

# Equal Opportunities Policy

<b>Policy Number</b>	<b>Corp/Pol/012</b>
<b>Target Audience</b>	<b>All Staff, Agency Workers, Volunteers, Contractors, Bank Staff and Patients</b>
<b>Approving Committee</b>	<b>Corporate Clinical Policy Group</b>
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<b>Policy Author</b>	<b>Equality &amp; Inclusion Manager</b>
<b>Version Number</b>	<b>2</b>

<b>Applicable Statutory, Legal or National Best Practice Requirements</b>	Equality Act 2010 Human Rights Act 1998 NHS Constitution Health and Social Care Act 2012 National Health Service Act 2006, Section 242 Accessible Information Standard DCB1605
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The Trust is committed to an environment that promotes equality, embraces diversity and respects human rights both within our workforce and in service delivery. This document should be implemented with due regard to this commitment.

This document can only be considered valid when viewed via the Trust's intranet. If this document is printed into hard copy or saved to another location, you must check that the version number on your copy matches that of the one online.

## Version Control Sheet

Version	Date	Reviewed By	Comment
1	08/11/16	R. Besford	New policy drafted
	23/02/17	Corporate Partnership Forum	No amendments required
	14/03/17	R. Besford	Amendments made following Policy Approval Group – addition of Assistant Directors of Operations in Section 5; local induction added to implementation; Patient Charter added to Section 5.7.
	April 2017	Sharan Arkwright	Approved by chair action.
1.1	August 2019	Policy Officer	Policy number amended from HR/Pol/039
1.2	February 2020	R Besford	Full Policy Review
1.3	March 2020	Corporate Clinical Policy Group	Reviewed virtually – references updated as per Anne Webb
2	April 2020	S. Arkwright	Approved by chair action

<b>Does this policy impact/potentially impact on:</b> <ul style="list-style-type: none"> <li>• Staff</li> <li>• Patients</li> <li>• Family Members</li> <li>• Carers</li> <li>• Communities</li> </ul>	<b>Yes</b>	<b>Please contact the Trust’s Equality &amp; Inclusion Manager at:</b>  <b>Email: <a href="mailto:ruth.besford@nhs.net">ruth.besford@nhs.net</a></b>
	<b>No</b>	<b>Please sign and date below:</b>  <b>Name:</b> <b>Email Address:</b> <b>Date:</b>

### Education & Professional Development Question

In order to ensure that any training requirements are discussed and resources planned and allocated to meet the needs of the service, you must consider whether this document has additional training requirements.

Please answer the following question by entering a cross in the box below:

	Yes	No
Does this document have any additional training requirements or implications?		x

If you have answered **YES** you must forward a copy of this document to Education & Professional Development **before** submitting to the Policy Officer.

Date submitted to Educations & Professional Development: .....

No further action is required if you have answered NO.

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# 1 Introduction

Equality of opportunity, along with dignity, respect and fairness, is one of the fundamental human rights of everyone, enshrined in UK law and an obligation on all providers and employers to ensure for their staff and those they provide services for.

The Equality Act 2010 defines the term as 'Equal Opportunities upholds the idea that all workers within an organisation should be entitled to and have access to all of the organisations facilities at every stage of employment, including the pre-employment phase'. This definition equally applies to all patients, their family members and carers and our diverse communities in relation to provision of our services.

Bridgewater Community Healthcare NHS Foundation Trust, (hereafter referred to as the Trust), works to ensure compliance with the duties of the Equality Act 2010, the principles of the Human Rights Act 1998, and other equalities legislation, standards and guidance in all areas of business, recognising the fundamental link between equality for staff and patients and the quality of care provided to our communities.

This policy details the Trust's commitment to equal opportunities in employment and service delivery.

## 1.1 Objective

The purpose of this policy is to set out the Trusts equal opportunities commitments in employment and service delivery. The Trust aims to ensure equality of opportunity for all regardless of age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex, and sexual orientation.

The commitments within this policy will help the Trust to show due regard to the three aims of the Equality Act Equality Duty:

- Eliminate discrimination, harassment, victimisation and other unlawful conduct
- Advance equality of opportunity, which includes:
  - Removing or minimising disadvantages suffered by people due to their protected characteristics
  - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
  - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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- Foster good relations between people who have a protected characteristic and people who do not (please see 2 Definitions, for protected characteristics). Fostering good relations includes:
  - Promoting understanding between different groups
  - Tackling prejudice, racism, homophobia, transphobia, religious and disability harassment and hatred.

