

# The Newcastle upon Tyne Hospitals NHS Foundation Trust

## Employment Policies and Procedures

### Equality Diversity and Inclusion Policy

Version No.:	6.0
Effective Date:	18 March 2019
Expiry Date:	18 March 2022
Date Ratified:	11 March 2019
Ratified by:	HR Heads of Service

#### 1 Introduction

- 1.1 The Trust is committed to creating an organisation that actively promotes equality of opportunity for all and ensuring that no one receives less favourable treatment on the grounds of their age, disability, gender, gender identity/expression, marital or civil partnership status, maternity or pregnancy status, race (including nationality or culture), religion or belief, sexual orientation, caring responsibilities in any aspect of their employment.
- 1.2 Our aim to ensure a workplace in which people feel valued. Our success is built on the commitment, skills and attitudes of all staff. Our aim, to nurture a skilled, diverse and committed workforce where every individual - regardless of background can share our purpose and reach their potential.
- 1.3 The Trust recognises equality of opportunity is not about treating everyone the same, but about responding to different needs and circumstances in a positive and fair way. It is important that employees are provided with support, guidance and training to enable them flourish at work and achieve their best potential, making a positive contribution to service delivery and patient care.
- 1.4 The Trust recognises and values the different backgrounds and experience of all our staff and aims to have a workforce that reflects the community we serve at all levels.
- 1.5 Mainstreaming Diversity and Inclusion into everything we do matters because it;
- will support our vision of clinical and non-clinical excellence;
  - is instrumental in driving up and maintaining high standards of performance delivery;
  - enhances our reputation and improves the patient experience;
  - makes our workforce proud to work for us and helps us to attract and retain the best
  - it helps us to eliminate discrimination and advance equality of opportunity

## **2 Scope**

The policy applies to all staff and those working within the Trust.

## **3 Aims**

In acknowledging our obligations as an employer, this Policy seeks to;

- communicate our commitment to equality of opportunity and diversity in employment;
- ensure that employment matters within the Trust adhere to best practice and legislation;
- eliminate unlawful discrimination, harassment and victimisation in the workplace;
- advance equality of opportunity and promote relations between those from diverse groups

## **4 Duties – roles and responsibilities**

- 4.1 The Executive Team is accountable to the Trust Board for ensuring Trust-wide compliance with policy.
- 4.2 Directorate Managers and Heads of Service are responsible to the Executive Team for ensuring policy implementation.
- 4.3 All Managers are responsible for ensuring the provision of Equality, Diversity and Human Rights in their areas, in particular for ensuring:
  - no employee, or job applicant is discriminated against, or harassed in relation to any of the 'protected characteristics' as defined by the Equality Act 2010, or social background, trade union membership or non-membership, political affiliation, domestic circumstances or employment status
  - all reasonable measures are taken to ensure their staff are aware of and carry out their responsibilities under the Equal Opportunities and Diversity policy
  - the establishment of an environment where staff feel valued, able to be their authentic self and are able to flourish at work
  - accurate and comprehensive records of all employment decisions are accurately maintained
  - compliance with all equality legislation including the requirement to make reasonable adjustments

- they guard against prejudices and inappropriate behaviours, in particular those surrounding the protected characteristics of age, disability, ethnic origin, sex, sexual orientation, religion and belief, gender identity/expression, marriage and civil partnership or pregnancy and maternity
- identification and review of practices and procedures which may lead to any form of unlawful discrimination

4.4 All staff in the course of their employment have an individual responsibility to:

- eliminate harassment and victimisation in relation to the protected characteristics as defined under the Equality Act and are required to co-operate with measures introduced by the Trust to guard against this
- guard against the use of language and behaviour (in whatever form, i.e. verbally or online) that could be perceived as, or have the effect of being offensive or demeaning. Any use of language or behaviour that could be perceived as, or has the effect of being, racist, sexist, sexual harassment, homophobic, transphobic or demeaning to anyone is unacceptable
- co-operate with measures introduced by the Trust to ensure equality of opportunity, respect for diversity and non-discrimination
- report incidents of harassment, abuse, victimisation and unlawful discrimination
- take a personal responsibility to promote and value an inclusive workplace
- ensure equality and diversity mandatory training is completed

