

# Shropshire Community Health

NHS Trust  
Policies, Procedures, Guidelines and Protocols

| Document Details  |  |   |
|---|--|---|
| Title   | Equality, Diversity, and Inclusion Policy  |   |
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| Local Ref (optional)                                      |  |   |
| Main points the document covers                           | This policy sets out the arrangements for meeting equality, diversity and inclusion legislation, to eliminate all forms of discrimination and ensure equal treatment in both employment and provision of services. |   |
| Who is the document aimed at?                             | All staff  |   |
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| No  | Date   | Amendment   |
| 1.  | 7 December 2015<br>Version 1.1   | Additions of Trust values at 1.2; references to service provision and to Human Rights Act throughout; clarity on definitions of protected groups at 1.9; responsibility of Director of Corporate Affairs at 5.3; role of the ‘Everyone Counts Group’ at 6.2; reference to equality impact assessments at 8.5. |
| 2   | 16 October 2015<br>Version 1.2   | Included ‘Everyone Counts’ in the title as one of our values, replaced ‘The Trust’ with we or our, inserted 1.5, included Equality Act 2010 in Section 4, updated policy list page12, updated KSF for PDR throughout the policy, and included the Everyone Counts group in section 6.                         |

|   |                           |  |
|---|---------------------------|--|
| 3 | March 2019<br>Version 1.3 | Amendment to paragraph 7.5 – replacing ‘Two Ticks’ with ‘Disability Confident Employer’ in line with new scheme.   |
| 4 | June 2022                 | No Amendments  |
| 5 | July 2024<br>Version 2    | Numbering and formatting throughout, update of job titles throughout, updates to the following sections: (1) Policy Statement, (4) Definitions, (5) Links to National Standards or Systems, (7) Roles and Responsibilities, and new section 11 Flexible Working. |

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# 1 Policy Statement

- 1.1 The purpose of this policy is to set out the Trust's commitment to promoting Equality, Diversity, and Inclusion, taking a zero-tolerance approach to discrimination. We do so not merely to satisfy legal requirements, social or contractual obligations but in the belief that such a policy will secure the maximum contribution from employees by fostering a sense of belong, promoting health and well-being which is in our employees' best interests.
- 1.2 This policy aims to meet our equality duties set out in the Equality Act 2010, and the Health and Social Care Act 2012 and this policy is central to supporting the achievement of our vision and values, which include but not limited to:
- *Respect and Dignity* – seeing the person every time – respecting their values, aspirations, and commitments in life – for patients, carers and staff.
  - *Everyone Counts* – we make sure no one feels excluded or left behind - patients, carers, staff, and the whole community.
- 1.3 The policy is central to our goal of providing high quality care which is person-centred and recognises the needs of each individual.

## Policy Statement - Employment

- 1.4 We are committed to:
- **Fairness** with the aim of eliminating discrimination and ensuring equity of outcome for all employees and job applicants. We require all staff to abide by this principle.
  - **Diversity** with the aim of having:
    - a workforce that is representative of the communities we serve
    - a work environment characterised by dignity and mutual respect, where staff feel their individual differences and contributions are valued and they can give their best.
  - **Human rights** with the aim of ensuring staff treat each other and those they provide services to consistently with the principles of the Human Rights Act, and the Trust Values.
- 1.5 All employees, whether part time, full time, temporary or volunteers will be treated fairly and with respect. Selection for employment, promotion, training, or any other benefit will be on the basis of aptitude, ability and the needs of the service. All employees will be helped and encouraged to develop their full potential and talents will be fully utilised to maximise the efficiency of organisation.
- 1.6 It is the duty of all employees to accept their personal responsibility for the practical application of this policy, but it is acknowledged that specific responsibilities fall upon managers, supervisors and individuals involved in certain processes, for example in recruitment.

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## Service Provision

- 1.7 We are committed to providing services that meet the individual health needs and expectations of people who use our services. We will ensure that equality is embedded into the design and delivery of services to provide accessible, responsive community healthcare. This means fair access for all, recognising that some individuals or groups of people need particular arrangements in order to have fair access and effective services. It also means delivering high quality services which ensure patients, service users, carers and members of the public are treated with dignity and respect and receive person-centred care.
- 1.8 The Trust recognises that our performance as an employer on equalities issues is also important because it may affect the confidence of our patients (and the wider community we serve) in how well we manage fair access to and delivery of our services.

