

**Trust Policy and Procedure**  
**Equal Opportunities And Developing An Inclusive Culture**

<b>For use in:</b>	All areas of Trust clinical and non-clinical
<b>For use by:</b>	All Trust colleagues
<b>For use for:</b>	Ensuring the Trust applies Equal Opportunities to employment and service delivery and develops an inclusive culture
<b>Document owner:</b>	Executive Director of Workforce and Communications
<b>Status:</b>	Agreed

**1. Purpose**

This policy sets out the legal framework for ensuring equal opportunities within employment and access to services, with support and guidance for all WSFT colleagues to contribute towards developing an inclusive culture.

*This policy has been developed to ensure that WSFT has a clear transparent approach in place to meet legislative responsibilities; and those highlighted in the NHS Constitution with regards to equality, diversity and inclusion, which includes:*

- *the right to be treated fairly, equally and free from discrimination*
- *the right to fair treatment regarding pay*
- *the duty not to discriminate against patients or staff*
- *to adhere to equal opportunities and the Equality Act 2010 and Human Rights Act 1998*

*Under the Public Sector Equality Duty (s.149 Equality Act 2010), the Trust must have due regard to the need to:*

- *Eliminate unlawful discrimination, harassment and victimisation*
- *advance equality of opportunity between people who share a protected characteristic and those who do not; and*
- *foster good relations between people who share a protected characteristic and those who do not*

*The Trust is committed to taking its positive obligations around the Public Sector Duty seriously and using it to drive positive transformative change that ensure no member of staff receives less favourable treatment on the grounds of their age, disability, gender or gender identity, marriage or civil partnership status, maternity or pregnancy status, race (including national origin, nationality and colour), religion or belief, sexual orientation in any aspect of their employment.*

## 1. Scope

This policy applies to all colleagues working for WSFT, including substantive and bank employees, and all candidates applying for roles. *It includes responsibilities to other colleagues, such as volunteers, students and governors, and to patients and members of the public accessing our services.*

## 2. Definitions

The term “equal opportunities” upholds the idea that all workers within an organisation should be entitled to and have access to all of the organisation’s facilities at every stage of employment, including the pre-employment phase.

This means every individual should have:

An equal chance to apply and be selected for posts pre-employment

An equal chance to be trained and promoted while employed with the organisation

An equal chance to have their employment terminated equally and fairly

<i>Equality</i>	<ul style="list-style-type: none"><li><i>• promoting equality by removing barriers, eliminating discrimination and ensuring equal opportunities and access for all groups of people</i></li><li><i>• eliminating discrimination in pre-employment recruitment and all other employment practices by effective monitoring and training</i></li><li><i>• ensuring all staff have access to training and development opportunities</i></li><li><i>• assisting everyone working in the NHS to achieve his or her full potential, in an environment characterised by dignity and mutual respect</i></li><li><i>• ensuring the past effects of institutional discrimination are identified, remedial action taken and procedures are updated and monitored</i></li><li><i>• ensuring equality of opportunity is guaranteed</i></li></ul>
<i>Diversity</i>	<ul style="list-style-type: none"><li><i>• accepting each person as an individual</i></li><li><i>• ensuring people feel valued for their contributions to delivering great care</i></li><li><i>• promoting a working environment which ensures dignity and respect for all</i></li></ul>
<i>Inclusion</i>	<ul style="list-style-type: none"><li><i>• creating a working culture where differences are accepted and valued and the contributions of staff are recognised and valued</i></li><li><i>• ensuring that individual difference and the unique contribution that individual experience, knowledge and skills can make is viewed positively</i></li><li><i>• create an environment where staff feel they can be themselves at work</i></li><li><i>• giving all colleagues the opportunity to develop</i></li><li><i>• ensuring that all colleagues, managers, patients, visitors and members of the public are treated with dignity and respect</i></li></ul>

Other terms used are explained throughout the policy.

### 3. Responsibilities

#### 3.1 The Trust Board of Directors

The Trust Board of Directors has ultimate responsibility for the policy implementation and for ensuring that the policy is applied consistently across the Trust.

Executive Directors and line managers must ensure that the policy is implemented within their own work areas and will either deal with any matters arising themselves or arrange for them to be referred to an HR business partner.

Specialist employment advice, training, guidelines on policy implementation and the submission of reports on the policy will be the responsibility of the Workforce & Communications Directorate.

