

EQUALITY, INCLUSION & HUMAN RIGHTS POLICY

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AUTHOR	EPUT Equality Advisor	
CONSULTATION GROUPS	Equality and Inclusion Sub-Committee (EPUT), Employee Experience Lead, Workforce, Development and Training, Patient Experience Team, Operational services (MH and Community) Quality Committee	
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POLICY SUMMARY		
<p>Essex Partnership University NHS Foundation Trust (EPUT) has a statutory duty to ensure that all practices within the Trust are carried out in a fair, reasonable and consistent manner in line with the Equality Act, 2010. This policy aims to promote equality of opportunity between people who share a protected characteristic and those who do not, prevent discrimination and foster good relationships.</p> <p>EPUT has produced this policy to regulate and monitor the Trust's compliance with the Equality Act (2010) and general and specific Public Sector Equality Duty (PSED) including the EDS2, as well as explaining key concepts.</p>		
The Trust monitors the implementation of and compliance with this procedure in the following ways:		
<p>Equality and Inclusion Sub-Committee will ensure that compliance is monitored regularly against:</p> <ul style="list-style-type: none"> • The Equality and Inclusion Sub-Committee Annual Work plan and schedule • The Equality Delivery System (EDS2) action plan • Annual review of its effectiveness to ensure it meets requirements. 		
Services	Applicable	Comments
Trustwide	✓	

**The Director responsible for monitoring and reviewing this procedure is
Executive Director of People & Culture**

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

EQUALITY, INCLUSION AND HUMAN RIGHTS POLICY

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ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

EQUALITY, INCLUSION AND HUMAN RIGHTS POLICY

1.0 POLICY STATEMENT

- 1.1 The purpose of this policy is to ensure that all practices within the Trust are carried out in a fair, reasonable and consistent manner.
- 1.2 The Trust is committed to providing a service that promotes equality, inclusion and human rights, and does not discriminate against any Trust workers, potential Trust workers, service users, relatives, carers or anyone that interacts with the Trust in any way.
- 1.3 This policy is at the heart of enabling the Trust to deliver its Core Values. Through the implementation of this policy Essex Partnership University NHS Foundation Trust (EPUT) will ensure that commitment to fairness and equality is evident in every department and at every level throughout the Trust and that everyone has equal access to opportunities, fair treatment and freedom from discrimination within EPUT, regardless of background or personal characteristics.
- 1.4 The Policy introduces the Trust's Principles in relation to ensuring equality in employment practices, service provision and respecting diversity among staff, service users and carers.
- 1.5 The Trust will promote equality and integrate an anti-discriminatory approach into all areas of its work. It will ensure that barriers to accessing services and employment are identified and removed, and that no person is treated less favourably on the grounds of their race, ethnicity, religion or belief, age, biological sex, marital status, gender identity, disability or long term condition, sexual orientation or pregnancy and maternity (protected characteristics defined by Equality Act 2010). The Trust also commits to providing equal access to services and employment regardless of mental health status, caring responsibilities or socio-economic background.
- 1.6 The Trust recognises the importance of this policy in both the employment relationship and service provision, and will reflect these commitments in all Trust policies. The basis for employment, assessment of performance, advancement and training will be objective criteria only (e.g. ability, qualification and skills).
- 1.7 Trust staff have the right to be treated in a fair, reasonable and consistent way with dignity and respect and without the fear of discrimination, harassment or victimisation.
- 1.8 Trust staff have the right to be protected against discriminatory behaviour from service users and carers.
- 1.9 Service Users, their relatives and their carers have the right to be treated in a fair, reasonable and consistent way with dignity and respect and without the fear of discrimination, harassment or victimisation.

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- 1.10 Anyone that deals with the Trust, including Partners and stakeholders will receive equitable treatment whether they are receiving a service, providing a service, tendering for a contract or any other relationship.
- 1.11 The Trust will uphold the Human Rights of all service users, carers and staff and anyone else with a relationship to the Trust. These include practices which reflect the principles of the right to a fair trial, respect for private and family life and freedom of thought, conscience and religion. Any restriction placed on the rights of service users, for example those detained under the Mental Health Act (1983) or subject to the Mental Capacity Act (2005), will be considered and proportionate. The 'least restrictive principle' will always be applied.
- 1.12 The Trust is committed to the ongoing development of staff awareness of Equality, Inclusion, and Human Rights issues throughout an individual's relationship with the Trust.
- 1.13 The Trust is committed to monitoring, evaluating and reporting on issues of Equality and Inclusion in services, carers and the workforce.
- 1.14 The Trust recognises these benefits which will arise from implementation of the Equality, Inclusion and Human Rights policy:
- Flexible provision of service that will meet individual service users' and carers' needs and will ensure a high level of satisfaction with services.
 - Employing staff from diverse backgrounds will allow for a better understanding of the needs of all service users and carers, and will create a diverse workforce that reflects the wider community.
 - Employing a diverse workforce will provide greater flexibility within working practices.
 - Valuing staff and ensuring they have been treated fairly and that their protected characteristics are considered when making decisions will improve morale, motivation, physical and mental health and job satisfaction, and reduces staff turnover.
- 1.15 The Trust will continually review best practice standards of Equality & Inclusion under the Equality Act (2010) and the Human Rights Act (1998).
- 1.16 The Trust will work to reduce health inequalities for service users and carers.
- 1.17 The Trust will continue to be transparent and report on disciplinaries, grievances and harassment in conjunction with regulatory requirements

2.0 RELEVANT LEGISLATION

2.1 The key articles of legislation underpinning this policy are:

- The Human Rights Act (1998)
- The Equality Act (2010)
- Care Act (2014)

3.0 SCOPE OF POLICY

3.1 This policy applies to substantive and fixed term contract staff, and all Agency and Bank Workers who work for this organisation.

