1 Introduction

1.1 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 origin, sex, sexual orientation, religion and belief, gender reassignment, marriage and civil partnership or pregnancy and maternity.

1.2 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.

The Trust aims to:

- provide the best possible healthcare services that are accessible and delivered in a way that respects the differing needs of the individual and ensures patients receive the best possible treatment from skilled, caring and responsive staff
- recruit, develop, retain and value an inclusive workforce which reflects the communities it serves
- establish that all employees have a personal responsibility to ensure their own practice is in accordance with the provisions and are aware of their responsibilities to report inappropriate behaviours
- create an environment where all who use Trust premises are treated with dignity and respect, where every employee is treated fairly and valued equally, and no employee, potential employee, employee of any other organisation, contractor or agency employee, volunteer, visitor or patient receive less favourable treatment on the grounds of their age, disability, ethnic origin, sex, sexual orientation, religion and belief, gender reassignment, marriage and civil partnership or pregnancy and maternity,
- embed our equality and diversity values into policies, procedures and everyday practice.
- regularly monitor and report, to the Trust Board, our workforce metrics to evaluate progress, identify key trends and identify appropriate actions in
1.3 The Trust is committed to avoiding unlawful discrimination, in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, flexible working, employee relations and selection for redundancy. The policy complies with current employment legislation and NHS requirements.

This policy has been subject to consultation and should be read in conjunction with the Dignity and Respect Policy.

2 Scope

The policy applies to all employees of the Trust.

3 Aims

The policy aims to ensure all staff and managers are aware of their individual responsibilities in relation to preventing and eliminating unlawful discrimination, promoting equality and diversity and maintaining good working relationships.

4 Duties – roles and responsibilities

4.1 The Executive Team is accountable to the Trust Board for ensuring Trust-wide compliance with policy.

4.2 The Nursing and Patient Services Director will be responsible for ensuring Equality, Diversity and Human Rights in relation to patients and visitors are taken fully into account

4.3 Directorate managers and heads of service are responsible to the Executive Team for ensuring policy implementation. All Managers are responsible for ensuring the provision of Equality, Diversity and Human Rights in their areas, in particular for ensuring:

- all reasonable measures are taken to ensure their staff are aware of and carry out their responsibilities under the Equal Opportunities and Diversity Policy.
- the establishment of an environment and a culture where staff feel valued and are treated fairly,
- accurate and comprehensive records of all employment decisions are maintained
- they guard against prejudices, in particular those surrounding the protected characteristics of age, disability, ethnic origin, sex, sexual orientation, religion and belief, gender reassignment, marriage and civil partnership or pregnancy and maternity.
- identification and review of practices and procedures which may lead to any form of unlawful discrimination and take all reasonable measures to identify and review procedures that may lead to unlawful discrimination
4.4 Staff are responsible for complying with policy and must ensure:

- they do not unfairly discriminate against people who use the services of the Trust or work within the Trust, be they employees, employees of other organisations, contractors, agency workers, volunteers, visitors or patients and ensure all individual needs are considered
- take a personal responsibility to promote and value an inclusive workplace
- be aware that discrimination can also take the form of associative or perceptive discrimination *(direct discrimination or harassment against someone because they associate with another person who possesses a protected characteristic is known as associative discrimination. Direct discrimination or harassment 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 sex they do not harass, bully, intimidate, victimise or use any other unwanted behaviour against people who use Trust services or work in the Trust (refer to the Trusts Dignity and Respect Policy),
- attention is drawn to their manager of any acts or potential acts of discrimination, unlawful or unfair practice
- fully co-operate with management to develop a culture of dignity and respect at work
- if they feel they are subject to inappropriate behaviour, they refer to the Dignity and Respect at Work policy for guidance; a range of contact methods are available in the Trust for reporting concerns

4.5 Employees can be held personally liable as well as, or instead of, the Trust for any act of unlawful discrimination. Employees who commit serious acts of harassment / discrimination may be guilty of a criminal offence.

5 General principles

To promote this policy the Trust will ensure:

- there is a senior level equality champion responsible for leading the diversity strategy
- all employment policies and procedures are designed to advance equality of opportunity, eliminate unfair practices and are subject to a thorough equality analysis.
- compliance with all equality legislation including the requirement to make reasonable adjustments
- an annual review of workforce metrics by protected characteristic to determine and address negative trends ensuring there are formal reporting lines for monitoring progress against agreed targets and objectives
- appropriate communication and consultation with key stakeholders, including members of the Trust’s staff networks
- there are no discriminatory, unlawful or unfair practices, in terms of treatment and all clinical decisions shall be based on clinical need.

