engagement with the Trust, and secondees (including students), volunteers (including Associate Hospital Managers), bank staff, Non-Executive Directors and those undertaking research working within Solent NHS Trust, in line with Solent NHS Trust's Equality, Diversity and Human Rights Policy. It also applies to external contractors, agency workers, and other workers who are assigned to Solent NHS Trust
- 2.2 Solent NHS Trust is committed to the principles of Equality and Diversity and will strive to eliminate unlawful discrimination in all its forms. We will strive towards demonstrating fairness and Equal Opportunities for users of services, carers, the wider community and our employees.

3. Definitions

3.1 *Equality* is not about treating everyone the same.

3.1.1 Equality recognises that:

- everyone has individual needs and the right to have those needs respected;
- inequality exists and that unlawful discrimination needs to be tackled;
- employment and Trust services should be accessible to all; and
- it is about treating people fairly where everyone can participate and have the opportunity to fulfil their potential.

3.2 *Diversity* is about respecting and valuing individual difference.

3.2.1 Diversity recognises that:

3.2.2 A diverse approach aims to recognise, value and manage differences to enable all patients, service users and employees to contribute and realise their full potential. Diversity challenges us to recognise and value all sorts of differences in order to make the Trust a better working environment and to ensure that we provide an excellent service for all people.

3.3 *Inclusion* is about embracing people regardless of their characteristics and ensuring equality of opportunity and removal of discrimination.

4. Legislation

4.1 The Equality Act 2010 provides protection against discrimination at work and in the provision of services. The Act simplifies, strengthens and harmonises previous equality legislation.

4.2 The protected characteristics covered by the Equality Act are:

- *Age*: This refers to a person having a particular age (for example, 32 years old) or being within an age band (for example, 18-25, 40-50 years old);
- *Disability*: A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. A progressive condition is a condition that gets worse over time. People with progressive conditions can be classed as disabled. However, you automatically meet the disability definition under the Equality Act 2010 from the day you're diagnosed with HIV infection, cancer or multiple sclerosis;
- *Gender reassignment*: This is the process of transitioning from one sex to another;
- *Marriage and civil partnership*: A union between a man and a woman or the legal recognition of a same-sex couple's relationship;
- *Pregnancy and maternity*: The condition of being pregnant or the period after giving birth. It is linked to maternity leave in the employment context;
- *Race*: It refers to a group of people defined by their nationality (including citizenship), ethnic or national origins
- *Religion or belief*: The religion a person belongs to. A belief, including lack of belief, should affect your life choices or the way you live for it to be included;
- *Sex*: Someone being a man or a woman; and
- *Sexual orientation*: This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

4.3 Prohibited Conduct – Behaviour banned by the Equality Act 2010

4.3.1 The Trust will actively eliminate and avoid unlawful discrimination including: direct discrimination; indirect discrimination; associative discrimination; perceptible discrimination; harassment; victimisation; disability-related less favourable treatment; failure to comply with a duty to make reasonable adjustments and social exclusion.

4.4 *Direct discrimination* means treating someone less favourably compared to others because they have certain protected characteristics or;

- because they are thought to have a protected characteristics (Perception); and

- are associated with someone who has a protected characteristic (Association).

4.5 *Indirect Discrimination* can occur when you have a rule or policy that applies to everyone but disadvantages a person with a particular protected characteristic.

4.6 *Harassment*, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It is difficult to categorise all forms of harassment, but examples of some more easily recognisable forms of harassment are covered in more detail in the Dignity at Work Policy.

4.7 *Victimisation* is prohibited conduct. It happens when a person is treated less favourably because they complain about discrimination or they witness it and give evidence about it.

4.8 *Due Regard*

The Equality Act 2010 requires us to pay 'Due Regard', when considering the effects on different groups protected from discrimination (protected characteristics). The Trust will demonstrate Due Regard by completing equality.

