

EQUALITY AND HUMAN RIGHTS POLICY

Policy Title:	Equality and Human Rights Policy		
Executive Summary:	East Cheshire NHS Trust is committed to continued compliance with the Public Sector Equality Duty as set out in the Equality Act 2010 and the Equality & Human Rights Commission's Code of Practice. The policy also outlines the trust's responsibilities under the NHS Workforce Race Equality Standard (WRES). The policy supports and promotes equality to ensure that patients, staff, visitors and the public are treated fairly - with dignity and respect - and that discrimination is reduced.		
Supersedes:	Equality and Human Rights Policy 2013-2016		
Description of Amendment(s):	Trust standardisation, reformatting and rewrite. Inclusion of Workforce Race Equality Standard (WRES)		
This policy will impact on: Staff, service users, patients, volunteers, contractors and sub-contractors working within and/or on behalf of East Cheshire NHS Trust			
Financial Implications: There are no identified financial implications.			
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1. Introduction

East Cheshire NHS Trust aims to be an organisation that people want to access for care and treatment. The trust aims to be an organisation that people want to join and remain with as staff because it allows them to make their distinctive contributions and achieve their full potential. The trust does not tolerate any form of intimidation, humiliation, harassment, bullying or abuse and will ensure that patients, staff, visitors and the public are treated fairly, with dignity and respect. Our aim is to break down all barriers of discrimination, prejudice, fear or misunderstanding which can damage service effectiveness for service users and carers.

East Cheshire NHS Trust is committed to continued compliance with the Public Sector Equality Duty as set out in the Equality Act 2010 and the Equality & Human Rights Commission's Code of Practice. The policy also outlines the trust's responsibilities under the NHS Workforce Race Equality Standard (WRES). The policy supports and promotes equality to ensure that patients, staff, visitors and the public are treated fairly - with dignity and respect - and that discrimination is reduced.

2. Purpose

East Cheshire NHS Trust is committed to building a workforce which is valued and whose diversity reflects the communities it serves, enabling it to deliver the best possible healthcare service to those communities. This policy is written on the premise that inequalities in employment will lead to inequalities in service delivery. By addressing any inequalities in employment practices, the Trust seeks to deliver equitable services to all.

East Cheshire NHS Trust believes that unlawful discrimination is unacceptable and aims to ensure that all patients, applicants, employees, contractors, agency staff and visitors will receive appropriate treatment and will not be disadvantaged by conditions or requirements which cannot be shown to be justified. This is particularly so on the grounds of age, disability, sex, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity, race or religion and belief, protected characteristics under the Equality Act 2010.

- The implementation of this policy is fundamental to the delivery of good quality patient care
- This policy will be applied fairly and equitably to all staff
- Every member of staff has access to appropriate training and development in relation to their equality responsibilities
- Individuals have the right to raise any concerns in relation to the application of this policy.
- This policy underpins the development of all strategies, policies and procedures to ensure that equality & human rights are embedded across the trust.

3. Responsibilities

3.1 The Organisation

The trust is responsible for ensuring compliance with equality and human rights policy and legislation. The trust has developed an Equality Objective Action Plan which sets out how the trust intends to achieve its responsibilities.

The trust recognises the need to treat all employees fairly by providing equality of opportunity in employment, development, promotion and retention of skills and experience. It also recognises the need to provide fair and equal access to services for patients and visitors.

3.2 Chief Executive

The Chief Executive has the ultimate responsibility for the implementation and monitoring of trust policies.

3.3 Executive Director of Corporate Affairs and Governance

The Lead Director for equality and human rights is the Director of Corporate Affairs and Governance, who is responsible for final ratification prior to implementation of the policy. Ratification takes place following a consultation and approval process.

3.4 Director of Human Resources and Organisational Development

The Director of Human Resources and Organisational Development has delegated accountability for workforce including the Workforce Race Equality Standard (WRES). As such they are closely involved in the development and consultation on this policy.

3.5 Clinical Directors and Associate Directors

Clinical Directors and Associate Directors have delegated accountability for ensuring that their service areas are aware of the policy and their responsibilities.

3.6 Equality Leads

The Equality Leads for workforce (HR Business Partner) and service delivery (Equality and Patient Experience Manager) are responsible for leading the equality and inclusion agenda across the trust and preparing required monitoring reports.

