

EQUALITY AND DIVERSITY POLICY

(Incorporating Equality Impact Assessment)

SEPTEMBER 2017

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Name of Policy:	Equality and Diversity Policy
Date Issued:	October 2017
Date to be reviewed:	September 2019

Policy Title:	Equality and Diversity Policy	
Supersedes: (Please List)	Equality Impact Analysis Policy and Procedure	
Description of Amendment(s):	Updated policy to reflect progress	
This policy will impact on:	All staff	
Financial Implications:	None	
Policy Area:	Corporate	
Version No:	1.0	
Author:	Amanda Heenan, Equality and Diversity Specialist Advisor	
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Equality Impact Assessment Date:	August 2017	
APPROVAL RECORD	Quality and Performance Committee	26 September 2017
Consultation:	Equality and Diversity Specialist and Relevant Colleagues	September 2017

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1.0 INTRODUCTION

- 1.1 The CCG is committed to equality of opportunity for all employees and adopts employment practices, policies and procedures which ensure that no employee, or potential employee, receives less favourable treatment on the grounds of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background, domestic circumstances, social and employment status, HIV status, gender reassignment, political affiliation or any other personal characteristic. Diversity will be viewed positively and, in recognising that everyone is different, the unique contribution that each individual's experience, knowledge and skills can make is valued equally.
- 1.2 The promotion of equality and diversity will be actively pursued through policies and ensure that employees receive fair, equitable and consistent treatment and ensure that employees, and potential employees, are not subject to direct or indirect discrimination.
- 1.3 The CCG has developed an Equality Plan, based on Equality Objectives to deliver its obligations under the Equality Act (2010) (see <http://www.hullccg.nhs.uk/pages/equality-and-diversity>)
- 1.4 This policy is in support of the CCG's core values of listening and valuing all communities, being ready to challenge and be challenged and to innovate in order to strive for excellence.
- 1.5 It is a condition of employment that all employees respect and act in accordance with the Equality and Diversity Policy. Failure to do so will result in the disciplinary procedure being instigated, which could result in dismissal.

2.0 LEGISLATION

- 2.1 The Equality Act 2010 requires the CCG and its employees to have due regard of the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - Foster good relations between people who share a protected characteristic and those who do not.
- 2.2 The protected characteristics defined by the Equality Act are: age, sex, race (including ethnicity and nationality), disability, sexual orientation, religion or belief, gender reassignment, pregnancy and maternity and marriage or civil partnership.
- 2.3 **Equality Objectives**
In implementing our equality duties, the CCG has defined the following equality objectives, developed in 2015-16, based on analysis through the Equality Delivery System, in consultation with staff and other local interest groups.

- i. Ensure patients and public have improved access to information and minimise communications barriers;
- ii. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone's day-to-day job;
- iii. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve; and
- iv. Ensure the that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs.

2.4 We have a regularly reviewed Equality Outcomes Framework to ensure that we are making progress against these objectives. This is reported to our Quality and Performance Committee throughout the year, and twice a year to the Board.

3.0 DEFINITIONS

3.1 **Equality** is based on the principle of providing equality access to services, in the context of the Equality Act 2010. In its broader sense, equality is about '*creating a fairer society, where everyone can participate and has the opportunity to fulfill their potential*' (Department of Health 2004).

3.2 **Diversity**, in this context means recognising and valuing difference in individuals and communities.

3.3 **Equality impact assessment** is a process of explicitly considering the likely equality impact of new or changes to existing policy, project or functions.

3.4 **Protected characteristics** are defined by the Equality Act 2010. The characteristics that are protected by the Equality Act 2010 are: age; disability; gender reassignment; marriage or civil partnership (in employment only); pregnancy and maternity: race; religion or belief; sex.

The Equality Act 2010 protects against discrimination, harassment and victimisation.

3.5 **Direct discrimination** occurs when an individual is treated less favourably because of their gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristic. An example of direct discrimination would be dismissing a female employee because she is pregnant.

3.6 **Indirect discrimination** occurs when an unjustifiable condition or requirement is applied which has a discriminatory effect, as the number of people who can

comply with the condition or requirement is smaller among a particular group. An example of indirect discrimination would be only sending full-time employees on training courses (as more female employees than male are likely to be part-time).

