


**TRUST POLICY FOR INCLUSION AND BELONGING**

<b>Reference Number: POL-HR/1601/04</b>	<b>Version: 5</b>		<b>Status: Final</b>	<b>Author: Harinder Dhaliwal</b> <b>Job Title: Assistant Director of Equality, Diversity and Inclusion</b>
Version / Amendment History	<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Reason</b>
	1a	2004	Director of HR	Update existing Policy
	2	May 2010	Sue Hawkins	Update existing policy and new legislation
	3	August 2014	Estelle Carmichael	Update existing Policy
	4	January 2020	Roger Smith	Review of existing Policy
	4.2	June 2022	Harinder Dhaliwal	New contractual requirement for annual review
	5	February 2023	Harinder Dhaliwal, Angela Hughes	Review of existing policy
<b>Intended Recipients:</b> All colleagues including Medical Staff, patients, Trust visitors				
<b>Training and Dissemination:</b> Launched through Intranet, recognised circulation list.				
<b>To be read in conjunction with:</b> Compassion, Openness & Excellence Values, NHS People Promise, UHDB Inclusion and Belonging Plan and Delivery Plan, Equality Delivery System (EDS) Improvement Tool, People Equality Impact Risk Assessments, Concerns Resolution Policy, Special Leave Policy, Flexible Working Policy, Leave Policy, Disciplinary Policy, Developing our People Policy, Recruitment Policy, NHS National Terms & Conditions Handbook Part 5: Equal Opportunities.				
<b>In consultation with and Date:</b> Equality, Diversity and Inclusion Group (Nov 2022), Workforce Policy Review Group (Dec 2022, Feb 2023, May 2023), Trust Joint Partnership Forum (Dec 2022, May 2023), People & Culture Group (May 2023), Trust Delivery Group (TDG) (June 2023).				
<b>EIRA Completed:</b> Yes				

<b>Approving Body and Date Approved</b>	Trust Delivery Group (TDG) - 26 June 2023
<b>Date of Issue</b>	June 2023
<b>Review Date and Frequency</b>	June 2026 and then every 3 years
<b>Contact for Review</b>	Assistant Director Equality, Diversity & Inclusion
<b>Executive Lead Signature</b>	 Amanda Rawlings, Executive Chief People Officer

## Contents

1. Introduction	Page 4
2. Purpose and Outcomes	Page 4
3. Definitions	Page 5
4. Responsibilities	Page 6
5. Inclusion and Belonging Policy	Page 10
6. Monitoring Compliance and Effectiveness	Page 11
7. References	Page 11
Appendix 1 - Statement of Equality, Diversity and Human Rights	Page 12
Appendix 2 - Inclusion Charter	Page 13
Appendix 3 - Inclusion and Belonging Wheel Tool	Page 14
Appendix 4 - Driving Forward Inclusion and Belonging	Page 15
Appendix 5 - Legislative Framework	Page 19
Appendix 6 – General Principles – The Public Authority Duties	Page 21

## TRUST POLICY FOR INCLUSION AND BELONGING

### 1. Introduction

This Policy supports the delivery of our vision, values, and aspiration to make University Hospitals of Derby and Burton NHS Foundation Trust (UHDB) the best place to work; the implementation of our Inclusion and Belonging Plan to create a compassionate and inclusive culture by looking after and valuing our people; a place where all colleagues in #TeamUHDB work together to deliver 'Exceptional Care Together'.

The Trust is committed to creating a safe place to work and is opposed to all forms of unlawful discrimination and victimisation, harassment, abuse, and injustice, and expects its colleagues to be treated by all patients, visitors, service users and colleagues with dignity and respect, in a non-discriminatory manner and in accordance with their individual needs. In turn, colleagues will treat all patients, visitors, service users and colleagues in an equally respectful and dignified manner. The Trust's action includes taking an 'anti-racist' stance, tackling all forms of discriminatory behaviour, and creating a range of resources to support colleagues' conversations. This commitment will impact every single person who works or receives care at UHDB, so that they feel they belong.

See Appendix 1 - Statement of Equality, Diversity and Human Rights at UHDB.

See Appendix 2 - UHDB Inclusion Charter.

### 2. Purpose and Outcomes

The purpose of this Policy is to communicate the Trust's commitment to equality and diversity for colleagues in the workplace and with respect to colleague's behaviour towards patients, visitors, and service users.

