

Title:	Equality and Diversity Policy
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Brief summary of document:	This policy sets out NHS Kernow's equality, diversity and human rights commitments, and details how equality, diversity and human rights will be applied across employment, service planning and commissioning within NHS Kernow.
This document replaces (exact title of previous document or NA):	Equality and Diversity Policy
Approved Equality Impact Assessment attached:	See Appendix 3
Cross referenced to:	Human Resources Policies and Procedures, Human Rights Statement and Guidance, Practical Guide to Undertaking Equality Impact Assessments, Practical Guide to Undertaking Comprehensive Impact Assessments
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1. Introduction

NHS Kernow Clinical Commissioning Group (hereafter referred to as NHS Kernow) is committed to leading and promoting diversity, equal opportunities and supporting human rights in terms of the provision of health services for the community it serves and in its practice as a leading employer.

This commitment is enshrined in NHS Kernow's Equality and Diversity Statement, as follows:

NHS Kernow is committed to commissioning inclusive health services for all in a dignified and respectful way by a workforce which is equally represented. We recognise that all service users, staff and members of the public are individuals and we will strive to meet their needs. As an organisation, we will endeavour to ensure that no one is discriminated against or treated unfairly due to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, including nationality and ethnic origin, religion or belief, sex or sexual orientation. Where necessary, we will make every effort to ensure adjustments are made to prevent less equitable experiences occurring.

Discriminatory behaviour is not acceptable and, in relation to the characteristics above, may be unlawful. NHS Kernow will not tolerate discrimination from anyone.

This statement forms an important aspect of NHS Kernow's commitment towards achieving our organisation's values:

- We believe in being honest.
- We want to be innovative, agile and brave.
- We are passionate about making a difference to people's lives.
- We believe in strong relationships and supporting champions.
- We will listen to people to understand their needs.

2. Aims

NHS Kernow:

- Aims to be an organisation that leads the promotion of equality and diversity, challenges discrimination and promotes equality in service delivery and employment.
- Is committed to being an equal opportunities employer and to building equality, diversity and inclusiveness into everything that it does.

- Welcomes the richness and diversity of the society that we live in and aims to ensure everyone is treated with dignity and respect and that nobody is denied treatment or employment opportunity on the basis of their protected characteristics.
- Wishes to promote a culture where staff are able to seek, obtain and hold employment without discrimination, harassment or infringement of their human rights.
- Recognises that as an employer it has a legal responsibility to promote tolerance and to ensure that staff understand, support and follow its Equality and Diversity policy.
- Is committed to providing a working environment that is welcoming of all members of the workforce.
- Aims to encourage staff to develop their awareness and respond to the diverse needs of service users.
- Aims to ensure that it is recognised as an exemplar employer.

3. Purpose

The purpose of this policy is to provide staff within NHS Kernow with a framework to ensure that equality, diversity and human rights legislation is embedded within the organisation and to ensure that there are defined guidelines for patients, employees and visitors to follow. NHS Kernow will:

- Commission services for our service users in ways which are appropriate, accessible and responsive.
- Communicate with and listen to staff so that NHS Kernow will be recognised as a good place to work.
- Make the best use of the range of talent and experience available within the workforce and potential workforce by ensuring that recruitment and career progression is fair and transparent.
- Meet its legal obligations with regard to the Equality Act 2010 and the Public Sector Equality Duty.

This policy sets out NHS Kernow's equality, diversity and human rights commitments, and details how equality, diversity and human rights will be applied across employment, service planning and commissioning within NHS Kernow. It upholds and supports all actions and outcomes as identified in NHS Kernow's Equality and Diversity Strategy and supporting actions.

The policy will enable NHS Kernow to deliver the expected outcomes as identified in the national Equality Delivery System (EDS2) and the Workforce Race Equality Standard and meet its statutory requirements in the Equality Act 2010.

4. Scope

This policy covers both employment and operational design and delivery. It extends to all areas of equality legislation including Human Rights. It applies to all staff employed, paid or otherwise, within NHS Kernow. Each member of staff or individual carries personal responsibility for their own behaviour in relation to this policy.

This policy also applies to all temporary staff, agency workers, volunteers, secondees, work placements, students and patients placed at NHS Kernow.