4.9 **Public Sector Equality Duty (PSED)**

4.9.1 The general equality duty is set out in section 149 of the Equality Act <http://www.homeoffice.gov.uk/equalities/equality-act/equality-duty/>. In summary, those subject to the general Equality Duty must demonstrate due regard in the exercise of their services and functions to:

- eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

4.9.2 There is a statutory requirement for NHS organisations to publish information to demonstrate compliance with the PSED. This requirement arises from the Equality Act 2010 (Specific Duties) Regulations 2011:

- Publishing information to demonstrate compliance with the general duty including information relating to employees and other persons affected by the Trust policies and practices who share a relevant protected characteristic; and
- Prepare and publish equality objectives that are specific and measurable at least every four years. The Trust equality objectives can be found within the equality and diversity pages of the Trust website.

4.10 **Human Rights Framework**

4.10.1 The Human Rights Act 1998 sets universal standards to ensure that a person's basic needs as a human being are recognised and met. Public authorities should have arrangements in place to ensure that they comply with the Human Rights Act 1998, and it is unlawful for a healthcare organisation to act in a way that is incompatible with the Act. The Act urges public authorities to

apply a human rights framework to decision making across public services in order to achieve better service provision.

4.10.2 In practice this means treating individuals with fairness, respect, equality, dignity and autonomy whilst also safeguarding the rights of employees and the wider community when developing policies and procedures and carrying out our functions. The Trust will consider these human rights principles in relation to our employees and patients at all times, aiming to demonstrate our commitment to quality outcomes which will improve the patient experience and ensure that employees are satisfied that they are undertaking a valued role.

4.10.3 The Care Quality Commission (CQC) standard stipulate requirements related to human rights. The organisations core purpose of putting patients first embodies the principles of respecting human rights.

4.10.4 The Human Rights Act 1998 brought the European Convention on Human Rights into UK law. There are articles that are particularly relevant to the commissioning, employment and provision of healthcare services.

4.11 **The equality benefits of a human rights based approach include:**

- A more diverse workforce
- An improved quality of health services – patients treated with fairness, respect, equality and dignity.
- More person-centred care.
- A reduced risk of complaints and litigation.
- Improved decision making overall.
- A broader range of marginalised groups being involved and considered.
- More meaningful engagement of patients, carers and families.

4.12 **Raising Concerns About Human Rights**

4.12.1 Although the rights embodied in the Human Rights Act may seem simple and straightforward, in practice the position may be more complex. As far as UK Law is concerned it is only as particular issues come to court that there is any clarity about the interpretation of the law and therefore of whether something is or is not to be regarded as a 'right'. It is accepted that rights can be conflicting e.g. the right to liberty may conflict with someone else's right to safety. These cases often need to be interpreted and decided upon.

4.12.2 For these reasons the organisation is committed to fostering a culture where patients or their advocates can approach any member of employees and raise a concern. Whatever their concern is, they have a right for it to be considered and discussed with them and resolved where possible. This may be done at the time of raising the issue with a member of employees or by contacting the organisation's Complaints Manager. Employees with concerns should raise these with their line manager, People Services, a Freedom to Speak Up Guardian or employees side representative and be met with the same consideration.

4.12.3 Any employee who suspects another employee to have contravened the document has the right to inform the organisation without fear of discrimination. The organisation will investigate any allegations using the Disciplinary Policy and serious breaches by employees may be considered to be gross misconduct, and may lead to dismissal. Where the issue remains complex and difficult to decide on, employees should seek further guidance from their senior managers.

- 4.12.4 The aim is, where appropriate, for employees concerns about human rights issues to be resolved informally between the individual and his or her line manager. If this is not possible or the concern has not been resolved, the individuals can raise this formally with the Human Resource (HR) team. Alternatively, where a member of employees feels unable to raise their concern through their line management chain, concerns can be raised to the complaints team or through the Freedom to Speak Up Guardians.
- 4.12.5 The organisation has developed a number of options for raising concerns, contained within the various policies such as Freedom to Speak up: Raising Concerns policy.

