

Equality Diversity and Inclusion Policy

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Document Change Log

This document will be reviewed **every three years** or as changes in legislation dictate.

January 2004	Date	Document Change
V1	Jan - 2004	New Policy
V2	April 2015	General update to include changing process & practice including use of Equality Impact Assessments and introductions of an EDP Equality Strategy.
V3	August 2021	Policy Updated
V4	October 2015	Policy amended and updated
V5	August 2021	Policy reviewed (new title, no change in policy)

Equality Statement

All customers, employees and members of the public should be treated fairly and with respect, regardless of age, disability, gender, marital status, membership or no membership of a trade union, race, religion, domestic circumstances, sexual orientation, ethnic or national origin, social & employment status, HIV status, or gender re-assignment.

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1. Policy Statement

Freedom from discrimination and equality of opportunity are basic rights. EDP values and respects diversity. We promote equality of opportunity and respect for human rights in all areas of activity. We recognise the benefits that a diverse organisation can bring to all areas of our work, and acknowledge our responsibility to promote awareness and sensitivity beyond the boundaries of the organisation through our partnerships, suppliers, and service users. We are committed to:

- Meeting legislative and regulatory requirements including those of The Equality Act 2010 and The Human Rights Act 1998.
- Valuing and promoting diversity amongst staff and service users.
- Treating all service users and staff fairly, with dignity and respect.
- Working with service users, partners and other stakeholders to develop an agreed approach to the promotion of equality and diversity.
- Giving appropriate support to service users and staff where needs are identified.
- Working to create inclusive and tolerant communities.
- Setting clear targets for our performance and monitoring progress.
- Developing and implementing plans to ensure that we meet our targets.
- Monitoring outcomes, responding to them and publicising achievements.

EDP promotes a culture where differences between people are respected and celebrated. We deal with people as individuals, not defined by race, ethnic origin, gender, sexual orientation, transgender status, marital or civil partnership status, pregnancy and maternity, religion, belief, age, disability, economic status, immigration status or other classification. At the same time, we recognise that some people share common experiences based on these classifications. We value an understanding of those common experiences and of the diverse cultures that exist in our society.

EDP will promote fair access to all our services.

EDP will not tolerate unfair discrimination in any form, whether it is direct, indirect, institutional, or whether it is perpetrated by, or against our staff, service users, partners, or suppliers. We will combat discrimination by monitoring activities, training staff and others, and implementing procedures to support good practice.

EDP will take swift action to deal with reported incidents of unfair discrimination. All individuals covered by this policy are expected to report any suspected discriminatory acts or practices to management as soon as they are noted. We have policies, including HR 24 Bullying & Harassment Policy and P07 Whistleblowing (Confidential Reporting Policy), in place to ensure this can be done without fear of reprisal or recrimination.

EDP believes that combating disadvantage and promoting inclusion and tolerance does not mean giving any group of people an advantage over another. It means providing support to meet particular needs.

In order to combat disadvantage and reduce the risk of unlawful discrimination we have a number of supporting policies, structures and processes in place, in addition to this policy. These include:

- Recruitment standards and, training, learning and development for staff that recognises individual requirements, to ensure they are equipped with up to date knowledge and skills to do job.
- Tailoring specific services to meet particular needs.
- Maximising physical accessibility of EDP premises.
- Embedding good equality practice and improving outcomes for everyone through the process including Equality Impact Assessment to analyse the effects our policies and services have on people.

- A coordinated approach to supporting and improving equality through the development and use of an Equality Strategy.
- Policies including, HR12 Code of Business Conduct and Professional Behaviour, HR24 Bullying & Harassment, P12 Service User Involvement and Empowerment Policy Incident & Accident Reporting, P02 Customer Feedback and Complaints.
- Utilisation of supporting information, including information about community needs, views and profiles to inform implementation of this policy and our service.

2. Scope of this Policy

This policy sets out the overall framework and principles underpinning EDP's approach to diversity and equality. It applies to all areas of EDP activity, including trustees, staff, service users, volunteers, contractors, agents and partners. All are expected to act within the spirit of the EDP's commitment to equality and diversity.

3. Aims and Objectives

EDP aims to design and implement services, policies and measures that meet the diverse needs of its service, population and workforce, ensuring that none are placed at a disadvantage over others. We recognise however, that different groups in society will need different things at different times and we want to ensure that our services meet the needs of the individuals and communities we serve.

EDP aims to comply with all legislation and regulatory requirements relevant to diversity and anti-discriminatory practice. We will regularly review policy and performance in this area to ensure it continues to reflect best practice and current legislation.

