

Severn Hospice Equality and Diversity Policy *(replaces Equal Opportunities Policy)*

1. Underlying Principles

Severn Hospice is committed to achieving a working environment which provides equality of opportunity and freedom from unlawful discrimination on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation. This Policy aims to remove unfair and discriminatory practices within the Hospice and to encourage full contribution from its diverse community.

The Hospice is committed to actively opposing all forms of discrimination thereby enabling all employees to achieve their full potential in an environment characterised by dignity and mutual respect. We believe it is in the Hospice's best interests and those who work within it to recognise the value of each individual and to combat prejudice, stereotyping and harassment.

The Hospice also aims to provide services that do not discriminate against its patients in the means by which they can access the services provided.

The Hospice believes that all employees and patients are entitled to be treated with respect and dignity. Everyone is different and has something unique to offer. The Hospice wants to respect and understand these differences and to make the most of everyone's talents.

2. Objectives of the Policy

To prevent, reduce and stop all forms of unlawful discrimination in line with the current legislation.

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.

3. Definitions

Diversity is about understanding, recognising, respecting and valuing differences.

Equality is about managing differences so that everyone has equality of opportunity through a fair and consistent approach to the application of rules, policies and procedures. We recognise that sometimes this will mean treating people differently. This commitment is relevant to all we do, how we manage ourselves and how we deliver our services.

Harassment 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. Employees can complain of behaviour they find offensive even if it is not directed at them. Please refer to Harassment policy for further detail.

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 race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation.

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

Victimisation occurs when a person is treated less favourably because they have bought / intend to / have supported a complaint or grievance or they have given or intend to give evidence.

4. Types of Discrimination

Direct Discrimination occurs when a person or a policy intentionally treats a person less favourably than another on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation (protected characteristics*)

Discrimination by Association is when there is discrimination against someone because they associate with another person who possesses a protected characteristic (see above*)

Discrimination by Perception is where there is discrimination against someone because others think they possess a particular protected characteristic (see above*)

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

- It is 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.

5. 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.

For 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 (see Section 7).

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.

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 s/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.

6. 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 Hospice 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 Hospice.

If the Hospice 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.

Appendix 1 gives further details of recruitment and selection procedures.

7. Reasonable Adjustments

The Hospice 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 Hospice considers reasonable and necessary provided such adjustments are within the financial means of the Hospice

If an employee has a disability and feels that any such adjustments could be made by the Hospice, they should discuss this with their Line Manager or the HR Advisor

8. Management and Trustees Statement :

We will promote equality and diversity across all areas by:

- ✓ Being committed to promoting equality and diversity
- ✓ Being proud of our staff, respecting their views and investing in helping them meet their potential

- ✓ Staff being accountable for their performance and behaviour at work
- ✓ Being one organisation, no matter where we are based or what job we do
- ✓ Not tolerating discrimination because of a protected characteristic (Age, Race, Sex, Gender Reassignment, Disability, Sexual Orientation, Religion or Belief, Pregnancy or Maternity and Civil Partnership or Marriage)
- ✓ Not discriminating because of working patterns or trade union membership
- ✓ Not tolerating harassment or bullying on these or any other grounds. A separate Bullying and Harassment policy is available for staff to access via the intranet.
- ✓ Being fully committed to and undertaking action on the duties placed upon us by all forms of legislation that combat discrimination and promote equality and diversity.
- ✓ Ensuring that everyone at the Hospice is respected and can give of their best, irrespective of who they are or what job they do.
- ✓ Working hard to ensure that our services are accessible to a diverse community.

9. Leadership and Management responsibilities

- ✓ The Board and Senior Management Team take overall responsibility for the development of equality and diversity. They will lead by example and ensure that progress is reviewed and further actions instigated as necessary. They will try to ensure that all employees and subcontractors do the same.
- ✓ All line managers will demonstrate their commitment to promoting equality and diversity, and take timely and appropriate action when issues are raised with them in accordance with the appropriate policy.
- ✓ The Board and Senior Management Team takes responsibility for achieving the objectives of this Policy, and endeavours to ensure compliance with relevant Legislation and Codes of Practice.
- ✓ Complaints of discrimination will be investigated thoroughly and corrective action (including disciplinary action) will be taken against members of staff in breach of this policy.

10. Staff Responsibilities

- ✓ All staff have personal responsibilities to treat everyone with respect, consideration and without prejudice and to promote the same levels of behaviour in their colleagues.
- ✓ All employees 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.

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

11. Indicators of success

- ✓ Leaders and managers will:
 - challenge unacceptable behaviours and create a climate where complaints can be raised without the fear of reprisal; take firm action where unfairness or inconsistency exists
 - encourage and support diversity within their teams
 - demonstrate and promote considerate and fair behaviour
 - treat staff with dignity and respect and recognise and value individual skills and contributions
 - demonstrate through words and actions that diversity is an integral part of meeting the Hospice's objectives
 - create an environment in which staff are able to identify and share good practice, celebrate success and encourage positive attitudes towards diversity
- ✓ Staff will :
 - recognise appropriate and inappropriate behaviour within the workplace both in themselves and their colleagues
 - address inappropriate behaviour either directly or via line management on an informal or formal basis in line with relevant policies

12. Accessibility of our services

- ✓ We will continue to review service provision to ensure accessibility for all, and that inadvertent discrimination against any community does not arise.
- ✓ We will consider the language we use and how we communicate information, along with the accessibility of our buildings.
- ✓ We are committed to reach the position where with everything we do equality and diversity considerations are built in from the beginning. To do this we will need to understand the different and diverse requirements of our patients and of our staff and to involve them in the planning stages of new initiatives.

