

Equality and Diversity Policy

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Brief Summary of Document:	This document states the Health Board's commitment to eliminating any inequalities that may exist in the context of both employment and service delivery, goods and service suppliers, contractors and outside agencies. It reflects Hywel Dda University Health Board (H DUHB) Values and aims to ensure that all staff and service users are treated in accordance with those values, creating an inclusive environment where everyone is treated fairly and equitably.
Scope:	This document covers all staff at all levels across all H DUHB and community sites, including volunteers, agency staff and locums, Contractors and other commissioned suppliers of goods and services on behalf of H DUHB are expected to conduct their business in a way that reflects the stated aims and objectives.
To be read in conjunction with:	H DUHB Strategic Equality Plan and Objectives 130 - All Wales Dignity at Work Policy 142 – Grievance Policy
Owning Committee/ Group	Business Planning and Performance Assurance Committee Chair – Mike Ponton – Independent Member

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Reviews and updates		
Version no:	Summary of Amendments:	Date Approved:
1	New Policy	28/6/2011
2	Revised	5 June 2014
3	Refresh and Update - revised objectives to adopt a pro-active approach to equality and diversity. More details around responsibilities. Employment Policy Review Group 2 June 2017 CPRG– 6.9.17 W&OD – September 2017 Staff Partnership – September 2017 Improving Experience Sub Committee – October 2017 Business Planning and Performance Assurance Committee – December 2017	19/12/2017

Glossary of terms

Term	Definition
PDP	Performance development plan
PADR	Personal Appraisal and Development Reviews
HR	Human Resources
PSED	Public Sector Equality Duties

Keywords	Equality, diversity
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HYWEL DDA UNIVERSITY HEALTH BOARD

1. INTRODUCTION

Hywel Dda University Health Board (HDUHB) recognises that certain groups and individuals within society may experience disadvantage and unfair discrimination. Stakeholders, (including the public, patients and staff) expect HDUHB to take a proactive approach to meeting its obligations under equality and human rights legislation and to putting its stated Values into practice.

The purpose of this policy is to provide a framework to facilitate HDUHB to meet its legal, social, moral and ethical obligations to advance equality of opportunity and outcome, foster good relations and eliminate discrimination, victimisation and harassment and to uphold human rights principles in relation to:-

- Employment
- Service Delivery
- Goods and service suppliers and
- Contractors and outside agencies.

The Equality Act 2010 prescribes that people should not be discriminated against in relation to:-

- Age
- Disability
- Gender (Sex)
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief (including no belief)
- Sexual Orientation

Discrimination can be direct or indirect and can take the form of treating people less favourably because of any of the above, including colour, culture, ethnic origin, language, facial disfigurement, nationality and, (by association) , carer status/responsibility for dependants. It can also arise from unconscious bias, perception, and failing to take account of differences between people and groups which can result in barriers to access to services and opportunities.

The policy is intended to assist staff to practise a values based approach when carrying out their duties and to be proactive in creating an inclusive environment where everyone is treated fairly and equitably.

2. POLICY STATEMENT

The HDUHB believes that all forms of unlawful discrimination are wrong and recognises that some groups and individuals are more at risk of experiencing unfair discrimination and barriers in employment and in their contact with public services. We acknowledge the importance of complying with equality and human rights legislation and commit to undertaking any necessary steps to identify and address exclusion, discrimination, harassment, victimisation, marginalisation and exploitation of groups and individuals on the basis of their protected characteristics as defined in the Equality Act 2010. In all our activities, we will seek and use opportunities to advance equality and foster good relations between those who share protected characteristics and those who do not, for the benefit of all.

As a major employer and service provider, HDUHB wants to create, develop and demonstrate a positive approach to being an inclusive employer and providing equitable services. We will work to ensure that equality, diversity and human rights principles are understood, owned,

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valued and demonstrated by Board Members, staff at all levels across HDUHB and those who provide services on behalf of the organisation.

Attracting and retaining a diverse workforce, listening to and responding to what our service users tell us, will enable us to become an employer of choice, utilising the best skills and expertise to deliver equitable services in a truly person-centred environment.

