

**EQUALITY & DIVERSITY POLICY**

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| **Lead Director:** | Lisa Hilder |
| **First Version Issued On:** | 15 May 2015 |
| **Latest Version Issued On (date ratified version placed on intranet):** |  |
| **Review Date:** | Every 3 years from the date of ratification or if statutory changes are required |

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| **Policy Title:**  | Equality & Diversity Policy  |
| **Supersedes:**  | All previous Equality & Diversity Policies |
| **Description of Amendment(s):**  | Revised policy for CCG employees  |
| **This policy will impact on:**  | All employees |
| **Financial Implications:**  | No change |
| **Policy Area:**  | HR |
| **Version No:**  | 3 |
| **Issued By:**  | Lisa Hilder |
| **Author:**  | Lisa Hilder |
| **Target Audience:** | CCG Employees |
| **Dissemination:** | All Staff email and CCG Global newsletter |
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| **APPROVAL RECORD** |
|  | **Committees / Groups / Individual**  | **Date**  |
| **Consultation:**  | North East Lincolnshire CCG SCU Members  | 15 June 2018 |
|  | North East Lincolnshire CCG Employee Advisory Group | 30 May 2018 |
|  | North East Lincolnshire CCG Equality panel | 6 June 2018 |
|  | E&D Core Group | 3 July 2018 |
| **Approved by Committees:** | North East Lincolnshire CCG Integrated Governance and Audit Committee | 31 August 2018 |

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| **CHANGE RECORD** |
| **Version** | **Author** | **Nature of Change** | **Date placed on Intranet** |
| 1 | Lisa Hilder | New policy | 15/05/2015 |
| 2 | Lisa Hilder | Changes made under Scope and Areas for Action (b) minor revisions(m) significant revisions  | 14/05/2018 |
| 3 | Lisa Hilder | Policy risk assessed and no changes required – review date extended by 1 year | May 2021 |

**Any locally held old paper copies must be destroyed. *When this document is viewed as a paper copy, the reader is responsible for checking that it is the most current version. This can be checked on the NELCCG intranet***

Contents

[Introduction and background 3](#_Toc390263962)

[The Equality Act 2010 4](#_Toc390263963)

[The Public Sector Equality Duty 4](#_Toc390263964)

[Purpose of the policy 5](#_Toc390263965)

[Scope and areas for action 5](#_Toc390263966)

[Engagement 8](#_Toc390263967)

[Definitions 8](#_Toc390263968)

[Roles and Responsibilities 9](#_Toc390263969)

[Training 9](#_Toc390263970)

[Equality Impact Analysis (EQUIA) 10](#_Toc390263971)

[Review 10](#_Toc390263972)

[Monitoring and Audit 10](#_Toc390263973)

# Introduction and background

As an organisation, North East Lincolnshire CCG (the CCG) is committed to equality and valuing diversity within its workforce, as well as ensuring it meets its obligations to all sectors of the community in the health and social care services it commissions.

Our goal is to ensure that these commitments, reinforced by our values, are embedded in our day-to-day working practices with all our stakeholders, colleagues and partners.

We will provide equality of opportunity and we will not tolerate discrimination on grounds of gender, gender identity, marital status, pregnancy and maternity, sexual orientation, race, colour, nationality, religion or belief, age, disability, HIV positivity, working pattern, caring responsibilities, trade union activity or political beliefs - or any other grounds.

**We will demonstrate our commitment by:**

* Promoting equality of opportunity and diversity in the communities where we work and with all our partners and workforce.
* Aiming to build a workforce which reflects our local community, with the aim of having parity of representation across the workforce and encouraging recruitment from groups currently under-represented in the organisation and supporting their career progression once employed.
* Treating our stakeholders, colleagues and partners fairly and with respect promoting a working environment free from discrimination, bullying and harassment, and tackling behaviour which breaches this.
* Recognising and valuing the differences and individual contribution that people make in all aspects of our work.
* Ensuring legislative requirements are met and best practice is implemented in all our service delivery and employee policies and procedures.
* Supporting these with appropriate training and guidance.
* Ensuring our commissioning and procurement practices reflect our commitments to equality and diversity and that we pass on these requirements to our providers.
* Treating breaches of this equality policy seriously and taking disciplinary action when required.
* Developing an Equality Action plan, to ensure our Equality and Diversity policy is fully implemented.

Every person working for the CCG has a personal responsibility for implementing and promoting these principles in their day-to-day dealings with everyone - including members of the public, other staff and employers and partners. Inappropriate behaviour is not acceptable.

The key piece of legislation which governs this policy is the Equality Act 2010.

