

Equality & Diversity in Employment Policy

Agreed at Cannock Chase CCG

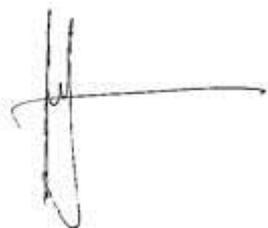


Signature:

Designation: Chair of Cannock Chase CCG

Date: 14th December 2017

Agreed at South East Staffordshire & Seisdon Peninsula CCG



Signature:

Designation: Chair of South East Staffordshire & Seisdon Peninsula CCG

Date: 14th December 2017

Agreed at Stafford and Surrounds CCG



Signature:

Designation: Chair of Stafford & Surrounds CCG

Date: 14th December 2017

Equality & Diversity in Employment Policy

Version number	Version 1.0
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Date approved Human Resource/ Organisational Development Committee	03 October 2017
Date approved by Staffside	24 th May 2017
Date ratified by Governing Body	Please see front cover
Date issued	15 December 2017
Review date	15 December 2020
Date approved by Equality Impact Assessment	26 th September 2017
Target audience	All CCG staff including Governing Body Members and Clinical Leaders

HISTORY OF CHANGES		
Old version number	Significant changes	New version number
	New Policy	1.0

SUMMARY
<ul style="list-style-type: none"> ➤ The promotion of equality and diversity will be actively pursued through policies and ensure that employees receive fair, equitable and consistent treatment and ensure that employees, and potential employees, are not subject to direct or indirect discrimination. ➤ Direct discrimination occurs when an individual is treated less favourably because of a personal characteristic as outlined in the Equality Act (2010) and other status covered by the Human Rights Act (1998). ➤ The CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

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This policy applies to Cannock Chase CCG, South East Staffordshire & Seisdon Peninsula CCG and Stafford and Surrounds CCG. Where the term CCG is used, this applies to all three CCGs listed above.

1.0 INTRODUCTION

- 1.1 The Clinical Commissioning Groups (the CCGs) are committed to equality of opportunity for all employees and are committed to employment practices, policies and procedures which ensure that no employee, or potential employee, receives less favourable treatment on the grounds of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background, domestic circumstances, social and employment status, HIV status, gender reassignment, political affiliation or any other personal characteristic as outlined in the Equality Act (2010) and any other status covered by the Human Rights Act (1998). Diversity will be viewed positively and, in recognising that everyone is different, the unique contribution that each individual's experience, knowledge and skills can make is valued equally.
- 1.2 The promotion of equality and diversity will be actively pursued through policies and ensure that employees receive fair, equitable and consistent treatment and ensure that employees, and potential employees, are not subject to direct or indirect discrimination.
- 1.3 It is a condition of employment that all employees respect and act in accordance with the Equality and Diversity Policy. Failure to do so will result in the disciplinary procedure being instigated, which could result in dismissal.

2.0 SCOPE

- 2.1 This policy applies to all CCG employees, employees of member practices who are employed or are paid by the CCG to attend committees and sub-committees, and Governing Body members. For the purpose of this policy, the terms manager(s), staff, employee, and individual are used throughout this document to reflect these individuals/groups of people.

3.0 POLICY STATEMENT

- 3.1 The CCG will promote, through the provision of training and guidance, the impartial application of all employment policies and procedures, and will take action to deal with all inappropriate behaviour. Training in relation to equality and diversity is provided to all our staff and appropriate additional training events will be provided for all employees involved in selection for recruitment or training. The responsibilities of the employer and employee for equality and diversity will be positively incorporated into employee training at all levels from induction courses to Statutory and Mandatory Training and Senior Management workshops.
- 3.2 The CCG will adopt appropriate strategies to support and value equality and diversity within the organisation.

4.0 RESPONSIBILITIES

This policy has been written and agreed through a partnership of managers, Trade Union representatives, the HR/OD Committee and the CCGs' Human Resources provider.

4.1 Responsibility of the CCGs

- 4.1.1 The provision of an agreed Equality and Diversity Policy lies with the CCGs' Executive Management Team and the HR/OD Committee. The Accountable Officer

is the Executive Lead and is ultimately legally responsible for the CCGs' compliance with equality legislation.

4.1.2 The Executive Management Team will oversee the implementation of this policy and will actively support and promote the principles of this policy. This includes the promotion of the collective responsibility all employees have to ensure the CCGs comply with equality legislation, both in terms of delivery of service and by being a good and fair employer.

4.1.3 The Executive Management Team will ensure through the management structure that staff are appropriately trained for the positions they hold alongside ensuring that this policy and the principles behind it are communicated to managers and staff.

4.2 Responsibilities of the CCG's Commissioning Support Provider

4.2.1 To monitor the operation and implementation of the policy and for ensuring that monitoring records are maintained.

4.3 Responsibilities of Managers

4.3.1 Managers are required to exercise leadership in this field by discouraging prejudice and by modelling appropriate behaviour. They must ensure that the policy is clearly communicated to their employees along with sources of available support. They must also take speedy and appropriate action to deal with any breaches of the policy, or behaviour that could lead to a breach of the policy.