## 2. General Principles

- 2.1 No individual shall be required to comply with requirements connected with their employment which are different to the requirements for others in the same situation. No individual will be disadvantaged by conditions or requirements of a post which cannot be shown to be justifiable.
- 2.2 Managers will be expected to encourage a culture whereby discrimination is always challenged, and appropriate action is taken.
- 2.3 Any contravention of this policy will be dealt with under the Disciplinary Procedure. Any form of discrimination is considered to be gross misconduct which may lead to summary dismissal. In some situations, the Trust may be at risk of being held responsible for the acts of individual members of staff and will not tolerate any discriminatory practices or behaviours.
- 2.4 We are committed to the promotion of equal opportunities and building equality and diversity into our policies, procedures, and practices. We will keep under review our policies, procedures, and practices to ensure that our people are not disadvantaged.
- 2.5 We recognise that equality in the workplace cannot be achieved through an Equality, Diversity and Inclusion Policy alone. For our policy to be successful, it is essential that everyone is committed to, and involved in its delivery. This policy forms the core statement of our philosophy and underpins commitments to achieve equality and fairness at work and other relevant policies are in place to support this policy.

## 3. Scope of the Policy

- 3.1 The policy applies to all employees, bank workers, volunteers, and other workers including agency staff, contractors, patients, and visitors.
- 3.2 We aim to maintain and extend a fair working environment for all employees through the implementation and development of policies and practice aimed at promoting equal opportunity in employment. A list of relevant supporting policies can be found in Section 17.

## 4. Definitions

4.1 **Equality:** treating all people fairly and equally. As a public authority we have a legal duty under the Equality Act 2010 to promote equality, with due regard to the 9 protected characteristics. Equality is not about treating everyone the same. Equality recognises that:

- everyone has individual needs and the right to have those needs respected.
- inequality exists and that unlawful discrimination needs to be tackled.
- employment and Trust services should be accessible to all.
- is about treating people fairly where everyone can participate and have the opportunity to fulfil their potential.

4.2 **Diversity** is recognising and valuing individual difference. Diversity challenges us to recognise and value all sorts of differences in order to make the Trust a better working environment and to ensure that we provide an excellent service for all people. Diversity recognises that:

- everybody is different.
- we need to understand, value, and respect those differences; and
- diversity can include individuals and groups with varying backgrounds, experiences, styles, perceptions, values, and beliefs.

4.3 **Inclusion** is the extent to which employees feel valued and included. The Trust regards the importance of building a culture that empowers people to feel a sense of belonging, and that their contribution at work is valued.

4.4 **Direct discrimination** means treating someone less favourably compared to others because:

- they have certain protected characteristics or
- because they are thought to have a protected characteristic (Perception) or
- are associated with someone who has a protected characteristic (Association).

4.5 **Indirect discrimination** can occur when you have a rule or policy that applies to everyone but disadvantages a person with a particular protected characteristic.

## 5. Links to National Standards or Systems

### 5.1 Equality Delivery System (EDS)

The Equality Delivery System (EDS) is a system that helps NHS organisations improve the services they provide for their local communities, better working environments, free of discrimination, for those who work in the NHS, while meeting the requirements of the Equality Act 2010. EDS is aligned to NHS England's long-term plan and its commitment to an inclusive NHS that is fair and accessible to all.

The EDS was developed by the NHS, for the NHS, taking inspiration from existing work and good practice. Through a four-stage process of assessment, strategic planning, accountability and evidence we will implement its requirements which will also provide

compliance with the duties within the public sector duty of the Equality Act 2010. This includes developing and implementing improvement actions, and focuses around 4 areas:

- Better health outcomes for all
- Improved patient access and experience
- Empowered, engaged, and well supported staff, and
- Inclusive leadership at all levels

## **5.2 Workforce Race Equality Standard (WRES) and Workforce Disability Equality Standard (WDES)**

5.2.1 The Workforce Race Equality Standard (WRES) and Workforce Disability Equality Standard (WDES) are a set of specific measures/metrics which enables NHS organisations to compare the workplace and career experiences of ethnic minority and non-ethnic minority, disabled and non-disabled staff.

5.2.2 NHS organisations use the metrics data to develop and publish an action plan, building on high impact actions shared in the EDI improvement plan. Year on year comparison enables NHS organisations to demonstrate progress against the indicators of ethnicity and disability equality. This is to create the cultures of belonging that will improve retention, recruit from the widest possible talent pool, and provide sustainable careers.

5.2.3 The Trust regularly provides reports to Committees, the Board and NHS England on WRES and WDES data of our performance against the national standards. Progress is monitored through corporate and local action plans.

