

Equality, Diversity & Human Rights Policy



‘Delivering Excellence in Healthcare through Innovation and Collaboration’

Please be advised that the Trust discourages the retention of hard copies of policies and procedures and can only guarantee that the policy on the Trust Intranet is the most up to date version

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1 Introduction / Purpose

The Trust is committed to:

- Creating an environment in which people can feel valued; treating people fairly and with dignity and respect
- Embedding Trust values and behaviours that highlight treating others as we would wish to be treated ourselves

It is the policy of the Trust that no one will be discriminated against on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. The Trust will provide interpretation services or documentation in other mediums as requested and necessary to ensure natural justice and equality of access.

The purpose of this document is to set out the Trust's aims and goals in relation to Equality, Diversity & Human Rights (EDHR) as well as the means by which we aim to achieve those goals.

This policy will apply to patients and visitors and all areas of service provision and Trust employees including trainees, secondees, staff on honorary contracts, contractors and staff from other organisations working on Trust premises.

2 General Document Principles

2. Aims

The Trust aims to ensure that principles of equality, diversity and human rights are embedded throughout every part of the organisation and improve its status as an organisation that leads the promotion of equality & diversity, challenges discrimination wherever it happens, and promotes equality in service delivery and employment.

To achieve our aims the Trust is committed to:

- Promoting equality of opportunity for all
- Promoting an inclusive environment in which all persons are treated with respect
- Fulfilling all of our legal obligations under the equality legislation
- Regarding all breaches of equal opportunities as misconduct which could lead to disciplinary proceedings

Legislative Background

Under the Equality Act 2010, the Trust as a public body has legal obligations to:

- i. Eliminate discrimination, harassment, victimisation and other prohibited conduct in all its forms;
- ii. Advance equality of opportunity between those who have a relevant characteristic and those who do not;
- iii. Foster good relations between people who share a protected characteristic and people who do not share it.

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. The 9 protected characteristics covered by the Equality Act are:-

- Age
- Race – it refers to a group of people defined by their nationality (including citizenship), ethnic or national origins.
- 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.
- Sex
- Sexual orientation
- Gender reassignment – this is the process of transitioning from one sex to another
- Marriage and civil partnership
- Pregnancy and maternity
- Religion & 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

In addition, the Human Rights Act 1998 sets universal standards to ensure that a person's basic needs as a human being are recognised and met. These include

- The right to life
- The right not to be tortured or treated in an inhuman or degrading way
- The right to liberty
- The right to fair trial
- The right to a private and family life

2. Statement of Equality, Diversity and Human Rights at Mid Cheshire Hospitals NHS Foundation Trust

- 'Mid Cheshire Hospitals NHS Foundation Trust will be a provider of first class services that are equally accessible to, and appropriate for, all who are entitled to use them.
- Mid Cheshire Hospitals NHS Foundation Trust will be an organisation that is recognised as a great place to work, where people are encouraged and enabled to make their best and distinct contribution to the services provided.
- Mid Cheshire Hospitals NHS Foundation Trust's patients, carers, visitors, staff and other workers, volunteers, and members of the general public will be treated with courtesy, respect and empathy, and as individuals with specific beliefs, needs, preferences and life choices. Where reasonably practicable, the Trust will make arrangements to support those beliefs, needs, preferences and life choices. Their Human Rights will be protected and promoted.
- Mid Cheshire Hospitals NHS Foundation Trust will ensure that no user of the service, present or future employee or job applicant, receives less favourable treatment on grounds of their diversity.
- Mid Cheshire Hospitals NHS Foundation Trust will fully investigate all reported incidents of alleged discrimination. An employee, who is believed to have discriminated against others, intentionally or otherwise, will face disciplinary action in accordance with the Trust's Disciplinary Policy and Procedure.
- The Trust will review its equality objectives every 4 years.

