

Livewell Southwest

Equality and Diversity Policy

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Notice to staff using a paper copy of this guidance

The policies and procedures page of the Livewell Southwest intranet holds the most recent version of this guidance. Staff must ensure they are using the most recent guidance.

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Document Review History

Version no.	Type of change	Date	Originator of change	Description of change
V1.1	Updated	Nov 2009	Equality Manager	Updated to reflect the NHS Equality Delivery System
V1.2	Updated	Jan 2012	Equality Manager	As above
V2.0	Full review	Sept 2013	Deputy Director of Governance	Updated
V2.1	Extended	September 2015	Deputy Head of HR (Developments)	Extended no changes.
V2.2	Extended	February 2016	Deputy Head of HR (Developments)	Extended and updated to new 3 organization. (Livewell)
V2.3	Full Review	March 2016	HR Policy Group	Review and updates
V2.4	Minor change	June 2016	HR	Minor addition
V2.5	Minor change	April 2018	Director of Patient Experience, Quality and Safety	Include reference to the Modern Slavery Act
V2.6	Extended	July 2018	Head of HR & Staff Wellbeing	Extended
V2.7	Extended	March 2020	Associate Director of HR and Engagement	Extended
V2.8	Extended	January 2021	HR Administrator	Extended
V2.9	Extended	July 2021	HR Admin	Extended
V2.10	Extended	January 2022	HR Admin	Extended

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Equality and Diversity Policy

1. Introduction

1.1 The Equality and Diversity Policy sets out the framework by which Livewell Southwest will deliver its services and provide employment opportunities ensuring compliance with equalities legislation. Clear lines of responsibility are established and mechanisms for raising complaints are given. The Policy also sets out the organisation's approach to assessing the impact on equality of our policies, services and organisational changes.

1.2 Board Policy Statement

1.2.1 Livewell Southwest is committed to fairness and equity and values diversity in all aspects of its work as a provider of health and social care services and as an employer of people. We constantly strive to build a workforce that is representative of the community it serves.

1.3 Our equality and diversity aims are to:

- Provide the best possible health and social care services we can that are accessible and are delivered in a way that respects the differing needs of the individual.
- Employ staff who are motivated because they feel valued for the contributions they make and the diversity they bring to Livewell Southwest; who are well trained and who reflect at all levels the diversity of the population that Livewell Southwest serves.
- Embed our equality and diversity values into our policies and procedures and our everyday practice.
- Regularly monitor and report on our Equality Objectives regarding patient and workforce information enabling us to evaluate how we are doing and to set goals and actions in response.
- Ensure that all services procured for Livewell Southwest and all staff working on behalf of the organisation understand and support Livewell Southwest's commitment to promoting equality and diversity in everything we do.

1.4 Livewell Southwest is committed to eliminating all forms of discrimination on the grounds of age, disability, gender reassignment, marriage / civil partnership, pregnancy / maternity, race, religion or belief, sex and sexual orientation in the provision of our services and in recruitment and employment. This enables an environment that is characterised by dignity and respect which is free from harassment, bullying and victimisation.

1.5 Modern Slavery Act

The Modern Slavery Act (2015) sets out a wide range of actions on how modern slavery and human trafficking are dealt with in the UK.

The Act is consistent with the local multiagency safeguarding policies and procedures which have been jointly developed by Livewell Southwest. These procedures include human trafficking and modern slavery as a category of abuse and identify the process to respond accordingly.

Paragraph 6 of the multiagency safeguarding policy defines human trafficking as ‘acts of recruiting, transporting, transferring, harbouring or receiving a person through a use of force, coercion or other means, for the purpose of exploiting them.’

The multiagency policies and procedures which are included within mandatory training for all Livewell Southwest staff also includes;

- information on the Modern Slavery Act.
- Home Office modern slavery awareness and victim identification guidance.

