

Equality & Inclusion Policy

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The internet version is the definitive version.

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Version History

Version	Circulation Date	Job Title of Person/Name of Group circulated to	Brief Summary of Change
1	16.05.14	Associate Director of HR Head of Human Resources Director of Quality Head of Equality & organisational Development Training & Development Manager Deputy Director of Nursing Recruitment Team Leader PALS Officer Head of Quality	Feedback 1. Reference the Trust Vision and Values in the work taking place around Vales Based Recruitment 2. Include Equality Delivery System and the Trust involvement 3. Boards responsibly in respect of equality & inclusion 4. Recruitment & Selection Policy should be Guidelines 5. Whistleblowing (Public Interest Disclosure) Policy should be Raising Concerns at Work Policy
2	15.09.14	JNCC	
Final	24.09.14	Quality and Safety Committee	Ratification

Accessibility

Interpreting and Translation services are provided for Worcestershire Health and Care NHS Trust including:

- Face to face interpreting;
- Instant telephone interpreting;
- Document translation; and
- British Sign Language interpreting.

Please refer to the intranet page: <http://nww.hacw.nhs.uk/a-z/services/translation-services/> for full details of the service, how to book and associated costs.

Training and Development

Worcestershire Health and Care NHS Trust recognise the importance of ensuring that its workforce has every opportunity to access relevant training. The Trust is committed to the provision of training and development opportunities that are in support of service needs and meet responsibilities for the provision of mandatory and statutory training.

All staff employed by the Trust are required to attend the mandatory and statutory training that is relevant to their role and to ensure they meet their own continuous professional development.

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1 INTRODUCTION

Please note bold text in this Policy indicates there is a definition in Appendix I and text in *italics* refers to an associated Trust policy/procedure.

Worcestershire Health & Care NHS Trust (WHCT) recognises that our workforce is diverse and values all individuals for their contribution to the Trust through their experience, knowledge and skills. The Trust fully endorses the principles of **Equality** and **Diversity** in respect of Trust employees, service users (patients, carers, visitors and communities) and partners (healthcare economy, voluntary/third sector etc.).

Discrimination (**direct, indirect, associative or perceptible**), **harassment and victimisation** will not be tolerated by the Trust. The policy reflects the requirements of the Equality Act 2010 and the Trust's further statutory responsibilities under the Public Sector Equality Duty:

- eliminate discrimination;
 - advance equality of opportunity and
 - foster good relations
- regardless of age; disability, gender reassignment, marriage and civil partnership (including civil partnerships converted into marriage when the legislation exists for this to take place), pregnancy and maternity, race, religion or belief, sex and sexual orientation, known as the **protected characteristics** (see Appendix II, as defined by the Equality Act 2010) and persons who do not share it, with a view to addressing health inequalities and improving health outcomes.

Respect for human rights of an individual or group is fundamental to ensuring their quality of life. At the core of Human Rights are the principles of FREDA – Fairness, Respect, Equality, Dignity and Autonomy. These principles are fundamental to the NHS and our organisation.

The Trust is committed to ensuring employees work in an environment characterised by dignity and respect. Every person working for the Trust has a personal responsibility for implementing and promoting Equality, Diversity & Human Rights. It is expected that employees will treat each other, service users and partners in the same way with a view to creating a service that is fair and accessible to all. Discrimination will not be tolerated by the Trust, whether committed with intent or negligence.

This policy applies to all individuals under a contract of employment, a contract for services or acting as an agent on behalf of the employing Trust (e.g. Agency Staff) as well as voluntary workers, students and those undertaking a work experience placement. Any failure to follow the requirements of this policy may result in an investigation and management action being taken including formal action in line with the Trust's *Disciplinary Policy and Procedure*

2 POLICY AIM AND OBJECTIVES

The aim of this policy is to communicate the Trust's commitment to the promotion of equality, tackling discrimination and advancing equality of opportunities.