It sets out the Trust's approach to assessing the impact on equality of our policies, services, and organisational change, using People Equality Impact Risk Assessments (PEIRAs) and it establishes the principles of an inclusive person-centred approach and considering the whole person through inclusive conversation. This means us all playing our part in creating a type of environment, a sense of community and support, where everyone feels welcomed, valued, and a sense of belonging to be able to bring our whole selves to work. Colleagues are responsible for the promotion and advancement of this Policy.

Our inclusion and belonging wheel tool, Appendix 3, reminds colleagues of this inclusive approach and the importance of considering the whole person. Recognising we are of equal human value with different talents, sharing a common human experience, celebrating differences, treating each other with compassion and fairness.

The UHDB equality, diversity and inclusion approach goes beyond compliance or a tick box exercise; our focus is to actively demonstrate our commitment to inclusion and

fairness for all, which requires everyone to role model inclusive, civil and respectful behaviours – at every encounter, every day.

### **3. Policy Definitions**

#### **3.1 Definitions**

**Equality** - Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents to fulfil their potential.

**Equal Opportunities** - The term used to describe policies and practices that tackle inequalities, aiming to ensure that all colleagues are treated fairly, and that service users do not experience discrimination.

**Diversity** - Defined as 'the differences in the values, attitudes, cultural perspectives, beliefs, ethnic backgrounds, sexuality, skills, knowledge and life experiences of each individual in any group of people.' This term refers to differences between people and is used to highlight individual need.

**Inclusion** - Inclusion is about an individual's experience within the workplace and in wider society and the extent to which they feel valued and included.

**Belonging** – a positive, inclusive, and person-centred culture where everyone feels listened to, supported, safe to be themselves and has a sense of belonging.

**Protected characteristics under discrimination law** - The relevant protected characteristics are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

**Positive Action** - A range of lawful actions which the Trust may take in the form of proportionate measures to encourage or train people from an under-represented group to apply for jobs, overcome a perceived disadvantage or meet specific needs based on a protected characteristic.

An example of positive action would be taking measures that encourage or enable people from under-represented groups to equally access job vacancies or by stating that applications would be particularly welcome from certain groups.

#### **3.2 Types of Unlawful Discrimination**

**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

**Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by direct sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether this effect was intended by the person responsible for the conduct.

**Perceptive discrimination** this is where an individual is directly discriminated against or harassed based on a perception by others that the individual possesses a particular protected characteristic, when in fact the individual does not have that protected characteristic.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

**Victimisation** occurs where a colleague is subjected to a detriment, such as being denied a training opportunity or a promotion because that person made or supported a complaint or raised a grievance under the Equality Act 2010, or because that person is suspected of doing so. However, a colleague is not protected from victimisation if their act was malicious or made or supported an untrue complaint.

**Reasonable adjustments** must be considered to enable a disabled person to overcome the disadvantage where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic.

#### **4. Duties and Responsibilities**

Meeting our equalities and human rights obligations is everyone's responsibility.

##### **Chief Executive**

- Providing leadership to the Trust in the promotion of equality and diversity.

##### **Members of the Board**

- Collectively and individually responsible for supporting the Chief Executive in this objective.

##### **Executive Directors**

- Set strategic direction in line with statutory responsibilities.
- Gain assurance that this Policy along with the Equality Delivery System and action plan is being implemented and applied throughout the organisation.

- Hold leaders accountable for the delivery of agreed equality action plans.
- Provide inclusive leadership and role modeling of inclusion, equality and human rights.
- Act as Staff Network Executive Sponsors, proactively engage with these networks and champion issues at Board, key committees and wider.

### **Executive Chief People Officer**

- Ensure that all people policies, practices, and procedures are consistent with legislative requirements and best practices relating to workplace diversity and equality.
- Ensure that colleagues have access to the necessary training interventions regarding managing diversity and equality, and that all relevant training events are supportive of the principles of this Policy.
- Monitor the effectiveness of this Policy and other policies and procedures in relation to diversity and equality of opportunity, through use of the staff survey, workforce profile data, recruitment and selection monitoring, and incidents of harassment, taking any necessary action as appropriate.
- Report to the Board on relevant data relating to diversity and equality issues.

