

1	Policy Name	Equality and Diversity Policy			
2	Accountable Director	Director of Corporate Services			
3	Applies to:	All Employees			
4	Groups / individuals who have overseen the development of this policy	HR, Policy Harmonisation Working Group			
5	Groups which were consulted and have given approval	Joint Partnership Group-October 2019 Executive Management Team-January 2020			
6	Equality Impact Analysis	Policy Screened	Yes	Template Completed	Yes
7	Ratifying Committees & Date of final approval	Joint Partnership Group-October 2019 Executive Management Team-January 2020			
8	Version	1			
9	Available on	Intranet	Yes	Website	No
10	Related documents:	N/A			
11	Disseminated to:	All Employees			
12	Date of implementation	03 February 2020			
13	Date of next formal review	January 2023 or earlier should there be national NHS terms and condition/legislative changes			

# **Equality & Diversity Policy**

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## **1. Introduction**

The CCG is committed to equality of opportunity for all employees and is committed to 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, offending background, trade union membership, disability, 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.

## **2. Scope**

This policy applies to all staff employed and engaged by the CCG

## **3. Legal, National and Local Requirements**

This policy is developed in accordance with the following legislation, local and national requirements:

- Equality Act 2010
- Employment Statutory Code of Practice (2011)
- Equal Human Rights Handbook for Public Authorities
- NHS Constitution
- Equality Delivery System – Goals 3 and 4
- Workforce Race Equality Standard (WRES)
- The CCGs Equality Strategy and Objectives

The CCG develops Equality Objectives that outline the plans to deliver its duties under the Equality Act (2010) It also implements the NHS mandatory standards like the Workforce Race Equality Standard (WRES) and Equality Delivery System (EDS2). To demonstrate full compliance with the equality duty the CCG publishes the annual Equality Information, which shows how it delivers equality objectives and achieves the intended outcomes.

This policy is complementary to the NHS Staff Council Equality, Diversity, and Dignity at Work agreements and the CCG's Prevention of Harassment and Bullying at Work policy.

## **4. Principles**

The promotion of equality and diversity will be at the heart of everything the CCG does and therefore is actively pursued through policies to ensure that employees receive fair, equitable and consistent treatment. It is the CCG's duty to ensure that all staff are not subject to any direct or indirect discrimination, victimisation or harassment.

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 in line with the Disciplinary Policy, which may result in dismissal.

The CCG promotes, through the provision of training and guidance, the impartial application of all employment policies and procedures, and takes action to deal with all inappropriate behaviour. Courses are developed to meet specific training needs in relation to equality and diversity including general statutory and mandatory, recruitment and selection, unconscious bias, equality impact assessments. The responsibilities of the employer and employee for equality and diversity is positively incorporated into employee training at all levels from induction courses to Senior Management workshops.

## 5. Definitions

It's imperative that all staff employed and engaged by the CCG understand the policy and the context which it should be applied without a deviation or bias.

### **Direct discrimination:**

Direct discrimination occurs when an individual is treated less favourably because of who they are e.g. 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. It is also possible to discriminate someone by assuming they have a protected characteristic which is called discrimination by perception.

### **Indirect discrimination:**

Indirect discrimination occurs when an organisation's practices, policies or procedures have the effect of disadvantaging people who share certain protected characteristics.

Indirect discrimination may not be unlawful if an employer can show that there is an 'objective justification' for it. This involves demonstrating a 'proportionate means of achieving a legitimate aim'.

A summary of the definitions of bullying, harassment and victimisation can be found in the CCG's Prevention of Bullying and Harassment Policy.

## 6. Responsibilities

### a. The Executive Team and Governing Body

The Executive Team and Governing Body have ultimate responsibility for monitoring the operation and implementation of the Equality and Diversity Policy and for ensuring that monitoring records are maintained in accordance with the information governance requirements. The Executive Team and Governing Body are expected to lead by example and ensure a zero tolerance approach to discrimination, harassment and victimisation is clear amongst all managers and staff.

### b. Managers

Managers are required to exercise leadership by modelling appropriate behaviours. They must ensure that the policy is clearly communicated to their teams along with sources of available support. They must also take timely and appropriate action to deal with any breaches of the policy, or behaviour that could lead to a breach of the policy when brought to their attention.

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

### c. Employees

All employees are responsible for familiarising themselves and complying with the Equality and Diversity Policy. Employees have a duty to raise concerns with their manager or HR if they experience, or become aware or suspect that discrimination, bullying or harassment behaviour is occurring and to co-operate with the CCG to investigate the matter as required.

## 7. Procedure for Dealing with Complaints

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

manager. Alternatively, employees may wish to discuss their concerns with HR or their trade union representative.

Where resolution cannot be achieved through informal discussion, an employee may raise the concerns in accordance with the CCG's Grievance/Prevention of Bullying and Harassment Policy. put forward a grievance in line with the guidelines set down in the CCG's Grievance Procedure.

#### **8. Breach of Equality & Diversity Policy**

All managers and employees are advised to apply the policy without any bias. Failure to do so may lead to further actions under the relevant policies, including but not limited to Disciplinary and Grievance and Prevention of Bullying and Harassment.

#### **9. Monitoring & Review**

HR will maintain records of employees' diversity information based on their protected characteristics and also monitor the diversity data collated during recruitment processes. This information will be collected and stored in line with the Data Protection Act 1998 and will only be used to monitor compliance to the Equality and Diversity Policy. The information will be analysed regularly for reporting and planning purpose.

The policy and procedure will be reviewed every three years by Human Resources and trade unions or earlier should there be any national or legislative changes.

#### **10. Equality Statement**

In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

An initial Equality Impact Assessment for this policy has been carried out, and is available on request from HR.

#### **11. Data Protection/GDPR**

In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Personal Confidential Data of data subjects will be processed fairly and lawfully and in accordance with the six data protection principles. Data Subject's Rights and freedoms will be respected and measures will be in place to enable employees (data subjects) to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal confidential data. Employees will have access to the CCG's Data Protection Officer for advice in relation to the processing of their personal confidential data and data protection issues.