4. Legislation

The Equality Act 2010 provides a legal framework providing protection from discrimination, harassment and victimisation because of a characteristic defined in the equality Act. The Act outlaws direct and indirect discrimination, harassment and victimisation of people with relevant protected characteristics in relevant circumstances and requires that reasonable adjustments be made for disabled people. The nine characteristics that are protected by the Act are:

- Age including specific ages and age groups.
- Disability including cancer, HIV, multiple sclerosis, and physical or mental impairment where the impairment has a substantial and long-term adverse effect on the ability to carry out day-to-day activities.
- Gender re-assignment where people are proposing to undergo, are undergoing or have undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attribute of sex.
- Marriage and civil partnership.
- Pregnancy and maternity.
- Race including colour, nationality and ethnic or national origins.
- Religion or belief, including a lack of religion or belief, and where belief includes any religious or philosophical belief.
- Sex (Gender).
- Sexual orientation, meaning a person's sexual orientation towards persons of the same sex, persons of the opposite sex and persons of either sex.

The protections cover the provision of services and public functions, work, education, associations (e.g. members' clubs) and premises.

The Act and case law has established that organisations need to consider and apply equality in a way which is: Relevant, Proportionate, Necessary, Reasonable and Informed.

- Issues need to be considered where relevant, and the amount of consideration applied will depend upon the degree of relevance.
- Actions need to be necessary, proportionate and reasonable (any disadvantage to an individual should not outweigh an advantage to the service/business or others).
- Factors such as budget, availability of resources, the extent of inconvenience, consideration of alternatives, and 'what the average person would do' should be considered to determine what is reasonable.
- As a service providers and employers, EDP also needs to anticipate the need to make reasonable adjustments for disabled people to improve access (including physical access and access to information. Failure to do so can result in discrimination. The consideration of other needs (such as gender, language or religious requirements) will help reduce the risk of unlawful indirect discrimination.

As a provider of health and social care services EDP is legally bound to abide by the Human Rights Act 1998. Section 6 of the Human Rights Act specifically requires all public authorities to abide by the European Convention on Human Rights, unless primary legislation requires them to act otherwise.

The Human Rights Act sets out the fundamental rights and freedoms that individuals in the UK have access to. The Human Rights Act prohibits discrimination on a wide range of grounds including 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'. The case law relating to this right has shown that the term 'other status' includes, among other things, sexual orientation, illegitimacy, marital status, trade union membership, transsexualism and imprisonment. It can also be used to challenge discrimination on the basis of age or disability. Support of human rights is vital to achieving our aims and objectives and Equality strategy.

A key part of ensuring we embed good equality practice and improve outcomes for everyone, including a process called Equality Impact Assessment. The assessment helps inform policy and service change/delivery.

5. Definition of Terms

The following definitions apply to terms used in this Policy:

Black and Minority Ethnic (BME)

The term used to describe people from a variety of cultures or racial origins who should not be thought of as one group.

Direct Discrimination

The employment Directive (2000/78/EC) and The Race Directive (2000/43/EC) wording is as follows: Direct discrimination occurs where "one person is treated less favourably than another is, has been or would be treated in a comparable situation" on any of the grounds covered by the directives (or in the case of this policy, listed in paragraph 1.2, above.)

Indirect Discrimination

The employment Directive (2000/78/EC) and The Race Directive (2000/43/EC) wording is as follows: Indirect discrimination occurs where an apparently neutral "provision, criterion or practice" would put persons of a given group (e.g. members of a racial or religious group) at a particular disadvantage compared with other persons, unless the provision, criteria or practice can be objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

Institutional Racism

The Macpherson Report defined institutional racism as: "The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage ethnic people."

Disability

The definition of disability according to the Disability Discrimination Act 1995 is: “A person has a disability if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.”

6. Responsibilities

Responsibilities of Trustees

The Board of Trustees has overall responsibility for the implementation of this policy including approval of measures and their reporting.

Responsibilities of EDP Employees

All EDP employees are responsible for adhering this policy in their own area of work activity.

The Chief Executive

The Chief Executive has overall responsibility, on behalf of the Board of Trustees for ensuring EDP complies with this policy and that appropriate resources (time, budget and people) are made available for the appropriate governance, strategy development; implementation and monitoring. The Chief Executive may delegate specific tasks and responsibilities to members of the Directorate in order to drive actions and delivery of this policy, as appropriate.

Service Managers

Service Manager are responsible for ensuring full compliance within their areas of responsibility, and for dealing with any reported discrimination. They are responsible for ensuring that:

- Service strategies and implementation plans are established in accordance with this policy.
- Local targets are set and monitored in key performance areas.
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Line Managers

Line Managers are responsible for ensuring that induction, training, coaching, and general line management are conducted in accordance with this policy and that staff in their areas are aware of the policy and working within it's guidance

7. Implementation

7.1 Governance

EDP will strive to ensure its leadership arrangements reflect and fairly represent the communities we serve. In working towards this aim, the Board will proactively seek membership from under-represented groups, and will monitor performance in recruitment and retention of members.