### **Leaders / Managers**

- Ensure that policies and procedures relating to managing diversity are implemented and communicated to all existing colleagues and new colleagues on their commencement and ensure that all their colleagues are clear about their responsibilities under this Policy.
- Promote a professional and positive work environment, and in doing so ensure colleagues' rights to pursue a career with dignity.
- Raise awareness of managing diversity and the principles of equality of opportunity, acting as a role model for others, and developing personal skills to handle issues relating to discrimination and harassment.
- Be directly responsible for the resolution of issues relating to harassment and discrimination in their work area, in accordance with Trust policies and procedures, including the Disciplinary Policy and Concerns Resolution Policy where necessary.
- Apply Trust policies and procedures fairly, consistently and without discrimination, especially those relating to access to opportunities, recruitment, training, performance management, sickness, and redundancy.
- Attending relevant training events, including the mandatory Allies for Change training, to ensure that the necessary skills and knowledge are developed to implement inclusive practices within the organisation.
- Ensuring that colleagues are supported in the workplace to be themselves and are aware of behaviours expected #Respect#BeKind.

## **Colleagues**

- Maintain a professional working environment, treating other colleagues and service users with civility and respect.
- All colleagues are expected to treat each other with dignity and respect and ensure they do not discriminate, either directly or indirectly, or induce others to practise discrimination.
- All colleagues are expected to work to create a safe, friendly, and caring environment, where all people are treated with respect, courtesy and dignity.
- All colleagues are expected to challenge and report any discrimination they witness and support colleagues who are discriminated against in complaining about such behaviour.
- All colleagues must report any incident or behaviour which contravenes the provisions of this Policy and must not indirectly support unfair treatment by ignoring what is happening around them.
- No colleague will unlawfully discriminate against any individual or group of people on the grounds of a protected characteristic or encourage other colleagues to unlawfully discriminate.
- No colleague will victimise or attempt to victimise individuals on the grounds that they have made complaints or provided information on discriminatory practice.
- No colleague will harass, bully, or intimidate other colleagues, (peer, subordinate or senior), any service user, their carer or visitor.

## **Trade Union Representatives**

- Representatives of recognised trade unions can offer a range of options including representation, support, and advice.

## **Equality, Diversity and Inclusion Group**

The Equality, Diversity and Inclusion Group (EDIG) will support and provide strategic direction and assurance to both the Board and the People and Culture Committee. It will provide oversight by ensuring that effective and co-ordinated action is taken across UHDB to improve our culture and equality performance by welcoming diversity, driving forward inclusion, belonging, human rights by reducing disadvantage, discrimination, and inequalities of opportunity for the people it serves, its workforce and partners and the services it delivers.

The objectives of the Group are to implement, facilitate and inspire compliance, drive improvements to embed equality and inclusion through the equality agenda and simplify this for service managers and clinical leads.



The EDIG will: -

- Give an overview of inclusion, equality, and human rights issues, taking account of changing legislation, best practice evidence, patient, and colleague feedback, to set the Trust's strategic agenda in this area as follows: -
  - Agree an annual work schedule/plan based on:
    - Legislation and good practice guidance
    - Service improvements and Workforce requirements
    - National service frameworks – including drive from NHS England on Equality
    - National and local strategies
    - Staff surveys
    - Patient experience surveys
    - Equality impact assessments
    - Respond to CQC guidelines
    - System working to address inequalities.
    - Work within Equality and Human Rights Commission guidelines and codes of practice
    - Ensure all proposed plans are discussed with internal and external stakeholders, in particular service users and carers.
- Provide assurance to the Board and its subcommittees that the Trust is fulfilling the legislative and regulatory requirements relating to the inclusion, equality and human rights agenda, including the Public Sector Duty and publication of equalities information and CQC standards.
- Evaluate and report on UHDB position in relation to inclusion and equality when deemed necessary, formulate prioritised proposals for action. This will cover, but not necessarily be limited to, recommendations for change and improvement to policies, strategies, practices, procedures, services and to the culture of the organisation.
- Oversee the design, implementation, and periodic review of the Trust's equality objectives (at least every four years), to review and, if necessary, prioritise action plans to reflect national guidance (such as the NHS Equality Delivery System, NHS Workforce Race Equality Standard, Workforce Disability Equality Standard, Gender Pay Gap and other associated standards).
- Provide a focus for all inclusion, equality and human rights issues within the Trust and provide a forum for discussion, ensure liaison and, where appropriate, joint working with the Trust's community partners, ISS, patients, and the public.
- Oversee and the implementation, completion, monitoring, audit, and evaluation of the People Equality Impact Risk Analysis embed throughout our governance processes.
- Oversee the involvement of stakeholders, including colleagues and colleagues' networks groups, governors, patients, their carers, families, and members of the public, through a variety of channels, individual engagement, internal forums, local community groups and engagement with national organisations.