NHS Kernow recognises that unlawful discrimination and harassment has a wider application than the staff of NHS Kernow. Service users, members of the public, voluntary organisations, public sector organisations, staff from other employing organisations, individuals on work experience placements, contractors and suppliers are expected to conform to the standards set by NHS Kernow.

NHS Kernow will require organisations with which it has service contracts to have operational policies in place that do not conflict with the principles or procedures in this document. Where these standards are not met, appropriate action will be taken by NHS Kernow, after the proper investigations have taken place.

Managers are expected to take action as appropriate, which may include disciplinary action, to incorporate the principles of this Policy into working and contractual arrangements.

5. Legislation

Under the Public Sector Equality Duty of the Equality Act 2010, NHS Kernow has a legal obligation to:

- Eliminate discrimination, harassment, victimisation and another other prohibited conduct.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- Publish equality objectives to demonstrate the points listed above and Equality Information on our performance.
- Make reasonable adjustments.

This includes:

- Making reasonable adjustments during the recruitment process.

- Doing things another way, such as allowing someone with social anxiety disorder to have their own desk instead of hot-desking.
- Making physical changes, such as installing a ramp for a wheelchair user or an audio-visual fire alarm for a deaf/deaf person.
- Allowing a disabled person work somewhere else suitable for their needs, such as on the ground floor for a wheelchair user.
- Changing their equipment, such as providing a special keyboard if the person has arthritis.
- Allowing employees who become disabled to make a phased return to work, such as through working flexible hours or part-time.
- Offering employees training opportunities, recreation and refreshment facilities.

The nine pieces of legislation that have merged to form the Equality Act are:

- The Equal Pay Act 1970
- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disability Discrimination Act 1995
- The Employment Equality (Religion / Belief) Regulations 2003
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Age) Regulations 2006
- The Equality Act 2006 Part 2

The Equality Act also includes the Public Sector Equality Duty which replaces the separate duties relating to race, gender and disability. The duties referenced in the Act apply to nine protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race, including nationality and ethnic origin
- Religion or belief
- Sex
- Sexual orientation.

Information about protected characteristics is available at **Appendix 1**.

Public authorities in the UK have obligations to promote and protect human rights, as laid out in the Human Rights Act 1998. All public authorities must act in a way that is compatible with the European Convention on Human Rights. This means treating individuals fairly, with dignity and respect, whilst also safeguarding the rights of the wider community. The principles which underpin the Human Rights Act are:

- Fairness
- Respect
- Equality
- Dignity
- Autonomy.

6. Definitions

Definitions are defined in **Appendix 2**.

7. Ownership and responsibilities

Clinical Commissioning Group

Clinical commissioning groups are responsible for commissioning the majority of healthcare services. NHS Kernow will not discriminate unlawfully against patients, carers or guardians using or seeking to use services, facilities or information provided or commissioned by the organisation. The organisation aims to avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. The organisation also has a responsibility to make reasonable adjustments where arrangements disadvantage an individual because of a disability and reasonable adjustments should be made to overcome the disadvantage.

NHS Kernow aims to be an equal opportunities employer and consistently commission according to the equality needs of the population.

NHS Kernow's commissioning responsibilities

In addition to directly employed staff, it is NHS Kernow's responsibility to ensure that commissioned and independent contractors have arrangements in place to check the employees that they engage to deliver services contracted by and on behalf of the NHS Kernow.

Board and leadership team

The Chief Officer is responsible to the NHS Kernow Governing Body for the operation and implementation of this policy.

The Workforce Committee will review and monitor equality and diversity practice, make recommendations for action and to encourage greater awareness and understanding across NHS Kernow.