13. Communication

- ✓ We will ensure that this policy is accessible and understood by everyone at the Hospice
- ✓ Getting our message across successfully means all staff will:
 - be aware of Hospice policies on equality & diversity
 - understand the benefit of valuing diversity and how this impacts on the work of the Hospice
 - understand their own role in promoting equality and diversity
- be aware of their legal responsibilities under current equality legislation.

- be trained in Equality and Diversity, the Hospice Code of Conduct and be aware of other relevant policies**

14. When things go wrong

- Employees who feel they have been unfairly treated contrary to this policy should raise their concerns with their line manager in order to get them addressed. If matters are not addressed the individual can raise a grievance using the normal grievance procedure. All complaints will be investigated thoroughly and without delay.
- Contravention of this and other policies by way of harassment of or discrimination against a colleague will be considered a disciplinary offence and dealt with under the disciplinary procedure.
- Employees should feel confident that raising a grievance will not have an adverse effect on them, and that the Hospice will protect them from victimisation.
- Employees of the Hospice who wish to make a complaint of discrimination should do so using the Hospice's Grievance Procedure or Harassment and Bullying Procedure. Proven discrimination will be treated as a disciplinary offence.
- Any employee who makes a complaint of discrimination in good faith is entitled to do so in the confidence that they will not be victimised afterwards for doing so. Any such victimisation will in itself constitute a disciplinary offence and could result in dismissal. Any employee who makes an allegation of discrimination maliciously and/or without good reason will themselves be subject to disciplinary action.

***This policy should be read in conjunction with the following other documents available on the Intranet:*

- *Harassment Policy*
- *Grievance Policy*
- *Hospice Code of Conduct*
- *Disciplinary Procedure*
- *Recruitment Procedure*
- *Recruitment and Selection Policy*

Appendix 1 : Practical Implications for Recruitment and Selection, Training, Promotion and Career Development

- The intention of the Hospice's Recruitment Procedure is to ensure the most appropriate response to vacancies and to ensure that the highest quality of candidates applies and are appointed.
- All vacancies will be advertised internally. In addition, posts may be advertised in external media publications where deemed appropriate. Exceptions to this will be where an employee has been identified as being 'at risk' of redundancy, or where specific development opportunities are 'ringfenced' to a particular team/department e.g. trainees, or where redeployment is sought for disabled employees. Internal advertising will be done via email / internal noticeboard.
- The selection process is of vital importance and must be carried out according to predetermined and objective job-related criteria. When drawing up job descriptions / person specifications criteria should be directly related to the requirements of the post and care should be taken not to overstate these requirements. Use of a fair and justifiable person specification should ensure that discrimination does not take place. There will be involvement of more than one person with shortlisting, interviewing and recording the reasons for selection / rejection of applicants.
- The Hospice is committed to the employment of people where the criteria of the person specification are met and where they are the best candidate for the job as determined at interview. The Hospice will endeavour to make reasonable adjustments to ensure that any disadvantages arising from disability are minimised in relation to job performance.
- Family friendly policies such as job sharing and part-time / flexible working will be considered and implemented where appropriate and consistent with the needs of the service in accordance with the Hospice's flexible working policy.
- There are some exceptions to the rules whereby it is lawful to select an applicant for appointment on the grounds of their sex, race, age, religion or belief, or sexual orientation. These are genuine occupational requirements (GORs). Examples are:
 - a) A male nurse may be specifically recruited to work on a male patients' ward in order to maintain the patients' privacy and dignity, or
 - b) A nurse from a particular ethnic/racial background may be recruited to care for patients of the same ethnic/racial group where a knowledge of the language and culture are essential.If a GOR can be justified this should be stated at the beginning of the recruitment process.
- Positive discrimination occurs when a person is selected on the grounds of their sex or race when they are not the best person for the job. Positive discrimination is illegal (except where a GOR applies) and if practised it will be considered to be gross misconduct, which if upheld will result in dismissal.
- The Hospice will ensure that all Hospice staff and Trustees involved in making selection decisions have received appropriate training.

- The Hospice is committed to the use of positive action where it is deemed necessary.
- The HR Advisor will monitor equal opportunities in recruitment / selection situations by use of the Equal Opportunities Applicant Monitoring Form. Any personal information held in this respect will be treated as confidential.
- The Hospice will not discriminate in the provision and selection for training and development programmes. Appropriate training will be provided to all staff to enable them to perform efficiently in their job, to pursue development opportunities and develop their careers. Activities including promotion and training and development (which should be firmly based on the appraisal process) should be monitored.
- The Hospice commits itself to ensure that training in equal opportunities legislation, codes of practice and raising awareness about discrimination forms an integral part of its training policy, induction and training activity.

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