Section 54 of the Modern Slavery Act relates to ‘transparency in supply chains’ for corporate businesses with a turnover over £36m and where the business takes place in the UK. In these circumstances the organisation is obliged to publish a ‘slavery and human trafficking statement for each financial year on their website. Livewell Southwest will publish a statement to demonstrate action being taken to seek assurance of transparency in our supply chain. This will be published on our website annually.

2. Purpose

- 2.1 This Policy applies to all employees working at all levels and grades. Everyone who works for Livewell Southwest or applies for work must be treated fairly and valued equally. It also extends to persons working for Livewell Southwest such as secondees, agency staff, volunteers, contractors and others employed under a contract of service, and all other individuals using or accessing Livewell Southwest services.
- 2.2 Livewell Southwest will use this Policy and other relevant policies to ensure fair and reasonable treatment of its patients, staff and members of the public.
- 2.3 Livewell Southwest values the diversity of its staff as an asset for the organisation to build upon and wishes to encourage all staff to reach their full potential. It encourages a healthy balance between home and work life through flexible working patterns where these are appropriate and fit the service needs.
- 2.4 Appropriate training will be provided to enable all staff to perform their jobs effectively and to develop their careers. Opportunities for learning and development will be organised to take account of different working patterns as well as service requirements and promoted in a way to ensure equity of access. Livewell Southwest is also committed to enabling each member of staff to achieve their future potential in an environment that has dignity and respect as its core belief.
- 2.5 Livewell Southwest recognises the importance of ensuring that the workforce profile broadly reflects the profile of the patient population and the communities we serve.
- 2.6 Livewell Southwest is committed to meeting the targets that relate to health inequalities in care and treatment and the standards set out by the Care Quality Commission.
- 2.7 This Policy is based on the Equality Act 2010 and covers the first of the three requirements of the Public Sector Equality Duty:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 2.8 The specific duties require public bodies to:
 - Publish information to show their compliance with the Equality Duty, at least annually; and
 - Set and publish equality objectives, at least every four years.

All information must be published in a way which makes it easy for people to access it.

3. Definitions within the Equality Act 2010

- 3.1 **Direct discrimination:** Direct discrimination occurs when someone is treated less favourably than another person because of their age, disability, gender reassignment, marriage / civil partnership, pregnancy / maternity, race, religion or belief, sex and sexual orientation (known as “protected characteristics”).
- 3.2 **Discrimination by association:** This is direct discrimination against someone because they associate with another person who possesses one of the following protected characteristics: age, race, religion or belief, sexual orientation, disability, gender reassignment and sex.
- 3.3 **Discrimination by Perception:** This is direct discrimination against an individual because others think they possess one of the following protected characteristics: age, race, religion or belief, sexual orientation, disability, gender reassignment and sex. It applies even if the person does not actually possess that characteristic.
- 3.4 **Indirect discrimination:** Indirect discrimination can occur when you have a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share one of the following protected characteristics: age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender reassignment.
- 3.5 **Harassment:** Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”. Harassment applies to the following protected characteristics age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. Employees are now able to complain of behaviour that they find offensive even if it is not directed at them. Employees are also protected from harassment because of perception and association.
- 3.6 **Victimisation:** Victimisation occurs when an employee is treated badly (suffers a detriment) because they have made or supported a complaint or raised a grievance under the Equality Act 2010 or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.
- 3.7 Further definitions of discrimination are set out in Appendix A.

4 Duties and Responsibilities

- 4.1 **The Chief Executive** is responsible for providing leadership to Livewell Southwest in the promoting of Equality and Diversity, ensuring that Livewell Southwest complies with equality and diversity legislation and ensuring that the Board is appropriately trained and updated in matters of equality and diversity.

4.2 The Director of Professional Practice, Safety and Quality:

- Sets a strategic direction for equality and diversity in service provision and development and in line with the organisation's values and strategy.
- Considers, on behalf of the organisation, the implications of local and national initiatives in relation to Equality and Diversity from people using our services, staff, and public perspective.
- Leads action to implement work within the organisation on equality and diversity and promote good practice.
- Producing an annual report for the Board.