# The Equality Act 2010

The Equality Act came into force in October 2010.  Its purpose was to **strengthen**, **harmonise** and **streamline** 116 pieces of separate legislation. It aims to provide the same levels of protection across all protected characteristics.

The protected characteristics are:

**Age** -This means a person belonging to a particular age group. This includes people of the same age and people of a particular range of ages. E.g. ‘over 50s’ or ‘21 year olds’.

**Disability -** Protection is provided where someone has a physical or mental impairment and this has a substantial and long term adverse effect on the person’s ability to carry out normal day to day activities.

**Sex** - Protection is provided for both men and women to ensure equitable treatment for both sexes.

**Sexual Orientation (Heterosexual, Homosexual and Bisexual)** -Protection is provided for all sexual orientation to ensure equitable treatment for all.

**Transgender** - Protection is provided where someone has proposed, started or completed a process to change their sex. It is clear that there is no requirement to be undergoing medical treatment or supervision.

**Marriage and civil partnership** - Protection from discrimination for being married or in a civil partnership is provided in employment and vocational training only.

**Pregnancy and maternity** - For all areas covered by the Act a woman is protected from unfavourable treatment because of pregnancy or because she has given birth.

**Race** - ‘Race’ includes colour, nationality, citizenship and ethnic or national origins. A racial group can also be made up of two or more distinct racial groups.

**Religion and Belief** - Religion means any religion and includes a lack of religion. It is for the courts to determine what constitutes a religion.

Belief means any religious or philosophical belief and includes a lack of belief.  Examples of philosophical beliefs include Humanism and Atheism. A belief need not include faith or worship of a God or Gods, but must affect how a person lives their life or perceives the world.

# The Public Sector Equality Duty

The Public Sector Equality Duty was created by the Equality Act 2010 and replaces the race, disability and gender equality duties. The duty came into force in April 2011 and covers age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. It applies in England, Scotland and in Wales. The general equality duty is set out in section 149 of the Equality Act. In summary, those subject to the general equality duty must have due regard to the need to:

* Eliminate unlawful discrimination, harassment and victimisation
* Advance equality of opportunity between different groups
* Foster good relations between different groups.

The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnership. The Equality Act also gives Ministers the power to impose specific duties through regulations. The specific duties are legal requirements designed to help those public bodies covered by the specific duties meet the general duty.

Following a government consultation, the Equality Act 2010 (Specific Duties) Regulations 2011 were been laid before Parliament for approval, and came into force on 10 September 2011.

These regulations will promote the better performance of the equality duty by requiring the publication of:

* equality objectives, at least every four years
* information to demonstrate their compliance with the equality duty, at least annually.

# Purpose of the policy

The purpose of this policy is to set out the position of the CCG in relation to legislative compliance with the Equality Act 2010 and to enable staff members of the CCG to understand their rights and responsibilities in this regard. It covers the relevant functions and activities undertaken by the CCG and gives guidance to staff members on what is expected in each regard.

# Scope and areas for action

This policy seeks to set out the expectations within the CCG for practice in a number of areas which will fulfil the CCG’s legal obligation in respect of the Equality Act 2010 and will also promote good practice with respect to Equality and Diversity.

Each of the following areas will relate to different functions and activities undertaken by the CCG and will apply to different staff members.

1. **Compliance with legislation**

The CCG will ensure that it complies with the requirements of the Equality Act 2010 and that each of its staff members receives appropriate training on how to do so. The CCG lead for Equality and Diversity will co-ordinate activities and staff members to maintain up to date information and an action plan to ensure appropriate pieces of work are undertaken.

1. **Implications for HR (eg recruitment)**

A significant responsibility of the CCG is to ensure that its workforce is treated with equality and respect, regardless of each staff member’s protected characteristics. Workforce policies will be reviewed and maintained to ensure that all staff members are being treated fairly and appropriately with regards to their individual circumstances.

The most relevant policies and procedures will include:

* Recruitment and selection
* Managing Performance
* Disciplinary / Conduct
* Grievance
* Staff Induction
* Bullying and Harassment
* Flexible working NHS Code of Conduct for Managers
* Job descriptions (including statements regarding equality and diversity expectations)
* Health policies
* Annual appraisals with staff
* Employment equality monitoring forms
1. **Leadership**

The CCG will use its position within the local health and social care economy to lead the way with respect to policy, behaviour and practice for equality and diversity. Equality and Diversity will constitute a priority issue for the CCG Partnership Board which will actively obtain the relevant assurance from staff, stakeholders and providers with whom it contracts that Equality and Diversity is sufficiently covered in its business.