5. Roles and Responsibilities

5.1 Trust

- 5.1.1 The Trust has a statutory responsibility to have due regard to the Equality Act 2010 and the Human Rights Act 1998. NHS Constitution also specifies that NHS organisations look after the wellbeing of their patients and workforce. It is therefore essential a culture is established where unlawful discrimination is unacceptable and will not be tolerated.
- 5.1.2 In addition, the Trust Board will:
- ensure that the organisation has equality objectives that meet the requirements of the Public Sector Equality Duty 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; and review and approve the Annual Equality Report.

5.2 Chief Executive and the Executive Team

- 5.2.1 The Chief Executive and Executive Team are accountable and responsible for ensuring that all policies and procedures consider Human Rights and that it is integral to the way the organisation manages existing commissioning, employment and services. The organisation will, wherever possible, ensure the development of new opportunities for promoting continuous improvement in their performance. Furthermore they will be responsible for ensuring compliance with the Human Rights Act.
- 5.2.2 The primary vehicle used to integrate and embed Human Rights into the organisation is the public sector equality duty, the equality strategy and Equality Analysis as part of developing policies and procedures.

5.3 The Diversity and Inclusion Strategic Group

- 5.3.1 The Diversity and Inclusion Strategic Group has responsibility for ensuring the development and delivery of the Trust's Equality and Diversity strategy. The Diversity and Inclusion Strategic Group will be accountable to the Trust Board, via the Workforce and Organisational Development Committee and Community Engagement Committee.
- 5.3.2 The Diversity and Inclusion Strategic Group is set up with the delegated responsibility from the Trust Board to lead on the Equality and Diversity agenda and monitor progress for the Trust to ensure that it provides equality with regards to access, experience and outcome. The equality strategy and reports are available on the Trust website

5.3.3 The D&I oversees the delivery and outcomes of our Public Sector Equality Duties (PSED) and delivery of the Diversity & Inclusion strategy, including the Equality Delivery System (EDS2) and mandated standards per the NHS contract (eg: Workforce Equality Standard (WRES), Workforce Disability Equality Standard (WDES) and Sexual Orientation Monitoring Standard (SOM)) and Gender Pay Gap

5.3.4 The Diversity and Inclusion Strategic Group will also:

- provide long-term and continuing support, and leadership, for equality and diversity across the Trust and in support of our legal and regulatory obligations; and
- monitor Divisions on their progress in embedding equality and diversity through the performance management of the Trust Equality Standard
- Oversee the delivery and outcome of the Trust's Equality Standards

5.4 People Services

5.4.1 The Chief People Officer has delegated responsibility from the Board to ensure this Policy is implemented and monitored to ensure that the Trust takes effective action to tackle unlawful discrimination.

5.5 Head of Diversity and Inclusion

5.5.1 It is the responsibility of the Head of Diversity and Inclusion to:

- ensure that this policy is followed fairly and consistently;
- advise trust Committee's on requirements and performance against equality and human rights legislation;
- support the Trust with setting and achieving equality objectives;
- build and maintain relationships with key stakeholders who have a role to play in ensuring the Trust meets equality objectives;
- manage and report on the Equality Standard;
- support the Learning and Development team (L&D) to ensure that employees are able to access high quality and appropriate equality training and ensure that the principles of promoting equality are embedded into all training materials as appropriate;
- work with Directors and Managers to ensure that they are achieving their equality objectives and that Due Regard (equality analysis) is proportionate and meaningful; and
- obtain feedback from service users, employees and key stakeholders on how the organisation is performing with respect to promoting equality and eliminating discrimination.