- Chair of the Equality, Diversity and Inclusion Group will report progress to the Trust Delivery Group to enable feedback and constructive debate in relation to employment issues within the Trust.
- Focus on implementation of the above in relation to the four areas:
  - Inclusive culture and leadership
  - Workforce Health and Wellbeing
  - Divisional and operational (service) issues
  - Patient focused activity

### **Patients, carers, visitors, and volunteers**

The Trust requires any person who encounters the organisation, whether as a patient, carer, visitor, or volunteer, to abide by this Policy. The Trust does not tolerate any verbal abuse, discrimination, threats, intimidation or physical assault towards its colleagues or other patients, carers or visitors and will follow appropriate actions using the Maintaining a Safe Environment Policy [safe.environment\(koha-ptfs.co.uk\)](http://safe.environment(koha-ptfs.co.uk)).

### **The Workforce Policy Review and Approval Process**

The recognised formal committees and forums in place at the time are responsible for the review, approval and monitoring of this Policy.

## **5. Driving Forward Inclusion and Belonging**

The Trust aims to ensure that the principles of equality, diversity and inclusion are established through a person-centred approach, considering the whole person and recognising we are all of equal human value, sharing a common human experience and celebrating our similarities and differences, and that these principles are embedded throughout the organisation. By doing so, the Trust will enhance the experiences of colleagues, patients, carers, visitors and any other individuals who are associated with the Trust. Please see Appendix 4 for the processes to drive forward inclusion and belonging at UHDB.

## **6. Monitoring Compliance and Effectiveness**

Trust Inclusion and Belonging Policy will be monitored in a composite report presented through the Monitoring Report Template:

Monitoring Requirement:	Monitoring compliance with the requirements of: <ul style="list-style-type: none"> <li>• Process for raising concerns about discrimination and/or harassment.</li> <li>• Monitoring trends / incidents of discrimination and harassment complaints by both patients and colleagues</li> <li>• Patient access and experience of services by protected strands.</li> <li>• Employment opportunities by protected strands</li> </ul>
Monitoring Method:	<ul style="list-style-type: none"> <li>• Retrospective review of incidents and cases to determine compliance with the process for raising and dealing with the concerns.</li> <li>• Analysis of number of complaints raised by race, gender,</li> </ul>

	<p>sexual orientation, gender reassignment, disability, age and religious belief of the complainant, including transphobia, biphobia, homophobia, misogyny, the level of the colleagues affected and the outcome.</p> <ul style="list-style-type: none"> <li>• Capture and analysis of data on access and experience of services</li> <li>• Analysis of workforce data broken down by legislative requirements for reporting against protected strands</li> <li>• Recommendations and action plans will be developed from the analysis and will be part of the reporting mechanism.</li> </ul>
Prepared by:	Assistant Director of Equality, Inclusion and Diversity
Presented to:	Equality, Diversity and Inclusion Group
Frequency:	Six Monthly

## 7. References

The following Acts of Parliament may be connected to Equality, Diversity & Human Rights:

Equality Act 2010

- Public Sector Equality Duty
- Human Rights Act 1998
- Health & Social Care Act 2012
- Civil Partnership Act 2004
- Civil Partnerships, Marriage and Death (Registration) Act 2019
- Health and Safety at Work Act 1974
- Health Bill 2009
- Data Protection Act 2018 /the General Data Protection Regulations (GDPR)

UHDB is committed to upholding the NHS Constitution 2009 which outlines several commitments and pledges to uphold patient dignity and human rights.

## Statement of Equality, Diversity and Human Rights at UHDB

- UHDB is committed to the fair and equitable treatment of all people. The Trust is firmly opposed to any discrimination, bullying or harassment of its colleagues, patients, carers or visitors based on aspects of their diversity.
- UHDB will ensure that no user of the service, present or future colleague or job applicant, receives less favorable treatment on grounds of their diversity.
- UHDB will take into account that different communities have unique needs, in access and treatment, and commits itself to take action necessary to remove barriers and discrimination in all its service provision.
- UHDB places a positive value on diversity and believes that differences in the workforce can add value to the organisation and make it stronger, more flexible and ultimately more capable of delivering health care services that meet the needs of the local population.
- UHDB is committed to taking positive action to promote diversity in the workforce and will continue to actively work towards employing a workforce that reflects the composition of the community it serves.
- UHDB will investigate fully all reported incidents of alleged discrimination. A colleague who is believed to have discriminated against others, intentionally or otherwise, will face disciplinary action in accordance with the Trust's disciplinary procedure.
- UHDB encourages colleagues to become Diversity champions committed to taking action to develop fairness and diversity every day and delivering services that are personal, fair and diverse.