1. **Expected standards of behaviour**

The CCG expects and demands that all of its own staff and the staff employed by providers with whom it contracts, will display the appropriate behaviour to all colleagues, patients and service users, regardless of their protected characteristics. Any non-compliance with this requirement will result in disciplinary action.

1. **Service design and redesign**

When considering any service that is being designed or redesigned, service leads and commissioning staff should consider the needs and requirements of each of the groups with protected characteristics and should ensure that they have consulted appropriately with these groups.

Consideration of these requirements at the beginning of the process will mitigate any potential discrimination that may arise for a group with a protected characteristic and will contribute to the high level of quality service delivery expected by the CCG in its commissioning role. This may include any national or local research, data and patient feedback related to the protected characteristics that apply to the service in question.

This information can inform the Equality Impact Analysis for the service.

1. **Procurement**

When procuring services, the CCG will ensure that all tender specifications and tender documentation is fully cognisant of the legislative requirements of the Equality Act 2010. This will include the requirement for assurance by bidders of their commitment to, and implementation of, the Public Sector Equality Duty in their service delivery.

1. **Contracting**

When contracting for services, the CCG will ensure that there is provision within the contract that providers will comply with the Equality Act 2010 and specifically they will undertake activities to ensure that they comply with the Public Sector Equality Duty, regardless of their individual legal status.

1. **Performance management**

Compliance with the requirements set out in the contract relating to Equality and Diversity will be performance managed robustly through a relevant set of Key Performance Indicators and datasets and reviewed at contract management meetings.

1. **Communications and Engagement**

When undertaking communications internally and externally and any engagement activities related to CCG initiatives, due regard will be paid to ensuring that communications are accessible in a variety of ways and that all sections of the community with protected characteristics are engaged with appropriately. This will be evidenced through robust monitoring and engagement feedback reports which will incorporate commentary on the efficacy of reaching out to relevant groups, depending on the nature of the specific engagement activity.

1. **Transparent working practice** (publication of Equality Impact Analyses)

The CCG will meet all of its obligations in relation to publishing statements of compliance with the Equality Act 2010. In addition to this it will publish the Equality Impact Analyses it has undertaken for policies and service specifications and other relevant documents, for example strategies and plans.

1. **Translation and interpretation**

Where patients and service users’ first language is not English and their level of English does not facilitate equality of access to a particular service, the policy of the CCG is to require providers to engage appropriate independent interpreting and translation. Where patients and service users’ are deaf or have a hearing impairment, the policy of the CCG requires providers to engage British Sign Language interpreters. This is an essential part of delivering high quality, safe services to all of our population and ensuring vulnerable people are safeguarded appropriately.

1. **Training**

The CCG will ensure that each member of staff has the training appropriate to their role in relation to Equality and Diversity. All members of staff will be required to undertake mandatory online training on Equality and Diversity at the appropriate intervals. In addition to this, members of staff directly involved in commissioning, service design, contracting and procurement will receive tailored training to support them in these activities.

1. **Equality Delivery System**

The NHS has introduced a refreshed Equality Delivery System (EDS2) tool designed to support NHS commissioners and providers to deliver better outcomes for patients and communities and better working environments for staff, which are personal, fair and diverse. EDS2 aims to assist organisations to achieve compliance with the Public Sector Equality Duty by encouraging them - in engagement with stakeholders - to review their equality performance and to identify future priorities and actions.

This policy supports and underpins the principles of EDS2 and its delivery within the CCG

# Engagement

Our approach to engagement is set out in the CCG’s Stakeholder engagement strategy. To support development of commissioning plans and decision making, it is essential our engagement and communication methods take into account the needs of people with a protected characteristic and enables them to fully participate.

The strategy encourages the use of a wide range of communication methods and tools to promote access to information to ensure engagement processes are open and accessible. All engagement activity will be planned with the aim to capture the particular views of diverse groups.  Wherever possible, care will be taken to avoid holding events on days of significant religious festivals.  Events will be assessed for their accessibility in terms of disability, interpretation and dietary requirements.

Equality monitoring information will be captured when carrying out engagement activity such as meetings, events and surveys. Participants will also be invited to tell us what we need to consider in relation to the diverse needs of local people to shape healthcare services around the different needs of our population

Views captured from different diverse groups will be used to demonstrate how they have influenced commissioning decisions.

All recognised trade unions will be involved in communication and engagement exercises as appropriate.

People are encouraged to share their views and experiences of services at all times, either through the PALS/Complaints team or direct to the equality and diversity lead.