4.3 The Human Resources Department

- Responsible for directing the implementation of this Policy and procedure and other related policies including Harassment and Bullying to include providing monitoring information.
- Sets a strategic direction for equality and diversity in employment opportunity in line with the organisation's values and strategy.

4.4 Locality Managers

- Directly responsible for the effective implementation and monitoring of this Policy and procedure at operational level.
- They should familiarise themselves with the Policy and procedures and ensure that their staff are aware of how they can access them.
- They are responsible for ensuring all staff attend mandatory training on equality and diversity.
- Managers are responsible for completing an equality analysis checklist for services, organisational changes and on appropriate policies.
- Promote Equality and diversity by their behaviours and actions.

4.5 All staff

- Are responsible for ensuring that they act within the spirit of the Policy and procedures and participate in equality and diversity training annually.
- Failure to comply with the Equality and Diversity Policy and procedures will lead to disciplinary action which applies equally across all staff groups.
- Where Livewell Southwest uses external providers of services they will be required to ensure that the equality and diversity standards identified in this Policy are met.

5. Recruitment and Selection

- 5.1 The overriding principle in relation to decisions concerning recruitment and selection is that they must be based on objective and job related criteria, which should be applied fairly and consistently.
- 5.2 All recruitment processes, conditions of service job descriptions and learning and development opportunities must fit with the needs of the service and those who work within it.

6. Service Delivery and Patient and Public Involvement

- Livewell Southwest will ensure that its services are non-discriminatory, enabling equality of access and provision and meet the requirements of the Equality Act 2010.
- Livewell Southwest will ensure that people from all diverse communities within its catchment area know what services are available and where necessary will be shaped around the needs of the whole of the population in order to gain equal levels of satisfaction.
- Livewell Southwest will actively engage with all diverse communities in order for them to influence and shape services.

7. Training Implications

- Mandatory training will be provided to ensure that all staff and managers understand their responsibilities under this Policy. This will also be provided on induction.
- Equality and diversity issues will be integrated as appropriate into other Livewell Southwest learning and development programmes.
- We will have dedicated equality and diversity web pages for staff and the public.

8. Monitoring Compliance

- 8.1 Analysing data both from a service and a workforce perspective is essential for helping Livewell Southwest to make decisions about the organisation. Monitoring information and data will be provided regularly to the appropriate equality and diversity representative (Director of Patient Experience, Safety and Quality) and will include information about our workforce, people who use our services, members and national and local population data. This information will be published through appropriate communication channels to comply with the Equality Act 2010 requirements.

8.2 Complaints

- 8.2.1 **Staff:** If there are any issues that cannot be addressed through the Bullying at Work Policy or the Violence and Aggression Policy then they should be raised under Livewell Southwest's Grievance Procedure. Mediation services are available to help resolve issues where appropriate, which can be accessed through

HR.

- 8.2.2 **People who use our services (to include patients and visitors):** All formal complaints are to be made using Livewell Southwest's Compliments, Concerns & Complaints Policy, which is available from the Complaints Department. Livewell Southwest's Compliments, Concerns & Complaints Policy follows the national guidance for managing complaints.

All policies are required to be electronically signed by the Lead Director. Proof of the e-signature is stored in the policies database.

The Lead Director approves this document and any attached appendices. For operational policies this will be the Locality Manager.

Signed: Deputy Heads of HR

Date: 25 April 2016

Definitions of Discrimination

Discrimination can be direct, indirect, intentional or unintentional. Individuals, groups or whole institutions/organisations can be discriminatory. Perception is as important as intention. It is essential to take seriously the views of people who feel they face discrimination.

Individual discrimination

Is personal attitudes of superiority, for example that disabled people are not as capable as non disabled people, white people believe they are superior to black people, men believe they are better than women. It can also be where someone prejudices another person because of the group with which they are identified or with which they identify themselves.

Group discrimination

Is where prejudicial attitudes and behaviours are shared and reinforced so that there is a culture within the group that encourages discrimination.