### Inclusion and Belonging Charter

I expect to be:

- Respected and included as a valued member of the Trust, regardless of my background
- Able to contribute at work to the best of my ability
- Encouraged to grow my capabilities and fulfil my potential
- Appreciated for the work I do, whatever my role
- Able to raise concerns about issues that I feel are important and confident that they will be properly considered
- Treated fairly and not limited by others' assumptions about me
- Able to strike a work-life balance that works for me and the Trust
- Able to observe the commitment to building a sustainable inclusive environment

I will:

- Listen to other people and seek to understand
- Recognise the needs of others and treat them with respect and consideration
- Take action and ownership to make others feel included and valued
- Keep an open mind to different ways of thinking and doing things
- Challenge behaviours that I feel are not in line with University Hospitals of Derby and Burton NHS Foundation Trust values
- Develop my skills and knowledge to maximise my potential and the contribution I can make
- Treat every patient, visitor and colleague with respect and dignity

**We welcome views** from colleagues, volunteers, patients, visitors on how we could further embed inclusion within our policies and procedures, to improve our service to the Community we serve.

**Please submit your views or suggestions by completing the Your Views Matter form.**

Inclusion Wheel Tool

Delivering Exceptional Care Together by...

Welcoming Diversity.

Driving Forward Inclusion and belonging at UHDB so that everyone can be themselves.



University Hospitals of Derby and Burton  
NHS Foundation Trust



KATHY MCLEAN, CHAIR

"Using the inclusion wheel helps us to **start the conversation**, take account of the whole person and different needs. It shows that we take our values seriously, that our behaviours and actions reflect our intent and that our staff members and local communities can hold us to account."



Equality Act 2010

We are committed to developing a positive and inclusive culture that values diversity and to ensure equality of opportunity and fair treatment for everyone. We strive to foster an environment that promotes good relations and respect for protected characteristics and harmony between individuals/groups. We all have an individual responsibility to treat each other with mutual courtesy and create a **welcoming environment free from victimisation, discrimination and harassment.**

For further information please contact:

**Harinder.dhaliwal1@nhs.net.**  
Assistant Director for Equality, Diversity & Inclusion.

## Driving Forward Inclusion and Belonging

1. The Trust aims to ensure that the principles of equality, diversity and inclusion are established through a person-centred approach, considering the whole person and recognising we are all of equal human value, sharing a common human experience and celebrating our similarities and differences, and that these principles are embedded throughout the organisation. By doing so, the Trust will enhance the experiences of colleagues, patients, carers, visitors and any other individuals who are associated with the Trust.

The NHS Equality Delivery System 2022 outlines the framework for implementing equality and human rights within the Trust. To achieve our aim of putting our principle into practice:

- Our focus is to actively transform our culture by demonstrating our commitment to inclusion and belonging for all. This requires everyone to role model inclusive and respectful behaviours – at every encounter, every day.
- Our inclusion and belonging wheel tool reminds us of our inclusive person-centred approach and considering the whole person. See Appendix 3.

Everyone can use the inclusion wheel as a tool to help start and open the conversation and take account of the whole person, their individual needs, unique identities, and the specific challenges faced by those who are different in some way and/or under-represented in the workplace.

It relies on all colleagues building trust and an inclusive atmosphere, where:

- diversity is welcomed
- each person feels empowered
- each person feels safe to share what matters to them and ask for support

It's about making a conscious effort to learn about people and different perspectives and displaying a positive and respectful attitude towards those who are different from oneself. We need to actively seek opportunities to learn and have an inclusive conversation about what matters to each person, so no one feels left behind.

- Demonstrating our commitment to accountability as part of our core values, we have published our Workforce Race Equality Standard (WRES), Workforce Disability Equality Standard (WDES), Gender Pay Gap report (GPG) and other data in our annual equality report. The data shows that we are moving in a positive direction, but there is more to be done and at a greater pace, if we are to make a difference.

## 2. Inclusion and Belonging Plan and Delivery Plan

The Trust has developed and implemented an **Inclusion and Belonging Plan and Delivery Plan**, which was approved by the Trust Board in January 2022. Our goal is to create a compassionate and inclusive culture at the heart of our organisation by

looking after and valuing our people. A place where all our people feel a sense of belonging and can be themselves.

The **Inclusion and Belonging Plan** includes six objectives and our high impact action to achieve the objectives. The annual Workforce Race and Disability Equality Standards, Workforce Equality Report and Public Sector Equality Duty and Gender Pay Gap Report, support this Policy.