3. SCOPE

This policy covers all functions undertaken and policies developed or adopted by HDUHB. This document covers all staff at all levels across HDUHB and community sites, including volunteers and locums. Agency staff, contractors and other commissioned suppliers of goods and services on behalf of HDUHB are expected to conduct their business in a way that reflects the stated aims and objectives

4. AIM

The aim of this Policy is to ensure that equality and diversity considerations underpin the recruitment, employment and development of staff and the development and delivery of HDUHB's services to patients and service users. Policies and practices within HDUHB must demonstrate appropriate due regard to relevant equality and diversity issues, thereby ensuring that recruitment and employment and service delivery practices are designed, developed and delivered fairly and equitably, in accordance with equality and human rights legislation.

5. OBJECTIVES

Our aim will be achieved by:-

- Promoting and practising HDUHB Values
- Attracting, recruiting, developing and retaining a diverse workforce that is able to deliver high quality, person-centred services that are fair, accessible, appropriate and responsive to varied needs
- Achieving a representative leadership reflecting wider society
- Supporting all members of our local communities in applying for employment within the organisation
- Monitoring recruitment practices to ensure that systems are open, accountable and fair and that protected groups are not potentially disadvantaged.
- Ensuring that learning and development environments are non-discriminatory and that all staff have the opportunity of career development
- Ensuring that procedures and the working environment encourage staff to report incidents of discrimination, victimisation or harassment and that there is assurance for staff that complaints will be dealt with appropriately, efficiently and effectively
- Ensuring that accessible mechanisms are in place to facilitate dialogue with and feedback from staff, patients, service users, carers, partner organisations and the general public
- Ensuring that all HDUHB policies and practices comply with equality and human rights legislation and Codes of Practice

6. ADOPTING A PRO-ACTIVE APPROACH TO EQUALITY, DIVERSITY AND HUMAN RIGHTS

Meeting the duties of the Equality Act 2010 and providing services tailored to meet the needs of our staff and communities involves a whole organisation approach. Everyone throughout the organisation is expected to be mindful of how they can contribute to creating an inclusive environment and providing equitable services, with dignity and respect.

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6.1 Independent Members, Chairman, Vice Chair, Chief Executive and Executive

Directors will influence the culture of the organisation in how they set strategic direction, review performance and ensure good governance of the organisation by ensuring that :-

- A corporate and co-ordinated approach to equality and diversity exists.
- The requirements of the policy are implemented in full
- There are effective working practices in place in relation to equality, diversity and human rights
- The effectiveness of the policy is evaluated through the receipt and consideration of regular reports directly or through appropriate delegated Committees.
- Proposals and reports presented to Board are scrutinised with due regard to Public Sector Equality Duties.

6.2 The Director of Workforce and Organisational Development by building equality considerations into employment policies and procedures and providing a supportive environment for staff will ensure that:-

- Employment policies and practice are fair and equitable
- Guidance and training is available for all staff within HDUHB
- Information gathered in the Annual Workforce Equality Report is appropriately analysed and results reported to the Board to assist with assessing the effectiveness of the policy
Ensuring that any identified areas of concern in relation to workforce issues are appropriately addressed

6.3 Clinical Directors, Consultants, Heads of Services and Managerial Staff, in how they oversee the design, delivery, quality and effectiveness of the organisation's functions will:-

- Lead by example by promoting and practising HDUHB Values and equality of opportunity and challenging discriminatory behaviour
- Adopt a pro-active approach to eliminating discrimination, advancing equality and celebrating diversity in their working environment.
- Ensure that all staff are aware of and able to access the Equality and Diversity Policy
- Encourage staff to practice HDUHB Values, promoting respect and dignity as everyone's right, whether staff, patient, service user, carer or member of the public
- Ensure that staff are appropriately trained to carry out their responsibilities under this policy as identified under and through the PADR process and Professional Codes of Conduct
- Ensure that staff who raise concerns relating to unfair treatment, discrimination, harassment or bullying are appropriately advised and supported and that appropriate action is taken to address their concerns
- Deal with breaches of this policy sensitively and appropriately

6.4 Procurement and Commissioning staff in how they build equality considerations into the organisation's relationships with suppliers will ensure equal opportunity is given to tenders from a diverse range of suppliers. Due regard to Public Sector Equality Duties will be given through each stage of the procurement process and in monitoring our contracts with third parties
All suppliers of goods and services on behalf of HDUHB will be expected to be able to demonstrate a commitment to eliminating discrimination, advancing equality and fostering good relations between diverse groups. .

