

## Board of Directors Meeting: 9 May 2024

<b>Agenda item</b>	083/24		
<b>Report Title</b>	Equality, Diversity and Inclusion Policy		
<b>Executive Lead</b>	Rhia Boyode, Director of People and OD		
<b>Report Author</b>	Emma Wilkins, Deputy Director of People and OD Dawn Thompson, Assistant Director of Leading and OD		
<b>CQC Domain:</b>			
	<b>Link to Strategic Goal:</b>	<b>Link to BAF / risk:</b>	
Safe	Our patients and community	√	BAF3, BAF4
Effective	Our people	√	
Caring	Our service delivery	√	<b>Trust Risk Register id:</b>
Responsive	Our governance	√	
Well Led	Our partners		
<b>Consultation Communication</b>	People & OD Assurance Committee: 22.02.2024 JNCC Meeting: 19.03.2024 Workforce Policy Partnership Group: 05.03.2024		
<b>Executive summary:</b>			
<b>Executive summary:</b>	<p>The Board's attention is drawn to the following key changes to the Equality, Diversity and Inclusion policy:</p> <ol style="list-style-type: none"> <li>1. The NHS Equality, Diversity and Inclusion (EDI) Improvement Plan has been added (section 4.3).</li> <li>2. New references have been added to the Health Inequalities priority statement and CORE20PLUS5 (section 1)</li> <li>3. Details have been added about our Staff Networks (section 4.4)</li> </ol>		
<b>Recommendations for the Committee:</b>	The Board is asked to approve this policy		
<b>Appendices:</b>	None		

## Equality, Diversity and Inclusion Policy W30

**Additionally refer to:**

Handling concerns Doctor's and Dentists' Conduct and Capability  
 Grievance Policy  
 Special Leave Procedure  
 Recruitment & Selection Policy  
 Disciplinary Policy  
 Bullying & Harassment Policy  
 Dress Code and Appearance Policy  
 Concerns and Complaints Policy and Procedure  
 Flexible working Policy

Version:	V 5
Approved by	JNCC
Date Approved	TBC
Ratified by:	PODAC
Date Ratified:	TBC
Document Lead	Head of Equality, Diversity & Inclusion
Lead Director	Director of People Services and OD
Date issued:	TBC
Review date:	September 2027
Target audience:	All staff including those on Bank, Agency, Temporary and Honorary Contracts; External Secondees with the Trust; Contractors; Volunteers

### C Version Control Sheet

Document Lead/Contact:	Marian Owoniyi Head of Equality, Diversity & Inclusion
Document ID	W30
Version	V 5
Status	Draft
Date Equality Impact Assessment completed	February 2024
Issue Date	TBC
Review Date	September 2027
Distribution	Please refer to the intranet version for the latest version of this policy.
Key Words	Equality, Diversity, equal, EDS; Equality Delivery System;
Dissemination	Published on HR pages on the intranet and website; Staff Quarterly Newsletter, SaTH Comms Information Bulletin and Cascade

### Version history

Version	Date	Author	Status	Comment
V2	2009	Keith Hudson Deputy Head of HR	Final	
V3	2013	Bridget Chambers HR Manager	Final	Policy put into new template format Updated legislative information Inclusion of the Trust's Equality Delivery System Forum (EDS) Updated references section Updated monitoring section
V4	2020	Kal Parkash Equality, Diversity & Inclusion Lead		Aligned to new Diversity Strategy
V5	2024	Marian Owoniyi Head of Equality, Diversity & Inclusion		Policy updated to include NHS EDI Improvement plan which consists of the 6 High Impact Actions (HIA) in 4.3; Updated to include Health Inequalities priority statement, made reference to CORE 20 PLUS5, Staff networks in 4.4 and EDS22. The definition, reference section and Equality Impact Assessment form has also been updated.

