



Aneurin University Bevan Health Board

Equality and Diversity Policy

N.B. Staff should be discouraged from printing this document. This is to avoid the risk of out of date printed versions of the document. The Intranet should be referred to for the current version of the document.

Equality and Diversity Policy

1.0 Aims of the Equality and Diversity Policy

The aim of this policy is to eliminate discrimination throughout Aneurin Bevan University Health Board (ABUHB) to encourage and ensure fairness and equality amongst and through out our workforce.

This policy affirms the commitment of the Health Board to:-

- Encourage, value and manage diversity
- Eliminate discrimination
- Guarantee equality for all

Equality and Diversity are at the heart of NHS Strategies and require any services, interventions or actions to take into particular account those needs arising from identified protected characteristics. The following are defined as protected characteristics’:

- Age
- Disability including physical limitations and mental health
- Sex
- Sexual Orientation
- Race
- Religion or Belief
- Gender reassignment
- Marriage or Civil Partnership
- Pregnancy / Maternity

The Health Board aims to attract and retain a workforce that is representative of all sections of the society we serve and where each employee feels valued, respected and able to give of their best. All employees should be able to achieve their potential and be treated with dignity and respect within a culture in which everybody feels valued and respected for their skills and knowledge and where their talents are being fully utilised to meet organisational goals.

This policy provides a framework for the implementation of the Health Board’s responsibilities and obligations as a public sector employer in support of its aim to be an organisation that appreciates and benefits the diversity of the community it serves, its workforce and the contributions that both make.

2.0 Scope of the Policy

This policy applies to all employees and potential employees of the Health Board. It supports and complies with the provisions of the Equality Act (2010) and reflects the Agenda for Change statement on Equality and Diversity. It embraces all job related issues affecting individuals and groups whether they are actual or potential members of staff, consultants or contractors of the Health Board. In line with the Equality Act (2010), it introduces new measures to deal with discrimination and the promotion of equality. The basic framework of protection includes direct and indirect discrimination, harassment and victimisation in services, functions, premises, work, education, associations and transport.

3.0 Principles within the Policy

The Aneurin Bevan University Health Board:

- 3.1 Will ensure that all of its employment policies and practices avoid discrimination on the grounds of any of the protected characteristics under the Equality Act (2010).
- 3.2 Is committed to and strives to ensure that every individual who works for ABUHB or, who applies to work for the Health Board will be treated fairly and equally valued regardless of their protected characteristics or, other circumstances including social and employment status, HIV status, or trade union / non trade union membership.
- 3.3. Will ensure this policy relates to all aspects of employment including:-
 - Individual standards of behaviour
 - The advertisement of jobs, recruitment and selection
 - Training and development
 - Performance development
 - Pay
 - Promotion and transfers
 - Provision of benefits
 - Occupational Pensions
 - Leaving the organisation
- 3.4 Is committed to employing a workforce that is representative of all sections of society within the communities from which it is drawn.

- 3.5 Will ensure that all employees feel respected and able to give their best.
- 3.6 Is committed to protecting defined groups of staff against unlawful treatment based protected characteristics by ensuring that all staff are aware of their responsibilities in relation to equality and diversity through focused training.
- 3.7 Will ensure that equality and diversity in all employment practice will be monitored and annual equality audits will be undertaken and provided to the Board covering work force data (for example race, gender, age, disability, contract status); Information relating to equality policies that are in place, pay and grading information and details of monitoring processes used for equality and diversity.
- 3.8 Will ensure that individuals are recruited, promoted and trained on objective criteria based upon the aptitude and abilities of the said individual.
- 3.9 Will consider positive action where certain groups are found to be under represented within the organisation
- 3.10 Will encourage the organisations within which it operates to work within the spirit of this policy
- 3.11 Will treat staff, potential staff and the public that we serve fairly and with dignity with total support for staff if they feel they are being unfairly treated.
- 3.12 Will ensure that its procedures and policies are non-discriminatory and adhered to by all of its employees.
- 3.13 Will promote a safe and non-judgemental environment where staff feel able to challenge discriminatory practices without fear or prejudice
- 3.14 Will support the training of all employees to work towards the elimination of all discrimination and a service, which affords full equality of opportunity.
- 3.15 Will ensure that implementation of the policy is the responsibility of all managers and staff and participate in promoting an environment of equality within the workplace.

3.16 Will link this policy with other Health Board policies aimed at encouraging the effective employment of people and dignity at work.

3.17 Will consider where breaches in this policy occur that they are appropriately dealt with.

4.0 Responsibilities within the Policy

4.1 The Chief Executive

The Chief Executive will:-

- Have overall responsibility for ensuring that all reasonable steps are taken to prevent unlawful discrimination and the promotion of equality within the ABUHB

4.2 ABUHB Board Members

The Board will:-

- Have overall responsibility for ensuring that a corporate and co-ordinated approach to equality and diversity exists.
- Ensure that the requirements of the policy are implemented in full
- Ensure there are effective working practices in relation to equality, diversity and equality of opportunity.
- Receive and consider regular reports in order to evaluate the effectiveness of the policy
- Review and amend the policy as necessary

4.3 Director Workforce and Organisational Development

The Director of Workforce and Organisational Development will:-

- Have delegated responsibility for ensuring the implementation of the policy and related practices
- Ensure that guidance and training is available for staff within ABUHB
- Ensure that the effectiveness of the policy is monitored and reviewed on a regular basis.

