

# Policy Document

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## Equality, Diversity & Inclusion

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### Version Control Schedule

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8	February 2020	<ol style="list-style-type: none"><li>1) Policy reviewed - change in title to include 'Inclusion'</li><li>2) New section 'Legal Framework'</li><li>3) Updated 'Statement' and 'Scope'</li><li>4) Updated monitoring and review arrangements</li><li>5) General updates to terminology and names of committees etc.</li><li>6) Updated to new policy format</li></ol>
9	November 2023	<ol style="list-style-type: none"><li>1. Updated to reflect NHS People Plan and UHNM People Strategy and Equality, Diversity &amp; Inclusion Strategy</li><li>2. Updated revised policy terminology (e.g. amending Dignity at Work Policy to Resolution Policy)</li></ol>

### Statement on Trust Policies

The latest version of 'Statement on Trust Policies' applies to this policy and can be accessed [here](#)

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## **1. INTRODUCTION**

The University Hospitals of North Midlands NHS Trust, as a major employer and health service provider is committed to building an inclusive workforce which is valued and whose diversity reflects the community it serves, enabling us to deliver the best possible healthcare service to our patients, service users and communities.

This Equality, Diversity and Inclusion Policy (hereafter known as The/This Policy) provides a framework from which strategy, policy and procedures should be developed. It sets the standards to enable the Trust to meet its duties in line with the Equality Act (2010), Public Sector Equality Duty (PSED) and the Human Rights Act (1998), as both an employer and health service provider.

### **Legal Framework**

The Equality Act (2010) harmonises and consolidates existing equality legislation to ensure that there is no discrimination against groups of people with protected characteristics. These groups are as follows:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief (including lack of belief)
- Sex (i.e. gender)
- Sexual Orientation

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

The public sector equality duty is a duty on public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

### **Human Rights Act (1998)**

The Human Rights Act (1998) is the legislation which protects human rights in the UK through specific “articles” which go beyond the nine protected characteristics to outlaw discrimination on all grounds. As a public authority the Trust must ensure that none of our policies, procedures or strategies infringe the human rights of colleagues or patients. In practice this means treating individuals in line with the

FREDA Principles of fairness, respect, equality, dignity and autonomy whilst also safeguarding the rights of the wider community when developing policies and procedures and carrying out our functions.

## 2. STATEMENT

UHNM takes a zero tolerance stance to unlawful discrimination. This policy commits us to:

- Understanding, valuing and working constructively with diversity to enable fair and full participation in our work and activities
- Ensuring that there is no unjustified discrimination in our recruitment, selection, performance management, career progression and other workplace processes
- Ensuring action that promotes equality, including equality monitoring and equality impact assessments of policies and services support the progression of diversity and inclusion
- Treating individuals with whom we work and our service users with fairness, dignity and respect and in accordance with our Trust Values and our Being Kind Compact
- Identify and take action to remove barriers and redress imbalances caused by inequality and unjustified discrimination
- Take positive steps to eliminate health inequalities in our local populations

Equality of opportunity and the embracing of diversity will be central to everything we do. We recognise that inequalities in employment will lead to inequalities in service delivery. A workforce that has a supportive working environment is more productive, and a workforce that is drawn from a diverse range of talent is able to better represent the community that they serve. Equality makes good business sense, an organisation that is able to provide services to meet the diverse needs of its users should find that it carries out its core business more efficiently. By addressing any inequalities in employment practices, the Trust seeks to ensure that all service users receive fair and equal treatment and personalised care. We are committed to improving services and meeting the needs of the communities we serve and recognise the importance of effective consultation and communication.

With this in mind, we have created our Equality, Diversity and Inclusion Strategy 2022 – 2025. The strategy demonstrates our commitment to diversity and inclusion for our workforce, the way we care for our patients and service users and how we deliver our business. The EDI Strategy has been developed based on the feedback from our colleagues, service users and other stakeholders and shaped by the equality duties and data reviewed for our service user and workforce populations. We have seven priorities:

- |             |  |
|-------------|--|
| Priority 1: | Inclusive patient feedback - listen to and act on the lived experiences of our patients  |
| Priority 2: | Inclusive patient access   |
| Priority 3: | Inclusive patient involvement  |
| Priority 4: | To listen to, understand and learn from the experience of all colleagues   |
| Priority 5: | To respect and value all colleagues and their contribution and have a strategic focus on dignity and respect   |
| Priority 6: | To develop a culture of inclusive and compassionate leadership   |
| Priority 7: | To ensure that people are recruited, trained and promoted according to their abilities and in the proportions one would expect for the populations represented |

The Trust will set and publish its equality priorities at least every three years and these will be monitored and reported in accordance with the Equality Delivery System.