## **Contents**

<b>Paragraph</b>		<b>Page</b>
	Policy on a Page	4
1	Policy Statement	5
2	Scope	5
3	Definitions	5
4	Links to national standards	5
5	Roles and Responsibilities	7
6	Policy detail	7
7	Training needs	10
8	Review process	10
9	Equality Impact Assessment	10
10	Process for monitoring compliance	10
11	References	11
 <b>Appendices</b>		
Appendix A	Equality Act and Equality Delivery System	12

## **Policy on a page**

The policy makes clear the Trust's commitment to preventing discrimination and promoting equality, diversity and inclusion in the workplace. It satisfies legal requirements; social and contractual obligations, that no employee or applicant is treated less favourably because of a protected characteristic defined by the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

All forms of discrimination are unacceptable, the Trust is committed to a policy of 'zero tolerance' in our approach to discrimination in employment.

The Trust's EDI Group aims to ensure alignment with the requirements of the NHS EDI Improvement plan using the 6 High Impact Actions, NHS Long term Workforce Plan and the NHS People promise.

Key areas in the policy:

**Recruitment & Promotion:** To ensure that recruitment and selection processes are based on objective organisational factors and job related criteria assessment, free from unfair discrimination and based on the Trust values. This includes the approach to promotion and redeployment.

**Flexible Working Arrangements:** To promote the use of flexible working arrangements wherever possible, to try to balance individual staff circumstances and needs with organisational/operational requirements.

**Training and Development:** To ensure equal access to training, education and development opportunities based on an objective assessments of needs.

**Service provision:** Improve our service proposition by listening and engaging with our patients and communities, developing 'diversity of thought' in our service delivery and promoting zero tolerance towards discrimination, bullying and harassment in our workforce.

**Equality Impact Assessment (EIA):** An EIA is an essential part of developing and updating existing policies and procedures both in employment and service provision to ensure the Trust's commitment to equality and diversity.

## **1 Policy Statement**

- 1.1 The purpose of this policy is to set out the Trust's commitment to promoting Equality, Diversity and Inclusion, taking a zero-tolerance approach to discrimination. It does so not merely to satisfy legal requirements, social or contractual obligations, but in the belief that such a policy will secure the maximum contribution from employees, by fostering a sense of belonging, promoting health and well-being; which is in our employees' best interests.
- 1.2 The policy aims to meet our equality duties set out in the Equality Act 2010 and the Health Inequalities Duties in the Health and Social Care Act 2012.
- 1.3 In line with Inclusion and Health Inequalities agenda, the Trust aims to play an important role in the communities we serve both as an employer and a provider of healthcare services.
- 1.4 In providing services, we must ensure that users accessing our services are not excluded or discriminated against for example, those in the most deprived 20% of the national population as identified by the index of multiple deprivation within the CORE20PLUS5.

## **2 Scope**

- 2.1 The policy applies to all employees, bank staff, volunteers, and other workers including agency staff, contractors, patients and visitors.

## **3 Definitions**

- 3.1 Equality: treating all people fairly and equally. As a public authority we have a legal duty under the Equality Act 2010 to promote equality, with due regard to the 9 protected characteristics.
- 3.2 Diversity is recognising and valuing the different contributions that all staff, patients, their families and the wider community that the Trust serves, can bring to the organisation.
- 3.3 Inclusion is the extent to which employees feel valued and included. The Trust regards the importance of building a culture that empowers people to feel a sense of belonging, and their contribution at work is valued.

## **4. Links to National Standards:**

### **4.1 Equality Delivery System (EDS)**

The Equality Delivery System (EDS) is a system that helps NHS organisations improve the services they provide for their local communities, better working environments, free of discrimination, for those who work in the NHS, while meeting the requirements of the Equality Act 2010. EDS is aligned to NHS England's Long term plan and its commitment to an inclusive NHS that is fair and accessible to all.

