

Title: Equality and Diversity Policy

Type:	Policy	Version:	2.1	Directorate	Workforce
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Aim:	To develop and promote a culture where all individuals receive fair and equal treatment in all aspects of employment whilst embracing the benefits of working within a diverse workforce.
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Scope:	All employees. The principles apply to all workers, secondees, contractors, job applicants, customers and clients.
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CONTENT

References:	NHS Terms and Conditions Section 30 Equality Act 2010 The Work and Families Act 2006 Recruitment Policy Learning and Development Policy Performance Management Policy Respect and Dignity at Work Policy Disciplinary Policy and Procedure Grievance Policy Complaints Procedure Retirement Policy
Appendices:	
Ratified by:	JNCC
Date:	28-11-06

Review process:	Policy Working Group and JNCC
Responsibility for Implementation:	All staff and managers HR Department – Advice and Guidance

HISTORY

Issue date:	28-11-06	Review date:	Every 4 years or as required by legislation
Effective from:	28-11-06	Effective to:	Until review

Revisions:		
Date:	Author:	Description:
25-09-06	Rebekah Cooper	Principles to Exec
04-09-06	Rebekah Cooper	Draft to Sponsor
10-10-06	Rebekah Cooper	Draft to PWG 1
17-10-06	Rebekah Cooper	Draft to Consultation
07-11-06	Rebekah Cooper	Draft to PWG 2
28-11-06	Rebekah Cooper	To JNCC

08 -08 - 08	Jacqui Sproat	Draft to Consultation
29- 08 - 08	Jacqui Sproat	Draft Agreed and Published
16 -11 -11	Jacqui Sproat	To ensure compliance with The Equality Act (2010) and Public Sector Duties
30-11-11	Jacqui Sproat	To trade union side for comment and ratification
16.12.11	Jacqui Sproat	Ratified by trade union side
Distribution methods:	Intranet Induction Training Events	
Sponsor:	Executive Director of Workforce	

Equality and Diversity Policy

1. INTRODUCTION

- 1.1 The NHS Information Centre (the NHS IC) has a duty and responsibility to ensure that their staff operates in an environment that embraces and encourages equality and diversity, and strives to be an employer for whom individuals want to work and promote best employment practice.
- 1.2 Equality of opportunity means that an individual's diversity is viewed positively and, in recognising that everyone is different, valuing equally the unique contribution that individual experience, knowledge and skills can make.
- 1.3 The principles of this policy will be appropriately considered during the development and review of other staffing policies.

2. PRINCIPLES

- 2.1 The Equality Act [2010] defines the following as 'protected characteristics':
 - Age
 - Disability
 - Sex
 - Sexual Orientation
 - Race
 - Religion or Belief
 - Gender reassignment
 - Marriage or Civil Partnership
 - Pregnancy and Maternity
- 2.2 The NHS IC is committed to and strives to ensure that every individual who works for the NHS IC, or who applies to work for it (providing that they have a legal right to work in the UK), will be treated fairly and equally valued regardless of their protected characteristics or other circumstances, including, social and employment status, HIV status, or trade union/non trade union membership.
- 2.3 This policy relates to all aspects of employment including individual standards of behaviour, the advertisement of jobs, recruitment and selection, training

and development, performance development, pay, promotion and transfers, provision of benefits, occupational pensions and leaving the organisation.

- 2.4 The NHS IC is committed to building a workforce which is valued and whose diversity reflects the communities in which it operates.
- 2.5 The NHS IC will work to protect defined groups of staff against unlawful treatment based on protected characteristics by ensuring that all staff are aware of their responsibilities in relation to equality and diversity. All staff will be expected to attend training on equality and diversity.
- 2.6 The Board, Executive Team and senior managers recognise the value of equality and diversity. They will work for the aims of this policy, best practice and equality legislation to deliver a positive working environment for all staff.
- 2.7 Equality and diversity in all employment practices will be monitored and annual equality audits will be undertaken and provided to The Board covering workforce data (race, gender, age, disability, contract status i.e. part time); information relating to equality policies that are in place, pay and grading information and details of the monitoring processes used for equality and diversity.
- 2.8 Where certain groups are found to be under represented within the Organisation, the NHS IC will consider positive action (see 6).
- 2.9 The NHS IC will encourage the organisations within which it operates to work in the spirit of this policy.
- 2.10 Breaches of this policy will be dealt with appropriately and may lead to legal and / or disciplinary action, which may result in dismissal.

3. POLICY

3.1 General

- 3.2 The NHS IC expects all staff to comply with the content of this policy and also appraise themselves of the Respect and Dignity at Work Policy.
- 3.3 The impact of any behaviour is the important element in allegations of breaches of equality and diversity policy and legislation, not the intent. It is no defence for staff to say that they did not intend their behaviour to cause offence, or to blame the recipient for being over sensitive.
- 3.4 The value of equality and diversity will be covered in all induction sessions.

4. Legal Obligations

- 4.1 There is legislation in place which protects individuals against direct discrimination, indirect discrimination, harassment (including bullying) and victimisation because of their protected characteristic or other circumstances, including, social and employment status, HIV status, or trade union/non trade union membership. The principles which underpin such legislation are extended to all staff regardless of any personal characteristic.

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- 4.2 The Equality Act (2010) provides a single framework to tackle disadvantage and discrimination of people with protected characteristics. For public sector

organisations including the NHS IC there are specific public sector Equality Duties (PSED).