WHCT's commitment to equality and diversity extends to its function as a:

- fair employer and
- provider of services

WHCT is committed to:

- 1) building and maintaining a workforce which reflects the diversity of the communities it serves, enabling it to deliver the best possible healthcare service
- 2) enabling all employees to make full use of their skills and to achieve their full potential in an environment characterised by dignity and mutual respect

- 3) keep under review the WHCT's policies, procedures and practices and ensure that all users and providers of services are treated according to their needs
- 4) acquire knowledge and skills in relation to equality, inclusion and diversity
- 5) promote WHCT's approach to equality and inclusion, communicate this to its employees and take reasonable steps to develop an equal and diverse culture in the organisation
- 6) Leaders and Managers subscribe to and act upon the values of the NHS Constitution, Code of Conduct and the Nolan Principles

3 RESPONSIBILITIES

WHCT will comply with and implement current legislative requirements. As a provider of healthcare in a diverse community, WHCT is committed to encouraging and supporting contributions from all parts of the community through its Public and Patient Engagement processes.

Regular progress reports will be made through the Equality, Inclusion & Diversity Group and the Quality & Safety Committee to the Trust Board.

3.1 Chief Executive, supported by the Senior Management Team and Trust Board

Has responsibility for monitoring the effectiveness of this Policy. The responsibility for ensuring that this Policy is implemented and regularly reviewed lies with the Lead Director nominated for Equality and Diversity.

Reports and other related documents that come before the Trust Board and Board committees will identify any equality related impacts and how these are to be managed. The Trust Board is committed to promoting equality within and beyond the Trust and will support managers to support staff to work in culturally competent ways within a work environment free from discrimination.

3.2 Managers:

Have a responsibility to ensure they understand this Policy and implement it within their areas of responsibility and for ensuring that employees adhere to the terms of this Policy. This will require Managers to:

- respect and promote equality and diversity when undertaking their duties
- lead by example, promoting equality and diversity by their behaviours and actions
- promote this Policy and ensure that all staff are aware of it and clear on their responsibilities
- ensure that contractors and others working on Trust sites adhere to the principles of this Policy
- eliminate all forms of discrimination in the workplace, taking prompt/decisive and fair action when necessary
- ensure that complaints relating to equality and diversity are responded to under the Trust's Complaints Procedure in a fair and consistent manner
- apply the Trust's Incident Reporting System - where appropriate
- understand current legislation and the implications of not carrying out the policy
- apply policies and procedures in a fair and consistent manner
- exercise their duty to eliminate discrimination in all aspects of the organisation, e.g. recruitment, training
- maintain accurate records of employment decisions and outcomes e.g. recruitment and selection, appraisals
- attend or undertake relevant training relating to equality and diversity
- ensure that decisions in recruitment, promotion, transfer, training and the provision of services, comply with this Policy

3.3 Employees:

The Trust expects that every employee will familiarise themselves with this Policy and ensure they apply it effectively and fairly to all colleagues, service users and partners.

All employees have an individual responsibility to:

- inform their manager or the Equality and Inclusion Practitioner if they suspect or are aware that discrimination, harassment or bullying is taking place (*Acceptable Standards of Behaviour*)
- respect and promote equality and diversity when undertaking their duties
- avoid discrimination, harassment, bullying or intimidating other employees, patients, service users, partners/stakeholder etc.
- co-operate with measures introduced by the Trust to ensure equality of opportunity and non-discriminatory practice
- make sure the incident reporting system is used, where appropriate

Trade Unions and Staff Side have an important role to play on behalf of their members in preventing discrimination, harassment and bullying and promoting equality of opportunity. Trade Unions and Staff Side will be consulted on measures taken by the Trust to prevent discrimination, harassment and bullying and promote equality of opportunity.

Every employee is required to assist the Trust to meet its commitment to provide equality and avoid unlawful discrimination. If legal requirements are ignored, both the Trust and the individual employee(s) concerned may be liable to legal proceedings. The primary legal responsibility rests with the Trust to ensure that there is no unlawful discrimination. While this main responsibility rests with the Trust, individual employees at all levels must not discriminate or knowingly aid their employer to do so. Employees can be held personally liable as well as, or instead of, the Trust for any act of unlawful discrimination.

Employees who commit serious actions of harassment may be guilty of a criminal offence. Acts of discrimination, harassment, bullying or victimisation against employees or service users are disciplinary offences and may be subject to the Trust *Disciplinary Policy and Procedure*.

3.4 External Contractors and Agencies

External contractors and agencies providing services on behalf of the Trust will be expected to make their staff aware of the Trust's policy and comply with it.

