



# EQUALITY AND DIVERSITY POLICY

(Version 1.3)

AUTHOR	Date	AUTHORISED AND REVIEWED BY	Date
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Date of next review:		March 2020	

## 1. AIM

HEM Clinical Ultrasound Service Limited ('The Company') is committed to achieving a working environment which provides equality of opportunity, supports diversity and enables freedom from unlawful discrimination. This policy aims to remove unfair and discriminatory practices within the Company and to encourage full contribution from its diverse community. The Company is committed to actively opposing all forms of discrimination.

The Company also aims to provide a service that does not discriminate against its patients, relatives and carers and staff in the means by which they can access the services supplied by the Company. The Company believes that all employees and patients are entitled to be treated with respect and dignity, embracing equality and diversity in all forms.

Over the course of this policy many supporting documents will be referenced with regard to the structure of our equality and diversity policy provision, most importantly our implementation and use of the EDS2 toolkit (Equality and Delivery system- toolkit).

### **DIGNITY AND RESPECT**

The company also aims to instil in all staff the ethos of affording all service users dignity and respect at all times from the receptionist to the admin team and clinical staff, to ensure that the experience they have of visiting our clinics is one where they will feel safe, feel that their dignity is upheld by the staff and they are afforded kindness with their wishes and views respected at all times. Staff undertake mandatory training in dignity and respect to ensure that they action ways to enable patients to feel relaxed and respected.

## 2. INTRODUCTION - Definition of Discrimination

The Equality Act 2010 sets out 'protected characteristics' of individuals which could lead to discrimination. Discrimination is unequal or differential treatment which leads to one person being treated more or less favourably than others are, or would be treated in the same or similar circumstances on the grounds of the following characteristics:

- Age
- Race
- Sex (Gender)
- Pregnancy and maternity
- Marital or civil partnership status
- Gender reassignment
- Disability
- Religion or beliefs
- Sexual orientation.

Discrimination may be direct or indirect, and includes discrimination by perception and association.

### **Types of Discrimination**

#### **Direct Discrimination**

This occurs when a person or a policy intentionally treats a person less favourably than another on the grounds listed above.

**Indirect Discrimination**

This is the application of a policy, criterion or practice which the employer applies to all employees but which is such that:

- It is it detrimental to a considerably larger proportion of people from the group that the person the employer is applying it to represents;
- The employer cannot justify the need for the application of the policy on a neutral basis; and
- The person to whom the employer is applying it suffers detriment from the application of the policy.

*Example:* A requirement that all employees must be 6ft tall if that requirement is not justified by the position would indirectly discriminate against employees with an oriental ethnic origin, as they are less likely to be able to fulfil this requirement.

**Harassment**

This occurs when a person is subjected to unwanted conduct that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

**Victimisation**

This occurs when a person is treated less favourably because they have brought or intend to bring proceedings or they have given or intend to give evidence.

**Unlawful Reasons for Discrimination****Sex**

It is not permissible to treat a person less favourably on the grounds of sex, marital status, civil partnership, pregnancy or maternity, gender reassignment or transgender status. This applies to men, women and those undergoing or intending to undergo gender reassignment. Sexual harassment of men and women can be found to constitute sex discrimination.

*Example:* Asking a woman during an interview if she is planning to have any (more) children constitutes discrimination on the ground of gender.

**Age**

It is not permissible to treat a person less favourably because of their age. This applies to people of all ages. This does not currently apply to the calculation of redundancy payments.

**Disability**

It is not permissible to treat a disabled person less favourably than a non-disabled person. Reasonable adjustments must be made to give the disabled person as much access to any services and ability to be employed, trained, or promoted as a non-disabled person. The NHS has recently set out the plans for the service wide implementation of The Workforce Disability Equality Standard (WDES). This sets out objectives, audits and grading for equity of disabled persons working for or using NHS Services.

**Race**

It is not permissible to treat a person less favourably because of their race, the colour of their skin, their nationality or their ethnic origin. The NHS has recently implemented The Workforce Race Equality Standard (WRES). This sets out objectives, audits and grading for equity of ethnic minority groups working for or using NHS Services. This standard requires an annual submission of the audit

report for national monitoring of compliance.

### **Sexual Orientation**

It is not permissible to treat a person less favourably because of their sexual orientation. For example, an employer cannot refuse to employ a person because she/he is homosexual, heterosexual or bisexual.

### **Religion or Belief**

It is not permissible to treat a person less favourably because of their religious beliefs or their religion or their lack of any religion or belief.

## **3. ROLES & RESPONSIBILITY**

It is the senior boards responsibility to ensure that recruitment, promotion, training, development, assessment, benefits, pay, terms and conditions of employment, redundancy and dismissals are determined on the basis of capability, qualifications, experience, skills and productivity.

### **Designated Officer**

Name:	Heather Moores
Position:	Managing Director/CEO
Telephone Number	01795 436465

Additionally it is the management team's responsibility to ensure adequate training is provided annually to staff to ensure knowledge of Equality and Diversity in the workplace. In addition, to meet the needs of service users, it is the Company's responsibility to create a safe and inclusive environment, where freedom to raise issues is nurtured and reviewed to enable our commitment to equality duty.

