



EQUAL OPPORTUNITIES AND DIVERSITY POLICY

South Central Ambulance Service NHS Foundation Trust
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DOCUMENT INFORMATION

Subject: Equal Opportunities and Diversity Policy

Author: Corporate HR Adviser with Equality & Diversity Manager

Consultation & Approval:

17/02/2015 Agreed by PRG

??/??/2015 Policy signed off

This document replaces:

Equal Opportunities & Diversity Policy 2008

Notification of Policy Release: “All Recipients” email, Staff Notice Boards, Intranet Publication

Equality Impact Assessment: April 2015 – a copy is available from HR Department

Date of first Issue: April 2015

Date Reviewed: February 2020

Next Review: February 2023 – extended to May 2023

Version: Final

1. INTRODUCTION

- 1.1 This document outlines the Equal Opportunities Policy for the South Central Ambulance Service NHS Foundation Trust (the “Trust”) and is consistent with the principles outlined in Part 5 of the NHS National Terms and Conditions of Service Handbook.
- 1.2 It will provide a framework for the implementation of the Trust’s responsibilities and obligations as a public sector employer in support of its aim to be an organisation that appreciates and benefits from the diversity of the community it serves, its workforce and the contributions that both make.
- 1.3 The Trust is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, marriage and civil partnership, disability, ethnicity, gender, religion/belief, sexual orientation, gender reassignment, domestic circumstances, social and employment status, political affiliation or trade union membership, HIV status or any other basis not justified by law or relevant to the requirements of the post.
- 1.4 By committing to a policy encouraging equality of opportunity and diversity, the Trust values differences between members of the community and within its existing workforce and actively seeks to benefit from their differing skills, knowledge, and experience in order to provide an exemplary healthcare service. The Trust is committed to promoting equality and diversity best practice both within its own workforce and in any other area where it has influence.
- 1.5 Trust values of Teamwork, Caring, Professional and Innovation underpin everything we do to support our vision of saving lives and enabling patients to get the care they need. SCAS aims to nurture a healthy culture, based on all staff demonstrating their role-relevant values-based behaviours within their working lives. All staff are expected to model their behaviours to support SCAS with its strategic aims to become an Employer, Partner and Provider of Choice.
- 1.6 The Trust will, therefore, take every possible step to ensure that individuals are treated equitably and fairly, with dignity and mutual respect, and that decisions in recruitment, selection, training, promotion and career management and the right to request flexible working and service provision are based solely on objective organisational factors and job-related criteria.
- 1.7 In April 2016, the Trust published its Equality Delivery System² strategy which sets out how the Trust will meet its duties to staff, the populations served, and other stakeholders under the Equality Act 2010. It incorporates action plans to eliminate discrimination on the grounds of any protected characteristics and will be regularly reviewed to ensure that it still reflects the values and aims of the Trust.
- 1.8 An Equality and Diversity Steering Group has been set up, whose purpose is to provide support, advice, assurance and governance for the Trust Board to ensure that the Trust is committed to developing a culture of promoting Equality and Diversity and eliminating all forms of discrimination.

- 1.9 The Group has agreed terms of reference and a working group has been arranged which will cover the 9 equality strands (see below). The working group is chaired by the Equality and Diversity Manager and will include SCAS staff.
- Age
 - Disability
 - Gender
 - Sexual orientation
 - Race
 - Faith and belief
 - Gender reassignment
 - Pregnancy and maternity
 - Marriage and civil partnership

2. SCOPE

- 2.1 This policy applies to all Trust employees and workers (including apprentice's contractors, temporary and bank staff and volunteers). (collectively referred to as the Group)

3. EQUALITY STATEMENT

- 3.1 The Trust is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, marriage and civil partnership, disability, race, gender, religion/belief, sexual orientation, gender reassignment and pregnancy/maternity or any other basis not justified by law or relevant to the requirements of the post. The Trust will, therefore, take every possible step to ensure that this procedure is applied fairly to all employees, regardless of the afore mentioned protected characteristics, whether full or part-time or employed under a permanent or a fixed-term contract or any other irrelevant factor.
- 3.2 By committing to a policy encouraging equality of opportunity and diversity, the Trust values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences in order to provide an exemplary healthcare service. The Trust is committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.
- 3.3 Where there are barriers to understanding, e.g., an employee has difficulty in reading or writing or where English is not their first language, additional support will be put in place wherever necessary to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the procedure. Further information on the support available can be sought from the Human Resource Department.