The Trust has agreed the following action:

- To consult with appropriate Trade Union representatives on the content and implementation of the Equal Opportunities and Developing an Inclusive Culture policy.
- To communicate the policy to all new and current colleagues.
- To make clear to all concerned the requirement of the policy in order that they are able to deal with matters relating to equal opportunity in a consistent manner.
- To take appropriate action where colleagues breach this policy in terms of fully investigating the alleged behaviour and taking appropriate action.
- To make available information, advice, training and guidance to all colleagues.
- To monitor employment policies / procedures and practices and service provision, to ensure compliance with equal opportunities policy.
- To ensure that colleagues are aware of their responsibilities under the current legislation.
- To explain managerial decisions to colleagues to ensure that there is a clear understanding about the reasons for the decision in terms of equity and fairness.
- To ensure that all line managers uphold equal opportunity values and participate in the development of the policy.

#### 3.2 The Employer

The West Suffolk NHS Foundation Trust, as an employer, has:

- A primary responsibility for ensuring that unlawful discrimination in employment does not occur.
- Responsibility to ensure that we maximise valuable skills and abilities of all colleagues and potential colleagues, and that line managers will link equal opportunities to the organisation's business strategy.
- To enable management and colleagues to benefit from a culture in which equal opportunities exist and an inclusive culture can grow and develop. We will provide training and development to ensure that:
  - all colleagues are aware of how to ensure equal opportunities.

- that management is aware of how practising equal opportunities can improve business performance, and the importance of linking it to their business plans.
- all colleagues have an understanding of unlawful discrimination and are trained in good employment practice.

### 3.3 The Employee

Individuals must:

- comply with measures introduced by the Trust to ensure equal opportunity and avoidance of unlawful discrimination.
- not induce others to practise unlawful discrimination, nor allow themselves to be influenced to do so.
- not make offensive remarks or act in such a way as to contravene anti-discrimination legislation.
- not harass, abuse, or intimidate other colleagues or potential colleagues on account of their age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion and belief, and sexual orientation or other grounds covered by this policy or legislation.
- not victimise or attempt to victimise individuals on the grounds that they have made a complaint or have provided information about unlawful discrimination.
- if employees suspect that unlawful discrimination is taking place, report it to their supervisor, manager, HR or their Trade Union Representative.
- as supervisor or line managers, ensure that grievances are dealt with in accordance with the organisation's policies and in a consistent manner. Supervisors and line managers shall make clear to all employees the legislation on equal opportunities and communicate the organisation's policies to ensure compliance.
- undertake appropriate education and training relating to equality & diversity.

Employees' attention is drawn to their obligations in the general notes, which are part of all Trust job descriptions and the 'Patients First' service standards.

## 4. Introduction

All colleagues at West Suffolk NHS Foundation Trust are required, by law, to comply with the responsibilities of the Equality Act 2010 to ensure that colleagues and patients are treated fairly and do not experience discrimination, harassment or victimisation on the basis of a protected characteristic.

The ambition at WSFT is to go beyond the legal framework, developing a culture where everyone feels they belong and can be themselves at work; where everyone feels seen and heard, that their contribution is valued and that their voice matters.

WSFT is committed to continuing to develop an organisational understanding of existing inequalities, barriers to inclusion and challenges faced by certain groups, and to develop people's skills in removing or mitigating these and being intentionally inclusive. Our ambition is to become institutionally inclusive – where inclusion is forefront of our decision-making, policy and process development, cultures and attitudes, and planning for the future for both colleagues and patients.

Research demonstrates that organisations which are more inclusive and where people feel there are equal opportunities for career progression and promotion see improvements in efficiency, creativity and innovation, decision-making, greater health and wellbeing and lower rates of sickness, higher retention, greater engagement from colleagues and contribution and ultimately improvements in patient care and experience.

Advice and guidance on implementation of this policy should be sought from the HR department or trade union representatives, where the colleague is a member of a trade union.

## **5. Equal opportunities and the law**

The Equality Act 2010 replaces the previous anti-discrimination laws into one single Act. The Act includes a new public sector equality duty, bringing the three separate duties on public authorities relating to disability, gender and race together in a single duty and extending it to cover age, gender reassignment, pregnancy and maternity, religion and belief, sex and sexual orientation.

