

Equal Opportunities in Employment Policy

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HRA Impact Assessment	Assessor: Paul Bellerby	Date: October 2010

Associated Documents

Harassment and Bullying Policy
 Positive Action Guidelines
 Disability in Employment Policy
 Flexible Working Guidelines
 Trust Single Equality and Human Rights Scheme and Action Plan
 Special leave Policy
 Recruitment Policy
 Reflect & Review Checklist Protocol

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1. INTRODUCTION

This policy sets out the aims and objectives with regards to management and promotion of equal opportunities and diversity within South London and Maudsley NHS Foundation Trust.

The Trust recognises its duty as set out in equality legislation not only to address unlawful discrimination but also to positively promote equality of opportunity and harmonious working relationships between all members of its diverse workforce.

The purpose of the policy is to assist the Trust in achieving its aims regarding equality and diversity in employment, whether these are covered by statute.

This policy has been informed by guidance from the Equality and Human Rights Commission. It has also developed in consultation with the local Trade Union representatives via the Joint Management/Staff Side Committees.

2. SCOPE

This policy applies to all staff directly employed by the Trust and Individuals engaged to undertake Trust business or activities e.g. contractors and agency staff.

It covers all aspects of employment, from recruitment and selection, training and development to conditions of service and reasons for the termination of employment. It also sets out the underpinning principles that influence the way the Trust carries out its employment based activities and the expectations of all staff accordingly.

3. STATEMENT OF INTENT

The South London and Maudsley NHS Foundation Trust strives to be an equal opportunities employer that demonstrably values the diversity of the workforce.

In recognising that everyone is different, the Trust aims to value equally the unique contribution that individual experience, knowledge and skills can make.

The Trust recognises that discrimination and prejudice exists both individually and institutionally and people are most commonly disadvantaged by discrimination on the grounds of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. Under the Equality Act 2010, discrimination against any of these 'protected characteristics' is unlawful. (See appendix 3 for further detail)

In relation to disability the Trust also recognises the discrimination and disadvantage experienced by people with mental health needs.

The Trust accepts that false assumptions, prejudice, discrimination and stereotyping are widespread in society and to achieve our aims we must take steps to actively promote equality and combat prejudice, stigma, discrimination and harassment.

The Trust is therefore committed to:

- Fulfilling its legal obligation duty under equality legislation.
- Ensuring that current and potential employees will be treated with dignity, respect and fairness always.
- Promoting an environment and conditions in which employees can reach their full potential and maximise their contribution to the work of the Trust.
- Making reasonable adjustments including the provision of necessary equipment and facilities to members of staff with disabilities.
- Tackling any sign of individual or institutional discrimination.
- Taking positive action to promote equal opportunities and to raise awareness of the value of diversity in employment with managers and staff.
- Employing a workforce whose composition broadly reflects that of the community it serves
- Implementing leadership structure whose composition broadly reflects the diverse workforce of the Trust
- Exploring equality and diversity implications of all key decisions, policies and activities.
- Ensuring ongoing monitoring and regular analysis of records relating to the above will provide the basis for appropriate action to eliminate unlawful direct and indirect discrimination and promote equality of opportunity.

This policy will be supported by action plans as contained within the Trust's Single Equality Scheme which will set out the specific actions to be taken to address the needs identified and ensure that the policy commitments and long-term objectives are achieved.

4. RESPONSIBILITIES

Trust Board

The Trust Board will have overall responsibility for monitoring the outcomes of this policy. Executive lead responsibility for equality employment matters will rest the Director of Human Resources, OD, Education & Training

Staff

All staff are required to comply with this policy and act in accordance with its objectives to remove any barriers to equal opportunity.

In all activities, staff are expected to treat each other with dignity, fairness and respect and refrain from discriminatory behaviours or practices on any grounds.

Staff are expected to report behaviour that undermines equality and diversity.

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Behaviour that is regarded as discriminatory will be viewed most seriously and may result in disciplinary action being taken, which could result in dismissal in cases of gross misconduct.