4.4 Clinical Directors, Consultants, Heads of Services and Managerial Staff

All Directors and Managers should:-

- Lead by example by promoting equality of opportunity and challenging discriminatory conduct
- Ensure that the Equality and Diversity policy and practices are implemented. Treat people fairly and give support to employees if they suffer from unfair treatment, discrimination, prejudice, harassment or bullying
- Take positive steps to address equality issues
- Give clear and full advice to any member of staff who complains of harassment and maintain confidentiality
- Ensure that staff have knowledge of and access to this policy
- Ensure that staff are appropriately trained to carry out their responsibilities under this policy as identified by their Knowledge and Skills Framework and Profession
- Monitor the behaviour of the staff they manage
- Identify examples of actual or potentially justifiable discrimination within the services provided by the Health Board and highlight them to the Director of Workforce and Organisational Development
- Deal with breaches to this policy promptly, sensitively and confidentially

4.5 The Human Resources (HR) Department

The HR department will:

- Be responsible for reviewing and monitoring the effectiveness of this policy
- Provide advice and guidance to staff and managers
- Ensure that all complaints and alleged breaches to this policy are dealt with seriously, sensitively, confidentially and in a timely manner
- Endeavour to promote the values and aims of this policy

- Work in partnership with Trade Unions to promote equality and diversity issues as high on the Health Boards agenda

4.6 All Employees

All employees have responsibility for adhering to and practicing this policy and should:

- Ensure fairness and respect towards colleagues and to all sectors of the community they serve
- Ensure that their behaviour is professional at all times
- Attend appropriate training
- Actively intervene or report inappropriate behaviour directed at anyone, including themselves
- Work with their colleagues, managers, patients/ service users, carers and any other inter agency colleagues in a way that promotes a high standard of behaviour
- Not demonstrate any discriminatory behaviour either directly or indirectly
- Not induce or attempt to induce other employees, staff side representatives or management to discriminate
- Not harass, abuse or intimidate other employees, patients, service users, carers or any other person they come into contact with during the course of their duties whether on or off Health Board premises

Any employee who fails to observe the provisions of this policy or who discriminates against or harasses another employee, applicant for employment, patient/service user or member of the public will be subject to disciplinary action which could result in dismissal.

4.7 Trade Union and other Staff Side Representatives

Trade Union and other Staff Side Representatives should:-

- Work in partnership with management to tackle discrimination, prejudice and harassment at work

- Support staff in situations where concerns have been expressed
- Encourage staff to report their concerns through the appropriate channels and procedures where necessary
- Work in partnership to promote equality and diversity issues as high on the Health Boards agenda

5.0 **Definitions within the Policy**

5.1 **Equality**

Equality is essentially about creating a fairer society where everyone can participate and has the opportunity to fulfil their potential. It is supported by legislation designed to address unfair discrimination that is based on identified protected characteristics. In some circumstances positive action is encouraged to address discrimination. This is often summarised as;

Equal Access
Equal Treatment
Equal Participation
Equal Outcomes

5.2 **Diversity**

Diversity is about recognition and valuing of differences in its broadest sense. It is about creating a working culture and practices that recognise, respect, value and harness differences for the benefit of the organisation and the individual. Equality and diversity are not interchangeable but are interdependent. There is no equality of opportunity if difference is not recognised and valued.

5.3 **Direct Discrimination**

The treatment of one person/group less favourably because they belong to a protected group because of their age, disability (including HIV/AIDS) ethnic origin, race, gender, marital status, nationality, pregnancy and maternity, religion or belief, sexual orientation, gender reassignment or social background.

5.4 **Discrimination by Association**

This applies where a person is directly discriminated against because they associate with someone from one of the protected

groups or because they perceive that it is because they associate with someone from a protected group. This applies to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation

5.5 Discrimination by Perception

This applies where there is direct discrimination against an individual because others think that they possess a particular protected characteristic, or are associated with someone who has a protected characteristic. This applies to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation. It applies even if the person does not actually possess that characteristic.

5.6 Indirect Discrimination

This applies where there is a condition, rule, policy or practice within the service that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can only be justified if it can be shown that the condition, rule or practice is reasonable and is a proportionate means of achieving a legitimate aim. Proportionate means being fair and reasonable at that consideration has been given to less discriminatory alternatives. This applies to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation, marriage or civil partnership.

5.7 Harassment

Harassment is 'unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity, or creating an intimidating hostile, degrading, humiliating or offensive environment for that individual. This applies to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation.

