

Equality and Diversity Policy

**NHS West Essex Clinical Commissioning Group Policy Reference Number:
WECCG30**

DOCUMENT CONTROL SHEET

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Change History:

Version	Date	Reviewer(s)	Revision Description
V1.0	April 2017	Louise Thomas	Adapted for use as the Shared Service Policy.

Implementation Plan:

Development and Consultation	Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.
Dissemination	This policy will communicate to staff representatives. It will be communicated electronically to all staff and managers and will be published on the CCG's intranet.
Training	There are no specific training requirements in order to implement this policy. However, managers will be able to access advice from the HR Department on the implementation and interpretation of this policy.
Monitoring	The CCG publishes an annual equality and diversity report to provide assurance in relation to the application of this policy across the protected characteristics under the Equality Act. The data identified from monitoring will be used to update the policy and ensure best practice as necessary.
Review	Every 2 years
Equality and Diversity	17/05/2017 - Equality Impact Assessment

Associated Documents	<ul style="list-style-type: none">▪▪▪
References	<ul style="list-style-type: none">▪▪▪

Document Status:

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1.0 Introduction

1.1 NHS Bedfordshire, NHS East and North Hertfordshire, NHS Herts Valleys, NHS West Essex and NHS Luton Clinical Commissioning Groups (respectively referred to as 'the CCG') are passionate about equalities. The CCG offers equal opportunity for all employees and is committed to employment practices, policies and procedures which ensure that no employee, or potential employee, receives less favourable treatment on the grounds of a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex (gender) and sexual orientation). Our policy also includes trade union membership, offending background, domestic circumstances, social and employment status, HIV status, political affiliation, carer status and socio-economic background. Diversity is viewed positively and, in recognising that everyone is different, the unique contribution that each individual's experience, knowledge and skills can make is valued.

1.2 Our Equality & Diversity Policy helps us to:

- Fulfil our legal duty not to discriminate as an employer
- Inform employees and managers about equal opportunities
- Explain what will happen if an employee doesn't comply with our policy

1.3 In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and promote good relations between the groups protected by the Equality Act (2010)

1.4 The promotion of equality and diversity will be actively pursued to ensure that employees receive fair, equitable and consistent treatment and that all employees, and potential employees, are not subject to direct or indirect discrimination.

1.5 This policy is complementary to the NHS Staff Council Equality and Diversity and Dignity at Work agreements and the CCG's Bullying and Harassment Policy.

1.6 It is a condition of employment that all employees act in accordance with the Equality and Diversity Policy. Failure to do so will result in the disciplinary procedure being instigated, which could result in dismissal.

2.0 Scope

2.1 This policy applies to all CCG staff members, including Governing Body Members and Practice Representatives, whether permanent, temporary or contracted-in (either as an individual or through a third party supplier).

3.0 Definitions

For the purpose of applying the provisions contained in this document, the following definitions shall have the following meanings:

- 3.1. **Direct Discrimination** – this occurs when a person or group is treated less favourably than others are or would be treated in the same or similar circumstances.
- 3.2. **Indirect Discrimination** – this occurs when an apparently neutral provision or criteria has an adverse impact on someone due to their having one or more of the protected characteristics. It is possible to justify indirect discrimination but this has to be done on sound, objective grounds, having shown that all possible measures have been taken to lessen the discriminatory effect.
- 3.3. **Victimisation** - discrimination by victimisation is unlawful. A person is victimised, for example, if they are given less favourable treatment than others in the same circumstances, because it is suspected or known that they have brought proceedings under the Equality Act or given evidence or information relating to such proceedings or alleged that discrimination has occurred. Discrimination against an individual, who has brought or contemplated bring an action or made a complaint or given information alleging discrimination or has appeared as a witness, is also forbidden.
- 3.4 **Harassment** - Under the Equality Act, harassment is unwanted conduct which is related to one of the following: age, disability, gender reassignment, race, religion or belief, sex and sexual orientation and is therefore unlawful. This includes harassment of a sexual nature and is specifically outlawed by the Equality Act. An individual does not need to possess the relevant characteristic themselves and therefore harassment can be because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do.

4.0 Policy Statement

- 4.1. The CCG offers equal opportunity for all employees and is committed to employment practices, policies and procedures which ensure that no employee, or potential employee, receives less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex

(gender) and sexual orientation, trade union membership, offending background, domestic circumstances, social and employment status, HIV status, political affiliation, carer status and socio-economic background.

- 4.2. The CCG views diversity positively and, in recognising that everyone is different, the unique contribution that each individual's experience, knowledge and skills can make is valued.
- 4.3. The CCG will promote equal opportunities and a culture of equality, diversity and inclusion.