4.5 HR are responsible for:

- advising managers and staff of their rights and responsibilities under Trust policy and advising of any new legislative changes that impact on equality, diversity and human rights
- promotion and advancement of equality in relation to the 'protected characteristics' as defined by the Equality Act 2010
- ensuring the concept of equality, diversity and human rights are part of all employment policies of the Trust
- providing appropriate training to ensure that managers and others involved in recruitment are aware of the options available for positive action
- creating and maintaining employment records of all the Trust's employees in order to monitor changes in the characteristics of the workforce relating to the 'protected characteristics' as defined by the Equality Act 2010

- leading on measures to ensure equality of opportunity and promotion of diversity
- the equality work streams as identified in appendix A

4.6 Members of staff can be held personally liable as well as, or instead of, the Trust for any act of unlawful discrimination. Employees who commit serious acts of harassment / discrimination may be guilty of a criminal offence.

## 5 Definitions

5.1 **Equality** is about creating a fairer workplace where everyone can participate and has the opportunity to fulfil their potential. It is backed by legislation designed to address unfair discrimination (past, present or potential) that is based on membership of a particular group. It is often summarised in terms of equal access, equal treatment and equal outcomes.

5.2 **Diversity** is about the recognition and value of difference in its broadest sense. It is about creating a working environment and practices that recognise, respect, value and harness difference for the benefit of the Trust and the individual, in which people can flourish. There is an emphasis on social inclusion. Diversity is about the collective mixture of individuals, cultures and organisational expertise

5.3 **Inclusion** is the achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully to the workplace

5.3 Further definitions of discrimination, harassment and victimisation can be found in Appendix B

## 6.0 General Principals

As part of our continuing commitment to equality, diversity and human rights, the Trust will:

- continually review the processes for recruitment and selection, promotion and the provision of training to ensure that no unlawful discrimination takes place
- continuously deliver high quality services by recruiting, developing and retaining a workforce which is valued in all aspects of employment
- provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues may arise
- provide training to all existing and new employees and others engaged to work at the Trust to help them understand their rights and responsibilities

under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment

- review all Trust policies in a rolling cycle to ensure they comply with relevant legislation and promote a positive working environment
- embed our equality and diversity values into policies, procedures and everyday practice
- annually monitor the application of policies such as grievance, disciplinary and dignity at work to ensure that no unlawful discrimination takes place against any diverse group recognised under Equalities legislation as 'protected characteristics': race/ethnicity, disability, gender, gender identity/expression, age, sexual orientation, religion or belief, pregnancy and maternity, marriage and civil partnership
- ensure an appropriate infrastructure in place that is supported at Board to promote equality, diversity and human rights within the Trust
- regularly monitor and report, to the Trust Board, our workforce metrics to evaluate progress, identify key trends and identify appropriate actions in response
- develop ongoing action planning to promote initiatives to tackle inequality and ensure that practice and process are monitored, evaluated, reviewed and action taken as appropriate

## **7.0 Equality Analysis**

Any development or change to any existing or proposed policy, procedure, strategy or service must be subject to a systematically and thorough Equality Analysis. Each policy, procedure, strategy or service should be analysed in partnership, to ensure;

- the effects on any protected group are fully understood and minimized
- they do not actually or potentially, directly or indirectly, discriminate against any protected group.

Guidance regarding how to conduct an Equality Analysis is provided in the Trust's [Development and Approval Process](#).

## **8 Training**

Equality and Diversity training is a mandatory training requirement for all employees.

## **9 Equality and Diversity**

The Trust is committed to ensuring that, as far as is reasonably practicable, the way services are provided and the way staff are treated reflects their individual needs and does not unlawfully discriminate against individuals or groups. This policy has been properly assessed.

## 10 Monitoring compliance with the policy

Standard / Process / Issue	Monitoring and Audit			
	Method	By	Committee	Frequency
Reporting of information from ESR: <ul style="list-style-type: none"> <li>• Report on mandatory training compliance</li> <li>• Report on employee relations and recruitment activity</li> </ul>	Reporting of information from ESR	Director of Human Resources	Trust Board via Health, Equality and Wellbeing Committee	Annually
			Trust Board via Performance Management Framework (Mandatory training)	Quarterly

## 11 Consultation and review of this policy

This policy has been reviewed in consultation with the Employment Policies and Procedures Consultative Group

## 12 Implementation of the policy (including raising awareness)

A summary of the key changes will be notified to managers following implementation. Further advice and guidance will be available from the Human Resources Department.