3.7 **Harassment** is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

3.8 **Victimisation** means treating someone less favourably because they have done a 'protected act' (or because you believe that a person has done or is going to do a protected act). A 'protected act' is: Making a claim or complaint of discrimination (under the Equality Act)¹

4.0 POLICY PURPOSE AND PRINCIPLE

4.1 The purpose of this policy is to set out the position of the CCG in relation to legislative compliance with the Equality Act 2010 and to enable staff members of the CCG to understand their rights and responsibilities in this regard. It applies to all functions and activities undertaken by the CCG and gives guidance to staff members on their roles and responsibilities in complying and implementing this policy.

5.0 IMPACT ANALYSIS

5.1 Equality

This policy will have a positive impact on equality as sets out the CCG's approach to promoting equality, eliminating discrimination and fostering good relationships. It also sets out clear expectations for staff in complying with our equality duties.

5.2 Bribery Act 2010

NHS Hull Clinical Commissioning Group has a responsibility to ensure that all staff are made aware of their duties and responsibilities arising from The Bribery Act 2010. The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed.

Due consideration has been given to the Bribery Act 2010 in the development of this Equality and Diversity Policy.

6.0 NHS CONSTITUTION

6.1 The CCG is committed to eliminating discrimination and promoting equality and

¹ Definition provided by the EHRC: <https://www.equalityhumanrights.com/en/advice-and-guidance/what-victimisation>

diversity in its policies, procedures and guidelines, and

Designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged.

- 6.2 This Policy supports the NHS Constitution and Respect and dignity in that the CCG:

Values every person – whether patient, their families or carers, or staff – as an individual, respect their aspirations and commitments in life, and seek to understand their priorities, needs, abilities and limits. We take what others have to say seriously. We are honest and open about our point of view and what we can and cannot do.

7.0 ROLES, RESPONSIBILITIES AND DUTIES

7.1 Expected standards of behaviour

The CCG expects and demands that all of its own staff and the staff employed by providers with whom it contracts, will display the appropriate behaviour to all colleagues, patients and service users, regardless of their protected characteristics. Any non-compliance with this requirement will result in disciplinary action.

7.2 CCG Board

The Board of the CCG will adopt appropriate strategies to support and value equality and diversity within the organisation.

It is the role of the CCG to review EIAs of policies or decisions being presented to the Board and for Board members to seek assurance of the robustness and validity of EIAs.

7.3 All CCG Staff

All employees are responsible for familiarising themselves with the Equality and Diversity Policy and for complying with it. Employees should inform their manager if they know or suspect that discrimination/ harassment is occurring.

It is the responsibility of staff leading on any of the areas of work listed above to ensure that an equality impact assessment is undertaken. This should be done in a collaborative way, involving relevant colleagues, e.g. in clinical engagement, public and patient engagement, staff development groups as much as possible.

It is also the responsibility of CCG to ensure the EIA is reviewed and signed off by the Executive Equality Lead before it is submitted to the relevant sign-off committee / body.

7.4 Managers

Managers are required to exercise leadership in equality and diversity by discouraging prejudice and by modelling appropriate behaviour. They must ensure that the Equality and Diversity policy is clearly communicated to their employees along with sources of available support. They must also take speedy

and appropriate action to deal with any breaches of the policy, or behaviour that could lead to a breach of the policy.

Any identified breaches of the Equality and Diversity Policy should be dealt with using the Disciplinary, Grievance or Harassment and Bullying policies.

Managers are responsible for applying employment practices, policies and procedures fairly and consistently, and for highlighting and addressing any practices, which could lead to discrimination.

7.5 Quality and Performance Committee

It is the role of the Quality and Performance Committee to review progress against the CCG's equality objectives.

It is the role of the Quality and Performance Committee to review EIA of policies brought to the Committee

[Add other committees that need to do similar e.g. Procurement Panel; The Integrated Audit and Governance Committee etc.)

7.6 Executive Equality Lead

It is the role of the Associate Director of Corporate Affairs / Executive Equality Lead to review the EIA and sign off providing assurance of the robustness of the EIA.

8.0 EQUALITY IMPACT ASSESSMENT IMPLEMENTATION

The CCG reviewed its performance on equality impact assessment in 2015 and 16 and introduced a new suite of tools and training to support more effective and meaningful equality impact assessment.

Equality impact assessment is a process of explicitly considering the likely equality impact of new or changes to existing policy, project or functions.

It should be based on evidence and engagement, identifying any equality impact (positive and negative) and identify actions to mitigate any negative impact.

Equality impact in this context refers to impact on people who have or share protected characteristics, as defined by the Equality Act 2010. However, this process can also be used to identify needs and impact of other groups, for example carers or homeless people.