# Definitions

**Equality** is about ‘creating a fairer society, where everyone can participate and has the opportunity to fulfil their potential’ (DoH, 2004). By eliminating prejudice and discrimination, the NHS can deliver services that are personal, fair and diverse and a society that is healthier and happier. For the NHS, this means making it more accountable to the patients it serves and tackling discrimination in the work place. (DoH 2011).

**Diversity** literally means difference. When it is used as a contrast or addition to equality, it is about recognising individual as well as group differences, treating people as individuals, and placing positive value on diversity in the community and in the workforce.

Historically, employers and services have ignored certain differences such as background, personality and work style. However, individual and group diversity needs to be considered in order to ensure that everybody‘s needs and requirements are understood and responded to within employment practice and service design and delivery.

A holistic approach means making a commitment to equality through the recognition of diversity.

Roles and Responsibilities

 **Leadership**

The Governing Body is ultimately accountable for Equality and Diversity.

In addition, the Community Forum has appointed a lead for Equality and Diversity who is an active Equality Champion.

**Committee Responsibilities**

The Governing Body will monitor delivery of the Equality Objectives and action plan as appropriate.

Decision making committees will act as ‘Gatekeeper’ so that no projects or workstream programmes move forward without considering equality issues and that decisions have “due regard” for the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

This approach will ensure there is fairness in all commissioning decisions and that business is planned and conducted to meet the equality duty

**All Staff**

It is the responsibility of all staff to ensure they have completed their basic on-line training and that the principles of Equality and Diversity are embedded into everyday work practices.

Staff have a duty under the NHS Constitution “Not to discriminate against patients or staff and to adhere to equal opportunities and equality and human rights legislation.”

It is the responsibility of staff to challenge and report discriminatory behaviour.

**Senior Commissioning and Service Leads**

It is the responsibility of senior commissioning and service leads to ensure that any proposed changes to services are analysed for their potential impact (positive or negative) on people with protected characteristics. This should be undertaken in partnership with the Equality and Diversity lead in the organisation.

The results of this analysis should be used to inform the service specification and be made publicly available, in line with the Publication requirements of the Public Sector Equality Duty.

# Training

Once approved, this policy will be made available on the CCG’s intranet. It will be disseminated to staff through email and team meetings as appropriate. All staff should complete the on-line equality and diversity training. Additional training needs should be discussed with line managers at routine 1-2-1 meetings or through appraisals.

Further support and advice regarding equality and diversity issues is also available from the Corporate Equality Lead

**Equality Impact Analysis (EQUIA)**

For each new service proposal, service specification, policy or procedure an Equality Impact Analysis should be undertaken utilising the CCG’s EQUIA template. The purpose of this is to assess the risk to any group with a protected characteristic of a proposed service or policy change and to identify actions to ameliorate those risks accordingly. Once completed, the EQUIA should be submitted to the Planning Manager who will ensure that it is considered at the next EQUIA Panel meeting. The Panel consists of the Planning manager, and three members of Accord.

The Panel will consider each EQUIA and arising actions and feedback any necessary amendments to the proposer.

# Review

# This policy and procedure will be reviewed every 3 years in conjunction with operational managers and Trade Union representatives. Earlier review may be required in response to exceptional circumstances, organisational change as instructed by the senior manager responsible for this policy. Where review is necessary due to legislative change, this will happen immediately.

# Monitoring and Audit

The Equality and Diversity core group will monitor compliance with this policy and escalate any concerns to the senior management team for action as appropriate.

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| **Equality Impact Risk Analysis:** **Equality and Diversity Policy** |
|  **Policy / ~~Project / Function/Service:~~**  | Equality and Diversity Policy |
|  **Date of Analysis:**  | 18 May 2018 |
|  **Analysis Rating:** (See Completion Notes) |   Red Red Amber Green Amber  x |
|  **Type of Analysis Performed:**   Please Tick ✔ |   Systematic Policy Analysis x  Consultation   Meeting x Service Proposal  Other |
|  **Please list any other policies**  **that are related to or referred** **to as part of this analysis**  |  |
|  **Who does the policy, project function or service affect ?**   Please Tick ✔ |   Employees x  Service Users   Applicants  Members of the Public  Other (List Below)   |

