

NHS FORTH VALLEY

Equality, Diversity and Human Rights Policy



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1. Policy Statement

This policy sets out NHS Forth Valley's commitment to the principles, as defined below, of equality, diversity and human rights in employment and sets out the approach to be followed in order to ensure that such principles are consistently met.

While successful implementation of this policy will ensure compliance with current legislation and national policy, NHS Forth Valley also recognises both the moral and business case for maintaining good employment practice in relation to equality, diversity and human rights.

NHS Forth Valley recognises and embraces that it also has a unique opportunity to influence the practice of those other organisations with which it engages and to champion equality, diversity and human rights within society more generally.

NHS Forth Valley is proud to have retained the 'two ticks' recruitment symbol. This is awarded by Job Centre Plus and demonstrates our commitment to supporting disabled workers back into work and to stay in employment with us. As such, equality, diversity and human rights must be at the heart of NHS Forth Valley and everything it does.

This policy has been developed in partnership with local trade union/professional organisation representatives. It reflects the best practice and meets the minimum standards set out within the [Embracing Equality, Diversity and Human Rights in NHSScotland Partnership Information Network \(PIN\) Policy](#).

2. Scope

This policy applies to all those who work within or apply to work within NHS Forth Valley regardless of employment status. It therefore includes permanent and fixed-term employees, members of the Staff Bank Service, those working within NHS Forth Valley on behalf of other agencies, those on secondment to NHS Forth Valley, volunteers, and those on work experience or training placements.

3. Definitions

Equality is described by the Equality and Human Rights Commission as 'ensuring that every individual has an equal opportunity to make the most of their lives and talents, and believing that no one should have poorer life choices because of where, what or whom they were born, or because of other characteristics.

Managing diversity is defined as 'valuing everyone as an individual', recognising that a 'one-size-fits all' approach to managing people does not achieve fairness and equality of opportunity, given that people have different needs, values and beliefs.

Human rights are defined as 'the basic rights and freedoms to which all human are entitled'. They ensure that people are treated fairly and with dignity and respect.

4. Aims of Policy

This policy sets out the aims of NHS Forth Valley to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010 and less favourable treatment of other categories of worker as set out within other relevant legislation;
- Advance equality of opportunity between people who share a protected characteristic (i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation) and those who do not;
- Foster good relations between people who share a protected characteristic and those who do not; and
- Ensure that the organisation has due regard for the European Convention of Human Rights (ECHR) in the discharge of its function.

5. Principles and Values

NHS Forth Valley will not tolerate behaviours that may constitute discrimination, harassment or victimisation of its staff in the course of their employment. Nor will it tolerate such behaviour by its staff whether directed against colleagues or other people with whom they come into contact during the course of their employment.

The following principles and values are key to the achievement of these aims:

- Equality, diversity and human rights must be at the heart of NHS Forth Valley and everything it does;
- Disadvantages suffered by people due to their protected characteristics will be removed or minimised in order to create an environment in which individual differences and the contributions of all staff are recognised and valued;
- Steps will be taken to meet the needs of people from protected groups where these are different from the needs of other people;
- Steps will be taken to embrace diversity and reduce underrepresentation of people with particular protected characteristics and increase the diversity of our workforce, both at an organisational level and within different job roles;
- A zero tolerance approach will be taken to intimidation, bullying or harassment, including hate crimes, recognising that all staff are entitled to a working environment that promotes dignity and respect for all. All staff are expected to comply with all NHS Forth Valley policies in respect of their conduct at work and their behaviour towards patients, visitors and colleagues. This includes the Social Media policy which describes behaviour that may be outwith the work environment.