6.5 The Human Resources (HR) Team will

- Review and monitor the effectiveness of this policy with regard to staff through periodic analysis of workforce equality information as produced in the Annual Workforce Equality Report.

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- Provide advice and guidance to staff and managers, signposting to additional sources of advice as appropriate
- Ensure that all complaints and concerns from staff and alleged breaches of this policy are dealt with seriously, sensitively, confidentially and in a timely manner.
- Adopt a pro-active approach to eliminating discrimination, advancing equality and celebrating diversity across HDUHB, particularly when engaging with staff.
- Be visible in promoting the values and aims of this policy
- Engage effectively with staff, including Staff Networks in order to ensure the needs of protected groups are being met.

6.6 The Equality and Diversity Team in raising awareness and building capacity around equality and diversity will:-

- Promote, support and co-ordinate the mainstreaming of equality, diversity and human rights policy and practice across all HDUHB functions and services.
- Provide appropriate staff and service-delivery focussed advice, support and guidance to managers and staff
- Develop, implement, review and revise HDUHB's Strategic Equality Plan and Objectives
- Report regularly to the Improving Experience Committee around equality and diversity issues
- Facilitate and assist HDUHB to eliminate discrimination, advance equality and celebrate diversity across all areas
- Advise, assist and provide positive support to all staff in the development and implementation of policies, procedures and working arrangements to meet the aims and objectives of this policy
- Assist HDUHB to create and maintain an inclusive environment across all sites and departments.

6.7 Trade Unions and Staff Side Representatives will support staff in situations where concerns have been expressed and encourage staff to report their concerns through the appropriate channels and procedures where necessary. They will work in partnership with managers to tackle discrimination, prejudice and harassment at work.

6.8 Public and Patient Engagement/Patient Experience Team in finding ways to effectively engage with patients and service users and providing accessible mechanisms for dialogue and feedback will assist HDUHB to find out more about their needs and appropriate ways of meeting those needs.

6.9 Communications Team will ensure that information for staff, patient, service users, carers and the general public is provided bilingually in Welsh and English and in alternative accessible formats as required. Images and language can have a powerful influence on people's perceptions and attitudes. The HDUHB will ensure that all its communications will promote images that reflect the full diversity of the population and will use language that is appropriate for the communities involved.

6.10 All employees will:-

- Practise fairness and respect towards colleagues and to all sectors of the community they serve and be mindful of HDUHB Values when carrying out their duties
- Be able to demonstrate during their Personal Annual Development Review (PADR) that they have applied equality considerations when carrying out their duties commensurate with their role in line with the Knowledge and Skills Framework

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- Complete Mandatory Equality and Diversity Training – NHS CEHR “Treat Me Fairly” e-learning package and any additional equality and diversity training as identified in their PADR
- Actively intervene or report inappropriate behaviour, in relation to discrimination, harassment, victimisation, hate incident/crime, marginalisation, exploitation of groups or individuals on the basis of their protected characteristics as defined in the Equality Act 2010.
- Actively seek and act on opportunities to advance equality and foster good relations between those who share a protected characteristic and those who do not

Staff are not expected to induce or attempt to induce other employees, staff representatives or managers to unfairly discriminate against individuals or groups. Staff must not harass, abuse or intimidate other employees, patients, service users, carers or any other member of the public they come into contact with during the course of their duties, whether on or off HDUHB premises.

Any employee who fails to observe the provisions of this policy or who discriminates against or harasses another employee, applicant for employment, patient/service user or member of the public will be subject to disciplinary action which could result in dismissal.

7. EMPLOYMENT

7.1 Recruitment and Selection

HDUHB's policy is to attract and recruit candidates of the highest quality on merit and skills, using a Values based approach. We will monitor our recruitment practices to ensure that systems are open, accountable and fair and that protected groups are not disadvantaged or discriminated against.

