

Equality, Diversity, and Inclusion Policy

1. Introduction / Purpose

Severn Hospice is committed to ensure that its staff, volunteers, patients and families are supported by services and working environments that reflect equality of opportunity and freedom from unlawful discrimination, prejudice or harassment on the grounds of age, race, gender, sexual orientation, religion, disabilities, pregnancy, marriage and civil partnership or additional needs. This policy aims to tackle and remove unfair and discriminatory practices or behaviours within the Hospice and to encourage full contribution from its diverse communities.

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 supported through or working within it to recognise the difference and value of each individual and to combat prejudice, bias and harassment.

The Hospice also aims ensure that the criteria for access to services do not discriminate against individuals.

The Hospice believes that all employees, volunteers, patients and families are entitled to be treated with respect and dignity. The Hospice wants to respect and understand these differences and to make the most of everyone's talents.

2. Policy Commitment and Principles

Severn Hospice values people as individuals with different opinions, cultures, lifestyles and circumstances. This policy covers all employees, volunteers, patients, families, contractors, casual and agency workers and it applies to all areas of employment including recruitment, management, training, deployment, development and promotion. We will 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.

Severn Hospice is committed to creating environments where all patients, carers and families are treated equally as individuals and enable our employees and volunteers to thrive and achieve their full potential.

This policy has been written in line with the Equality Act 2010 and complies with the duties required by the Care Quality Commission, Charity Commission and Public Sector Equality Duty. It's aim is to ensure that no person receives less favourable treatment on the grounds of age, race, gender, sexual orientation, disability, needs or differences, or is disadvantaged by conditions or requirements which cannot be shown to be relevant to performance. It seeks also to ensure that no person is victimised or subjected to any form of bullying or harassment.

Severn Hospice is committed to creating and maintaining cultures where individuals can express views, raise concerns and discuss individual differences and needs or preferences. Severn Hospice is committed to equality of access and opportunity and to ensuring practices which are free from unfair and unlawful discrimination.

All managers must set an appropriate standard of behaviour, lead by example and ensure that those

they manage adhere to the policy and promote the Hospice aims and objectives with regard to equal opportunities. Managers will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice.

Equality of access, opportunity, valuing diversity and compliance with the law is to the benefit of all individuals at the Hospice as it seeks to develop the skills and abilities of its people. While specific responsibility for eliminating discrimination and providing equality of opportunity lies with managers and supervisors, individuals at all levels have a responsibility to treat others with dignity and respect. The personal commitment of everyone to this policy and application of its principles are essential to eliminate discrimination and provide equality and equity throughout the Hospice.

Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting Head of HR.

Breaches of this policy will be dealt with in accordance with our Disciplinary Procedure. Serious cases of discrimination may amount to gross misconduct resulting in dismissal without notice. If you believe that you have suffered discrimination you can raise the matter through our Grievance Procedure or through our Bullying and Harassment Policy as appropriate.

3. Definitions

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.

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

Inclusion Where everyone feels valued while also acknowledging their differences and how these differences contribute to the organisation's culture and business outcomes.

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.

Objective Justification

Allows you to treat an individual or group differently—if a fair or legal reason is proven. And these

actions can be direct or indirectly demonstrated through workplace cultures or practices.

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.
- Failure to provide reasonable adjustments.
- Discrimination arising from disability.

An Example of indirect discrimination: A requirement that all employees must work on specific days of the week. This could indirectly discriminate against people of certain religions who cannot work on the specified days.

4. Regulatory Requirements

CQC

The hospice recognises the CQC values of promoting human rights, ensuring equity in access, experience and outcome. To undertake continuous learning in the provision of services and importantly empowering people who use services, their family and friends and staff working in services. To have due regard to any relevant protected characteristics of the Equality act of the service user.

Charity Commission

The Equality Act makes it unlawful to discriminate against anyone because of a protected characteristic in a wide range of areas, including employment and the provision of services. There are some exceptions to this, one of which is the charities' exception. The rule in the Equality Act 2010 allows a charity to discriminate by limiting the group of people it helps. This means that a charity may limit benefits to people who share a protected characteristic by their criteria for access. For Severn Hospice this means that access to services is only to people with specific medical and nursing needs and will not be influenced by a protected characteristic.

Equality Act 2010

The Equality Act 2010 replaced previous anti-discrimination laws with a single Act. Within health and social care the Equality Act protects those receiving care and the workers that provide it from being treated unfairly because of any characteristics that are protected under the legislation. The 'protected

characteristics' are age, Disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

4.1 Protective 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 A gives definitions of the protected characteristics

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. A person is defined as having a disability under the Equality Act 2010 if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

Gender Reassignment. It is not permissible to discriminate against transgender people who have or who are about to undergo gender reassignment.

Marriage or Civil Partnership. It is not permissible to treat a person less favourable because of their marriage or civil partnership status. No individual is disadvantaged as a result of their marriage or civil partnership status.

Pregnancy or Maternity. It is not permissible that any individual is disadvantaged during pregnancy or maternity leave and that we take account of the needs of our employees' during pregnancy or maternity leave.

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.

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.

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 sex.

