

Inclusion Policy

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Document Control / History

Revision No	Reason for change
1	To reflect statutory and MFT developments in Equality and Diversity, this is a revision following on from Trusts Human Rights, Diversity and Dignity within the Workplace Policy (No. 4)
2	Reviewed – no changes so no additional approval needed.

Consultation

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To be read in conjunction with any policies listed in Trust Associated Documents.

1 Introduction

- 1.1 Medway NHS Foundation Trust is committed to delivering the very highest standards of access and care to patients from diverse cultures, different age groups and a range of abilities and needs. We want to lead the field of equality, diversity and human rights within the local healthcare economy and the community that we serve and to become the healthcare provider of choice.
- 1.2 We are committed to being the employer of choice for existing and potential employees in all roles, including volunteers, apprentices and student and work experience placements. We want to enable every individual working within the Trust to maximise their potential and contribution to the organisation.
- 1.3 The Trust will provide a working environment free from discrimination, harassment or victimisation, where everyone receives fair and equitable treatment, regardless of sex, pregnancy or maternity status, race, disability, religion or belief, sexual orientation, gender reassignment, marital or civil partnership status or age.
- 1.4 The Trust will actively promote equality and best practice in line with equality and human rights legislation to meet the public duties imposed to avoid discrimination.
- 1.5 In addition the Trust will create a working environment where all staff have the right to be treated with dignity and respect. The Trust will ensure adherence to the five key principles outlined by the human rights legislation: Fairness, Equality, Dignity, Respect and Autonomy.
- 1.6 The Trust commits to work in partnership with staff and their recognised representatives, in creating an environment where these rights are expected, and where staff feel they can challenge behaviour that undermines human rights' principles.
- 1.7 We will take steps to ensure there is no unlawful or unfair discrimination towards patients, communities and staff in relation to the nine characteristics shown below which are protected by the Equality Act 2010.
 - Age
 - Disability including physical and mental impairment
 - Gender re-assignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race including nationality and ethnicity
 - Religion or belief
 - Sex
 - Sexual orientation

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- 1.8 Inclusion, Equality and Diversity is implicit within all of the Trust's employment policies and these are all Equality Impact Assessed and regularly reviewed to ensure there is no element of bias or discrimination.
- 1.9 This document is not intended to constitute part of the contract of employment of any employee of the Trust. It is however, an agreed policy between staff side and the Trust and both parties agree it must be followed.
- 1.10 The Trust may from time to time produce guidance and FAQs on this policy which set out how it will be applied in practice.

2 Purpose / Aim and Objective

- 2.1 The aim of this policy and procedure is to promote inclusion, equality and fairness at work and to meet statutory requirements.
- 2.2 Our aim is to engender an organisational culture that is good for all people, treating everybody with respect and dignity, promoting fairness, ensuring that our core standards of behaviour are reflected in all of our dealings with those who come into contact with the Trust.
- 2.3 Staff diversity will be viewed positively and in recognising that everyone is different. The Trust will value equally the contribution that individuals from different backgrounds make. We will engage with and support staff through the development of staff forums and local networks.
- 2.4 We believe that staff can achieve their full potential in an environment where all staff are valued and treated with dignity and respect. This policy forms part of the Trust's commitment to deliver safe, high quality care and excellent patient experience through our best people and this belief is, embedded in the Trust's value **Every Person Counts**.

3 Definitions

- 3.1 Protected Characteristics – Listed in 1.4 of this document as belonging to one or other “protected group”.
- 3.2 Equality - The state of being equal, especially in status, rights, or opportunities
- 3.3 Diversity - Each individual is unique, and recognising our individual differences, along the dimensions of race, ethnicity, gender, sexual orientation, socio-economic status, age, physical abilities, religious beliefs, political beliefs, or other ideologies.
- 3.4 Inclusion - Valuing all individuals, giving equal access and opportunity to all and removing discrimination and other barriers to involvement.
- 3.5 Direct discrimination – When someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

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- 3.6 Indirect discrimination – A practice, policy or rule which applies to everyone in the same way, but it has a worse effect on some people than others. The Equality Act says it puts them at a particular disadvantage.
- 3.7 Human Rights - The Human Rights Act 1998 fully came into force in the UK in October 2000. In respect of equality issues, Article 14 of the Human Rights Act prohibits discrimination and states that the enjoyment of the rights and freedoms set forth in the Human Rights Convention shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion or national or social origin.