3.2 The policy also applies to service users, their families and carers, throughout their relationship with the Trust.

3.3 This is not an exhaustive list. The policy applies to anyone that has dealings with the Trust.

4.0 DEFINITIONS & TYPES OF DISCRIMINATION

4.1 **Direct Discrimination:** When a person or group is treated less favourably than others are due to no other reason other than a protected characteristics.

4.2 **Indirect discrimination:** Occurs when a provision, criterion or practice is applied, whether intentionally or not, which adversely affects one protected characteristic group more than others and cannot be justified.

4.3 **Discrimination by association:** When someone is treated less favourably than others are due to no other reason other than their connection with a person from a protected characteristic group.

4.4 **Discrimination by perception:** When someone is treated less favourably than others are due to no other reason other than the perception that the person is from a protected characteristic group (even if this is perception is incorrect).

4.5 **Victimisation:** Occurs when a person or group is treated less favourably because they have: brought proceedings in relation to this policy; or provided information in support of a third party claim in relation to this policy; or made an allegation that a breach of this policy has taken place. See policy on **Whistleblowing (CP53)**

4.6 **Harassment:** The violation of dignity or creation of an offensive environment Harassment is subjective, the individual decides on whether they feel conduct is either acceptable or offensive. See also the **Dignity, Respect (Bullying, Harassment and Discrimination) Grievance Policy (HR2)**

4.7 **Vicarious Liability** means that the Trust can be held responsible for the discriminatory actions of its workers, even if they are carried out without the Trust's knowledge or approval, if due care is not provided in upholding this

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policy within working practices and raising staff awareness of the Trust's position on equality, inclusion and human rights.

- 4.8 **Genuine Occupational Requirement** occurs in limited circumstances when jobs can be legally ring-fenced to a particular protected characteristic group on the grounds of authenticity or to preserve privacy and dignity.
- 4.9 **Burden of Proof** In any accusation, this falls upon on the respondent, once the applicant has evidence of behaviours or actions that could be interpreted as discriminatory.
- 4.10 **Unconscious Bias** Unconscious bias refers to discrimination that takes place unknowingly, and can happen inadvertently when protected characteristics are not considered. It is a bias that occurs when making quick judgments and assessments of people and situations, influenced by our background, cultural environment and personal experiences.
- 4.11 **Macro-aggressions and Micro-aggressions:** A Macro-aggression is an overt act of aggression or discrimination against someone based on their protected characteristics. A Micro-aggression is an intentional or unintentional verbal, behavioural or environmental action that communicates hostile, derogatory or prejudicial attitudes towards a minority or culturally marginalised group.
- 4.12 **Racism:** The Trust is committed to eliminating racism in the workplace and works with a range of action plans and guidelines to tackle racism and racial harassment including the Workforce Race Equality Standard and the NHS People Plan. We are committed to working in partnership with the Black, Asian and Minority Ethnicity (BAME) Staff Equality Network.

5.0 GUIDING PRINCIPLES

- 5.1 All new Trust policies, procedures and practices must be Equality Impact Assessed to ensure that the any changes in the policies may have on protected characteristic groups are discussed and considered.
- 5.2 Equality Impact Assessments should be reviewed at any significant change to a policy and at the standard three year review.
- 5.3 Service users and carers should be involved in the development of new policies, services and the monitoring of progress to achieve actions plans, where appropriate.
- 5.4 Trust employees will receive equitable treatment in all relevant aspects of the employment relationship in line with Trust with Trust HR policy and procedures.
- 5.5 Training in Equality and Inclusion will be provided to all staff in accordance with the Trust's approved training matrix.

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- 5.6 The Trust will aim to ensure that there are no barriers to opportunity within the Trust for people potentially at a disadvantage e.g. providing reasonable adjustments that will allow persons with a disability to carry out their duties or receive an equitable service.
- 5.7 Everyone has the right to seek redress of any perceived injustice. This will ordinarily be through the **Dignity, Respect (Bullying, Harassment and Discrimination) Grievance Policy (HR2)** for Trust workers, or the **Complaints Policy (CP2)** for Service Users or any other non-Trust workers.
- 5.8 **EPUT's 2018-2022 Equality Strategy** defines the Trust's objectives as the following during this period:
- **Equality Objective 1:** We will ensure that everyone is able to access our buildings, services and information.
 - **Equality Objective 2:** We will empower our staff to build strong and healthy communities by being open and compassionate when involving people from all communities and groups.
 - **Equality Objective 3:** We will ensure all staff feel safe, included and have fair access to employment.
- 5.9 The Equality Duty requires that the Trust, in the exercise of its functions, pays due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act (2010).
 - 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.