The general duty set out in the Act requires public bodies and those who carry out public functions to:

Have due regard for the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between people who share a protected characteristic and those who do not.

### **5.1 Protected characteristics**

There are nine protected characteristics covered by the Equality Act. We all have some protected characteristics and everyone in Britain is protected.

1. Age
2. Disability, including substantial long-term physical, neuro-diverse and mental health conditions and learning disabilities
3. Gender reassignment, including gender identity and gender expression
4. Whether or not someone is married or in a civil partnership
5. Being pregnant or on maternity leave
6. Race, including colour, nationality, ethnic or national origin
7. Religion or belief
8. Sex
9. Sexual orientation

### **5.2 Identifying Discrimination**

Discrimination can occur either directly or indirectly and is unlawful on the grounds of any of the protected characteristics outlined above. Part-time workers have the right not to be treated less favourably than comparable full-time workers.

Discrimination can be the result of prejudice, misconception and stereotyping.

### **5.3 Direct Discrimination**

This occurs when a person or group is treated less favourably than others are, or would be, treated in the same or similar circumstances because of a protected

characteristic; for example, refusing to employ someone because of their colour, race, marital status, age, disability or religion, sexual orientation and gender identity and gender expression.

#### **5.4 Indirect Discrimination**

Broadly this happens where a provision, criteria or practice is imposed in employment, which cannot be justified and therefore adversely affects members of a particular group. Examples could include: providing a training course where full-time workers had priority of places before part-time workers, where the majority of part-time workers were female, or if a policy on maternity/paternity leave did not apply to same sex couples.

#### **5.5 Perceptive Discrimination**

Where an individual is directly discriminated against or harassed based on a perception by others that they have a particular protected characteristic. For example, if Sam harasses Chris because they think Chris has AIDS, even though Chris does not, in fact, have the illness. Sam has made assumptions and discriminated against Chris, based on perception. Or if Chris harasses Sam because they think Sam is a trans man but they are not, Chris has made an assumption and discriminated against Sam based on perception.

#### **5.6 Associative Discrimination**

Where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic. An example would be not promoting a colleague because they care for a parent who had a stroke. This is discrimination against the colleague because of their association with a disabled person.

#### **5.7 Victimisation**

Victimisation is when a colleague is treated badly and subjected to detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. A colleague is not protected from victimisation if they have maliciously made or supported a knowingly untrue complaint. An example would be if a disabled colleague raises a grievance that the line manager is not complying with the duty to make reasonable adjustments and is then systematically excluded from all meetings; such behaviour could amount to victimisation.

#### **5.8 Harassment**

Harassment is unwanted conduct relating to one of the protected characteristics that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It does not matter whether or not this effect was intended by the person responsible for the conduct. Colleagues can complain of behaviour that they find offensive even if it is not directed at them and the complainant does not need to possess any of the protected characteristics themselves.

Harassment can also constitute indirect discrimination on grounds of race, sex, disability, sexual orientation, religion, gender reassignment or belief. This is unlawful, and is covered in the [Trust Respect for Other Policy PP080](#).

## 5.9 Positive Action

Positive action is permitted in certain circumstances, where specific action is taken to improve equality in the workplace. It can be used to meet a particular group's needs, lessen a disadvantage they might experience or increase their participation in a particular activity.

Examples of positive action could include:

- placing job adverts to target particular groups, to increase the number of applicants from that group.
- including statements in job adverts to encourage applications from under-represented groups, such as 'we welcome female applicants'.
- offering training or internships to help certain groups get opportunities or progress at work.
- offering shadowing or mentoring to groups with particular needs.
- hosting an open day specifically for under-represented groups to encourage them to get into a particular field.
- favouring the job candidate from an under-represented group, where two candidates are 'as qualified as' each other.

In very limited circumstances, employers may be able to discriminate and stay within the law if they can prove a good business reason, or 'objective justification'. The employer must be able to prove both of the following:

- there is a good business reason behind the discrimination.
- the discrimination is 'proportionate, appropriate and necessary' – this means the business need is more important than any discriminatory impact on affected colleagues.

Financial reasons alone are unlikely to justify discrimination.

In rare cases, employers may also be able to prove that applicants for a job need a certain protected characteristic. This is known as an 'occupational requirement'. For it to be an occupational requirement, both of the following must apply:

- the protected characteristic is essential for and relates to the main tasks of the job
- the employer can prove it has a good business reason, or 'objective justification'

For example, an organisation that campaigns for LGB&T+ legal rights may feel that their Chair should be a member of the LGB&T+ community.

