# Equality and Diversity Policy

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**Date ratified:** 13th March 2013  
**Approving Committee/Group (Date):** People and Organisational Development Committee  
**Date Approved by Medicines Management Committee:** N/A  
**Name and Title of originator/author:** Debbie Eyitayo, Deputy Director of HR/Martin Knights, HR Business Partner  
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**Relevant Standards (e.g. NHSLA, CQC, HSE):** None  
**Acknowledgements:** None  
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1 INTRODUCTION

Croydon Health Services is committed to building a workforce that is valued and whose diversity reflects the community which it serves, enabling the provision of high quality, responsive and accessible care to those communities.

The Trust works to provide a caring, safe and supportive environment for all patients and staff and recognises that in order to achieve this, patients, carers, visitors, staff and all other users of Trust services should be treated fairly, with dignity and respect regardless of age, disability, race, nationality, ethnic or national origin, gender, religion, belief, sexual orientation, domestic circumstances, social or employment status, HIV status, gender reassignment, political affiliation or trade union membership.

The Trust acknowledges its legal obligations in relation to the promotion of equality and diversity in compliance with the Equality Act 2010. It is committed to eliminating all forms of discrimination in all aspects of employment and the treatment of patients and users.

It is the responsibility of everyone to act in ways that support Equality and Diversity and this policy sets out the principles and actions which should be followed in order to achieve these objectives.

2 PURPOSE

Croydon Health Services (the Trust) is committed to ensuring the principles of fairness, equality of opportunity and respect for diversity for all its employees, patients, visitors and other users of Trust services.

The Trust recognises the diversity of its local population and is committed to building a workforce which is valued and whose diversity reflects the communities it serves; thereby enabling the delivery of the highest quality healthcare for those communities to ensure it delivers the five patient promises as detailed in the Here for You standards handbook.

The Trust acknowledges its legal responsibilities. This policy aims to ensure compliance with current and forthcoming equality and diversity legislation, codes of practice and national guidance.

2.1 Scope

This policy applies equally to all Trust staff working in the acute setting or in the community including bank and agency staff, as well as volunteers and contracted staff. It covers all aspects of employment, including recruitment, training and promotion. It also applies to treatment of patient and users, and should be read in conjunction with other Trust policies.

3 DEFINITIONS

Equality Act 2010 - The act replaced previous anti-discrimination laws with a single act to make the law simpler and to remove inconsistencies. This makes the law easier for people to understand and comply with.

Protected Characteristics - The act covers nine protected characteristics, which cannot be used as a reason to treat people unfairly. Every person has one or more of the protected
characteristics, so the act protects everyone against unfair treatment. The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

4 ACCOUNTABILITIES AND RESPONSIBILITIES

The implementation of this policy is ultimately the responsibility of every member of staff in the whole organisation. The aim is to make equality and diversity a part of everything that the Trust does and in order for this to happen, everyone who works in the Trust needs to know about the policies that exist and what they say.

Each Executive Director is responsible for the effective implementation of the Policy within their Directorate.

The Chief Executive together with the Trust Board have a responsibility to demonstrate compliance with the Equality and Diversity policy at board level in their decision making, policies and actions.

The Human Resources department will provide staff with Equality and Diversity Training. Trust Managers will also be provided with training and support on the fair and appropriate use of Trust policies to manage staff.

5 PROCEDURE/COURSE OF ACTION REQUIRED

5.1 General Principles

Everyone who works in the Trust, or applies to work in the Trust and all users of Trust services should be treated fairly and valued equally. All conditions of service and job requirements should fit in with the needs of the service and those who work in it, regardless of age, disability, race, nationality, ethnic or national origin, gender, religion, belief, sexual orientation, domestic circumstances, social or employment status, HIV status, gender reassignment, political affiliation or trade union membership.

Equality of opportunity means 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.

The Trust is committed to enabling everyone in the Trust to achieve his or her full potential in an environment characterised by dignity and mutual respect.
The Trust strives to be a place where people want to work and choose to be treated. We aim to be a leader in good employment practice and this policy is about building on the current legal framework through the establishment of good practice.

It is the responsibility for everyone in the Trust to act in ways that support equality and diversity. Any concerns should be reported. Conduct or behaviour which undermines equality and diversity and leads to discrimination will be considered a disciplinary offence and will be dealt with in accordance with the Trust’s Disciplinary Policy.