- Mid Cheshire Hospitals NHS Foundation Trust requires English to be the common language of operation for business purposes and when undertaking work activities. This is to ensure workplace effectiveness, the avoidance of any misunderstandings that could have serious consequences from a health and safety perspective and to encourage good working relations. This requirement relates to whilst carrying out operational activities and does not apply during break times and social activities. Staff are asked to consider others feelings and to ensure inclusion in the workplace.

2. Core Principles

The following principles and beliefs are held by the Board of Directors:

- a) Inclusion is an overarching driver of how we do business;
- b) EDHR is a key line management responsibility;
- c) Excellent patient services and employment practices depend upon the application EDHR principles;
- d) Ease of access to services for all is key indicator of excellence;
- e) All services and policies will be robustly assessed for equality impact;
- f) The collection and analysis of equality monitoring data is a priority activity.
- g) EDHR data and analysis will be received and considered by the Board of Directors, Divisional Boards, the Executive Workforce Assurance Group and the Equality and Diversity Group;
- h) All staff will receive EDHR training appropriate to their role;
- i) Partnership working with stakeholders will be the standard way of working;
- j) EDHR strategies, policies and procedures will be as short and simple to understand and implement as possible.

2. Partners

The Trust cannot deliver EDHR in isolation. A strategic aim about inclusion in health & wellbeing must be planned in partnership with other employee representatives, other public organisations, and stakeholder groups. The Trust will build on established links and develop new ones.

Partnership working is increasingly acknowledged as generating solutions to problems that single agencies cannot solve, improving services that users receive, and enhancing coordination of services across organisational boundaries.

The Trust will work with partners to reduce the administrative burden on stakeholder groups in responding to the wide range of consultation invitations generated by the public sector organisations in Cheshire.

Recruitment and Selection

The Trust will ensure that its recruitment and employment decisions will be made on the basis of fair and objective criteria and in accordance with the Trusts Recruitment and Selection Policy. The Trust will ensure effective monitoring of recruitment and selection via the Equality Delivery System, Workforce Race Equality Standard and other equality and diversity initiatives.

Promotion and Development

The Trust is committed to ensuring all its employees have the opportunity to train, develop and progress within the organisation. Where a particular group is under represented within the workforce the Trust may consider action such as improving access to training and/or giving encouragement to apply for vacancies, though all appointments will continue to be on merit.

Training and Development Training has a key role in promoting equal opportunities. The Trust will provide training to increase awareness of equal opportunities so that staff at all levels can perform their jobs effectively and develop their full potential. This includes ensuring that any management courses and leadership development programmes cover the implementation of equal opportunities policies.

Adapting working environment and practices

The Trust is committed to recognising cross cultural differences and will respect individuals needs regarding the observance of their faith, Time off for religious festivals will be respected and accommodated as far as practically possible. It would be expected that time off for religious festivals would be accommodated within normal leave provisions.

The requirements of job applicants and existing members of staff who have a disability will be reviewed to ensure that, wherever possible, reasonable adjustments are made to enable them to enter into or remain in employment with the Trust.

Providing a fair and equitable service

The Trust is committed to ensuring that no one should have negative experiences when using Trust services relating to their protected status. The Trust will regularly review patient experience using local and national surveys, interview and complaint monitoring, ensuring any issues identified are dealt with quickly and appropriately.

Religion or Belief

Some religions require their followers to pray at specific times during the day therefore staff may request to take breaks at these times. Managers need to consider whether it is practical and reasonable to schedule staff breaks to coincide with prayer times. Staff may request access to an appropriate quiet place (or prayer room) to undertake their religious observance.

Equality, Diversity and Human Rights (EDHR) Governance

The trust will publish data, impact assessments, action plans, agenda, notes and reports relating to EDHR. The normal method of publication will be via the Trust's intranet and internet sites. The Trust will not withhold publication of any EDHR material on the basis that it shows or suggests problems with the Trust's performance relating to EDHR.