## 13 Additional Documents

- [Appraisal Policy – Senior Medical and Dental Staff](#)
- [Dignity and Respect at Work Policy](#)
- [Employee Wellbeing Policy Incorporating Absence Management Procedure](#)
- [Induction Policy](#)
- [Mandatory Training Policy](#)
- [Recruitment and Selection \(Junior Medical and Dental Trust Doctor Posts\)](#)
- [Recruitment and Selection \(non-medical\)](#)
- [Recruitment and Selection \(Senior Medical and Dental\)](#)
- [Redeployment Policy](#)
- [Staff Appraisal Non-Medical](#)

## Work Streams in relation to Protected Characteristics

Protected Characteristic	Work Stream	Detail
Ethnicity	Workforce Race Equality Standard	<ul style="list-style-type: none"> <li>- The NHS Workforce Race Equality Standard (WRES) was introduced in 2015 to help prompt enquiry to better understand why it is that BME staff often experience much poorer treatment than White staff and facilitate the closing of those gaps in experience.</li> <li>- Getting this right is critical; evidence shows that a motivated, included and valued workforce helps deliver high quality patient care, increased patient satisfaction and better patient safety – it also leads to more innovative and efficient organisations.</li> <li>- The evidence of the link between the treatment of staff and patient care is particularly well evidenced for BME staff in the NHS, it's an issue for patient care, not just for staff.</li> <li>- There are nine WRES indicators               <ul style="list-style-type: none"> <li>- four of the indicators focus on workforce data</li> <li>- four are based on data from the national NHS Staff Survey questions, and</li> <li>- one indicator focuses upon BME representation on boards.</li> </ul> </li> <li>- The WRES highlights any differences between the experience and treatment of white staff and BME staff in the NHS with a view to organisations closing those gaps through the development and implementation of action plans focused upon continuous improvement over time</li> <li>- The Trusts WRES data and WRES Action Plan are available <a href="#">here</a></li> </ul>
	BAME Staff Network	<ul style="list-style-type: none"> <li>- Launched in 2014 the Trusts BAME staff network meets on a quarterly basis with the aim of supporting members of staff within the work environment and promoting an awareness of equality and inclusion within the Trust</li> </ul>

		<ul style="list-style-type: none"> <li>- The staff network Launched a WRES Sub Group in 2018 to monitor the Trusts progress against the WRES action plan</li> <li>- Further information can be found here <a href="#">externally</a> &amp; <a href="#">internally</a></li> </ul>
<b>Disability</b>	<b>Disability Confident</b>	<ul style="list-style-type: none"> <li>- Disability Confident is a scheme that is designed to help recruit and retain disabled people in employment</li> <li>- The Trust was recognised as Disability Committed in November 2016 and had previously been a 2 tick employer</li> <li>- In November 2017 the Trust achieved Disability Confident Employer, level 2</li> <li>- The Trust aims to become a Disability Leader in due course</li> <li>- The Trust is committed to; <ul style="list-style-type: none"> <li>- inclusive and accessible recruitment</li> <li>- communicating vacancies</li> <li>- offering an interview to disabled people</li> <li>- providing reasonable adjustments</li> <li>- supporting existing employees</li> </ul> </li> <li>- Further information about the scheme can be found <a href="#">here</a></li> </ul>
	<b>Disability Staff Network</b>	<ul style="list-style-type: none"> <li>- Launched in 2014 the Trusts Disability staff network meets on a bi monthly basis with the aim of supporting members of staff within the work environment and promoting an awareness of equality and inclusion within the Trust</li> <li>- The Disability staff network is working with the Trust to raise awareness of disabilities particularly hidden disabilities</li> <li>- Further information can be found here <a href="#">externally</a> &amp; <a href="#">internally</a></li> </ul>
	<b>Project Choice</b>	<ul style="list-style-type: none"> <li>- Project Choice is a supported internship programme for people with learning disabilities, difficulties or autism (LDDA).</li> <li>- NHS Health Education England, support NHS Trusts to deliver the programme nationally. The focus is 'work readiness' and matching skills to employment.</li> <li>- The project is designed to support young people to enhance their strengths in the labour market, and with support, develop</li> </ul>