EDP will ensure that appropriate training and support mechanisms are provided for all trustees as required to enable them to carry out their duties with confidence. Diversity and equality training is mandatory for all employees, volunteers and agents.

7.2 Access to Services and Service Delivery

EDP aims to promote fair access to services and to ensure that no group or community in need of the services we offer is disadvantaged by the way we publicise or provide those services. We will look at ways of responding to unmet need by adapting services in consultation with representatives of potential service users, local authority and health partners.

EDP welcomes diversity and recognises each service user as an individual in his/her own right as well as a member of his/her community (P22 Service User Rights and Responsibilities Policy and Procedure). In order to meet diverse needs, EDP will:

- Ensure access to translation and interpretation services
- Provide translated documents or other formats on request (e.g. audio-visual)
- Provide specific services and/or link workers for specific groups where this is appropriate and needed (e.g. women/parents/older users)
- Ensure that premises are accessible and/or organise alternative venues when necessary
- Promote services to under-represented and minority groups and/or gain feedback on barriers to access for under-represented groups and minority groups
- Develop links with community groups
- Endeavour to meet the specific needs of any individual as resources allow and/or access further resources where necessary

EDP will take positive steps to raise the profile of services amongst communities or groups of people who may be under represented amongst our service users.

EDP is committed to ensuring effective communication with individuals. Where necessary information about services and other written materials will be provided in a range of languages and formats. Access to translation services will be provided if required.

7.3 Service User Involvement

Participation by, and consultation of, under-represented groups and targeted groups will be promoted to ensure that a range of perspectives are taken into account. The procedures for which are set out in EDP Service User Involvement and Empowerment Policy and Procedure, alongside EDP's Service User Rights and Responsibilities Policy and Procedure.

7.4 Access to Employment and Development

EDP will actively seek to ensure equal access to employment opportunities for all sections of the community. We will strive to ensure the profile of staff reflects the communities we serve. We will actively promote our Equality & Diversity policy on all adverts for recruitment.

We will ensure that all staff, whatever their background, have equal access to opportunities to improve skills and achieve advancement. Where necessary recruitment targets will be set to improve representation of specific groups and we will ensure that opportunities for employment are promoted to communities underrepresented in the existing staff profile. Decisions to appoint staff will remain on the basis of merit.

7.6 Contractors and Volunteers

Contractors, consultants and volunteers who work with EDP must be able to demonstrate their awareness and understanding of the diversity of issues which affect the communities we serve and also be able to adjust their services, to be sensitive to a range of needs and issues.

EDP will be mindful of its commitment to equality and diversity when selecting contractors or entering into collaborative arrangements with other organisations. We will avoid working with organisations whose practices are not consistent with the principles set out in this policy.

7.7 Equality Strategy

An Equality Strategy will be implemented and reviewed at least every 3 years. External and internal information including the relevant local authority area Joint Strategic Needs Assessment and information from by other sources will be utilised to plan and priorities strategy objectives.

7.8 Equality Impact Assessment (EIA)

Equality Impact Assessment is a process which helps inform policy and service change/delivery to make sure we have considered the most effective way to use our resources and avoid causing problems to people in specific groups with protected characteristics. It is a key part of ensuring we embed good equality practice and improve outcomes for everyone, including minority and disadvantaged groups.

All policy must have an EIA undertaken prior to finalisation, and an assessment should be considered when planning events, significant projects or planning or changing services.

A standard form used to record EIA's is available from the Quality and Performance Department.

8. Governance Arrangements (and sub-contracting)

The following Governance Structures are in place to ensure that Equality and Diversity is prioritised throughout the organisation:

- Designated Lead at Board and Senior Management levels.
- Policies, procedures and best practice updates monitored via Board and Lead, and EDP's Operational Directorate and Clinical Governance Group.
- Senior staff regularly updated re legislation, process and guidance via the Clinical Governance Group.
- Learning from any related incidents discussed and implemented via the Clinical Governance Group (and/or sub-groups).
- Corporate strategy addresses Equality and Diversity via an organisational plan
- Organisational Equality Strategy in place with regular review
- Use of EIAs to inform policies and service change (see above also)
- Equality and Diversity as a standing agenda item in key operational and organisational meetings and in practice supervision

In some areas, EDP provides services via Partnership and/or sub-contracting arrangements. Specific, and additional layers of, integrated governance arrangements in these scenarios include:

