

Trust Policy

Equality, Diversity and Human Rights Policy

Ref. HR004 (v8.0)

September 2009

Table of Contents

	<i>page no.</i>
1. POLICY REFERENCE INFORMATION	3
2. DOCUMENT REVISION RECORD	3
3. RELATED POLICIES AND LEGISLATION	3
4. EQUALITY, DIVERSITY AND HUMAN RIGHTS DEFINITIONS	4
5. FOREWORD	5
6. INTRODUCTION	6
7. STATEMENT OF INTENT	6
8. SERVICE DELIVERY	7
9. EMPLOYMENT	7
10. IMPLEMENTATION AND RESOURCES	8
11. MONITORING AND REVIEW	8
12. COMPLAINTS OF DISCRIMINATION	8
APPENDICES	
EQUALITY AND HUMAN RIGHTS LEGISLATION	9
GUIDANCE AND LINKS	11

1. Policy Reference Information

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2. Document Revision Record

Ver	Description of Change(s)	Reason for Change	Author	Date
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7.0	Amended	Policy review	Helen Bullers Director Workforce and Transition	Jul 2008
8.0	Review	Policy review	Milos Kmet Equality Diversity and Human Rights Manager	Sep 2009

3. Related Policies

Trust Complaints Policy
Dignity at Work Policy HR004 Sep 09 v7
Management of Violence and Aggression RM007 March 2006

4. DEFINITIONS

EQUALITY

....is about creating a fair society where everyone can participate and has the opportunity to fulfil their potential. It is backed up by legislation designed to address unfair discrimination on the grounds of gender, trans-gender, partnership status, caring status, ethnicity, disability, age, sexual orientation and religion or belief

DIVERSITY

....is about the recognition and valuing of difference in its broadest sense. It is about creating a culture and practices that recognise, respect, value and harness difference for the benefit of the organisation, its employees and patients and other service users

HUMAN RIGHTS

....is about fairness, respect, equality, dignity and autonomy in how people are treated and in the services that are provided

5. FOREWORD

City and Hackney Teaching Primary Care Trust operates in one of the most ethnically and culturally diverse areas in the country.

The public, patients and staff of City and Hackney expect us to take equality, diversity and human rights seriously and to meet our obligations under the equality, anti-discrimination and human rights legislation. We believe that we also have a moral and ethical obligation to promote equality and eliminate discrimination and harassment and to uphold human rights principles

This policy statement sets out our commitments on equality, diversity and human rights and says how we will implement and deliver these. It is supported by our Race, Gender and Disability Equality Schemes and a number of action plans, all of which are available on the City and Hackney tPCT website – www.chpct.nhs.uk – or by contacting Milos Kmet, Equality Diversity and Human Rights Manager on 020 7386 4118 or milos.kmet@chpct.nhs.uk

Chief Executive

6. INTRODUCTION

- 6.1 This policy sets out NHS City and Hackney (The Trust) commitment to the principles of equality, diversity and human rights for all. It covers all of our functions, both in employment and the provision of our services.
- 6.2 The diversity of our workforce and the community we serve is one of our greatest strengths and we wish to create an environment in which the services we provide and our workplace is free from unfair or unlawful discrimination and harassment and where human rights principles are upheld. We also want our workforce and our service provision to reflect the communities we serve.
- 6.3 We will challenge inequality, discrimination and disadvantage and will work to achieve the highest standards of service delivery and employment practices.
- 6.4 We will work to ensure that equality, diversity and human rights principles are owned, valued and maintained by everyone at the Trust - the Board, our staff and those who provide services on our behalf.
- 6.5 This policy has been agreed and reviewed in consultation with Staff Side, the collective body representing all recognised Trade Unions.

7. STATEMENT OF INTENT

- 7.1. We acknowledge that there is discrimination and inequality and will work to find ways to address and eliminate this. No one who uses or seeks to use our services or who is a prospective or actual employee should receive less favourable treatment on the grounds of their gender, trans-gender status, partnership status, caring status, race, colour, nationality, ethnic or national origin, disability, marital status, sexual orientation, responsibility for dependants, age, trade union or political affiliation or religion or belief.
- 7.2. We fully support and will comply with all legal requirements and Codes of Practice on equality and human rights including, as relevant, those set out in Appendix 1.
- 7.3. We have published our Race Equality Scheme, Disability Equality Scheme and Gender Equality Scheme and action plans and will monitor progress against the objectives we have set.
- 7.4. We are developing a Single Equality and Human Rights Scheme covering employment and service provision and gender, trans-gender, partnership status, caring status, ethnicity, disability, age, sexual orientation and religion or belief.