The overall objective of this policy is to build a fully inclusive organisation for both staff and patients; an organisation that recognises and values diversity, promotes equality of opportunity, challenges discrimination, and supports and enables access and involvement by all.

## **1.2 Scope**

This policy applies to (this list is not exhaustive):

- All staff in the Trust, including bank staff
- Job applicants and potential applicants
- Consultants and any contracted associate workers
- Agency workers
- Cadets, apprentices, students and others on work experience or work placements
- Volunteers
- Former employees
- Patients and all who receive our services, and their family members, carers and guardians.

The policy applies in the following areas (this list is not exhaustive):

- All recruitment and selection activities
- Terms and conditions of employment, including pay
- Working arrangements, for example flexible working
- Induction, training and development
- Career progression
- Absence management

- Grievance
- Disciplinary
- Capability
- Communication and engagement
- Termination including redundancy, dismissal and retirement
- Patient centred service design, redesign and delivery.

## 2 Definitions

The definitions applicable to this document are as follows:

**Equality** – is about making sure everyone is treated fairly and given an equal chance to access opportunities. It is not about treating everyone the same as individuals may have different needs to achieve the same outcome.

**Diversity** – means difference. When it is used in the same context as equality it is about recognising and valuing individual as well as group differences. It also means treating people as individuals and placing positive value on the diversity they bring.

**Protected characteristic** – there are nine protected characteristics recognised by the Equality Act 2010. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Trust also recognises other minority groups that are not specifically covered by equality legislation but that suffer some of the worst health inequalities in our population. These groups include for example those disadvantaged by lower socio-economic status, those leading ‘chaotic lifestyles (drug and alcohol abuse), the homeless, destitute asylum seekers and refugees, sex workers and carers.

**Inclusion** – is about positively striving to meet the needs of different people and taking deliberate action to create environments where everyone feels respected and able to achieve their full potential.

**Human Rights** – these are the basic rights and freedoms that belong to each of us, protecting us in many areas of our day-to-day lives. Everyone in the UK is protected by the Human Rights Act 1998 even if just in the country temporarily. The rights are based on the principles of FREDA – fairness, respect, equality, dignity and autonomy.

**Direct Discrimination** – treating a person less favourably on the grounds of a protected characteristic.

**Indirect Discrimination** – the applying of a criteria, policy or practice which applies to many/all but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified as a proportionate means of achieving a legitimate aim, in some instances. An example of this is the bare below the elbow policy of NHS Trusts, which whilst it infringes on certain religious and cultural dress preferences is in place to ensure health and safety, and infection control measures are in place.

**Perception Based Discrimination** – can occur against an individual because others think they possess a protected characteristic. It applies even if the individual doesn't possess this characteristic.

**Association Based Discrimination** – direct discrimination against an individual because they associate with someone who possesses a protected characteristic.

**Victimisation** – this occurs when an individual is treated badly because they have made a complaint or raised a grievance under the Equality Act 2010.

**Harassment** – unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. Harassment applies to all protected characteristics except pregnancy and maternity, and marriage and civil partnership. Employees can complain about behaviour that they find offensive even when the behaviour is not directed towards them, and they also do not need to have the particular protected characteristic. Employees are also protected against harassment because of perception or association.

**Third Party Harassment** – in 2013 the third party harassment liability on employers was repealed under the Enterprise and Regulatory Reform Act. However as an employer the Trust can still be liable when an employee suffers harassment in relation to a protected characteristic by a third party if it has failed to deal with the harassment in a manner that is also motivated by discrimination.

**Reasonable Adjustments** – the Equality Act 2010 places a Duty to Make Reasonable Adjustments on employers and service providers. When someone meets the Equality Act definition of disability organisations are required to make reasonable adjustments to any element of a job or service that places the person with disabilities at a substantial disadvantage when compared to non-disabled people. The Duty is anticipatory, that is an organisation can't wait for a request from a person with disabilities but must continually assess and consider adjustments.

**Disability** – the Equality Act definition of a disability is a physical or mental impairment that has a substantial and long term effect on day-to-day activities.