Institutional discrimination

Institutional discrimination is the collective failure of an organisation to provide an appropriate service to people because of their differences including race, gender, caring responsibilities, disability, gender re-assignment, age, social class, sexual orientation and religion or belief. It can be seen through processes, attitudes, behaviour and power imbalances that discriminate through unwitting prejudice, ignorance, thoughtlessness and stereotyping, which disadvantage these people.

What is racism?

Racism is a general term to describe the conduct, practice and attitude that places people at a disadvantage or advantage because of their skin colour, culture or ethnic origin.

Institutional racism is the failure of an organisation to provide a service to people because of their skin colour, culture or ethnic origin. It can be seen in processes, attitudes, behaviour and power imbalances that discriminate through unwitting prejudice, ignorance and thoughtlessness – it leads to the disadvantage of black and minority ethnic people.

What is sex discrimination?

Sexism comes from the belief that one gender is superior to the other. Sexism can be seen in an organisation's power holders, structures, systems and practices.

We know that negative attitudes can lead to sexual harassment and discrimination in access to jobs, training and services. We will strive to combat this through providing equal access to jobs, development and services.

We will take lawful action to ensure any discriminatory barriers are overcome and we will monitor the results of our actions.

What is disability discrimination?

Physical barriers in the environment and attitudes in society lead to disability discrimination. Disabled people are disadvantaged by these factors rather than their impairment.

We will make reasonable adjustments to jobs and working conditions to support disabled people at work and have a redeployment programme for staff who may become disabled to ensure we retain staff whenever possible.

Livewell Southwest has been awarded the Two Ticks Disability symbol which ensures that all disabled applicants who meet the essential criteria for the post are guaranteed an interview.

What is heterosexism and homophobia?

Heterosexism is the belief that heterosexuality is the norm and any other form of sexual orientation is abnormal.

Homophobia is a collection of negative attitudes and prejudices that lead to discrimination against individuals on the grounds of their sexual orientation.

We recognise that discrimination can take place both in service delivery and employment because of a person's sexual orientation. We acknowledge the discrimination that lesbians, gay men and bisexuals face and we will create a climate of respect in the workplace where all staff feel safe to 'come out' if they wish to.

What is religious discrimination?

Making jokes about someone's faith, belittling beliefs or unreasonably promoting your own faith can be offensive. To hold a religious or other belief is a basic human right and should be treated with respect and tolerance.

We will endeavour to promote a culture where people can practice their religion or belief in safety and without fear of harassment and discrimination.

What is discrimination based on gender reassignment?

This is any action that places a transsexual person at a disadvantage by the organisation.

Gender re-assignment is where someone experiences such a deep conflict between their physical sex and their mental gender that they have no choice but to elect to re-assign their gender. This is called Transsexualism.

Livewell Southwest recognises that transsexualism is a genuine medical status. We will provide appropriate support to staff with this status

Transsexual employees will be treated with respect and dignity. We will strive to remove any barriers to employment opportunities.

The Gender Trust at www.gendertrust.org.uk and GIRES (UK) at www.gires.org.uk
Provide education based on research into gender identity and intersex issues.

What is age discrimination?

Assumptions can be made about people because of their age – in particular young people and older people. The assumptions can be that young people lack maturity and that older people lack flexibility and the ability to learn. These attitudes can become built into organisations and shown in their policies and practices – for example advertising jobs for a particular age range only.

We recognise that ageism is harmful because it undervalues the contribution that young and older people make.

We will ensure that there is not age bias in our recruitment advertising, job descriptions, person specifications, promotion opportunities, access to training and development and all Human Resource policies.

The Employers Forum on Age (EFA) is an independent network of leading employers that aim to attract and retain experienced employees, regardless of their age. It highlights, through regular reports, studies and research, knowledge and understanding about the issue of age discrimination at work. <http://www.efa.org.uk>.

Age positive publications including case studies, research and statistics are available from the Department for Works and Pensions at <https://www.gov.uk/government/collections/age-positive>.