- NHS Forth Valley will act as an agent for change within local communities by positioning equality, diversity and human rights at the heart of local delivery plans;
- While this will be achieved in part by being championed at a senior level, it can only be fully achieved through all those working within NHS Forth Valley recognising and adhering to their own personal responsibilities in this regard. NHS Forth Valley will therefore take steps to ensure that everyone in the organisation understands their rights and responsibilities under the policy;
- NHS Forth Valley will ensure that arrangements are in place to support staff who have equality, diversity and human rights issues;
- Equality and diversity monitoring will be undertaken on a regular basis, with resulting improvement actions being identified and achieved; and
- This policy will be subject to ongoing monitoring to ensure that it is being fairly and consistently applied and that the stated principles and values are being met. This policy will be subject to regular review, in partnership, to ensure that it remains fit for purpose.

NHS Forth Valley has 6 Organisational Values which were jointly identified by staff and managers and NHS Forth Valley is committed to embedding these in practice to promote a healthy, modern culture. The values are:

- **Be Person Centred-** We will acknowledge and accept that every person is different and we will adapt our approach to meet the needs of others
- **Be Respectful-** We will treat each other, our partners and people who access our services, fairly, as individuals, as equals, with humanity, dignity and respect
- **Be Supportive-** We will be supportive, valuing each other's role and contribution and demonstrating care and compassion in all our actions and communications
- **Be Ambitious-** We will deliver high quality, safe, consistent and effective healthcare
- **Have Integrity-** We will be open and honest in all our actions and communication
- **Be a Committed Team Member-** We will include managers and the wider multidisciplinary team in our communication and decision making

Further information on NHS Forth Valley and associated behaviours can be found in the [NHS Forth Valley Dignity at Work Policy](#).

6. Obligations during the employment relationship

6.1 Recruitment and Selection

- All the provisions set out within the [NHS Forth Valley Recruitment and Selection Policy](#) and Safer Pre and Post Employment Checks PIN are complied with;

- All those involved at any stage in the recruitment and selection process have or have planned appropriate training in both recruitment and selection, and equality, diversity and human rights;
- Where protected characteristics are suggested in the application form or subsequent selection process, this is not used to determine the success or otherwise of the applicant;
- Job descriptions and person specifications are not discriminatory. They should accurately describe the job and containing only necessary or desirable criteria which are objectively justifiable, and which are capable of being tested objectively;
- All posts are considered for redeployment purposes and are advertised internally on the NHS Forth Valley website. Where appropriate, vacancies are advertised externally enabling selection to be made from as wide and diverse a pool of potential applicants as possible, with advertisements accessible to all those eligible to apply;
- Advertisements are not discriminatory, confirming that all applications will be considered solely on merit and that reasonable adjustments will be made for disabled people. Where a genuine occupational requirement exists which restricts applications to those with a particular protected characteristic, a statement will be included to this effect. Where there is a lack of representation from those with particular protected characteristics within the job role or the wider organisation, a statement will be included encouraging applications from such individuals;
- Any recruitment agencies operating on behalf of NHS Forth Valley are expected to have due regard for the promotion of equal opportunities in the undertaking of their role and to demonstrate that they have equivalent policies in place;
- Reasonable adjustments are made for disabled applicants, during both the application and selection process stages. Disabled applicants who meet the minimum criteria for the job and who indicate, on their application form, that they wish to participate in the guaranteed interview scheme, will in all cases be short-listed for inclusion within the selection process; linking with specialist agencies as required.
- Short-listing of applicants is based only on information provided in the application form;
- Selection methods are well designed, properly administered and recognised as a reliable method of predicting an applicant's performance in a particular job;
- Interviews are conducted strictly on the basis of the application form, the job description, the person specification, and the results of any selection tests, avoiding inappropriate or irrelevant questions;
- Employment decisions are based solely on objective application of agreed scoring methods. Where there is more than one appointable candidate at this stage, and one possesses a protected characteristic under-represented in the job role or wider workforce, recruiting managers are encouraged to use this as a tie-breaker, making

a decision as a proportionate means of achieving the aim of addressing disadvantage or under-representation in the workforce;