8. SERVICE DELIVERY

We are committed to tackling health inequalities in City and Hackney and we will:

- 8.1. Seek to provide services that meet the requirements of individuals and communities fairly, equitably and in a non-discriminatory way
- 8.2. Seek to embed the principles of fairness, respect, equality, dignity and autonomy in all that we do
- 8.3. Consider the needs of communities when we are planning and delivering our services
- 8.4. Consult, engage, involve and work in partnership with communities and individuals
- 8.5. Be accessible and flexible when providing our services taking the differing needs of individuals and communities into account
- 8.6. Equality impact assess our policies, programmes and processes and take action to address adverse impact where this is identified and where possible
- 8.7. Monitor and evaluate our services to ensure that they are meeting the needs of our patients, of carers and of family members

9. EMPLOYMENT

We are implementing our policies on Equality and Diversity in Employment and Dignity at Work which include:

- 9.1. Ensuring equality of opportunity and non-discrimination in recruitment and selection
- 9.2. Investigating and addressing bullying and harassment in the workplace
- 9.3. Providing support for those who experience discrimination or harassment
- 9.4. Implementing workforce and recruitment monitoring and review procedures
- 9.5. Ensuring equal access to training and opportunities for development
- 9.6. Taking positive action to redress imbalances and under-representation across all of the equality strands
- 9.7. Equality impact assessing all policies and procedures and taking action to address adverse impact where this is identified and where possible
- 9.8. Providing equality and diversity training for everyone employed at CHtPCT
- 9.9. Monitoring and evaluating the equality and diversity policy

10. IMPLEMENTATION AND RESOURCES

- 10.1. The Board of City and Hackney tPCT is responsible for overseeing progress toward achieving the aims of this policy. Specific responsibility for its effective implementation rests with the Chief Executive but all Directors and managers are responsible for ensuring that equality and human rights is effectively integrated, implemented and monitored within their service areas.
- 10.2. Individual employees and their representatives also have a responsibility to abide by the policy and co-operate with measures introduced to promote equality of opportunity and human rights principles.
- 10.3. In implementing this policy we will:
 - Communicate the policy to our employees, job applicants, providers and potential providers
 - Publicise our policy to service users
 - Obtain commitments from those providing services for the Trust that they will comply with the policy
 - Ensure that adequate resources are available to fulfil the objectives of the policy

11. MONITORING AND REVIEW

- 11.1. We are establishing information and monitoring systems to assist us in assessing how we are progressing on equality, diversity and human rights in service provision and as an employer.
- 11.2. We are developing a schedule for reviewing the effectiveness of our equality, diversity and human rights action plans and strategies. This will be done in consultation with the recognised trade unions.

12. COMPLAINTS OF DISCRIMINATION

- 12.1. Any employee or job applicant that believes that they have been discriminated against or have suffered harassment or victimisation can raise this by using the procedures that are contained in the Dignity at Work policy. All complaints will be dealt with seriously, promptly and confidentially.
- 12.2. Anyone who believes that they have been discriminated against or have suffered harassment or victimisation in relation to the services we provide can raise this by contacting the Patient Advice and Liaison Service (PALS) on 0800 9230107 or pals@chpct.nhs.uk.

Appendix 1
Equality and Human Rights Legislation

Gender		
Equal Pay Act	1970 + 1984	Equal pay for men and women for like work and work of equal value
Sex Discrimination Act	1975 + 1986	Equal treatment in employment and goods, facilities and services irrespective of gender or marital status
Gender Reassignment	1999	Amends Sex Discrimination Act. Prevents less favourable treatment in employment if gender reassigned (trans gendered)
Equal Treatment Directive	2005	Defines sexual harassment as discrimination Requires employers to produce equality action plan
Gender Recognition Act	2005	Allows for legal recognition of gender – individuals can apply for a Gender Recognition Certificate
Equality Act	2006	Equal treatment in provision of services (e.g. hotels, health provision, restaurants etc) irrespective of gender Gender equality duty
Sexuality		
European Council Directive 2000/78		Establishing a general framework for equal treatment in employment and occupation
Employment Equality (Sexual Orientation) Regulations	2003	Equal treatment in employment irrespective of sexual orientation
Civil Partnership Act	2004/05	Creates new legal relationship with formal recognition
Equality Act	2006	Equal treatment in provision of services (e.g. hotels, health provision, restaurants etc) irrespective of sexual orientation
Parenting		
Flexible working	2003/2006	Introduced Right to Request flexible working for parents of children aged 6 and under (2003) Extended Right to Request to carers of adults (2006)
Maternity and Parental leave	1999	Increased maternity pay; introduced parental leave; introduced right to emergency time off for dependents
Maternity, Paternity, Adoption,	2003	Increase maternity leave from 18 to 26 weeks & introduce 26 weeks additional maternity leave; increased maternity pay; introduce paternity leave & pay and adoption leave & pay
Work and Families Act	2006	Extends Right to Request flexible working to carers of adults (see above); extends maternity pay to 39 weeks; introduces possibility of transferable maternity leave
Race		
Race Relations Act	1976	Equal treatment in employment and goods, facilities and services irrespective of race, colour, nationality and ethnic or national origins
Race Relations (Amendment) Act	2000	Requires public sector to promote race relations and equality and also to work to eliminate discrimination on grounds of race
European Council Directive	2000	Establishing a general framework for equal treatment

