



Policy:

Equity in the Workplace Policy

Executive Director Lead	Executive Director of People
Policy Owner	Head of Equality and Inclusion
Policy Author	Head of Equality and Inclusion

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Ratified By	PEOPLE COMMITTEE
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Summary of policy

Our organisation is committed to promoting diversity equity and inclusion and celebrating diversity across all areas of the organisation.

The purpose of this policy is to set out how we will promote equity diversity and inclusion and prevent and respond robustly to unlawful discrimination in the workplace.

Target audience	Staff, people undertaking roles in the organisation that are not employees and people who have an interest in working for SHSC.
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Keywords	Identify key words
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Storage & Version Control

This is Version 6.0 of this policy is stored and available through the SHSC intranet/ internet. This version of the policy supersedes the previous version (Version 5 August 2019). Any copies of the previous policy held separately should be destroyed and replaced with this version.

Version Control and Amendment Log

Version No.	Type of Change	Date	Description of change(s)
1.0	New policy created	2003	New policy
2.0	Reviewed and updated	October 2010	Reviewed to take account of Equality Act 2010
3.0	Reviewed and updated	January 2014	Full review completed as per schedule
4.0	Reviewed and updated	September 2016	Full review completed
5.0	Reviewed and updated, Consultation, Approval, Ratification, and Issue.	April to July 2019	<p>Full review completed as per the HR Policy Governance schedule.</p> <ul style="list-style-type: none"> - Section 4.7 updated to make it clearer that positive discrimination is unlawful. - Section 6.1 have deleted a paragraph that was repeated in 6.3 of original policy. - Added Disabled Staff Policy to list of policies (section 13). - Added the word 'including' in section 7.7. - updated appendix on legislation to take out transitional arrangements re equality act and added regulations - Policy considered by Joint Policy Group 4th July 2019 – Staff Side identified typos which have now been corrected. Also agreed to take out reference to the Race Equality Cultural Capability training (RECC) as this is no longer available.
6.0	Reviewed/ Rewritten Consultation, Approval, Ratification, and Issue.	August – 2023 to February 2024	<p>Representatives of the Staff network groups, and the Head of Equality and Inclusion reviewed the 2019 version. The policy appeared to be outdated following a review of the policies of other organisations. It was agreed that a significant rewrite of the policy was required.</p> <ul style="list-style-type: none"> • The title of the policy was changed to Equity in the Workplace • The following sections in the procedure section of the policy were agreed: <ul style="list-style-type: none"> - Valuing and Promoting Diversity and Inclusion - Promoting Equity and Inclusion in Recruitment - Promoting Equity and Inclusion in Personal and Career Development - Staff Network Groups <p>The following appendices were added /retained.</p> <p>Appendix A – Equality Impact Assessment Process and Record for Written Policies</p> <p>Appendix B – New/Reviewed Policy Checklist</p> <p>Appendix C – Legal Framework: Relevant Legislation</p> <p>Appendix D – Discrimination Harassment and Victimisation</p> <p>Appendix E - Staff Network Groups – Voice and Influence Structure</p>

Contents

Equity in the Workplace Policy Version 6 March 2024

Section		Page
	Version Control and Amendment Log	
	Flow Chart	1
1	Introduction	2
2	Scope	2
3	Purpose	2
4	Definitions	2
5	Details of the Policy	4
6	Duties	4
7	Procedure	5
8	Development, Consultation and Approval	9
9	Audit, Monitoring and Review	11
10	Implementation Plan	11
11	Dissemination, Storage and Archiving (Control)	12
12	Training and Other Resource Implications	13
13	Links to Other Policies, Standards, References, Legislation and National Guidance	13
14	Contact details	13
	APPENDICES	
	Appendix A – Equality Impact Assessment Process and Record for Written Policies	14
	Appendix B – New/Reviewed Policy Checklist	16
	Appendix C – Legal Framework: Relevant Legislation	17
	Appendix D – Discrimination Harassment and Victimisation	20
	Appendix E - Staff Network Groups – Voice and Influence Structure	22

Flowchart



1. Introduction

We aim to be an organisation that is diverse and inclusive and employ people with a wide range of life experience and whose diversity echoes the diversity of Sheffield, of the people who use our services, and of the people who may need to use our services but face barriers to access these.