6 Equality and Diversity Structure

In order to secure genuine equality of opportunity, the Trust has developed a comprehensive equality and diversity reporting structure;

a. The Health Equality and Wellbeing Committee (HEWC) (reporting to the Trust Board)

The committee's main objectives are to ensure;

- the Trust is compliant with National and local legislation, initiatives, policies and standards.
- Involvement and Equality are embedded at every level.
- the Trust contributes effectively to reducing health inequalities and promote wellbeing
- progress against defined objectives are monitored

6.1 Equality Diversity and Human Rights Groups (EDHR), (reporting to the health Equality and Wellbeing Committee)

The Groups main aims are to

- act as a driving force to promote continuous practice improvement
- influence the culture of the organisation to ensure involvement and equality are embedded at every level, acting as a driving force to promote continuous practice improvement
- promote a work environment in which staff feel supported and valued, whilst enabling them to fulfil their potential and contribute fully to the benefit of the service and our patients
- challenge discrimination and to positively promote equality
- ensure that good practice and initiatives to promote equality and diversity are shared and communicated within the Trust

6.2 Staff Networks (reporting to Equality Diversity and Human Rights Groups and the Health Equality and Wellbeing Committee)

The aim of the staff networks are to;

- ensure good practice and initiatives are shared
- provide a forum for discussion and debate which draws on knowledge and experience
- develop and coordinate an action plan for positive change and ensure Trust policies are inclusive
- assist the Trust to meet its obligations under the Equality Act, Workforce Race Equality Scheme (WRES) and NHS Equality Delivery System (EDS)
• provide a place for staff to receive peer support, raise concerns and ideas in a safe and confidential environment.

7 Employment policies and practices

7.1 Changes to existing or proposed policies, procedures, strategies or services are subject to a systematically and thorough Equality Analysis. Each policy, procedure, strategy or service should be analysed in partnership, to ensure;

• the effects on any protected group are fully understood and minimised
• any proposed policy, procedure strategy or service do not actually or potentially, directly or indirectly, discriminate against any protected group.

Guidance regarding how to conduct an Equality Analysis is provided in the Trust’s Development and Approval Process.

7.2 Recruitment and selection (see Recruitment and Selection Policies)

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

7.2.2 Individuals will be selected for appointment solely on the basis of the knowledge, skills and experience required within the job description and person specification.

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

7.2.4 From time to time positive action may be taken to encourage people from under-represented groups to apply and compete for jobs.

7.3 Disablement during employment

7.3.1 The Trust will support staff with disabilities and those who become disabled during employment, and encourages open dialogue between staff and managers to ensure appropriate reasonable adjustments are considered.

7.3.2 Where an employee becomes disabled during the course of his/her employment;

• every effort will be made to enable the employee to continue in their current post. Full consideration will be given to the provision of adaptation/aids, job redesign and consideration of any other reasonable adjustment.

• where it is determined that the employee is not fit to return to the
job for which they are employed, the manager, in conjunction with the Human Resources department will identify any suitable redeployment opportunities. For further information refer to the Trust’s Redeployment Policy and the Employee Wellbeing Policy for further information. The Trust is not obliged to create a new post for an employee to move into.

7.3.3 Every effort will be made to support the employee and requirements will be addressed on an individual basis.

7.4 Education and Workforce Development

7.4.1 Appropriate mandatory training will be provided for all staff to ensure staff and managers understand their responsibilities under the Trust Equality and Diversity Policy. Equality and diversity issues are integrated (as appropriate) into other Trust learning and development programmes.

7.4.2 Every new employee will undergo a comprehensive corporate induction programme which will include awareness of Equality, Diversity and Human Rights practices within the Trust.

7.4.3 Employees will have equal access to training and development opportunities based upon organisational needs as identified and agreed through the annual appraisal process (all employees are required to have an annual appraisal – refer to the Appraisal Procedure (Non-medical Staff) and Appraisal Policy Senior Medical & Dental Staff for further information).

7.4.4 The mandatory training requirement of all staff includes training in Equality and Diversity and Human Rights in order to ensure all employees are appropriately informed, provided with appropriate updates and ensure the elimination of potential discriminatory practices – refer to the Mandatory Training Policy.

7.5 Religious observance

7.5.1 Prayer rooms are available on Trust sites for use by staff – information can be found in the Equality and Inclusion and Chaplaincy pages on the intranet. If a prayer room is not available, an employee may use a meeting room by booking it in the normal way.

7.5.2 Prayer time may take place during working time subject to i) the needs of the service, and ii) the prior agreement of the line manager. Where prayer is taken during working time, the time must be made up.