4 SERVICE DELIVERY

The Trust is committed to ensuring that all its services are designed and delivered to meet the needs of the communities. To this end an Equality Analysis will be undertaken for all policies and functions¹. (See 5 Equality Analysis)

All reasonable adjustments will be made to ensure our services are accessible and equitable to all groups in our community except where there is evidence to objectively justify alternative arrangements.

5 EQUALITY ANALYSIS

Equality Analysis is a way of identifying any potential or actual impact (Positive, Neutral or Negative) that Trust policies/functions and their implementation may have on differing groups

¹ functions include: Services; Projects; Strategy; Processes; Systems; Practices; Procedures; Protocols; Guidelines; Care Pathways etc – not an exhaustive list

of people. An Equality Analysis must be undertaken for all new and existing policies and functions.

All policies and terms and conditions of employment should be free from bias and an Equality Analysis is undertaken and acted on accordingly.

6 EQUALITY DELIVERY SYSTEM (EDS)

The EDS has been designed by the NHS for the NHS to improve equality performance and deliver better outcomes for patients, communities and staff which are personal, fair and diverse. The Trust has adopted EDS to analyse our equality performance against 18 outcomes grouped under four goals:

- Better health outcomes for all
- Empowered, engaged and inclusive staff
- Improved patient access and experience
- Inclusive leadership

The Trust engages with a wide range of stakeholders from across protected groups, patient groups, community organisations, the voluntary and statutory sectors and other interested groups to grade our performance, set equality objective and develop an action plan.

For current information on outcomes of equality performance see Trust Internet and Intranet - <http://nww.hacw.nhs.uk/a-z/services/equality-and-diversity/equality-delivery-system/>

7 EQUALITY OBJECTIVES

The Trust sets Equality Objectives, at least every 4 years. The objectives are reviewed annually and updated/amended/adjusted to ensure relevance and currency in relation to the service delivered by the Trust (available on the Trust Internet and Intranet - <http://nww.hacw.nhs.uk/a-z/services/equality-and-diversity/equality-delivery-system/>)

8 HR POLICIES AND PROCEDURES

All Human Resource policies will be applied fairly and consistently, on the basis of organisational and job requirements. An individual's ability and fitness for work will be measured using objective criteria.

- Recruitment and Selection Policy
- Job evaluation procedures
- Equality Act 2010 and subsequent legislation
- Terms and conditions of employment
- Managing Concerns with Performance
- Development and training opportunities, staff development and review schemes
- Internal transfers and promotions
- Retirement and termination

9 RECRUITMENT & SELECTION

WHCT will ensure:

- at least one member of the interview panel will have completed the Trust's Recruitment and Selection training and be trained in the principles of legislation relating to the Equality Act 2010.
- there are no barriers to recruitment and selection for any group of people (except in times of organisational change, when the *Change Management, Redeployment and Redundancy Policy*
- will take precedence e.g. that in times of organisational change and internal selection, shortlists will be solely based on the essential criteria in the person specification, not the desirable criteria)

- that no job applicant is disadvantaged by job requirements which cannot be objectively justified
- selection criteria for all posts will be clearly defined, objective and job related
- all candidates will be compared objectively against the selection criteria and processes will be consistently applied to ensure fairness and prevent discrimination
- interview questions will relate to the selection criteria combined with a values based recruitment aligned with the Trusts Vision and Values
- reasonable adjustments will be made to assist a candidate with a disability during the recruitment process to compete on an equal basis. Literature relating to advertisements, job descriptions etc., will be made available in alternative formats upon reasonable request, e.g. different languages, large print, Braille,
- it reviews its selection criteria and procedures to maintain a system where individuals are selected and treated solely on the basis of merit and abilities which are appropriate to the job.
- monitoring systems will be maintained to enable the Trust to review its achievement of equality of opportunity in recruitment and selection practices.

Details of best practice in recruitment and selection are contained in the [Recruitment and Selection Guidelines](#).

9.1 Advertising

Advertisements will include the 'Positive about Disabled People Two Tick' symbol which indicates that the Trust has been recognised by Jobcentre Plus as being Positive about Disability. This means the Trust will interview all applicants who have declared a disability and who meet the minimum criteria for the post.