		<p>key employability skills.</p> <ul style="list-style-type: none"> <li>- In addition to providing work experience placements within the Trust, the project links with other organisations within Newcastle upon Tyne who provide additional work experience placements</li> <li>- The programme provides young people with work based transferable skills and provides equal opportunities for all.</li> <li>- Further information can be found here <a href="#">externally</a> &amp; <a href="#">internally</a></li> </ul>
	<p>Reasonable Adjustments</p>	<p>Recruitment</p> <ul style="list-style-type: none"> <li>- The Trust is an equal opportunities employer and will provide reasonable support to disabled applicants throughout the recruitment process</li> <li>- Such support will include making reasonable adjustments to the method of application, the interview process and working environment</li> </ul> <p>Disablement during employment</p> <ul style="list-style-type: none"> <li>- The Trust will support staff with disabilities and those who become disabled during employment, and encourages open dialogue between staff and managers to ensure appropriate reasonable adjustments are considered.</li> <li>- Where an employee becomes disabled during the course of his/her employment, every effort will be made to enable the employee to continue in their current post. Full consideration will be given to the provision of adaptation/aids, job redesign and consideration of any other reasonable adjustment.</li> <li>- Requirements are addressed on an individual basis</li> </ul>
	<p>Workforce Disability Equality Standard</p>	<ul style="list-style-type: none"> <li>- The Workforce Disability Equality Standard (WDES) is a data-based standard that uses a series of measures (Metrics) to help improve the experiences of Disabled staff in the NHS.</li> <li>- The ten evidence-based Metrics will enable NHS organisations to compare the reported outcomes and experiences of</li> </ul>

		<p>disabled with non-disabled staff</p> <ul style="list-style-type: none"> <li>- The final Metrics have been approved by the Equality and Diversity Council (EDC).</li> <li>- First reports must be published by 1 August 2019 and based on the data from the 2018/19 financial year.</li> <li>- NHS Trusts and Foundation Trusts are required to publish their results and develop action plans to address the differences highlighted by the Metrics with the aim of improving workforce disability equality.</li> <li>- The purpose of the WDES is to improve the experience of disabled staff working in, and seeking employment in, the NHS. NHS Trusts and Foundation Trusts will be prompted to look at key areas highlighted by the Metrics e.g. career development, appraisals, capability and recruitment processes.</li> <li>- The roll-out of the WDES will support an increased focus on disability and the voices of disabled staff.</li> </ul>
<b>Gender</b>	Gender Pay Gap Reporting	<ul style="list-style-type: none"> <li>- The government has published The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, which extends the duty to publish annual gender pay gap reports to public sector employers with over 250 employees.</li> <li>- The Trust is required to publish data on our mean and median gender pay gap, mean and median bonus pay gap, and information on the proportions of male and female employees in each salary quartile</li> <li>- The Trusts Gender Pay Gap Report can be found <a href="#">here</a></li> </ul>
<b>Religion or Belief</b>	Religious Observance	<ul style="list-style-type: none"> <li>- Prayer rooms are available on Trust sites for use by staff</li> <li>- If a prayer room is not available, an employee may use a meeting room by booking it in the normal way.</li> <li>- The Chaplaincy Team are responsible for ensuring that the Spiritual and Religious needs of patients, relatives and carers and staff are recognised and provided for by all staff across the organisation</li> <li>- Chaplaincy are a reference point for</li> </ul>