The CCG will undertake an equality impact assessments for the following:

- New or reviewed policies;
- Strategies;
- Services Specifications;
- Business Cases;
- Service reviews;
- Any decommissioning activity; and

- Any other project that will have a significant impact on staff, patients or the public.

Equality impact assessments should:

- Ensure that decisions impact in a fair way;
- Ensure that decisions based on evidence, based on engagement insight;
- Support effective and timely commissioning of services that best meets local patient's needs; and
- Make decision-making more transparent.

Further information about EIA tools and guidance can be found here: Y:\HULLCCG\Corporate Templates and Forms\Equality and Diversity Information.

9.0 TRAINING

The CCG will ensure that each member of staff has the training appropriate to their role in relation to Equality and Diversity. All members of staff will be required to undertake mandatory online training on Equality and Diversity at the appropriate intervals. In addition to this, members of staff directly involved in commissioning, service design, contracting and procurement will receive tailored training to support them in these activities.

10.0 CCG FUNCTIONS

The examples below set out how the CCG incorporates the principles of equality and diversity into our functions (however this is not limited to the functions listed below).

10.1 Service design and redesign

When considering any service that is being designed or redesigned, service leads and commissioning staff should consider the needs and requirements of each of the groups with protected characteristics and should ensure that they have consulted appropriately with these groups.

Consideration of these requirements at the beginning of the process will mitigate any potential discrimination that may arise for a group with a protected characteristic and will contribute to the high level of quality service delivery expected by the CCG in its commissioning role. This may include any national or local research, data and patient feedback related to the protected characteristics that apply to the service in question.

This information can inform the Equality Impact Analysis for the service.

10.2 Procurement

When procuring services, the CCG will ensure that all tender specifications and

tender documentation is fully cognisant of the legislative requirements of the Equality Act 2010. This will include the requirement for assurance by bidders of their commitment to, and implementation of, the Public Sector Equality Duty in their service delivery.

10.3 **Contracting**

When contracting for services, the CCG will ensure that there is provision within the contract that providers will comply with the Equality Act 2010 and specifically they will undertake activities to ensure that they comply with the Public Sector Equality Duty, regardless of their individual legal status.

10.4 **Performance Management**

Compliance with the requirements set out in the contract relating to Equality and Diversity will be performance managed robustly through a relevant set of Key Performance Indicators and datasets and reviewed at contract management meetings.

10.5 **Communications and Engagement**

When undertaking communications internally and externally and any engagement activities related to CCG initiatives, due regard will be paid to ensuring that communications are accessible in a variety of ways and that all sections of the community with protected characteristics are engaged with appropriately. This will be evidenced through robust monitoring and engagement feedback reports which will incorporate commentary on the efficacy of reaching out to relevant groups, depending on the nature of the specific engagement activity.

10.6 **Transparent working practice** (publication of Equality Impact Analyses)

The CCG will meet all of its obligations in relation to publishing statements of compliance with the Equality Act 2010. In addition to this it will publish the Equality Impact Analyses it has undertaken for policies and service specifications and other relevant documents, for example strategies and plans.

10.7 **Translation and interpretation**

Where patient's first language is not English and their level of English does not facilitate equality of access to a particular service, the policy of the CCG is to require providers to engage appropriate independent interpreting and translation. Where patients and service users' are deaf or have a hearing impairment, the policy of the CCG requires providers to engage British Sign Language interpreters. This is an essential part of delivering high quality, safe services to all of our population and ensuring vulnerable people are safeguarded appropriately.

The CCG funds an interpretation and translation service for use by primary care service providers (e.g. GPs and Dentists).

11.0 NHS ENGLAND EQUALITY STANDARDS

11.1 Workforce Race Equality Standard (WRES)

The CCG will implement the WRES by reporting on their performance as an organisation and implementing an action plan for areas of improvement. As a commissioner we will also seek assurance that providers publish their reports, draft and implement actions plans. The CCG will also analyse the results of provider WRES report to identify areas that need further development and focus across the health economy.

11.2 Accessible Information Standard (AIS)

The CCG has incorporated the Accessible Information Standard into our Equality Outcomes Framework. This includes the accessibility of the CCG's information, as well as seeking assurance from providers that they are effectively incorporating this standard to ensure that the communication needs of patients are being recorded and met.

11.3 Equality Delivery System (EDS)

The Equality Delivery System (EDS) is a mandatory NHS England standard that requires NHS organisations show how they are improving outcomes for people who share protected characteristics as defined by the Equality Act 2010.