6.0 ROLE OF THE TRUST

- 6.1 The Trust has legal and moral responsibility for ensuring equality of opportunity, respect for diversity and inclusion of minority or marginalised groups. The Trust Board and Executive Directors have primary legal and moral responsibility for ensuring that it and its employees do not discriminate unlawfully and that it should not merely seek to avoid such discrimination, but should develop positive policies & practices and strong governance arrangements to monitor and promote inclusive behaviours.
- 6.2 The Equality Delivery System (EDS2) will serve as an Equality and Inclusion Workplan that will be monitored by the Trust's Equality Advisor and will be one of the main focuses of the Equality and Inclusion Sub-Committee.
- 6.3 The Executive Director of People & Culture has overall responsibility for the co-ordination of this policy and the Trust Wide Equality and Inclusion Sub-Committee. This is overseen by the Executive Chief Officer of the Trust.
- 6.4 All managers will be responsible for ensuring that principles of equality, inclusion and human rights are understood and applied within their areas of responsibility, and that legal requirements are observed.
- 6.5 All operational leads and team managers will be responsible for ensuring an Equality Impact Assessment (Appendix 1) is completed when a new Trust policy, service or function is developed within their services.
- 6.6 An initial EIA will be developed for all new policies, services or functions within the Trust. A full EIA will be completed if concerns of positive or negative impacts on minority or marginalised groups are identified. The full EIA will ensure that these are taken into account with actions to develop, reduce or negate these.
- 6.7 All staff will have a wellbeing and inclusion discussion with their manager at least once annually to ensure that any personal and individual needs regarding their protected characteristics are being met, and to support them in attending Staff Equality Networks or Equality and Inclusion Training and Learning opportunities as part of the Trust's commitment to Equality and Inclusion.
- 6.8 All managers have a responsibility for ensuring that any allegations of discrimination, harassment or victimisation are fully reported and appropriate action taken in line with policy.

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- 6.9 Any employee who feels that they have been discriminated against or victimised by another member of staff or the Trust should raise this with the Trust resources below:
- The Trust's Equality Advisor
 - Their Line Manager
 - EPUT Equality Champions
 - The Staff Engagement Team
 - Their Human Resources Advisor or Human Resources Team (for a formal grievance)
 - The relevant Equality Network
 - EPUT's Freedom to Speak up Guardians (confidential)
 - Their Trade Union (if applicable)
- 6.10 All managers have a responsibility to ensure that a Datix Incident Report is completed when a staff member experiences discriminatory abuse from a Staff Member or Service User and that these are reported to the Local Security Management Specialist (within the Risk Management Team)
- 6.11 Managers should facilitate and resolve Equality & Inclusion issues raised by the families and carers of Service Users in an open and approachable manner.
- 6.12 Operational managers should deal with equality and inclusion issues raised by families and carers of service users in an open, transparent and approachable manner. Service users and carers with a concern should use the EPUT PALS or Complaints Procedures.
- 6.13 Every employee has a duty to comply with this policy and Equality and Inclusion legislation and should be aware of their responsibilities, the basic legislative framework and how they can be involved in these projects.
- 6.14 All staff members should have an understanding of Equality and Inclusion as part of their training and personal development and will be encouraged to do so by the Trust, including but not limited to:
- Micro-aggressions
 - Unconscious Bias
 - Challenging Discrimination and Inequality
 - Promoting and living a positive culture of Equality and Inclusion in EPUT as part of our "Be You" Programme and Trust Engagement
 - The Equality Framework within the Trust including EPUT Equality Champions and Staff Equality Networks
 - Raising concerns of discrimination within the Trust
- 6.15 It is everyone's responsibility to inform their manager, the Equality Advisor or their Human Resources Advisor if they suspect that discrimination, harassment or victimisation is taking place, anywhere within the Trust.
- 6.16 Ongoing training on Equality and Inclusion issues and concepts will be available and mandatory for those who manage staff, or are members of recruiting panels. Staff should be encouraged to raise these needs with their line manager if they are unaware of how to access this.

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- 6.17 Trade Unions / Professional Associations have an important role to play in working in partnership with the Trust to prevent discrimination and victimisation and to promote equality and inclusion. They must seek to ensure that their members are treated with dignity and respect, at all times.
- 6.18 Where employees have particular needs in relation to their protected characteristics under the Equality Act (2010), the Trust will not only consider whether it is reasonably practicable to vary and/or adapt work requirements to meet these needs (reasonable adjustments) – but take as many steps as they can to not only ensure this employee is not placed at a disadvantage but that they are supported and retained at work in employment with the Trust in a positive way.

7.0 MONITORING

- 7.1 In order to assess the effectiveness of its Equality, Inclusion and Human Rights Policy the Trust will maintain, analyse and publish the following information for staff:
- 7.1.1 Gender, age, disability, sexual orientation, religion or belief and ethnic origin of job applicants, short-listed candidates and existing and new employees and their deployment within the Trust.
 - 7.1.2 Details of selection, decisions for recruitment, redeployment, promotion, transfer and training and reasons for these decisions.
 - 7.1.3 The Trust will maintain, analyse and publish anonymous/statistical information on the protected characteristics of service users/carers.
 - 7.1.4 Reviewing current progress against statistical tools available (Including Staff Survey scores, the NHS Friends and Family Test for patients and carers, the WDES and the WRES) will be used for measuring the achievement of the Trust's in comparison to the Public Sector Duty, and effectiveness of the Trust's Equality and Inclusion Sub-Committee.
- 7.2 Where information is collated in line with the Equality, Inclusion and Human Rights Policy, it will be published using established communication mechanisms in line with the Trust **Data Protection and Confidentiality Policy (CP59)**

8.0 REFERENCES TO OTHER TRUST POLICIES

- **Dignity Respect (Bullying, Harassment and Discrimination) Grievance Policy (HR2)**
- **Complaints Policy (CP2)**
- **Raising Concerns (Whistleblowing) Policy (CP53)**
- **Data Protection and Confidentiality Policy (CP59)**