5.2 Equality and Diversity in Service Provision

The Trust aims to be responsive in every aspect of our service activities, providing appropriate, accessible and effective services and facilities to meet the diverse needs of our community.

We will aim to:

- provide clear information about our services in appropriate formats and languages that meet people’s needs, equipment and where possible provide interpreters on request
- continue to make reasonable adjustments to our premises and services to ensure that they are accessible
- review and monitor our services to ensure that all sections of the community are receiving fair access and outcomes
- integrate equality targets into service delivery plans
- ensure that all sections of our community are consulted on developing services
- provide training for employees to develop the attitudes and behaviour which support diversity and equality

5.3 Raising Concerns

Any person who believes that the policy is not being applied to them should discuss their concerns with an appropriate line manager. Members of the public with concerns regarding equality and diversity should be directed to the Complaints department. All concerns will be taken seriously and dealt with quickly.

Complaints may also be raised through the following Trust policies

- Grievance Policy
- Dignity at Work (Harassment and Bullying) Policy & Procedure
- Speak Up Policy

Copies of Trust Policies can be found on the Trust intranet

6 TRAINING

HR Advisors/Business Partners will provide briefing sessions and bespoke coaching to line managers on the use of this policy including an overview of the Equality Act 2010

6.1 Equality Impact Assessment

The Equality Impact Assessment for this policy is attached in Appendix A.
7 MONITORING COMPLIANCE

<table>
<thead>
<tr>
<th>Element to be monitored</th>
<th>Lead</th>
<th>Tool</th>
<th>Frequency</th>
<th>Reporting arrangement(s)</th>
<th>Acting on recommendations and Lead(s)</th>
<th>Change in practice and lessons to be shared</th>
</tr>
</thead>
<tbody>
<tr>
<td>That due process is followed in line with this policy</td>
<td>Deputy Director of HR</td>
<td>Review of workforce data by protected characteristic</td>
<td>Annually</td>
<td>People and Organisational and Development Committee (POD)</td>
<td>Senior Managers, Head of Departments</td>
<td>Senior Managers, Head of Departments</td>
</tr>
</tbody>
</table>

This Policy will be reviewed every three years or following significant changes in legislation or if appropriate, following internal changes within the Trust.

8 REFERENCES

Agenda for Change Terms and Conditions of Service Handbook
Websites - Equality and Human Rights; ACAS;

9 ASSOCIATED DOCUMENTATION

- Grievance Policy
- Dignity at Work (Harassment and Bullying) Policy & Procedure
- Speak Up Policy
- Recruitment and Selection Policy

10 VERSION HISTORY TABLE

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Author</th>
<th>Ratified by</th>
<th>Comment/Reason for change</th>
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<tr>
<td>1</td>
<td>March 2008</td>
<td>Debbie Eyitayo</td>
<td>PODC</td>
<td>New</td>
</tr>
<tr>
<td>2.0</td>
<td>March 2013</td>
<td>Martin Knights</td>
<td>People and Organisational Development</td>
<td>Policy revised to reflect the Equality Act 2010. (please note policy revised in August 2011 but not published due to further discussion with the then named Equality &amp; Diversity Committee)</td>
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</table>
# APPENDIX A – EQUALITY IMPACT ASSESSMENT

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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the policy/guidance affect one group less or more favourably than another on the basis of:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Race</td>
<td>No</td>
<td></td>
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<tr>
<td></td>
<td>Ethnic origins (including gypsies and travellers)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nationality</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gender</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Culture</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Religion or belief</td>
<td>No</td>
<td></td>
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<tr>
<td></td>
<td>Sexual orientation including lesbian, gay and bisexual people</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Age</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Disability - learning disabilities, physical disability, sensory impairment and mental health problems</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>2. Is there any evidence that some groups are affected differently?</td>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>3. If you have identified potential discrimination, are there any exceptions valid, legal and/or justifiable?</td>
<td></td>
<td>N/A</td>
<td></td>
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<tr>
<td>4. Is the impact of the policy/guidance likely to be negative?</td>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>5. If so can the impact be avoided?</td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>6. What alternative are there to achieving the policy/guidance without the impact?</td>
<td></td>
<td>N/A</td>
<td></td>
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<tr>
<td>7. Can we reduce the impact by taking different action?</td>
<td></td>
<td>N/A</td>
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### APPENDIX B – CONSULTATION TEMPLATE