Our organisation is committed to promoting equity and inclusion and promoting and celebrating diversity across our organisation in all that we do.

This policy aims to set out how we will approach this, from the point at which someone might be thinking about working with us (now or in the future) to starting work and working long term in our organisation.

We aim to place inclusive work practice and staff wellbeing at the heart of what we do in all of our work-related activities and priorities.

This aim includes preventing and responding robustly to unlawful discrimination and harassment

These aims support our legal duty as a public organisation to comply with the Equality Act 2010 and its associated Regulations and statutory guidance and to meet the Public Sector Equality Duty.

We have a number of policies in our organisation that also support these aims this policy does not duplicate these policies but should be read in conjunction with them.

2. Scope

This policy is relevant to anyone who works in our organisation, including staff that are working under honorary or bank contracts. The policy also applies to students on placement or applying for placements and job applicants. People who have an interest in working for our organisation may also find this policy useful in setting our approach to promoting equity in the workplace

3. Purpose

Our organisation is committed to promoting diversity equity and inclusion and celebrating diversity across all areas of the organisation. The purpose of this policy is to set out how we will promote equity diversity and inclusion and prevent and respond robustly to unlawful discrimination in the workplace.

In addition, this policy supports our organisation in responding to the legal framework of the Equality Act 2010 and its related regulations that requires public organisations to prevent discrimination ,advance equal opportunity and promote good relations between people who share protected characteristics defined under the Equality Act 2010 and those who do not.

4. Definitions

4.1. Equality Vs Equity

Equality is about making sure that everyone has access to the same resources and opportunities. Equity however recognises that everyone is different, and that disparity exists for people for equity resources and opportunities need to be tailored to take account of these differences and disparities.

4.2. Discrimination

Discrimination can take many forms these are legally defined in Chapter 2 of the Equality Act 2010 where the discrimination relates to a Protected Characteristic. Please see Appendix D for detailed descriptions of different type of discrimination that may be experienced and unlawful.

4.3. Inclusion

Inclusion is about the workplace environment and culture and how this impacts on making sure that everyone experiences being valued and included in our organisation.

4.4. Protected Characteristic

The Equality Act 2010 brought together several pieces of legislation and brought in the term Protected Characteristic in relation to areas covered by previous legislation.

The Protected Characteristics are:

- Age
- Disability
- Gender Reassignment.
- Marriage and Civil Partnership.
- Pregnancy and Maternity.
- Race.
- Religion or Belief.
- Sex.
- Sexual Orientation.

4.5. Harassment

Harassment is behaviour that makes someone feel intimidated or offended. Examples can include:

- Spreading malicious rumours
- Unfair treatment
- Picking on or regularly undermining someone
- Denying someone's training or promotion opportunities

Harassment can happen:

- Face-to-face
- By letter
- By email
- By phone
- In Social Media/online

Harassment is unlawful under the Equality Act 2010. when the unwanted behaviour is related to a Protected Characteristic.

4.6. The NHS Sexual Safety Charter

The NHS Sexual Safety Charter is an agreement with ten pledges including commitments to provide staff with clear reporting mechanisms, training, and support to prevent and respond to sexual harassment or inappropriate behaviour.

4.7. Positive action

The Equality Act allows action that may involve treating one group more favourably where this is a proportionate way to help members of that group overcome a disadvantage or participate more fully, or to meet needs they have that are different from the population as a whole. This is called 'positive action'¹ Positive Action is lawful if it is undertaken within the terms of the Equality Act 2010².

4.8. Positive Discrimination

'Positive Discrimination' means treating someone more favourably only because they have a protected characteristic, for example setting a quota for recruitment from a specific group rather than setting in place action to support a disadvantaged group with the aim of increasing representation. Positive discrimination is usually unlawful and is different from positive action which is lawful.

5. Detail of the policy

This policy sets out how our organisation will promote equity diversity and inclusion and prevent and respond robustly to unlawful discrimination in the workplace. There are a number of organisation policies that also relevant to support these aims and underpin principles set out in this policy (see s.13) .