5.0 Responsibilities

5.1 The Accountable Officer/Chief Executive

The Accountable Officer/Chief Executive has ultimate responsibility for monitoring the operation and implementation of the Equality and Diversity Policy and for ensuring that monitoring records are maintained and that the organisation is in compliance with the relevant legislation and that adequate resources are available to fulfil our legal obligations.

5.2 Responsibilities of CCG Members and Directors

CCG Members and Directors will adopt appropriate strategies to support and value equality and diversity within the organisation and meet the expectations of this policy.

5.3 Responsibilities of Managers

All managers are required to exercise leadership in this field. They must ensure that the policy is clearly communicated to their employees along with sources of available support. They must also take speedy and appropriate action to deal with any breaches of the policy, or behaviour that could lead to a breach of the policy.

Managers are responsible for applying employment practices, policies and procedures fairly and consistently, and for highlighting and addressing any practices which could lead to discrimination.

5.4 Responsibility of Employees

All employees are responsible for familiarising themselves with the Equality and Diversity Policy and for complying with it. Employees should inform their manager if they know or suspect that discrimination/ harassment is occurring. All staff have

personal responsibility to treat colleagues, visitors and suppliers with dignity at all times and not to discriminate against or harass other staff, visitors, clients, customers, suppliers or patients.

5.5 Responsibility of the HR and ODL Shared Service

The HR and ODL Service is responsible for overseeing the implementation of this policy, ensuring legal and procedural updates are incorporated in a timely manner and supporting employees and managers to understand this policy and receive training as required. HR and ODL will maintain records of protected characteristic status for all employees and for internal and external job applicants. This information will be collected and stored in line with the Data Protection Act 1998 and will only be used to monitor compliance to the Equality and Diversity Policy. The information will be analysed regularly and published in line with the Equality Act and other legislative/national requirements.

6. Procedure

6.1 During Employment

The CCG opposes and will seek to eradicate all forms of unlawful discrimination. This includes in pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities. The CCG will ensure that its policies and practices support this commitment.

6.2 Culture

The CCG commits to:

- Encourage equality and diversity in the workplace; and
- Create a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued

6.3 Disability and Reasonable Adjustments

The CCG has a duty under the Equality Act to make reasonable adjustments to prevent a disabled employee or applicant for employment from being placed at a substantial disadvantage by any physical feature of the premises or by any provision, criteria or practice of the employer.

The CCG guarantees an interview to any applicant with a disability who meets the essential criteria for the job. The CCG will make reasonable adjustments to prevent an employee with a disability in all aspects of employment from being placed at a substantial disadvantage by any physical feature of the premises, or by any provision, criteria or practice.

When deciding whether the adjustment is reasonable the CCG will consider:

- The effectiveness of the adjustment in preventing the disadvantage;
- The practicality of the adjustment;
- The financial and other costs of the adjustment and the extent of any disruption caused; and
- The availability to the employer of financial or other assistance to help make the adjustment, for example through Access to Work scheme and the support of Jobcentre Plus.

6.4 Complaints of Harassment, Victimisation and Discrimination

The CCG will take seriously complaints of harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, visitors, the public and any others in the course of the organisation's work activities

Such acts will be dealt with as misconduct under the organisation's grievance and/or disciplinary procedures, and any appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.

Any employee who feels that they have been discriminated against on any grounds set out in this policy should follow the procedure set out in the Bullying and Harassment Policy. This encourages informal resolution where appropriate, by initially raising the concerns with the employee's line manager or if the concerns relate to their line manager, the employee should raise their concern with the next more senior manager. Where resolution cannot be achieved through informal discussion, the individual is encouraged to pursue a formal complaint under the Bullying and Harassment Policy.

Appendix 1 Equality Impact Assessment Stage 1 Screening

Title of policy, service, proposal etc being assessed:

Equality and Diversity Policy

What are the intended outcomes of this work? Include outline of objectives and function aims

Our Equality & Diversity Policy helps us to:

- Fulfil our legal duty not to discriminate as an employer
- Inform employees and managers about equal opportunities
- Explain what will happen if an employee doesn't comply with our policy

In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and promote good relations between the groups protected by the Equality Act (2010)

How will these outcomes be achieved? What is it that will actually be done?

The promotion of equality and diversity will be actively pursued to ensure that employees receive fair, equitable and consistent treatment and that all employees, and potential employees, are not subject to direct or indirect discrimination.

Who will be affected by this work? e.g. staff, patients, service users, partner organisations etc. If you believe that there is no likely impact on people explain how you've reached that decision and send the form to the equality and diversity manager for agreement and sign off

Staff, potential employees.

Evidence

What evidence have you considered? Against each of the protected characteristics categories below list the main sources of data, research and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic).

This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations or other Equality Analyses. If there are gaps in evidence, state what you will do to mitigate them in the Evidence based decision making section on page 9 of this template.

If you are submitting no evidence against a protected characteristic, please explain why.