Line managers

Line managers will:

- Ensure all employees are made aware of all policies relating to equality and diversity and dignity at work and their duties and responsibilities.
- Consider all service users, particularly those with protected characteristics when considering a service change and pursue timely engagement which will allow completion of an Equality Impact Assessment (EIA) or Comprehensive Impact Assessment (CIA).
- Ensure fair and equal treatment of all employees, and job applicants.
- Treat seriously and to take appropriate action in dealing with alleged claims of bullying or harassment or discrimination.
- Attend mandatory training and briefings to ensure personal updating and understanding of equality and diversity and bullying and harassment responsibilities and other statutory duties.
- Treat all disclosures including personal and or workforce information, reports of discrimination, bullying, victimisation and harassment as confidential and in accordance to the Data Protection Act.
- All managers and heads of service are responsible for implementing the policy in their directorates, business units and departments and for maintaining high standards of equality and diversity practice. This includes taking appropriate action where staff, patients, visitors or other individuals have acted in contradiction to the principles of this policy.

Human Resources (including workforce)

The Human Resources team will:

- Monitor implementation of the policy in relation to employment activities and policy application.
- Provide regular monitoring reports against the equality duties in relation to the above.

- Ensure all Human Resources policies undergo an equality impact assessment to screen for adverse and positive impact in order to address areas of concern.
- Ensure appropriate training is in place for the workforce in relation to equality, diversity and human rights.
- Treat all disclosures including personal and or workforce information, reports of discrimination, bullying, victimisation and harassment as confidential and in accordance to the Data Protection Act.
- Treat all complaints sensitively, confidentially, thoroughly and in a timely manner. Any staff member who has found to have been discriminated against can expect action to be taken on their behalf and support received from NHS Kernow.

Equality and Diversity Manager

The Equality and Diversity Manager will:

- Support NHS Kernow with setting and achieving equality objectives.
- Manage and report on equality action plans.
- Work with senior managers and team leaders to ensure that they are achieving their equality objectives.
- Ensure that equality impact assessments are proportionate and meaningful.
- Build and maintain relationships with other stakeholders.
- Work with the Human Resources Team on delivering actions relating to the workforce and equality and diversity, such as the Workforce Race Equality Standard.
- Ensure NHS Kernow actively engages and obtains feedback from service users, staff and other stakeholders on how the organisation is performing with respect to promoting equality and eliminating discrimination.
- Provide a quality assurance check that commissioned organisations undertake actions appropriate to their duties under the Equality Act 2010.
- Ensure that new developments in equality and diversity legislation and practice are embedded within NHS Kernow's practices.

Communications and Engagement team

The Communications and Engagement team will:

- Ensure that engagement and consultations with members of the public and service users is inclusive, to ensure that the widest and most reflective representation of people with protected characteristics are approached for their views, in order to ensure a broad spectrum of opinion and feedback is received.
- Collect data on members of the public and service users protected characteristics, appropriate to the issue where engagement and/ or consultation is taking place, to evidence that feedback is representative of a broad spectrum of opinion and feedback.

- Assist the Equality and Diversity Manager to undertake proactive engagement with members of the public and service users to gain an understanding of people's equality and diversity experiences.
- Facilitate access to interpretation and translation services, where required.
- Provide information to members of the public and service users proactively in different formats, according to the needs of the group being communicated with.
- Be prepared to provide information in different formats, proactively or on request.

Employees

Employees will:

- Have a personal responsibility to carry out their duties and behave at all times in accordance with the principles of this policy.
- Not practice unlawful discrimination, coerce others to discriminate or victimise individuals who make complaints of discrimination or provide information for investigation.
- Be aware that unlawful discrimination on the grounds of protected characteristics or perceived protected characteristics is illegal and could result in legal proceedings against NHS Kernow or themselves.
- Be required to assist NHS Kernow to meet its commitment to provide equal opportunities in employment and to avoid unlawful discrimination.
- Understand that they can be held personally liable as well as, or instead of NHS Kernow, in any act of unlawful discrimination. Employees who commit acts of harassment may be guilty of a criminal offence and therefore could be subject to disciplinary proceedings against them.
- Understand the needs of their colleagues and people attending meetings, ensuring that they make reasonable adjustments where required.
- Have a responsibility to report anything that they think may be perceived as discriminatory, bullying, victimisation or harassment to their line manager or a member of the Human Resources team.
- Report any unlawful discrimination or suspected discrimination occurring within NHS Kernow whether by colleagues, service users, visitors or providers.
- Seek advice on any aspect of this policy from their Line Manager, the Human Resources Department, the Equality Manager or their Trade Union Representative.