6. Duties

6.1. Managers, and others in supervisory positions,

Have a particular duty to ensure that discrimination, or any other breaches of this Policy, do not occur in any directorates/ departments or areas of work for which they are responsible and to give positive support to any measures which promote equality of opportunity.

Specific responsibilities include:

- Ensuring that their staff are aware of and comply with the requirements of this Policy, related policies and procedures and other good practice guides.
- Ensuring that their staff have undertaken the appropriate mandatory Equality and Diversity training, other Equality and Diversity training relevant to their role and if involved with recruitment and selection the necessary training to enable them to be involved in that process

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85014/positive-action-recruitment.pdf

² ss.158 or 159 of the Equality Act 2010

- Evaluating strategies, plans, developments, working practices, etc, to ensure they do not unfairly discriminate against any person or groups of people, that they advance equal opportunity and where appropriate promote good relations between people who share protected characteristics and those who do not.
- Ensuring that those who report to the manager, but are not employed by the SHSC e.g., volunteers and providers of goods and/or services, take responsibility for their behaviour and conduct in the workplace and to make them aware of the practical application of this Policy.
- Assisting with the monitoring of compliance with good equal opportunities practice within their area of responsibility.
- Responding seriously to and fully investigating, all allegations and complaints of discrimination or harassment in line with relevant, supporting policies.
- Supporting staff in their areas to attend and take part in Staff Network Groups

6.2. Employees

All employees are expected to comply with this policy in their behaviour to other employees, job applicants, agency and Bank workers, volunteers, service users and carers and to treat all those with whom they have contact, including providers of services/goods, with dignity and respect.

Employees must operate within and actively promote actions to support equity, inclusion and non-discrimination. They must not victimise individuals on the grounds that they have made complaints or provided information on discrimination but must be active in informing managers of any discrimination they witness.

Employees should be aware that they, as individuals, may be liable for unlawful discrimination as well as the organisation.³

6.3. Providers of goods and/or services

6.3.1. The organisation expects that these providers adhere to the principles of this Policy and treat all those with whom they have contact while providing these goods and/or services to the with dignity and respect.

6.3.2. Supporting our organisation to meet the requirements set out in the Public Sector Equality duty is an expectation that should be inherent in all contracts with third parties.

7. Procedure

7.1. The Public Sector Equality Duty

The Equality Act 2010 places a duty on public authorities, which includes NHS Foundation Trusts to, in the exercise of their functions, have 'due regard' to the need to:

- a) Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Equality Act 2010.

³ Equality Act 2010 s110

- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.⁴

Our policy aims to support and these three aims but move beyond legal compliance.

7.2. Valuing and Promoting Diversity and Inclusion

Our organisation is diverse and the people who work in our organisation have a range of lived experienced both work related and personal. This brings a richness to our organisation that we aim to value and build on.

- 7.2.1. We will ensure that current and potential employees are treated with dignity, respect, and fairness in line with our organisations Values, promoting an environment and conditions in which everyone can reach their full potential and maximise their contribution to the organisation.
- 7.2.2. Ensuring that systems and training are in place to support disabled staff and applicants to receive reasonable adjustments, including providing equipment, resources and adjustments to policies and practices where these may disadvantage disabled person compared to someone who is not disabled.
- 7.2.3. We will take positive action to promote equal opportunities and to raise awareness of the value of diversity and inclusion in employment with managers and staff.
- 7.2.4. We will build on the diversity of our organisation embedding equality and diversity priorities within all our operations, drawing on the Equality Delivery System (EDS22), The Workforce Race Equality Standards (WRES), The Workforce Disability Equality Standard (WDES), and Quality and Equality Impact Assessment (QEIA) to support this aim.
- 7.2.5. We will focus on key events and celebrations relevant to valuing diversity and inclusion though the year and encourage and support staff in all areas to take part in these.
- 7.2.6. We will establish and support Staff Networks and Groups
- 7.2.7. We will provide training and development to enhance knowledge and understanding relevant to promoting and developing organisational diversity and inclusion.
- 7.2.8. When we are developing our workplans and recruiting to vacancies or new posts we will consider the diversity of our teams and services so that our workforce is representative of our city population and the people we provide services to.