2000/43		between persons irrespective of racial or ethnic origin
Religion or Belief		
European Council Directive 2000/78		Establishing a general framework for equal treatment in employment and occupation
Employment Equality (Religion or Belief) Regulations		Equal treatment in employment irrespective of religion or belief
Equality Act	2006	Equal treatment in provision of services irrespective of religion or belief
Disability		
European Council Directive 2000/78		Establishing a general framework for equal treatment in employment and occupation
Disability Discrimination Act	1995 2005	Defines disability using <i>medical</i> model; provides protection against unreasonable discrimination in employment, goods and services Disability Equality Duty
SENDA	2001	Outlaws discrimination against students who are disabled or have special educational needs
European Framework Directive	2003	Outlaws direct and indirect discrimination on grounds of disability; introduces 'reasonable adjustment' concept; outlaws direct and indirect discrimination and harassment
Disability Discrimination Act	2005	Extends definition of disability; prevents treating a disabled person less favourably; requires public sector to promote opportunities; extends law to cover transport provision, local councillors and private clubs
Mental Capacity Act	2005	In force October 2007; right of adults to make decisions with assumed capacity unless proved otherwise; anything done on behalf of a person without capacity must be in their interests and the least restrictive of basic rights and freedoms; independent mental capacity advocates
Age		
European Council Directive 2000/78		Establishing a general framework for equal treatment in employment and occupation
Employment Equality (Age) Regulations	2006	Equal treatment in employment irrespective of age Outlaws direct and indirect discrimination and harassment on grounds of age; removes upper age limit for redundancy and unfair dismissal payments; remove age limits on statutory pay e.g. sick, maternity, paternity and adoption; provides right to request continuation of employment post retirement age
Carers		
Carers (Recognition and Services Act)	1995	Assessment of carer's ability to provide and sustain care that s/he has been providing
Children Act	1998	Local Authority duty to safeguard welfare of children - health and development, disability, looked after children and young carers
Carers and Disabled Children Act	2000	Amends 1995 Act; people 16 and over with parental responsibility for disabled children; direct payments provision and short term break voucher schemes
Carers (Equal Opportunities)	2004	Amends 1995 Act; right to be informed of rights to

Act		assessment; co-operation between local authority and other public authorities, including health, in relation to planning and provision of services to support carer
Other relevant legislation		
Rehabilitation of Offenders Act	1974	Defines spent convictions
Human Rights Act	1998	Right to respect for private and family life; freedom of thought, conscience and peaceful assembly; freedom from inhumane and degrading treatment; protection from discrimination on grounds of 'any other status'
Racial and Religious Hatred Act	2006	New criminal offence of incitement to religious hatred
Part time Workers regulations	2000	Equal treatment for part time workers – including pension rights
Working Time Directive	2003	EU legislation limiting the number of average hours per week that full time workers can work to 48. UK only country in the EU to adopt an opt-out clause. Introduction of 4 weeks paid leave
Equality Act	2006	Created the Equality and Human Rights Commission)

CODES OF PRACTICE AND GUIDANCE

ACAS www.acas.org.uk

Guidance on legislation and good practice on age, disability, gender, race, religion or belief and sexual orientation

British Institute of Human Rights www.bih.org.uk

Guidance on human rights, including human rights in healthcare

Department of Health www.dh.gov.uk

Information about equality and human rights initiatives including the Department of Health Equality Framework and Priorities for Action and the DoH Single Equality Scheme

Equality and Human Rights Commission www.ehrc.org.uk

Guidance on legislation and good practice on age, disability, gender, race, religion or belief and sexual orientation and Codes of Practice on:

- race
- gender
- disability
- equal pay

Guidance on human rights

NHS

Employers

www.nhsemployers.org

Employment policy and practice on equality and diversity