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| **Equality Impact Risk Analysis:**  |
|  **What are the aims and intended**  **effects of this policy, project or**  **function ?** | As an organisation, the CCG is committed to equality and valuing diversity within its workforce, as well as ensuring it meets its obligations to all sectors of the community in the health and social care services it commissions.Our goal is to ensure that these commitments, reinforced by our values, are embedded in our day-to-day working practices with all our stakeholders, colleagues and partners |
|  **Is any Equality Data available**  **relating to the use or**  **implementation of this policy,**  **project or function ?**   (See Completion notes) |  Yes x  No Where you have answered yes, please incorporate this data when performing the *Equality Impact Assessment Test* (the next section of this document).  |
|  **List any Consultation e.g. with**  **employees, service users,**  **Unions or members of the**  **public that has taken place in**  **the development or**  **implementation of this policy,**  **project or function**  | COMBINED QUARTERLY EQUALITY AND DIVERSITY GROUP |
|  **Financial Analysis**  If applicable, state any relevant cost implications  (e.g. expenses, returns or savings) as a direct result  of the implementation of this policy, project or  function  |  **Costs (£m) \*** Implementation £ Projected Returns £ Projected Savings £ |

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| **Equality Impact Risk Assessment Test:** |
| **What impact will the implementation of this policy, project or function have on employees, service****users or other people who share characteristics protected by *The Equality Act 2010* ?** |
| **Protected****Characteristic:** | **Neutral****Impact:** | **Positive****Impact:** | **Negative****Impact:** | **Evidence of impact and if applicable, justification****where a *Genuine Determining Reason* exists** |
|  **Gender**  (Men and Women)  |  | x |  | As the CCG is committed to equality & valuing diversity within its workforce this policy will have a positive impact on this protected characteristic, as well as ensuring it meets to obligations to all sectors of the community in the health and social care services it commissions. |
|  **Race**  (All Racial Groups)  |  | x |  | As the CCG have agreed to demonstrate its commitment to promoting equality & valuing diversity by ‘promoting equality of opportunity & diversity in communities where they work and with all their partners and providers this will have a positive impact on this protected characteristic. |
|  **Disability**  (Mental and Physical)  |  | x |  | As the CCG have agreed to demonstrate its commitment to promoting equality & valuing diversity by “treating its stakeholders, colleagues & partners fairly and with respect promoting a working environment free from discrimination, bullying and harassment, and tackling behaviour which breaches this” this will have a positive impact on this protected characteristic. |
|  **Religion or Belief**   |  | x |  | As the CCG have agreed to demonstrate its commitment to promoting equality & valuing diversity by “aiming to build a workforce which reflects its local community, with the aim of having parity of representation across the workforce and encouraging recruitment from groups currently under represented in the organisation and supporting their career progression once employed” this will have a positive impact on this protected characteristic. |
|  **Sexual Orientation**  (Heterosexual, Homosexual  and Bisexual)  |  | x |  | As the CCG have agreed to demonstrate its commitment to promoting equality & valuing diversity by “recognising and valuing the differences and individual contribution that people make in all aspects of their work ” this will have a positive impact on this protected characteristic. |
| **Equality Impact Risk Assessment Test:** |
| **What impact will the implementation of this policy, project or function have on employees, service****users or other people who share characteristics protected by *The Equality Act 2010* ?** |
| **Protected****Characteristic:** | **Neutral****Impact:** | **Positive****Impact:** | **Negative****Impact:** | **Evidence of impact and if applicable, justification****where a *Genuine Determining Reason* exists** |
|  **Pregnancy and**  **Maternity**  |  | x |  | The CCG have agreed to demonstrate its commitment to promoting equality & valuing diversity by “ensuring legislative requirements are met and best practice is implemented in all its service delivery and employee policies and procedures ” this will have a positive impact on this protected characteristic. |
|  **Transgender**  |  | x |  | the CCG have agreed to demonstrate its commitment to promoting equality & valuing diversity by “ensuring legislative requirements are met and best practice is implemented in all its service delivery and employee policies and procedures ” this will have a positive impact on this protected characteristic. |
|  **Marital Status**   |  | x |  | The CCG had a slightly higher proportion of residents married than single and as the policy supported all workforce and not marital status specific therefore this would have a positive impact on this protected characteristic. |
|  **Age**  |  | x |  | The policy supported all workforce for NEL and was not age specific therefore this would have a positive impact on this protected characteristic. |
| **Deprivation** |  | X |  | the CCG have agreed to demonstrate its commitment to promoting equality & valuing diversity by “ensuring legislative requirements are met and best practice is implemented in all its service delivery and employee policies and procedures ” this will have a positive impact on this protected characteristic. |

**This Equality Impact Risk Analysis was completed by: (Louise Nicholls, Planning Manager**)

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| **Action Planning:**  |
| **As a result of performing this analysis, what actions are proposed to remove or reduce any risks of****adverse outcomes identified on employees, service users or other people who share characteristics****protected by *The Equality Act 2010* ?** |
| **Identified Risk:** | **Recommended Actions:** | **Responsible Lead:** | **Completion Date:** | **Review Date:** |
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