NHS Kernow expects all employees to:

- Understand and be a champion of the organisational behaviours and lead by example
- Treat everyone with dignity and respect.
- Treat people fairly and according to their needs without making assumptions.

- Be patient and helpful particularly if someone has difficulties communicating, understanding or difficulties with mobility.
- Communicate clearly.
- Be courteous and polite.
- Respect property and culture particularly when visiting places.
- Respect the right to private and family life.
- Think about how actions will affect others.
- Be aware of the effects of behaviour and body language on others.
- Attend mandatory equality and diversity training.
- Recognise and guard personal prejudices.
- Not act in a way that would humiliate, offend, degrade, intimidate, frighten, threaten, undermine or abuse someone, nor to promote or allow others to act in this way.
- Not use language or images which would be regarded as racist, sexist, homophobic, transphobic or insulting about disability, age, or religion and belief, nor to promote or allow others to act in this way.

NHS staff should be able to come to work without fear of violence, abuse or harassment from patients or their relatives. In most cases, service users and their relatives will be appreciative towards those who treat them and commission their care but a minority of people are abusive or violent towards staff.

NHS Kernow is committed to ensuring that all staff enjoy a working environment in which the right of the individual to be treated with consideration, dignity and respect is upheld. Harassment at work in any form is, therefore, unacceptable and may in certain circumstances be unlawful.

NHS Kernow has a duty to protect staff from harassment, whether from other staff members, patients or visitors. Individuals who believe that they have been harassed have a right to receive sympathetic and supportive help in accordance with NHS Kernow's Dignity at Work Policy and/or Acceptable Behaviour Policy.

Service users, patients, carers and relatives will be treated with respect and due consideration. Service users will be afforded healthcare in a consistent and non-discriminatory manner irrespective of their protected characteristics

NHS Kernow recognises that its commitment to equality and diversity is an ongoing process and will include training and development, including workshops, for this subject area for all staff, at all levels. Mandatory training modules on Equality and Diversity form part of the regular rolling training programme.

8. Monitoring and review arrangements

Policy

This policy will be reviewed by the Workforce Committee. It will be monitored annually by NHS Kernow to determine its effectiveness and to ensure that the organisation is compliant with statutory duties. The policy will be updated in accordance with changes in the law.

Data and Workforce reporting

All information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998. This includes information which is collected by HR to inform the Workforce report. Workforce reports are required under the Public sector equality duty and will demonstrate equality within NHS Kernow's workforce.

Discrimination

Any acts of discrimination, harassment, bullying or victimisation against employees or patients are disciplinary offences and will be dealt with under the NHS Kernow Disciplinary Procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Equality Delivery System 2

NHS Kernow will use the Equality Delivery System 2 (EDS2) toolkit which is designed to help commissioners deliver better outcomes to communities, patients and an improved working environment for staff. As an NHS organisation, NHS Kernow will use the Equality Delivery System 2 to establish goals and outcomes as well as evidencing how we meet these. This is a toolkit, currently voluntarily used across the NHS, which aims to help organisations improve the services they provide for their local communities and provide better working environments for all groups.

Workforce Race Equality Standard

NHS Kernow will use the Workforce Race Equality Standard (WRES) to ensure employees from black and ethnic minority backgrounds have equal access to career opportunities and receive fair treatment in the workplace.

Organisations employing almost all of the 1.4 million NHS workforce to demonstrate progress against a number of indicators of workforce equality, including a specific indicator to address the low levels of BME Board representation.

Equality Impact Assessments and Comprehensive Impact Assessments

NHS Kernow, as an organisation, is legally required to analyse and publish the effect of its policies and practices; including how the policies further the equality aims, how due regard has been given, and the sources of information used to inform decisions. NHS Kernow needs to understand the impact of any changes proposed for our population and our staff. To do this, we undertake impact assessments, prior to implementation of a policy/proposed change. An Equality Impact Assessment will be undertaken for corporate or governance policies, strategies, procedures or projects. A Comprehensive Impact Assessment will be undertaken for policies, strategies, procedures or projects which will have an impact on patients.