### **4.2 Workforce Race Equality Standard (WRES) & Workforce Disability Equality Standard (WDES)**

- 4.2.1 The Workforce Race Equality Standard (WRES) and Workforce Disability Equality

Standard (WDES) are a set of specific measures/metrics which enables NHS organisations to compare the workplace and career experiences of ethnic minority and non-ethnic minority, disabled and non-disabled staff.

- 4.2.2 NHS organisations use the metrics data to develop and publish an action plan, building on high impact actions shared in the EDI improvement plan. Year on year comparison enables NHS organisations to demonstrate progress against the indicators of ethnicity and disability equality. This is to create the cultures of belonging that will improve retention, recruit from the widest possible talent pool and provide sustainable careers.
- 4.2.3 The Trust regularly provides reports to Committees, the Board and NHS England on WRES and WDES data of our performance against the national standards. Progress is monitored through corporate and local action plans.

### **4.3 NHS Equality, Diversity and Inclusion (EDI) Improvement Plan**

4.3.1 The NHS England EDI improvement plan aims to improve equality, diversity and inclusion and enhance the sense of belonging for NHS staff and sets out six targeted actions to address both direct and indirect prejudice and discrimination.

4.3.2 The Trust is required to implement this plan which aims to improve the outcomes, experience and culture for those with protected characteristics under the Equality Act 2010 (although it is not limited to these groups). The final deadline for implementing all actions is March 2026. The six actions include:

- High Impact Action 1. Chief Executives, Chairs and Board members must have specific and measurable EDI objectives to which they will be individually and collectively accountable.
- High Impact Action 2. Embed fair and inclusive recruitment processes and talent management strategies that target under-representation and lack of diversity.
- High Impact Action 3. Develop and implement an improvement plan to eliminate pay gaps.
- High Impact Action 4. Develop and implement an improvement plan to address health inequalities within the workforce.
- High Impact Action 5. Implement a comprehensive induction, onboarding and development programme for internationally recruited staff.
- High Impact Action 6. Create an environment that eliminates the conditions in which bullying, discrimination, harassment and physical violence at work occur.

### **4.4 Staff Networks**

The Trust currently has 4 established staff networks, which we are committed to continuously support and grow. They include:

- Race Equality and Inclusion.
- Disability, Ability and Well-Being.
- SaTH Pride (LGBTQIA+).

- Multi-faith, Belief & World

Each network has a sponsor who is a member of the executive leadership team, and responsible for championing their networks at the Trust Board. The staff networks are governed by the SaTH EDI Group.

## 5. Roles and Responsibilities

5.1 **The Trust Board** oversees the development and implementation of this policy, receiving regular reports on a wide range of strategic and operational equality, diversity and inclusion information and data that is aligned with its strategic priorities.

5.2 **The Chief Executive** is responsible for the overall implementation of this policy and for keeping the Board informed at regular intervals of the progress being achieved in implementing the provisions of this policy.

5.3 **Executive Directors** are responsible for ensuring the realisation and implementation of this policy under their span of control. In particular, the Director of People Services and Organisational Development's responsibility relates to employment and staff Development training policies, practices and procedures.

5.4 **Managers** (and other staff with comparable responsibilities), have a particular role to ensure that discrimination (or any other breach of this policy) does not occur in the department or area of work for which they are responsible. Specific responsibilities include:

- ensuring their staff are aware of, and comply with, the requirements of this policy.
- ensuring their staff are up to date with mandatory training in equality, diversity and inclusion.
- fully investigate allegations in relation to breaches of this policy in a timely manner, and initiating remedial action as required.
- ensuring they play their part in promoting equality, ensuring a zero tolerance approach to discrimination.
- ensuring their staff are not victimised for raising, or being suspected of raising, alleged complaints or grievances.

5.5 **Employees** have a responsibility to ensure that on a day to day basis at work, they carry out their role in a way that demonstrates that they are acting under the principles and actions set out in this policy of equality, diversity and inclusion. In particular, employees are required to:

- challenge and bring to the attention of their line manager, behaviour or actions that run contrary to this policy.
- play their part in meeting the requirements set out in Trust wide equality, diversity and inclusion plans.
- ensure that they are up to date with their statutory and mandatory training.