## 3. SCOPE

The implementation of this policy is fundamental to the delivery of outstanding patient care and to positive workplace experiences of our colleagues. As such:

- This policy will be applied fairly and equitably to all

- Every employee will have access to appropriate training and development in relation to their equality, diversity and inclusion responsibilities
- We will encourage a speaking up culture to empower and enable individuals to feel safe when raising any concerns in relation to the application of this policy
- This policy underpins the development of all Trust policies and procedures to ensure that equality, diversity, inclusion and human rights are embedded into everything we do

#### 4. DEFINITIONS

**Protected Characteristics** The Equality Act (2010) protects against discrimination on the grounds of Age, Disability, Gender reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or belief, Sex or Sexual orientation. These are described in the Act as Protected Characteristics.

**Direct Discrimination** is where a person treats another person or group less favourably because of their protected characteristic.

**Indirect Discrimination** arises when an organisation has selection criteria, policies, employment rules or any other conditions or practices which, although applied equally to all employees can have the effect of disadvantaging a person or group because of their protected characteristic.

**Discrimination by Association** discrimination occurs if an employer discriminates against an employee because they associate with another person who possesses a protected characteristic.

**Discrimination by Perception** this is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

**Harassment** is defined in the Equality Act (2010) as “unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

**Victimisation** occurs when an employee is treated less favourably (suffers a detriment) because they have made or supported a complaint of discrimination under The Equality Act (2010) or is suspected of doing so.

#### 5. ROLES & RESPONSIBILITIES

##### 5.1 Trust Board

Lead responsibility for the implementation and promotion of this Policy rests with the Trust Board. The Lead Directors responsible for equality, diversity and inclusion are the Chief People Officer and the Chief Nurse. Executive Directors also have nominated board sponsor responsibility towards Employee Voice Networks to support them in developing and delivering their objectives and to champion EDI at board level. A non-executive director also has a lead role for equality, diversity and inclusion.

##### 5.2 Line Managers

It is the responsibility of Managers to:

- Act at all times as a role model of our Trust Values and Being Kind Compact and ensure their behaviour is consistent with this policy
- Promote an inclusive and supportive workplace culture that values and celebrates diversity
- Apply this policy, and all Trust policies fairly and consistently in their own areas
- Ensure all workers are aware of this policy and their responsibilities under the policy
- Ensure that Trust processes are adhered to and that accurate records of employment decisions are maintained

- Ensure that all workers in their areas hold up to date statutory and mandatory equality, diversity and inclusion training
- Ensure that workers, service users, carers and visitors are treated fairly with dignity and respect, with due regard for any protected characteristic and making reasonable adjustments as required.
- Encourage a speaking up culture where colleagues are empowered and supported to raise issues or concerns in relation to the application of this policy including incidents of discrimination, harassment and inappropriate behaviours, including bullying.
- Ensure that concerns relating to discrimination and harassment are dealt with promptly in accordance with Trust Policy.
- Ensure that Equality Impact Assessments are undertaken on services, organisational change and on appropriate policies/procedures that they have responsibility for.
- Ensure workers and service users contribute to the development and shaping of healthcare services and workplace practice
- Enable colleagues to attend Employee Voice Network meetings.

### **5.3 Employees, Workers, Contractors and Volunteers**

Whilst the primary responsibility of providing equality of opportunity for all is an organisational responsibility, good employee relations and practices depend upon people's attitudes and behaviour at work. In particular, individual employees, workers, contractors and volunteers:

- Should act at all times in ways that are in accordance with this Policy and with our Trust Values and Being Kind Compact
- Act fairly and compassionately with respect for others difference
- Should operate within established policy and procedure and take positive steps to eliminate unlawful discrimination and promote equal opportunity. This applies in terms of applicants, other employees, contractors, agency/bank staff, patients and visitors
- Should not unlawfully discriminate against other employees, applicants, patients or visitors, or encourage other employees, unions or management to practice unlawful discrimination
- Should not victimise individuals on the grounds that they have made complaints or provided information about unlawful discrimination
- Should be proactive in speaking up if they suspect or have witnessed inappropriate behaviours, bullying, harassment, discrimination, abuse, victimisation or offensive banter has taken place
- Use our BUILD feedback model to give respectful feedback
- Should maintain personal awareness of the Policy and associate its principles to their own responsibilities in terms of their contractual obligations and the service that they provide

### **5.4 Staff Side**

The University Hospitals of North Midlands NHS Trust and the Trade Unions representing the workforce are committed to developing and agreeing a range of industrial relations policies as laid out in the Trust Policy for Recognition and Local Collective Bargaining Arrangements HR06. The Trust and the trade unions are committed to working in partnership to achieve these and other Trust wide, local and national objectives. It is the role of staff side to raise concerns, or provide support on a member's behalf as necessary in relation to this policy.