5.6 Managers

5.6.1 All managers have a responsibility to adhere to this policy and to bring it to the attention of employees in their work area in order to establish and maintain an inclusive environment free of unlawful discrimination. Managers have a responsibility to:

- set a positive example by treating others with respect and setting standards of acceptable behaviour;
- promote an inclusive working environment where unlawful discrimination is unacceptable and not tolerated;
- ensuring any allegations of discriminatory behaviour or practices are correctly investigated and appropriate action taken in accordance to the Trust Dignity at Work Policy and Management of Security and Violence and Aggression Policy;
- ensure that their teams work effectively together;
- ensure employees are given equal opportunity to access learning and development opportunities;

- consult with the People Services Team and Head of Diversity and Inclusion for advice and support regarding EDHR issues;
- assisting with the monitoring of compliance within their area of responsibility in respect of EDS2 outcomes; and
- implement the Trust Equality Standard.

5.6.2 They will take positive steps to provide clear and visible leadership that promotes human rights as integral to the way the organisation delivers care and manages its employees. They will to the best of their ability take a lead role in establishing, promoting and maintaining a culture of respect and dignity.

5.7 Employees and Volunteers

5.7.1 All employees have a personal responsibility for their own behaviour and for ensuring that they comply with the Equality Act 2010. The Trust expects all employees to:

- understand the Trust Values and how this impacts on everything they do;
- have a personal responsibility to adhere to this Policy. This means employees should not undertake any acts of discriminatory practice in the course of their employment for which they will be personally liable;
- help promote an inclusive environment by treating everyone with dignity and respect;
- respecting and responding to the diverse needs of employees, service users and others;
- appropriately challenge and/or report behaviour that may be considered to be offensive when directed against themselves or others in accordance to the trust Bullying and Harassment Policy;
- have a responsibility to bring any potentially discriminatory actions or practice to the attention of their Line Manager or the People Services Department; and
- implement the Trust Equality Standard.

5.7.2 Both employees and volunteers will ensure that they operate at the highest standard of professional and personal integrity and ensure day to day actions and behaviours respect and protect the human rights of patients, service users, their carers and families and of those with whom they work. They are accountable for ensuring that the services provided by the organisation are compliant with the legislation.

5.7.3 All employees have a personal responsibility to respect their colleagues and to treat everyone they meet fairly, equally and with dignity and respect. Training in equality has been developed and established across the organisation. This training is mandatory.

5.8 Patients/Service Users/Carers/Visitors

5.8.1 Patients, Service Users Carers and 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. Every effort will be made by the Trust to ensure all relevant information is available in a suitable format to achieve this aim:

- patients, service users, carers and visitors are expected to be respectful to all employees and other patients;
- patients, service users, carers and visitors who are verbally or physically abusive or who make derogatory statements that are of a discriminatory nature to any employees 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, service users/carers/visitors and may seek to prosecute individuals where it deems necessary. *Please refer to the Trust Management of Security and Violence and Aggression Policy.*

5.9 Trade Unions

- 5.9.1 Trade Union representatives have an important role to play generally in providing advice, support and, if required, representation to individuals and working in partnership with managers and the People Services Team in looking to ensure that the Trust's Equality, Diversity, Inclusion and Human Rights policy is applied reasonably and fairly.

6. Trust Position

- 6.1 Every day, decisions are made within the Trust that affect the lives and relationships of all our patients, service users, carers and employees. The Trust endeavours to provide a supportive environment and culture in which unlawful discrimination of any kind will not be tolerated. The delivery of this policy will promote fair and equitable practice throughout the Trust.
- 6.2 Our services will be accessible and sensitive to the needs of our diverse communities and will not unfairly discriminate on the basis of any protected characteristic. The Trust will not tolerate any practices that result in the provision of a lower standard of service due to unlawful discrimination.
- 6.3 Equality Impact Analysis is undertaken on all policies and major decisions to identify the impact on protected groups and to demonstrate compliance with the requirements of the Public Sector Equality Duty. They are a tool to be used in evidence-based policy making and should be an integral part of good decision making. Equality Impact Analysis also ensures that the decisions made are based on evidence, are transparent and provides a platform for partnership working.
- 6.4 The Equality Act enables Trusts to be responsive and adaptive to the individual needs of patients, service users and carers. Services will not be based on assumptions, stereotypes and prejudice of any equality groups, but on information gained through consulting with service users, carers and the public.
- 6.5 Any employee, regardless of position in the Trust, who unlawfully discriminates against another, fails to cooperate with the measures introduced to promote equal opportunity or induces others to unlawfully or unfairly discriminate, will be subject to the Trust's Disciplinary Policy.
- 6.6 Complaints or allegations of discrimination or victimisation can be pursued through the Trust's Dignity at Work policy.
- 6.7 There may be cases where an individual makes an unfounded allegation of discrimination for malicious reasons. These cases will be investigated and dealt with fairly and objectively under the Disciplinary Policy.