5.6 **Agency staff, contractors, volunteers and other workers** undertaking work on Trust premises are required to comply with this policy. The Trust reserves the right to remove anyone from Sath's hospital sites who fail to comply with the provisions of this policy.

## 6. Policy detail

6.1 This policy is designed to ensure that no staff member or job applicant receives less favourable treatment. The Trust upholds the Equality Act 2010, and we are committed to



promoting measures that eliminate all forms of unlawful or unfair discrimination on the basis of the 'protected characteristics' of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 6.2 The Trust values all employees, and is committed to ensuring that individuals are treated fairly, with mutual respect and dignity. The decisions in recruitment, selection, training, promotion and redeployment are based solely on objective organisational factors and job related criteria.
- 6.3 We are committed to a 'zero tolerance' approach to discrimination in our employment practices. This approach also applies to the way that service users behave towards our staff and other service users.
- 6.4 The Trust will monitor implementation of equality and diversity in employment through the web portal of NHS Employers (currently NHS Jobs) reporting mechanism.
- 6.5 The Trust's Equality, Diversity and Inclusion (EDI) Group, Joint Negotiating Consultative Committee (JNCC) and People and Organisational Development Assurance Committee (PODAC) will determine priorities for example:
- developing the Trust's Equality, Diversity and Inclusion Strategy.
  - developing strategic and operational plans in response to national NHS standards (see 4 above).
  - ensuring that each Directorate has in place equality targets and plans that together contribute towards the Trust's response to equality, diversity and inclusion.
  - ensuring that equality, diversity and inclusion is reflected in all Trust policies and their effectiveness is monitored.
  - formally reporting progress in implementing this policy (and other related Equality, Diversity and Inclusion strategies or initiatives) to the Board and other related Committees.

## **6.6 Recruitment and Selection Procedures**

- 6.6.1 To ensure that inclusive recruitment and selection processes are in place so that decisions are based on objective assessment and free from unfair discrimination and to ensure that our workforce is representative of the population we serve. The Recruitment and Selection policy aims:
- to recruit the most suitable person for each vacancy regardless of age, disability, race, religion and belief, sex, sexual orientation, gender reassignment, pregnancy and maternity or marriage and civil partnership.
  - to ensure the job description and person specification, comply with the principles of equality, diversity and inclusion.
  - to ensure applicants are assessed against the criteria identified in the person specification and a short list of the most suitable candidates invited to interview. Short listing must be undertaken by a minimum of 2 people, via Trac using a scoring system to ensure a robust and auditable selection process. This also applies to appointments made via the Temporary staffing or Medical Bank and when appointing staff on temporary and fixed term contracts.
  - to ensure the shortlisting panel includes people with professional or work experience relevant to the role and representative of people from diverse backgrounds where possible.

- to ensure applicants who have a disability (under the Trust's commitment to the Disability Confident scheme), and who meet the essential criteria for the post will be interviewed under the Trust's interview guarantee scheme.
- to ensure managers give full consideration to making reasonable adjustments to the job or to the working environment when a person with a disability is appointed into a post. Where adaptation is required, advice on the scope of the adaptation should be sought from Occupational Health. Managers should take reasonable steps to consider the nature of the adaptations and where appropriate, advice can be sought from Access to Work or other external agencies as required.

### **6.7 Flexible Working Arrangements:**

- to promote the use of flexible working arrangements wherever possible. The process for applying for a flexible working arrangement is outlined in the Flexible Working Policy W23.
- balancing individual staff circumstances and needs with organisational/operational requirements.
- to promote the appropriate use and application of the Trust's Special Leave Procedure and the Disability Passport to assist staff who may require time off work for personal or domestic reasons.
- to ensure the Trust meets its statutory obligations (e.g. the Equality Act 2010).