Managers

Managers must apply all Trust employment policies fairly but attention must be given to policies on Discipline, Capability, Sickness, Grievance, Harassment & Bullying, Recruitment and Selection and Redundancy & Redeployment to avoid direct or indirect discrimination.

Additionally, managers must ensure their decisions and actions are not based on stereotypes and assumptions about groups or individuals.

Managers must make all reasonable efforts to promote equality of opportunity and harmonious working relationships within their sphere of responsibility. This will form part of their competency outlines against which their performance will be measured.

Managers must contribute to a working culture in which dignity and respect is the norm and discrimination effectively and constructively addressed and challenged.

Managers must investigate and deal appropriately with any concerns reported to them by staff.

Managers must monitor the behaviour of staff they manage, and take appropriate action if necessary.

5. RECRUITMENT AND SELECTION

The Trust has developed a separate and clear procedure for Recruitment and Selection. However, the following principles will underpin recruitment activity:

As a minimum, all vacancies will be advertised internally on the Trust's vacancy pages on the intranet

Managers will have discretion to decide whether to advertise their vacancy externally in addition. Consideration should be given to factors such as the extent to which the internal workforce is reflective of the diversity of the local population.

Every advert will contain the Two Ticks Disability Symbol. Depending upon the need identified areas of the Trust; adverts may also include a positive statement of encouragement for groups to apply (e.g. people with experience of using mental health services)

Every post advertised must be supported by a written job description and person specification based on objective job-related criteria.

Adverts will only include requirements or criteria which are necessary to the post so that all applicants will be considered solely on their ability to do the job.

Care must be given to ensure that requirements set out do not disproportionately disadvantage any group (e.g. sex, race, disability etc) unless this is a genuine and justifiable requirement for the post. Advice should be sought from Human Resources.

Person specifications will not require applicants to have a standard of English higher than that needed for safe and effective performance of the job.

Details of external adverts should be widely circulated to job centres, and where appropriate careers offices, schools, colleges, universities and appropriate voluntary/statutory organisations which have significant minority group rolls in order to increase the pool of applicants to the Trust.

Managers will be provided with information about minority press/media in which adverts may be placed to target minority groups. It will be for the manager to determine the appropriate media depending upon the need identified in their service area, with advice from the Human Resources Department.

Short listing for a post must always be carried out by more than one person, and one of those individuals, must have undertaken the Trust's Recruitment and Selection training or have been assessed as competent by the Human Resources Department.

Selection interviews must always be carried out by more than one person. As a minimum, the Chair of the interview panel must have undergone the Trust's Recruitment and Selection training programme or have been assessed as competent by the Human Resources Department.

Interviewers will not ask questions that are designed to test more rigorously one candidate than another for reasons other than testing skills and knowledge required for the post. Questions will relate to the requirements and circumstances of the job and selection tests will only contain relevant job-related questions and/or exercises.

Where possible recruitment panels should aim to reflect the diversity of the Trust. However, the panel should only include representatives that have a key and appropriate role, tokenism should be avoided.

Diversity in Recruitment champions will be allocated to interview panel as appropriate and in line with the Trust's documented aspirations and equality driven action plans such as the Workforce Race Equality Standards (WRES).

A formal record of short listing decisions and a record of appointment decisions together with reasons for rejection/selection will be made and kept for six months in respect of each post.

The Trust will monitor and report on success rates at shortlisting and selection by protected characteristic as defined by the Equality Act.

6. POLICIES AND PROCEDURES

All employment policies, procedures and practices will be assessed and regularly reviewed for their impact on equality on all grounds. Reports on the outcomes of employment

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practices and processes will be assessed annually and publicised within annual Equality and Diversity reports.

7. COMMUNICATIONS

Every effort will be made to ensure that Trust literature, language, publicity and images will reflect the diversity of the workforce within the Trust.

The Trust's commitment to valuing diversity and combating stigma and discrimination will be widely publicised are a key part of its core values and guiding principles.

The Trust considers it a matter of courtesy and conducive to good working relationships for staff not to exclude others from conversations that might concern them, when they are present. Staff who therefore engage in casual conversation in languages other than English must be aware of who is present and the potential that their actions could result in colleagues and/or service users feeling excluded, suspicious, embarrassed, humiliated, threatened or upset. (See Appendix B for general standards associated with communication).