Age Consider and detail age related evidence. This can include safeguarding, consent and welfare issues.
No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.

Disability Detail and consider disability related evidence. This can include attitudinal, physical and social barriers as well as mental health/ learning disabilities.
No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.

Gender reassignment (including transgender) Detail and consider evidence on transgender people. This can include issues such as privacy of data and harassment.
No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.

Marriage and civil partnership Detail and consider evidence on marriage and civil partnership. This can include working arrangements, part-time working, caring responsibilities.
No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.

Pregnancy and maternity Detail and consider evidence on pregnancy and maternity. This can include working arrangements, part-time working, caring responsibilities.
No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.

Race Detail and consider race related evidence. This can include information on difference ethnic groups, Roma gypsies, Irish travellers, nationalities, cultures, and

<p>language barriers. No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.</p>
<p>Religion or belief Detail and consider evidence on people with different religions, beliefs or no belief. This can include consent and end of life issues. No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.</p>
<p>Sex Detail and consider evidence on men and women. This could include access to services and employment. No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.</p>
<p>Sexual orientation Detail and consider evidence on heterosexual people as well as lesbian, gay and bisexual people. This could include access to services and employment, attitudinal and social barriers. No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.</p>
<p>Carers Detail and consider evidence on part-time working, shift-patterns, general caring responsibilities. No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.</p>
<p>Other identified groups Detail and consider evidence on groups experiencing disadvantage and barriers to access and outcomes. This can include different socio-economic groups, geographical area inequality, income, resident status (migrants, asylum seekers). No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.</p>

<h2>Engagement and involvement</h2>
<p>How have you engaged stakeholders with an interest in protected characteristics in gathering evidence or testing the evidence available? Policy Forum established. Members include representatives of CCGs and Trade Unions</p>

How have you engaged stakeholders in testing the policy or programme proposals?
Policy Forum established. Members include representatives of CCGs and Trade Unions

For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs:

Policy Forum established. Members include representatives of CCGs and Trade Unions

Summary of Analysis

Considering the evidence and engagement activity you listed above, please summarise the impact of your work. Consider whether the evidence shows potential for differential impacts, if so state whether adverse or positive and for which groups and/or individuals. How you will mitigate any negative impacts? How you will include certain protected groups in services or expand their participation in public life?
No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.

Now consider and detail below how the proposals could support the elimination of discrimination, harassment and victimisation, advance the equality of opportunity and promote good relations between groups (the General Duty of the Public Sector Equality Duty).

Eliminate discrimination, harassment and victimisation

Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.

Advance equality of opportunity

Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.

Promote good relations between groups

Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.

Next Steps

Please give an outline of what you are going to do, based on the gaps, challenges and opportunities you have identified in the summary of analysis section. This might include action(s) to eliminate discrimination issues, partnership working with

stakeholders and data gaps that need to be addressed through further consultation or research. This is your action plan and should be SMART.

New HR monitoring system being developed

How will you share the findings of the Equality analysis? This can include sharing through corporate governance or sharing with, for example, other directorates, partner organisations or the public.

Publication alongside the policy

Health Inequalities Analysis

Evidence

1. What evidence have you considered to determine what health inequalities exist in relation to your work? List the main sources of data, research and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic). This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations or other Equality Analyses. If there are gaps in evidence, state what you will do to mitigate them in the Evidence based decision making section on the last page of this template.

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.

Impact

2. What is the potential impact of your work on health inequalities? Can you demonstrate through evidenced based consideration how the health outcomes, experience and access to health care services differ across the population group and in different geographical locations that your work applies to?

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.

3. How can you make sure that your work has the best chance of reducing health inequalities?

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.

Monitor and Evaluation

4. How will you monitor and evaluate the effect of your work on health inequalities?

New HR monitoring system being developed

Quality Impact Initial Assessment.

Quality can be defined as embracing three key components:

- Patient Safety – there will be no avoidable harm to patients from the healthcare they receive. This means ensuring that the environment is clean and safe at all times and that harmful events never happen.
- Effectiveness of care – the most appropriate treatments, interventions, support and services will be provided at the right time to those patients who will benefit.
- Patient Experience – the patient’s experience will be at the centre of the organisation’s approach to quality.

What is the impact on:

Patient Safety?	Positive <input type="checkbox"/>	Negative <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/>
Patient Experience?	Positive <input type="checkbox"/>	Negative <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/>
Clinical Effectiveness?	Positive <input type="checkbox"/>	Negative <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/>

If any there is any negative impact please complete seek advice from the Nursing and Quality Team and a full Quality impact assessment will need to be completed.

HR and ODL Shared Service

Hertfordshire, West Essex,
Bedfordshire & Luton
CCGs

Name of person(s) who carried out these analyses: Paul Curry

Date analyses were completed: 17 May 2017
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