9.2 Monitoring of Staff Profile

Applicants applying for posts are invited to complete information about themselves with regard to the protected characteristics (within the constraints defined nationally in collecting Electronic Staff Records [ESR] data). The information is used for statistical reporting, informing the provision of reasonable adjustments for people with a disability, analysing equality and action planning for quality improvements. The information is held for no other reason and data is not individually recognisable.

Staff will be encouraged to fully complete personal information; however, the Trust respects the right of an individual not to declare sensitive and personal data. Each member of staff has a responsibility to update their ESR records (Employee Self Service – Manage Your Information) if there are changes to their personal details. Otherwise, an annual review of ESR data to ensure currency and accuracy is required.

9.3 Positive Action

The Trust in accordance with current legislation and case law, will apply positive action to ensure that any disadvantages or under-represented individuals/groups are supported, e.g., through training and development to ensure equality of access to promotion and career development.

10 PROMOTION

Decisions which may enhance promotional opportunities will be made in accordance with objective selection criteria. Managers will apply the same skills and knowledge appropriate to the recruitment and selections process. Decisions on who should be promoted will not be discriminatory. Opportunities for promotion will be advertised and employees will be eligible to seek promotion based on the essential criteria for the post.

11 TRAINING & DEVELOPMENT

Information on learning, training and development will be publicised throughout the Trust. The success of the Trust is partly attributed to having high quality staff, who are fully trained to meet the requirements of their role and personal/professional development, appropriate training and development will be made available to employees to undertake their roles and pursue their career development.

The delivery of training and development is in line with the Trusts' *Education, Training and Employee Development Policy* which is sensitive to the protected characteristics and ensures that the selection process is transparent and non-discriminatory.

Trust's mandatory training programme includes a specific module on equality and inclusion.

Training and Development centres at Woodside and Evesham are accessible for people with disabilities, including car park and public transport. However, it should be noted that where ad hoc training takes place a venue and related requirements may not be accessible for people with disabilities. It is the responsibility of the facilitator to find out if a delegate has a disability and what adjustments are required including seeking an alternative appropriate venue.

12 DISCIPLINARY & GRIEVANCE

The Trust's *Disciplinary Policy and Procedure* and *Grievance Procedure* provide a framework to ensure all employees are treated fairly and in a consistent manner.

Any discrimination, harassment or bullying which breaches Trust Policies will be managed under the *Acceptable Standards of Behaviour Policy*.

Where an employee believes that s/he has been the subject of harassment, victimisation or discrimination s/he can raise their concerns through the *Acceptable Standards of Behaviour Policy*. Employees wishing to make a complaint to an employment tribunal will normally be required to raise their complaint through the Trust's *Grievance Procedure* initially and internal procedures must have been exhausted first.

All complaints of discrimination will be taken seriously, responded to promptly and confidentially. Disciplinary action may result where a breach of this Policy through action or behaviour is found to be the case.

All incident relating to grievance, harassment and bullying and disciplinary are monitored to identify trends and/or group of individual who are adversely affected.

Employees who have in good faith raised concerns under the *Grievance Procedure* should not be victimised or receive less favourable treatment than any other employee. Every effort will be made to ensure that the employee who makes the complaint will not be victimised. Victimisation will result in disciplinary action.

If complaints of discrimination, harassment or bullying are found to be vexatious this will result in disciplinary action against the perpetrator.

In following the *Disciplinary Policy and Procedure*, managers must ensure that sanctions are consistently applied.

Under the Trust's *Raising Concerns at Work Policy*, employees can raise concerns in confidence and their identity will be protected. If in the event of an investigation which results in disciplinary action, the anonymous employee will be encouraged to identify themselves but remains their choice if they want to do this or not.

13 DISMISSAL, REDUNDANCY & RETIREMENT

Any decision to dismiss, retire or make an employee redundant will be fair, based on business needs and the individual's performance/skills. This will be undertaken in line with the relevant Trust policies/procedures:

- *Acceptable Standards of Behaviour*
- *Change Management, Redeployment and Redundancy Policy*
- *Disciplinary Policy and Procedure*
- *Managing Concerns with Performance*
- *Retirement Policy*

14 HEALTH & SAFETY

All policies covering health and safety will be regularly reviewed to ensure that the particular needs of specific employees are being considered.