**Equality Impact Assessment** – The Equality Duty of the Equality Act 2010 places a duty on organisations providing public services to have 'due regard' to three aims – to advance equality of opportunity, to eliminate discrimination and other unlawful acts, and to foster good relations.

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How to show 'due regard' is not defined by the Act but recommendations are made to carry out equality impact assessments for service design and planned changes (including cessation and relocation) and for the development and review of policies and procedures. These assessments allow organisations to analyse the possible impact of its decisions on people from protected characteristic and vulnerable groups and determine mitigating actions based on these assessments. A robust equality impact assessment process can allow an organisation to demonstrate due regard in all decision making.

### **3 Abbreviations**

The abbreviations applicable to this document are as follows:

FREDA	Fairness, respect, equality, dignity and autonomy
WDES	Workforce Disability Equality Standard
WRES	Workforce Race Equality Standard
EDS2	Equality Delivery System
EDI	Equality, Diversity and Inclusion
NMC	Nursing & Midwifery Council
GDC	General Dental Council
GMC	General Medical Council

### **4 Other Relevant Procedural Documents**

This document should be read in conjunction with the following documents:

- Absence Management Policy and Procedure
- Agenda for Change Job Matching And Evaluation Policy
- Capability and Performance Management Policy
- Career Break Policy
- Dignity & Respect at Work Policy
- Disciplinary Policy and Procedure
- Equality Impact Assessment Policy
- Flexible Working Policy
- Grievance Policy and Procedure

- Health Records Policy
- Home Based Working Policy and Procedure
- Induction Policy
- Incident Investigation Procedure
- Making Adjustments for Patients With Disabilities and Language Needs
- Leavers Policy
- Mandatory Training Policy
- Maternity Support (Paternity) and Adoption Leave Policy and Procedure
- Organisational Change Policy
- Patient Access Policy
- Performance and Personal Development Review Policy
- Recruitment and Selection Policy
- Safeguarding Adults Policy
- Safeguarding Children Policy
- Secondment Policy
- Team Brief Policy
- Uniform and Dress Code Policy
- Violence and Aggression Policy and Procedure
- Volunteering Policy
- Whistleblowing Policy and Procedure for Staff Raising Concerns
- Work Experience Policy
- [NMC: The Code](#)
- [Skills for Health: Code of Conduct for Healthcare Support Workers and Adult Social Care Workers In England](#)
- [GDC Standards for the Dental team](#)
- [Royal College of Occupational Therapists Code of Ethics and Professional Conduct](#)

- [Chartered Society of Physiotherapists Code of Members' Professional Values and Behaviours](#)
- [GMC: Code of Conduct for Council Members](#)

## 5 Roles and Responsibilities

### 5.1 Board and Executive Team

While the Trust approach to EDI is that this is 'Everybody's Every Day' responsibility and accountability for equal opportunities ultimately sits with the Trust's Board and Executive team. Through their conduct they can demonstrate a commitment to equality, diversity, inclusion and human rights in the Trust, and though delegation of responsibilities can ensure that equality is embedded throughout the organisation's services and workforce management. In addition the Board is responsible for ensuring access to mandatory training, including equal opportunities, is available for all staff.

This responsibility may be delegated to Directors/Managers/Team Leaders where this delegation is made clearly and where the delegated staff are the best placed people to ensure equality of opportunity is embedded within their service.

### 5.2 Directors/Managers/Team Leaders

The titles here reflect the full diversity of service and team managerial roles, including Assistant and Associate Directors, Clinical Leads and Managers and service managers and leaders.

All service and team leaders have individual responsibility for ensuring the commitments in this policy are followed in their services and teams, and for ensuring that all employees in their area of control are aware of their responsibilities under equality and human rights legislation and this policy.

### 5.3 Staff

All Trust staff referenced under Section 1.2 (Scope) are responsible for understanding and upholding the commitments in this policy. In particular for:

- Completing the mandatory eLearning Equality & Diversity module.
- Taking full, personal responsibility for the practical application of the commitments within this policy within their scope of activity.
- Ensuring their behaviour is consistent with the commitments of the policy.
- Complying with plans introduced to ensure equality of opportunity and non-discrimination.
- Not themselves unlawfully discriminating against other employees or patients, or inducing others to do so.

