

The Newcastle Upon Tyne Hospitals NHS Foundation Trust

Employment Policies & Procedures Equal Opportunities & Diversity Policy

Effective: 1 October 2010

Review Date: 31 October 2012

1. Policy Statement

The Trust believes that in order to continuously deliver high quality services it must recruit, develop and retain a workforce which is valued and whose diversity reflects the communities it serves. It must also ensure that all who use its services feel they are welcomed into the Trust; where they can be confident they are getting the best possible treatment from skilled, caring and responsive staff.

2. Introduction

2.1 The Trust is committed to creating an environment where all who use its premises are treated with dignity and respect, where every employee is treated fairly and valued equally, and no employee, potential employee, employees of other organisations, contractors or agency employees, volunteers, visitors or patients receive less favourable treatment on the grounds of their age, disability, race, nationality, ethnic or national origin, gender, religion, beliefs, sexual orientation, domestic circumstances, social and employment status, HIV status, gender reassignment, political affiliation, staff organisation/trade union membership, marriage and civil partnership or pregnancy and maternity.

2.2 This policy is shared by the recognised staff organisations/trade unions.

3. General Principles

To promote this policy the Trust will ensure:

a) That the employment policies and procedures of the Trust are designed to eliminate practices which prevent equality of opportunity.

b) That there is a Dignity and Respect at Work Policy which includes a procedure for dealing with complaints of harassment or similar acts such as intimidation, bullying or victimisation which are personally offensive to the recipient.

c) That other Human Resources policies and procedures contain within them effective methods of eliminating unfair practices against employees, potential employees, employees of other organisations, contractors or agency employees, volunteers, visitors or patients.

d) That any needs for patients, visitors or employees, such as, accessibility are as far as possible provided for.

e) That there should be no discriminatory practices in deciding the choice of patients

to be treated and that choice shall be based on clinical need.

f) This policy has been formulated in accordance with and complies with current employment legislation

4. Scope

The policy applies to all employees and applicants for roles within the Trust. All employees have a personal responsibility to own and promote this policy, and managers must take all reasonable measures to identify and review procedures that may lead to discrimination, and to ensure the staff they manage are aware of, and carry out their responsibilities appropriately.

5. Implementation Programme

In order to secure genuine equality of opportunity and diversity, the Trust has developed a comprehensive equal opportunities and diversity implementation programme in accordance with the following framework.

5.1 Employment Policies and Practices

5.1.1 The employment policies and procedures of the Trust are aimed at eliminating practices which prevent equality of opportunity, and give every opportunity for employees and applicants for roles within the Trust to be valued equally and treated fairly.

5.1.2 Every new or reviewed policy, procedure or function is systematically and thoroughly assessed before it is disseminated as part of an Impact Assessment process. Each policy is assessed and consulted on, to ascertain the effects that the policy is likely to have on any group and to ensure that proposed policy does not actually or potentially, directly or indirectly, discriminate against any groups. A structured two stage approach is used and guidance regarding how to conduct this is provided in the Trust's Policies and Procedural Documents: Development, Approval and Dissemination.

5.2 Recruitment and Selection (see Recruitment and Selection Policy)

5.2.1 The Trust aims to have fair and open recruitment procedures within which no employee or job applicant should be disadvantaged by conditions and requirement which cannot be shown to be justified.

5.2.2 Individuals will be selected and promoted solely on the basis of their knowledge, skills and experience appropriate to the job description and person specification.

5.2.3 Selection will be a competitive process, except where there are special circumstances affecting current employees, such as, those needing to be redeployed for health needs or reasons of organisational change.

- 5.2.4 From time to time positive action may be taken to encourage people from under-represented groups to compete for jobs.
- 5.2.5 All those involved in the recruitment and selection of employees will be required to attend the Trust's Recruitment & Selection training course which contains information to identify and eliminate discrimination and prejudice.
- 5.2.6 Agencies used for finding permanent or temporary staff will be informed of this policy and will be expected to follow its principles.

5.3 Disablement During Employment (see Disabled Persons Policy)

- 5.3.1 If an employee becomes disabled during the course of his/her employment every effort will be made to:
- continue him/her in their current post possibly by the provision of adaptation/aids or the redesign of the job to perform particular tasks where operationally practicable and where adjustments are reasonable.
 - If it is determined that the employee is not fit to return to the job for which they are employed, then in conjunction with the Human Resources Department, the manager will ascertain whether there are any suitable redeployment opportunities. The employee will be informed of these and will be required to consider them and confirm their interest in any specific posts within an agreed timescale. The Trust is not obliged to *create* a new post for an employee to move into. (Please See Appendix A of the Employee Wellbeing Policy for more details regarding the redeployment procedure).
- 5.3.2 Every effort will be made to deal with the employee sympathetically and requirements will be addressed on an individual basis.

