

DOCUMENT CONTROL	
Title:	Equal Opportunities in Employment Policy
Version:	5
Reference Number:	HR002
Scope:	
<p>This policy applies to all contracted or non-contracted employees and potential employees of the Trust.</p> <p>The policy applies equally to all areas of employment including recruitment, selection, promotion, training, development, discipline, grievance, sickness, absence, conditions of service and reasons for termination of employment.</p>	
Purpose:	
<p>The purpose of this policy is to ensure that the Trust is compliant with the statutory employment duties under equality legislation (Equality Act 2010).</p>	
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<p>Equal Opportunities, Equality, Equal Opps</p>	
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<p>Version 4</p>	
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<p>Inclusion of definitions Inclusion of relevant sections from the former Recruitment and Retention of Disabled Employees Policy</p>	
Owner:	
<p>Senior HRBP – Kirsty Hood</p>	
Individual(s) & group(s) involved in the Development:	
<p>This document has been developed in collaboration with the following interested parties:</p> <ul style="list-style-type: none"> • Partnership Offices • HRBP's • Equality & Diversity Team 	
Individual(s) & group(s) involved in the Consultation:	
<p>The document has been circulated for consultation and comments have been taken into consideration and the document amended accordingly:</p> <ul style="list-style-type: none"> • HR Consultation Meeting 	

<ul style="list-style-type: none"> • Employees of the Trust • JNCC 	
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Presented by:	Angela Sanderson
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Responsibility of:	HR Business Partner

Other Trust documentation to which this guideline relates (and when appropriate should be read in conjunction with):	
HR011	Recruitment and Selection Policy
CO005	Education, Training and Development Policy
HR007	Managing Attendance at Work Policy
HR004	Dignity at Work (Managing Harassment at Work) Policy
HR003	Grievance Procedure Policy
HR001	Conduct and Disciplinary Policy
HR015	Flexible Working Policy and Procedure
HR014	Special Leave Policy
HR018	Career Break Scheme
HR041	Redeployment Policy
HR013	Maternity, Paternity and Adoption Policy
HR016	Retirement Policy
	Recognised Trade Union Agreement
Policy Associated Documents:	
Other external documentation/resources to which this guideline relates:	
	Equality Act 2010
CQC Regulations	
This guideline supports the following CQC regulations:	

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1. INTRODUCTION

Pennine Care NHS Foundation Trust is committed to providing a working environment, which is free from unlawful discrimination on any grounds. This includes age, gender, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity, paternity, adoption, fostering, disability, health status, mental health need, race, ethnicity, language, religion, civic duties, political, trade union or other opinion or belief, social origin, domestic circumstances or offending background. Cases of discrimination will be dealt with fairly, confidentially and in accordance with the appropriate Trust policies. This list is not exhaustive and will be reviewed in light of future reviews of the policy.

2. PURPOSE

- To create a working environment which, nurtures dignity and mutual respect encouraging staff to achieve their full potential.
- To attract, develop and retain a diverse workforce.
- To increase awareness and implementation of anti-discriminatory practice amongst all staff.
- To ensure that no employee or potential employee experiences less favourable treatment as a result of personal attributes or circumstance on grounds that cannot be shown to be justifiable.
- To highlight that any form of unlawful direct and indirect discrimination, victimisation or harassment in employment practice is unacceptable.

3. GLOSSARY OF TERMS

Protected Characteristics

Protected characteristics covered in the Equality Act 2010 are:

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

Prejudice

Prejudice is to pre-judge, to judge without adequate information. It is the forming of a view without consideration of facts or arguments and the holding of an unfavourable opinion and unreasonable feelings formed beforehand without knowledge, thought or reason. To be prejudiced ultimately means an individual having a closed mind in the area concerned with their pre-judgement.

Direct Discrimination

Occurs when someone is treated less favourably than another person because of a protected characteristic.

Discrimination by association: This is direct discrimination against another because they associate with another person who possesses a protected characteristic.