7. Process

7.1 Embedding EDHR in everything that we do

- 7.1.1 The Trust has a strong commitment to embed EDHR in everything that we do.
- 7.1.2 The Trust is committed to promote awareness and understanding of the key issues that impact on our function as a service provider and employer. Our equality objectives include:
- **Service Delivery**
 - Better Health Outcomes for all
 - Improved patient access and experience

- **Workforce**
 - Empowered, engaged and supported employees
 - Inclusive leadership at all levels

8. Training Requirements

9.1 The Trust recognises the importance of appropriate training for employees and the principles of this policy will be addressed in the Trust's EDHR training. EDHR training forms part of the Trust's mandatory training requirements. All new starters will complete this training as part of their organisational induction programme. Line Managers will be required to ensure their respective employees are made aware of this policy when this is cascaded through the usual dissemination routes.

9. Equality Impact Analysis (Appendix 1)

9.1 The organisation has an equality analysis process which assesses services, employment policies, business practices and change management to determine any adverse impact on the protected characteristics. The assessment will be in line with the Equality Act 2010, the Mental Capacity Act 2005, and other relevant equalities legislation.

9.2 Human Rights are incorporated into the process and employees will ensure that they apply the basic fundamentals of the equality legislation when carrying out the analysis.

10. Monitoring Compliance and Effectiveness

10.1 The effectiveness of this policy will also be monitored and reported through the Annual Diversity and Inclusion Report, based on performance against equality objectives and actions outlined in the diversity and inclusion workplan and related EDS2 objectives.

10.2 Of particular importance will be the following key headings:

- patient diversity;
- patient experience;
- workforce diversity;
- recruitment and selection;
- disciplinary, performance management action and grievances;
- bullying and harassment;
- sickness absence;
- access to learning and development;
- appraisals;
- employees turnover; and
- complaints

10.3 Employees, patients, service users, staff side and other stakeholders will be encouraged to provide feedback on the organisations' performance against their equality objectives through a variety of accessible forums.

10.4 Subsequently, the data will be used to inform and improve policies, as well as provide recommendations for improving service and employment practices. HR will provide relevant reports, based on this data, to the Workforce Committee, Executive Board and the Joint Consultative Committee (JCC).

10.5 The process for monitoring compliance with attendance at the Trust's organisational induction programme is outlined in the Trust's Induction and Essential Training Policy.

- 10.6 The process for monitoring compliance with the Trust's statutory and mandatory training requirements is outlined in the Trust's Learning and Development Policy.
- 10.7 The Complaints team will deal with complaints, compliments and serious incidents for evidence of any adverse trends.
- 10.8 Monitoring processes are in place with statutory requirements and to ensure they cover all protected characteristics through HR and the Complaints team.
- 10.9 The Learning and Development team will provide specific equality, diversity and human rights training for all employees, with training for managers and document authors on equality analysis that covers the Human Rights Act.
- 10.10 The organisation will review the results of the National Patient Survey and the NHS Staff Survey and produce action plans to address any Equality, Diversity or Human Rights issues.

11. Policy Review

- 11.1 The policy may be reviewed at any time at the request of either employee side or management, but will automatically be reviewed on a three yearly basis or as required following any amendments to legislation or National requirements.