END

EQUALITY, INCLUSION & HUMAN RIGHTS PROCEDURE

PROCEDURE REFERENCE NUMBER:	CPG24	
VERSION NUMBER:	2.1	
KEY CHANGES FROM PREVIOUS VERSION	Extended until April 2024	
AUTHOR:	EPUT Equality Advisor	
CONSULTATION GROUPS:	Equality and Inclusion Committee (EPUT), Head of Staff Engagement, Workforce, Development and Training, Patient Experience Team, Operational services (MH and Community) Staff Equality Networks	
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EQUALITY, INCLUSION & HUMAN RIGHTS PROCEDURE

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EQUALITY, INCLUSION AND HUMAN RIGHTS PROCEDURE

1.0 INTRODUCTION

The purpose of this procedure is to ensure that all practices within the Trust are carried out in a fair, reasonable and consistent manner. The Trust is committed to providing a service that promotes equality, inclusion, human rights and does not discriminate.

In order achieve this the Trust will implement systems and processes to comply with national legislation, Department of Health and Social Care, NHS England and NHSI requirements and good practice set out in this procedure below.

2.0 THE HUMAN RIGHTS ACT (1998)

The Human Rights Act (1998) brought the European Convention on Human Rights (ECHR) into UK law. As a result key human rights applicable for healthcare include:-

- **Article 2, the right to life:** This has implications for treatment decision-making and providing access to services and places a positive obligation on the government and public bodies, to preserve life.
- **Article 3, the right not to be tortured or treated in an inhuman or degrading way:** This protects patients over poor conditions, lack of regard to dignity, neglect or abusive treatment, excessive force and treatment without consent.
- **Article 5, the right to liberty and security of person:** This article has led to the Deprivation of Liberty Safeguards amendment to the Mental Capacity Act (2005)
- **Article 8, the right to respect for private and family life, home and correspondence:** This protects patients over issues of consent, privacy and access to records, ensures that people are involved in decisions made about their treatment and care and that there is respect for diverse families and access to family visits;
- **Article 14, the right not to be discriminated against in the enjoyment of other human rights:** This means we must not deny treatment solely on the basis of a person's protected characteristics, and should provide services that are equal and inclusive of all.

High quality care services that respect people's dignity and the rights listed above should:

- Have a zero tolerance of all forms of abuse
- Support and care for our staff and the people using our service
- Treat each person as an individual by offering person-centred care
- Enable people to maintain the maximum possible level of independence, choice and control
- Listen and support people to express their needs and wants
- Respect people's right to privacy

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- Consider their protected characteristics and make sure this is reflected in their care, and ensure that those from marginalised or minority groups are not negatively affected
- Treat people equally without discrimination
- Ensure people feel able to provide positive or negative feedback without fear of retribution, and that mechanisms to do this are accessible to all
- Engage with family members and carers as care partners
- Assist people to maintain confidence and positive self-esteem as part of their care

3.0 THE EQUALITY ACT (2010) AND PUBLIC SECTOR EQUALITY DUTY

As a public sector organisation, EPUT has a statutory duty to ensure that equality, inclusion and human rights are embedded into all its functions and activities as required by the Equality Act (2010), the Human Rights Act (1998) and the NHS Constitution.

The Equality Act (2010) replaces all previous equality legislation, such as the Race Relations Act (1965), the Disability Discrimination Act (1995), the Sex / Gender Discrimination Act (1975), Religion and Belief Regulations (2003) and Sexual Orientation Regulations (2003).

The Equality Act is a key part of the legal framework that underpins the way the Trust provides its services and supports its staff.

The Trust will ensure compliance with the requirements of the Equality Act 2010 specifically as follows:

3.1 Compliance with Public Sector Equality Duties (PSED)

The Equality Act (2010) places a Public Sector Equality Duty on all public authorities in the form of General and Specific Duties.

3.1.1 The **General** Duty requires that we:

- Eliminate discrimination.
- Promote and advance equality of opportunity.
- Foster good relations between protected characteristics.

3.1.2 The **Specific** Duty requires that we:

- Set out and publish our Equality Objectives
- Report on the progress on meeting those objectives, using our Equality and Diversity System 2 framework
- Publish our equality objectives and an annual progress report on those objectives. This includes collecting, analysing and publishing workforce equality data and service user equality data
- Gather and analyse this data to improve equality and inclusion outcomes
- Consult with and involve service users and carers
- Pay due regard to the Personal Protected Characteristics
- Review the Trust's approach every four years

3.2 Protected Characteristics

The Equality Act 2010 provides protection for individuals with the following “protected characteristics”:

- Race,
- Sex (referring to a person’s biological Sex)
- Disability (including long term conditions),
- Age,
- Sexual orientation,
- Gender reassignment,
- Religion or belief,
- Pregnancy and maternity and
- Marriage and civil partnership.

Under this act, it is unlawful for the Trust to discriminate against an individual in any of the following ways:

- **Direct discrimination:** A person or group treated less favourably than others are, or would be, treated in the same or similar circumstances due to no other reason other than their protected characteristics
- **Indirect discrimination:** Applying a provision, criterion or practice that has the intentional or unintentional effect of disadvantaging those from certain protected characteristic groups
- **Discrimination by association:** Treating somebody less favourably or harassing them because of their connection with a person who has a protected characteristic
- **Discrimination by perception:** Treating somebody less favourably because they are believed to have a protected characteristic even if that perception is mistaken
- **Victimisation:** Treating someone less favourably because they have: brought proceedings in relation to this policy; or provided information in support of a third party claim in relation to this policy; or made an allegation that a breach of this policy has taken place, this in line with the **Raising Concerns (Whistleblowing) Policy (CP53)**
- **Harassment** - unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual, or violating an individual’s dignity. See also the **Grievance Policy (HR2)**.
- **Third party harassment** – Harassment of an employee related to a protected characteristic under the Equality Act 2010 (other than marriage and civil partnership, and pregnancy and maternity) by third parties, for example service users or customers.

