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Ymddiriedolaeth GIG
Prifysgol Felindre
Velindre University
NHS Trust

Ref: WF05

EQUALITY AND DIVERSITY POLICY

Executive Sponsor & Function	Executive Director of Organisational Development and Workforce
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Approved by:	Trust Board
Approval Date:	29 September 2022
Date of Equality Impact Assessment:	January 2019
Equality Impact Assessment Outcome:	No impact identified
Review Date:	September 2025
Version:	4

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1. PURPOSE

This policy aims to ensure equality and fairness throughout Velindre University NHS Trust and to comply with the provisions of the Equality Act 2010, the Public Sector Equality Duty, National Terms and Conditions of Service for all NHS Employees, and good practice guidance. The policy specifically relates to workforce issues.

2. POLICY STATEMENT

Velindre University NHS Trust aims to eliminate unlawful discrimination, harassment and victimisation, and other conduct that is prohibited by the Act; advance equality of opportunity between people who share a relevant protected characteristic and those who do not; foster good relations between people who share a protected characteristic and those who do not under the Public Sector Equality Duty.

‘Protected characteristics include:

- Age
- Gender reassignment
- Sex
- Disability
- Pregnancy and maternity
- Sexual orientation
- Race – including ethnic or national origin, colour, or nationality
- Religion or belief – including lack of belief

The Duty applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination. People who share a protected characteristic are sometimes referred to as ‘protected groups’. An overview of the Equality Act 2010 is detailed in Appendix 1.

All employees of the Trust should be able to achieve their full potential and be treated with dignity and respect.

3. PRINCIPLES

Velindre University NHS Trust will seek to employ a workforce that is representative of all sections of society within the communities for which it provides its services.

Every employee will feel respected and able to be their authentic self and give their best to their roles.

Employees will be supported and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

Individual differences will be recognised and valued and no form of intimidation, bullying, or harassment will be tolerated.

Employees will be supported where they feel they are being unfairly treated and encouraged to report any incidents of hate crimes against them or people around them.

All of the Velindre University NHS Trust employment policies and practices and service developments will be equality impact assessed to avoid discrimination and to ensure mitigation where protected groups could be adversely affected.

4. SCOPE

This policy shall apply to all employees including volunteers (including those working within our hosted organisations) and potential employees of the Velindre University NHS Trust.

5. LEGISLATION AND NHS REQUIREMENTS

This policy complies fully with the following legislative and NHS requirements;

- Equality Act 2010 and Public Sector Equality Duty;
- National Terms and Conditions of Service (Agenda for Change) Equality and Diversity Statement;
- Human Rights Act 1998.

6. PROCEDURE

The principles of this policy will underpin all policies and practices of Velindre University NHS Trust. Equality in the workplace is good management practice and makes sound business sense. It can also contribute to prudent healthcare.

Velindre University NHS Trust will seek to achieve its objectives of achieving equality and fairness through its Strategic Equality Plan which can be found on the Velindre University NHS Trust website. The Strategic Equality Plan is fully supported by The Board and has been agreed upon with local and where applicable full-time trade union representatives.

To ensure that the Strategic Equality Plan is appropriate and current, every effort will be made to improve the collection of staff equality data.

Progress towards achievement of the Strategic Equality Plan and information contained in the Workforce Profile will be discussed by the Local Partnership Forum, Senior Workforce Team, and reported to the Corporate Quality and Safety Committee, Executive Management, and Trust Boards.

Where any shortfall or cause for concern is identified, further analysis will be undertaken and appropriate action plans agreed upon and monitored. This may include positive action.

Equality in pay and grading will also be considered as part of the gender pay element of the Public Sector Equality Duty and action plans developed where there is cause for concern, looking at intersectionality and pay. Gender Equality cannot be viewed in isolation, people's lives and identities are shaped by many factors. So within this Gender Pay report, it is only right that we look at the Trust workforce in all of its intersectionality. This means that we recognise how power structures based on factors such as sex/gender, race, sexuality, disability, age, and faith interact with each other and may create inequalities, discrimination, and barriers.

Velindre University NHS Trust will regularly review its employment practices and procedures to ensure fairness and compliance with the law and good practice on an ongoing basis. All new and existing policies will be impact assessed using the Trust's Equality Impact Assessment tool to ensure that they comply with legislation and good practice and to ensure that this can enable greater mainstreaming of equality so that it is considered at every opportunity. This will also apply to service change and developments.