8 Training

Equality and Diversity training is a mandatory training requirement for all employees.
Training relating to the policy will be provided by the Human Resources Department to managers following its implementation.

9 Equality and diversity

The Trust is committed to ensuring that, as far as is reasonably practicable, the way services are provided and the way staff are treated reflects their individual needs and does not unlawfully discriminate against individuals or groups. This policy has been properly assessed.

10 Monitoring compliance with the policy

<table>
<thead>
<tr>
<th>Standard / Process / Issue</th>
<th>Monitoring and Audit Method</th>
<th>By</th>
<th>Committee</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reporting of information from ESR:</td>
<td>Reporting of information</td>
<td>Director of Human</td>
<td>Involvement and Equalities Steering Group</td>
<td>Annually</td>
</tr>
<tr>
<td>• Report on mandatory training compliance</td>
<td>from ESR</td>
<td>Resources</td>
<td>Trust Board via Performance Management Framework (Mandatory training)</td>
<td></td>
</tr>
<tr>
<td>• Report on employee relations cases involving discrimination</td>
<td></td>
<td></td>
<td></td>
<td>Quarterly</td>
</tr>
</tbody>
</table>

11 Consultation and review of this policy

This policy has been reviewed in consultation with the Employment Policies and Procedures Consultative Group

12 Implementation of the policy (including raising awareness)

A summary of the key changes will be notified to managers following implementation. Further advice and guidance will be available from the Human Resources Department.

13 Additional Documents

- Appraisal Policy – Senior Medical and Dental Staff
- Dignity and Respect at Work Policy
- Employee Wellbeing Policy Incorporating Absence Management Procedure
- Induction Policy
- Mandatory Training Policy
- Recruitment and Selection (Junior Medical and Dental Trust Doctor Posts)
- Recruitment and Selection (non-medical)
- Recruitment and Selection (Senior Medical and Dental)
- Redeployment Policy
- Staff Appraisal Non-Medical
The Newcastle upon Tyne Hospitals NHS Foundation Trust

Equality Analysis Form A

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

PART 1

1. Assessment Date: 29/06/2015

2. Name of policy / strategy / service:
   Equal Opportunities Policy

3. Name and designation of Author:
   Ms Karen Pearce, Senior HR Manager (Projects)

4. Names & designations of those involved in the impact analysis screening process:
   Ms Karen Pearce, Senior HR Manager (Projects), HR Heads, EPPCG, staff networks

5. Is this a: Policy X Strategy Service
   Is this: New X Revised
   Who is affected Employees X Service Users Wider Community

6. What are the main aims, objectives of the policy, strategy, or service and the intended outcomes? (These can be cut and pasted from your policy)
   The policy aims to ensure all staff and managers are aware of their individual responsibilities in relation to preventing and eliminating unlawful discrimination, promoting equality and diversity and maintaining good working relationships.

7. Does this policy, strategy, or service have any equality implications? Yes X No
   If No, state reasons and the information used to make this decision, please refer to paragraph 2.3 of the Equality Analysis Guidance before providing reasons:
8. Summary of evidence related to protected characteristics