Workforce & Communications Directorate advice must be sought on all aspects of positive action or potential objective justification situations.

## 5.10 Hate Crime

Hate crimes are any crimes that are targeted at a person because of hostility or prejudice towards that person's: disability, race or ethnicity, religion or belief, sexual

orientation or transgender identity. This can be committed against a person or property. A victim does not have to be a member of the group at which the hostility is targeted. In fact, anyone could be a victim of a hate crime.

Hate crimes and hate incidents can hurt people and leave them feeling confused and frightened. By reporting hate crimes a person may be able to prevent these incidents happening to somebody else. It will also help the police understand the extent of hate crime in your local area so they can better respond to it.

You can report hate crime online through True Vision at <http://report-it.org.uk>. See Appendix 1 for details of third party reporting centres.

## **6. The Trust as an equal opportunity employer**

Colleagues who work for the Trust can expect the following:

- Individual diversity is recognised and valued.
- All who work in the Trust, or apply to work in the Trust, will be treated with dignity, respect and fairness regardless of any protected characteristics.
- A working environment exists that is free from unlawful discrimination, victimisation or harassment.
- Decisions relating to recruitment, career development, promotion and training will be based on individual merit, the requirements of the job and fair, open and non-discriminatory systems.
- The Trust and its colleagues will adhere to anti-discrimination legislation and appropriate codes of practice applying to employment.
- A work place is created where all colleagues are confident of equitable and fair access to opportunities, development and training, and terms and conditions of service.
- A workforce profile is developed that as far as practicable reflects the diverse community we serve.
- Regular recruitment and workforce monitoring is undertaken to measure the effectiveness of equal opportunities policy and initiatives.
- The organisation's policy will comply with the current law and codes of practice of the Human Rights & Equal Opportunities Commission.

## **7. The Trust as an equal opportunity service provider**

Patients, service users, relatives and the public can expect the following:

- A service which meets their needs and recognises their diversity and differences within the available resources of the Trust.
- A commitment from all colleagues as individuals to promote equal opportunities internally and externally (detailed in the general notes in all job descriptions and the Trust's "Patients First" service standards).
- Different community groups and voluntary organisations are consulted to determine the needs of different local service users.
- Buildings, facilities and services are accessible to people with disabilities.
- Trust publications will reflect positive images of the diverse range of people living in the local community we serve.
- All contractors, service providers, and other workers not directly employed by the Trust are aware of, and comply with, this policy.



- Complaints are dealt with promptly through the Trust's complaints procedure.
- Patient and service use data is monitored to ensure that no unlawful discrimination is taking place in terms of service delivery.  
Work plans are developed with equal opportunity targets and initiatives to improve service delivery.

## 8. Applying equal opportunities to other policies and procedures

All Trust employment policies and procedures must take account of this policy. Specific consideration should be given to how equal opportunities and an inclusive culture can be applied to the following areas:

### 8.1 Recruitment and Selection

The Trust will operate fair, open and non-discriminatory recruitment and selection procedures. Individuals applying for positions at the Trust can expect the following:

- Selection and promotion criteria for all posts will include consideration of the relevant aptitudes, skills, abilities and qualifications of each candidate.
- All posts will have job descriptions and person specifications based on objective job-related criteria.
- Prospective employees and colleagues seeking promotion will not be required to have a standard of language competence higher than that needed for safe and effective performance of the job.
- The organisation will endeavour to ensure that colleagues making selection decisions will not discriminate, either consciously or subconsciously, in making those decisions. It is mandatory for all those with responsibility for recruitment and selection to undertake the Trust's recruitment and selection training which includes information on discrimination and bias.
- A formal record of shortlisting decisions and a record of interviews for appointment together with reasons for rejection / selection will be made and kept for one year in respect of each post. The detail will include a record of the selection criteria. This information will be held on the Trust's electronic recruitment systems, NHS Jobs and Electronic Staff Record (ESR)
- Key action areas set out in the [Agenda for Change Terms and Conditions](#) are addressed in this or related policies. These include:
  - Recruitment, Promotion and Staff Development
  - Dignity at work
  - Caring for Children and Adults
  - Flexible Working
  - Balancing Work and Personal Life
  - Employment Break Scheme

### 8.2 Positive Action and Policy on Board Public Appointments

Positive action measures to encourage applications from under-represented groups are permitted where the conditions set down in the legislation are met. Advice must be sought from the Workforce & Communications Directorate.