The high impact actions are:

- Action 1: Embed inclusion and accountability in everything we do.
- Action 2: Culture of Belonging - develop a positive, inclusive, person-centred culture ensuring everyone feels listened to and supported.
- Action 3: Demonstrating inclusive, compassionate, and culturally aware leadership behaviours.
- Action 4: Providing a safe environment – respect and civility. Taking a stand against all forms of discriminatory language, abusive or violent behaviour towards anyone.
- Action 5: Improvements in inclusive recruitment, progression, and a diverse representative workforce.
- Action 6: Strengthening our staff networks as a ‘social movement’ to challenge and hold leaders to account.
- Action 7: Demonstrate we are meeting the needs of protected groups from the communities in the access, delivery and experience needs of our services.

### **3. Equality Delivery System**

3.1 The Equality Delivery System 2022 is the mandatory national equality improvement standard which provides a toolkit and framework for assessing how the Trust is performing regarding equality, diversity and human rights. [NHS England » Equality Delivery System 2022](#). It will be used as a tool to provide all the data under one umbrella and includes expected outcomes under the three domains below, encouraging the Trust to embrace key local health inequalities.

- Domain 1 – Commissioned or provided services.
- Domain 2 – Workforce health and well-being.
- Domain 3 – Inclusive leadership.

3.2 The framework methodology requires the Trust to share evidence with stakeholders. Below is a list of required stakeholders who must be engaged in the EDS process:

- Patients and Service Users (can be done via representation group)
- Carers (can be done via representation group)
- Community Groups and local members of the public
- Local VCSE organisations
- Staff members
- Staff networks



- Trade Union representatives
- Lay members
- Freedom to Speak Up Guardians
- Chaplaincy (this can include Faith Networks)

This framework of evidence and data will also be regularly required at the Equality, Diversity and Inclusion Group.

The EDS2022 contains detailed commitments to equality and diversity both to service users and supports the practical implementation of this Policy and the actions required by the Trust to meet its equality duty obligations under UK law (see Appendix 5).

#### **4. People Equality Impact Risk Assessments (PEIRA)**

To ensure that positive steps are taken to put people at the centre of evidenced based decision making and intentionally consider different and individual needs, to ensure everyone can benefit and no one is left behind in the development and application of Trust policies, procedures and service developments the Trust will use our People Equality Impact Risk Assessment (PEIRA) process. The PEIRA provides the means for the Trust to consider how processes / policies might create adverse or negative effects for any of our service users and / or colleagues. The tool acts as an audit trail and takes account of our humanity and unique aspects of our identities, lived experiences and circumstances.

The PEIRA process relies on good governance arrangements:

- Organisational ownership and sincere intent to undertake at an early stage to allow feedback and taking appropriate action to address any potential barriers, disparities or inequities identified through robust data analysis and engagement.
- It is the responsibility of the policy/guidance author to show ‘due regard’ under the Equality Act 2010 and complete a robust PEIRA that considers the impact on people and that stands up to scrutiny and amend policy accordingly.
- The relevant committee seeking assurance has a statutory duty not to accept ‘no [equality] impact’ at face value and check for quality/substance of the evidence presented/engagement, to take mitigating action, to assess the impact on people from all protected characteristics/wider inclusion groups such as Carers to support informed decision-making and approval of documents. The Trust has a public sector duty - each committee should be able to justify their decisions which stand up to further scrutiny and show we are meeting our legal and ethical duties under the Equality Act 2010.

#### **5. Creating and Supporting a Diverse Workforce**

The Trust endorses the NHS Constitution that the NHS is “committed to building an NHS workforce which is valued and whose diversity reflects the communities it serves, enabling it to deliver the best possible healthcare service to those communities.” As

such the Trust proactively continues to look at ways to build and maintain a diverse workforce, creating opportunities for its colleagues to develop their full potential.

The Trust's People Strategy reflects this commitment with the Equality and Diversity strand being the driver to embed the inclusion, equality and human rights agenda and outline the strategic action plan for the Trust.

The EDIG oversees inclusion, equality and human rights issues and enables the assurance framework which informs the Trust's Board and sub-committees.

The Trust encourages engagement through having Recruitment Inclusion Guardians, in accordance with the Inclusion and Belonging Plan. The role will contribute to supporting the embedding of a culturally inclusive recruitment and selection process and to improving workforce diversity at our senior leadership levels.

Colleagues are encouraged to join the Trust Staff Equality Networks which offer support to colleagues, improve community relations and empower colleagues to have their voices heard at all levels throughout the organisation. Each network has a Lead and Deputy Lead, an Executive Sponsor and a Co-Sponsor (Divisional Director level)

Leaders are encouraged to use the inclusion wheel tool to have inclusive conversations to identify individual needs and to use the Carer, and health and wellbeing passports to support individuals.