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

Indirect Discrimination

Occurs when an organisation has a rule, policy or practice in place which, applies to everyone but particularly disadvantages people who share a protected characteristic.

Note: indirect discrimination can be justified if it is a 'proportionate means of achieving a legitimate aim'.

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 an individual.

Third party harassment: Employers can potentially be liable for harassment of employees by a third party who is not an employee of the Trust. The employee has a duty to ensure that when they are aware of this harassment from a third party that they take steps to prevent it from happening again.

Victimisation

Victimisation occurs when someone is treated less favourably because they have made a complaint or raised a grievance under the Equality Act 2010

4. RESPONSIBILITIES, ACCOUNTABILITIES AND DUTIES

Whilst ultimate responsibility for effective implementation of the policy lies with the Trust Board, Trust managers, employees and Trade Unions all share responsibility for promoting equality of opportunity and ensuring that this policy is implemented in practice.

Specific responsibilities are as follows:

The Human Resources Department will:

- Continually review employment policies, procedures and practices and introduce revisions as necessary in consultation with Trade Unions and other relevant bodies.
- Implement training programmes on Recruitment, Selection and Equality and Diversity for all managers and appointing officers.
- Provide Equality and Diversity Training for all existing staff and will ensure that all new staff receive Equality and Diversity awareness training as part of their initial induction at the commencement of their employment with the Trust.
- Develop and maintain systems for equality monitoring, to include employment procedures and practices and the composition of the workforce, providing an annual report to the Trust Board and for discussion with the Trade Unions. Further to this, the equality monitoring information will be used to identify any potential barriers in relation to recruitment, learning and development and promotion. Where appropriate the Trust will explore opportunities to consider the development and implementation of positive action initiatives.
- Ensure that all new and revised Human Resources policies, strategies, functions and service redesign undergo Equality Impact Analysis (EqIA)
- Ensure that managers of the Trust have access to EqIA Training and are made aware that equality implications for staff should be considered as part of the EqIA process.
- Review and revise this policy document as necessary with due regard to changes in legislation, codes of practice and Human Resource practices in consultation with the Trade Unions and other relevant bodies.

All employees, managers and Trade Union Representatives of the Trust:

- Should familiarise themselves with this policy and ensure that their practices are consistent with its contents and legislation.
- Have a responsibility to ensure that their practices promote and safeguard equality of opportunity.
- Have a responsibility to champion equal opportunities, dignity and mutual respect in the workplace.
- Inform their line manager, the Human Resources department and / or Trade Union representative if they think that discrimination may be taking place.

Trust managers must:

- Ensure that all staff within their line management responsibility are aware of this policy and should promote and champion the contents and principals involved.
- Promote and champion equal opportunities, dignity and mutual respect in the workplace
- Ensure that all staff within their line management responsibility receive further equality and diversity training, in addition to induction, within six months of their start date.

Recruitment and Selection Panel Chair must:

- Ensure that at least one member of the selection panel has undertaken the recruitment and selection training and that all members of the selection panel, have completed the e-learning Equality and Diversity Training (as per the Recruitment and Selection Policy and Guidelines) before they sit on a selection panel.
- Ensure that where service users and carers are involved in selection panels they confirm, through the Trust PALS Manager, that the service user(s) and/or carer(s) involved have completed the Trust Equality & Diversity E-learning or the Trust Equality & Diversity Induction session.

Trade Unions will:

- Provide advice, support and representation for their members. Consult with the Trust regarding measures needed to promote and
- Champion equal opportunities and prevent unlawful discrimination within the Trust.
- Consult with the Trust to review the policy regularly.