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- Not victimising, or inducing others to victimise, people who have made a complaint under anti-discrimination legislation or policy, or provided information on discriminatory practices.
- Not harassing, bullying or intimidating others, either staff or patients.
- Informing management if they suspect any form of discrimination is taking place.

#### **5.4 Human Resources**

The Human Resources team have responsibility for ensuring equal opportunities, and the commitments within this policy are upheld in all areas of workforce management. They are responsible for providing advice and support to staff on equal opportunities within the scope of workforce management and for personally upholding the commitments within this policy.

#### **5.5 Equality & Inclusion Manager**

The Equality & Inclusion Manager has personal responsibility for upholding and promoting equal opportunities, and the commitments of this policy within the Trust.

This person works with Human Resources and Trust services to monitor and review equality and is responsible for the legal and contractual reporting schedule of equal opportunities data for the Trust.

In addition they are a source of support and advice for staff and services in matters relating to equal opportunities, diversity, inclusion and human rights.

#### **5.6 People from other organisations**

People from other organisations working or visiting the Trust are responsible for complying with the commitments in this policy in any matters that impact on Trust staff, patients, families, carers or guardians. This includes for example consultants, self-employed contractors and people providing training in the Trust. It is the responsibility of the visitors host to ensure the visitor is aware of the Trust's policy on equal opportunities.

The Trust accepts full responsibility for all individuals working within the organisation at all levels and in all areas of the Trust. Discriminatory behaviour will not be tolerated and if necessary the Trust will be intervene to remedy inappropriate behaviours that may be identified after a thorough investigation.

#### **5.7 Patients, families, carers and guardians**

As a Trust we will work to ensure equality of opportunity for all patients, family members, carers and guardians, and in return we expect our staff and other patients to be treated with dignity and respect. Any conduct that breaches the commitments in this policy and in equalities law will be dealt with under the relevant Trust policy.

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Our commitments to equal opportunities for patients and the behaviours we expect in return are set out in the Trust Patient Charter.

## **6 Equipment List**

None applicable to this policy.

## **7 Equal Opportunities in Employment and Services**

### **7.1 Our general commitments to equal opportunities**

As a Trust we will undertake to:

- Fulfil all our legal obligations under the Equality Act 2010, the Human Rights Act 1998 and all other relevant legislation, including advancing equality of opportunity, eliminating discrimination and other unlawful practices in all areas of Trust business, and fostering good relations.
- Recognise and value difference and diversity.
- Seek the inclusion of everyone in our communities.
- Collect and use (in accordance with relevant legislation) information relating to equality and diversity in order to monitor the success of this policy in action.
- Provide a mandatory equality and diversity eLearning module for all staff.

Any prohibited act which is based on an individual's disability, race, religion, sexual orientation or gender reassignment may be viewed as a hate incident or hate crime which is reportable to the police.

### **7.2 Our commitments in employment**

The Trust recognises the value of a diverse workforce that represents all sections of the communities we serve.

It is important to the Trust that all our staff are given equality of opportunity, that their individual needs and differences are respected and valued for the contribution they can make to the Trust, and that any discriminatory practices are identified and eliminated.

A positive staff experience in employment and the ensuring of equal opportunities are important not just for legal compliance but because of the documented evidence of the impact of equality on patient experience of care – where staff feel undervalued or discriminated against there is much research that demonstrates the negative impact on patients.

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## 7.2.1 Empowered, engaged and well supported staff

Equality of opportunity is important at every stage of employment, from recruitment and selection to termination of employment and everything in between. In the Trust we work to ensure equality in all areas of workforce management. We commit to ensuring that:

- Recruitment and selection processes, including career progression opportunities, are fair, inclusive and transparent, and that the Trust upholds the commitments in the Disability Confident Employer pledge, Age Positive, and Navajo charters.
- Levels of pay and related terms and conditions are fairly determined for all posts, with staff doing equal work for equal pay.
- Flexible working options are available to staff, consistent with the needs of the service, and the way people lead their lives.
- Through support, training, and personal development opportunities and review staff are confident and competent to do their work so that services are delivered appropriately, and staff have the opportunity to develop and have a positive experience of working for the Trust.
- Absence management procedures are fair.
- Grievance, disciplinary and dignity at work cases are managed appropriately and fairly, and are monitored and reported in the Public Sector Equality Duty Annual report, the Workforce Race/Disability Equality Standards and other mandatory standards.
- Employees individual needs related to protected characteristics, such as religious or cultural needs, are recognised and supported as appropriate.
- Communications are inclusive for all staff, including those related to equality, career and training opportunities and Trust news.
- Staff are free from abuse, harassment, bullying or violence, both from other staff and also from patients, family members, carers or guardians, and that redress is open and fair to all.
- The workforce is supported to remain healthy.
- That termination of employment either through dismissal, redundancy, voluntary termination or retirement are fairly managed and monitored for any trends related to equal opportunities.