### 8.3 Promotion and Secondment

Promotion must be based on a competitive selection process as above, and opportunities for promotion should be as widely publicised as possible and open to

anyone with either the skills, or potential after training, to meet the requirements of the job description.

Secondment opportunities will be advertised internally and be subject to the Trust selection procedures.

## 8.4 Training and Development

Line managers must ensure that there is equitable access to training and development for all colleagues and that there is no unlawful discrimination in appraisal schemes.

Please see Study Leave policies: 1. [General](#) (PP067) 2. [Senior Medical Staff \(PP032\)](#) 3. [Junior Medical Staff](#) are covered by the Health Education East of England Study Leave Policy

## 8.5 Recruitment and retention of people with disabilities

All advertisements, whether internal or external, will state that the Trust is a Disability Confident employer. Applicants who have shared that they have a disability can expect the following:

- All applicants who meet the minimum criteria for the job vacancy will be offered an interview and be considered on their abilities.
- A mechanism to discuss, at any time, but at least once a year, with disabled colleagues what we and they can do to make sure they can develop and use their abilities. This could be part of yearly appraisals.
- To make every effort when colleagues become disabled to make sure they stay in employment.
- To take action to ensure that all colleagues develop the appropriate level of disability awareness needed to make these commitments work.
- Each year, to review the organisational commitments and what has been achieved, to plan ways to improve on them and let colleagues and the Employment Service know about progress and future plans.
- The potential to have time off for medical treatment, especially in the early stages of the onset of a disability or in the period immediately following a serious accident. Further detail is in the policy [Time Off for Appointments etc. PP191](#) paragraph 2.3 for details and the policy [Special leave for domestic, personal and family reasons PP066](#) for details of disability leave.

Further detail is in the [Recruitment and Retention of People with Disabilities policy PP077](#)

## 8.6 Terms and Conditions of Employment

Most posts within the Trust are available for job-share or part-time working. Hours of working should be flexible whilst meeting the needs of the service. In exceptions, where this is not possible, applicants must be made aware of the job requirements.

Pay and all other terms and conditions must be offered on an equitable basis, or proportionate if part-time.

## 8.7 Employee Retention

The Trust will make every effort to ensure that, where an employee becomes disabled or personal circumstances change, the employee remains in employment.

Options to consider in conjunction with the employee include job sharing, part-time working, redeployment or flexible hours of work, retraining leading to redeployment, special aid or assistance.

Line managers must keep full written records of any discussions and subsequent decisions.

Any equality issues raised by employees, particularly if they involve possible direct or indirect discrimination, must be acted upon by managers in accordance with the relevant Trust policy. This is important both for the avoidance of Employment Tribunal claims, but also to retain valued colleagues.

## 8.8 Supporting Religious Faith and Cultural Needs

Where colleagues have particular religious faith and cultural needs which may be seen to conflict with existing work requirements, the Trust will consider whether it is reasonably practicable to vary or adapt these requirements to enable such needs to be met. Advice should be sought from the Workforce and Communications Directorate.

## 8.9 Discipline and Grievance

Colleagues responsible for managing grievance or disciplinary matters must not discriminate directly or indirectly in the operation of these procedures.

Line managers must deal promptly and thoroughly with grievances from colleagues on discrimination issues.

*Colleagues who make a complaint in respect of unlawful discrimination, abuse or harassment, must not be victimised for making such a complaint. The victimisation of anyone speaking up in good faith is illegal under the Equality Act and will not be tolerated. It could result in disciplinary procedures and any such behaviours should be highlighted to relevant parties. Vexatious complaints will be dealt with if proven.*

Colleagues have the right to seek redress and may use the [Resolution Policy and Procedure PP035](#). Managers must make this right known to all colleagues.

## 8.10 Redundancy and Termination of Contract

The selection criteria for any redundancy exercises must not discriminate unlawfully and all termination of employment must be handled in a fair and consistent manner.

## 8.11 Health and wellbeing

The Trust is committed to the health and wellbeing of its employees and colleagues and has introduced a number of employment practices to enable colleagues to achieve a healthy work life balance.