## **5.3 NHS Equality, Diversity, and Inclusion (EDI) Improvement Plan**

5.3.1 The NHS England EDI improvement plan aims to improve equality, diversity and inclusion and enhance the sense of belonging for NHS staff and sets out six targeted actions to address both direct and indirect prejudice and discrimination.

5.3.2 The Trust is required to implement this plan which aims to improve the outcomes, experience and culture for those with protected characteristics under the Equality Act 2010 (although it is not limited to these groups). The final deadline for implementing all actions is March 2026. The six actions include:

- High Impact Action 1. Chief Executives, Chairs and Board members must have specific and measurable EDI objectives to which they will be individually and collectively accountable.
- High Impact Action 2. Embed fair and inclusive recruitment processes and talent management strategies that target under-representation and lack of diversity.
- High Impact Action 3. Develop and implement an improvement plan to eliminate pay gaps.
- High Impact Action 4. Develop and implement an improvement plan to address health inequalities within the workforce.
- High Impact Action 5. Implement a comprehensive induction, onboarding, and development programme for internationally recruited staff.
- High Impact Action 6. Create an environment that eliminates the conditions in which bullying, discrimination, harassment and physical violence at work occur.

## 5.4 Electronic Staff Record

- 5.4.1 The data we hold within our Electronic Staff Record (ESR) is an important source of information about our demographics and helps us draw conclusions about how we are doing and set objectives. We ask everyone ensures their demographic information is up to date. You can update your information using employee self-service.

## 6. The Legal Framework

- 6.1 The Trust's policy has been developed within the framework of existing legislation. The main legal provisions are contained within the Equality Act 2010 and the Human Rights Act 1998.
- 6.2 The **Equality Act 2010** brought together separate previous pieces of anti-discrimination legislation into a single Act. It requires everyone to have equal access to employment as well as to private and public services, regardless of age, disability, gender reassignment, marriage or civil partnership, maternity or pregnancy, race, religion or belief, sex and sexual orientation.
- 6.3 The **Public Sector Equality Duty**, set out in section 149 of the Equality Act, requires public bodies to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services, and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

The Public Sector Equality Duty consists of (a) a general duty with three main aims, and (b) specific duties (set out in supporting legislation), as set out below: -

### (a) General duty under Public Sector Equality Duty

Public Sector bodies must seek to: -

- (i) eliminate discrimination, harassment, and victimisation.
- (ii) advance equality of opportunity (positive action in recruitment and promotion); and
- (iii) foster good relations

### (b) Specific duties under the Public Sector Equality Duty

Public bodies are required to be transparent about how they are responding to the Public Sector Equality Duty – requiring them to publish relevant, proportionate information showing compliance with the Equality Duty, and to set equality objectives.

- 6.4 The **Human Rights Act 1998** sets out the rights in the UK which are protected by the European Convention on Human Rights. Human rights are based on the core principles that are relevant to day-to-day life and protect freedom to control one's own life and fulfil potential through; being safe and protected from harm, being treated fairly and with dignity, living the life you choose, and taking an active part in the community and wider society.



- 6.5 In line with the relevant legislation, we have a legal obligation to ensure that our employees do not unlawfully discriminate.

## 7. Roles and Responsibilities

- 7.1 **The Trust Board** oversees the development and implementation of this policy, receiving regular reports on a wide range of strategic and operational equality, diversity and inclusion information and data that is aligned with its strategic priorities.
- 7.2 **The Chief Executive** is responsible for the overall implementation of this policy and for keeping the Board informed at regular intervals of the progress being achieved in implementing the provisions of this policy.
- 7.3 **Executive Directors and Directors** are responsible for ensuring the realisation and implementation of this policy under their span of control. In particular, the People Director's responsibility relates to ensuring full compliance with the employment aspects of this policy and to put in place systems and procedures to support the full application of its principles and procedures.
- 7.4 **Managers** (and other staff with comparable responsibilities) have a particular duty to ensure that discrimination, or any other breaches of this policy, do not occur in the department or area of work for which they are responsible and to give positive support to any measures which will promote equality of opportunity. Specific responsibilities include:
- ensuring their staff are aware of, understand and comply with the requirements of this policy, related policies and procedures or other good practice guides.
  - ensuring that their staff have undertaken the appropriate equal opportunities training.
  - maintaining a culture which welcomes and respects diversity, and where discrimination is unacceptable.
  - tackling promptly and fairly any instances of discrimination, harassment, or victimisation in areas for which they are responsible.
  - ensuring that proper records of employment decisions are maintained.
  - maintaining and submitting information for monitoring purposes
  - monitoring and evaluation to ensure compliance with good equal opportunities practice as required by relevant policies, within their areas of responsibility.
  - fully investigate all allegations of potential unfair discrimination or harassment in line with the relevant Trust policies.
- 7.5 **All employees and Bank Workers** have a responsibility in the day-to-day practical application of this and related policies. All employees are responsible for their behaviour and conduct within the workplace and to ensure that they treat all staff and those people with whom they have contact with in the course of their duty, with dignity and respect, ensuring they do not discriminate or encourage others to. In particular, employees are required to:
- challenge and bring to the attention of their line manager, behaviour or actions that run contrary to this policy.
  - play their part in meeting the requirements set out in Trust wide equality, diversity, and inclusion plans.
  - ensure that they are up to date with their statutory and mandatory training.