8. TRAINING AND DEVELOPMENT

Specialised training and refresher courses will be provided for all staff responsible for recruitment and selection, performance management and appraisal to provide them with the knowledge and skills to carry out these responsibilities in accordance with the Trust's policy.

More general Diversity Awareness training will be provided for all staff with supervisory responsibilities and/or responsibility for interpretation of conditions of service or Trust employment policies. One of the key outcomes of this training will be to develop a greater awareness of how discrimination can take place unwittingly because of poor communication/understanding between people from different cultures.

Equality and Diversity is one of the core dimensions of the KSF. Every employee will take part in an annual appraisal and, together with their manager, will develop and agree a personal development programme, which will be regularly reviewed.

All employees will be encouraged to use the training, education and development facilities available to enable them to progress within the Trust and wider NHS.

Opportunities for training will be widely advertised and will use a wide range of delivery methods to suit individual learning needs.

The Trust will monitor and report on training and promotions by protected characteristics.

Equal opportunities and diversity awareness will be integral to the corporate induction programme and mandatory management training provided by the Trust.

9. TERMS AND CONDITIONS OF EMPLOYMENT

The terms and conditions of employment along with the policies and procedures within South London & Maudsley Trust will be applied fairly and consistently to all staff groups throughout the organisation.

Wherever possible, efforts will be made to identify and remove unnecessary/unjustifiable barriers and provide appropriate facilities and conditions of service to meet the special needs of disadvantaged and/or under-represented groups. (See separate Trust Policies on Flexible Working, Special Leave).

10. POSITIVE ACTION

Depending upon the needs identified in the Trust or in a part of the Trust, positive action, as permitted by legislation may be taken. Positive measures should always be discussed with a senior member of the Human Resources Department. Such measures might include: -

- Including experience of using mental health services in the essential criteria of a person specification.
- Targeting recruitment to strengthen under represented groups including positive 'encouragement' to apply for posts within the Trust.
- Developing special training for under-represented groups to prepare them to compete on genuinely equal terms e.g. for jobs including promotions.
- Recruitment and training schemes for school/college leavers designed to reach under-represented groups and to meet any special training needs.
- Support for networks of under-represented groups e.g. the Black, Asian and Minority Ethnic (BAME) networks, the Lesbian Gay Bisexual and Transgender (LGBT) group and the Disability Staff network.
- "Ring-fencing" posts to provide an opportunity for local people with a disability to be considered prior to the post being advertised more widely.

Further information on positive action and measures within the Trust is available within the Positive Action Guidelines, which can be found on the HR page on the Intranet.

11. REVIEW

The 'Positively Diverse Framework' will be used as a mechanism to ensure the Trust is effectively identifying, addressing and agreeing the priorities that emerge each year with regards to the broad spectrum of equality and diversity in employment.

The outcomes of monitoring on employment equality matters will be published annually alongside actions plans that arise as a result. The Trust publishes an annual workforce equality report which covers workforce composition, recruitment, access to training, pay, promotion, leavers, the application of formal workforce procedures, dismissals and staff

experience. To see the most recent annual report please visit the equality and diversity pages on the HR pages of the intranet or contact the Workforce Equality Manager.

This policy will regularly be reviewed to ensure that it is up to date with regards to current national and NHS specific principles of best practice and developments in employment legislation.

12. Support available to staff

The Trust will ensure that any person who complains about discriminatory behaviour will not receive less favourable treatment as a result. If someone believes they are being treated less favourably as result of raising a discrimination complaint or supporting someone who has raised such a complaint, they can raise the matter through the Trust's grievance procedure.

If someone feels they have suffered discrimination and they cannot resolve the matter informally, they can raise the matter through the Harassment & Bullying policy.

Concerns about discriminatory behaviour towards other colleagues or patients should be raised through the Whistleblowing procedure.

Advice on the application of this procedure can be obtained from employeerelations@slam.nhs.uk. Staff may also receive advice from their recognised union representative.