4 (Duties) Roles & Responsibilities

- 4.1 **Members of staff** are expected to observe this policy, regardless of their role or employment status, and to behave appropriately towards other staff members and members of the public, in particular they are expected to:
- Support and implement the principles of inclusion, equity and fairness.
 - Respect Trust Values and the behaviours of Every Person Counts.
 - Report any incident or behaviour which contravenes this policy and not indirectly support unfair treatment by ignoring what is happening..
 - Treat all staff, managers, patients, visitors and members of the public with dignity and respect.
 - Inform line management of any changes which may impact on the nine protected characteristics or if they believe they have been discriminated against, victimised or harassed, by staff or patients, on any of the grounds identified above.
- 4.2 **Managers** have a responsibility for ensuring that this policy is fairly and consistently applied and they must ensure that:
- They are good role models of best practice for all staff.
 - They are aware of importance of observing the principles of inclusion, equality and diversity
 - They eliminate any unfair practices whether or not a complaint has been made, promoting inclusion, equity and fairness.
 - Any allegations of in-direct or direct discriminatory behaviour or practices are properly investigated, all relevant documentation retained and disciplinary action taken (where appropriate) in a non-discriminatory manner.
 - They ensure that no job applicant or member of staff is discriminated against and those internal and external appointments are based on merit and subject to open and fair competition.
 - Selection for employment, training and promotion will be based solely on objective and job related criteria.
 - If a staff member has a disability or develops a disability working with the Trust, the Trust will make reasonable adjustments to prevent the employee being placed at a substantial disadvantage in all aspects of employment.

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- 4.3 **Human Resources** are responsible for providing advice and guidance to staff and managers on the application and effective implementation of this policy. They are also responsible for ensuring that the duty to promote is observed and actioned where necessary and the general duties of the equality legislation are observed.
- 4.4 **Legal liability**
Individual members of staff can be held personally liable for acts of unlawful discrimination.
- 4.5 The Trust, as an employer, may be liable for any act of unlawful discrimination committed by an employee, unless it can be proved that all reasonable and practicable steps had been taken to prevent such an act from occurring. This also extends to a social setting, where staff are together because of their connection to work, for example, a leaving function.
- 4.6 The Trust has a primary legal and moral responsibility for ensuring that discrimination does not occur.

5 Monitoring and Review

What will be monitored	How/Method/Frequency	Lead	Reporting to	Deficiencies/ gaps Recommendations and actions
Inclusion Policy	First review in one year and then every three years	Author	Joint Staff Committee	Where gaps are recognised action plans will be put into place
Legislative and NHS Statutory Requirements	Quarterly review of progress made against the E&D workplan	Author	E&D Steering Group	Required changes will be actioned by named person within specific timeframes.
Analysis of equality and diversity data captured in relation to both staff and patients	Annual Equality and Diversity Report	Author	Trust Board	Where gaps are recognised action plans will be put into place

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6 Training and Implementation

- 6.1 All staff employed by the Trust are required to undertake Inclusion, Equality & Diversity. All existing staff are required to undertake this training every 3 years and it is included in Induction Training for new staff.
- 6.2 Training for managers will be offered by the Trust to support the implementation of this Policy.

7 Equality Impact Assessment Statement & Tool

All public bodies have a statutory duty under The Equality Act 2010 (Statutory Duties) Regulations 2011 to provide “evidence of analysis it undertook to establish whether its policies and practices would further, or had furthered, the aims set out in section 149(1) of the [Equality Act 2010]”; in effect to undertake equality impact assessments on all procedural documents and practices.

	Yes/No	Comments
Does the policy/guidance affect one group less or more favourably than another on the basis of:		
• Age	No	
• Disability	No	
• Gender reassignment	No	
• Marriage and civil partnership	No	
• Pregnancy and maternity	No	
• Race	No	
• Religion or belief	No	
• Sex	No	
• Sexual orientation	No	
Is there any evidence that some groups are affected differently?	No	

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If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	N/A	
Is the impact of the policy/guidance likely to be negative?	No	
If so can the impact be avoided?	N/A	
What alternatives are there to achieving the policy/guidance without the impact?	N/A	
Can we reduce the impact by taking different action?	N/A	

8 References

Document	Ref No
References:	
N/A	
Trust Associated Documents:	
Disability in Employment Policy	
PROCHR002 - Disciplinary Policy (1 attachment)	
SOP0226 - Disciplinary Procedures (1 attachment)	

If you would like a Braille or large print copy of this policy please contact the Human Resources Department and it will be arranged