12. References and Links to other Documents

- 12.1 This policy is underpinned by the following:

- Organisational Change Policy
- Recruitment and Selection Policy
- Managing Performance Policy
- Disciplinary Policy
- Grievance Policy
- Investigation (HR)Policy
- Dignity at Work Policy
- Freedom to Speak Up; Raising Concerns Policy
- Health and Safety Policy
- Management of Violence, Security and Aggression Policy
- Induction and Essential Training Policy
- Learning and Development Policy
- Code of Conduct for NHS Managers
- The Criminal Justice and Public Order Act 1994
- The Protection from Harassment Act 1997
- Equality Act 2010
- Health and Safety at Work Act 1974 as amended
- NHS Constitution
- Maintaining High Professional Standards in the Modern NHS

- 12.2 It should be read in conjunction with:

- www.nhsemployers.org/ NHS Employers is responsible for workforce and employment issues, working on behalf of NHS organisations in England.
- www.acas.org.uk ACAS is an organisation devoted to preventing and resolving employment disputes.

- www.hse.gov.uk/ The Health & Safety Executive protects people against risks to health or safety arising out of work activities.
- Agenda for Change Terms and Conditions Handbook
- Disability Discrimination Act 1995 as amended
- Equality and Human Rights Commission Codes of Practice
- European Convention on Human Rights
- Human Rights Act 1998
- NHS Constitution

Appendix 1

Equality Analysis and Equality Impact Assessment

Equality Analysis is a way of considering the potential impact on different groups protected from discrimination by the Equality Act 2010. It is a legal requirement that places a duty on public sector organisations (The Public Sector Equality Duty) to integrate consideration of Equality, Diversity and Inclusion into their day-to-day business. The Equality Duty has 3 aims, it requires public bodies to have due regard to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and other conduct prohibited by the Equality Act of 2010;
- **advance equality of opportunity** between people who share a protected characteristic and people who do not;
- **foster good relations** between people who share a protected characteristic and people who do not.

Equality Impact Assessment (EIA) is a tool for examining the main functions and policies of an organisation to see whether they have the potential to affect people differently. Their purpose is to identify and address existing or potential inequalities, resulting from policy and practice development. Ideally, EIAs should cover all the strands of diversity and Inclusion. It will help us better understand its functions and the way decisions are made by:

- **considering the current situation**
- **deciding the aims and intended outcomes of a function or policy**
- **considering what evidence there is to support the decision and identifying any gaps**
- **ensuring it is an informed decision**

Equality Impact Assessment (EIA) *see supporting guidance on pg 3*

Step 1: Scoping and Identifying the Aims		
Service Line / Department	People Services/Diversity and Inclusion	
Title of Change:	Review of Diversity, Inclusion and Human Rights policy	
What are you completing this EIA for? (Please select):	Policy	<i>(If other please specify here)</i>
What are the main aims / objectives of the changes	Ensure policy is still relevant and the most current legislation is being adhered to.	

Step 2: Assessing the Impact

Please use the drop-down feature to detail any positive or negative impacts of this document /policy on patients in the drop-down box below:

Protected Characteristic	Positive Impact(s)	Negative Impact(s)	Action to address negative impact: <i>(e.g. adjustment to the policy)</i>
Sex	Yes		
Gender reassignment	Yes		
Disability	Yes		
Age	Yes		
Sexual Orientation	Yes		
Pregnancy and maternity	Yes		
Marriage and civil partnership	Yes		
Religion or belief	Yes		
Race	Yes		

If you answer yes to any of the following, you MUST complete the evidence column explaining what information you have considered which has led you to reach this decision.