3.7 Human Resources

The Human Resources Directorate will ensure that support and training is provided in relation to Equality & Human Rights responsibilities and practice. The Workforce Equality Lead will develop and oversee an annual plan to ensure related communications and events are widely publicised and targeted to specific groups as required. The HR team will also produce an annual workforce monitoring report.

3.7 Line Managers

Line managers are responsible for ensuring that this policy is applied fairly and consistently within their own area. Specific responsibilities in relation to this policy are as follows:

- Cascading this policy to ensure all staff are aware of their responsibilities under the policy and that it is implemented throughout their sphere of responsibility
- Ensuring that accurate records of employment decisions are maintained
- Ensuring that statutory & mandatory training, which includes equality training, is completed by staff within the area of their responsibility
- Ensuring that patients, carers and visitors are treated appropriately with due regard to any requirements as a result of protected characteristic, ensuring any reasonable adjustments are made as required.

3.8 Employees, Contractors, Sub-Contractors and Volunteers

Whilst the primary responsibility of providing equal opportunity and access for all is an organisational responsibility, it is also expected that anyone delivering services on behalf of the trust have responsibility for the implementation of this policy. Good employee relations and practices depend upon staff attitudes and activities at work. Staff should understand the application of this policy and have a general understanding of their statutory and contractual rights and responsibilities. Specific responsibilities in relation to this policy are as follows:

- Operate within established policy and take positive steps to eliminate unlawful discrimination and promote equal opportunity. This applies in terms of applicants, other employees, contractors, agency staff, patients and visitors.
- Must not unlawfully discriminate against other employees, applicants, patients or visitors or encourage others to practice unlawful discrimination.
- Must not victimise individuals on the grounds that they have made complaints or provided information on unlawful discrimination.
- Be proactive in informing management of unlawful discrimination
- Support the trust's published Values and Behaviours.

The performance of contractors in relation to issues outlined within this policy will be managed through the contract monitoring process. If a contractor's actions are proven to be discriminatory, this may lead to a withdrawal of the contract for their services.

3.9 Staff Side

East Cheshire NHS Trust and the Trade Unions representing the workforce are committed to partnership working in the development, consultation and agreement of employee relations policies. Staff side will provide advice and support to staff on concerns / queries relating to the implementation of this policy.

4. Processes and Procedures

4.1 The Trust's Approach

This policy provides a framework from which strategy, policy and procedures should be developed. It sets the standards to enable the trust to meet its duties in relation to the Public Sector Equality Duty (PSED) and specific areas as outlined, as both an employer and a service provider.

As a public body, the trust has a general duty under the PSED to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not;
- Foster good relations between people who share a protected characteristic and people who do not.

The trust also has specific duties under the PSED which are to:

- Publish information to demonstrate compliance with the PSED at least annually
- Prepare and publish specific and measurable equality objectives at least every four years.

4.2 Equality Objective Action Plan

The trust has an overall equality action plan based around its equality objectives, which serve to improve services for patients, carers and visitors and to promote equality across all protected characteristics. Equality reports are produced to monitor progress against this plan. These reports are submitted annually to Trust Board and throughout the year to the Safety, Quality and Standards Committee and East Cheshire Clinical Commissioning Group (CCG).

4.3 Equality Delivery System (EDS 2)

In order to ensure we maintain our commitment towards continuous equality improvements and meet our requirements under the Equality Act, the trust participates annually in EDS 2. EDS 2 is a national framework against which performance on equality can be assessed. In partnership with patients and the public, staff and staff-side organisations are involved to review equality performance and to identify future priorities and actions.

4.4 Workforce Race Equality Standard (WRES)

NHS England has incorporated the WRES into the NHS Standard Contract. The standard requires organisations to demonstrate progress against a number of workforce race equality indicators. The outcome report and associated action plan are submitted annually to Trust Board and the CCG and published on the trust's website.

4.5 Workforce Monitoring

The trust has a statutory duty to produce and publish monitoring information across a range of workforce categories. This monitoring information enables the trust to assess trends in employment practices and the management of employee relations issues, and inform positive action in relation to the overall equality agenda. East Cheshire NHS Trust produces and publishes this information on an annual basis.