15 SUPPORTING INDIVIDUAL NEEDS

The Trust will consider reasonable requests for adjustments requested by staff that will enable them to fulfil their role with greater ability and confidence. For example -

- Where a member of staff becomes disabled while in employment, the Trust will ensure that they know where to go to discuss adjustments that may be needed in consultation with their manager, human resources, occupational health and the equality and inclusion practitioner. Adjustments could include, for example, reduced working hours, alternative patterns of work, reasonable modifications and aids for retraining leading to redeployment (this is not an exhaustive list)
- The Trust will promote an atmosphere where staff can practice their religious beliefs without fear of intimidation e.g. by arranging areas for prayer and contemplation on request. (The Trust will not permit employees to impose their beliefs on others or condone views that prevent dignity or rights of others or incite racial hatred)
- Where a member of staff has particular caring responsibilities, cultural and/or religious needs that conflicts with existing working arrangements, the Trust will ensure *Flexible Working Policy* is applied fairly.

The Trust will examine measures to provide greater opportunities for people who need to, or wish to, combine employment with other responsibilities, e.g. part-time working, employment break schemes etc.

All employees are to be treated equally with respect to pay and other conditions of their contract of employment. The only exception will be those cases covered by Protection of Pay Conditions of Service Agreement or other legal framework such as Transfer of Undertakings legislation.

16 COMMUNICATION

This policy will be communicated in the following ways:

- Induction material
- Equality & Inclusion mandatory training
- By managers to new employees during their local induction
- Internet/intranet
- Recruitment & Selection Training

Positive images of people covered by the protected characteristics will be used in Trust information and promotional literature.

17 PUBLICATIONS

Equality, Diversity and Inclusion information will be published on the Trust intranet: <http://nww.hacw.nhs.uk/a-z/services/equality-and-diversity/> and internet

For example:

- Equality Act 2010
- Equality & Diversity Statement
- Equality and Inclusion Policy
- Equality analysis; Template form; Examples of equality analysis undertaken; A database of all Equality Analysis undertaken
- Useful links and Information
- Cultural Information
- Disability
- Workforce data and ESR profile

18 COMPLAINTS FROM MEMBERS OF THE PUBLIC

If a service user, their family or carer feels they have been treated less favourably (direct, indirect, associative or perceptible) than others in the same circumstances they have the right to raise their concern and contact the Patient Relations Team. The Patient Relations Team will be able to liaise with the appropriate service and ensure that their concerns are responded to in accordance with the [Complaints, Comments and Compliments Policy and Procedures](#).

19 MONITORING AND EVALUATING THE EFFECTIVENESS OF THIS POLICY

To ensure the intent of this Policy is being followed, the Trust will monitor and evaluate:

- its workforce profile against the community profile
- recruitment, promotion and training opportunities and take up of training, pay, grievance, disciplinary and exit from employment
- processes to comply with changes in legislation
- results of the annual staff survey
- Public Sector Equality Duty Objectives

This information will be used to:

- establish where there are any differences between different groups
- investigate the underlying reasons for the differences and
- respond to any unfairness, disadvantaged or possible discrimination

Data is already collected on job applicants and the current workforce and is regularly analysed. This sensitive data is protected under the Data Protection Act and will be covered by the confidentiality clause all employees are subject to.

Annual reports concerning the equality profile of the Trust's staff will be presented to the Board and the JNCC with half year updates.

This Policy is subject to joint monitoring and shall be reviewed by the Equality & Inclusion Practitioner and the JNCC upon request and as required.

20 REVIEW, REVISION AND DISSEMINATION

This policy to be reviewed on a 3 yearly basis or earlier if there are changes to legislation or national/local requirements.

21 EQUALITY ANALYSIS

This policy has undergone an equality analysis.

22 LEGISLATION / POLICY COMPLIANCE:

The following documents have been used to inform this policy: -

- Acceptable Standards of Behaviour Policy.
- Change Management, Redeployment and Redundancy Policy
- Complaints, Comments and Complements Policy
- Disciplinary Policy and Procedure
- Education, Training and Employee Development Policy
- Equality Act 2010 (incorporating The Marriage (Same Sex Couples) Act 2013)
- Flexible Working Policy
- Grievance Procedure
- Managing Concerns with Performance
- Recruitment and Selection Policy.
- Retirement Policy
- Whistle blowing (Public Interest Disclosure) Policy

Associative Discrimination – discrimination because of their association with someone who does have a protected characteristic e.g. parent of a disabled child.