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 they are homosexual, heterosexual, bisexual or transexual.

Appendix B gives further details of recruitment and selection procedures

4.2 Reasonable Adjustments

- 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 Head of HR.

4.3 Accessibility to our services

- We will continue to review service provision to appropriate access for all, and that inadvertent discrimination against any community does not arise. An equality Impact Assessment is a way for the Hospice to consider the effect a current policy, decision, change or working practice or service have on different groups, protected groups.
- We aim to pursue equity in relation to who accesses Hospice service. Identify and reduce barriers to access, encourage people with protected characteristics to participate in the Hospice where participation is low. Understand how they can foster and promote understanding and reduce prejudice within the local community. 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.

4.4 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 appropriate and relevant policies.

4.5 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.
- Patients and families are encouraged to comment on our services and how they are treated in real time and anonymously. Details on how to complain are on our website and within our clinical areas.
- Employees, volunteers, patients and families who wish to make a complaint of discrimination should do so using the Hospice's Grievance and or complaints Procedure. Proven discrimination will be treated as a disciplinary offence.
- Employees, patients and families should feel confident that raising a grievance will not have an adverse effect on them, and that the Hospice will protect them from victimisation.
- Any 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.

5. Appendix C outlines Roles and Responsibilities

5.1 Chief Executive: The Chief Executive has responsibility for implementing and monitoring the Equality and Diversity Policy and, as part of the process, all policies and procedures are administered with the objective of promoting equality of opportunity and eliminating unfair or unlawful discriminations, demonstrating through words and actions that diversity is an integral part of meeting the Hospice's objectives.

5.2 The Board of Trustees - are responsibility for ensuring that the Hospice strategy, approach and culture supports the achievement of the objectives of this Policy, and endeavours to ensure compliance with relevant Legislation and Codes of Practice. They will take overall responsibility for the development of equality and diversity, leading by example and ensuring that progress is reviewed, and further actions instigated as necessary.

5.3 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. 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.

5.4 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. They 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.

Both managers, trustees, staff and volunteers will promote the below to support equality, diversity and inclusion:

- Ensure that services and criteria for access are designed to reflect differences and that barriers, both actual and perceived are considered and removed where possible.
- Respect the views of staff and invest in helping them meet their potential.
- Ensure that staff are accountable for their performance and behaviour at work.
- Ensure equal opportunities to progression and promotion.
- Will not tolerate 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)
- Will not discriminate because of working patterns or trade union membership.
- Will not tolerate harassment or bullying on these or any other grounds (a separate Bullying and Harassment policy is available for staff to access via the intranet).
- Be fully committed to and undertake action on the duties placed upon us by all forms of legislation that combat discrimination and promote equality and diversity.
- Ensure that everyone is respected irrespective of who they are or what job they do.
- Create an environment in which staff are able to identify and share good practice, celebrate success and encourage positive attitudes towards diversity
- Address inappropriate behaviour either directly or via line management on an informal or formal basis in line with relevant policies.
- Challenge unacceptable behaviours and create a culture where complaints can be raised without the fear of reprisal, where all feel safe to challenge and speak up for injustice.

6. Appendix D - Training

- 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 effectively in their job, to pursue development opportunities and develop their careers.

- As an organisation we commit to ensure that training in equal opportunities and equality and diversity forms an integral part of induction and training activity. Equality and diversity training is mandatory for all staff.
- All employees will receive training in maintaining equality and dignity at work.
- All employees will also receive training in handling discrimination in the workplace and managing unconscious bias.

7. References

Date	Title	Publisher
April, 2022	Protecting people from sex and gender reassignment discrimination.	Equality and Human Rights Commission
Accessed 13/04/2022	LGBT Palliative Care	https://cancer-network.org
Accessed 13/04/2022	Separate and single-sex service providers: a guide on the Equality Act sex and gender reassignment provisions.	Equality and Human Rights Commission (equalityhumanrights.com)
Accessed 13/04/2022	Working towards equality and diversity. A guide for hospices	Help the hospices
Accessed 13/04/2022	Supporting transgender employees in the workplace.	Catherine Wilson: www.myhrtoolkit.com/blog/supporting-transgender-employees-in-the-workplace
2021	Equality in hospice and end of life care: Challenges and Change	Equality in hospice and end of life care: Challenges and Change
2021	Supporting Transgender and Gender Diverse People in the workplace.	The Commons, Social Change Library. (https://commonslibrary.org/supporting-transgender-and-gender-diverse-people-in-the-workplace)
March 2019	Equality and Diversity 'Everyone Counts' Policy and Procedure	Shropshire Community NHS Trust

July 2018	Caring for Transgender Patients	Crossroads Hospice (www.crossroadshospice.com)
July 2018	LGBT Action Plan: Improving the Lives of Lesbian, Gay, Bisexual and Transgender People	Government Equalities Office
June 2014	The route to success in end-of-life care – achieving quality for lesbian, gay, bisexual, and transgender people	National End of Life Care Program
2010	Equality Act	Legislation.gov.uk
1998	Human Rights Act	Legislation.gov.uk

Appendix E: 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.
- Vacancies will usually 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, disability 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 Head of HR 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.