The Trust's Recruitment processes aim to ensure all potential and actual applicants will have equality of opportunity in applying for our posts and following their appointment. The Trust will seek to employ a workforce that is representative of all sections of society within the communities from which it is drawn. It will also aim to promote gender equality as well as equality for all protected groups e.g. through appropriately designed posts that take full account of flexibility, use of appropriate language throughout the recruitment process, and positive practices aimed at avoiding direct or indirect discrimination. This is relevant to every stage of the process, from the initial identification of the post and its approval to the appointment. In some cases, positive action may be taken following appointment e.g. through the provision of mentoring or coaching opportunities to unsuccessful candidates particularly if they belong to under-represented groups.

Equality principles will also apply to other aspects of employment such as the practice of 'retire and return' so that the individual's request can be considered against the needs of the service but also of any other issues within the department, including under-representation of particular groups and the need to consider opportunities for existing employees too.

Full account shall be taken of the Welsh Language Standards, the Trust's Bilingual Skills Strategy, and the promotion of the Welsh Language.

A range of policies has been developed to support the promotion of equality and diversity. These will be updated to reflect legislative and other changes. Specific policies will also be developed in due course to address particular strands of the Equality Act 2010.

Employee engagement will be promoted throughout the organisation through the encouragement of the development of groups based on membership of particular

protected groups and/or a broader group composed of members of a range of groups and/or the development of equality champions depending on the interest and availability of our employees.

Specific arrangements may need to be made to accommodate particular groups in terms of facilities, catering, adaptations to the workplace, etc.

Where an individual feels they have been treated unfairly from an equality perspective, they should raise the issue with their manager in the first instance. Where the issue relates to their treatment by another person, the situation may be addressed by the Trust's Dignity at Work procedure or the Grievance Policy if it relates to their inappropriate treatment by their manager. If the individual feels stressed by their situation, recourse should be made to the Management of Stress Policy.

If the issue relates to their application for employment, they may wish to raise their concern with the appointing officer and, where the matter is not resolved, via the complaints process. Whatever the circumstance, the Trust will endeavour to deal with the issue promptly and fairly.

Equality and Diversity training is now part of the Trust's core skills training requirements. As such employees will be required to undertake the 'Treat Me Fairly' e-learning package and/or classroom Equality Training sessions on a 3-yearly basis. This may be supplemented by further more detailed or specific training by request or to support specific initiatives as determined by the Trust. Wherever possible equality will be mainstreamed into other training delivered within the Trust by internal and external providers.

Every effort will be made to keep employees informed of news, initiatives, and developments about equality and diversity to also engage with staff by encouraging them to ask questions and discuss relevant issues. Further engagement will be undertaken through the NHS Wales Annual Staff Survey and the introduction of employee engagement and support groups. Examples of quality communication methods can be found in Appendix 2

7. TRAINING

Training will be delivered to managers via e-learning, formal training programmes, and on an informal basis to discuss specific equality issues e.g. equality impact assessment. Managers will be expected to raise awareness with their employees. Management development and organisational development programmes will also include equality elements wherever possible.

8. REVIEW, MONITOR, AND AUDIT ARRANGEMENTS

The policy will be monitored on an annual basis as described above and reviewed on a three-yearly basis.

9. MANAGERIAL RESPONSIBILITIES

Responsibilities at all levels of the organisation are detailed in Appendix 3.

10. NON-CONFORMANCE

Breaches of this equality policy will be regarded as misconduct and could lead to disciplinary proceedings.

11. EQUALITY IMPACT ASSESSMENT

This policy has been impact assessed and has not been found to be discriminatory in accordance with the Equality Act 2010 and the Human Rights Act.

12. APPENDIX 1: PROTECTED CHARACTERISTICS AND THE PROVISIONS OF THE EQUALITY ACT 2010

The Equality Act 2010 (the Act) brought together and replaced the previous anti-discrimination laws with a single Act. It simplified and strengthened the law, removed inconsistencies, and made it easier for people to understand and comply with it. The majority of the Act came into force on 1 October 2010.

The Act includes a **public sector equality duty** (the 'general duty'), replacing the separate duties on race, disability, and gender equality. This came into force on 5 April 2011.