The Trust has an ambition to ensure that working at WSFT has a positive impact on people's physical, mental, emotional and financial wellbeing and does not cause harm to those who work here. This includes eliminating any discrimination, harassment or victimisation, and ensuring equal opportunities throughout the colleague lifecycle, for anyone with protected characteristics covered under the Equality Act.

### **8.12 Caring for Children and Adults**

The Trust has a separate special leave policy which includes a process for addressing the needs of people with caring responsibilities [Special leave PP066](#).

### **8.13 Flexible working**

The Trust supports a culture of flexible working in a way that supports the health and wellbeing of all colleagues, enabling people to balance work responsibilities with other aspects of their lives in a way that ensures the needs of the service are still able to be delivered. More information can be found [here](#).

### **8.14 Balancing Work and Personal Life**

The Trust aims to provide colleagues with access to leave arrangements, which support them in balancing their work responsibilities with their personal commitments. This includes arrangements for :

- [Maternity Leave, paternity, shared parental and adoption leave](#)
- [Time off for domestic, personal and family reasons](#)
- [Career/Service Break](#)

Entitlements and conditions are detailed in Trust policies in the hyperlinks above.

### **8.15 Career or Service Breaks**

The Trust also provides all colleagues with opportunity to apply for a career or service break. Further details are available in the [Career or Service Breaks policy, PP092](#).

## **9. Handling complaints of discrimination**

Unlawful discrimination in any form will not be tolerated by the Trust and action will be taken where discrimination has occurred, whether the discriminator is a colleague, a service user, a service user's relative, partner or a contractor.

- Colleagues who are found to be involved in unlawful discriminatory activities or practices in relation to their duties are liable to face disciplinary proceedings.
- The Trust is committed to ensuring that complaints in all cases will be treated sensitively, confidentially, thoroughly and swiftly. All colleagues who have suffered unlawful discrimination can expect action to be taken on their behalf and support from the Trust and their Trade Union Representatives.
- An individual not employed by the Trust or another NHS organisation who considers they have been unlawfully discriminated against by a Trust colleague

may make a formal complaint, which will be dealt with through the [Trust Complaints Procedure](#).

- An individual employed by the Trust who considers they have been unlawfully discriminated against may pursue the matter through the [Resolution Policy and Procedure PP035](#) or the [Respect for Others policy PP080](#).

## 9.1 Raising concerns

All Colleagues are encouraged to raise any issues they have in relation to the implementation or operation of this policy. Issues should be raised with the individual's supervisor or head of department.

Colleagues with concerns may find useful to consult the Trust's [Respect for Others policy PP080](#) and/or the [Freedom to Speak Up policy, PP056](#).

The Trust has appointed a Freedom to Speak Up Guardian who can be contacted through [freedomtospeakup@wsh.nhs.uk](mailto:freedomtospeakup@wsh.nhs.uk) or mobile 07896 929086. Everything discussed with the Guardian will remain confidential. They can help navigate the issues and aim to identify an appropriate solution. They report to the Trust Board and have access to the executive team, and can assure all colleagues that their cases will be heard and supported in a sensitive manner.

## 10. Consultation

This policy has been developed in consultation with the Trust Equality, Diversity and Inclusion steering group and Policy Working Group, including representatives from the Trust staff networks and staff side.

*The Trust currently has 4 active staff networks;*

*Pride Staff network*

*REACH Staff network*

*Disability Staff network*

*Parent and Carers network*

This policy is based on national guidance detailed in Appendix 1. Advice on the policy can be sought from the HR Department.

## 11. Approval

This policy is subject to approval by the Policy Working Group.

## 12. Dissemination

- Copies of the full procedure will be available on the Trust web site.
- Copies will also be available from a HR representative.
- Managers must explain the provisions to new colleagues as part of the induction process.

- Special attention must be paid to individuals whose first language is not English, or a disability or neurodifference that may impact their ability to access or implement this policy.

## 12.1 Training

Equality and diversity training is mandatory for all trust staff and must be repeated at least once every 3 years. Training will be arranged for line managers and trade union representatives. This should:

- Inform all employees of their employment rights and obligations during the induction process.
- Ensure that line managers / employees / colleagues involved in recruitment and selection are fully trained, in equal opportunities and interview skills.
- Provide additional guidance and training to groups or individual colleagues on specific aspects of the Equal Opportunities and Supporting an Inclusive Culture Policy as required.
- Ensure that the aims of all training activities, their access, availability and delivery are in line with this policy.
- WSFT are currently reviewing training and advancing Equal Opportunities for all colleagues within the Trust is paramount to this.