## **5.1 Recruitment and Selection**

The Trust will ensure that its recruitment and employment decisions will be made based on fair and objective criteria and in accordance with the organisation's Recruitment and Selection Policy, and the supporting Inclusive Recruitment Guidance.

All adverts contain a statement on equality of opportunity and fairness of the process.

## **5.2 Promotion and Development**

The Trust is committed to ensuring all its colleagues have opportunities to train, develop and progress in the organisation. Where a particular group is under-represented within the workforce or at a senior level the Trust may consider positive action to redress the balance. Such action may include improving access to training and/or giving encouragement and support to apply for vacancies.

## **5.3 Training and development**

Training is key in promoting and embedding a culture of inclusion, equality of opportunity and embracing diversity. The Trust provides training to all colleagues to increase awareness of inclusion, equality and human rights so that people can perform their jobs effectively and develop their full potential. In addition, unconscious bias awareness training is included in Recruiting Manager Training.

## **5.4 Adapting Working Environment and Practices**

The Trust is committed to recognising cross cultural differences and respects different individual's needs for example: providing a supportive environment for the observance of faith where all who wish to, can practice, and express their religious beliefs including flexibility around prayer/worship requirements and time off for religious festivals.

All colleagues must have had the opportunity to book leave should they need it during religious festivals, and this would be accommodated within normal annual leave allocations.

Flexible working patterns which promote equality of opportunity, and which enhance the quality of working life will be considered where possible, including where individuals are associated with individuals with protected characteristics.

The wearing of items arising from cultural or religious norms is in most circumstances welcomed by the Trust, providing that the Health and Safety, Trust Infection Control Guidance and security of patients is not compromised. The Trust's Dress Code Policy provides further information relating to wearing facial coverings for religious reasons, henna tattoos and the rules on wearing of jewellery.

The requirements of job applicants and existing colleagues who have or have had a disability will be reviewed to ensure that, wherever possible, reasonable adjustments are made to enable them to enter into or remain in employment with the Trust.

## **5.5 Providing a fair and equitable service**

The Trust is committed to ensuring that no one should have negative experiences when in receipt of a Trust service relating to their protected status. The Trust will regularly review patient experience via the Patient Experience Team (PET) using local or national surveys, patient diaries, interviews, complaint monitoring and other methodology to understand the patient experience. The Trust will ensure any issues identified are dealt with quickly and appropriately. Detailed plans of assessment and improvements will be outlined in the Trust EDS2022 and specific People Equality Impact Risk Assessments.

In line with the pledges on patient rights outlined in the NHS Constitution the Trust commits to:

- provide convenient, easy access to services within the waiting times set out in the Handbook to the NHS Constitution;
- make decisions in a clear and transparent way, so that patients and the public can understand how services are planned and delivered; and
- make the transition as smooth as possible when you are referred between services, and to include you in relevant discussions.

## **5.6 Access**

The Trust acknowledges that some groups in society have greater issues and potential barriers to accessing public services. Therefore, the Trust will regularly review its

services to ascertain possible barriers to access. The Trust will gain this knowledge through issues raised via the PET and/or through analysis of access statistics.

## **5.7 Complaints – Discrimination, Harassment and Bullying on grounds of protected status**

For colleagues who believe they have suffered any form of discrimination, harassment or victimisation from colleagues, support is available in a bullying and harassment booklet [bullyandharassmentguide\(uhdb.nhs.uk\)](http://bullyandharassmentguide(uhdb.nhs.uk)) and a confidential email address [uhdb.respect@nhs.net](mailto:uhdb.respect@nhs.net) or [uhdb.equalityandinclusion@nhs.net](mailto:uhdb.equalityandinclusion@nhs.net). All complaints of discrimination will be dealt with seriously, promptly and confidentially. Support is also available from a line manager; union representative; Freedom to Speak Up Team at [uhdb.speakup@nhs.net](mailto:uhdb.speakup@nhs.net); national helplines, for example the National Bullying Helpline on 08452255787.

Colleagues who feel that they have suffered abuse, discrimination or harassment from patients, relatives, visitors or members of the public are entitled to raise the matter through the Maintaining a Safe Environment Policy [safe.environment\(koha-ptfs.co.uk\)](http://safe.environment(koha-ptfs.co.uk)).