7.3. Preventing Discrimination and Harassment

⁴ Equality Act 2010 s149

7.3.1. We expect anyone who works in our organisation to respect others and behave in a way that promotes equity, diversity, and inclusion, this applies to everyone. Behaving in a way that respects others this includes:

- Sharing and demonstrating our organisations values
- Being kind and thinking about the impact of communications made verbally or in writing even when these are made in a non-work environment where they might impact on work colleagues.
- Being [civil](#) and considerate of others

7.3.2. Unlawful discrimination can take a number of forms, these are set out in Appendix D

7.3.3. We will not tolerate unlawful discrimination including harassment and will put measures in place to prevent and robustly respond to this.

7.3.4. Our legal duties around preventing discrimination are set out in the Equality Act 2010, we will be proactive in fulfilling our legal obligations under equality legislation.

7.3.5. We will ensure that all staff, service users, carers and contractors are aware of their right to protection from discrimination, harassment, victimisation, or bullying.

We will ensure that our buildings and working environments are as accessible as possible to a wide range of people, this includes layout and environment, location, communications systems, including telecommunications, publications, and online information.

7.3.6. We will provide Reasonable adjustments for disabled staff and maintaining our Supporting Disabled Staff in the Workplace Policy.

7.3.7. We will be mindful of Equality Diversity and Inclusion in procurement of services, goods, works and temporary staff, by complying with EU and UK legislation and best practice.

7.3.8. We will take action to progress a leadership structure whose composition reflects the diversity of our workforce and the people who use our services.

7.3.9. We will explore equality and diversity implications of all key decisions, policies and activities using Quality and Equality Impact Assessment for policy decisions and Equality Impact Assessment for written policies.

7.3.10. We will review our data to highlight areas where action is needed

7.3.11. We will be signatories to The NHS Sexual Safety Charter and take action to support the principles of the Charter.

7.3.12. We will take robust action to prevent and respond to hate related incidents experienced by our staff.

7.4. Promoting Equity and Inclusion in Recruitment

Our [Recruitment and Selection policy](#) and procedures will reflect good practice in promoting Equality Diversity and Inclusion in recruitment and selection practice, in addition:

- 7.4.1. Recruitment panels should aim to be diverse in terms of gender.
- 7.4.2. All recruitment at Agenda for Change Band 7 and above must include an ethnically diverse panel member who are expected to be involved in all relevant elements of recruitment.
- 7.4.3. Adverts will highlight that the organisation is a Disability Confident employer and that we have a policy of guaranteeing an interview to Disabled applicants where they meet the essential criteria for the role advertised.
- 7.4.4. Job specification will only include requirements or criteria which are necessary to the role. Role requirements should be considered to ensure they do not disproportionately disadvantage any group (i.e., sex, race, disability etc.).
- 7.4.5. Jobs advertised will highlight the essential criteria in the job pack, disabled applicants will be eligible for a guaranteed interview if they are able to demonstrate in their application that they meet all of the essential criteria. Applications will be scored as follows:
 - 0 - does not meet criteria/does not have qualification,
 - 1 - Candidate is working or studying towards,
 - 2 - Candidate meets criteria/is fully qualified

When shortlisting short listers use this scoring criteria to assess if applicants meet the essential criteria for the role.

- 7.4.6. Roles will not be advertised with specific Occupational Requirements unless this is a genuine and justifiable requirement for the post. Advice should be sought from a HR advisor where a Genuine Occupational requirement is thought to apply.
- 7.4.7. Person specifications will not require applicants to have a standard of English higher than that needed for safe and effective performance of the job role.
- 7.4.8. Reasonable adjustments for Disabled applicants will be provided to individuals requiring them, either before or during the interview process. The precise requirements of any adjustments need to be agreed in collaboration with the candidate(s) well in advance of the interview process.

7.5. Promoting Equity and Inclusion - Personal and Career Development

- 7.5.1. The Workforce Race Equality Standards, the Workforce Disability Equality Standard, Gender other pay gap reviews and specific data such as the Disparity Ratio for Ethnicity and Disability will be used to highlight areas where there are inequalities, action will be agreed and reviewed for effectiveness annually.
- 7.5.2. Staff and line managers will be encouraged to use the [Workplace Adjustments and Wellbeing Passport](#) and (Staff) Carers Passport.