## 13. Implementation

The following tools are in place to support implementation of this policy and should be used in conjunction with all other Trust policies.

### 13.1 Equality Delivery System

The Equality Delivery System (EDS) is a system that helps NHS organisations improve the services they provide for their local communities and provide better working environments, free of discrimination, for those who work in the NHS, while meeting the requirements of the Equality Act 2010. The EDS was developed by the NHS, for the NHS, taking inspiration from existing work and good practice.

More information about the Trust's most recent EDS assessment can be found on the Trust website.

### 13.2 Workforce Race and Workforce Disability Equality Standards

The Workforce Race Equality Standard (WRES) and the Workforce Disability Equality Standard (WDES) are included in the NHS standard contract.

They enable us to compare the experience of disabled and non-disabled colleagues, and Black, Asian and other ethnic minority (BAME) and White colleagues, across a number of measures. *Actions are then formulated to address disparities in the employment experience and improve representation at Board level. These actions will form part of the Inclusion Action Plan.*

Progress against the WRES and WDES metrics is assessed annually. More information about the inclusion work plan and the WRES and WDES data can be seen on the Trust website.

### 13.3 Equality Impact Assessments

Equality Impact Assessments (EIA) will be carried out on all new major policies and service changes to ensure that any adverse effects on people with protected characteristics are identified and action taken to mitigate if possible. *A new governance structure is in progress to help progress actions in this area.*

### 13.4 Gender Pay Gap Reporting

Gender pay reporting legislation requires employers with 250 or more employees to publish statutory calculations every year showing how large the pay gap is between their male and female employees. The Trust reviews our gender pay gap data annually and takes action appropriately. More information can be found on the Trust website.

## 14. Monitoring

The Trust will monitor the workforce in accordance with the Public Sector Equality Duty requirements. A Board report will be produced at least annually to include workforce equality monitoring information, staff survey data, EDS, gender pay gap and WRES and WDES information.

## 15. Review

This policy will be reviewed every 2 years by Equality, Diversity and Inclusion Steering Group and in consultation with the Policy Working Group and Trust Council. Any new statutory provision affecting the policy will automatically take precedence.

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Committee responsible for monitoring	EDI Steering Group
Other contributors:	Policy working group
Approvals and endorsements:	Trust Council
Consultation:	EDI Steering group including staff network reps, staff side reps
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**USEFUL WEBSITES AND GUIDANCE ON EQUALITY, DIVERSITY AND EQUAL OPPORTUNITIES**

Agenda for Change Terms & Conditions	<a href="http://www.nhsemployers.org/tchandbook">www.nhsemployers.org/tchandbook</a>
NHS England – High quality care for all, now and for future generations.	<a href="http://www.england.nhs.uk/about/equality">www.england.nhs.uk/about/equality</a>
The NHS Equality & Diversity Council	<a href="http://www.england.nhs.uk/ouwork/gov/equality-hub/edc">www.england.nhs.uk/ouwork/gov/equality-hub/edc</a>
Equality Act 2010	<a href="http://www.gov.uk">www.gov.uk</a>
ACAS Advisory booklet – Delivering Equality & Diversity	<a href="http://www.acas.org.uk">www.acas.org.uk</a>
Equality and Human Rights Commission	<a href="http://www.equalityhumanrights.com">www.equalityhumanrights.com</a>
Hate Crime: True Vision – stop hate crime Hate crime third party reporting centres: CST – protecting our Jewish community Tell MAMA – anti-Muslim hate crime Galop (LGBT)	<a href="http://www.report-it.org.uk">www.report-it.org.uk</a>  <a href="http://www.cst.org.uk">www.cst.org.uk</a> <a href="http://www.tellmamauk.org">www.tellmamauk.org</a> <a href="http://www.galop.org.uk">www.galop.org.uk</a>
Stonewall – acceptance without exception	<a href="http://www.stonewall.org.uk">www.stonewall.org.uk</a>



