

## Workforce Diversity and Equal Opportunities Policy

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## 1. Introduction

Equality and diversity must be part of everything that AWP does. Equal Opportunities is not about treating everyone the same. It is about recognising that people have different needs and that some people suffer more disadvantage and discrimination than others. Avon & Wiltshire Mental Health Partnership NHS Trust (AWP) is committed to building a workforce which is valued because its diversity reflects the community it serves, enabling it to deliver the best possible mental health service to that community.

The Trust recognises that adverse institutionalised practices exist, either by deliberate design or through neglect, and will monitor, audit and implement action plans to challenge these practices where they occur.

As a relevant public body and to respond to the Public Sector Equality Duty of the Equality Act 2010 the Trust will agree and publish Equality Objectives with associated action plans. These objectives will be managed, monitored and reported to the Trust Board and externally through the annual report and other mechanisms. Further details are available on the Equality and Diversity pages on [Ourspace](#).

## 2. Purpose or aim

The purpose of this policy is to be clear about the equalities legislation that applies to the Trust as a public body, and to set out roles and responsibilities and standards of behaviour that the workforce must adhere to in this regard. As such it is an overarching policy that should underpin actions within the Trust and the application of other organisational policies.

## 3. Scope

The policy covers all those working within the workplace regardless of seniority and this includes:

- All employees
- Those with a licence to practice
- Trust Bank workers
- Agency workers
- Voluntary workers and other partners in delivering mental health services
- Contractors carrying out work/activity on behalf of AWP, including those working under NHS Service Level Agreements
- Students on placement within the Trust
- Secondees
- Non-executive Directors
- Those on work experience placements

## 4. Definitions

**Equal Opportunities** is the absence of discrimination, as in the workplace, based upon any human characteristic, such as age, gender, disability, race and ethnic origin, sexual orientation or religious belief.

**Diversity** is the social, physical and emotional differences between individuals and communities.

**Gender** refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.

**Race** refers to the categorisation of humans into populations or groups on the basis of various sets of characteristics. The most widely used human racial categories are based on salient traits, especially skin colour, facial features and self-identification.

**Ethnicity** is a term which represents social groups with a shared history, sense of identity, geography and cultural roots which may occur despite racial difference.

**Religion and belief:** For the purposes of this policy, the definitions used by the Equality Act and the European Convention of Human Rights Article 9 will be used. This includes any religion or faith and any religious or philosophical belief that affects an individual's life choices or the way they live, provided it does not is not incompatible with human dignity or conflicts with the fundamental rights of others. The definition of religion and belief also includes a lack of religion or belief. Further details and examples are available on Ourspace.

**Disability** is a physical or mental impairment that has a substantial and long-term adverse effect on an individual's life and which affects their ability to carry out normal day-to-day activities. Disability can be both medically and self-defined.

**Mental health** needs is a concept that refers to a human individual's emotional and psychological well-being and recognises the state of emotional and psychological well-being in which an individual is able to use his or her cognitive and emotional capabilities, function in society, and meet the ordinary demands of everyday life.

**Age** refers to the period of time a person has existed since birth.

**Domestic circumstances** relates to the family or household circumstances, such as parenting or marital status.

**Social Class** refers to a category of people who have generally similar educational histories, job opportunities, and social standing and who are conscious of their membership in a social group that is ranked in relation to others and is replicated over generations.

**Sexual Orientation** is a term used to describe the sex to which a person is physically and emotionally attracted. Heterosexual orientation refers to attraction to members of the opposite sex; homosexual orientation refers to attraction to members of one's own sex; and bisexual orientation refers to attraction to both sexes.

**Sex** refers to the biological and physiological characteristics that define men and women.

**Political allegiance** refers to the political party which an individual supports or votes for.

**Trades union membership** refers to an official organisation of workers who have banded together to achieve common goals in key areas and working conditions and to which an individual has become of member of.

**Ex-offender status** is a term referring to a person with a criminal record or history.

**Gender re-assignment** is a term used to describe the process of changing one's gender to the other gender, usually through adopting the dress, manner, appearance, and physical characteristics of the other gender. This may include hormonal treatment and gender reassignment surgery.

**Discrimination** refers to the practise in which unfair, unequal or less favourable treatment is applied to one particular group of people because of their human characteristics. Discrimination can be direct or indirect, covert or overt.

**Stereotypes** refer to associations which are used to oversimplify the members of a group of people, or a community which are considered to be definable by an easily distinguishable set of characteristics.

**Transgender** is a broad inclusive term referring to anyone whose personal experience of gender extends beyond the typical experience of those of their assigned sex. Amongst others, transsexual people, non-binary people and cross dressers may consider themselves transgender people.

## 5. Policy description

AWP is committed to the fair treatment of all people, regardless of their sex, gender re-assignment, transgender, religion or spiritual beliefs, disability, mental health needs, age, marital status, domestic circumstances, social class, sexual orientation, ex-offender status, political allegiance or trades union membership. The Trust is firmly opposed to any discrimination based on these human characteristics and values.

Most people have multi-faceted identities and would recognise more than one of these characteristics as being important to them. These are not necessarily static and may change over time. In responding to people appropriately and ensuring that they are treated fairly it is important that stereotypes are avoided and assumptions are not made.