Equality and Diversity is all about people, how we can level uneven playing fields, providing people with an opportunity to thrive, succeed and feel respected and valued whatever their background, culture or characteristics

The EDS has four performance objectives / goals:

1. Better Health Outcomes for all
2. Improved patient access and experience
3. Empowered, engaged and well supported staff
4. Inclusive leadership at all levels

More information about how the CCG implements the EDS can be found here:

<http://www.hullccg.nhs.uk/pages/equality-delivery-system-eds>

12.0 PROCEDURE FOR DEALING WITH COMPLAINTS OF DISCRIMINATION

12.1 Any employee who feels that they have been discriminated against on any grounds set out in this policy should initially raise their concerns with their line manager. Where an employee's concerns relate to their line manager, the employee should raise their concern with the next more senior officer. Alternatively, employees may wish to discuss their concern with a member of Human Resources.

12.2 Where resolution cannot be achieved through informal discussion, an employee may put forward a grievance in line with the guidelines set down in the CCG's Grievance Procedure. Alternatively the Bullying and Harassment may be followed. At all stages of the procedure, employees can be accompanied by a Trade Union representative or work colleague.

13.0 REVIEW

13.1 This Policy will be reviewed within two years from the date of implementation.

13.2 Minor amendments (such as changes in title) may be made prior to the formal review, details of which will be monitored/approved by the Associate Director of Corporate Affairs in consultation with the Senior Leadership Team.

HR / Corporate Policy Equality Impact Analysis:	
Policy / Project / Function:	Equality and Diversity Policy (incorporating the Equality Impact Assessment Policy)
Date of Analysis:	August 2017
Completed by: (Name and Department)	Amanda Heenan Equality and Diversity Specialist Advisor
What are the aims and intended effects of this policy, project or function?	The aim of this policy is to promote equality of opportunity, eliminate discrimination and foster good relationships in accordance with the duties of the Equality Act 2010. It sets out the roles and responsibility of all staff, as well as the protections provided to all staff and the population we commission health services for.
Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups?	The key change is the incorporation of the recently revised equality impact assessment process.
Please list any other policies that are related to or referred to as part of this analysis	Bullying and Harassment Policy Recruitment and Retention Premia Policy Flexible Working Policy Disciplinary Policy Managing Work Performance Remote and Home Working Policy All corporate and clinical policies with respect to equality impact assessment
Who will the policy, project or function affect?	Staff, partner organisations, the population we commission services for.
What engagement / consultation has been done, or is planned for this policy and the equality impact assessment?	Staff and community engagement conducted through Equality Delivery System Engagement
Promoting Inclusivity and Hull CCG's Equality Objectives. How does the project, service or function	This policy sets out the CCG's commitment to delivering our equality objectives and complying with our legal duties. It also clearly sets out the roles and responsibilities of staff with the aim of

<p>contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation?</p> <p>How does the policy promote our equality objectives:</p> <ol style="list-style-type: none"> 1. Ensure patients and public have improved access to information and minimise communications barriers 2. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone's day-to-day job 3. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve 4. Ensure the that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs 	<p>achieving our equality objectives.</p>
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Equality Data	
<p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as '<i>Equality Groups</i>'.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1: Recruitment data, e.g. applications compared to the population profile, application success rates 2: Complaints by groups who share / 	<p>Yes <input checked="" type="checkbox"/></p> <p>(see http://www.hullccg.nhs.uk/pages/health-information-and-resources)</p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document). If you answered No, what information will you use to assess impact?</p> <p>Please note that due to the small number of staff employed by the CCG, data with returns small enough to identify individuals cannot</p>

represent protected characteristics 4: Grievances or decisions upheld and dismissed by protected characteristic group 5: Insight gained through engagement	be published. However, the data should still be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.
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Assessing Impact

Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups?
 (Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> ² exists (see footnote below – seek further advice in this case)
Gender		X		
Age		X		
Race / ethnicity / nationality		X		
Disability		X		
Religion or Belief		X		
Sexual Orientation		X		
Pregnancy and Maternity		X		
Transgender / Gender reassignment		X		
Marriage or civil partnership		X		

Action Planning:

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?

- ² The action is proportionate to the legitimate aims of the organisation (please seek further advice)

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
	Monitor Equality Impact Assessment Performance	Michael Napier		
	Monitor performance against EandD Framework Outcomes	Michael Napier		

Sign-off

All policy EIAs must be signed off by Mike Napier, Associate Director of Corporate Affairs

I agree with this assessment / action plan

If *disagree*, state action/s required, reasons and details of who is to carry them out with timescales:



Signed:

Date: 14.09.17