		<p>Spiritual/Religious matters within the Trust</p> <ul style="list-style-type: none"> <li>- Further information can be found <a href="#">here</a></li> </ul>
<b>Sexual Orientation</b>	Stonewall Diversity Champion	<ul style="list-style-type: none"> <li>- The Trust became a Stonewall Diversity Champion in 2014</li> <li>- The Diversity Champions programme is the leading employers' programme for ensuring all LGBT staff are accepted without exception in the workplace</li> <li>- Annually the Trust submits to the Stonewall Workplace Equality Index demonstrating our work in 10 areas of employment policy and practice.</li> </ul>
	LGBT Staff Network	<ul style="list-style-type: none"> <li>- Launched in 2014 the Trusts LGBT staff network meets on a bi-monthly basis with the aim of supporting members of staff within the work environment and promoting an awareness of equality and inclusion within the Trust</li> <li>- Members of the LGBT staff network assist the Trust to improve our workplace for LGBT staff and patients and raise awareness</li> <li>- Further information can be found here <a href="#">externally</a> &amp; <a href="#">internally</a></li> </ul>
<b>Gender Identity / Expression</b>	Gender Identity in the Work Place	<ul style="list-style-type: none"> <li>- Working with the LGBT staff network the Trust has developed a number of resources including;</li> <li>- a policy which explicitly includes banning discrimination on the grounds of gender identity and gender expression</li> <li>- work-related guidance for managers on how to support an employee who is transitioning</li> <li>- information which supports all non-trans employees (including lesbian, gay and bi employees) to become trans allies through training and resources</li> <li>- work-related guidance on the process for an employee to change their name and gender markers on workplace systems</li> <li>- a work-related guidance for employees on how to support a colleague who is transitioning</li> <li>- To find out more refer to our Gender Identity resources <a href="#">here</a></li> </ul>
	Trans Lives	<ul style="list-style-type: none"> <li>- Working together in partnership with other</li> </ul>

	Matter	<p>local public sector organisations to progress Gender Diversity matters</p> <ul style="list-style-type: none"><li>- The Group aims to enhance the knowledge and skills of staff to benefit both patient care and workplace culture</li><li>- An annual conference was organised by the Trust in partnership with a regional working group</li><li>- The conference was the first of its kind nationally.</li><li>- Continued engagement with trans and gender diverse organisations will improve staff and patient experiences and increase community engagement and with Trans and gender diverse communities</li></ul>
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## Work Streams in relation to all Protected Characteristics

Non Specific Equality Work Streams	Detail
Public Sector Equality Duty	<ul style="list-style-type: none"> <li>- On 5 April 2011, the Public Sector Equality Duty (PSED) came into force.</li> <li>- The PSED equality duty was developed to harmonise the equality duties and to extend it across all protected characteristics. It consists of a general equality duty, supported by specific duties which are imposed by secondary legislation</li> <li>- General Duty Requirements: eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and those who do not; foster good relations between people who share a protected characteristic and those who do not.</li> <li>- Specific Duty Requirements: publish relevant, proportionate information demonstrating compliance with the Equality Duty at least annually; set and publish specific, measurable equality objectives at least every 4 years.</li> <li>- The Trusts PSED data can be found <a href="#">here</a></li> <li>- The Trust Equality Objectives can be found <a href="#">here</a></li> </ul>
Equality Delivery System2	<ul style="list-style-type: none"> <li>- The Equality Delivery System (EDS) sets out our commitment to taking equality and human rights into everything we do, whether that's providing services, employing people, developing policies, communicating, consulting or involving people in our work.</li> <li>- At the heart of EDS2 are 18 outcomes, against which NHS organisations assess and grade themselves. They are grouped under four goals <ul style="list-style-type: none"> <li>- Better health outcomes</li> <li>- Improved patient access and experience</li> <li>- A representative and supported workforce</li> <li>- Inclusive leadership</li> </ul> </li> <li>- The Trusts grading can be viewed <a href="#">here</a></li> </ul>
Equality Champions	<ul style="list-style-type: none"> <li>- The Trust actively promotes equality of opportunity. It's our aim to be the 'employer of choice', where staff share core values, passion and a commitment to make a difference. The Trust is committed to providing an inclusive environment in which diverse employees can work together, feel valued and excel.</li> <li>- In pursuit of this, the Trust has launched an Equality Champion programme which seeks to promote and support inclusion, across the workforce. Champions are people</li> </ul>

who wish to assist in progressing equality and inclusion for all. The aim is to have a network of Champions throughout the Trust from various backgrounds, roles and departments.