All employees, subcontractors and agents of the Company are required to act in a way that does not subject any other employees or patients to direct or indirect discrimination, harassment or victimisation on the grounds of their race, sex, pregnancy or maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation.

The co-operation of all employees is essential for the success of this Policy. Senior employees are expected to try to ensure that all employees, subcontractors and agents abide by this policy.

Employees may be held independently and individually liable for their discriminatory acts by the Company and in some circumstances an Employment Tribunal may order them to pay compensation to the person who has suffered as a result of discriminatory acts.

The Company takes responsibility for achieving the objectives of this Policy, and endeavours to ensure compliance with relevant Legislation and Codes of Practice.

## **4. EQUIPMENT**

The senior team make use of the EDS2 when auditing key metrics of compliance, to aid our continual development of the service and in order to best meet our compliance to the NHS Standard contract. In addition all staff has access to this policy and the appendices of related documents to further absorb the subject matter.

## **5. PROCEDURE / SYSYEMS IN PLACE**

As required by the Equality act 2010 and our NHS Standard contract we have set out equality objectives regarding our workforce and service users:

**HEM CLINICAL ULTRASOUND EQUALITY OBJECTIVES:**

1. Our commitment to Equality Duty is core to our company policy and embedded in all company activities.
2. Patient participation groups and staff focus groups will facilitate input from groups with protected characteristics. These groups will be held biannually to access the changing needs of service users and staff.
3. All information regarding equality and diversity is readily available and accessible in a format that is intelligible to all.
4. We ensure our staff has the necessary training and skills to understand their responsibility in contributing to an inclusive workforce. Equality training forms part of our core mandatory training.

**Positive Action in Recruitment**

Under the Equality Act 2010, positive action in recruitment and promotion applies as of 6 April 2011. 'Positive action' means the steps that the Company can take to encourage people from groups with different needs or with a past record of disadvantage or low participation, to apply for positions within the Company.

If the Company chooses to utilise positive action in recruitment, this will not be used to treat people with a protected characteristic more favourably, it will be used only in tie-break situations, when there are two candidates of equal merit applying for the same position.

**Reasonable Adjustments – Employee's**

The Company has a duty to make reasonable adjustments to facilitate the employment of a disabled person. These may include:

- Making adjustments to premises;
- Re-allocating some or all of a disabled employee's duties;
- Transferring a disabled employee to a role better suited to their disability;
- Relocating a disabled employee to a more suitable office;
- Giving a disabled employee time off work for medical treatment or rehabilitation;
- Providing training or mentoring for a disabled employee;
- Supplying or modifying equipment, instruction and training manuals for disabled employees; or
- Any other adjustments that the Company considers reasonable and necessary provided such adjustments are within the financial means of the Company.

If an employee has a disability and feels that any such adjustments could be made by the Company, they should contact the Designated Officer.

**Reasonable Adjustments – Service User's**

The Company has a duty to make reasonable adjustments to ensure accessibility to all services users. This is to ensure The Company is not in breach of the Equality act 2010 and indirectly discriminating against potential service users by omission of facilities.

**Acting on Discriminatory Behaviour**

In the event that an employee is the subject or perpetrator of, or witness to, discriminatory behaviour, please refer to the (Grievance and Disciplinary procedures (Version 1.2))

### **Our Commitment to the NHS Standard Contract**

The NHS Standard Contract sets out our responsibilities to equality whilst providing services on behalf of the NHS:

- The NHS Standard contract 2017/19 states that:  
*'The Parties must not discriminate between or against Service Users, Carers or Legal Guardians on the grounds of age, disability, gender reassignment; marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation, or any other non-medical characteristics, except as permitted by Law'.*

**WE ACHIEVE THIS BY** – ensuring we create an inclusive and self-aware environment for employee's and service users, whereby information regarding rights and responsibilities is freely available and audited.

- The NHS Standard contract 2017/19 states that:  
*'The Provider must provide appropriate assistance and make reasonable adjustments for Service Users, Carers and Legal Guardians who do not speak, read or write English or who have communication difficulties (including hearing, oral or learning impairments)'*

**WE ACHIEVE THIS BY** – Creating literature for patients in easy to read formats such as a translation (where reasonably possible, as information regarding language barriers may not always be supplied by referrers) to the language of the patient's nationality, braille or large format for sight impaired and visual aids for hearing impaired.

- The NHS Standard contract 2017/19 states that:  
*'The Provider must carry out an annual audit of its compliance with this obligation and must demonstrate at Review Meetings the extent to which Service improvements have been made as a result'.*

**WE ACHIEVE THIS BY** – aligning ourselves with the EDS2 metrics for audit and analysis of compliance and discuss at board review meetings. At board review meetings we would implement action plans for service improvements.