## **6. EDUCATION AND TRAINING**

Appropriate training is provided to ensure that all colleagues and managers understand their responsibilities under this Policy. Equality, diversity and inclusion is embedded in to our leadership development programmes, including Our NHS People inclusivity masterclass. All training should be recorded within individual employee records on the Electronic Staff Record.

The principles of this policy are incorporated into the Trust's Corporate Induction for newly appointed employees. This is also included in statutory and mandatory training as outlined in Trust policy HR53 Statutory & Mandatory Training.

It is expected that the chair of interview panels will have undertaken Recruitment/Equality and Diversity training. An Equality and Diversity in Recruitment training package can be accessed via ESR.

It is also a requirement that those involved in chairing disciplinary panels and leading investigations will have undertaken and hold up to date Equality, Diversity & Inclusion training.

## **7. MONITORING AND REVIEW ARRANGEMENTS**

### **7.1 Monitoring Compliance**

Regular quarterly reports are presented to the Patient Experience Group and to the Executive Workforce Assurance Group and to the People and Transformation Committee through to Trust Board.

The Trust, in order to meet its legal requirements has adopted the Equality Delivery System (EDS) as the mechanism of demonstrating how the Trust delivers upon its equality responsibilities for patients and communities and our workforce. The Trust will review the EDS in accordance with national requirements and use the feedback from the EDS to identify our Equality Objectives.

Our Annual Diversity and Inclusion Report demonstrates how the Trust is meeting its requirements under the Public Sector Equality Duty and progress against our EDI Strategic Priorities.

The Trust monitors how effectively we address any gaps in the treatment and experience of our Black, Asian and minority ethnic (BAME) workforce through the Workforce Race Equality Standard (WRES), and our Disabled workforce through the Workforce Disability Equality Standard (WDES). Our Gender Pay Gap report shows the difference in the average earnings between all men and women employed at UHNM and includes the actions we are taking to further reduce the gender pay gap. The organisation also participates in the Rainbow Badge Accreditation assessment process to assess LGBTQ+ inclusivity. These reports are published on the UHNM website.

### **7.2 Employment Monitoring**

Equality monitoring for all job applicants, new starters, and leavers is recorded for ethnicity, age, gender, sexual orientation, religion or belief and disability status.

### **7.3 Service Provision**

Complaints about the service the Trust provides are analysed by the Patient Experience department to ascertain whether there are trends to suggest perceived discrimination against under-represented groups. Should trends be identified, recommendations will then be made on the approach required to rectify the issue.

Patient demographic information is routinely collected via patient experience feedback questionnaires to address issues for the particular requirements of the communities we serve.

In keeping with the requirements of the NHS Plan, the Trust has a Patient Experience Team, who provide a service whereby patients, carers or visitors may seek rapid resolution of problems or concerns and a responsibility to actively seek the views of service users about the services provided, and ensure that this information is utilised to change services accordingly. Patients and members of the public can gain information about services through the Patient Experience team and be referred to specialist advocacy services where required.

As a result of patient feedback the Patient Experience Department is able to provide many opportunities to assist in determining the quality of service provision and therefore the improvement of services. For those who may be in groups at risk of discrimination, such issues may impact on an individual or on a whole group. The Hospital User Group can also make a contribution to ensuring that minority groups



can access services appropriately and can be actively involved in shaping present and future service provision.

#### **7.4 Review**

The impact of this Equality, Diversity and Inclusion Policy is evaluated through the EDS and other tools such as the Workforce Race Equality Standard, Disability Equality Standard and monitored by Trust Committee structures.

#### **8. REFERENCES**

NHS People Plan  
NHS EDI Improvement Plan 2023  
The Equality Act Guidance published by the Equality and Human Rights Commission  
NHS Employers – The Equality Act 2010 Employment implications for the NHS  
The NHS Zero Tolerance Campaign  
The NHS Constitution  
ACAS

##### **Trust Documents:**

UHNM People Strategy  
UHNM Equality, Diversity and Inclusion Strategy  
UHNM Race Equality Code Report  
HR08 Recruitment & Selection Policy and Procedure  
HR02 Resolution Policy  
HR30 Speaking Up Policy  
EF02 Trust Policy for Security

## **APPENDIX 1**

### **OVERARCHING PRINCIPLES**

#### **Workforce Planning & Development**

At University Hospitals of North Midlands NHS Trust we know that investing in, supporting and developing our workforce has a direct impact on the quality of care that we deliver. Our employees are as important as our patients and the population that we serve. Our People Strategy plays a critical role in developing our culture and supporting all that we do to attract, recruit, develop, retain, support and reward our colleagues and teams to meet our future goals and aspirations.