Assessment Questions	Yes / No	Please document evidence / any mitigations
In consideration of your document development, did you consult with others, for example, external organisations, service users, carers or other voluntary sector groups?)	No	
Have you taken into consideration any regulations, professional standards?	Yes	Equality Act 2010 and Equality and Human Rights Commission Guidance
In drafting your document have you identified any discrimination issues, and if so how have they been mitigated?	No	

Step 3: Review, Risk and Action Plans

How would you rate the overall level of impact / risk to the organisation?	Low <input checked="" type="checkbox"/>	Medium <input type="checkbox"/>	High <input type="checkbox"/>
What action needs to be taken to reduce or eliminate the negative impact?	N/A		
Who will be responsible for monitoring and regular review of the document / policy?	Head of Diversity and Inclusion		

Step 4: Authorisation and sign off

I am satisfied that all available evidence has been accurately assessed for any potential impact on patients and groups with protected characteristics in the scope of this project / change / policy / procedure / practice / activity. Mitigation, where appropriate has been identified and dealt with accordingly.

Equality Assessor:	Kate Sonpal	Date:	10/02/20
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This section is to be agreed and signed by the Head of Diversity and Inclusion in agreement with the Diversity and Inclusion Strategy Lead:

Diversity and Inclusion authoriser name:	Pamela Permalloo-Bass
Date:	10/02/20

Additional guidance

Protected characteristic	Who to Consider	Example issues to consider	Further guidance
1. Disability	A person has a disability if they have a physical or mental impairment which has a substantial and long term effect on that person's ability to carry out normal day today activities. Includes mobility, sight, speech and language, mental health, HIV, multiple sclerosis, cancer	<ul style="list-style-type: none"> • Accessibility • Communication formats (visual & auditory) • Reasonable adjustments. • Vulnerable to harassment and hate crime. 	Further guidance can be sought from: Solent Disability Resource Group
2. Sex	A man or woman	<ul style="list-style-type: none"> • Caring responsibilities • Domestic Violence • Equal pay • Under (over) representation 	Further guidance can be sought from: Solent HR Team
3. Race	Refers to an individual or group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.	<ul style="list-style-type: none"> • Communication • Language • Cultural traditions • Customs • Harassment and hate crime • "Romany Gypsies and Irish Travellers", are protected from discrimination under the 'Race' protected characteristic 	Further guidance can be sought from: BAME Resource Group
4. Age	Refers to a person belonging to a particular age range of ages (eg, 18-30 year olds) Equality Act legislation defines age as 18 years and above	<ul style="list-style-type: none"> • Assumptions based on the age range • Capabilities & experience • Access to services technology skills/knowledge 	Further guidance can be sought from: Solent HR Team
5. Gender Reassignment	" The expression of gender characteristics that are not stereotypically associated with ones sex at birth" World Professional Association Transgender Health 2011	<ul style="list-style-type: none"> • Tran's people should be accommodated according to their presentation, the way they dress, the name or pronouns that they currently use. 	Further guidance can be sought from: Solent LGBT+ Resource Group
6. Sexual Orientation	Whether a person's attraction is towards their own sex, the opposite sex or both sexes.	<ul style="list-style-type: none"> • Lifestyle • Family • Partners • Vulnerable to harassment and hate crime 	Further guidance can be sought from: Solent LGBT+ Resource Group
7. Religion and/or belief	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs, including lack of belief (e.g Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition. (Excludes political beliefs)	<ul style="list-style-type: none"> • Disrespect and lack of awareness • Religious significance dates/events • Space for worship or reflection 	Further guidance can be sought from: Solent Multi-Faith Resource Group Solent Chaplain
8. Marriage	Marriage has the same effect in relation to same sex couples as it has in relation to opposite sex couples under English law.	<ul style="list-style-type: none"> • Pensions • Childcare • Flexible working • Adoption leave 	Further guidance can be sought from: Solent HR Team
9. Pregnancy and Maternity	Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In non-work context, protection against maternity discrimination is for 26 weeks after giving birth.	<ul style="list-style-type: none"> • Employment rights during pregnancy and post pregnancy • Treating a woman unfavourably because she is breastfeeding • Childcare responsibilities • Flexibility 	Further guidance can be sought from: Solent HR team