5.4 Training and Development (see Induction Policy)

- 5.4.1 Every new employee will undergo a comprehensive induction programme which will include awareness of the equal opportunity policy and diversity practices within the Trust.
- 5.4.2 Employees will have equal access to the training and development programme of the Trust, which for individual employees will be based upon their own needs as agreed through the annual appraisal process which will apply to all employees.
- 5.4.3 The mandatory training programme provided by the Trust will cover all aspects of equal opportunities and diversity in order to educate employees to better appreciate and eliminate potential discriminatory practices.

6. Responsibility for the Implementation of Equal Opportunities and Diversity

- 6.1 The Director of Human Resources will be responsible for ensuring the effective implementation and monitoring of the Equal Opportunities and Diversity Policies and Procedures which refer to employment.
- 6.2 The Nursing and Patient Services Director will be responsible for those equal opportunities and diversity policies and procedures which refer to patients and visitors.
- 6.3 Managers are responsible for ensuring the provision of equal opportunities and diversity in their areas, in particular for ensuring:
- They take all reasonable measures to ensure that they and the staff they manage are aware of and carry out their responsibilities under the Equal Opportunities and Diversity policy.
 - By their conduct and behaviour towards the staff they manage, they help establish an environment where staff are valued and treated fairly, and where the expectations under the policy are met.
 - That accurate and comprehensive records of employment decisions are kept.
 - That they guard against possible prejudices where individuals because of their gender, marital status, race, sexual orientation etc., possess protected characteristics which may make them appear unsuitable for employment or promotion.
 - That they identify and review practices and procedures which may lead to discrimination.

7. Individual employees have responsibilities:

- 7.1 To not discriminate unfairly against people who use or work in the Trust, be they employees, employees of other organisations, contractors or agency employees, volunteers, visitors or patients. All employees should be aware that discrimination can also take the form of associative or perceptive discrimination. Direct discrimination against someone because they associate with another person who possesses a protected characteristic is known as associative discrimination and direct discrimination against someone because others think they possess a particular protected characteristic is known as perceptive discrimination. Both of these types of discrimination apply to race, religion or belief, sexual orientation, age, disability, gender reassignment and gender.
- 7.2 To not harass, bully, intimidate, victimise or use any other unwanted behaviour against people who use or work in the Trust, be they employees, employees of other organisations, contractors or agency employees, volunteers, visitors or patients.

- 7.3 To draw to the attention of their manager any acts or possible acts of discrimination.
- 7.4 To co-operate with management to develop a culture of dignity and respect at work.
- 7.5 Employees can be held personally liable as well as, or instead of, the organisation for an act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

8 Audit & Monitoring

- 8.1 Operation of this policy will be monitored by the Director of Human Resources. The organisations' figures will be presented on an annual basis, to the Involvement and Inequality Steering Group, who will identify appropriate action plans to address any areas of concern and will continue to monitor the plan until its completion.
- 8.2 Monitoring will include reporting of information from ESR Data regarding Equality and Diversity, specifically:
 - The number of and nature of discrimination claims. .

9 Review of Policy

The Director of Human Resources is responsible for the review and updating of this and related policies to ensure they continue to promote equality of opportunity for all employees.

**THE NEWCASTLE UPON TYNE HOSPITALS NHS FOUNDATION TRUST
IMPACT ASSESSMENT – SCREENING FORM A**

This form must be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

Policy Title:	Equal Opportunities and Diversity Policy	Policy Author:	Miss Ceri Liddell
		Yes/No?	You must provide evidence to support your response:
1.	Does the policy/guidance affect one group less or more favourably than another on the basis of:	No	Policy applies to all employees of the Trust.
	• Race	No)
	• Ethnic origins (including gypsies and travellers)	No)
	• Nationality	No)
	• Gender	No)
	• Culture	No) as above
	• Religion or belief	No)
	• Sexual orientation including lesbian, gay and bisexual people	No)
	• Age	No)
	• Disability – learning difficulties, physical disability, sensory impairment and mental health problems.	No)
2.	Is there any evidence that some groups are affected differently?	No	There was no evidence to support any group was affected differently
3.	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	No	As above
4(a).	Is the impact of the policy/guidance likely to be negative? <i>(If "yes", please answer sections 4(b) to 4(d)).</i>	No	
4(b).	If so can the impact be avoided?		
4(c).	What alternatives are there to achieving the policy/guidance without the impact?		
4(d).	Can we reduce the impact by taking different action?		

Comments:	Action Plan due (or Not Applicable): Not applicable
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Name and Designation of Person responsible for completion of this form:Wendy Johnson..... Date: 28 September 2009

Names & Designations of those involved in the impact assessment screening process:.....The Employment Policies and Procedures Consultative Group..

(If any reader of this procedural document identifies a potential discriminatory impact that has not been identified on this form, please refer to the Policy Author identified above, together with any suggestions for the actions required to avoid/reduce this impact.)