4. ROLES AND RESPONSIBILITIES

- 4.1 **Executive Board** has overall responsibility for Equal Opportunities within the Trust.
- 4.1.1 The Chief Executive is responsible for overseeing the policy.
- 4.1.2 Each Director has a responsibility for promoting equality and diversity within their particular portfolios.
- 4.1.3 The Executive Director of HR and OD is responsible for the creation, development

and operation of a policy of equal opportunities and for setting out the procedures to be observed in relation to all aspects of employment, including recruitment and selection.

- 4.1.4 The Operations Director, together with the Transformation and Organisational Development Directors (*NB, job titles subject to change*), are responsible for ensuring that the provision of all services are consistent with the equality and diversity aims of the Trust.
- 4.2 **Human Resources** is responsible for keeping the provisions within this policy in line with employment legislation and best practice people management principles. They are also responsible for providing advice and guidance to all employees on the application of this policy.
- 4.3 **Managers and Trade Union representatives** are responsible for providing advice and guidance to employees on the application of this policy and procedure and for bringing any mutually beneficial improvements to this policy to the attention of the Trust.
- 4.4 **Employees** at all levels in the Trust are personally responsible for the practical application of this policy and must support the Trust in creating and maintaining an environment that promotes equality of opportunity and diversity in practice. It is, therefore, the duty of all staff and workers to co-operate with the measures introduced by the Trust to ensure equal opportunities and non-discrimination. All staff and workers must:
- be familiar with and understand this policy.
 - ensure that each service user is provided with equity in service, which takes into consideration the diverse needs of the population we serve.
 - not discriminate unlawfully, eg, as supervisors, or managers or as a person responsible for selection decisions in recruitment, promotion, transfers, training etc.
 - not discriminate unlawfully in relation to any of the services we provide and purchase.
 - not induce or attempt to induce other employees or unions or management to practice unlawful discrimination.
 - not victimise or attempt to victimise other employees or services users on the grounds that they have made complaints or provided information on discrimination.
 - be aware that malicious or unfounded allegations of discrimination may cause the Discipline & Conduct Policy to be invoked (see s9.14 of Dignity at Work policy);
 - not harass, abuse or intimidate other employees or service users for any reason.
 - Report incidents of discrimination, abuse, victimisation or pressure to discriminate to their line manager or the Human Resources Department.
- 4.5 There must be no victimisation of any persons lodging a complaint on the grounds of discriminatory behaviour. All complaints will be taken seriously and, where appropriate, dealt with through the relevant Trust procedures.

5. WHAT IS DISCRIMINATION?

- 5.1 Breaches of the Trust's commitment to equality and diversity can take many forms. The Trust will endeavour to ensure that no patients, Trust employees, workers, contractors, temporary or bank workers, volunteers, applicants, and service users or any other stakeholder is discriminated against, either directly or indirectly.

- 5.2 **Direct Discrimination** – treating a person less favourably on the grounds of their ethnicity, gender, pregnancy and maternity, marriage and civil partnership, age, disability, gender reassignment, sexual orientation), religion or belief.
- 5.3 **Indirect Discrimination** –
- Where policies, practices and procedures at an organisational level, though not intended to discriminate has the unwitting effect of doing just that and cannot be objectively justified as a proportionate mean of achieving a legitimate
- 5.4 **Victimisation** – where an individual is treated less favourably because he or she has made a complaint against the Trust under the Equality Act.
- 5.5 **Harassment** – when unwanted conduct related to any of the grounds referred to in s1.9 takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may involve physical acts or verbal and non-verbal communication and gestures. For further information on bullying and harassment, please refer to the Trust's Dignity at Work policy.

6. EMPLOYMENT LEGISLATION

- 6.1 The Trust has a legal obligation to ensure that it does not discriminate unlawfully; however, the Trust seeks to create a harmonious environment that goes beyond that described within, for example, the following statutory legislation:
- Equality Act 2010
 - Equal Pay Act 1970
 - Rehabilitation of Offenders Act 1974 (and Exceptions Order 1975)
 - Employment Rights Act 1996

7. EQUAL OPPORTUNITIES AND DIVERSITY IN PRACTICE

- 7.1 **Recruitment and Selection:** The application of best practice in recruitment and selection is one of the foundations upon which the Trust relies in achieving equality of opportunity and equal access to employment. We have developed and will keep under review procedural guidelines on all matters designed to ensure that decisions on appointments are made on merit. Our approach to implementing equality and diversity in recruitment and selection is covered under the Trust's recruitment policy, which can be accessed via the intranet or the Trust website.