## 7.2.2 Inclusive leadership at all levels

The Trust is committed to ensuring that:

- The Trust Board and senior leaders conduct and plan their business so that equality for Trust staff and the communities served is advanced, and good relations between groups are fostered within the Trust and beyond, with discriminatory behaviours or attitudes challenged and addressed.
- Managers support and motivate their staff to work in culturally competent ways within a work environment free from discrimination.
- All staff show leadership in promoting equal opportunities and identifying and reporting discrimination in their own area of work and in the wider Trust and community.

## 7.2.3 Disability

The Trust is a Disability Confident Employer and as such commits to actions to improve equality and inclusion for people with disabilities.

We are committed to supporting our staff with disabilities, we will:

- Interview all applicants who declare a disability and who meet the essential criteria of the person specification, and we will consider them on their abilities to carry out a role (including with reasonable adjustments provided)
- Through the annual appraisal process and the use of Staff Passports ensure:
  - Ensure there is a process in place to discuss, at any time but at least once a year, with employees with disabilities, what the Trust and they can do to make sure they can develop and use their abilities, are included and valued for their contribution to the Trust, and have a positive experience of working for the Trust
  - Ensure, at least once a year, that reasonable adjustments are still appropriate for the employee's needs and carry out a review where these adjustments are no longer supporting the employee in their role.
- Make every effort when employees become disabled to make sure they can stay in employment with the Trust
- Take action to ensure that all employees develop the appropriate level of disability awareness needed to make the Trust's commitments work.

It is vital that all managers and staff meet the above commitments. In particular managers need to consider making reasonable adjustments to accommodate applicants and employees who have a disability.

#### **7.2.4 Positive Action**

As a provider of public services the Trust has a duty to eliminate discrimination, to advance equality of opportunity and to encourage good relations. To achieve equality of outcome you cannot always treat everyone the same, it is sometimes necessary to give additional encouragement or support to individuals with a particular protected characteristic to enable them to have the same opportunities in recruitment and career development.

Positive Action is a phrase that is used to describe any intervention that is put in place to help address and remove any disadvantage that an individual with a protected characteristic may suffer in gaining employment or career development.

The aim of all types of positive action is to ensure equality of outcome. Positive action covers the nine protected characteristics of the Equality Act and also others who may have been or may be discriminated against or disadvantaged due to factors such as social background, unemployment or HIV status.

There can be confusion between positive action (legal) and positive discrimination (illegal):

- An example of positive action would be the provision of an application form in large print for a person with disabilities who requires a larger font; this would allow the applicant to compete fairly with other applicants, without this action there would be a disadvantage suffered
- An example of positive discrimination would be a job advert stating that only applicants from a particular protected characteristic group would be considered. This would be an illegal act, except in a very few cases related to occupational requirements, see 7.2.5 below.

Positive action in recruitment and promotion can be used where an employer 'reasonably thinks' that people with a protected characteristic are under-represented in the workforce, or suffer a disadvantage connected to that protected characteristic.

In practice, this means that it is not unlawful to recruit or promote a candidate who is of equal merit to another candidate if the Trust reasonably thinks that the candidate has a protected characteristic that is under-represented in the workforce, or that people with that characteristic suffer a disadvantage connected to that characteristic. This is only allowed where it is a 'proportionate' way of addressing the under-representation or disadvantage.

Positive action does not allow the Trust to appoint a less suitable candidate just because that candidate has a protected characteristic that is under-represented or disadvantaged.