<table>
<thead>
<tr>
<th>Protected Characteristic</th>
<th>Evidence, i.e. What evidence do you have that the Trust is meeting the needs of people in various protected Groups</th>
<th>Does evidence/engagement highlight areas of direct or indirect discrimination? If yes describe steps to be taken to address (by whom, completion date and review date)</th>
<th>Does the evidence highlight any areas to advance opportunities or foster good relations. If yes what steps will be taken? (by whom, completion date and review date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race / Ethnic origin (including gypsies and travellers)</td>
<td>The policy is clear that it does not discriminate on the grounds of race/ethnic origin, sex, religion and belief, sexual orientation, age, disability, gender reassignment, marriage and civil partnership and maternity and pregnancy. Trust produces and analyses (annually) workforce data around each protected characteristic. Data informs the equality Delivery System and each process informs the Trusts Equality and Diversity action plan. In addition the Trust complies with the requirements of the Workforce Race Equality Scheme (WRES) More specifically;  - Relative likelihood of BAME staff (all staff groups) being appointed after being shortlisted compared to White staff: 1.15 times more likely  - The relative likelihood of BAME staff entering formal disciplinary process compared to White staff: 0.81 times less likely</td>
<td>WRES data indicates: Percentage of staff believing the Trust provides equal opportunities for career progression or promotion  - BAME respondents: 78% (19)  - White respondents: 93% (390) Percentage of staff who reported that in the last 12 months they had personally experienced discrimination at work from a manager, team leader or other colleague  - BAME respondents: 17% (4)  - White respondents: 8% (30) The Trust equality action plan has been updated to seek to reduce the difference</td>
<td>The Trust has a BAME staff network and actively promotes diversity days. Equality and Diversity information is available at Trust Career Fairs and promoted through the Trusts Facebook Pages</td>
</tr>
<tr>
<td>Sex (male/ female)</td>
<td>As above</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Religion and Belief</td>
<td>As above</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Sexual orientation including lesbian, gay and bisexual people</td>
<td>Relative likelihood of heterosexual staff being appointed from shortlisting compared to LGB staff (0.17/0.18) is therefore 0.94 times less</td>
<td>- The relative likelihood of LGB staff entering the formal disciplinary process compared to heterosexual staff is therefore 0.037/0.025 = 1.48 times greater  - Percentage of LGB staff in bands 8-9 and VSM = 0.19%  - Percentage of LGB staff in overall workforce = 1.06%</td>
<td>Trust attended Northern Pride to increase community engagement and promote the Trust as an equal opportunities employer</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td><strong>Disability – learning difficulties, physical disability, sensory impairment and mental health. Consider the needs of carers in this section</strong></td>
<td><strong>Trust equality action plan has been updated to seek to reduce the difference</strong></td>
<td></td>
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</tr>
<tr>
<td>Trust policies are clear that they do not discriminate on the grounds of disability.</td>
<td>Percentage of staff who consider themselves to have a disability in bands 8-9 and VSM = 0.76%</td>
<td>Trust promotes two tick and offers a guaranteed interview scheme.</td>
<td></td>
</tr>
<tr>
<td>The Trust has a disability staff network</td>
<td>Percentage of staff who consider themselves to have a disability in overall workforce = 1.70%</td>
<td>Project choice is promoted externally to local schools and colleges and has achieved fantastic result in enabling young people with learning disabilities to enter employment.</td>
<td></td>
</tr>
<tr>
<td>The Trust has Project Choice an internship for young people with learning disabilities with a 76% transition rate into paid employment.</td>
<td>Relative likelihood of non-disabled staff being appointed from shortlisting compared to disabled staff (0.181/0.072) is therefore 2.51 times greater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Trust has provision for early ill health retirement to support employees who are permanently incapable of performing their current role, or regular employment.</td>
<td>The relative likelihood of staff who consider themselves to have a disability entering the formal disciplinary process compared to staff who don’t consider themselves to have a disability is therefore 0.056/0.0232 = 2.41 times greater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relevant Trust policies are clear that consideration will always be made to explore reasonable adjustments to support an employee or applicant who has a disability.</td>
<td>The Trust equality action plan has been updated to seek to reduce the difference</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Redeployment policy is clear that if redeployment is being considered and an employee is disabled, they will be given prior consideration.</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Gender Re-assignment</strong></th>
<th><strong>The policy is clear that it does not discriminate on the grounds of gender re-assignment.</strong></th>
<th><strong>The policy is clear that it does not discriminate on the grounds of gender re-assignment.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The Trust has a functioning Gender Identity Group with representatives from third section and staff and an LGBT staff network.</td>
<td></td>
<td>Trust attended Northern Pride to increase community engagement and promote the Trust as an equal opportunities employer.</td>
</tr>
<tr>
<td>An employee who wishes to take annual leave in relation to absence attributable to pre-planned surgery, may be allowed to do so provided the leave is approved in accordance with normal procedure.</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

| **Marriage and Civil Partnership** | **The policy is clear that it does not discriminate on the grounds of marriage and civil partnership.** | **The policy is clear that it does not discriminate on the grounds of marriage and civil partnership.** |
| **Maternity / Pregnancy** | **The policy is clear that it does not discriminate on the grounds of maternity/pregnancy.** | |
The Trust has a number of policies to support pregnant employees and employees on maternity leave and breastfeeding employees. These policies ensure that risk assessments are undertaken to ensure the safety of the employee and these will be reviewed, should the employee have pregnancy related absences.

9. Are there any gaps in the evidence outlined above? If ‘yes’ how will these be rectified?

   No

10. Engagement has taken place with people who have protected characteristics and will continue through the Equality Delivery System and the Equality Diversity and Human Rights Group. Please note you may require further engagement in respect of any significant changes to policies, new developments and or changes to service delivery. In such circumstances please contact the Equality and Diversity Lead or the Involvement and Equalities Officer.

   Do you require further engagement? Yes [ ] No [X]

11. Could the policy, strategy or service have a negative impact on human rights? (E.g. the right to respect for private and family life, the right to a fair hearing and the right to education?)

   No

PART 2

   Name: Karen Pearce

   Date of completion: 2015 10 15

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