5.8 Third Party Harassment

The Equality Act (2010) makes an organisation potentially liable for the harassment of their staff by people who are not their employees such as patients or external contractors. Liability is based on there being two previous occasions that have been raised and where reasonable steps have not been taken to prevent this from happening again. Where a provision or practice

is applied which results in one group being placed at a particular disadvantage compared to other individuals or groups.

5.9 Institutional Discrimination

The collective failure of an organisation to provide appropriate employment opportunities or service to people because of their age, disability (including HIV/AIDS) ethnic origin, race, gender, marital status, nationality, religion or belief, sexual orientation or social background. It can be seen in processes and behaviour, which amount to discrimination through unwitting prejudice.

5.10 Victimisation

This occurs when someone is treated badly because they have made or supported a complaint or grievance in relation to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation, marriage or civil partnership, pregnancy and maternity.

6.0 Recruitment and Selection

6.1 The application of best practice in recruitment and selection is one of the foundations upon which the Health Board relies in achieving equality of opportunity and equal access to employment. Our Information on recruitment and selection will be continuously monitored and reported to the Executive Board

7.0 Staff Development

7.1 All staff will have equal and appropriate access to training and development opportunities consistent with their training needs

7.2 Promotion will be on the basis of merit and ability

7.3 The Health Board will provide equal access to Education and Development activities for all staff by ensuring the widest possible distribution of its training programme. The NHS KSF requires all staff to undertake regular Personal Appraisal and Development Reviews (PADR) and have an up to date Personal Development Plan (PDP). Equality of access for all staff to the process of PADR will be ensured and training in appraisal skills/KSF will be provided to all relevant staff.

8.0 Grievance & Dignity at Work Procedures

- 8.1 The Health Board will treat seriously all complaints of discrimination or harassment related to any of the grounds set out in this policy irrespective of whether the complaint is made by an employee, manager, service user or any other relevant third party
- 8.2 Any employee who feels that he or she has been treated unfairly in connection with any aspect of their employment may raise their complaint through the Health Board's Grievance Procedure without fear of victimisation
- 8.3 Staff who are considering a grievance under this Policy will have access to raise their concerns in confidence via the HR Helpdesk in line with the All Wales Dignity at Work Policy and with support from the Employee Well Being service
- 8.4 The grievance resolution procedure ensures that those who feel aggrieved about the way they have been treated are given every opportunity to have their problems resolved in a fair and just manner. It is intended to resolve issues, as quickly as possible and not to establish guilt nor provide punishment
- 8.5 Written records will be maintained at all stages to facilitate the monitoring of to evaluate the grievance procedure. The primary parties involved may view or have copies of records pertaining to the grievance. Advice and guidance can be obtained from line managers, union representatives, or from a Human Resources Manager. All contact will be treated in complete confidence
- 8.6 Any employee who has raised a complaint or given evidence in a complaint of discrimination will not be victimised
- 8.7 Any breach of this policy is a disciplinary offence and will be dealt with through the All Wales Disciplinary Policy and procedure. Any employee found to have unfairly discriminated, harassed or victimised a service user, third party, member of staff, colleague, volunteer or contractor may be dismissed
- 8.8. Any breach in this policy by a third party will result in that third party's employer being contacted and a formal complaint being made using that employer's procedures

9.0 Communication

- 9.1 Staff will be made aware of all Equal Opportunity Policies and will be communicated to all staff through line managers. They will be referred to at induction, in relevant documents such as advertisements, recruitment literature, job descriptions, person specifications and contracts of employment. It will also be available on the Health Board Intranet. In addition, applicants for posts will receive a copy of the Equal Opportunity Policy Statement
- 9.2 Advice and guidance is available through line managers, trade union representatives and human resource managers

10.0 Monitoring

- 10.1 It is the responsibility of the Chief Executive to ensure that the Health Board is operating as an Equal Opportunity employer. Equal Opportunity Policies will be reviewed by way of an annual report identifying key achievements in terms of promoting equality initiatives in the workplace and associated Equal Opportunities monitoring data
- 10.2 The Health Board will collect and evaluate relevant data, in order to influence future practice and policy development, and to see how far we are achieving our Strategic Equality Plan specific objectives. The Strategic Equality Plan will contain details of planned objectives, target dates and persons responsible. The progress of these objectives will be reported to the Health Board on an annual basis
- 10.3 Service delivery and employment policies and practices will be continuously reviewed against the aims of the policies and the process of equality impact assessment will be applied to the development and the review

11.0 Service Delivery and Employment Policies

All Service Delivery and Employment Policies should be read in conjunction with this policy

12.0 References

The NHS Knowledge and Skills Framework (NHS KSF) and the Development Review Process Oct (2004)
Agenda for Change: NHS Terms and Conditions of Service Handbook (2005)

Equality Impact Assessment

This policy has undergone an equality impact assessment screening process using the toolkit designed by the NHS Wales Centre for Equality & Human Rights. Details of the screening process for this policy are available from the policy owner.