The general duty covers the following protected characteristics:

- Age
- Gender reassignment
- Sex
- Race – including ethnic or national origin, colour, or nationality
- Disability
- Pregnancy and maternity
- Sexual orientation
- Religion or belief – including lack of belief

It applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The general duty aims to ensure that public authorities and those carrying out a public function consider how they can positively contribute to a fairer society through advancing equality and good relations in their day-to-day activities. It is an integral and important part of the mechanisms for ensuring the fulfillment of the aims of the Equality Act 2010. The duty ensures that equality considerations are built into the design of policies and the delivery of services and that they are kept under review. This will achieve better outcomes for all.

In exercising their functions, public bodies are required to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation, and other conduct that is prohibited by the Act.
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

This guidance refers to these three elements as the three 'aims' of the general duty and so when we discuss the general duty we mean all three aims.

The Act explains that having due regard for advancing equality of opportunity in the second aim involves:

- removing or minimising disadvantages experienced by people due to their protected characteristics
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- encouraging people with protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

The Act describes fostering good relations in the third aim as tackling prejudice and promoting understanding between people who share a protected characteristic and those who do not. Meeting the duty may involve treating some people more favourably than others, as long as this does not contravene other provisions within the Act.

13. APPENDIX 2: EQUALITY COMMUNICATION

PLEASE NOTE THIS APPLIES TO SERVICE USERS AS WELL AS EMPLOYEES

Given the size of the Equality agenda, particularly in relation to the Public Sector Equality Duty and the All Wales Standards for Communication and Information for People with Sensory Loss, it is important to develop a two-way Communications Strategy. The key aims of the Communication Strategy will be to:

- Effectively convey and communicate key Equality, Diversity, and Human Rights activity and messages to all employees, the Trust, the public including difficult to reach groups, public sector, and third sector partners and any other key stakeholders
- Explore and deploy a series of appropriate communications mechanisms to enable the Forum to receive feedback and receive communication from all of the above parties e.g. in relation to service and policy development, this will be particularly beneficial in the equality impact assessment process.
- To support the training agenda by providing information, resources, toolkits, etc which can be easily accessed as appropriate.

Recommended Approaches

A multi-pronged Communication Strategy will be deployed in order to achieve the above aims. Several potential communication avenues are listed below;

- Newsletter Trust Talk (online and/or paper-based), Chief Executive's blog, news carousel on the Trust's Intranet Site. Wherever possible the timing of these will be linked to significant dates on the 'Equality calendar';
- Equality and Accessible Healthcare (AHS) sensory loss website pages, both internal and external, which both share information and resources and provide our employees and the public with the ability to feedback and communicate with the Equality Manager;
- Formal communication and engagement events;
- Development of networks e.g. employees who share 'protected characteristics', also link to existing groups e.g. Stakeholder reference groups, groups established by Third Sector organisations;
- Media - social media, press releases;
- Marketing events e.g. for the Treat Me Fairly package;

- Questionnaires e.g. at local events;
- Suggestion boxes;
- Link to existing Trust communications process e.g. the Concerns Team, Patient Experience; Partnership work;
- Inclusion of Equality information in internal training delivery;
- Exploration of new creative methods of communicating Equality information on an ongoing basis.

It will also be appropriate to ensure that the Trust's communication strategy is underpinned by equality considerations and regular communication will take place with the Communications Team to facilitate this. The need to provide information and ensure communication in accessible formats will be fundamental to this.

APPENDIX 3: RESPONSIBILITIES

It is important for all employees of Velindre University NHS Trust to be aware of the equality duty so that it is considered in their work where relevant.

- Board members – in how they set strategic direction, review performance and ensure good governance of the organisation with particular emphasis on ensuring equality impact assessment is undertaken in all policy and service development;
- Senior managers – in how they oversee the design, delivery, quality, and effectiveness of the organisation's functions and in how they recruit and manage their employees;
- Equality Manager – in how they raise awareness and build capacity about the general and specific duties within the organisation and how they support employees to deliver on their responsibilities within their roles and the workplace;
- Workforce & OD Officers – in how they build equality considerations into the development and application of employment policies and procedures and every element of the business partnership process;
- Communications Officers – in how they ensure information is available and accessible to all employees, service users, and the community taking account of their protected characteristics;
- Workforce Information Officers – in how they support the organisation in gathering information on equality characteristics and in providing regular workforce information reports to enable the monitoring of the effect of Trust policies and practices on people from protected groups;
- Frontline Employees – in how they meet the needs of people from protected groups;
- Trade union representatives – in contributing to the equality agenda and supporting their members, particularly where they have concerns about equality.