



Equality, Diversity and Human Rights Policy

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University Health Board

EQUALITY, DIVERSITY AND HUMAN RIGHTS POLICY

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Documents to read alongside this Policy	Strategic Equality Plan and Objectives Knowledge and Skills Framework (KSF) Recruitment and Selection Policy Recruitment and Selection Procedure Personal Appraisal and Development Review (PADR) Policy
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OUT OF DATE POLICY DOCUMENTS MUST NOT BE RELIED ON

REVIEWS AND UPDATES

Version Number	Date of Review Approved	Date Published	Summary of Amendments
T1	N/A	N/K	New policy
T1	Dec 2006	N/K	Policy Rolled over. Ref no. changed from 198 to 290 due to duplication. Employment Equality (Age) Regulations added.
T2	Sep 2007	Nov 2007	Re-titled and revised to version 2
UHB1	Sep 2009	01/11/11	Updated to reflect new legislation
UHB2			Updated as part of a review

EQUALITY, DIVERSITY AND HUMAN RIGHTS POLICY

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1. INTRODUCTION

Cardiff and Vale University Health Board (the UHB) operates in one of the most ethnically and culturally diverse areas in Wales. Stakeholders including the public, patients and members of staff expect the UHB to be proactive about equality, diversity and human rights as well as meeting its obligations under the equality and human rights legislation. The UHB recognises that it also has a social, moral and ethical obligation to promote equality of opportunity and outcome, foster good relations and eliminate discrimination, victimisation and harassment and to uphold human rights principles.

This document sets out the organisation's policy on promoting equality, diversity and human rights in relation to employment, service delivery, goods and service suppliers, contractors and partner agencies. The UHB aims to ensure that no individual or group receives less favourable treatment either directly or indirectly.

An Equality Impact Assessment on the protected characteristics has been undertaken and feedback incorporated into this policy as appropriate. Any possible or actual impact that this policy may have on any groups in respect of age, disability, gender re-assignment (or transgender), marriage or civil partnership issues, maternity and pregnancy, race, religion, belief or non belief, sexual orientation, sex, Welsh language or disfigurement, was explored. The assessment found that there was an overwhelming positive impact on individuals and groups. The necessary changes and actions required to minimise or reduce any negative impact to ensure that we meet our responsibilities under the equalities, Welsh language and human rights legislation have been noted.

2 POLICY STATEMENT

The UHB opposes all forms of unjustifiable discrimination and recognises that some groups and individuals in society experience unfair discrimination in employment and in their contact with public services. Discrimination can take the form of treating people less favourably because of their age, colour, culture, disability, ethnic origin, gender, gender re-assignment, language, facial disfigurement, marital or civil partnership status, nationality, carer status, pregnancy or maternity issues, responsibility for dependants, sexual orientation, social class, religion or political beliefs. It can also arise from failing to take account of differences between people and groups which can result in barriers to access to services and opportunities.

The UHB acknowledges the importance of complying with UK and EU employment legislation and recognises that within the framework of British and European law, discrimination is defined in terms of indirect and direct discrimination, harassment and victimisation. However, it acknowledges that many forms of inequality may be institutionalised and be expressed as patterns of organisational behaviour that appear acceptable. It will therefore take any necessary steps to identify and address institutional exclusion, harassment, marginalisation and exploitation of groups and individuals.

The UHB wants to build a reputation for demonstrating outstanding practice in the field of employment relations and service delivery and will work to ensure that equality, diversity and human rights principles are owned, valued and demonstrated by everyone within the UHB - the Board, members of staff and those who provide services on behalf of the organisation.

3 GOVERNANCE

Good governance requires a commitment to good employment practices and professional development. In order for the UHB to function effectively it is imperative that staff are fully valued for the skills they bring to work and are encouraged to develop their full potential. Unfair discrimination will result in skills, knowledge and experience, vital to delivering better services and meeting the needs of the whole population, being diminished or lost to the UHB.