## Equality/diversity assessment tool

<b>Title of Document</b>	Equal opportunities and developing an inclusive culture policy
<b>Date of assessment</b>	18 January 2023
<b>Date for review</b>	
<b>Division</b>	Workforce and Communications
<b>Completed by</b>	Catrina Cole, wellbeing and inclusion manager
<b>Date</b>	18 January 2023

	Yes/No	Rationale
Does the document affect one group less or more favourably than another on the basis of:		
• Race	Y	This policy sets out how groups can expect to be treated in line with the Equality Act, including provisions for positive action where appropriate
• Gender	Y	This policy sets out how groups can expect to be treated in line with the Equality Act, including provisions for positive action where appropriate
• Sexual orientation	Y	This policy sets out how groups can expect to be treated in line with the Equality Act, including provisions for positive action where appropriate
• Age	Y	This policy sets out how groups can expect to be treated in line with the Equality Act, including provisions for positive action where appropriate
• Disability	Y	This policy sets out how groups can expect to be treated in line with the Equality Act, including provisions for positive action where appropriate
• Marriage and Civil Partnership	Y	This policy sets out how groups can expect to be treated in line with the Equality Act, including provisions for positive action where appropriate
• Pregnancy and Maternity	Y	This policy sets out how groups can expect to be treated in line with the Equality Act, including provisions for positive action where appropriate
• Culture	Y	This policy sets out how groups can expect to be treated in line with the Equality Act, including provisions for positive action where appropriate

Does this document affect an individual's human rights?	Y	This policy sets out how groups can expect to be treated in line with the Equality Act, including provisions for positive action where appropriate
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If the answer to any of the above is 'yes' then:	Tick	Rationale
Demonstrate that such a disadvantage or advantage can be justified		As per the Equality Act
Adjust the policy to minimise the disadvantage identified or better promote equality		
If neither of the above is possible, submit to Trust Council for review		

Completed forms should be returned to the Information Governance team with the approved policy, strategy or guideline.

### Local equality analysis: Proposed Updated Policy PP or service development

**1. Description of decision:**

Updated policy

**2. Main aims and purpose of the policy/service development**

Ensure policy is in line with law, national policy and local ambition to develop an inclusive culture

**3. Main elements of the policy/service development**

Reviewed and updated policy

**4. Key stakeholders**

EDI Steering group including representatives from staff networks and staff side

**5. Policy implementation date and responsibility for implementation**

February 2023, all staff

**6. Data used to inform this assessment**

Workforce equality monitoring, EDS, WRES, WDES, gender pay gap

**7. Consultation and engagement**

EDI Steering group including representatives from staff networks and staff side

**8. Arrangements for sharing the Trust's Equality Impact Assessment**

Included with policy on intranet

**9. Practical actions to reduce or remove adverse/negative impacts**

None required

## 10. Monitoring arrangements

Reviewed in line with policy review requirements

11. Does policy or service development have any influence on any of the equality strands in relation to: Promoting equality, eliminating discrimination, achieving equality?	Yes	No
Race	X	
Religion or belief	X	
Disability	X	
Gender	X	
Sexual orientation	X	
Age	X	
Trans identities	X	
Maternity and pregnancy	X	
Marriage and civil partnership	X	

12. Analysis of the updated policy or service development		
Element of policy	Detail	Impact on promoting equality, eliminating discrimination, achieving equality
Whole policy	Review and update	In line with Equality Act with the ambition of eliminating discrimination and achieving equality

### Date

If you need help completing this template please contact [Carol.steed@wsh.nhs.uk](mailto:Carol.steed@wsh.nhs.uk)

**Additional Helpful Resources For Equality, Diveristy And Equal Opportunities**

[Freedom to speak up guardian](#)

[Menopause Friendly Resources](#)

[Trust Respect for Other Policy PP080.](#)

[Agenda for Change Terms and Conditions](#)

Study Leave policies:

1. [General](#) (PP067)
2. [Senior Medical Staff \(PP032\)](#)
3. [Junior Medical Staff](#) are covered by the Health Education East of England Study Leave Policy

[Flexible working](#)

[Special leave PP066.](#)

[Maternity Leave, paternity, shared parental and adoption leave](#)

[Time off for domestic, personal and family reasons](#)

[Career/Service Break](#)

[Career or Service Breaks policy, PP092.](#)

[Resolution Policy and Procedure PP035.](#)

[Trust Complaints Procedure](#)

[Respect for Others policy PP080](#)

[Freedom to Speak Up policy, PP056.](#)