- 7.6 **Agency staff, contractors, volunteers, and other workers** undertaking work on Trust premises are required to comply with this policy. The Trust reserves the right to remove anyone from our sites who fail to comply with the provisions of this policy.
- 7.7 **Providers of goods and/or services** (volunteers, individuals, and organisations) are expected to adhere to the principles of this policy and treat all those with whom they have contact with, whilst providing these goods and/or services to us with dignity and respect.

## 8. Implementation

- 8.1 We have a legal and moral responsibility to ensure that discrimination does not occur. The overall responsibility for this policy rests with the Trust Board, however, the responsibility for the implementation and review of the policy is delegated to the Director of People.

## 9. Recruitment and Selection

- 9.1 The intention of the Recruitment and Selection Policy (Safer Recruitment) is to ensure the most appropriate response to vacancies and to ensure that the highest quality of candidates apply and are appointed.
- 9.2 As an equal opportunities employer we promote the efficient, effective, fair and consistent recruitment and selection practices for all staff. It is our policy to recruit the best person for each vacancy, regardless of their gender, race, nationality, religion, religious belief, disability, age, sexual orientation, marital or civil partnership status, gender reassignment, pregnancy/maternity or trade union membership. Wherever possible, existing employees will be encouraged to apply internally for promotion opportunities. Where there is a relevant occupational requirement, this should be reviewed carefully with advice from the Resourcing Services team and/or the People Services team.
- 9.3 All vacancies will be advertised on the Trust applicant management system (Trac) and the Trac connected third party platforms (e.g. Indeed, NHS Jobs), internally on the Trust Staff Zone and via Trust communications, in local Job Centres, local communities where agreed and where appropriate in relevant media publications. Exceptions to this will be where an employee has been identified as being 'at risk' of redundancy or where specific development opportunities are 'ring-fenced' to a particular team/department or where redeployment is sought for employees on grounds of their health.
- 9.4 The selection process is of vital importance and must be carried out according to predetermined and objective job-related criteria. When drawing up job descriptions, person specifications criteria should be directly related to the requirements of the post and care should be taken not to overstate these requirements. Use of a fair and justifiable Person Specification should ensure that discrimination does not take place. There should be involvement of more than one person within shortlisting, interviewing and recording the reasons for selection/rejection of applicants.
- 9.5 We have signed up to the 'Disability Confident' scheme operated through Jobcentre Plus and we are currently at the Disability Confident 'employer' level. We have provisions in place to assist the employment opportunities of disabled persons. We are

committed to interview all disabled applicants who meet the minimum criteria of the person specification for a vacancy and consider them on their abilities. We are committed to the employment of disabled people where the criteria of the person specification are met and where they are the best candidate for the job determined at interview. We will endeavour to make reasonable adjustments to support employees in their role.

- 9.6 We will ensure that all staff involved in making selection decisions have access to and have received appropriate training.
- 9.7 We are committed to the use of positive action where it is deemed necessary and in line with legislation.

## **10. Reasonable Adjustments**

- 10.1 The Equality Act 2010 includes the right for all disabled employees to have 'reasonable adjustments' made to their role or working environment or where this is not practicable identifying an alternative role/environment. This is the case for those employees who already have a disability or become disabled during their employment.
- 10.2 The Trust's Managing Attendance at Work Policy sets out the guidance for making reasonable adjustments, and additional guidance can be found in the 'Reasonable Adjustments Guidance for Managers' document accessed via Staff Zone.

## **11. Flexible Working**

- 11.1 We recognise that a better work life balance can improve employee motivation, performance, productivity, and reduce stress in the workplace. We therefore want to support employees to achieve a better balance between work and their other priorities such as caring responsibilities, leisure activities, further learning, and other interests.
- 11.2 We are committed to providing a range of appropriate flexible working patterns and all employees in all areas are entitled to request flexible working regardless of their length of service. We are committed to agreeing any flexible working arrangements, providing the needs of the service and objectives of the organisation can be met.
- 11.3 The Trust's Working Flexibly Policy (For Work Life Balance) sets out various flexible working arrangements and advises on the process to follow if employees wish to request flexible working.