The UHB recognises that patients should be given access to information about their health, the treatment and the services available to them. With due regard to the Mental Capacity Act, all patients should be directly involved in the decision making process especially when care/treatment plans are considered and that views of patients, carers and the public should be considered in the planning, development and monitoring of healthcare services. In order to achieve this, positive action for inclusive communication and outreach to under-represented groups is essential.

4 AIM AND OBJECTIVES

The aim of this policy is to support the elimination of all forms of unjustifiable discrimination from all UHB functions and policies and the creation of an environment where diversity is valued, respect for personal dignity and recognition of human rights by and for all employees, patients and the public.

The UHB recognises that the right to equal and fair treatment and protection from discrimination is a fundamental human right. For this reason, the policy will incorporate in principle and in practice the provisions of 'The Human Rights Act '(1998) detailed in Articles 2 –14. It will do so by:

- Working across service/sector boundaries to eliminate institutional discrimination which can arise due to conflicting and inconsistent approaches and messages in policies, administration, communication, physical environment and staff attitudes. Strategies will include all staff groups at all grades and levels including contractors and partner agencies.
- Promoting a 'social model' of equality by recognising that barriers to access to service or employment are due to the way society is organised, and not the capacities or capabilities of the individual.

- Considering equality and human rights by undertaking Equality Impact Assessments at the outset when planning and developing services, and again as part of any review process.
- Adopting an approach to equality as a human right and challenging discrimination and disadvantage as a fundamental principle rather than an 'add on'.
- Promoting access for all to services and information, training and employment opportunities as standard practice.

5 SCOPE

This policy covers all functions undertaken and policies developed or adopted by the UHB. The following principles of rights are recognised by the UHB. This list is not exhaustive but provides the basis for equality for all those who come into contact with the UHB whether as patients and their families, carers, staff, student, visitors, contractors or others.

- Communication and information in an appropriate accessible language and format. This includes the provision of information and services in Welsh in accordance with the standards set in the Welsh Language Scheme. We also recognise the importance of having information available in accessible formats for people with sensory loss, which is highlighted in the 'All Wales Standards for Accessible Communication and Information for people with sensory loss'.
- Dignity, privacy and informed choice taking account of different needs, for example in relation to age, disability, gender re-assignment (or transgender), marriage or civil partnership issues, maternity and pregnancy, race, religion, belief or non belief, sexual orientation, sex, and Welsh language.
- Acknowledgement of and respect for spiritual and cultural needs and practices including reasonable access to private space for prayer and contemplation, access to religious and spiritual leaders of all faiths, time for prayer and religious observances (for employees, this should be in accordance with annual leave and working time policies).
- Protection against verbal, physical and sexual abuse, manipulation or financial exploitation
- Autonomy and the provision of aids and facilities to make independence possible.
- Recognition and respect for relationships with family and friends taking account of different needs in relation to sexual orientation, culture and age.

- Fair and equal recruitment, training and promotion opportunities, pay and conditions of work
- A fair hearing in any complaints, grievances or disciplinary matters

6. PARTNERSHIPS AND PROCUREMENT

The UHB works in partnership with a number of organisations in the delivery of its services. These include other Health Boards, Local Authorities, Third Sector, charitable and private sector organisations.

The UHB will ensure that all contractual agreements include a commitment to this Equality, Diversity and Human Rights Policy or the Equal Opportunities Policy of the lead organisation as well as the Welsh Language Act 1993 and Welsh Language (Wales) Measure 2011.

The UHB will actively seek to involve all sections of local communities in shaping policies and making decisions concerning service delivery.

7. IMPLEMENTATION

The UHB will publicise its commitment to promoting equal and fair treatment and protecting individuals from discrimination to both existing and potential members of staff, volunteers, partner organisations, contractors and the wider community. It is expected that all staff and volunteers are treated with dignity and respect by all those they come into contact with.

