

EQUAL OPPORTUNITIES POLICY

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Next Review Date	December 2020
Review Responsibility	Associate Director of HR & Corporate Services
Version	0.3

REVISIONS/AMENDMENTS SINCE LAST VERSION

Date of Review	Amendment Details
July 2013	<p>The original PCT document has been revised to:</p> <ul style="list-style-type: none">• Reflect the Clinical Commissioning Group Establishment• Reflect the Clinical Commissioning Group structure• Align to the Clinical Commissioning Group Human Resources and Organisational Development Policies and procedures• Reflect current legislative requirements
September 2017	Reflect current job titles

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DEFINITIONS

Term	Definition
Direct Discrimination	Less favourable treatment of an individual because of their gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion of belief, age, trade union membership, disability, offending background or any other personal characteristic.
Indirect Discrimination	Application of an unjustifiable condition or requirement is applied which has a discriminatory effect, as the number of people who can comply with the condition or requirement is smaller among a particular group.
Harassment	Where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.
Associative Discrimination	Direct discrimination or harassment of an individual for their associate with another individual who has a protected characteristic.
Perceptive Discrimination	Direct discrimination or harassment of an individual based on a perception that he/she has a particular protected characteristic when he/she does not.
Third Party Harassment	Harassment of an individual related to a protected characteristic by a third party such as a client or customer.
Victimisation	Subjecting an individual to detriment, such as being denied a training opportunity or a promotion due to making or supporting a complaint/raising a grievance, or being suspected of either.

SECTION A – POLICY

1. Policy Statement, Aims and Objectives

- 1.1. NHS Doncaster Clinical Commissioning Group (CCG) is committed to equality of opportunity for all employees and potential employees. It views diversity positively, and in recognising that everyone is different, the unique contribution that each individual's experience, knowledge and skills can make, is valued equally.
- 1.2. The promotion of equality and diversity will be actively pursued through policies and procedures which will ensure that employees and potential employees are not subject to direct or indirect discrimination.
- 1.3. The development of this policy:
 - Ensures no employee or potential employee receives less favourable treatment on the grounds of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background, domestic circumstances, social and employment status, HIV status, gender reassignment, political affiliation or any other personal characteristic.
 - Is supported by robust mechanisms for ensuring all staff receive training on equality and diversity and that appointing officers receive additional training in recruitment and selection procedures.
 - Is supported by other employment policies such as Recruitment and Selection, Grievance, Bullying and Harassment, Disciplinary and Flexible Working.
 - Satisfies legislative requirements.

2. Legislation and Guidance

- 2.1. The following legislation and guidance has been taken into consideration in the development of this procedural document.
 - Equality Act 2010

3. Scope

- 3.1 This policy applies to those members of staff that are directly employed by NHS Doncaster CCG and for whom NHS Doncaster CCG has legal responsibility. For those staff covered by a letter of authority / honorary contract or work experience this policy is also applicable whilst undertaking duties on behalf of NHS Doncaster CCG or working on NHS Doncaster CCG premises and forms part of their arrangements with NHS Doncaster CCG. As part of good employment practice, agency workers are also required to abide

by NHS Doncaster CCG policies and procedures, as appropriate, to ensure their health, safety and welfare whilst undertaking work for NHS Doncaster CCG.

4. Accountabilities and Responsibilities

4.1 Overall accountability for ensuring that there are systems and processes to ensure equality of opportunity lies with the Chief Officer. Responsibility is delegated to the following:

<p><i>Associate Director of HR & Corporate Services</i></p>	<p>Has delegated responsibility for:</p> <ul style="list-style-type: none"> • Maintaining an overview of the corporate ratification and governance process associated with the policy. • Leading the development, implementation, monitoring and review of the policy. • Monitoring and reporting on a quarterly basis compliance with mandatory and statutory training. • Ensuring equality opportunity data is available in relation to recruitment and selection. • To support Managers in the case of a breach or potential breach of the policy.
<p><i>All Managers</i></p>	<p>Have delegated responsibility for:</p> <ul style="list-style-type: none"> • Exercising leadership by discouraging prejudice and by modelling appropriate behaviour. • Clearly communicating the policy • Dealing with any breaches of the policy or actions that could potentially breach the policy with the support of Human Resources. • Applying employment policies, procedures and practices fairly and consistently and highlighting and addressing any practices which could lead to discrimination.
<p><i>All Staff</i></p>	<p>Have delegated responsibility for:</p> <ul style="list-style-type: none"> • Ensuring they are familiar with the policy and procedure and are fully compliant with it. • Accessing relevant mandatory and statutory training. • Ensuring they report any discrimination/harassment that they witness or suspect is occurring.