- 4.3 Specific duties require the NHS IC to publish information showing how we are complying with the PSED when taking decisions and making policies, including the impact of policies and decisions on both employees and the public by:

- preparing and publishing one or more equality objectives;
- publishing information to demonstrate compliance with the general duty; including information relating to persons who share a relevant protective characteristic who are:
 - its employees; or
 - other persons affected by policy and practice.

- 4.4 The aim of objectives is to focus on the major equality challenges for The NHS IC which will bring about positive effects and tangible benefits.

- 4.5 Objectives will therefore be set on the basis of an understanding of the major issues facing protective groups covered by the duty on the basis of an analysis of information available for employment, service, policy and practice and other functions, (including engagement with stakeholders and functions that are contracted out).

- 4.6 The information published will show that the NHS IC has due regard to:

- eliminating unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity, between people who share a protected characteristic;
- foster good relations, between people who share a protected characteristic and people who do not share it.

5. Responsibilities

5.1 The Chief Executive

- 5.2 The Chief Executive will:

- have overall responsibility for ensuring that all reasonable steps are taken to prevent unlawful discrimination and promote equality within the NHS IC.

5.3 The Board

- 5.4 The Board will:

- receive and consider regular reports in order to evaluate the effectiveness of the policy;
- review, and as necessary, amend the policy;
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- ensure it is satisfied that the organisation is taking all reasonable steps to strive to be representative of the population it serves.

5.5 The Joint Negotiation and Consultation Committee

5.6 The JNCC will:

- ensure that all existing and future HR policies, procedures and practices are non-discriminatory.

5.7 The Head of HR

5.8 The Head of HR will:

- have delegated responsibility for ensuring the implementation of the policy that staff within the NHS IC receive proper guidance and training and that the effectiveness of the policy is monitored and reviewed on a regular basis.

5.9 The HR Department

5.10 The HR Department will:

- be responsible for reviewing and monitoring the effectiveness of this policy;
- provide advice and guidance to staff and managers;
- ensure that all complaints and alleged breaches of this policy are dealt with seriously, sensitively, confidentially and in a timely manner.

5.11 Managers

5.12 All Managers should:

- lead by example by promoting equality of opportunity and challenging discriminatory conduct;
- ensure the policy is implemented in their area of delivery;
- expect their staff to do their best to promote equality of opportunity;
- ensure that staff are aware of this policy and should they become witness to, or aware of any breach, of this policy, they must report it immediately to their line manager or a member of the HR team.
- identify and highlight any examples of actual or potential unjustifiable discrimination within the limitations of legislation to the Head of HR;
- deal with breaches to this policy promptly, sensitively and confidentially.

5.3 Staff

5.14 All staff have responsibility for adhering to and practicing this policy and should:

- co-operate and comply with the policy to ensure equality of opportunity;
- not discriminate in the course of their duties nor induce or attempt to induce others to do so;
- not victimise, harass or intimidate anyone on account of their protected characteristic or other circumstances, including, social and employment status, HIV status, or trade union/non trade union membership;
- inform their manager or a member of the HR team if they suspect that discrimination is taking place.

6 Positive Action Initiatives

6.1 The aim of positive action is to ensure that people from underrepresented groups can compete on equal terms. Where certain groups are found to be underrepresented in the Organisation, the NHS IC will consider positive action e.g. offering development to a specific group or encouraging applications through targeting advertising to a specific group of individuals.

6.2 The NHS IC will not promote unlawful positive discrimination.

7. Monitoring

7.1 Statistical information relating to gender, race, disability and age, as a minimum will be collected and collated for all recruitment and selection exercises, staff in post, training, discipline and grievance process and staff exits.

7.2 Where monitoring is required against a population group base line, nationally available population statistics will be used.

7.3 An annual audit will take place, and be reported to the board covering workforce statistics, policies, pay and grading and monitoring. Recommendations which come from the board will be actioned.

8. Complaints

8.1 Any individuals who believes that an act in breach of this policy has taken place should raise the issue as soon as possible with the individual concerned, their line manager or a member of the HR team.

8.2 If the complaint is against an individual's line manager then the individual should raise the issue as soon as possible with their line manager's manager (grandparent) or with a member of the HR team.

8.3 Any complaint will be dealt with seriously in line with the Grievance Procedure and may lead to legal and / or disciplinary action, which may result in dismissal.

8.4 Complaints against the Organisation will be dealt with using the Complaints Procedure.

8.5 Further advice is available from the HR team.

9. DEFINITIONS

Term	Definition
Equality	Treating all people equal regardless of personal characteristics
Diversity	Recognising, valuing and using the differences which people have
Direct Discrimination	Treating a person less favourably because of a particular characteristic covered by discrimination legislation
Indirect Discrimination	Applying criteria or practice equally to all people but which has the effect of disadvantaging a group of people covered by discrimination legislation and has a detrimental impact on an individual
Harassment	Unwanted conduct, real or perceived, that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them.
Bullying	A form of harassment which may be related to an abuse or misuse of power.
Victimisation	Treating a person less favourably because they have or intend to make a complaint or allegation or has given evidence in relation to a complaint.
Protected Characteristics	Age, disability, gender reassignment, marriage and civil partnership in respect of eliminating unlawful discrimination, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief (this includes lack of belief) sex, sexual orientation