This Policy will be supported by annually reviewed Strategic Equality Plan and objectives detailing the setting and actions, monitoring and reviewing of objectives and targets to ensure that the policy achieves its aims.

A Welsh Language Scheme has been developed and implemented, according to statutory requirements, and subject to periodic review to assess progress in accordance with the relevant legislation.

The Director of Workforce and OD is responsible for ensuring the effective implementation of the policy. The UHB Board will monitor the effectiveness of the Policy in relation to service delivery and employment through the Pay, Performance and Delivery Committee and Equality, Diversity and Human Rights Sub Committee. Progress reports on allied action plans and strategies and monitoring information will be provided on a regular basis and will be included in the organisation's Annual Equality Statement and Report.

Where necessary, action will be taken to remove any actual or potential obstacle to ensuring that fair and equal treatment is being properly applied within the organisation.

The UHB will not accept discriminatory attitudes or behaviour, victimisation or harassment by any of its staff and will deal with incidents of that nature in

accordance with the appropriate Disciplinary Policy and Dignity at Work Policy.

The UHB will continue to review its policies, procedures and practices to ensure that individuals are recruited, trained, developed and promoted on the basis of their being able to demonstrate the skills and ability to meet the job requirements.

The UHB aims to ensure that equality is mainstreamed into every aspect of policy and practice in employment and service delivery. A process of impact assessment will ensure that the equality implications of any new policy, procedure or practice are considered before implementation.

The involvement of patients and service users will be wherever possible incorporated into the process of planning and delivering health services.

The UHB will monitor the effects of its functions and policies on different groups and will implement positive action strategies to address any disadvantage or under-representation that becomes apparent. This approach will extend to the promotion of positive images and language in its internal and external communications in order to convey our belief in respect for difference, the right to be treated without discrimination and appreciation of cultural, social and physical diversity as it exists in the wider community.

8. WORKFORCE

All of the organisation's employment policies and practices will reflect the principles of equality, diversity and human rights as set out in this policy. All employment policies will be subject to regular review and monitored through the equal opportunities monitoring process and in consultation with staff representatives.

The UHB aims to attract the highest calibre candidates to apply for work in the UHB and to appoint the best of those. The UHB will operate a Recruitment and Selection Policy that ensures that all jobs are appointed to on the basis of merit alone and that no individual is discriminated against either directly or indirectly.

The UHB recognises that a diverse workforce which reflects the whole community enhances the organisation's ability to meet the needs of the community it serves. The UHB will take steps to attract candidates from communities that are under-represented at any level or sector of the organisation.

Recruitment practices will be monitored to ensure that its systems are open, accountable and fair and that no individual is either directly or indirectly discriminated against.

The UHB will ensure arrangements for managing performance, including setting objectives and conducting staff appraisals, are fair and consistent. The

contribution of individual members of staff to the promotion of this policy will be monitored via individual performance reviews and service review arrangements. The UHB will ensure that the promotion of equality is addressed in the Integrated Medium Term Plan (IMTP) and Annual Corporate Objectives as a key organisational goal.

Each employee is responsible for his or her own professional and personal behaviour and there is a requirement of all employees to conduct themselves in a manner that does not cause offence to another person.

The UHB has introduced a range of policies to ensure the promotion of equality, diversity and human rights in the arrangements for recruiting and employing staff, eliminating bullying and harassment, promoting work-life balance, protecting employees against abuse and harassment from service users and enabling opportunities for professional development.

9. SERVICE DELIVERY

9.1 Consultation

The UHB will ensure equity in the way services are planned, commissioned and delivered by consulting at all stages of the process with key stakeholders and interest groups.

9.2 Monitoring

All services and policies will be equality monitored to ensure no individual is subject to direct or indirect discrimination. A detail of how this is to be undertaken is set out in the Strategic Equality Plan and Objectives.

9.3 Ensuring equal access to services and information

The UHB will regularly evaluate the way it delivers its services and make any necessary changes to ensure no one is discriminated against in accessing or receiving treatment or information.