Staff Side	<p>Have responsibility to: Ensure they are familiar with the policy and the procedure Advise and represent employees who are members of recognised Trade Unions</p>
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5. Dissemination, Training and Review

5.1. Dissemination

5.1.1. The effective implementation of this procedural document will support openness and transparency. NHS Doncaster CCG will:

- Ensure all staff and stakeholders have access to a copy of this procedural document via the organisation's website.
- Communicate to staff any relevant action to be taken in respect of complaints issues.

5.1.2. This procedural document is located in the Employment Policy Manual. A set of hard copy Procedural Document Manuals are held by the Governance Team for business continuity purposes and all procedural documents are available via the organisation's website. Staff are notified by email of new or updated procedural documents.

5.2. Training

5.2.1. All staff will be offered relevant training as part of mandatory and statutory learning. Staff requiring additional support should speak to their line manager in the first instance. Support may also be obtained through their HR Department.

5.3. Review

5.3.1. As part of its development, this procedural document and its impact on staff, patients and the public has been reviewed in line with NHS Doncaster CCG's Equality Duties. The purpose of the assessment is to identify and if possible remove any disproportionate adverse impact on employees, patients and the public on the grounds of the protected characteristics under the Equality Act.

5.3.2. The procedural document will be reviewed every three years, and in accordance with the following on an as and when required basis:

- Legislatives changes
- Good practice guidelines
- Case Law
- Significant incidents reported
- New vulnerabilities identified

- Changes to organisational infrastructure
- Changes in practice

5.3.3. Procedural document management will be performance monitored to ensure that procedural documents are in-date and relevant to the core business of the CCG. The results will be published in the regular Governance Reports.

SECTION B – PROCEDURE

1. Equal Opportunities in Employment

- 1.1. NHS Doncaster CCG will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- 1.2. Person and job specifications will be limited to describe only the knowledge, skills and experience that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job. Appointing officers will take into consideration any reasonable adjustments that may be required for candidates with a disability to participate in the standard on line application process, attend for interview and to actually undertake the role. Consideration should be given to the timing of interviews to ensure that applicants are not disadvantaged if they are from a religious community who reserve certain days/dates for religious worship/festivals. Further information is contained within the Recruitment and Selection Policy and Procedure.
- 1.3. Consideration will be given to any possible discriminatory effect of standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which the work is to be done. Employees may wish to make formal requests for flexible working patterns for either short term periods or permanently. For example, an employee who is breastfeeding may wish to vary her hours of work or timings of rest breaks. Less formal arrangements will include consideration of authorisation of annual leave where staff request time off to attend ceremonies or festivals associated with their religion or belief. A multi-faith calendar is accessible on the CCG website which may help managers and employees to plan annual leave as appropriate. Further information is contained within the Flexible Working Policy and Annual Leave Policy.
- 1.4. Many religions may require time during the day for prayer or meditation and flexibility around this can best be achieved by discussion with the employee. Where requested, the CCG will consider the provision of a private office for these purposes.
- 1.5. Cultural dress codes will be considered sympathetically and the CCG's Dress Code Policy supports this. Where an employee feels the dress code does not meet with their personal requirements they are able to discuss with their line manager. For further information please refer to the Dress Code Policy.
- 1.6. When organising training and development activities that take place outside of the workplace careful consideration should be given to the venue to ensure that it will not exclude an employee from attending on the grounds of their religion or belief.

2. How to report a concern in relation to direct/indirect discrimination

- 2.1. If an employee/potential employee considers they have been unlawfully discriminated against they may use the Grievance procedure to make a complaint. If the complaint involves bullying or harassment, the procedure is set out in the Bullying and Harassment/Dignity at Work Policy.
- 2.2. Complaints received will be taken seriously and the procedure undertaken will seek to resolve any grievance it upholds. There will be no penalty or judgements made if an employee makes a complaint, even if it is not upheld, unless the complaint is untrue, vexatious or made maliciously.
- 2.3. Employees should raise their concern in the first instance with their line manager, or should the concern relate to the line manager, with the next senior manager. Alternatively the employee may wish to discuss with Human Resources or a Trade Union Representative.