7.5.3. Personal Development Reviews will include opportunities to discuss career and personal development and all reviews should highlight agreed opportunities for career progression short and long term.

7.5.4. Personal Development Reviews will include a review of the effectiveness of flexible working arrangements and Reasonable Adjustments where these are in place or need to be agreed.

7.5.5. Personal Development Reviews will be an opportunity for staff to also book in time to update their Wellbeing and Adjustments Passport and Carers Passport.

7.6. Staff Network Groups

7.6.1. We will support and maintain staff network groups with the aim of recognising the value they bring to our organisation. Our staff networks will:

- Provide a safe space for discussion of issues relevant to the Staff Network Group
- Provide awareness of issues within the wider organisation.
- Offer a collective voice for the workforce to management.

7.6.2. Our Staff Networks will align to our governance structures (see Appendix E)

7.6.3. Our staff Networks will meet with representatives of the Board at least three times a year

7.6.4. Our Staff network will have at least one Board level sponsor

7.7. Flexible Working

7.7.1. We will have a modern and responsive approach to flexible working arrangements and promote these through our flexible Working Policy, training and management and leadership practice.

8 Development, Consultation and Approval

The Equal Opportunity and Dignity at Work Policy version 4.0 was originally written in 2003. At the date of review of the policy discussion took place with the Chairs of the Staff Network Groups and it was concluded that a substantial rewrite of the policy was required to ensure that the policy was fit for purpose and in one with modern thinking and SHSC values and expectations in terms of culture celebration of organisational diversity.

- The Chairs of the Staff Network Group were engaged in agreeing key elements of the rewritten policy in meetings taking place in November 2023 – March 2024 and agreed the draft final version on the 7th of March 2024.
- Join Policy Group reviewed the policy and suggested minor changes – 6th March 2024
- People Directorate Quality Risk and Governance – Agreed the Policy – 20th March 2024.
- People Directorate – Recruitment Lead reviewed the policy and proposed minor changes - March 2024.

- People Directorate Human Resources Business Partners Reviewed the Policy in March 2024 and advised minor changes.
- The Executive Director of People has reviewed the Policy – March 2024.
- Policy agreed by the Inclusion and Equality Governance Group April 2024

9 Audit, Monitoring and Review

Monitoring Compliance Template						
Minimum Requirement	Process for Monitoring	Responsible Individual/group/committee	Frequency of Monitoring	Review of Results process (e.g. who does this?)	Responsible Individual/group/committee for action plan development	Responsible Individual/group/committee for action plan monitoring and implementation
Legal Compliance and attention to action to ensure that this policy is delivered in practice in other areas	Reporting to the People Committee three times a year Reporting to the Inclusion and Equality group monthly. Feedback from Staff Network Groups	The Inclusion and Equality Group	People Committee three times a year and Inclusion and Equality group Monthly	The People Committee	The Head of Equality and Inclusion and EDI Team	Inclusion and Equality Group

Policy review March 2027

10 Implementation Plan

Action / Task	Responsible Person	Deadline	Progress update
Provide a full briefing to teams directly involved in implementing this policy: <ul style="list-style-type: none"> • OD • Recruitment • Human Resources advisors • HR data leads 	Head of Equality and Inclusion	30 th June 2024	

Incorporate key elements of the policy in to Manager Training	Head of Equality and Inclusion	October 2024	Discussion has started with the OD team who are leading manager training development
Take account of any learning from work focused on Values into Behaviours in implementing the policy	Head of Equality and Inclusion	March 2025	Values into Behaviours commenced March 2024

11 Dissemination, Storage and Archiving (Control)

Version	Date added to intranet	Date added to internet	Date of inclusion in Connect	Any other promotion/ dissemination (include dates)
1.0	2003	-		
2.0	October 2010	-		
3.0	January 2014	-		
4.0	September 2016	-		
5.0	August 2019	August 2019	August 2019	August 2019
6.0	April 2024	April 2024	April 2024	April 2024 – HRBP Group Briefing

12 Training and Other Resource Implications

All staff will complete mandatory Equality Diversity and Inclusion Training and update this at regular intervals as set out by the organisations mandatory training policy.