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- **Failure to make reasonable adjustments:** The Act extends the duty to make reasonable adjustments to prevent staff being placed at a disadvantage in the workplace due to their protected characteristics (Most commonly pregnancy, maternity and disability or mental health). Occupational Health Assessments should be provided to EPUT Staff members who request reasonable adjustments, or who are identified to be placed at a disadvantage by their supervisor.

Whilst the Equality Act (2010) covers nine protected characteristic groups, care should also be taken to include all marginalised communities (those that may receive less support or may be stigmatised or discriminated against in society), these include but are not limited to a person's medical status (for example a person who is or is suspected of testing positive for a medical condition), homeless people, travelling communities or those with dietary requirements (including allergies and faith or belief based diets including Vegetarianism and Veganism)

3.3 The NHS Equality Delivery System (EDS2):

The EDS2 is a mandatory tool and is mandated in the NHS standard contract.

The Trust undertakes with key stakeholders an annual self-assessment against the EDS2 domains and areas identified for improvement are included within the Trust equality objectives, and service operational action plans where appropriate. These action plans are monitored via the EDS2 framework by the Equality and Inclusion Committee.

The Trust also publishes an annual Equality and Inclusion report on our progress on our own Trust website.

3.4 Equality Impact Assessments

- 3.4.1 An Equality Impact Assessment (EIA) is a process designed to ensure that a policy, project, service development or scheme does not discriminate against any disadvantaged or vulnerable people. The Trust strongly believes that Equality Impact Assessment processes improve and promote equality and inclusion and therefore should be standard practice in everything that we do.
- 3.4.2 Staff are required to undertake an initial Equality Impact Assessment (EIA) when developing any new Trust policy, service or function. This would then be sent to EPUT's Compliance, Assurance & Risk Assistant / Trust Policy Controller. If these initial screening questions identify that certain groups will be negatively impacted by this policy, service or function, a full screening will need to be conducted by the author of this policy, service or function and this will need to be approved by the EPUT Equality and Inclusion Sub-Committee
- 3.4.3 Authors of new policies, services or functions must gauge their impact on the nine protected characteristic groups under the Equality Act (2010). The lead assessor is responsible for ensuring these actions are incorporated into the departmental plan, and it is the responsibility of the assessor to notify their Director and any nominated staff members of these actions.

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- 3.4.4 Templates together with guidance have been developed to enable staff to undertake either EIA screening **See Appendix 1**
- 3.4.5 This also links to the Quality Impact Assessment process which is completed for all Cost Improvement Programmes.
- 3.4.6 The Trust is required to reference Equality Impact Assessments within the Annual Governance Statement signed off by the Chief Executive Officer as part of NHSI Annual Reporting Requirements.

4.0 WORKFORCE RACE EQUALITY STANDARD (WRES)

Implementing the Workforce Race Equality Standard (WRES) is a requirement for all NHS commissioners and NHS provider organisations and forms part of the annual NHS Standard Contract.

Each year the Trust will produce a report, reviewing the performance across the relevant workforce metrics. An action plan will be developed to address and reduce any inequalities between Black, Asian and Minority Ethnicity Group (BAME) staff experiences in comparison to White staff (for the WRES)

5.0 THE WORKFORCE RACE DISABILITY EQUALITY STANDARD (WDES)

Implementing the Workforce Disability Equality Standard (WDES) are requirements for all NHS commissioners and NHS provider organisations and forms part of the annual NHS Standard Contract.

Each year the Trust will produce a report, reviewing the performance across the relevant workforce metrics. An action plan will be developed to address and reduce any inequalities between staff experiences of those with disabilities in comparison to staff members who do not have disabilities.

6.0 ACCESSIBLE INFORMATION STANDARD

The Accessible Information Standard aims to ensure that people who have a disability or sensory loss receive information that they can access and understand, for example in large print, braille or via email, and professional communication support if they need it, for example from a British Sign Language interpreter.

The Accessible Information Standard recommends a specific and consistent approach towards *identifying, recording, flagging, sharing and meeting information and communication* needs of patients, carers and friends or family members of patients (henceforth referred to under the collective term 'service-users') that relate to disability.

Promotional materials to share this with staff and service users are available on the Trust Intranet and from the Equality Advisor for the Trust, and should be displayed at all sites.

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Compliance with the Accessible Information Act is the responsibility of all staff, with information on the Trust intranet to help staff record and understand the communication needs of service-users. Support is available from the Communications Team for requesting accessible versions of Trust documents.

7.0 “WE ARE THE NHS” PEOPLE PLAN 2020-21

- 7.1 The NHS People Plan was developed by NHS England in August 2020, and sets out actions to support transformation across the whole NHS. It focuses on how we must all continue to look after each other and foster a culture of inclusion and belonging, as well as actions to grow our workforce, train our people, and work together differently to deliver patient care. This guidance applies to all organisations in the provision or commissioning of NHS care.
- 7.2 The section “Belonging in the NHS” highlights the support and actions needed to create an organisational culture where everyone feels they belong and all staff have a voice within the Trust.
- 7.3 EPUT will follow this guidance and use the systems provided by NHS England to ensure that they are providing Equality and Inclusion in line with all other NHS organisations, and to meet the expectations of commissioners.