5. RECRUITMENT, SELECTION & PROMOTION

- Recruitment and selection will be undertaken in accordance with the Trust's recruitment and Selection Policy and Guidelines. Individuals will be selected on the basis of their relevant merits and ability to perform the job.
- All positions will be advertised internally and/or externally in the relevant media unless the following circumstances exist:
 - Where a post is considered suitable for employees at risk, in accordance with the guidelines for the redeployment process.
 - Where a post is considered suitable for an existing employee who has become disabled or has a long term medical condition which is confirmed by the Occupational Health Department and, as a result of his/her disability or long term medical condition, is no longer able to carry out the principle duties of his/her present post.
- Person specifications will only include relevant criteria that are required to perform the duties and responsibilities of the post. Where there is a genuine occupational requirement, which is justified, in accordance with provisions of the Equality Act 2010 e.g. relating to age, sex or race, specific reference will be made to this
- As part of our commitment to ensure equality of opportunity for disabled applicants, the Trust is committed to:
 - Interviewing all applicants with a disability who meet the essential criteria on a person specification and consider them on their abilities;
 - Providing a fully inclusive and accessible recruitment process;
 - Being flexible when assessing people, so disabled job applicants have the best opportunity to demonstrate that they can do the job and;
 - Managing Attendance at Work Policy

- Where employees have needs (e.g. cultural, religious, disability, or gender based) which may require adjustments to existing workplace practice, consideration will be given to whether or not it is reasonably practicable to vary or adapt work requirements and / or practice to enable such needs to be met. See section 5 for procedural variations for disabled applicants and employees).
- Candidates will be assessed only against clearly identified requirements for the job to avoid judgments on the basis of assumptions, prejudice or stereotypes as per the shortlisting process outlined in the Recruitment and Selection Policy.

6. PROCEDURAL VARIATIONS FOR DISABLED APPLICANTS AND EMPLOYEES

The Trust recognises the value of a diverse workforce and is committed to supporting the employment of disabled people and existing employees who may become disabled during their employment with the Trust. The Trust will make all reasonable effort make reasonable adjustments (please see appendix B) to retain employees who become disabled, including engaging with third party organisations that could facilitate this. (Please refer to the Trust's Absence Management and Redeployment/Organisational Change Policy).

The Trust is committed to ensuring that disabled people are not disadvantaged within the recruitment process and as such has outlined the Trust's commitment to support adaptations and reasonable adjustments to the recruitment process within the Recruitment and Selection Policy and Guidelines.

The Trust is committed to ensuring that disabled employees have equal opportunity to access learning and development opportunities, career development and promotion. The principles, which apply in relation to recruitment and selection, apply equally in these areas. (Please refer to the Trust's Education, Training and Development Policy).

7. LEARNING AND CAREER DEVELOPMENT

- The Trust is committed to ensuring that all employees have equal opportunity to access learning, career development and promotion.
- All learning and development opportunities and sessions within the Trust will be conducted in accordance with the Education, Training and Development Policy.
- Learning and development opportunities will be provided in a manner that enables and supports all staff to: perform their jobs effectively; develop skills; increase their knowledge and pursue career development opportunities.
- Provision for specific learning and development will be made, where necessary, for individuals returning to work following a career break, substantial time out of the workplace or for individuals who have been redeployed to an alternative post in accordance with the guidelines for the redeployment process (e.g. Return to Practice Assessment, mentorship/coaching/ preceptorship programme).
- Learning and development opportunities, including attendance at courses, which are

likely to assist with career progression must be publicised to all eligible employees.

- Where necessary shortlisting and interviews will be used to ensure a fair and measured selection process for learning and development opportunities. In such cases the panel will include the manager with responsibility for the service concerned and an independent professional. This may be either a learning and development /HR specialist or a member of the appropriate profession.
- The granting of study leave and attendance at learning and development events will be dependent upon: associated learning and development needs; the relevance to the employee's role and job description; whether training will improve or enhance performance in the employee's job and availability of resources. Applications for study leave should be made in accordance with the Trust's Education, Training and Development Policy (CO005).

8. POSITIVE ACTION

Where equality monitoring analysis indicates an occupational category within the Trust where there is an under-represented group, specific positive action measures in compliance with existing legislation and approved by the Trust's Equality & Diversity Steering Group, may be undertaken to counterbalance this under-representation.