Leadership Development Programmes will include attention to key areas of this policy.

13 Links to Other Policies, Standards (Associated Documents)

[Flexible Working](#)

[Disabled Staff Policy \(HR 008 V3 October 2023\)](#)

[Affirming Gender Identity in the Workplace](#)

[Recruitment and Selection Policy \(HR 019 V6 May 2022\) | JARVIS \(shsc.nhs.uk\)](#)

[Unacceptable Behaviours Policy](#)

[Reasonable Adjustments - Providing Aids and Services Guidance](#)

[Social Media Policy](#)

[Zero Tolerance of Harassment Third Party \(HR 034 V5 October 2023\)](#)

[Parenting Leave \(Maternity, Adoption, Paternity and Partner Leave\) Policy \(HR 010 V3 March 2021\)](#)

[A short introduction to Equality Law](#) February 2022

14 Contact Details

Title	Name	Phone	Email
Head of Equality and Inclusion	Liz Johnson	Ext 16703	Liz.johnson@shsc.nhs.uk

Appendix A

Equality Impact Assessment Process and Record for Written Policies

Stage 1 – Relevance - Is the policy potentially relevant to equality i.e. will this policy potentially impact on staff, patients, or the public? This should be considered as part of the Case of Need for new policies.

NO – No further action is required – please sign and date the following statement.
I confirm that this policy does not impact on staff, patients, or the public.

I confirm that this policy does not impact on staff, patients, or the public.

Name/Date:

YES, Go to Stage 2

Stage 2 Policy Screening and Drafting Policy - Public authorities are legally required to have 'due regard' to eliminating discrimination, advancing equal opportunity, and fostering good relations in relation to people who share certain 'protected characteristics' and those that do not. The following table should be used to consider this and inform changes to the policy (indicate yes/no/ don't know and note reasons). Please see the SHSC Guidance and Flow Chart.

Stage 3 – Policy Revision - Make amendments to the policy or identify any remedial action required and record any action planned in the policy implementation plan section

SCREENING RECORD	Does any aspect of this policy or potentially discriminate against this group?	Can equality of opportunity for this group be improved through this policy or changes to this policy?	Can this policy be amended so that it works to enhance relations between people in this group and people not in this group?
Age	No	The policy promotes equity in the workplace for all protected characteristic groups including Age	The policy is focused specifically on our organisation commitment to promoting diversity equity and inclusion and celebrating diversity across all areas of the organisation.
Disability	No	The policy makes reference to the provision of Reasonable Adjustments and actions aimed at improving access to employment and development for disabled staff. The Disabled Staff Policy is cross referenced.	The purpose of the policy is to set out how we will promote equity diversity and inclusion and prevent and respond robustly to unlawful discrimination in the workplace.
Gender Reassignment	No	The policy promotes equity in the workplace for all protected characteristic groups including Gender Reassignment and cross references to the Affirming gender identity in the workplace policy.	In addition, this policy supports our organisation in responding to the legal framework of the Equality Act 2010 and its related regulations that requires public organisations to prevent discrimination ,advance equal

Pregnancy and Maternity	No	The policy promotes equity in the workplace for all protected characteristic groups including Pregnancy and maternity and cross references to the Parenting Leave (Maternity, Adoption, Paternity and Partner Leave) Policy (HR 010 V3 March 2021)	<p>opportunity and promote good relations between people who share protected characteristics defined under the Equality Act 2010 and those who do not.</p> <p>The policy is relevant to all protected characteristics in relation to enhance relations between people in these groups and people not in these groups</p> <p>The policy has been updated with reference to the organisations Staff Network Groups and their voice and influence in the organisation.</p> <p>The policy was updated in collaboration with the chairs of the Staff Network Group.</p>
Race	No	The policy promotes equity in the workplace for all protected characteristic groups including Race. The policy takes account of inequity experienced by ethnically diverse staff in career progression and experience, cross reference is made to the Zero Tolerance of Harassment Third Party (HR 034 V5 October 2023) policy	
Religion or Belief	No	The policy promotes equity in the workplace for all protected characteristic groups including Religion or Belief	
Sex	No	The policy promotes equity in the workplace for all protected characteristic groups including Sex and makes reference to the NHS Sexual Safety Charter in particular	
Sexual Orientation	No	The policy promotes equity in the workplace for all protected characteristic groups including Sexual Orientation	
Marriage or Civil Partnership	No		