Effective governance of EDHR will be ensured by:-

- i. Divisional and corporate performance management;
- ii. The Equality & Diversity Group, with exceptions reporting to the Executive Workforce Assurance Group;
- iii. Clinical Commissioning Group contract management.

Every year, Divisional Boards and the Executive Workforce Assurance Group will receive, discuss and publish key EDHR metrics.

Every year, the Equality and Diversity Group and Executive Workforce Assurance Group will receive a comprehensive set of EDHR metrics.

2 Equality Impact Assessments

To ensure that positive steps are taken to ensure prevention of discrimination in the development and application of Trust policies, procedures and service developments, the Trust will use Equality Impact Assessments (EIA's). These provide the means for the Trust to consider how policies/processes might create adverse or negative effects for service users and staff.

All services must complete an Equality Impact Assessment (EIA) on a 3 yearly basis or upon a service review. Where it is recognised the EDHR needs may span services, managers may collaborate to undertake generic EIAs. EIAs will involve service stakeholders. Actions from the EIAs will be monitored by the manager of the service.

Feedback from service users, including complaints and, where applicable, use of the Patient Advice and Liaison Service, will be actively sought, assessed and used in service management and design.

Employment related services such as Recruitment and Medical Resourcing, Learning and Development, Workforce Planning, Workforce Information, Human Resources Management and Occupational Health are included in the previous paragraph.

Employment practices will be monitored against EDHR metrics as described in paragraph 2.6 relating to governance.

Where the Trust is the lead organisation in any partnership arrangements in service provision, the principles of its EDHR policy will apply. Where the Trust plays a supporting role in service provision, it will seek assurance that similar EDHR principles are followed and will bring any concerns to the attention of the relevant partner. The Trust would review the merits of any partnership where serious or persistent departure from such principles occurred.

2.8 Policies, Strategies, and Business Case

All new and reviewed policies, procedures, guidelines, strategies and business cases will be subject to an EIA and will be returned, unapproved, to the author if an EIA is missing or does not provide evidence of proper analysis.

2 Definitions

Equality

Equality is not about treating everyone the same. It recognises that:

- Everyone has individual needs and the right to have those needs respected
- Inequality exists and that unlawful discrimination needs to be tackled
- we are committed to treating people fairly and creating an organisation in which everyone can participate and have the opportunity to fulfil their potential

Diversity

Diversity is about respecting and valuing individual difference, Diversity recognises that:

- Everybody is different
- We need to understand, value and respect those differences
- Diversity can include individuals and groups with varying backgrounds, experiences, styles, perceptions, values and beliefs.

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 can provide an excellent service for all.

Direct Discrimination

A person discriminates against another if they treat a person less favourably than they would others because of a protected characteristic.

Indirect Discrimination

A person discriminates against another if they apply a provision, criterion or practice which is discriminatory in relation to a protected characteristic. For example, if something is applied universally, but its practical application disproportionately disadvantages one specific group.

Discrimination by Perception

This is discrimination against an individual because it is thought that they possess a protected characteristic. It applies even if the person does not actually possess that characteristic.

Discrimination by Association

This is discrimination against someone because they associate with a person with a protected characteristic.

Human Rights

Human Rights are the basic rights and freedoms that belong to every person in the world. These rights are enshrined in British law under the Human Rights Act 1998.

Social Inclusion

Social Inclusion encapsulates the belief that equality and diversity is not bound by the legally recognised strands, but will seek to involve all regardless of background.

Equality Impact Assessments (EIA)

An equality impact assessment is a thorough and systematic analysis of potential or actual effects of a Trust function, strategy, policy or practice commensurate with the risk.

Complaints – Discrimination, harassment and bullying on grounds of protected status

Employees who believe that they have suffered any form of discrimination, harassment or victimisation are entitled to raise the matter through the Trust Grievance, Complaints and Disputes (Staff) incorporating Dignity at Work policy. All complaints of discrimination will be dealt with seriously, promptly and confidentially.