The Trust has mechanisms for staff to access confidential support and advice when they feel they cannot speak with colleagues, family or friends. Staff can contact:

Care first: 0800 174 319 or www.carefirst-lifestyle.co.uk or
SLaM staff counselling: 020 3228 3601 or staffcounselling@slam.nhs.uk

Appendix A

Definitions

This section provides a **summary** of key terms used within or associated with this Policy.

Competencies – Work related skills and behaviour needed to effectively perform in a role

Culture - The traditions, customs, values and norms of a group of people

Direct discrimination – A person is treated less favourably than another because of a 'protected characteristic' under the Equality Act (see appendix 3 for details).

Indirect discrimination – When a rule or requirement is applied to everyone in the same way, but has a greater negative effect on people who have a 'protective characteristic' under the Equality Act.

Associative: direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perceptive: direct discrimination against an individual because others think they possess a protected characteristic. It applies even if the person does not actually possess the characteristic.

Diversity – A term to describe a variety of difference

Ethnicity – A description of the group with which a person has common genetic or cultural ties.

Genuine Occupational Requirement – Where something about an individual is necessary as it helps to do the job better e.g. age sex, sexual orientation, disability, etc

Harassment - Any unwanted conduct that affects the dignity of men and woman at work

Institutional discrimination – The systematic denial of rights or opportunities. Discrimination arising from the practices and processes undertaken in an organisation.

Positive Action – A range of actions/initiatives that employers can lawfully take to redress imbalance in employment amongst specific groups that have previously experienced disadvantage.

Positively Diverse framework - A specific framework developed initially by the Department of Health to assist NHS employers in adopting a strategic approach to identifying the need for and managing the process of change in relation to equality and diversity.

Prejudice – To make assumptions that are not based on fact. To pre-judge.

Racism – Social and economic suppression of a group of people based on race.

Stereotyping – making assumptions about an individual or group based on an attribute.

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Unwitting discrimination – Actions that amount to discrimination though not intended to have that outcome.

Stigma – Socially held negative views associated with a feature or group

Valuing diversity – The recognition and celebration of the benefits that difference can bring to an organisation.

Victimisation – treating someone less favourably because they have complained about discrimination or helped someone else complain about it.

Appendix B

Basic Standards of Communication

1. Respect, value and dignity should underpin all communication at work amongst staff and between staff and service users.
2. All staff should refrain from the use of language and terminology that causes offence to others.
3. Where language or terminology unintentionally causes offence, colleagues should bring this to the attention of 'the communicator' explaining why this is the case. This will give him/her the opportunity to learn and avoid a repeat in the future.
4. All staff should attempt to communicate as far as possible (both verbally and in writing) using plain English. Sensitivity must be given to the use of jargon, phrases or expressions that might not be equally understood everyone in the intended audience.
5. In recognition of the diversity within staff teams, it is possible for communicated messages (whether through actions, body language and/or written or verbal communication) to have different meaning, interpretation and/or understanding to the receiver. All staff should develop awareness, the basic skills and commitment to checking out meaning and understanding without making assumptions.
6. It is recognised that a diversity and richness of languages are spoken by SLaM staff. Staff should attempt always to use language as a positive tool to promote cultural diversity to help staff and service users feel **included** in the communication process (e.g. it may be valuable for a member of staff to communicate with a service user by using a shared common language.)
7. When using languages other than English staff must be aware of the impact that this may have on others e.g. service users and colleagues. Use of own language should not make others feel **excluded**, isolated embarrassed or threatened.
8. All staff should develop awareness of their own body language communication style, norms and preferences. At all times staff should endeavour to minimise discomfort or embarrassment caused to others.
9. All staff should be willing to make some degree of adaptation to their communication style to ensure the needs of service users are met and to ensure communications contribution to maintaining harmonious working relationships.

Developed by Lewisham BME staff network 2003

Appendix C

Equality Act October 2010

The Equality Act 2010 came into force on 1st October 2010. It aims to simplify equalities legislation by harmonising and simplifying previous discrimination law into one more consistent framework, while at the same time extending discrimination protection.