The impact assessments are tools used to assess policies or services to establish how they may impact on individuals, communities or equality groups. It involves using equality information and results from engagement with people with protected characteristics to understand the effect or potential effect to functions, policies and decisions. Managers responsible for service redesign and change will be accountable for completing assessments and should be able to evidence against the three public sector equality general duties:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Where detrimental impacts are identified, the impact assessment must show how this can be mitigated against, or whether the policy decision needs to be reviewed.

NHS Accessible Information Standard

The Accessible Information Standard is a way of ensuring that the NHS and adult social care is meeting people's communication needs. The standard seeks to make information easy to understand and available in different formats where people need this. NHS Kernow will actively take steps to ensure that information is accessible to service users, staff and other stakeholders; this will include making many publications easy to read and others on application. Publications will be in accordance with NHS Kernow's communications guidance on font size, contrast and typeface. Any internet publications will aim to follow web accessibility standards and where possible, will allow the user to change the typeface and colours to suit their needs.

Associated documentation

This policy complements the following documents, which should be read in conjunction with this policy:

- Equality Act 2010
- Human Rights Act 1998
- Data Protection Act 1998
- Recruitment and Selection Policy
- Induction Guidelines
- KSF Gateway Policy
- Job Share Policy
- Capability Procedure
- Disciplinary Procedure
- Discretionary Leave Policy
- Flexible Working (Working Parents and Carers) Policy
- Adoption Policy
- Study Leave Policy
- Grievance Policy and Procedure
- Dignity at Work Policy and Procedure
- Whistleblowing Policy
- Maternity Pack
- Paternity Leave Policy
- Disclosure and Barring Service procedure
- Acceptable Behaviour Policy
- Communications and Engagement Policy
- Equality Delivery System 2
- Workforce Race Equality Standard
- NHS Accessible Information Standard
- Human Rights Statement and Guidance
- Practical Guide to Undertaking Equality Impact Assessments
- Practical Guide to Undertaking Comprehensive Impact Assessments

Appendix 1: Protected characteristics

Age

Where this is referred to, it refers to a person belonging to a particular age (eg 32 year olds) or range of ages (eg 18 – 30 year olds). Consider across age ranges, including on older and younger people. This can include safeguarding, consent and child welfare considerations.

Disability

A person has a disability if they have a physical or mental impairment which has a substantial and long term adverse effect on that person's ability to carry out normal day to day activities. Consider attitudinal, physical and social barriers. This can include physical disability, learning disability, people with long term conditions, communication needs arising from a disability. Consider producing information in alternative formats and employment issues. Consider the requirements of the NHS Accessible Information Standard.

Gender reassignment

The process of transitioning from one gender to another. Consider transgender people. This can include issues such as privacy of data and harassment.

Marriage and civil partnership

In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same sex couple.*

Same sex couples can also have their relationship legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples. Consider people who are married, not married, in a civil partnership, not in a civil partnership.

*Section 1, Marriage (Same Sex Couples) Act 2013

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding. Consider working arrangements, part-time working, infant caring responsibilities.

Race

Race refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. Consider people's race, colour and nationality. Including Gypsy, Roma, Traveller communities, refugees, asylum seekers, ethnic minorities, language barriers.

Religion and belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs, including lack of belief (eg Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition. Consider people with different religions, beliefs or no belief.

Sex

A man or a woman. Consider gender stereotypical roles, including typical carer responsibility.

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes. Consider heterosexual people as well as lesbian, gay and bisexual people.

Appendix 2: Definitions

Direct discrimination

When someone is treated less favourably than another person because of a protected characteristic. Direct discrimination is unlawful under all anti-discrimination law, unless there is a genuine occupational requirement that the employee be from (or not) a particular protected characteristic. For example, specifying women only applicants to a work position at a women's rape and sexual abuse centre would usually be considered to be legitimate direct discrimination.

Discrimination by association

This is direct discrimination against someone because they are associated with another person who possesses a protected characteristic

Discrimination by perception

This is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to.

Diversity

Is based on a principle of recognising, responding to and valuing visible and non visible differences amongst individuals ensuring everyone can thrive and contribute.

Equality

Is the state of being equal, having the same rights, opportunities and status.