- Champions are asked to be a visible point of contact and 'champion' for equality, diversity and inclusion
- Further information can be found [here](#)

## Types of unlawful discrimination

1. **Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.
2. **Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.
3. **Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity which are covered by direct discrimination provisions in the Equality Act 2010) that has the purpose or effect of violating a person's dignity; or is reasonably considered by that person to create 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.
4. **Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and Acas) pregnancy and maternity).
5. **Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).
6. **Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint in bad faith. There is no need for a complainant to compare his/her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.
7. **Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that disability and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

### Equality Analysis Form A

This form must be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

#### PART 1

1. **Assessment Date:**
2. **Name of policy / strategy / service:**
3. **Name and designation of Author:**
4. **Names & designations of those involved in the impact analysis screening process:**
5. **Is this a:** Policy  Strategy  Service   
**Is this:** New  Revised   
**Who is affected** Employees  Service Users  Wider Community
6. **What are the main aims, objectives of the policy, strategy, or service and the intended outcomes?** *(These can be cut and pasted from your policy)*
7. **Does this policy, strategy, or service have any equality implications?** Yes  No
- If No, state reasons and the information used to make this decision, please refer to paragraph 2.3 of the Equality Analysis Guidance before providing reasons:**



## 8. Summary of evidence related to protected characteristics

Protected Characteristic	Evidence, i.e. What evidence do you have that the Trust is meeting the needs of people in various protected Groups	Does evidence/engagement highlight areas of direct or indirect discrimination? If yes describe steps to be taken to address <i>(by whom, completion date and review date)</i>	Does the evidence highlight any areas to advance opportunities or foster good relations. If yes what steps will be taken? <i>(by whom, completion date and review date)</i>
<b>Race / Ethnic origin (including gypsies and travellers)</b>	<p>The policy is clear that it does not discriminate on the grounds of race/ethnic origin, sex, religion and belief, sexual orientation, age, disability, gender identity/expression, marriage and civil partnership and maternity and pregnancy.</p> <p>Trust produces and analyses (annually) workforce data around each protected characteristic. Data informs the Equality Delivery System and each process informs the Trusts Equality and Diversity action plan. In addition the Trust complies with the requirements of the Workforce Race Equality Scheme (WRES)</p> <p>More specifically; The results for the last four years show consistently for Indicators 3 and 4 (likelihood of entering the formal disciplinary process and accessing non-mandatory training/CPD) that BME staff within the Trust have a better experience than White staff :</p>	<p>WRES data indicates: Percentage of staff believing the Trust provides equal opportunities for career progression or promotion</p> <ul style="list-style-type: none"> <li>- BAME respondents: 83%</li> <li>- White respondents: 91%</li> </ul> <p>Percentage of staff who reported that in the last 12 months they had personally experienced discrimination at work from a manager, team leader or other colleague</p> <ul style="list-style-type: none"> <li>- BAME respondents: 11%</li> <li>- White respondents: 6%</li> </ul> <p>For the first time since WRES's introduction the data (indicator 2) suggests white staff are more likely to be appointed from shortlisting than BAME staff.</p> <p>Indicator 9 consistently shows the lack of representation of BME staff at Board level</p> <p>The Trust equality action plan has been updated to seek to reduce the difference and has been granted Board approval.</p> <p>A WRES subgroup has been created to review progress against the Action Plan and to specifically address the concerns raised around discrimination/bullying and harassment.</p>	<p>The Trust has a BAME staff network and actively promotes diversity days.</p> <p>Equality and Diversity information is available at Trust Career Fairs and promoted through the Trust's Facebook and Twitter Pages</p>
<b>Sex (male/ female)</b>	As above		
<b>Religion and Belief</b>	As above		
<b>Sexual orientation including</b>	As above	- LGB applicants are 0.87 times less	Trust attended Northern Pride