9.4 Decision Making

The UHB will seek to avoid the potential for institutional discrimination by ensuring that the UHB Board is well informed of equality and diversity issues and by implementing mechanisms to ensure that representatives of groups potentially affected have been involved in the development or review process of functions and policies.

10. POLICY REVIEW

The UHB will review this policy at regular intervals to evaluate its effectiveness. This will take place every three years but in certain circumstances may be undertaken at shorter notice to incorporate

amendments resulting from changes to the law or developing organisational priorities.

11. RESPONSIBILITIES

All employees are responsible for implementing this policy and will be held accountable for it. It is intrinsic to all actions undertaken by and on behalf of the UHB.

12. RESOURCES

Although the policy does not in and of itself require resources, it is anticipated that equality action plans developed to respond to the requirements of equality legislation and good practice would require staff time and financial resources. As compliance with equality legislation is a core duty of the UHB this will be taken into account in the budget setting process.

13. TRAINING

The UHB will provide training to members of staff throughout the organisation to deliver the Policy effectively. It will ensure, in particular, that equality awareness training is developed and delivered by people or organisations that are committed to the principles contained in this policy.

Equality training will be a mandatory requirement for all employees of the UHB. The NHS Knowledge and Skills Framework includes equality as a core dimension. The Welsh language will be considered and included as part of this equality training. As required by the Equality Act 2010, a record of staff trained will be kept and recorded for the purpose of monitoring and appraisal.

14. FURTHER INFORMATION

This policy has been consulted upon internally with senior management and staff representatives and views have previously been sought from external bodies including:

- NHS Centre for Equality and Human Rights
- Black Voluntary Sector Network Wales
- Cardiff and Vale Coalition of Disabled People (now Diverse Cymru)
- Stonewall Cymru
- Cardiff and Vale UHB Rainbow Network
- AWETU (now part of Diverse Cymru)
- Welsh Language Board
- Cardiff Women's Safety Unit
- Community Health Council
- Mencap
- Changing Faces
- Cardiff and Vale Mental Health Development Group

15. PUBLICATION AND REPORTING

All Executive Directors, Independent Members, Clinical Board Senior Management Teams, Workforce and Organisational Development Managers, Directorate Managers and Senior Nurses will be circulated copies of the full document for dissemination to Clinical Board groups and directorates.

All new employees will be provided with a summary of the policy and be given access to the full policy via their line manager and the UHB web-site.

The policy will also be published on the intranet and on the UHB website.

Glossary of terms

The following definitions of discrimination are derived from the anti discrimination legislation:

Adverse Impact

This is a significant difference in patterns of representation or outcomes between equalities groups, with the difference amounting to a detriment for one or more equalities groups.

Differential Impact

Suggests that a particular group has been affected differently by a policy, in either a positive, or negative way

Definition of Disability

The Equality Act 2010 defines Disability as being:

“An impairment, which has a substantial, long term adverse effect on a person’s ability to carry out normal day-to-day activities”.

Discrimination

Direct Discrimination

Treating people less favourably than others e.g. on the grounds of age, disability, gender, race, religion and belief, sexual orientation.

Indirect Discrimination

Applying a provision, criterion or practice that disadvantages people e.g. on the grounds of age, disability, gender, race, religion and belief, sexual orientation, and that can’t be justified as a proportionate means of achieving a legitimate aim. The concept of 'provision, criterion or practice' covers the way in which an intention or policy is actually carried out, and includes attitudes and behaviour that could amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping. To find discrimination it will be sufficient to show that a practice is likely to affect the group in question adversely.

Diversity

This is defined as how differences between people are harnessed to drive forward creativity and excellence in performance. In the workplace this means recognising individual and group differences, which means more creativity and continuous improvement.

Ethnic and/or other monitoring

This is a process for collecting, storing and analysing data about individuals' ethnic or racial background and linking this data and analysis with planning and implementing policies.