4.6 Equality Impact Assessment (Equality Analysis)

An equality impact assessment is a vital tool for ensuring that the services we provide, the work we do and our practices meet the needs of our diverse community. The trust's equality impact assessment process ensures that any areas of inadvertent discrimination are detected and mitigating action implemented in order to improve and promote equality throughout our services, policies, strategies and procedures.

This policy has been impact assessed to ensure that it does not discriminate on the grounds of any protected characteristic. The equality leads will review this policy's impact on any equality and diversity issues and identify any inequalities via the monitoring process. Appropriate action will be taken where required.

4.7 Staff Engagement / Values and Behaviours

Our values are consistent with those of the NHS constitution and support the trust's approach to equality and inclusion. We will ensure that we:

- Treat each other with respect and dignity
- Commit to quality of care
- Show compassion
- Improve lives
- Work together for patients
- Make everyone count.

4.8 Role design, recruitment and training and development

The trust applies the principle of designing services around the needs of the patient. This principle is followed through in the design of all job roles. In doing so, the trust aims to serve the needs of its patients by recruiting the staff best able to deliver patient-centred care. The trust's workforce plan is continually developed and refined on this basis.

The trust's Recruitment & Selection Policy ensures that at every stage of the recruitment process, managers treat all applicants equally, showing no unlawful discrimination on the grounds of any protected characteristic. Appropriate assistance will be provided as requested by applicants and relevant positive action taken to ensure equal access for all.

Relevant training and development opportunities are open to all staff and the trust aims to ensure that all staff receive an annual Appraisal and have a Personal Development Plan (PDP) with agreed development where required, regarding equality and human rights

competence. Training and development opportunities in equality and human rights are widely publicised and attendance monitored for audit purposes.

4.9 Employee Relations

The trust has developed a number of policies to support work life balance and also has in place Disciplinary, Harassment and Grievance Policies to offer guidance on dealing with employee relations issues. Instances of harassment on the grounds of any protected characteristic are a disciplinary matter and will be treated seriously. Monitoring information relating to employee relations activity will be assessed and where inequalities exist, they will be investigated and addressed. All staff members have equal access to all staff well-being services.

4.10 Management of Violence and Abusive Behaviour

The trust is committed to developing and maintaining a safe and secure environment for its patients, staff and visitors and has a duty to take all reasonable steps to protect and support its staff, patients and visitors.

Violent and abusive behaviour, including bullying and/or harassment is not tolerated and decisive action will be taken to protect staff, patients and visitors. This includes combating behaviour contrary to the principles outlined in this policy and is covered via Statutory & Mandatory and conflict resolution training.

All violent adverse incidents are reported via the trust's risk management system, risk assessed, investigated and appropriate remedial action taken. Trend analysis identifies areas for change.

5. Monitoring Compliance with the Document

5.1 Workforce Monitoring Reports are produced annually to assess trends in employment practices and the management of employee relations issues, and inform positive action in relation to the overall equality agenda. The reports are discussed at the trust's Partnership Forum and received for assurance by the trust's Finance, Performance and Workforce Committee. The trust reviews equality performance against a range of indicators through the WRES and the EDS. As with the Workforce Monitoring Reports, outcomes and action plans are presented to the Finance, Performance and Workforce Committee.

5.2 Service delivery performance is monitored and reported to the Safety, Quality & Standards Committee for assurance on the trust's Equality Plan. Performance is monitored via progress against objectives within the equality plan and EDS, reviews of complaints, PALS concerns and incidents reported on the trust risk management system, results in the national and local survey programme, patient stories, feedback via social networks and user groups.

5.3 Key Performance Indicators

- Quarterly update reports will be provided to the Trust's SQS Committee.
- Workforce Monitoring Reports will be published on the trust website on an annual basis.
- Actions outlines in the Equality Plan are delivered to timescale, with any inconsistencies reported with agreed completion timescales.
- 90% of staff will complete equality & diversity statutory/mandatory training.
- 100% of equality impact assessments will be carried out on specialty level services, trust level service changes and required policies.

6. References

[East Cheshire NHS Trust Website - Equality](#)

[Equality Act 2010](#)

[Human Rights Act 1998](#)

[Workforce Race Equality System \(WRES\)](#)

[Equality Delivery System \(EDS\)](#)