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Three key phrases need to be taken into account:

- Equal merit – this relates to the person specification criteria. When considering positive action in selection candidates must be assessed in relation to the specific job they have applied for and not in relation to work generally.
- Reasonably thinks – information or evidence is required to indicate that a group is under-represented or suffering a disadvantage. This doesn't need to be sophisticated and in depth, workforce profiles can be enough evidence to demonstrate under-representation.
- Proportionate – refers to the balancing of all relevant factors. The Trust would need to balance the seriousness of the disadvantage suffered or the extent to which protected characteristics are under-represented against the impact the proposed positive action would have on other people. When considering proportionality it can be helpful to consider whether the proposed positive action is the only way to address the under-representation or disadvantage, or is there another way to achieve the same effect without other people suffering less favourable treatment.

Positive action can also be used in other areas of workforce management, for example internships or placements could be offered to people with particular protected characteristics, training can be targeted or spaces reserved on courses, or mentoring can be provided. These would all help to reduce disadvantage, encourage participation and meet different needs. Where these are provided it needs to be remembered that when recruitment or promotion are then considered the best candidate for the specific role is selected.

It should be acknowledged that some protected characteristics are more readily identifiable, for example gender may be easier to establish than sexual orientation, so it can be more difficult to determine under-representation of certain protected characteristic groups.

### **7.2.5 Occupational requirements**

Discrimination in recruitment is generally unlawful, for example the Trust cannot generally specify in a job advert that only female candidates will be considered for a post. There are however a few situations where it is lawful to specify that a job be done by someone with a particular protected characteristic, if having this protected characteristic is an occupational requirement for the job.

The Equality Act states that employers need to show all of the following for discrimination to be lawful:

- The requirement is an occupational requirement – there must be a specific link between the requirement and the job
- The employer must have demonstrable evidence for a good business reason or a legitimate aim for applying the requirement – just having a good business reason for applying the requirement is not enough

- Having the requirement must be the best way to achieve the aim and the application of the requirement must be proportionate.

Examples where the occupational exception requirement may be permitted include where the role is specifically working with Deaf people and the employer wants to employ a Deaf person who uses British Sign Language, or where the job involves working in a refuge for women who are victims of domestic violence.

### **7.3 Our Commitments in Service Delivery**

The Trust is committed to delivering high quality, person centred services to our diverse population. We will do this by:

- Designing services to meet the health needs of local communities, promoting wellbeing and reducing health inequalities
- Providing an environment in which there is equality of access, and where patients are enabled to achieve maximum recovery, are supported to be as independent as possible in all areas of management of their care, and that this is done within an environment where their dignity, privacy and individuality are respected
- Producing information in an accessible format and providing communication support when needed by patients, family members, carers and guardians
- Identifying and meeting individual needs, including those related to age, culture, language, gender and religion
- Meeting the needs of people with disabilities, in line with the Duty to Make Reasonable Adjustments
- Ensuring that barriers to access are identified and removed or minimised through the equality impact assessment and other processes
- Ensuring that all relevant policies, procedures and practices for patients undergo equality impact assessments
- Ensuring that all changes to services, or the design of new services, meet the requirement to show 'due regard' to the three aims of the Equality Duty of the Equality Act 2010
- Monitoring protected characteristic data for services to identify potential under-usage and barriers to access, and increasing this monitoring in line with other legal requirements
- Ensuring the safety of patients, in particular that patients are free from abuse, harassment, bullying and violence from other visitors and staff

- Ensuring patients, family members and carers are able to report both positive and negative experiences and any concerns regarding their experience of Trust services.

#### **7.4 Equality Impact Assessments**

The Trust is committed to undertaking equality impact assessments in all decision making in order to demonstrate compliance with this duty. This includes in the production and review of policies and procedures; in service design, redesign and mobilisation, and in all cost improvement programmes.

The Equality Impact Assessment forms will allow the Trust to record the evidence gathering, consideration and decision making process, and any relevant consultation and engagement, and will help the Trust demonstrate that due regard has been given to the aims of the Equality Duty. These will be published on the Trust webpage or made available as appropriate and required.