Harassment

This is behaviour deemed offensive by the recipient. Employees can complain of any behaviour that they find offensive even if it is not directed at them. Harassment is unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Human Rights

The Human Rights Act 1998 sets universal standards to ensure that a person's basic needs as a human being are recognised and met. The 15 basic rights are:

- Right to life;
- Protection from torture;
- Protection from slavery and forced labour;
- Right to liberty and security;
- Right to a fair trial;
- No punishment without law;
- Right to respect for private and family life;
- Freedom of thought, belief and religion;

- Freedom of expression;
- Freedom of assembly and association;
- Right to marry;
- Protection from discrimination;
- Protection of property;
- Right to education;
- Right to free elections.

Indirect discrimination

Indirect discrimination refers to applying a provision, criterion, policy or practice which is applied to everyone but disadvantages a person with a particular protected characteristic. Indirect discrimination is illegal if it cannot be justified as a proportionate means of achieving a legitimate aim.

Positive action

'Positive action' refers to a number of methods designed to counteract the effects of past discrimination and to help abolish stereotyping. Positive action promotes equal opportunities by removing existing inequalities or countering the effects of past inequalities in, for example, the areas of gender, older people, those with disabilities, and members of the Traveller Community. As such, it allows NHS Kernow to encourage people from under-represented protected characteristics to apply for jobs (although selection for posts will always remain strictly on merit and against pre-determined criteria), and to provide facilities or services in regards to training and career development opportunities, in order to meet the particular needs of people from different groups.

Reasonable adjustments

Employers must make reasonable adjustments to make sure disabled workers (including contract workers, trainees, apprentices and business partners) are not seriously disadvantaged when doing their jobs. The organisation also has a responsibility to make reasonable adjustments where arrangements disadvantage an individual, such as because of a disability, and reasonable adjustments should be made to overcome the disadvantage. This could include reasonable adjustments to employment practices, working arrangements, alterations to premises for staff and/ or service user access, provision of equipment or aids, such as hearing loops.

Victimisation

This occurs when someone is treated badly because that have made or supported a complaint or grievance under the appropriate equalities legislation.

Appendix 3: Equality Impact Assessment

Name of policy to be assessed	Equality and Diversity Policy		
Section	Equality and Diversity/ Workforce	Date of Assessment	02.03.17
Officer responsible for the assessment	Jayna Chapman, Equality Manager / Emma Goudge, Head of HR	Is this a new or existing policy?	Existing
1. Describe the aims, objectives and purpose of the policy.			
<p>This policy sets out NHS Kernow's equality, diversity and human rights commitments, and details how equality, diversity and human rights will be applied across employment, service planning and commissioning within NHS Kernow. The aim of this policy is to set NHS Kernow's position on equality and diversity and confirm NHS Kernow's commitment to that policy.</p> <p>Promoting equality and diversity within the organisation is relevant to all diversity strands. The focus on equality and diversity in this policy should ensure that services better respond to individual needs, therefore resulting in improved services.</p>			
2. Are there any associated objectives of the policy? Please explain.			
<p>To highlight and identify staff responsibilities with regard to equality and diversity.</p> <p>To outline the commitment to achieving equality of opportunity, preventing discrimination and valuing diversity in the provision of services to the community and in employment practice.</p> <p>Promoting the importance of human rights and enabling better understanding.</p> <p>To link with the Equality Impact Assessment guidance and Comprehensive Impact Assessment guidance, to provide comprehensive information for staff.</p>			
3. Who is intended to benefit from this policy, and in what way?			
NHS Kernow staff / Members of the public			
4. What outcomes are wanted from this policy?			
<p>Better understanding of legal implications of the Equality Act 2010.</p> <p>Guidance and support for staff in understanding equality legislation.</p> <p>Building equality, diversity and inclusiveness into mainstream business and ensuring everyone is treated with dignity and respect.</p> <p>Promoting the practice of equality of opportunity and inclusion to ensure that all staff understand, support and follow the Equality and</p>			