Patients, carers or visitors who have suffered any form of discrimination, harassment or victimisation are encouraged to raise complaints via the Customer Care team.

4 Associated Documents

This policy should be read in conjunction with the following Trust policies / documents: -

- Equality Impact Assessment Guidelines
- Guidance for Providing Acute Healthcare for Trans People
- Guidance for Trans Inclusion in the Workplace
- Grievance, Complaints and Disputes (Staff) incorporating Dignity at Work Policy
- Recruitment and Selection Policy
- Special Leave Policy
- Workwear and Uniform Policy

5 Duties

Board of Directors

The Trust has a statutory responsibility to have due regard to the Equality Act 2010 and the Human Rights Act 1998. The 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.

The Trust's Board of Directors have a responsibility to provide leadership and role modeling of equality and diversity

The Board of Directors will ensure that the Trust has equality objectives that meet the requirements of the Public Sector Equality Duty as set out under the provisions of the Equality Act 2010. The Board of Directors will receive and consider equality and diversity reports to evaluate the effectiveness of the policy

Director of Workforce & OD

The Director of Workforce & OD will be the lead Director of EDHR and provide EDHR advice and guidance to the Board of Directors.

Council of Governors

The Council of Governors will receive reports on occasion on the Trust's progress in the implementation of its Equality, Diversity and Human Rights Strategy.

Divisional boards will confirm the importance to be placed on EDHR and will consider and act upon EDHR briefings. Divisional board members will provide an appropriate role model for others in the organisation.

Other Managers and Supervisors

It is the responsibility of Trust managers to set a positive example by treating others with respect and setting standards of acceptable behaviour. Managers are expected to promote an inclusive working environment where discrimination is unacceptable and not tolerated and managers should therefore ensure appropriate action is taken in cases of allegations of discrimination.

Human Resources

Human Resources will promote and advise on the Equality and Diversity agenda to help ensure that this policy is followed fairly and consistently. Human Resources will promote equality and diversity in the design of employment policies and procedures and by working towards standards of best practice.

Occupational Health

Occupational Health will advise managers and Human Resources on reasonable adjustments that would enable applicants and employees with disabilities to be employed and retained within the Trust.

Equality and Diversity Group

The Group has responsibility for the development and delivery of the Trust's equality and diversity strategy.

- The Equality and Diversity Group will oversee the development, implementation, monitoring and review of all equality and diversity policies, procedures and guidelines, in addition to acting as the approving body for any NHS individual equality schemes. The Group will act as a forum for discussion of best practice and emerging themes and initiatives.

Information Services

The Information Services function will provide monitoring reports to support the Board of Directors, Human Resources, Divisional Boards and other managers.

Staff, Other Workers and Volunteers

Staff are responsible for:

- Acting in ways which are in accordance with this policy and Trust values

- Acting fairly and compassionately
- Treating other people as individuals responding to their needs
- Respecting others' privacy and dignity
- Ensuring they do not discriminate, harass or intimidate others or encourage other people to do so
- Using communication methods that other people understand when carrying out duties
- Taking account of their own behaviour and its effect on others
- Undertaking Trust equality and diversity training
- Informing their manager if they become aware of any behaviour that undermines equality and diversity.

Authors of Controlled Documents, Strategies and Business Cases

Authors will undertake Equality Impact Assessments.

Trades Union Representatives

Trade Union Representatives will act as role models and will contribute to the development of EDHR strategy, policy and procedure. They will provide support and advice for their members concerning EDHR issues.

6 Consultation and Communication with Stakeholders

This policy has been developed in consultation with the Equality & Diversity Group and the Joint Consultation and Negotiation Committee.

7. Implementation

The policy will be implemented through dissemination to all employees within the Trust via the usual Trust large scale communication methods.

8. Education and Training

Training, coaching and learning support are made available to all trust employees in a format which is appropriate to each learner and their job role. In addition to this, on-going skill training and development requirements in terms of managing attendance issues will be identified via individual managers' appraisal process and documented on their individual personal development plans.