4.3.2 Any identified breaches of the Equality and Diversity Policy should be dealt with using the relevant HR policy, for example Disciplinary, Grievance or Bullying and Harassment. The CCGs HR provider should be made aware of any identified breaches at the earliest opportunity to ensure issues are addressed in line with the relevant policies and processes in a fair, transparent and consistent way.

4.3.3 Managers are responsible for applying employment practices, policies and procedures fairly and consistently, and for highlighting and addressing any practices which could lead to discrimination.

4.4 Responsibilities of Employees

4.4.1 All employees are responsible for familiarising themselves with the Equality and Diversity Policy and for complying with it. Employees should inform their manager if they know or suspect that discrimination/ harassment is occurring.

4.4.2 Any individual who believes that an act in breach of this policy has taken place should raise the issue as soon as possible with the individual concerned, their line manager or their line manager's manager.

4.4.3 If the complaint is against an individual's line manager then the individual should raise the issue as soon as possible with their line manager's manager.

5.0 DEFINITIONS

5.1 Direct Discrimination

5.1.1 Direct discrimination occurs when an individual is treated less favourably because of a personal characteristic as outlined in the Equality Act (2010) and other status covered by the Human Rights Act (1998). An example of direct discrimination would be dismissing a female employee because she is pregnant.

5.2 Indirect Discrimination

5.1.2 Indirect discrimination occurs when an unjustifiable condition or requirement is applied which has a discriminatory effect, as the number of people who can comply with the condition or requirement is smaller among a particular group. An example of indirect discrimination would be only sending full-time employees on training courses (as more female employees than male are likely to be part-time).

5.3 Discrimination by Association

5.3.1 Discrimination by association occurs when an individual is treated differently because of their gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristic as outlined in the Equality Act (2010) and other status covered by the Human Rights Act (1998). An example of this would be not offering an individual a job because they have carer responsibilities for someone who has a disability.

5.4 Discrimination by Perception

5.4.1 Discrimination by perception occurs when an individual is treated differently because they are perceived to possess a protected characteristic as outlined in the Equality Act (2010) and other status covered by the Human Rights Act (1998). An example of this would be not promoting an individual because she is thought to be pregnant, regardless of whether she is or not.

5.5 Harassment and Bullying

5.5.1 Detailed information, including definitions, regarding Harassment and Bullying can be found in the CCG's Harassment and Bullying Policy.

5.6 Protected Characteristics

5.6.1 The Equality Act 2010 makes it unlawful to discriminate against people with a 'protected characteristic' (previously known as equality strands / grounds). The protected characteristics outlined in the Act are Age, Disability, Gender Reassignment, Pregnancy and Maternity, Marriage and Civil Partnership, Race, Religion or Belief, Sex and Sexual Orientation.

5.7 Victimisation

5.7.1 This occurs when a person is treated badly because they have brought or supported a complaint of discrimination or raised a grievance under the Equality Act 2010 or internal policy / procedure. It can also occur when an individual is treated less favourably if they have given evidence or information to such proceedings.

6.0 EQUALITY

- 6.1 In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.
- 6.2 The CCGs will ensure that all job vacancies and associated adverts are non-discriminatory and positively promote equality and diversity. In addition, where appropriate job advertisements will include a statement to encourage applications from under-represented groups in a particular area of work.
- 6.3 The CCGs are committed to providing equality of access to training and career development to all employees, and are committed to providing training for all employees across the equality and diversity agenda. In taking this approach the CCGs are able to support staff to understand the importance of equality and diversity principles in terms of how they are relevant to their specific role, and also highlight to staff what behaviours are expected from them to support equality and diversity in the workplace.

7.0 EQUALITY IMPACT ASSESSMENT

- 7.1 An Equality Impact Assessment must be undertaken to ensure that the policies remain fair and equal. The Equality Impact Assessment Form can be obtained from the Equality and Inclusion Team, Midlands and Lancashire CSU.

8.0 QUALITY IMPACT ASSESSMENT

- 8.1 A Quality Impact Assessment must be undertaken to ensure that the policy provides a safe service by assessing the change or a new service proposed.

9.0 TRAINING

- 9.1 The implementation of this policy will not require staff to undergo any specific training. The CCG Governance Team will provide assistance on an individual basis, when required.

10.0 MONITORING AND EVALUATION

- 10.1 The CCGs Human Resources provider will maintain records of gender, ethnic origin, age and disability for all employees and for internal and external job applicants via NHS Jobs and ESR (Electronic Staff Record) Systems. This information will be collected and stored in line with the Data Protection Act 1998 and will only be used to monitor compliance with the Equality and Diversity Policy. The information will be analysed regularly.
- 10.2 Equality Impact Risk Assessments (EIRA) will be undertaken on HR policies, strategies and projects when necessary and overseen by the HR/OD Committee.
- 10.3 The CCGs will have responsibility to monitor the effectiveness of this policy through the HR/OD Committee with support from the CCGs Human Resources provider. The policy will be reviewed every three years unless changes to employment legislation require a review to take place sooner. Where review is necessary due to legislative

change, this will happen immediately. Minor changes may be approved by the Accountable Officer.

11. ASSOCIATED POLICIES

11.1 This policy should be considered alongside other HR policies including but not limited to:

- Bullying and Harassment Policy
- Disciplinary Policy
- Grievance Policy
- Recruitment and Selection Policy

12.0 REVIEW

12.1 The policy will be reviewed every three years.