Diversity Policy and realise they have a responsibility not to discriminate unlawfully or to knowingly assist in discriminatory practices.
5. What factors/ forces could contribute/ detract from the outcomes?
Lack of staff time to read and understand the Equality and Diversity Policy.
6. Who are the main stakeholders in relation to the policy?
NHS Kernow staff Workforce Committee Members of the public
7. Who implements the policy, and who is responsible for the policy?
Equality Manager Human Resources Team NHS Kernow staff
8. What is the impact on people from Black and Minority Ethnic Groups (BME) (positive or negative)?
Consider relevance to eliminating unlawful discrimination, promoting equality of opportunity and promoting good race relations between people of different racial groups. Issues to consider include people's race, colour and nationality, Gypsy, Roma, Traveller communities, employment issues relating to refugees, asylum seekers, ethnic minorities, language barriers, providing translation and interpreting services, cultural issues and customs, access to services.
There may be difficulty in understanding amongst individuals whose first language is not English. This will be redressed by ensuring that information is available in a variety of languages and format and access to interpretation services.
How will any negative impact be mitigated?
9. What is the differential impact for male or female people (positive or negative)?
Consider what issues there are for men and women e.g. responsibilities for dependants, issues for carers, access to training and employment issues, attitudes towards accessing healthcare.
The reinforcement in this policy of fair, open recruitment and employment practices, regardless of sex, marital or civil partnership status and pregnancy and maternity, contributes towards ensuring that NHS Kernow is an equal opportunities employer.
How will any negative impact be mitigated?

10. What is the differential impact on disabled people (positive or negative)?
Consider what issues there are around each of the disabilities e.g. access to building and services, how we provide services and the way we do this, producing information in alternative formats and employment issues. Consider the requirements of the NHS Accessible Information Standard. Consider attitudinal, physical and social barriers. This can include physical disability, learning disability, people with long term conditions, communication needs arising from a disability.
Arrangements must be made to ensure availability of information in accessible formats, such as 'easy read', to mitigate any differential impact. Reasonable adjustments must be made in our employment practices. NHS Kernow operates under the Disability Confident employer scheme and guidance, which includes interviewing disabled applicants who meet essential criteria.
How will any negative impact be mitigated?
11. What is the differential impact on sexual orientation?
Consider what issues there are for the employment process and training and differential health outcomes amongst lesbian and gay people. Also consider provision of services for e.g. older and younger people from lesbian, gay, bi-sexual. Consider heterosexual people as well as lesbian, gay and bisexual people.
The policy states that due regard must be given to sexual orientation of all users. Recruitment processes are fair and transparent.
How will any negative impact be mitigated?
12. What is the differential impact on people of different ages (positive or negative)?
Consider what issues there are for the employment process and training. Some of our services impact on our community in relation to age e.g. how do we engage with older and younger people about access to our services? Consider safeguarding, consent and child welfare.
The policy pays attention to ensuring all equality strands are considered and practiced in all recruitment processes and for patients' accessing our commissioned services. Reasonable adjustments will be considered through the engagement and consultation process to ensure that groups affected by a change are engaged so their views can be taken into consideration.
How will any negative impact be mitigated?

13. What differential impact will there be due religion or belief (positive or negative)?
Consider what issues there are for the employment process and training. Also consider the likely impact around the way services are provided e.g. dietary issues, religious holidays, days associated with religious observance, cultural issues and customs, places to worship.
NHS Kernow recognises the need for staff to balance their work and religious/cultural needs and that, at times, their religious and cultural needs may conflict with existing work requirements. NHS Kernow will give due consideration to whether it is reasonably practicable to vary or adapt these requirements to enable such needs to be met.
How will any negative impact be mitigated?
14. What is the impact on marriage of civil partnership (positive or negative)? NB: this is particularly relevant for employment policies
This characteristic is relevant in law only to employment, however, NHS Kernow will strive to consider this characteristic in all aspects of its work. Consider what issues there may be for someone who is married or in a civil partnership. Are they likely to be different to those faced by a single person? What, if any are the likely implications for employment and does it differ according to marital status?
The policy demonstrates due regard to marital and civil partnership status.
How will any negative be mitigated?
15. What is the differential impact who have gone through or are going through gender reassignment, or who identify as transgender?
Consider what issues there are for people who have been through or a going through transition from one sex to another. How is this going to affect their access to services and their treatment when receiving NHS care? What are the likely implications for employment of a transgender person? This can include issues such as privacy of data and harassment.
The policy pays attention to ensuring all equality strands are considered and practiced in all recruitment processes and for patients' accessing our commissioned services. The NHS Kernow workforce is supported through non-discriminatory employment practices.
How will any negative impact be mitigated?
16. What is the differential impact on people who are pregnant or breast feeding mothers, or those on maternity leave?