Information on recruitment and selection will be continuously monitored and reported on a 6-monthly basis to the Trust Board.

- 7.2 **Education, Training and Development:** all staff and workers have an equal opportunity to apply for education provision, that is available provided they meet the criteria. The NHS KSF requires all staff and workers to undertake regular personal development reviews (PDR) and have an up-to-date Personal Development Plan (PDP). This is also a Department of Health requirement. Our approach to implementing equality and diversity in education, training and development is included in the Statutory & Mandatory Training Policy also the Corporate Induction Policy which can be accessed via the Trust's website www.southcentralambulance.nhs.uk/
- 7.3 **Publicity:** The Trust will endeavour to portray positive and diverse images of their staff in all literature, publicity material and public documents, and actively seek to illustrate their successes with regard to equal opportunities practices.

7.4 **Policy and Organisational Development:** All organisational development changes, such as changes to shift/rota patterns, review of service provision, change of work base and all new Trust policies (including clinical, HR and operational) will be subject to a Equality Impact Assessment before starting the work. This will ensure that any equality issues are considered whilst policies are written or changes made.

7.5 An Equality Impact Assessment should then be carried out at the end of the project or policy approval. The Equality Impact Assessment should be carried out by the manager managing the change or writing the policy; however, assistance can be requested from the HR department. See s10 for more information regarding EqlAs.

8. DEALING WITH COMPLAINTS

8.1 The Trust will treat seriously all complaints of discrimination or harassment related to any of the grounds set out in the Equal Opportunities policy statement, irrespective of whether the complaint is made by an employee, manager, service user, or any other relevant third party.

8.2 Any service user or relevant third party who believe they have not been treated equitably in accordance with this policy or have a complaint of discrimination, harassment or victimisation may make their complaint using the Trust's Patient Experience team, which can be contacted via the Trust's website.

8.3 Employees who believe that they have not been treated equitably in accordance with this policy, or have a complaint of discrimination, harassment or victimisation may make their complaint using the Trust's existing Grievance Policy, the Dignity at Work Policy or Freedom to Speak Up Policy. Alternatively, employees may wish to opt for the complaint to be handled on an informal basis, through discussion with their Line Manager or HR Advisor in the first instance. In this circumstance, employees may approach their line manager or (if preferred) a member of the HR department for advice and guidance.

8.4 Any breach of this policy is a disciplinary offence and will be dealt with through the Trust's Disciplinary procedure. Any employee found to have unfairly discriminated, harassed, or victimised a service user, third party, another member of staff, a worker, a volunteer or a contractor may be dismissed. Where action short of dismissal is appropriate, this may include a requirement for the individual to attend suitable training. The individual may be prevented from participating in employment processes including short-listing, assessment centres and interview, allocation of shifts or overtime, recommendation for appointment, recommendation for training, competency assessment, mentoring, appraisal processes and disciplinary processes. This list is not exhaustive. This sanction may only be used to prevent unfair discrimination, harassment or victimisation.

8.5 Any breach of this policy by a third party will result in the third party's employer, if applicable, being contacted and a formal complaint being made using the employer's procedures. Any breach of this policy by a service user, will result in a review of the provision of service and a report made to the police. If appropriate, the Trust will seek to follow legal proceedings.

9. FREEDOM TO SPEAK UP & EQUALITY

9.1 Remember that everyone has a right and a duty to report an issue of propriety. For example, it is felt that the law has been broken, a concern is getting in the way of delivering high quality patient care, affects staff experience or the usual communication channels have been exhausted. Any member of staff can contact the Freedom to Speak Up Guardian for a confidential discussion if they feel they cannot

openly discuss it with their line manager. If this was felt not appropriate, staff can access the Executive Director or the non-Executive Director for FTSU, details of how to do this can be found in the Freedom to Speak Up (Whistleblowing) Policy. Service users should contact the Trust's Patient Experience.

- 9.2 Further information on responsibilities of staff and workers (the group) in respect of confidentiality can be found in the Trust's Freedom to Speak Up Policy.