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

Direct Discrimination – Less favourable treatment of a person compared with another person because of a *protected characteristic*.

Diversity literally means difference. It is about recognising individual as well as group differences and placing positive value on diversity in the workplace. It is not about creating a level playing field and treating everyone equally, it is about *treating everyone fairly*. Fair treatment is fundamental – unless people are treated with dignity and respect they will not feel valued.

Equality is about recognising that each one of us is unique, valuing everyone as an individual creating a fairer society, where everyone can participate and has the opportunity to fulfil their potential.

Harassment – Unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment. Individuals are also protected from harassment because of perception and/or association.

Indirect Discrimination – a practice, provision or criterion although applies to everyone causes a disadvantage to one or more of the protected characteristics that cannot be objectively justified. An **objective justification** recognises that a discriminatory action is likely but can objectively justify the action as a proportionate means of achieving a legitimate aim, that is, appropriate and necessary.

Perceptive Discrimination – discrimination on the belief that someone has a protected characteristic, whether or not they do have it.

Positive (Affirmative) Action – a range of lawful action that seek to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs. Positive steps are taken to increase the participation of under-represented groups in the workplace or uptake of services.

Positive Discrimination – Treating someone with a protected characteristic more favourably to counteract the effect of past discrimination and is unlawful. However, there is a duty to make reasonable adjustments and an exception where treating a person with a disability more favourably.

Victimisation – treating an employee less favourably than others because they have made or supported a complaint raised a grievance or they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or support an untrue complaint.

Protected Characteristics – Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex and Sexual Orientation. These are the ground upon which discrimination is unlawful

Age	A person belonging to a particular age group (specific or general e.g., 18-30)
Disability	Has a physical or mental impairment which has substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities
Gender Reassignment Transgender	The process of changing or transitioning from one gender to another. This can include people who have expressed a genuine desire change gender, live as another gender or dress as another gender
Marriage and Civil Partnership	A union between two people. Legislation will exist to recognise 'civil partnership as a marriage
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 the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding
Race	Groups of people defined by their race, colour, nationality (including citizenship), ethnic or national origins
Religion or Belief	An organisation founded on an ethos based on religion or belief. Belief includes religious and philosophical beliefs including lack of belief (e.g. atheism) Generally, a belief should affect life choices or the way an individual/group live for it to be included in the definition
Sex	Whether the person is a man or a woman (of any age)
Sexual Orientation	Whether a person's sexual attraction is towards their own sex, the opposite sex or both sexes

Worcestershire Health & Care NHS Trust (WHCT) has a responsibility under the **Equality Duty** to: (1) eliminate discrimination; (2) advance equality of opportunity and (3) foster good relations with regarding to age; disability, gender reassignment, pregnancy & maternity; race; religion or belief; sex; sexual orientation or marriage and civil partnership, the **9 protected characteristics** defined by **The Equality Act 2010** (See Appendix 1).

Equality Analysis is a way of identifying any potential or actual impact (Positive, Neutral or Negative) that our policies/functions (functions include; Services; Projects; Strategy; Processes; Systems; Practices; Procedures; Protocols; Guidelines; Care Pathways etc..) and their implementation many have on differing groups of people. An **Equality Analysis must be undertaken for all new and existing policies and functions** to ensure a fair service for all.

The purpose of the Equality Analysis is to:

- make us focus on the needs, experiences and circumstances of everyone who will be affected by the decisions the Trust makes
- direct us to seek alternative ways of achieving our aims and avoiding inequality
- enhance our creditability with our service users to have greater confidence in our performance
- improve our policy making procedures and services
- make use more accountable in the relationships

When completing the Equality Analysis you are encouraged to consider the impact the policy/function may have on the protected characteristics and persons/groups who do not share these characteristics but could experience inequality e.g. carers, the homeless or travelling communities and **record the evidence** to demonstrate the consideration given.