When unfair discrimination occurs it will be taken very seriously and may result in formal action being taken, including disciplinary action.

## 6. Roles and responsibilities

### 6.1 The Trust Board of Directors will:

- Identify a lead executive director
- Set strategic direction in line with statutory responsibilities
- Hold organisation to account for delivery of agreed plans

### 6.2 The Trust Lead on Diversity will:

- Monitor and report on compliance with statutory and other compliance requirements.
- Provide an information and advisory function within the organisation.
- Link with the NHS England and Department of Health in relation to Equality and Diversity as required.

### 6.3 The HR and L&D Departments will:

- Provide learning opportunities in line with training needs analysis and organisational priorities
- Provide leadership and advice
- Facilitate the development of forums, networks and other activities based on the principles of positive action
- Provide workforce information
- Set HR policy in partnership with recognised trades unions ensuring no bias

### 6.4 Accredited Trades Union representatives will:

- At members request to provide accompaniment and representation at formal meetings for those members of trades unions recognised by the Trust.
- work in partnership with the Trust to promote equality of opportunity and challenge discrimination where this occurs.

### 6.5 All managers will:

- promote equal opportunities and challenge discrimination when it occurs.
- work towards having a balanced workforce that reflects the community it serves.

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- empower staff to identify and challenge discrimination from whatever source.
- support workers, service users or carers who make a complaint of discrimination.
- provide training by means, at times and in places which meet the differing needs of workers
- communicate policies in relevant and accessible ways.
- ensure policies, protocols and practices do not contain inherent bias in favour of one group within society over another.
- monitor and report progress against action plans.

### 6.6 All workers will:

- implement this policy in the way in which they carry out their work.
- promote equal opportunities.
- challenge discrimination when it occurs, reporting it to a relevant manager.
- support colleagues, service users or carers who make a complaint of discrimination.
- identify shortfalls which prevent or hinder the implementation of this policy

## 7. Training

Advice and support on managing change in accordance with this policy will be available from HR representatives.

Further information and advice is available on the Equality and Diversity pages on [Ourspace](#).

## 8. Monitoring or audit

This policy will be measured against the requirements of employment legislation and the best practice expected from a modern health organisation.

Monitoring and audit will be undertaken in the context of:

- The Public Sector Equality Duty Annual Data
- Workforce and Race Equality Standard
- NHS Staff Survey, and
- Equality Delivery System 2

The Interim Head of Human Resources will undertake an annual equality impact analysis to ensure any discriminatory consequences of this policy are understood and mitigated.

Representatives from trades unions formally recognised by the Trust and management representatives have drawn up this policy. Management as part of the review will provide meaningful statistics.

This policy will be reviewed after three years or earlier at the request of either party.

## 9. References

This policy has been developed in line with the following key elements of the legislative framework that governs equality in the United Kingdom.

### Equality Act 2010

The Equality Act 2010 came into force in October 2010. It harmonises and replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and

ensures consistency in what we need to do to make our workplace a fair environment and to comply with the law.

The Equality Act covers the same groups that were protected by existing equality legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. These are now called ‘protected characteristics’.

The Equality Act extends some protections to characteristics that were not previously covered and also strengthens particular aspects of equality law.

Further details can be found in by searching ‘Equality’ on Ourspace.

### **The Human Rights Act 1998**

The Human Rights Act came fully into force on 2 October 2000. It gives further effect in the UK to rights contained in the European Convention on Human Rights. The Act:

- makes it unlawful for a public authority to breach Convention rights, unless an Act of Parliament meant it could not have acted differently
- means that cases can be dealt with in a UK court or tribunal
- says that all UK legislation must be given a meaning that fits with the Convention rights, if that is possible

### **Associated Trust Policies:**

This policy should be read in conjunction with other relevant policies and good practice guidelines. These include:

- [Managing Attendance and Absence Policy](#)
- [Bullying, Harassment and Dignity at Work Policy](#)
- [Special Leave Policy](#)
- [Flexible Working Policy](#) and [guidance](#)
- [Mediation Scheme](#)
- [Provisions for Maternity Leave](#)
- [Disciplinary Policy and Procedure](#)
- [Grievance and Disputes Procedure](#)
- [Capability Policy and Procedure](#)
- [Conduct and Capability Policy for Medical Staff](#)
- [Appraisal Policy](#)
- [Learning and Development Policy](#)
- [Whistleblowing Policy](#)
- [Induction Policy](#)
- [Recruitment and Selection Policy](#)
- [Standards of Dress on Trust Business Policy](#)

<b>Version History</b>				
<b>Version</b>	<b>Date</b>	<b>Revision description</b>	<b>Editor</b>	<b>Status</b>
1.0	01 Aug 2005	Version approved by the Board on August 2005	LN	Approved
2.0	21 June 2017	Review of policy by GNG – updated to reflect changes to Trust structures and national frameworks for equality and diversity.  Approved by Quality and Standards Committee	KE	Approved
3.0	31 May 2017	Six month extension granted to allow review in line with staff equality standards and delivery of quality service		Approved
3.1	23 October 2017	Updated to reflect revised post structure	TN	Approved
3.2	29 November 2017	Reference to Transgender / Transsexual added under definitions after JUC feedback.	MB	Approved