9. Monitoring and Review

Standard/process/issue required to be monitored	Monitoring and Audit			
	Process for monitoring eg audit	Responsible individual /group	Frequency of monitoring	Responsible committee
Equality data	Annual data audits to Equality & Diversity Group	HR Manager/E & D Leads	Annually	Workforce Assurance . Group

10. References / Bibliography

The Equality Act 2010

Human Rights Act 1998

11. Appendices

- A Version Control Document**
- B Communication / Training plan**
- C Equality Impact and Assessment Tool**

APPENDIX A - Control Sheet

This must be completed and form part of the document appendices each time the document is updated and approved.

VERSION CONTROL SHEET			
Date dd/mm/yy	Version	Author	Reason for changes
April 2010	1	Jon Workman	New document
9th January 2015	2	A Roscoe	Policy update
20 November 2017	3	N Wallace	Policy update
March 2021	3.1	Ian Howarth	Review date extended to October 2021

APPENDIX B - Training needs analysis

Communication/Training Plan (for all new / reviewed documents)	
Goal/purpose of the communication/training plan	To ensure managers and employees are aware of the policy and procedure to support employee work life balance.
Target groups for the communication/training plan	All managers and employees.
Target numbers	As above
Methodology – how will the communication or training be carried out?	Via Trust Intranet, Trust news and HR bitesize
Communication/training delivery	Managers and divisional HR support where required.
Funding	None required.
Measurement of success. Learning outcomes and/or objectives	Ensure compliance with Trust procedures.
Review effectiveness – learning outputs	Evaluation, review of further information or training needs.
Issue date of Document	Date document published.
Start and completion date of communication/training plan	To be confirmed.
Support from Learning & Development Services	Preparation of room bookings and equipment on associated training events.

For assistance in completing the Communication / Training Plan please contact the MCHFT Learning and Development Department

Appendix C EQUALITY IMPACT ASSESSMENT

SECTION A

A	Does the document, proposal or service affect one group less or more favourably than another on the basis of:	Yes/No	Justification & data sources. Include nature of impact. Also record provisions already in place to mitigate impact.
1	Race, ethnic origins or nationality	Y	The English language is used for all written communication. There is therefore the potential for indirect discrimination for anyone with English as a second language. All policy and guideline documents are published on the Intranet which may disadvantage some.
2	Sex	N	Policy does not impact one gender disproportionately.
3	Transgender	N	Policy does not adversely impact transgendered people.
4	Pregnancy or maternity	N	Policy does not adversely affect pregnant women.
5	Marriage or civil partnership	N	Policy does not adversely impact those who are married or in civil partnerships.
6	Sexual orientation including lesbian, gay and bisexual people	N	Policy does not adversely impact those who are LGBT.
7	Religion or belief	N	Policy does not adversely impact those who hold religious beliefs.
8	Age	N	
9	Disability - learning disabilities, physical disability, sensory impairment and mental health problems	N	Policy does not adversely impact upon people with disabilities.
10	Economic/social background	N	Policies and practices do not adversely impact upon any particular socio-economic group.
B	Human Rights – are there any issues which may affect human rights		
1	Right to Life	N	
2	Freedom from Degrading Treatment	N	
3	Right to Privacy or Family Life	N	
4	Other Human Rights (see guidance note)	N	

Date.....20 November 2017 Name.....N Wallace

Signature.....*N J Wallace*..... Job Title.....HR Manager

SECTION B

Please expand tables below as necessary

SECTION B NUMBER A1-10, B1-4	NATURE OF IMPACT	EVIDENCE	STAKEHOLDER INVOLVEMENT	ACTION	COST	LEAD	TIMESC ALE	RISK SCORE
A1	potential for indirect discrimination for anyone with English as a second language			Ensure that access to interpretation services exists for all. Ensure that policy documents are available in hard copy form in accessible places.				