7.2 Disability Awareness:

HDUHB is committed to good employment practices and has a positive approach to employing disabled people. We are a recognised disability symbol user and commit to the following:-

- We will interview all identified disabled applicants who meet the minimum criteria for a job vacancy and consider them on their abilities.
- We will ensure there is a mechanism in place to discuss at any time but at least once a year, with disabled employees, how their abilities at work may be fully utilised and developed..
- When employees become disabled we will make every effort to ensure they stay in employment.
- We will take action to ensure that all employees develop the appropriate level of disability awareness.

Each year we will review these key commitments and what has been achieved, to plan ways to improve on them and let employees and the Employment Service know about progress and future plans.

NHS Jobs requests applicants to complete an on-line confidential equal opportunities monitoring form, which will be retained confidentially in the Recruitment Section prior to shortlisting. This information will be used for Equal Opportunities monitoring purposes only and not to influence decisions on appointment.

7.3 Staff Development

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- All staff will have equal and appropriate access to training and development opportunities consistent with their identified training needs
- Promotions will be based on merit and ability
- HDUHB will provide equal access to Education and Development activities for all staff by ensuring the widest possible distribution of its training programme. HDUHB requires all staff to undertake regular Personal Appraisal and Development Reviews (PADR) and have an up to date Performance Development Plan (PDP). Equality of access for all staff to the process of PADR will be ensured and training in appraisal skills will be provided to all relevant staff

7.4 Dignity in the Workplace

Each employee is responsible for their own professional and personal behaviour and there is a requirement for all employees to conduct themselves in a manner that does not cause offence to another person or bring the organisation into disrepute, intended or otherwise.

The Health Board will treat seriously all complaints of discrimination or harassment related to any of the grounds set out in this policy irrespective of whether the complaint is made by an employee, manager, service user or any other relevant third party

Any employee who feels that they have been treated unfairly in connection with any aspect of Their employment may raise their complaint through the Health Board's 142 – Grievance Procedure without fear of victimisation

Staff who are considering a grievance under this Policy may raise their concerns in confidence in line with the 130 - All Wales Dignity at Work Process and with support from the Staff Psychological Wellbeing Service

8. ACCESS TO SERVICES AND INFORMATION AND SERVICE DELIVERY

HDUHB is committed to ensuring that all its services are accessible and conform to legislative requirements. We also want to ensure that information on healthcare is accessible and appropriate to meet the needs of all sections of the communities within our area and that planning of future services takes into account the needs of individuals and groups in accordance with their protected characteristics.

All new and refurbished facilities will be appropriately consulted upon and thus developed to improve upon minimum statutory standards in relation to access. Problems identified will be addressed on a prioritised basis by using the Equality Impact Assessment Toolkit and assessed using the principles of relevance and proportionality.

HDUHB will adopt a co-productive approach to reviewing, developing and delivering services, working actively and positively in partnership with partner organisations, relevant agencies, groups and individuals to ensure equity in the way health care services are delivered.

9. IMPLEMENTATION AND MONITORING

It is the responsibility of the Chief Executive to ensure that the Health Board is operating in line with this policy. HDUHB will publicise its commitment to equality and human rights to all within the scope of this policy through appropriate channels.

HDUHB will review its Strategic Equality Plan, outlining planned objectives at least every four years and whenever an identified need for additional or revised objectives arises. Performance towards achieving stated objectives will be reviewed through the Strategic Equality Plan Annual

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Report identifying key achievements in terms of meeting the Public Sector Equality Duties and including requisite workforce equality monitoring data.

HDUHB will collect and evaluate relevant data, in order to influence future practice and policy development, and to see how far we are achieving our Strategic Equality Plan specific objectives.

Service delivery and employment policies and practices will be continuously reviewed against the aims of this policy. Equality Impact Assessment will be applied to the planning, development delivery and review of policies and services.

Any complaints received in relation to equality, diversity or human rights will be addressed on an individual basis and appropriate action taken.