8.0 HOW DO WE IMPLEMENT OUR PUBLIC SECTOR DUTIES?

8.1 EQUALITY AND INCLUSION SUB-COMMITTEE (EIC)

The Equality and Inclusion Sub-Committee is a sub-committee of the People, Innovation and Transformation (PIT) Committee and has delegated responsibilities to:

- Ensure that the Trust remains compliant with Public Sector Equality duties
- Provide assurance and support in respect of compliance and delivery of the Equality Delivery System (EDS2 Framework) and work plan. The EDS2 provides the Trust with a framework to monitoring our progress on our PSED.

The E&IC is chaired by an Executive Director who is the executive lead for Equality and Inclusion and the Equality Lead

This committee should be attended by operational leads and should have representation from all facilities and services within the Trust. Members of the committee will play an active part in ensuring this information is shared with the Trust.

The E&IC meets regularly to monitor the equality work plan and is responsible for ensuring that the Trust delivers on our Public Sector Equality duties, and our mandatory reporting and publication requirements, as outlined above.

This sub-committee reports to the People, Innovation and Transformation (PIT) Committee and Trust Board.

8.2 RECORDING OF INFORMATION

8.2.1 In order to assess the effectiveness of its Equality, Inclusion and Human Rights Policy and Procedure the Trust will maintain, analyse and publish the following information for staff:

- a. Gender, age, disability, sexual orientation, religion or belief and ethnic origin of:
 - Job applicants
 - Short-listed candidates;
 - Existing and new employees and their deployment within the Trust.
- b. Details of selection decisions for recruitment, redeployment, promotion, transfer and training and reasons for these decisions.

8.2.2 The Trust will maintain, analyse and publish anonymous/ statistical information on the protected characteristics of service users/ carers.

8.2.3 Statistical information will be used for measuring the achievement of the Trust's Public Sector Duty, and effectiveness of the Trust's Equality and Inclusion Steering Group.

8.2.4 Where information is collated in line with the Equality & Diversity Policy, it will be published using established communication mechanisms and in line with the **Data Protection and Confidentiality Policy (CP59)** where required.

8.2.5 Although Staff do not have to declare their equality information, the Trust encourage staff to share this with us to ensure we can reflect their needs at work.

8.3 TRAINING AND DEVELOPMENT

It is essential that all employees understand and appreciate their responsibilities in relation to equality and inclusion. It is therefore mandatory for all employees to undertake Equality and Inclusion training, as new employees, as part of the Trust's Corporate Induction Programme, and on an annual refresher basis through the OLM E-learning module.

8.4 EQUALITY AND INCLUSION NETWORKS

8.4.1 Staff Equality Networks

There are five Staff Equality Networks within the Trust; these Networks are created based on Staff feedback as well as identified needs of the Trust. They work in conjunction with existing staff functions including Human Resources, Chaplaincy, Communications and the Equality and Inclusion Sub-Committee. At present the Trust has the following Staff Equality Networks.

- Black, Asian and Minority Ethnicity (BAME) Staff Equality Network
- Disability and Mental Health Staff Equality Network
- Faith and Spirituality Staff Equality Network

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- Lesbian, Gay, Bi, Trans and any other sexual or gender minority group (LGBTQ+) Staff Equality Network
- Staff Carers Staff Equality Network

The role of these Networks includes:

- Discussing and creating actions to improve staff experience for their represented group
- Raising awareness of Equality and Inclusion for their represented group
- Allowing all staff members to attend and share their lived experience and feedback, also providing advice and signposting if required
- Completing an Action Log after each Network to document their actions and the progress made on these actions
- The Chair will attend the Equality and Inclusion Sub-Committee and provide feedback on behalf of their Network
- Network Chairs will attend quarterly meetings with the Executive Director of People and Culture and will attend relevant Equality and Inclusion events where appropriate

8.5 EQUALITY AND INCLUSION, THE ROLE OF STAFF

The success of this procedure requires the active commitment of everyone in the organisation from Board to front-line service delivery. All EPUT staff play a vital role in delivering a service which promotes equality and inclusion:

- Recognising discrimination and identifying risks of discrimination - whether direct discrimination, indirect discrimination or harassment
- Understanding the potential consequences of discrimination
- Challenging discrimination and understanding how to raise these concerns within the Trust
- Playing an active part in supporting colleagues from other groups, engaging with them and helping to create a positive workplace culture that does not tolerate discrimination of any form
- Being able to identify and respond to the specific needs of diverse patients, service users and carers which arise from their personal, social or cultural background;
- Supporting a service which demonstrates good equality and diversity practice;
- Supporting the empowerment of patients, service users and their carers so that they may be involved in their own care and health improvement.

