

Equality and Diversity	Policy
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1.0 Purpose

- 1.1 The Trust is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in its employment or to customers. The Trust believe that the promotion of Equal Opportunity is a key component of good management as well as being legally required, socially desirable and morally right. Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is a vital aspect of ensuring equal opportunities in employment.

2.0 Scope

- 2.1 This policy will apply to all staff employed under a contract of service by the Mid Essex Hospital Services NHS Trust. This policy aims to ensure that no employee or applicant for employment receives less favourable treatment on the grounds of:

- Gender and Gender Identity
- Marital Status
- Civil Partnerships
- Parental/Guardian/Carer Status
- Race
- Creed
- Religion & Belief
- Physical, Mental or learning Disability
- Age
- Sexual Orientation
- Trade Union Membership, or Non-Membership, or Activity

3.0 Statement of intent

- 3.1 The Trust acknowledges that employees have different abilities to contribute to organisational goals, performance and that appropriate support may be required to give everyone an opportunity to contribute on equal terms. Employees will be valued by the organisation as individuals, and will be treated with respect and dignity.
- 3.2 The Director of Human Resources has lead responsibility for ensuring that this policy translates into effective action at the operational level. All managers have responsibility for ensuring that employees are aware of the policy, and that they adhere to the terms of the policy.

- 3.3 Discrimination on the grounds listed above will not be tolerated by the Trust, whether committed with intent or negligence. Any employee who fails to comply with this policy will be liable to action under the Trusts Disciplinary Policy.
- 3.4 The Trust is also bound by the employment duty which monitors all the above in relation to staff in post, applicants for jobs, promotions, training, grievances, disciplinary action, performance appraisal and KSF, dismissals and other reasons for leaving.

4.0 Legal framework

- 4.1 It is unlawful to discriminate directly or indirectly in recruitment or employment on grounds of sex, gender reassignment, pregnancy, parental/guardian/carer status, creed, race, nationality, ethnic or national origins, age, disability, sexual orientation or religion or belief, or because someone is married. It is unlawful to treat someone less favourably on the grounds of any of the above.
- 4.2 If an employee has made an allegation of discrimination, supported someone to make a complaint or given evidence in relation to a complaint it is unlawful to treat them less favourably.

Direct Discrimination

- 4.2.1 Direct Discrimination occurs when an individual is treated less favourably than others. For example, a requirement for all applicants to be male/female, or of a specific race both of which would have the effect of directly discriminating on the grounds of sex or race, or refusing to employ a woman because she was pregnant.

Indirect Discrimination

- 4.2.2 Indirect Discrimination is more common and occurs when the application of a requirement or condition has the effect of treating one group less favourably than others. For example the requirement that applicants for a job must meet a minimum height may have the effect of excluding more women than men and therefore would be indirectly discriminatory.

5.0 Age Regulations

- 5.1 Age Regulations (Employment Equality (Age) Regulations 2006) came into force on 1st October, 2006 are applicable to people of all ages and cover direct and indirect discrimination, harassment and victimisation. The regulations will:
- Ban age discrimination in terms of recruitment, promotion, training and retirement

- Remove the current age limit for unfair dismissal and redundancy rights.
- Provide the right for employees to request to work beyond retirement age and a duty on employers to consider that request.
- Require employers to give at least six months notice to employees regarding their intended retirement date.
- The legislation will protect individuals or employers who are forced to discriminate on age grounds in order to comply with other legislation.

6.0 Race Equality Scheme

6.1 The Trust has a specific duty to publish a Race Equality Scheme, setting out how it intends to meet its obligations under the general and other specific duties that have been set and are relevant to it, which cover service delivery and policy making. The Race Equality Scheme will:

- State the functions and policies of the Trust that have been assessed as being relevant to the general duty.
- Outline the arrangements for meeting the duty by:
 - Monitoring and consulting on the likely impact of proposed policies
 - Ensuring the public have equal access to information and services
 - Publishing the results of our assessments, consultation and monitoring
 - Training staff on the general duty.

7.0 Disability Equality Scheme

7.1 The Disability Equality Scheme is a strategy, which sets out how the Trust intends to fulfil the general and specific duties on disability equality, and include a realistic action plan. It describes:

- How people with disabilities have been involved in the development of the scheme;
- The methods to be used for impact assessment of functions, policies and practices;
- The steps to be taken towards fulfilling the general duty, expressed in the form of an action plan;
- Arrangements for gathering information in relation to employment and other functions, policies and practices;
- Arrangements for using the information gathered in such as reviewing the effectiveness of the action plan;

- Arrangements for publishing the scheme and annual reports on progress with the action plan.

7.2 From October 2004, the duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services.

7.3 The scheme is part of an overarching equality and diversity plan, which sets out the vision to eliminate unlawful discrimination and to promote equal opportunities for all people

8.0 Gender Equality Scheme

8.1 The Gender Equality Scheme, launched in April 2007, sets out how the Trust fulfils the general and specific duties on gender equality. Please see action plan for further details.

9.0 Positive action for equal opportunities in Employment

9.1 The Trust will avoid discrimination in all aspect of employment including recruitment, promotion, opportunities for training, redeployment, redundancy, pay and benefits.

9.2 Under the terms of the Sex Discrimination Act and the Disability Discrimination Act, an employer may take POSITIVE ACTION to address under representation within the workforce. This means that an employer may take the following steps:

- Encouragement
- Training
- Flexible working
- Return to work schemes

9.3 An employer must however; select people for employment based on merit and may not positively discriminate at the point of selection. The Trust cannot lawfully discriminate in the selection of employees for recruitment or promotion, but may use appropriate lawful methods, including lawful positive action to address under representation of any group the Trust identifies as being under represented in particular types of job.

10.0 Employee Responsibilities

- 10.1 Every employee is required to assist the Trust to meet its commitment to provide equal opportunities in employment and avoid discrimination. Employees can be held personally liable as well as, or instead of, the Trust for any act of discrimination. Employees who commit serious acts of discrimination may be guilty of a criminal offence.
- 10.2 Acts of discrimination, harassment, bullying or victimisation against employees are disciplinary offences and will be dealt with under the Trusts Disciplinary Policy. Similarly, patients or visitors to the Trust will be dealt with under the Violence and Anti-Social Behaviour Policy. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

11.0 Grievances

- 11.1 Any employee who believes they have been subjected to discrimination should raise the issue with their immediate line manager. If it is against the immediate line manager, refer to the next level management. The emphasis is placed on resolving workplace grievances informally if possible or at the managerial level closest to the source of the problem. All employees have access to the Trusts Grievance Policy when making a complaint of discrimination.

12.0 Monitoring

- 12.1 It is the responsibility of Managers to keep a record of any incidents within their work area submitted to HR on a six monthly basis. Obtain an ESR report on formal complaints for any breaches. All complaints will be reported on a six monthly basis to JCNC and HR Committee.