### **6.8 Training and Development:**

- to ensure equal access to training, education and development opportunities based on an objective assessment of needs.
- to provide opportunities and equal access to career progression that takes into account the 9 protected characteristics in the Equality Act 2010.
- meeting the Trust target for statutory and mandatory equality and diversity training.

**6.9 Service-Related Issues and Initiatives:** To monitor progress against the Trust's obligations to ensure equal opportunities in relation to the provision of services. This provision is monitored through the Service plans for each Directorate.

### **6.10 Handling Complaints**

6.10.1 Any employee who feels that they have received inequitable treatment in respect of selection, training, promotion, or any other matter should determine whether the nature of the complaint falls under the Grievance Policy W8 or the Resolving Bullying and Harassment Policy W4. The Grievance Policy would apply in situations where an individual employee or where a group of employees has a grievance against a management decision or action is proposed or has failed to have been taken in relation to their employment. Where an employee is affected by dignity at work issues they would refer to the Resolving Bullying and Harassment Policy.

6.10.2 Employees may also discuss the matter in-confidence via the HR Advice line, Freedom To Speak Up Guardian or with their recognised Trade union or Professional Organisational Representative or a workplace colleague.

6.10.3 Patients or visitors who express dissatisfaction with, or complain about, how they have been treated should be advised to register this through the Trust's Patients Advisory Liaison Service (PALS).

## **7. Training Needs**

7.1 Equality, Diversity and Inclusion training can be accessed via the Trust intranet and through contact with the Organisational Development team.

7.2 Employees should also access Statutory and Mandatory training via the intranet and ensure that an up to date record of completion is maintained on ESR.

## 8. Review process

In order that this document remains current, any of the appendices to the policy can be amended and approved without the document having to return to the ratifying committee.

## 9. Equality Impact Assessment (EQIA)

This policy applies to all staff, contractors, agency, bank and other workers. The policy ensures there is a focus on all aspects of employment and in key areas such as recruitment, promotion and access to training for example and will monitor the impact on the workforce through regular reporting to the Board.

## 10 Process for monitoring compliance

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring (job title)	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
The application of the policy in employment terms relating to recruitment, promotion, access to training,	Equality Delivery System	Director of People Services and OD	Annually	People and OD Assurance Committee (PODAC)
	NHS Jobs web portal	People and OD directorate	Annually	PODAC
Equality Duty (Public Sector requirements of Equality Act 2010 Section 149)	Equality Delivery System	Director of People Services and OD	Annually	PODAC

## 11. References

- [www.nhsemployers.org](http://www.nhsemployers.org) – for general information regarding Equality and Diversity
- [www.eastmidlands.nhs.uk/about-us/inclusion/eds](http://www.eastmidlands.nhs.uk/about-us/inclusion/eds) - specific information for EDS
- [www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf) - Equality Act 2010
- <https://www.inclusiveemployers.co.uk/about/what-is-workplace-inclusion/> - What is Inclusion
- <https://www.england.nhs.uk/blog/help-us-to-shape-core20plus5-nhs-england-and-nhs-improvements-approach-to-tackling-health-inequalities/> - Help us to shape Core20PLUS5
- <https://www.england.nhs.uk/about/equality/equality-hub/patient-equalities-programme/equality-frameworks-and-information-standards/eds/> - Equality Delivery System 2022
- <https://www.england.nhs.uk/about/equality/equality-hub/workforce-equality-data-standards/> - Workforce Equality Data Standard
- [NHS equality, diversity and inclusion \(EDI\) improvement plan | NHS Employers](#)
- [NHS England » Developing your NHS staff network](#)
- Links to National Standards: NHS Equality Delivery System; Workforce Race Equality Standard (WRES) & Workforce Disability Equality Standard (WDES; Equality Act 2010.
- The EDS 2022 suite of documents and supporting resources are available at <https://www.england.nhs.uk/about/equality/equality-hub/patient-equalities-programme/equality-frameworks-and-information-standards/eds/>
- In recognition of the importance for staff networks in creating inclusive cultures, NHS England has released guidance on [developing your NHS staff network](#) alongside the EDI plan. This toolkit provides practical guidance to help develop or create staff networks.
- Equality Act 2010 – (Specific Duties) Regulations 2011 - Public Sector Equality Duty – requirement for the Trust to publish relevant, proportionate information showing compliance with the Equality Duty.