<p><b>lesbian, gay and bisexual people</b></p>	<p>LGB applicants are equally as likely to be appointed as heterosexual applicants.</p>	<p>likely to be appointed heterosexual applicants</p> <ul style="list-style-type: none"> <li>- LGB staff are 1.5 times more likely to be subject to disciplinary action than heterosexual staff</li> <li>- LGB staff are 2.9 times more likely to be subject to capability action (underlying health reason) than heterosexual staff</li> <li>- LGB staff are 2.76 times more likely to be subject to capability action (no underlying health reason) than heterosexual staff</li> <li>- The Trust has no VSM's who identify as LGB</li> <li>- LGB staff are 1.34 times more likely to leave than heterosexual staff</li> </ul> <p>The Trust equality action plan has been updated to seek to reduce the difference</p>	<p>to increase community engagement and promote the Trust as an equal opportunities employer</p>
<p><b>Age</b></p>	<p>As above</p>		
<p><b>Disability – learning difficulties, physical disability, sensory impairment and mental health. Consider the needs of carers in this section</b></p>	<p>Trust policies are clear that they do not discriminate on the grounds of disability.</p> <p>The Trust has a disability staff network</p> <p>The Trust has Project Choice an internship for young people with learning disabilities with a 78% transition rate into paid employment.</p> <p>The Trust has provision for early ill health retirement to support employees who are permanently incapable of performing their current role, or regular employment.</p> <p>Relevant Trust policies are clear that consideration will always be made to explore reasonable adjustments to support an employee or applicant who has a disability.</p>	<ul style="list-style-type: none"> <li>- Disabled applicants are 0.78 times less likely to be appointed than non-disabled applicants (non-medical) The likelihood of disabled applicants being appointed is zero (medical).</li> <li>- Disabled staff are 2.12 times more likely to be subject to disciplinary action than non-disabled staff</li> <li>- Disabled staff are 2.83 times more likely to be subject to capability action (underlying health reason) than non-disabled staff. Disabled staff are 1.67 times more likely to be subject to capability action (no underlying health reason) than non-disabled staff</li> <li>- The Trust has no VSM's who identify as</li> </ul>	<p>The Trust is a Disability Confident Employer and is working towards Disability Confident Leader status.</p> <p>Project choice is promoted externally to local schools and colleges and has achieved fantastic result in enabling young people with learning disabilities to enter employment.</p> <p>The Trust has signed the Time to Change pledge.</p>

	<p>The Redeployment policy is clear that if redeployment is being considered and an employee is disabled, they will be given prior consideration.</p> <p>Disabled staff are equally likely to have their flexible working requests accepted as non-disabled staff.</p>	<p>having a disability</p> <p>The Trust equality action plan has been updated to seek to reduce the difference</p>	
<b>Gender Identity/Expression</b>	<p>The policy is clear that it does not discriminate on the grounds of gender identity/expression.</p> <p>The Trust has a functioning Gender Identity Group with representatives from third section and staff and an LGBT staff network.</p> <p>An employee who wishes to take annual leave in relation to absence attributable to pre-planned surgery, may be allowed to do so provided the leave is approved in accordance with normal procedure.</p> <p>The Trust has a gender transition at work policy which includes colleague guides.</p>	No	Trust attended Northern Pride to increase community engagement and promote the Trust as an equal opportunities employer
<b>Marriage and Civil Partnership</b>	<p>The policy is clear that it does not discriminate on the grounds of marriage and civil partnership.</p>	No	
<b>Maternity / Pregnancy</b>	<p>The policy is clear that it does not discriminate on the grounds of maternity/pregnancy.</p> <p>The Trust has a number of policies to support pregnant employees and employees, employees on maternity leave and breastfeeding employees. These policies ensure that risk assessments are undertaken to ensure the safety of the employee and these will be reviewed, should the employee have pregnancy related absences.</p>		

9. Are there any gaps in the evidence outlined above? If 'yes' how will these be rectified?

No

10. Engagement has taken place with people who have protected characteristics and will continue through the Equality Delivery System and the Equality Diversity and Human Rights Group. Please note you may require further engagement in respect of any significant changes to policies, new developments and or changes to service delivery. In such circumstances please contact the Equality and Diversity Lead or the Involvement and Equalities Officer.

Do you require further engagement?

Yes

No

11. **Could the policy, strategy or service have a negative impact on human rights? (E.g. the right to respect for private and family life, the right to a fair hearing and the right to education?)**

No

## PART 2

**Name:**

Natalie Cowan

**Date of completion:**

19/9/2018

(If any reader of this procedural document identifies a potential discriminatory impact that has not been identified, please refer to the Policy Author identified above, together with any suggestions for action required to avoid/reduce the impact.)