The Equality Duty of the Equality Act 2010 places a duty on organisations to have due regard to the three aims of eliminating discrimination, promoting equality of opportunity, and fostering good relations in all areas of employment and public service delivery. In order to demonstrate due regard to these aims the Trust is committed to complying with the Brown Principles, these principles are to:

- Ensure decision makers are aware of their duty in decision making to have due regard to the aims of the General Duty
- Ensure that due regard is fulfilled before and during the time a decision that will or might affect people with protected characteristics is under consideration as well as at the time a decision is made - due regard must involve a conscious approach and state of mind
- Ensure that decisions are not justified after they have been made – attempts to justify a decision later are not considered enough to discharge the duty
- Ensure the duty is exercised with substance, with rigour and with an open mind and in such a way that it influences the final decision – the duty has to be integrated within discharge of public functions and must not a tick box exercise.
- Ensure that the duty is not delegated and remains a responsibility of the body subject to the duty
- Ensure that the duty is a continuing one
- Ensure accurate record keeping to demonstrate consideration and influence on decision making.

Section 242 of the National Health Service Act 2006 sets out the requirements for public involvement and consultation in planning and provision of services; the development and consideration of proposals for changes in the way services are provided; and decisions being made regarding the operation of services. The Trust is committed to complying with the Gunning Principles if embarking on a public consultation:

- Consultations will take place when proposals are at a formative stage
- Consultations will give sufficient reasons for proposals to permit intelligent consideration
- Consultations will allow adequate time for consideration and response
- Consultation responses will be demonstrably taken into account by decision makers.

## 8 Consultation

Key individuals/groups involved in the development of the document to ensure it is fit for purpose once approved.

Name	Designation
Christine Whittaker	Associate Director – Organisational Development
Anne Webb	Library and Knowledge Services Manager
Kristine Brayford-West	Director for Safeguarding Services
Linda Dunlop	Dental Officer, British Dental Association Accredited Representative, Staff Side Chair Dental Network
Jeanette Hogan	Deputy Chief Nurse
Mary Corkery	Policy Officer
Corporate Clinical Policy Group	

## 9 Dissemination and Implementation

### 9.1 Dissemination

This policy will be disseminated by the Equality & Inclusion Manager to staff through the Bridgewater Bulletin, via The Hub Equality and Diversity pages, via the Equality Champions network of staff, via Service Managers, and through Team Brief.

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In addition the Trust's commitments to equality of opportunity will be highlighted through the corporate induction events.

## **9.2 Implementation**

Equal opportunities and equality and diversity are one of the core eLearning modules for the Trust, much of what is referenced in this policy is included in this module that is mandatory for all staff to undertake. Compliance with the Trust mandatory training is monitored at Board level.

Implementation will also be via dissemination of the policy, detailed above, and any actions identified as needed through the monitoring process detailed below.

Managers are responsible for implementing the policy within their teams and ensuring all their staff are aware of, and following the policy, and understand how to access the most up to date version on The Hub.

Managers must ensure that all new staff, including temporary staff and others such as self-employed contractors, agency workers, volunteers, work experience placements, students, and apprentices receives information on this policy either through attendance at Trust induction or as part of local inductions.

Finally the commitment to equal opportunities will be highlighted in services in various ways such as posters detailing zero tolerance to violence and aggression, access to patient complaints systems, and through other forums such as accessible information provision.

## **10 Process for Monitoring Compliance and Effectiveness**

Compliance with the Policy will be identified by the Equality & Inclusion Manager via a number of indicators embedded within legal and contractual requirements. These are:

- The Public Sector Equality Duty Annual Report (by 30 March annually)
- The Equality Delivery System (EDS2) annual submission to NHS England (by 31 March annually)
- The Gender Pay Gap annual submission to Government Equalities Office (by 30 March annually)
- The Workforce Disability Equality Standard (WDES) annual submission to NHS England (by 31 July annually)
- The Workforce Race Equality Standard (WRES) annual submission to NHS England (by 30 August annually).

Compliance is monitored through the Trusts governance structures for workforce and service delivery to provide assurance to Board on a regular basis as detailed above.

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## 11 Standards/Key Performance Indicators

Information related to this policy is published annually in the Public Sector Equality Duty Annual Report, the Equality Delivery System (EDS2) assessment and grading submission to NHS England, the Gender Pay Gap submission to Government Equalities Office, and in the Workforce Race/Disability Equality Standards (WRES/WDES) submissions to NHS England.

In addition equal opportunities, discrimination, and bullying, harassment and abuse form part of the questions of the national NHS Staff Survey and as such are assessed by the Trust annually for changes in performance and action plans produced and delivered as a result.

## 12 References

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