Patients, carers, or visitors who have suffered any form of discrimination, harassment or victimisation are encouraged to raise complaints via the Patient Advice and Liaison Service or Complaints department: Royal Derby Hospital and Florence Nightingale Community Hospital [uhdb.contactpalsderby@nhs.net](mailto:uhdb.contactpalsderby@nhs.net) or 01332 785156; Queens Hospital, Sir Robert Peel and Samuel Johnson [uhdb.contactpalsburton@nhs.net](mailto:uhdb.contactpalsburton@nhs.net) or 01283 593 110/182.

## Legislative framework

This Policy is supported by key elements of the legislative framework that governs equality in the United Kingdom. These are as follows:

### **Equality Act 2010**

The Equality Act 2010 aims to create: “A society built on fairness and respect where people are confident in all aspects of their diversity. “

This Act harmonises discrimination law and strengthens the law to support progress on equality. The Act replaces all existing equality legislation, including the Equal Pay Act. The main provisions of this Act came into effect on 1<sup>st</sup> October 2010, with an integrated public duty, which also came in force April 2011 and a full ban on age discrimination due in 2012.

The Bill strengthens the law in a number of key areas by:

- creating a general public duty. UHDB will have to consider how it’s policies, strategies and service delivery will affect people with the protected characteristics.
- extending the range of lawful positive action to overcome or minimise a disadvantage arising from a protected characteristic.
- extending the circumstances in which a person is protected against discrimination, harassment or victimisation because of a protected characteristic.
- allowing employment tribunals to make recommendations in discrimination cases which apply to the whole workforce.

### **The Civil Partnership Act 2004**

The Act creates a new legal relationship of civil partnership, whereby two people of the same sex can form by signing a registration document. It also provides same-sex couples who form a civil partnership with parity of treatment in a wide range of legal matters with those opposite-sex couples who enter into a civil marriage.

### **The Civil Partnerships, Marriage and Death (Registration) Act 2019**

Section 2 of this Act gives provision for the extension of civil partnerships to two people (couples) not of the same sex.

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

All national legislation is underpinned by the Human Rights Act 1998, which came fully into force on 2 October 2000. The Act gives further effect in the UK to rights contained

in the European Convention of Human Rights (ECHR), signed on 4 November 1950. The ECHR in turn stems from the Universal Declaration of Human Rights, adopted by the United Nations on 10 December 1948. 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; and
- Says that all UK legislation must be given a meaning that fits with the Convention rights, if that is possible.

The key articles relevant to the delivery of health services within the Convention include:

Article 2 - Everyone has the right to life, except in very limited circumstances, e.g., defending oneself or someone else from unlawful violence.

Article 3 - No one shall be subjected to degrading or dehumanising treatment.

Article 5 - Everyone has the right to liberty and security of person.

Article 8 - Everyone has the right to respect for their private and family life, home and correspondence.

Article 9 - Everyone has the right to freedom of thought, conscience and religion ... subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, public order, health, morals, or the freedoms of others.

Article 10 - Everyone has the right to freedom of expression (subject to the same requirements as Article 9), but the exercise of those freedoms carries duties and responsibilities to the rights of others.

Article 11 - A person has the right to assemble with other people in a peaceful way. They also have the right to associate with other people, including the right to form a trade union. These rights may be restricted only in specified circumstances.

Article 14 - Prohibition on Discrimination. The enjoyment of the rights and freedoms set forth in the convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin.

The Universal Declaration of Human Rights forms a basis that underpins all our work in the NHS - see NHS Constitution for more information about rights for colleagues and service users.

## General Principles – The Public Authority Duties

The Equality Act 2010 created a new harmonized '**General Duty**' that all public authorities must enforce which is to:

- a) eliminate discrimination, harassment, victimisation.
- b) advance equality of opportunity between persons who share a protected characteristic and persons who do not share it.
- c) foster good relations between persons who share a protected characteristic and persons who do not share it.

Public Authorities currently have specific requirements to meet under the existing Race, Disability and Gender Duties. In April 2011 these duties were replaced by the Public Sector Equality Duty.

Although there are some important differences between equality strands, the **specific** duties relevant to public authorities include the following:

- prepare and publish an equality scheme, showing how it will meet its general and specific duties through agreeing equality objectives
- gather and use information on how the public authority's policies and practices affect equality in the delivery of services and within the workforce
- consult stakeholders (i.e., service users and colleagues) and take account of relevant information in order to determine its equality objectives
- assess the impact of its current and proposed policies and practices on equality
- implement the actions set out in its scheme within three years, unless it is unreasonable and impracticable to do so
- report against the scheme every year and review the scheme at least every three years