## **Appendix A**

### **Equality Act 2010 – Public Sector Duty – Equality Delivery System**

The Equality Act 2010 brought together discrimination legislation. It contained new measures to strengthen protection against discrimination. It requires everyone to have equal access to employment as well as to private and public services, regardless of age, disability, gender reassignment, marriage or civil partnership, maternity or pregnancy, race, religion or belief, sex and sexual orientation.

#### **What is the public sector Equality Duty?**

The public sector Equality Duty, set out in section 149 of the Equality Act, requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services, and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding how their activities affect different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective.

The public sector Equality Duty consists of a general duty, with three main aims, and specific duties (set out in supporting legislation).

#### **General duty – aims to:**

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity (positive action in recruitment and promotion); and
- (iii) foster good relations.

#### **Specific duties**

**The Equality Act 2010 (Specific Duties) Regulations 2011** came into force on 10 September 2011.

This requires public bodies to be transparent about how they are responding to the Equality Duty –requiring them to publish relevant, proportionate information showing compliance with the Equality Duty, and to set equality objectives. The Government believes that publishing information about how decisions have been made, and how equality data was used to support those decisions, will open public bodies up to informed public scrutiny. It will give the public the information they need to challenge public bodies and hold them to account for their performance on equality.

#### **Who does the Equality Duty apply to?**

The public sector Equality Duty applies to public authorities and others carrying out public functions, including NHS organisations. The duty requires public bodies to have regard to the need to tackle discrimination and promote equal opportunities. When designing and delivering their services, they

should consider how they can make the services fair for everyone. It will also ensure that decision making is based on real life experience and evidence of need, rather than assumptions and stereotypes.

### **Equality Delivery System (EDS)**

The EDS was first launched for the NHS in November 2011. In November 2012, Shared Intelligence published their report 'Evaluation of the equality delivery system for the NHS' which looked at how the EDS had been adopted across NHS organisations. Based on this evaluation and subsequent engagement with the NHS and key stakeholders, a refreshed EDS – known as EDS2 – was made available in November 2013.

The Equality Delivery System for the NHS, EDS2 is a tool designed to help NHS Systems and organisations, in partnership with local stakeholders, to review and improve their performance for people with characteristics protected by the Equality Act 2010, and to support them in meeting the Public Sector Equality Duty.

### **About the Equality Delivery System 2022 (EDS22)**

The EDS is designed to help NHS organisations improve equality performance, embed equality into mainstream NHS business and is one of the key products to come out of the Equality and Diversity Council (EDC).

The EDS is designed for the NHS by the NHS and is based on:

- best practice from across industry, including the Equality Framework for local government
- the views of over 660 people (including patients and staff)
- reviews and reports on equality in the NHS, including guidance from the Equality and Human Rights Commission (EHRC)
- learning from programmes such as Pacesetters, Breaking Through and Positively Diverse

### **Who the EDS covers**

The EDS applies to all NHS organisations, both current and planned NHS commissioning organisations, including Clinical Commissioning Groups, and to NHS providers including Foundation Trusts.

### **What the EDS delivers**

By using the EDS it helps the NHS to meet the requirements of the Equality Act 2010 and deliver on the NHS Outcomes Framework; the right and pledges of the NHS Constitution for patients and staff and addressing health inequalities in general, improving outcomes and reducing gaps