Positive has a **positive impact** on one or more of the protected characteristics, **improves or promotes** equality

Neutral **has similar** or **no** impact on the protected characteristics

Negative **disadvantages** or has an **adverse impact** on one or more of the protected characteristics

Where the policy/function involves patients/careers/staff/partners/stakeholders etc..., please include them in the Equality Analysis to demonstrate openness, transparency and inclusion and particularly by those who this policy/function is most likely to have impact. The Analysis is to be conducted by three assessors who determine the level of impact the policy/function has as follows:

Low The policy/function **has limited relevance** to the Equality Duty

Medium There is some concern or evidence available that different groups may be affected differently. The policy/function **may be relevant** to parts or all of the Equality Duty

High There is evidence/concern to suggest different groups are affected differently. The policy/function **is relevant** to the Equality Duty.

If the relevance is **Low** or **Medium** and the assessors are able to justify and demonstrate their reasons, these should be record on the primary Equality Analysis. If the relevance is **High**, where there is potential or actual discrimination it will be necessary to complete an advanced Equality Analysis, please contact the Equality and Inclusion Practitioner for advice and a copy of the advanced Equality Analysis

A copy of the completed Equality Analysis is to be retained with the policy/function and a copy sent to the Equality & Inclusion Practitioner. The completed Equality Analysis will be presented to the Equality, Diversity and Inclusion Group for further scrutiny.

Legal compliance requires public sector organisations to maintain a database of all Equality Analysis and publish them annually. Examples of completed assessments will be available on the Trust's internet and intranet website and making them accessible to the public.

Appendix I - 9 protected characteristics

Age	Specific ages and age groups? A universal policy may still disadvantage a particular age group.
Disability	A physical, mental impairment or learning difficulty which has substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. Not all disabilities are visible/apparent. Consideration should be given to: <ul style="list-style-type: none"> • Accessibility - venue, location, signage • Awareness training for staff delivering the service • Involving service users • Hearing Loops/Interpreter/British Sign Language • Referral System/partnership working • Plain English.
Gender Reassignment /Transgender	The process of transitioning from one gender to another. This includes people who have expressed a desire to change gender, live as another gender or dress as another gender. Considerations include, staff training, communication skill that result in a non-judgemental support and confidentiality.
Pregnancy & Maternity	Pregnancy is the condition of expecting a baby, maternity refers to the period after the birth. Considerations include, access to private area for breastfeeding mothers, flexible hours.
Race	A group of people defined by their race, colour, nationality (including citizenship) ethnic or national origins. Considerations include, identifying the demographic population that uses your service or affected by your project, eg: <ul style="list-style-type: none"> • What language/s do these communities speak? • What support for accessing the service/project can you offer? • Cultural issues - mixed gender activities, hygiene, clothing, physical activities. • How will you make your service/project accessible for the diverse local population? • Staff Training on issues relating to the BME community.
Religion or Belief	Belief includes religious and philosophical beliefs including lack of belief (eg Atheism). Generally a belief should affect life choices or the way a person lives for it to be included in the definition. Considerations include identifying the demographic population eg: <ul style="list-style-type: none"> • prayer times, meal times, food, religious holidays e.g. Ramadan, flexibility. • Training of staff • Respecting differences • Religious beliefs e.g. blood transfusions.
Sex	A Man or a Woman. Consider the impact on males and females, for example, same sex accommodation, same sex groups/activities, timing of services/projects and location to improve access.
Sexual Orientation	Whether a person's sexual attraction is towards their own sex (lesbian/gay), the opposite sex (heterosexual/straight) or to both (bisexual). Do not assume that someone is heterosexual/straight. Considerations include staff training, eliminate prejudices and respect rights.
Marriage & Civil Partnership	Marriage is defined as a 'union between and man and woman'. Same-sex couples can have their relationship legally recognised as 'civil partnerships'. Civil partners must be treated the same way as married couples on a wide range of legal matters.

<p>Title of Policy/Function (Function Includes: Services; Projects; Strategy; Processes; Systems; Practices; Procedures; Protocols; Guidelines; Care Pathways etc..)</p> <p>Equality Policy</p>	<p>Reviewed 12 months after instigation 24th July 2013</p>
<p>Short description of Policy/Function (aims and objectives, is the policy/function aimed at a particular group if so what is the intended benefit):</p> <p>The aim of this policy is to communicate the Trust's commitment to equality, advancing equality of opportunities, fostering good relations and tackling discrimination</p>	

Name of Lead/Author(s)	Job Title	Contact details
Patrick McCloskey	Inclusion & Equality Practitioner	Tel: 01905 761324 Mobile: 07436 035315 Patrick.mccloskey@hacw.nhs.uk

When the policy/function involves patients/staff/partners/stakeholders etc please where possible include them in the Equality Analysis to demonstrate openness, transparency and inclusion and particularly by those who this policy/function is most likely to have impact.