<p>| | | |</p>
<table>
<thead>
<tr>
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<td>Equality and Diversity Policy</td>
</tr>
<tr>
<td>2.</td>
<td>Procedural Document Author:</td>
<td>Debbie Eyitayo, Deputy Director of HR &amp; Martin Knights, HR Business Partner</td>
</tr>
<tr>
<td>3.</td>
<td>Group/Committee Consulted:</td>
<td>Trust Policy Group; HR Staff; E &amp; D Committee Members; POD</td>
</tr>
<tr>
<td>4.</td>
<td>Date of Consultation:</td>
<td>August 2011</td>
</tr>
<tr>
<td>5.</td>
<td>Comments Received:</td>
<td>Clarification requested from Policy Group regarding the use of a comparator in victimisation and equal pay claims. Confirmed with ACAS a comparator may not be required in all circumstances under the Equality Act 2010.</td>
</tr>
<tr>
<td>6.</td>
<td>Highlight where policy changed following consultation or state reasoning why comments not incorporated:</td>
<td>No changes required following consultation</td>
</tr>
</tbody>
</table>

Please note: This version of the policy was approved by the Trust’s Policy Committee but was not published at the time. The changes incorporating the Equality Act are still relevant.
APPENDIX C – SUPPORTING INFORMATION

1. What is Equal Opportunity?

It is:

- about treating everyone fairly and without bias
- utilising and developing the talents and resources of all employees irrespective of age, disability, race, nationality, ethnic or national origin, gender, religion, belief, sexual orientation, domestic circumstances, social or employment status, HIV status, gender reassignment, political affiliation or trade union membership.
- creating a workplace where all staff are confident that they will be afforded fair access to opportunities
- creating a workplace free from victimisation, harassment or bullying
- ensuring working and employment practices reflect the principles of the Trust’s Equality and Diversity Policy

2. Equal Opportunity is not:

- giving certain groups an unfair advantage in the workplace
- ignoring or devaluing diversity by pretending that everyone is the same
- lowering standards in any way

In practice, providing equal opportunities is about providing fair employment opportunities. This means providing equal access to jobs, training and promotion, development opportunities, and working in an environment free from harassment and victimisation. An organisation which is made up of diverse groups, with a wide range of abilities, experience and skills, is more likely to be receptive to new ideas and different possibilities than one made up of a more homogenous group in terms of background and experience. It has more opportunities to develop its role in the community, and to explore its full business and social potential.

3. Definitions of Discrimination, Harassment and Victimisation

- **Direct discrimination**
  Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

- **Discrimination by association**
  Already applies to race, religion or belief and sexual orientation and has been extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

- **Perception discrimination**
  Already applies to age, race, religion or belief and sexual orientation and has been extended to cover disability, gender reassignment and sex. This is direct discrimination
against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

- **Indirect discrimination**
  Already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership and has been extended to cover disability and gender reassignment. Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, ie that it is ‘a proportionate means of achieving a legitimate aim’.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves.

Employees are also protected from harassment because of Perception and Association

- **Third party harassment**
  Already applies to sex and has been extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation. The Equality Act makes you potentially liable for harassment of your employees by people (third parties) who are not employees of your company, such as customers or clients. You will only be liable when harassment has occurred on at least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

- **Victimisation**
  Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act

- **Failure to make a reasonable adjustment**
  Discrimination also refers to failure to make a reasonable adjustment in the workplace or to employment arrangements without justification. This is in order that the disabled person is not put at any substantial disadvantage compared to a non-disabled person.

- **Equal Pay – Direct Discrimination**
  The Equality Act retains the framework that was previously in place. This means that in most circumstances a challenge to pay inequality and other contractual terms and conditions still has to be made by comparison with a real person of the opposite sex in the same employment.

  However, a change in the Equality Act allows a claim of direct pay discrimination to be made, even if no real person comparator can be found. This means that a claimant who can show evidence that they would have received better remuneration from their employer if they were of a different sex may have a claim, even if there is no-one of the opposite sex doing equal work in the organisation. This would be a claim under sex discrimination.