#### **Recruitment & Selection**

All recruitment and selection activities will be undertaken in accordance with the Recruitment & Selection Policy. Recruitment and selection activities will be based on a person specification, which will be free of unjustifiable requirements. Selection decisions will be based on merit and competence.

Every consideration will be shown to job applicants and employees who are disabled and those who meet the minimum criteria for the post will be invited to interview in accordance with our commitment to being a Disability Confident employer.

Disabled employees (including those who become disabled in the course of their employment) will be supported with a range of supportive processes including reasonable adjustments to best utilise and develop their abilities. We commit to treating everyone as an individual and have created a Tailored Adjustments Plan to promote compassionate discussions about adjustments needed.

Managers who are involved in recruitment and selection, retention and the learning and development of employees will be appropriately trained to ensure that discrimination does not take place. Diverse recruitment panels are required for Agenda for Change Band 6 and above appointments.

#### **Learning and Development**

Equality, Diversity & Inclusion Training has been identified as mandatory for all staff groups. All employees new to the Trust will receive this training as part of the Corporate Induction Programme.

All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

All reasonable arrangements will be made to accommodate the needs of employees in order that they may take advantage of learning and development opportunities, and learning and development activity will be delivered in a format which gives maximum access to the workforce and which avoids indirect discrimination.

Where appropriate under-represented groups will be encouraged to apply for learning and development opportunities. Demographic information is monitored to ensure there are no inequalities in opportunities for non-mandatory training opportunities.

#### **Valuing Diversity**

We want to create an environment in which individual differences and the contributions of all our diverse colleagues are recognised and valued. Every employee is entitled to a working environment that promotes dignity and respect for all. No form of bullying, harassment or discrimination will be tolerated and this is defined within our Being Kind Compact.

Instances of bullying, harassment or discrimination are treated very seriously and are addressed under the Trust Resolution and Disciplinary Policies. This includes Third Party Harassment (instances where employees are harassed by people who are not employees of the Trust, such as patients or members of the public).

All colleagues have equal access to staff support services, such as the Occupational Health Department, Health & Safety training and support from the Staff Counselling service.

Monitoring information is gathered which highlight any inequalities in any employee relations issues and resulting implementation of such policies.

## **Zero Tolerance**

The University Hospitals of North Midlands NHS Trust is committed to developing and maintaining a safe and secure environment for its workforce, patients and visitors and has a duty to take all reasonable steps to protect and support its employees and workers. Our Trust Policy for Security (EF02) outlines how we will do this.

Violent and abusive behaviour includes bullying and/or harassment of any description. Violent or abusive behaviour by patients, visitors employees or workers is not tolerated and decisive action will be taken to protect colleagues, patients and visitors.

Security incidents, including verbal and physical assaults, thefts and criminal damage, are reported using the Trust online reporting system, Datix, and in accordance with the Trust Policy for Reporting and Management of SIRS and STEIS Reportable Incidents (RM07). Appropriate investigations and remedial actions are taken. Datix reports facilitate the ability to identify trends in Security related occurrences.

## **Service Provision**

The Trust aims to ensure that its healthcare and facilities are not discriminatory and, wherever possible, attend to the physical, psychological, spiritual, and social and communication needs of any patient or visitor showing no discrimination on the grounds of ethnic origin or nationality, disability, gender, gender reassignment, marital status, age, sexual orientation, race, trade union activity or political or religious beliefs.

Contractors, Agency staff and voluntary workers undertaking work at the Trust are expected to associate the principles of this Policy with their own responsibilities in terms of their contractual obligations and the service they provide.

The Trust investigates any complaint or claim of discrimination in relation to the services it provides. Information relating to comments and complaints about service provision is available in languages appropriate to the community the Trust serves.

The Trust provides an Ecumenical Chaplaincy team that offers spiritual, religious and pastoral care to patients, relatives, carers, employees and workers. The Chaplains are available for all, whatever their beliefs. Within the Trust there is a Prayer Centre Chapel, Mosque and Contemplation Centre on the Lower Ground Floor 2 in the Main Building at Royal Stoke Hospital and a Chapel and Prayer Room at County Hospital; they are available for worship, prayer and quiet reflection. The Chaplaincy Service has some local contacts with non-Christian Faith groups.