## **12. Training, Promotion and Career Development**

- 12.1 We will not discriminate in the provision and selection for training and development programmes. Appropriate training will be provided to all staff to enable them to perform effectively in their job, to pursue development opportunities and develop their careers.
- 12.2 Activities including promotion and training and development (which should be firmly based on the Appraisal framework process) should be monitored.
- 12.3 We commit to ensure that training in equal opportunities and equality, diversity and inclusion forms an integral part of induction and training activity. All staff are required to

undertake the Equality and Diversity and Human Rights (level 1) E-learning module every three years.

- 12.4 Secondments will be encouraged, subject to an open selection/advertising procedure.

### 13. Equality Impact Assessments

- 13.1 Equality Impact Assessment (EQIA) is a process whereby the impact of policies or services on patients, clients or staff can be considered and any necessary actions identified and implemented. The Trust holds a monthly meeting for EQIA's and the panel includes the Director of Nursing and Clinical Delivery and the Medical Director.

### 14. Monitoring and Review

- 14.1 This policy will be periodically reviewed (at least every 3 years) in light of any developments in legislation or relevant national NHS frameworks (including employment legislation or employee relations' practice). If necessary, it will be revised in order to ensure its continuing relevance and effectiveness. Any amendments will be introduced only after consultation with staff-side representatives.
- 14.2 The responsibility for monitoring statistics within this and related policies lies with People Services. The monitoring of statistics for the Workforce Race Equality Standard and Equality Delivery System will be done by the People Services Team.

### 15. Complaints

- 15.1 If you have a concern about discrimination you have experienced or witnessed, we hope you will feel able to raise it first with your line manager or lead clinician. However, if you feel unable to do this, there are other options for you to consider; you may wish to discuss with People Services, your trade union, our Freedom to Speak up Guardian or Champions via [shropcom.speakup@nhs.net](mailto:shropcom.speakup@nhs.net) Further information about our Freedom to Speak up Guardian can be found on the Staff Zone.
- 15.2 Alternatively, you may wish to make a complaint of discrimination using either the Trust's Dignity at Work Policy, or the Grievances and Concerns Policy. Proven discrimination will be treated as a disciplinary issue.
- 15.3 The Disciplinary Procedure will be applied to all staff regardless of their gender, age, race, nationality, ethnic or national origin, religion, religious belief, sexual orientation, disability, gender reassignment, pregnancy/maternity, social background, trade union membership, carer responsibilities or employment status.
- 15.4 **Job applicants** who wish to make a complaint of discrimination should be referred to the Head of Resourcing Services who will ensure that the complaint is responded to and investigated. Thereafter, the complainant will be given factual information relating to the issues raised and, if appropriate, a further opportunity for assessment and/or an apology or assurance about future arrangements.
- 15.5 **Patients, clients or carers** who wish to make a complaint of discrimination will be supported to do so, and their complaint will be fully investigated using the Trust Complaints Policy.

- 15.6 **Volunteers** who wish to make a complaint should in the first instance raise the matter with their nominated supervisor. If the complaint is not resolved then the matter should be raised with the People Services team.
- 15.7 **Providers of goods and/or services** who wish to make a complaint should refer to the Trust's Complaints Policy, available on the Trust website.

## 16. Communicating the Equality, Diversity, and Inclusion Policy

- 16.1 The policy will be communicated in the following ways:
- publication on Staff Zone
  - publication on public facing website.
  - dissemination via Infreemation
  - using Trust communications
  - awareness raising to managers and staff via People Services
  - ensuring that managers are aware of the implications of the policy in all relevant situations (e.g. recruitment and selection, appraisal).
  - providing relevant training to all staff on equality and diversity
- 16.2 For further advice or information on any aspects of this policy, please contact the People Services team.

## 17. Related Policies and Procedures

- Disciplinary Policy and Procedure
- Grievance and Concerns Policy
- Maintaining High Standards of Performance Policy
- Management of Corporate & Local Induction Policy
- Managing Attendance at Work Policy
- Maternity, Adoption and Maternity Support (Paternity) Leave Policy
- Recruitment and Selection Policy (Safer Recruitment)
- Secondment Procedure and Agreement
- Special Leave Policy
- Working Flexibly (for work life balance) Policy