- The NHS Standard contract 2017/19 states that:  
*'In performing its obligations under this Contract the Provider must comply with the obligations contained in section 149 of the Equality Act 2010, the Equality Act 2010 (Specific Duties) Regulations and section 6 of the HRA. If the Provider is not a public authority for the purposes of those sections it must comply with them as if it were'.*

**WE ACHIEVE THIS BY** – Ensuring we have good working knowledge of the section of the Equality act 2010 to which they refer and additional legislation referenced, ensuring its incorporation into our working practices and policies.

*' 149 Public sector equality duty*

*(1) A public authority must, in the exercise of its functions, have due regard to the need to—*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share them'*

- The NHS Standard contract 2017/19 states that:  
*'In consultation with the Co-ordinating Commissioner, and on reasonable request, the Provider must provide a plan setting out how it will comply with its obligations under SC13.3. If the Provider has already produced such a plan in order to comply with the Law, the Provider may submit that plan to the Coordinating Commissioner in order to comply with this SC13.4'.*

**WE ACHIEVE THIS BY** – Implementation and use of this policy and procedure.

- The NHS Standard contract 2017/19 states that:  
*'The Provider must implement EDS2. E-quality and diversity delivery system'*

**WE ACHIEVE THIS BY** – Implementing the system to continually audit set metrics for achieving the highest possible commitment to equality and diversity. This is done in both quantitative (analysing service data) and qualitative (patient participation groups and staff focus groups) data gathering methods. Details of the formal EDS2 toolkit use lies with the senior managers – please refer to them for further information on implementation.

- The NHS Standard contract 2017/19 states that:  
*'The Provider must implement the National Workforce Race Equality Standard and submit an annual report to the Co-ordinating Commissioner on its progress in implementing that standard'*

**WE ACHIEVE THIS BY** – Using set outlines for measuring the implementation of the standard. Such as -

- Demonstrable and robust leadership
- Accountability
- Mandated metrics
- Meaningful and sustained communications
- Visible role models
- Resources and support

In addition, working with commissioners and stakeholders to review data for submission of an annual report to the *WRES Reporting template*.

- The NHS Standard contract 2017/19 states that:  
*'The Provider must implement the National Workforce Disability Equality Standard from 1 April 2018 and must submit a report by 31 March 2019 and then annually to the Co-ordinating Commissioner on its progress in implementing that standard'.*

**WE ACHIEVE THIS BY-** utilising guidance and working closely with commissioners to ensure that we are able to meet our obligations to submit a thorough and accurate report.

## 6. QUALITY CONTROL and AUDIT

This policy is reviewed annually and when there is relevant change in legislation, best practice guidance or further review is required post equality audit.

## 7. APPENDICES / RELATED DOCUMENTS:

- Government Corporate report – *Meeting the public sector equality duty in 2016*  
<https://www.gov.uk/government/publications/meeting-the-public-sector-equality-duty-in-2016/meeting-the-public-sector-equality-duty-in-2016>
- *The Equality Act 2010 (Specific Duties) Regulations 2011*
- *Equality Act 2010*
- *NHS Standard Contract 2017/19 – Service Conditions SC13*
- *Human Rights act 1998*
- *THE EQUALITY DELIVERY SYSTEM FOR THE NHS – EDS2: QUESTIONS AND ANSWERS – NHS England*
- *The Health and Social Care Information Centre Public Sector Equality Duty January 2012 Updated April 2012 with Equality Objectives (Section 5).*
- *A refreshed Equality Delivery System for the NHS EDS2 Making Sure everyone Counts – November 2013*
- *NHS Workforce Race Equality Standard*  
<https://www.england.nhs.uk/about/equality/equality-hub/equality-standard/>
- *Workforce race equality: Case studies of good practice from non-NHS employers*  
August 2017 – NHS England
- *Workforce Race Equality Standard (WRES) reporting template – 2017*  
<https://www.engage.england.nhs.uk/register/wres-independent-template/>
- *Ten steps NHS staff could consider taking to support the NHS Workforce Race Equality Standard (WRES) – NHS England*
- *The Workforce Disability Equality Standard*  
<https://www.england.nhs.uk/about/equality/equality-hub/wdes/>

## 8. HELP AND CONTACTS:

### **Advice and Support on Discrimination**

Employees may contact their employee or trade union representative if access to such an individual is possible.

**Other contacts including:**

Equality and Human Rights Commission  
Arndale House  
The Arndale Centre  
Manchester  
M4 3AQ

3 More London  
Riverside Tooley Street  
London  
SE1 2RG

3rd Floor, 3 Callaghan Square  
Cardiff  
CF10 5BT

The Optima Building  
58 Robertson Street  
Glasgow  
G2 8DU

Telephone (England): 0845 604 6610  
Telephone (Wales): 0845 604 8810  
Telephone (Scotland): 0845 604 5510

Website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Citizens Advice Bureau  
Myddleton House  
115-123 Pentonville Road  
London  
N1 9LZ

Website: [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Community Legal Services Direct

Telephone: 0845 345 4 345  
Website: [www.clsdirect.org.uk](http://www.clsdirect.org.uk)