- Proposed sub-contractors are subject to thorough due diligence checks by EDP in terms of availability of and adherence to key policies and processes (including Equality and Diversity) as well as all other relevant organisational checks. Checks are undertaken during tender stage.
- Organisations sub-contracted to EDP are subject to legal sub-contract agreements to ensure that they meet the same Equality and Diversity standards as EDP, including legislation, Council policy, national best practice and mirroring the main Contract between EDP and the Commissioning body. Contracts are developed pre-contract start and reviewed throughout via structured sub-contract meetings with EDP.
- Sub-contractors will be subject to internal audits and quality assurance, learning and improvement processes, including regards Equality and Diversity, following a CQC standards approach
- Partnership arrangements are governed by integrated Governance and Partnership Boards or similar, and supported by Partnership-level MDTs, sub-groups, external forums, and Integrated Governance Frameworks
- Sub-contractors and organisations working in partnership will adhere to their own organisational policies as well as a suite of integrated policies as relevant (developed during implementation phases)
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9. Monitoring Performance

EDP will collect, analyse, monitor and publish information our workforce including the age, gender, disability and ethnicity of job applicants, those selected for interview, those appointed and promoted, leavers and those subject to grievance and disciplinary procedures. This information will be anonymous and clearly separated from recruitment processes. Additional, information will be collected via staff surveys. Monitoring information will be used to assess the implementation and effectiveness of this policy.

Targets will be set and defined in the Strategy (where appropriate) and monitoring outcomes evaluated against these targets. Where the monitoring data collected is noticeably below targets, reasons for this will be investigated and solutions proposed by the relevant teams.

Reports will be provided to EDP trustees and Directorate and Committees on equality and diversity performance in accordance with the EDP Measures Schedule.

10. Review

This policy will be regularly reviewed in consultation with the Staff Council, service users and EDP trustees along with the Equality Strategy and Measures at least every 3 years.

Appendix 1: Legislative and regulatory requirements and other references

Legislation

EDP is committed to complying with all existing and future legislation relevant to diversity, equal opportunities and anti-discriminatory practice, in particular:

- The Equal Pay Act 1970
- The Equality Act 2010
- The Employment Rights Act 1996
- The Employment Relations Act 1999
- The Protection from Harassment Act 1997
- The Human Rights Act 1998
- European Union directives
- Rehabilitation of Offenders Act
- and all subsequent legislation

Requirements

EDP is committed to following all Department of Health requirements. These are available for inspection by service users, staff and applicants for services. In relation to Equal Opportunities these are as follows:

The Department of Health:	<i>Standards for better Health</i>
The Equal Opportunities Commission:	<i>Code of Practice for employment</i>
The Commission for Racial Equality:	<i>Code of Practice for the elimination of racial discrimination and the promotion of equal opportunity in employment</i>
The Commission for Racial Equality:	<i>Primary health care code of practice</i>
The Disability Rights Commission:	<i>Code of Practice - Employment and Occupation</i>
The Disability Rights Commission:	<i>The Duty to Promote Disability Equality Statutory Code of Practice England and Wales</i>

Useful and relevant references on equal opportunities and diversity

The Commission for Racial Equality:	<i>Racial equality means business. A standard for racial equality for employers</i>
The Commission for Racial Equality:	<i>Race Equality Guide for Strategic Health Authorities</i>
The Commission for Racial Equality:	<i>Accounting for Equality – a handbook on ethnic monitoring in housing</i>
The Government:	<i>Public Appointments and equal opportunities action plan 1999 – 2002</i>
The Local Government Association:	<i>The Stephen Lawrence Inquiry and Home Secretaries Action Plan – Initial Guidance for Local Authorities June 1999</i>
Department of Health, Disability Rights Commission	<i>Framework for Partnership Action on Disability 2004-05</i>

Appendix 2

Examples of practical steps to be taken by local managers to promote diversity and fair access to services

- Keeping an up-to-date list with information about local churches, mosques and temples, community and cultural groups, ethnic food shops and language / interpreting services and ensuring all service users know this information is available. (The local Council generally holds this information.)
- Ensuring that religious festivals are celebrated in ways which suit service users (not assuming that everyone will want to celebrate Christmas with the local church group, for example) and ensuring that team members are aware of the different festivals and celebration days for main religions.
- Ensuring that key information /policies can be translated if necessary.
- Ensuring that all team members know how to get documents and letters translated into appropriate languages and formats, including large type and Braille, when necessary.
- Ensuring there is consultation with service users, about team policies. IS
- Providing information about local access to health and advice.
- Auditing buildings and offices to ensure that they are as accessible as possible and bidding for any available funding to improve access, obtain induction loops, etc
- Identifying gaps in service delivery and consulting with stakeholders in order to improve the situation.
- Ensuring that additional support is provided to potentially isolated service users, to help ensure they can access the full range of EDP services.
- Being sensitive to the additional needs of service users with learning difficulties and those who are deaf / hard of hearing or visually impaired / blind, so that they can use all available services.
- Establishing contacts with specialist teams / professionals, in order to ensure that expert advice is available to the team when necessary (for example, from the community mental health team, local domestic violence service, etc)
- Regularly considering whether it is necessary to provide women only or ethnic minority group or individually focussed services or activities to meet service users' needs