Functions

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The term function is intended to encompass the full range of the UHB's duties and powers, which includes clinical and corporate services and departments.

Harassment

This is unwanted conduct that has the purpose or effect of creating a negative or offensive environment for a complainant, or violating the complainant's dignity or treating a person less favourably than another person because they have either submitted to, or did not submit to, sexual harassment or harassment related to sex or gender reassignment

Human Rights

This is about fairness, respect, equality, dignity and autonomy in how people are treated and in the services that are provided. It is backed up by legislation, the 1998 Human Rights Act and is a binding international agreement that the United Kingdom has signed up to.

Policies

The term policy means the full range of formal and informal decisions made in carrying out a function or delivering a particular service. Policies may take the form of a clear written statement, or may be implicit in management decisions or "custom" and "practice". Policies may also take the form of a strategy or action plan.

Positive Action

This is when measures are taken to reverse the effects of discrimination by the provision of facilities that meet the specific needs of disadvantaged groups in relation to their training, education or welfare, or job training targeted at people from groups that are under-represented in a particular area of work or encouragement for them to apply for that work.

Qualitative data

Information gathered from individuals about their experiences. Qualitative data usually gives less emphasis to statistics.

Quantitative data

Statistical information in the form of numbers normally derived from a population in general or samples of that population. This information is often analysed using descriptive statistics, which consider general profile distributions and trends in the data, or using inferential statistics, which are used to determine significance within relationships of differences in the data.

Race

Under the Equality Act it is unlawful to discriminate against anyone on grounds of race, colour, nationality, including citizenship or ethnic or national origin and Gypsy and Traveller Communities.

Religion, belief & non belief Religion,

Religious groups cover a wide range of groupings the most of which are Buddhist, Christians, Hindus, Jews, Muslims, and Sikhs. Consider these categories individually and collectively when considering impacts.

Trans communities

Transgender/transsexual person: a person whose perception of their own gender (gender identity) differs from the sex they were assigned at birth. A Transvestite will dress as a member of the opposite sex but doesn't have feelings of belonging to the opposite sex or alienation from their own bodies.

Source:

www.herts.ac.uk/services/counselling/understanding_gender_dysphoria.pdf

Gender reassignment: the process of transitioning from the gender assigned at birth to the gender the person identifies with. This may involve medical and surgical.

Victimisation

Discrimination or harassment of a person because they have made a complaint, supported someone else who has made a complaint or acted as a witness in a discrimination case.

Key Documents, 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

Cardiff and Vale UHB's Strategic Equality Plan and Objectives

<http://www.cardiffandvaleuhb.wales.nhs.uk/strategic-equality-plan-annual-report>

Equality and Human Rights Commission <http://www.equalityhumanrights.com/>
Guidance on legislation and good practice in terms of nine "protected characteristics" and Guidance on human rights

Government Equalities Office www.equalities.gov.uk

The Government Equalities Office (GEO) is the department responsible for equalities legislation and policy in the UK and for Creating a fairer and more equal society

NHS Centre for Equality and Human Rights (NHS CEHR)

www.wales.nhs.uk/equality

A strategic resource for NHS organisations that helps them to build capacity and capability to ensure they are able to meet their statutory equality and human rights requirements, demonstrate they meet the diverse needs of patients and staff when planning and delivering health services, and promote learning, collaborative working and best practice on equality and human rights across the NHS and wider Welsh public sector.

NHS Employers www.nhsemployers.org

The NHS Employers organisation is the voice of employers in the NHS, supporting them to put patients first and offers advice on employment policy and practice with regard to equality and diversity.

Welsh Language Board

'Contracting out public service contracts and the Welsh Language' 2011

Recruitment and the Welsh Language

<http://prp.wales.gov.uk/planners/general/framework/ukprocurementlegislation/>

The Welsh Language (Wales) Measure

<http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/business-legislation-measures-wl.htm>