Does this Policy/Function have any potential or actual impact that is positive(+), neutral (N) or negative (-) impact on the following protected characteristics please indicate:				
	+	N	-	Please provide a rational/justification for <u>each</u> of the following regardless of impact
Age		N		The Policy applies to all employees, voluntary workers, students, work experience etc.. irrespective of age and encompasses all ages at it applies to the workforce population and those who support the organisation
Disability	+			Reasonable adjustments will be made for successful candidates a part of R&S and likewise for those who may become disabled during their period of employment. Equally, consideration for careers and family members of a person who has a disability to avoid associative discrimination.
Gender Reassignment		N		The policy provides for all current and future employees, an individual who expresses a desire to change gender, live as another gender or dress as another gender will be supported by the Trust and is included in the values of this policy and the Trust ethos to equality and inclusion. The Trust will work with that individual in their personal requirements ensuring equality of opportunity and having zero tolerance to any potential or actual discrimination (direct and indirect) as well as harassment.
Pregnancy & Maternity	+			The Trust Maternity policies would be applied and associated policies observing the requirements of the Equality Act 2010 and there should be no determinate to a woman during pregnancy and maternity to any terms and conditions of employment, before, during or after pregnancy and maternity
Race		N		The policy applies to current and future workforce. FREDA principles apply to all staff. The policy is not intended to create a 'level playing field' but to treat individuals fairly for each individual to fulfil their role in the organisation and reach their full potential.

Religion & Belief	+		The policy does not discriminate directly or indirectly with regard to religion and belief, where adjustments need to be made for pray time or flexibility in working hours/practices this will be done unless there is justifiable reason not to but this principle applies to all 9 protected characteristics
Sex		N	Policy applies to both sexes equally, and differences in terms and conditions that exist in the Trust are based on historic reasons and are being addressed in line with changing legislation and national frameworks eg retirement dates
Sexual orientation		N	The Trust employ individuals because they are considered to be the best person for the job, that persons sexuality is no reason to prevent an individual from being employed or and developing within the organisation. Equally, there is potential in some instances for a person's sexuality to have a positive impact on the work they do and foster good relations within the workforce and this would be welcomed and encouraged in the interest of a more informed workforce and improved patient experience.
Marriage & Civil Partnership		N	Employees who are married or whose union is recognised through civil partnership are included in the Equality Policy, there is no evidence of negative impact in term of employment or their terms and conditions of work.
<p>Other Groups who could experience inequality, eg carers, homeless, travelling communities, unemployed, people resident within deprived areas, different socio/economic groups eg low income families, asylum seekers/refugees, prisoners, people confined to closed institutions or community offenders, people with different work patterns eg part-time, full-time, job-share, short-term contractors or shift workers - Access, location and choice of venue, timings of events and activities. Support with caring responsibilities</p> <p><i>The policy considers and responded to the workforce and the various and different contact arrangements, working times and patterns. The Trust balances the needs of the Service (24 hours, 7 days) with its workforce population and the needs of the Service will only take precedence where there is a genuine justifiable reason.</i></p>			

Analysis conducted by: (minimum of 3 people)			
	Name	Job Title	Contact details
1	Patrick McCloskey	Equality & Inclusion Practitioner	Patrick.McCloskey@hacw.nhs.uk
2	Rachel Kirkwood	Head of Equality & Organisational Development	Rachel.Kirkwood@hacw.nhs.uk
3	John Bagnall	Head of Human Resources	John.Bagnall@hacw.nhs.uk

Start date of policy/function	Period valid for: Review period will be 3 years but will always be subject to change to reflect best practice in equality and changes in legislation
Review date of policy/function	24 July 2017

Service Delivery Unit:	Corporate Policy						
Reference/Version: V7	Date Equality Analysis completed:	D	D	M	M	Y	Y
		1	6	0	7	1	4

If you have identified a potential discriminatory impact on the policy/function please refer it to the author together with suggestions to avoid or reduce the impact.

A copy of the completed Equality Analysis must be attached to the policy/function and a copy sent to:

Patrick McCloskey

Equality Inclusion Practitioner
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