10. MONITORING EQUALITY

- 10.1 The Trust acknowledges that monitoring is necessary to demonstrate compliance with legal requirements and to assist in the analysis required to assess and to enhance the effectiveness of the Equal Opportunities policy, procedures and implementation. The Board will ensure that agreed monitoring processes are in place.
- 10.2 The Assistant Director of Education & Development will ensure that appropriate training records for staff and workers are maintained. .
- 10.3 The Trust will investigate and actively seek to redress situations where it is found that individuals from particular groups:
- Do not apply for employment/promotion, or that fewer than expected apply.
 - Are not recruited or promoted at all or are appointed in a significantly lower proportion than their rate of applications.
 - Are under-represented in certain jobs, bands or departments.
 - Are concentrated in certain jobs/bands/departments and there appears to be a point beyond which they do not rise.

11. EQUALITY IMPACT ASSESSMENTS (*Equality Analysis*)

- 11.1 The Trust has a duty to undertake Equality Impact Assessments (EqIA) as a requirement of existing equality legislation. Equality Impact Assessments can assist organisations in the delivery of their business objectives to achieve equal outcomes for their staff and workers and local community.
- 11.2 Equality Impact assessments are a way of examining the main functions and policies of an organisation to see whether they have the potential to affect people differently. Their purpose is to identify and address real or potential inequalities resulting from policy and practice development. An EqIA should cover all of the nine strands of diversity and ensure that all receive equitable attention.
- 11.3 Impact assessments will help to gain an understanding the functions of an organisation and the way decisions are made by:
- Considering the current situation.
 - Deciding what is to be achieved - i.e., the objectives and intended outcomes of a function or policy.
 - Considering what evidence there is to support the decision.
 - Where the gaps are in terms of evidence to support the decision.
 - Making an informed decision.
 - Reporting / publishing that decision.
- 11.4 Further information on Equality Impact Assessments, including how to conduct them, and whether they are required for your area is set out in the Trust's Equality Delivery System on our website.

12. POLICY REVIEW

- 12.1 This policy will be reviewed every 3 years or more frequently if significant changes to

its effective operation are necessary. Any amendments to the policy will be made by the Trust only after full consultation with staff and service users through the recognised joint consultative mechanism.

13. RELATED POLICIES

- 13.1 All SCAS policies must be written, read, monitored and reviewed in the light of the contents of this policy and an Equality Impact Assessment carried out.

APPENDIX 1: FURTHER INFORMATION

Further information on equal opportunities, managing diversity and your rights under employment law can be found as follows:

Equality & Diversity Lead: Dipen Rajyaguru (dipen.rajyaguru@scas.nhs.uk)

Freedom to Speak Up Guardian: Simon Holbrook (simon.holbrook@scas.nhs.uk)

Divisional Human Resources Departments

Each Divisional HR department will be able to provide guidance on the statutory and organisational policy provisions. Additionally, the Health & Wellbeing Team can offer support.

Employee Assistance Programme

The Trust provides a free Employee Assistance Programme provided by Optum. Optum offer expert advice, invaluable information, specialist counselling and support for staff and workers and their family members. PPC are available using the contact details below 24 hours a day, 7 days a week, online or on the phone. They aim to answer questions immediately, or to refer staff or workers to the most appropriate advisor, counsellor or source of information, including legal, financial, consumer and personal all completely confidentially.

Phone: 0800 282193

Website: www.ppconline.info

Recognised Unions

Unison

Unite (TGWU Section)

GMB

Equality and Human Rights Commission

On 1st October 2007, The ***Equality and Human Rights Commission*** was formed, replacing the three former equality commissions: The Commission for Racial Equality (CRE), the Disability Rights Commission (DRC) and the Equal Opportunities Commission (EOC). The new commission brings together the work of the three previous equality commissions and also takes on responsibility for the other aspects of equality: age, sexual orientation and religion or belief, as well as human rights. The commission enforces equality legislation on age, disability, gender, race, religion or belief, sexual orientation or transgender status, and encourages compliance with the Human Rights Act.

Website: www.equalityhumanrights.com

ACAS

ACAS has a number of publications outlining employees' rights and employer responsibilities including an advisory booklet on promoting equality.

Website: www.acas.org.uk/index.aspx?articleid=1461
[equality and diversity]

Very useful guide to the Equality Act 2010

Follow this link to a clear explanation of what is enshrined within the new Act:

www.legislation.gov.uk/ukpga/2010/