Positive action can include:

- Encouraging under-represented groups to apply for employment, training and promotion opportunities within the Trust.
- Providing appropriate training to under-represented groups to enable them to compete on genuinely equal terms for jobs and promotion, however, the actual recruitment into all jobs will be strictly on merit.
- Using lawful exemptions to recruit suitably qualified individuals to cater for the specific needs of particular groups.
- Identifying and removing unjustifiable barriers to employment, training and promotion, ensuring that appropriate facilities and conditions of service are provided so as to meet the needs of disadvantaged and/or under-represented groups.

9. ENFORCEMENT AND REDRESS

Any employee, regardless of position in the Trust, who unlawfully discriminates against another, fails to co-operate with the measures introduced to promote equal opportunity or induces others to unlawful or unfair discrimination, will be subject to the Trust's Conduct and Disciplinary Procedure.

Complaints / allegations of discrimination or victimisation can be pursued through the Trust's procedure for settling grievances and disputes. Employees will not be discouraged or penalised if they wish to contact their Trade Union or agencies such as local equality councils or the Equality & Human Rights Commission.

10. DIGNITY AT WORK

The Trust has an established Dignity at Work Policy, which outlines the procedure for handling such cases. This policy reinforces that bullying and harassment at work is unacceptable and that the Trust is committed to providing a working environment that is free from harassment, intimidation and all forms of behaviour, which are unacceptable and offensive.

All managers have a responsibility to be familiar with the procedures outlined in the Dignity at Work Policy and should draw the policy to the attention of all existing employees and new employees.

All employees have a responsibility for his/her own behaviour in accordance with the Dignity at Work Policy.

The Trust can potentially be liable for harassment of employees by a third party who is not an employee of the Trust (e.g. contractors, other agencies, service users and their relatives). The Trust has a duty to ensure that when they are aware of this harassment from a third party that they take steps to investigate, address and prevent reoccurrence.

11. EQUALITY IMPACT ANALYSIS

As part of its development, this document was analysed to consider and address any detrimental impact the policy may have on individuals and or groups protected by the Equality Act 2010. This analysis has been undertaken and recorded using the Trust's analysis tool, and appropriate measures will be taken to remove barriers and advance equality of opportunity in the delivery of this policy / procedure

12. FREEDOM OF INFORMATION EXEMPTION ASSESSMENT

Under the Freedom of Information Act (2000) we are obliged to publish our policies on the Trust's website, unless an exemption from disclosure applies. As part of its development, this policy was assessed to establish if it was suitable for publication under this legislation. The assessment aims to establish if disclosure of the policy could cause prejudice or harm to the Trust, or its staff, patients, or partners. This assessment has been undertaken using the Trust's Freedom of Information Exemption Guide, and will be reviewed upon each policy review.

13. INFORMATION GOVERNANCE ASSESSMENT

This Policy has been analysed to ensure it is compliant with relevant information law and standards as in place at the time of approval, and are consistent with the Trust's interpretation and implementation of information governance components such as data protection, confidentiality, consent, information risk, and records management.

Compliance will be reviewed against any changes to legislation / standards or at the next review of this document.

14. SAFEGUARDING

All staff have a responsibility to promote the welfare of any child, young person or vulnerable adult they come into contact with and in cases where there are safeguarding concerns, to act upon them and protect the individual from harm.

All staff should refer any safeguarding issues to their manager and escalate accordingly in line with the Trust Safeguarding Families Policy and Local Safeguarding Children/Adult Board processes.

15. MONITORING

The effective application of this policy / guideline, including adherence to any standards identified within will be subject to monitoring using an appropriate methodology and design, such as clinical audit.

Monitoring will take place on a biannual basis and will be reportable to the Quality Group via the Clinical Effectiveness and Quality Improvement Team.

16. REVIEW

This policy will be reviewed three-yearly unless there is a need to do so prior to this; e.g. change in national guidance.

17. REFERENCES

Equality Act 2010 – <https://www.legislation.gov.uk/ukpga/2010/15/contents>