The 9 key pieces of legislation that have merged are:

- **The Equal Pay Act 1970**
- **The Sex Discrimination Act (as amended) 1975**
- **The Race Relations Act 1976 {as amended by the Race Relations (Amendment) Act 2000}**
- **The Disability Discrimination Act 1995 (as amended) 2005**
- **The Employment equality (Religion or belief) Regulations 2003**
- **The Employment Equality (Sexual Orientation) Regulations 2003**
- **The Employment Equality (Age) Regulations 2006**
- **The Equality Act 2006. part 2**
- **The equality Act (Sexual Orientation) Regulations 2007**

The act defines direct discrimination as less favourable treatment because of a protected characteristic. Under the Act these are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Indirect discrimination is also covered, (although pregnancy and maternity is covered by indirect sex discrimination). Some key changes to previous legislation include:

1. The extension of the forms of unlawful discrimination and protection to include treating someone unfavourably because they are **associated** with a person with a protective characteristic (e.g. a carer) or because it is **perceived** that they have protected characteristic.
2. The extension of employers' liability for third party harassment.
3. Extensions and the introduction of new forms of protection for disabled people including new protection from indirect discrimination and the introduction of the concept of 'discrimination arising from disability'.

Guidance and detail on all aspects of the act are available from the Equality and Human Rights Commission www.equalityhumanrights.com

Appendix E

Plan for Dissemination of Procedural Documents Policy

To be completed and attached to any document which guides practice when submitted to the appropriate committee for consideration and approval.

Acknowledgement: University Hospitals of Leicester NHS Trust.

Title of document:	Equal Opportunities in Employment Policy		
Date finalised:	October 2018	Dissemination lead: Print name and contact details	
Previous document already being used?	Yes		
If yes, in what format and where?	Available on-line on Trust intranet		
Proposed action to retrieve out-of-date copies of the document:	To archive intranet version and inform all managers		
To be disseminated to:	How will it be disseminated, who will do it and when?	Paper or Electronic	Comments
All Senior Managers and Core Standard Leads	Via HR Business Partners to the CAG Executive Meetings for cascade to team leaders	Both	

Dissemination Record - to be used once document is approved.

Date put on register / library of procedural documents		Date due to be reviewed	
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Disseminated to: (either directly or via meetings, etc)	Format (i.e. paper or electronic)	Date Disseminated	No. of Copies Sent	Contact Details / Comments

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Appendix F

Equality Impact Assessment Summary

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

		Yes/No	Comments
1.	Does the policy/guidance affect one group less or more favourably than another based on:		
	• Race	No	
	• Ethnic origins (including gypsies and travellers)	No	
	• Nationality	No	
	• Gender	No	
	• Culture	No	
	• Religion or belief	No	
	• Sexual orientation including lesbian, gay and bisexual people	No	
	• Age	No	
	• Disability - learning disabilities, physical disability, sensory impairment and mental health problems	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	N/A	
4.	Is the impact of the policy/guidance likely to be negative?	N/A	
5.	If so can the impact be avoided?	N/A	
6.	What alternatives are there to achieving the policy/guidance without the impact?	N/A	
7.	Can we reduce the impact by taking different action?	N/A	

If you have identified a potential discriminatory impact of this procedural document, please also include the full Equality Impact Assessment that was carried out at the beginning of policy development and any associated documentation.

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Appendix G**Policy Implementation Plan**

	Implementation Plan:	Detail	Comments
1.	What training or education is required to implement the policy? 2a Has this been commissioned? YES/NO 2b If yes who from, for how long and in what numbers?	None N/A	Lead directors will need to be briefed so that they can discharge their responsibilities.
2.	Are there any associated documents e.g. information leaflets YES/NO 3.a. If yes describe who is responsible for production, circulation and budget for same	No N/A	
3.	Outline suggested process for monitoring the effectiveness of the policy e.g. audit. Include whether the review process has been requested/ included in the business plan of the relevant department.	HR KPI's HR Quality Standards Audit	
4.	Please describe any further action(s) required to implement the policy including persons responsible and timescales		
5	Date of policy review in approval committee		
6	Taking into consideration the information above, what is the suggested implementation date of the policy?		