Please delete as appropriate: - Policy

Impact Assessment Completed by: Liz Johnson Head of Equality and Inclusion
March 2024

Appendix B

Review/New Policy Checklist

This checklist to be used as part of the development or review of a policy and presented to the Policy Governance Group (PGG) with the revised policy.

		Tick to confirm
Engagement		
1.	Is the Executive Lead sighted on the development/review of the policy?	✓
2.	Is the local Policy Champion member sighted on the development/review of the policy?	✓
Development and Consultation		
3.	If the policy is a new policy, has the development of the policy been approved through the Case for Need approval process?	N/A
4.	Is there evidence of consultation with all relevant services, partners, and other relevant bodies?	✓
5.	Has the policy been discussed and agreed by the local governance groups?	✓
6.	Have any relevant recommendations from Internal Audit or other relevant bodies been taken into account in preparing the policy?	✓
Template Compliance		
7.	Has the version control/storage section been updated?	✓
8.	Is the policy title clear and unambiguous?	✓
9.	Is the policy in Arial font 12?	✓
10.	Have page numbers been inserted?	✓
11.	Has the policy been quality checked for spelling errors, links, accuracy?	✓
Policy Content		
12.	Is the purpose of the policy clear?	✓
13.	Does the policy comply with requirements of the CQC or other relevant bodies? (where appropriate)	✓
14.	Does the policy reflect changes as a result of lessons identified from incidents, complaints, near misses, etc.?	N/A
15.	Where appropriate, does the policy contain a list of definitions of terms used?	✓
16.	Does the policy include any references to other associated policies and key documents?	✓
17.	Has the EIA Form been completed (Appendix A)?	✓
Dissemination, Implementation, Review and Audit Compliance		
18.	Does the dissemination plan identify how the policy will be implemented?	✓
19.	Does the dissemination plan include the necessary training/support to ensure compliance?	✓
20.	Is there a plan to i. review ii. audit compliance with the document?	✓
21.	Is the review date identified, and is it appropriate and justifiable?	✓

Appendix C - The Legal Framework: Relevant Legislation

The Equality Act 2010

The Act brings together existing equality and discrimination legislation.

For Reference, the Equality Act 2010 replaced the following legislation

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Equality Act 2006, Part 2
- Equality Act (Sexual Orientation) Regulations 2007

Other Relevant legislation

Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017

The Equality Act 2010 (Disability) Regulations 2010

Protection of Freedoms Act 2012 - updated the protection from Harassment Act 1997.

Trade Union & Labour Relations (Consolidation) Act, 1992

This guarantees the right to form and join a trade union and not to be victimised for joining or not joining a trade union. An employee who is an official of a recognised trade union may claim paid time off to perform certain functions or undergo training.

Human Rights Act, 1998

This provides the right to respect privacy and family life, freedom of thought, conscience and religion, expression, and freedom of assembly.

Part-Time Workers (Prevention of less favorable treatment) Regulations, 2000 (as amended)

Makes it unlawful for employers to treat part-time workers less favorably than full-time workers, and give them holiday pay, bank holiday pay, etc., on a pro rata basis.

Fixed-Term Employee Regulations, 2002

Prohibits less favorable treatment of employees on fixed-term contracts than similar permanent employees and imposes limits on the use of successive fixed term contracts.

Employment Act 2002

This Act has a wide-ranging package, covering work and parents, resolving disputes in the workplace, employment tribunal procedures, equal pay, provisions on implementing the Fixed Time Work Directive and rights to time off work.

This Act introduced the new right for employees to request flexible working. The Trust has a Policy and procedures for employees to apply for flexible working.