Good equality and inclusion practice involves:

- Communicating with patients, service users and carers in a way that is accessible to them;
- Supporting colleagues who have experienced discriminatory behaviour and reporting this through the correct channels;
- Ensuring that teams not only have an Equality Champion, but also that teams are aware of how to access these resources to support patients and staff.
- Making reasonable adjustments in the way we do our work and deliver our services to take account of the particular needs of disabled people;

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- Understanding the role that cultural and religious beliefs play in health care and peoples' experiences of health services;
- Ensuring that everyone gets care which takes account of their individual needs;
- Managers ensuring that staff members have reasonable adjustments in place for disabilities, mental health conditions, faith and spirituality and any other protected characteristic.
- Ensuring that all staff members (not only Equality Champions or Staff Network Members) are able to participate in equality and inclusion training / feedback opportunities provided by the Trust;
- Treating everyone with dignity and respect at all times

9.0 EQUALITY CHAMPIONS

Equality Champions are members of EPUT Staff who volunteer to promote Equality and Inclusion within the Trust alongside the Equality Advisor. The purpose of the Equality Champion role is to play an active part in raising awareness of and supporting Equality, Inclusion and Protected Characteristics within the Trust, as well as sharing relevant information from the Equality and Inclusion Sub-Committee and the Staff Equality Networks.

This includes:

- Sharing good practice
- Providing advice and support, advising colleagues who want to know more about specific equality issues
- Ensuring their teams are aware of how to access Trust Equality and Inclusion resources and signpost staff members to find information about these subjects
- Give opinions and suggestions about work practices and improvements that can be made
- Draw attention to matters of concern so that the organisation can take action to address them
- Participate in equality accreditations and charter marks;
- Promote Equality Champions and Staff Equality Networks across the organisation
- Take part in Equality and Inclusion projects across the Trust, including workshops, seminars and forums

Equality Champions act as volunteers to help promote a positive culture of Equality and Inclusion as well as an extension of the Equality Advisor role, promoting Equality and Inclusion projects within the Trust and sharing service user and staff lived experience, feedback and concerns.

10.0 MONITORING

- 10.1 The Equality and Inclusion Sub-Committee has responsibility for overseeing the implementation of the Equality, Inclusion and Human Rights Policy and associated procedure.
- 10.2 The committee will ensure that progress is monitored regularly against the EDS2 action plan, which also acts as an Annual Work plan and schedule
- 10.3 The committee will ensure that the People, Innovation and Transformation Committee (PIT) is kept informed of any issues or significant risks through regular assurance reports.
- 10.4 The Equality and Inclusion Sub-Committee will also undertake an annual review of its effectiveness to ensure it meets requirements as set out in its terms of reference and provides robust assurance to the PIT.
- 10.5 The Trust through its approved governance structure and arrangements will receive a range of reports detailing complaints, compliments and serious incidents and will challenge these for evidence of any actual or potential non-compliance with the Human Rights Act (1998) or Equality Act (2010).

11.0 REFERENCES TO OTHER TRUST POLICIES

- **Dignity Respect (Bullying, Harassment and Discrimination) Grievance Policy (HR2)**
- **Raising Concerns (Whistleblowing) Policy (CP53)**
- **Data Protection and Confidentiality Policy (CP59)**

END

Equality Impact Assessment (EIA)

Date (DD/MM/YYYY)	
Directorate / Locality / Department	
Name of New Policy / Service / Function	
Is this a New Policy / Service / Function or a change / review to an existing one?	
Name of Person(s) completing this EIA and their Role(s) within the Trust <i>(begin with the lead completing this assessment)</i>	
Name of Service Director	
Contact Email address of Assessor	
Has this been previously assessed? <i>(If yes, please provide details of the last assessment and attach a copy)</i>	

Guidance on Completing this Document

The Equality Impact Assessment (EIA) is made up of two parts, an Initial Screening Tool and a Full Equality Impact Assessment. These are designed to make sure that our policies, services and functions do what they are intended to do in a way that does not discriminate against any protected characteristic groups in line with the Equality Act (2010).

Authors of new Policies, Services or Functions must gauge their impact on the nine Protected Characteristic Groups under the Equality Act. This is done using the Initial Screening Tool (Pages 2, 3 and 4)

If a positive or negative impact is identified, you will also need to complete the Full Equality Impact Assessment (Pages 4, 5, 6 and the action plan on Page 7). Please note that the lead assessor is responsible for ensuring these actions are incorporated into the departmental plan, and it is the responsibility of the assessor to notify their Director and any nominated staff members of these actions.

This document is designed to help us consider the following:

- What is this Policy / Service / Function aiming to achieve?
- Who will this benefit?
- Could this lead to negative impact or discrimination against different groups?
- Does this activity have a positive impact on Equality and Inclusion?

Glossary:

Service: your department / service area and its employees

Functions: your department / service area's activities

Projects: your department / service area's work programmes

Strategy: a plan of action intended to accomplish a specific goal

Policy: a plan of action to influence and determine decisions, actions and other matters

Procedure: a series of steps taken to implement a policy

Protected Characteristic: Any characteristic protected under the Equality Act 2010

Initial EIA Screening Tool

Does this Policy/Service/Function effect one group less or more favourably than another on the basis of:	Yes / No	What / where is the evidence / reasoning to suggest this?
<p style="text-align: center;">Race, Ethnic Origins, Nationality (including traveling communities)</p>		
<p style="text-align: center;">Sex (Based on Biological Sex; Male, Female or Intersex)</p>		
<p style="text-align: center;">Age</p>		
<p style="text-align: center;">Sexual Orientation Including the LGBTQ+ Community</p>		
<p style="text-align: center;">People who are Married or are in a Civil Partnership</p>		
<p style="text-align: center;">People who are Pregnant or are on Maternity / Paternity Leave</p>		

Does this Policy/Service/Function effect one group less or more favourably than another on the basis of:	Yes / No	What / where is the evidence / reasoning to suggest this?
People who are Transgender / who have had gender reassignment treatments As well as gender minority groups		
Religion, Belief or Culture Including an absence of belief		
Disability / Mental, Neurological or Physical health conditions Including Learning Disabilities		
Other Marginalised or Minority Groups Carers, Low Income Families, people without a fixed abode or currently living in sheltered accommodation.		