<p>This characteristic applies to pregnant and breast feeding mothers with babies of up to six months, in employment and when accessing services. When developing a policy or services consider how a nursing mother will be able to nurse her baby in a particular facility and what staff may need to do to enable the baby to be nursed. Consider working arrangements, part-time working, infant caring responsibilities.</p>	
<p>The policy states that due regard must be given to users. Recruitment processes are fair and transparent.</p>	
<p>How will any negative impact be mitigated?</p>	
<p>17. Other identified groups:</p>	
<p>Consider carers, veterans, different socio-economic groups, people living in poverty, area inequality, income, resident status (migrants), people who are homeless, long-term unemployed, people who are geographically isolated, people who misuse drugs, those who are in stigmatised occupations, people with limited family or social networks, and other groups experiencing disadvantage and barriers to access.</p>	
<p>Not applicable.</p>	
<p>How will any negative impact be mitigated?</p>	
<p>18. How have the Core Human Rights Values been considered in the formulation of this policy/strategy? If they haven't please reconsider the document and amend to incorporate these values.</p> <ul style="list-style-type: none"> • Fairness; • Respect; • Equality; • Dignity; • Autonomy 	
<p>The core Human Rights principles underpin the basis of this document.</p>	
<p>19. Which of the Human Rights Articles does this document impact?</p>	
The right:	Yes / No:
<ul style="list-style-type: none"> • To life 	Yes
<ul style="list-style-type: none"> • Not to be tortured or treated in an inhuman or degrading way 	Yes

• To liberty and security	Yes
• To a fair trial	Yes
• To respect for home and family life, and correspondence	Yes
• To freedom of thought, conscience and religion	Yes
• To freedom of expression	Yes
• To freedom of assembly and association	Yes
• To marry and found a family	Yes
• Not to be discriminated against in relation to the enjoyment of any of the rights contained in the European Convention	Yes
• To peaceful enjoyment of possessions	Yes
a) What existing evidence (either presumed or otherwise) do you have for this?	
The core Human Rights principles underpin the basis of this document.	
20. How will you ensure that those responsible for implementing the Policy are aware of the Human Rights implications and equipped to deal with them?	
The Human Rights Statement and Guidance accompanies the Equality Impact Assessment guidance and Comprehensive Impact Assessment guidance, to provide comprehensive information for staff. This policy will be made available for staff on the website and proactively disseminated via the staff bulletin.	
21. Describe how the policy contributes towards eliminating discrimination, harassment and victimisation.	
This policy clearly outlines the requirement of NHS Kernow staff, members of the public and provider organisation's staff to be compliant with the requirements of the Equality Act 2010. This includes a requirement to eliminate discrimination, harassment and victimisation in all of our patient facing and employment practices.	
22. Describe how the policy contributes towards advancing equality of opportunity.	
This policy clearly outlines the requirement of NHS Kernow staff, members of the public and provider organisation's staff to be compliant with the requirements of the Equality Act 2010. This includes a requirement to work towards advancing equality of opportunity for all people with protected characteristics.	
23. Describe how the policy contributes towards promoting good relations between people with protected characteristics.	
This policy clearly outlines the requirement of NHS Kernow staff, members of the public and provider organisation's staff to be compliant with the requirements of the Equality Act 2010. This includes a requirement to contribute towards promoting good	

relations between people with protected characteristics.
24. If the differential impacts identified are positive, explain how this policy is legitimate positive action and will improve outcomes, services or the working environment for that group of people.
This policy clearly outlines the requirement of NHS Kernow staff, members of the public and provider organisation's staff to be compliant with the requirements of the Equality Act 2010.
25. Explain what amendments have been made to the policy or mitigating actions have been taken, and when they were made.
None identified.
26. If the negative impacts identified have been unable to be mitigated through amendment to the policy or mitigating actions, explain what your next steps are.
None identified.