Civil Partnership Act 2004

This Act introduced civil partnerships for 'same sex' couples. This Act also made it unlawful to discriminate directly or indirectly in recruitment or employment on the grounds of someone being in a civil partnership, in the same way as it is unlawful to discriminate on the grounds of marital status.

Marriage (Same Sex Couple Act) 2013

This Act allows for same sex couples to marry, either in a civil ceremony (i.e., a civil ceremony in a register office or approved premises e.g., a hotel) or, provided that the religious organisation concerned is in agreement, on religious premises, with the marriage being solemnized through a religious ceremony.

The Equality Act, 2006 – Part 1

This Act created the Commission for Equality and Human Rights (EHRC) to take over the powers of the existing commissions and cover the other strands of discrimination law, permitting human rights legislation to be monitored and introduces a new gender equality duty for public bodies. The Enterprise and Regulatory Reform Act 2013 amended its role.

Enterprise and Regulatory Reform Act 2013 – Part 5

- Amends part of the Equality Act 2006 by making changes to some of the remit of the Equality and Human Rights Commission (EHRC)
- Removes third part harassment provisions in the Equality Act 2010
- Removes section 138 of the Equality Act 2010 which provides a mechanism and statutory forms for a person who thinks that he or she may have been unlawfully discriminated against, harassed, or victimised to obtain information from the person he or she thinks has acted unlawfully against him or her

The Work and Families Act, 2006

This extends paid maternity and adoption leave, extends the right to request flexible working to those who have caring responsibilities for adults, provides for statutory maternity pay to be extended and introduces additional paternity leave.

Gender Recognition Act 2004

The Gender Recognition process enables people to be legally recognised in their acquired gender. Under the provisions of the Gender Recognition Act 2004, a person may submit an

application to the Gender Recognition Panel. Successful applicants will receive a Gender Recognition Certificate and will, from the date of full recognition, acquire all the rights and responsibilities appropriate to a person of his or her acquired gender.

The Shared Parental Leave Regulations 2014

Provides for parent to share parental leave.

Carer's Leave Act 2023

The Act creates a new statutory leave entitlement that grants up to one week of unpaid carer's leave per year, to employees who are caring for a dependant with a long-term care need. The leave will be able to be taken from half a day up to and including one whole week of leave.

Appendix D Discrimination Harassment and Victimisation

Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see discrimination by perception below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

Indirect Discrimination

Indirect discrimination may occur when a condition, rule, policy, or practice in an organisation, that applies to everyone, particularly disadvantages people who share a protected characteristic. Indirect discrimination may sometimes be justified if it is applied as a 'proportionate means of achieving a legitimate aim'.

Discrimination by Perception

This is direct discrimination against an individual because others think they possess a protected characteristic even if the person does not actually possess that characteristic.

Discrimination by Association

This is direct discrimination against someone because they are associated with another person who possesses a protected characteristic. For example, the direct discrimination is associated with the fact that a person cares for a disabled relative.

Disability Discrimination

Discrimination because of a failure to comply with the duty to make reasonable adjustments for a Disabled Person

The Equality Act 2010 places a duty on organisations to make reasonable adjustments for disabled people, if an organisation fails to meet this duty this is discrimination.

Discrimination arising from disability

It may be discrimination to treat a disabled person unfavourably, not because of the person's disability itself, but because of something arising from, or in consequence of his or her disability. This type of discrimination may be justified and therefore not unlawful if it is a proportionate means of achieving a legitimate aim.

Being treated unfairly because of Trade Union Membership

Discrimination may occur when someone is treated unfairly because of Trade Union Membership.

Being treated unfairly because of Part Time Working

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 protects part time workers from being treated less favourably than a comparable full-time worker.

Prohibited Conduct under the Equality Act 2010

Harassment

Harassment is 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage or civil partnership

There are three types of harassment:

- Unwanted conduct relating to a relevant protected characteristic
- Sexual harassment; and,
- Less favourable treatment of someone because they agreed to or rejected sexual harassment or harassment related to their sex or gender reassignment.

More details regarding the definition of Harassment can be found in the Trust Bullying and Harassment Policy

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Appendix E – Staff Networks Voice and Influence