Guidance on Completing this Document

This screening tool asks for evidence to ensure that these considerations are done in collaboration with groups that may be affected. Listed below are the ways that this evidence can be gathered to support this decision:

- Reviews with Staff who may be impacted by these changes
- Service User / Carer feedback or focus groups
- Guidance from national organisations (CQC / NHS Employers)
- The Equality and Inclusion Hub (on the Staff Intranet)
- Input from Staff Equality Networks or the Equality Advisor
- Reviewing this against good practice in other NHS Trust

Initial Screening Question	Response
<p>If you have identified no negative impacts, then please explain how you reached that decision. please provide / attach reference to any reasoning or evidence that supports this: (Nature of policy, service or function, reviews, surveys, feedback, service user or staff data)</p>	
<p>Is there a need for additional consultation? (Such as with external organisations, operational leads, patients, carers or voluntary sector)</p>	
<p>Can we reduce any negative impacts by taking different actions or by making accommodations to this proposed Policy / Service / Function?</p>	
<p>Is there any way any positive impacts to certain communities could be built upon or improved to benefit all protected characteristic groups?</p>	
<p>If you have identified any negative impacts, are there reasons why these are valid, legal and/or justifiable?</p>	

Please complete this document and send a copy to EPUT's Compliance, Assurance & Risk Assistant / Trust Policy Controller) at [redacted] as part of the Approval Process, if this proposal / policy etc. has no positive or negative impacts on protected characteristic groups, a Full Equality Impact Assessment will not need to be completed

To be completed by the Trust Policy Controller						
Is a Full Equality Impact Assessment Required for this Policy, Service or Function?			Yes		No	
Name:						
Date:						

Full Equality Impact Assessment Tool

Please complete this accompanying document if the Initial Screening Tool highlights any areas where a negative or discriminatory impact is identified.
This assessment should be included alongside the initial screening tool.

In which Equality Areas are there concerns? Please Mark all that apply:

Race	
Sex	
Age	
Sexual Orientation	
Marriage and Civil Partnership	
Pregnancy / Maternity Leave	
Gender Reassignment / Identity	
Religion, Belief and Culture	
Disability, Mental / Physical / Neurological health conditions	
Other Marginalised or Minority Groups e.g. Carers, Low Income Families, people without a fixed abode or currently living in sheltered accommodation. Please give details of how these groups may be affected in the space below.	

Guidance on Completing this Document

If after completing the initial screening tool, there is a positive or negative impact caused by this New Policy / Service / Function on one or more protected characteristic groups, or there is not enough evidence to show the impact, the assessor is asked to complete the Full Equality Impact Assessment.

These additional pages provide further questions to better understand the impact and a departmental action plan to mitigate negative impacts and build upon positive impacts.

Please note that the lead assessor is responsible for ensuring these actions are incorporated into the departmental plan, and it is the responsibility of the assessor to notify their Director and any nominated staff members of these actions.

Full Equality Impact Assessment Tool

Question	Response
<p>What is the aim, purpose or objective of this Policy, Service or Function? How does this promote or support Equality & Inclusion in EPUT?</p>	
<p>Do staff involved have appropriate training and resources in these areas of concern? (e.g. LGBTQ+ Awareness, Trust E&I Training, Unconscious Bias Training)</p>	
<p>Are there any barriers that affect the way this is delivered that could have created these negative impacts? <i>(Such as lack of accessibility to certain groups; translation and interpreting services; non-inclusive wording or language)</i></p>	
<p>Has this been subject to any previous complaints or concerns by service users or staff regarding Equality and Inclusion? How are you using this information?</p>	
<p>What arrangements are going to be made to monitor and review adverse impacts in the future in this Policy, Service or Function?</p>	

Full Equality Impact Assessment Tool

Question	Response
<p>What consultation has taken place with local people / patient groups / organisations in order to address these concerns as part of a Full Equality Impact Assessment?</p>	
<p>What consultation has taken place with EPUT staff / stakeholders / those we work in partnership with / those we contract with in order to complete this full EIA?</p>	
<p>What Equality research / studies / reports have you referred to in order to complete this full EIA?</p>	
<p>Does this Policy / Service / Function comply with EPUT's Equality Strategy and the Equality Act 2010? If not, how will this be remedied?</p>	
<p>What positive impacts could this Policy/Service/Function have on the Trust providing Equal, Equitable and Inclusive services? Which protected characteristic groups would be impacted positively?</p>	

Full Equality Impact Assessment Screening Tool: Action Plan

Please list below any actions that you plan to take during the implementation of this new policy, service or function as a result of any negative or positive impacts:

Action required to remove or minimise identified impacts	Lead (Person Responsible)	Timescale (How long would this take to implement?)	Resource implications (What resources would be needed to put this into place?)	Any other comments

After Completion, Please send a copy to [REDACTED] at [REDACTED] and this will be raised with the Equality and Inclusion Sub-Committee as part of the Approval Process.

This section to be completed by the Equality and Inclusion Lead in agreement with the EPUT Equality and Inclusion Sub-Committee			
Full Impact Assessment Authorised by:			
Name:		Role:	
Date:			