10. RESPONSIBILITIES

10.1 The Chief Executive

The Chief Executive will have overall responsibility for ensuring that all reasonable steps are taken to prevent unlawful discrimination and the promotion of equality within HDUHB

10.2 HDUHB Board Members

The Board will have overall responsibility for ensuring that a corporate and co-ordinated approach to equality and diversity exists .

10.3 Director of Workforce and Organisational Development

The Director of Workforce and Organisational Development will have responsibility for ensuring that employment policies and practices are fair and equitable.

10.4 Clinical Directors, Consultants, Heads of Services and Managerial Staff should lead by example by promoting and practising HDUHB Values and equality of opportunity and challenging discriminatory behaviour.

10.5 The Workforce Team

The HR Team will be responsible for reviewing and monitoring the effectiveness of the policy with regard to staff.

10.6 The Equality and Diversity Team

The Senior Equality and Diversity Officers are responsible for promoting, supporting and co-ordinating the mainstreaming of equality, diversity and human rights policy and practice across all HDUHB functions, policies and service.

10.7 Trade Unions and Staff Side Representatives

Trade Unions have a responsibility to work in partnership with HDUHB towards eliminating discrimination, advancing equality and fostering good relations between those who share a protected characteristic and those who do not.

10.8 All Employees

All employees have responsibility for adhering to this policy and putting it in to practice.

11. STATUTORY REFERENCES

Statutory references which frame and influence this policy and which must be followed as an absolute minimum standard include:

- Welsh Language Act 1993 and Welsh Language (Wales) Measure 2011

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- Protection from Harassment Act 1997
- Human Rights Act 1998
- Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000

Most other pre-existing legislation was replaced by the **Equality Act 2010**.

As a public sector organisation in Wales, we are also bound by the provisions of the: Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011.(also known as the Public Sector Equality Duties (PSED)) prescribing specific equality duties in areas such as engagement, assessing impact and how we must gather, use and publish equality information.

Appendix 1

Definitions within the Policy

Equality

Equality is essentially about creating a fairer society where everyone can participate and has the opportunity to fulfil their potential. It is supported by legislation designed to address unfair discrimination that is based on identified protected characteristics. In some circumstances positive action is encouraged to address discrimination. This is often summarised as;

Equal Access

Equal Treatment

Equal Participation

Equal Outcomes

Diversity

Diversity is about recognition and valuing of differences in its broadest sense. It is about creating a working culture and practices that recognise, respect, value and harness differences for the benefit of the organisation and the individual. Equality and diversity are not interchangeable but are interdependent. There is no equality of opportunity if difference is not recognised and valued.

Protected Characteristics

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The Equality Act 2010 introduced the term "**protected characteristics**" to refer to a set of criteria by which groups are protected under the Act as listed below.

- Age
- Disability
- Gender (Sex)
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief (including no belief)
- Sexual Orientation

Direct Discrimination

The treatment of one person/group less favourably because they belong to a protected group because of their age, disability (including HIV/AIDS) ethnic origin, race, gender, marital status, nationality, pregnancy and maternity, religion or belief, sexual orientation, gender reassignment or social background.

Discrimination by Association

This applies where a person is directly discriminated against because they associate with someone from one of the protected groups or because they perceive that it is because they associate with someone from a protected group. This applies to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation

Discrimination by Perception

This applies where there is direct discrimination against an individual because others think that they possess a particular protected characteristic, or are associated with someone who has a protected characteristic. This applies to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination

This applies where there is a condition, rule, policy or practice within the service that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can only be justified if it can be shown that the condition, rule or practice is reasonable and is a proportionate means of achieving a legitimate aim. Proportionate means being fair and reasonable at that consideration has been given to less discriminatory alternatives. This applies to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation, marriage or civil partnership.

Harassment

Harassment is '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. This applies to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation.

Victimisation

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This occurs when someone is treated badly because they have made or supported a complaint or grievance in relation to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation, marriage or civil partnership, pregnancy and maternity

Human Rights

Human rights are the rights and freedoms that belong to all individuals and help define the relationship between citizens and the public sector. They are about fairness, respect, equality, dignity and autonomy for all. Further information on Human Rights is contained in the Human Rights Act 1998.