- Except in the case of individuals who are barred from undertaking regulated work, criminal convictions do not automatically prevent employment being offered;
- References are only obtained, and with the subject's prior consent, circulated to members of the selection panel, after a selection decision has been reached, and that where a reference is subjective and negative, the successful applicant is given an opportunity to comment on it;
- The terms on which successful candidates are offered employment are free from taint of discrimination;
- Having secured a preferred candidate, all unsuccessful short-listed candidates will be offered feedback; and
- Comprehensive records are kept, in line with Data Protection Legislation, which will allow NHS Forth Valley to justify each decision and the process by which it was reached, to respond to any complaints of discrimination and to enable regular monitoring to identify any significant disparities between groups of people sharing different protected characteristics. If disparities are found, NHS Forth Valley will investigate the possible causes in each case and take steps to remove any barriers.

6.2 Dignity & Respect at Work

It is the policy of NHS Forth Valley to ensure that:

- For all staff, at all stages and in all aspects, their employment relationship with the organisation is free from discrimination, victimisation and harassment. This will be achieved through delivering the appropriate training for all staff in equality, diversity and human rights, both during induction and thereafter during the course of their employment;
- The local policy, developed in line with the [NHS Forth Valley Dignity & Respect at Work Policy](#) is implemented consistently, with the commitment that inappropriate behaviour within or outwith (where still considered to be within the course of employment) the workplace, including that related to a protected characteristic, will not be tolerated;
- NHS Forth Valley will consult with relevant staff to understand the requirements of their religion or belief, such as religious observances, and make appropriate provision to support them in doing so, where reasonably practicable;
- If a member of staff is undergoing gender reassignment, NHS Forth Valley will consult with them sensitively about their needs in the workplace and whether there are any reasonable and practical steps that can be taken to help them as they undergo their gender reassignment process

6.3 Dealing with Disability in the Workplace

- Consideration is always given to making reasonable adjustments for members of staff with a disability so as to avoid them being placed at a substantial disadvantage compared to other staff. Such staff are assured that any information disclosed about a disability will be held confidentially, only disclosed to others with the individual's consent.

6.4 Flexible Working & Work life Balance

- All staff will have the right to make a request for flexible working and that any refusal of such a request will be justified objectively, in compliance with the [NHS Forth Valley Flexible Working Policy](#) and in accordance with the statutory provisions;

6.5 Other Policies and Procedures

- NHS Forth Valley will ensure that work is assigned to staff by managers in a fair and consistent manner
- NHS Forth Valley will ensure that decision-making processes in relation to displacement on organisational change grounds, subsequent redeployment decisions, and, where applicable, voluntary severance, are non-discriminatory in design and application, and meet the requirements of the Redeployment PIN policy
- Due regard is paid to the need to address pay inequality between women and men, making every effort to identify where equal pay is an issue and, where appropriate, taking steps to address such issues;
- NHS Forth Valley will ensure that locally developed policies comply with the PIN Policies on Management of Employee Conduct, Management of Employee Capability, Promoting Attendance, Dealing with Employee Grievances and Preventing and Dealing with Bullying and Harassment, ensuring that they do not discriminate against members of staff either in the way they are designed or how they are implemented in practice. Where changes to policies and procedures are being considered NHS Forth Valley will consult with recognised trade unions/professional organisations as a first step towards understanding the diverse needs of members of staff;
- NHS Forth Valley will comply with the [NHS Forth Valley Uniform Policy](#) (as contained within CEL 42 (2010)), particularly in relation to specialist items which may be required to meet religious or medical needs;
- Regular monitoring of overall workplace figures on matters such as requests for training and disciplinary procedures is undertaken in order to identify any significant disparities between groups of people sharing different protected characteristics. If disparities are found, NHS Forth Valley will investigate the possible causes in each case and take steps to remove any barriers.
- Proper records are maintained, in line with Data Protection Legislation, of decisions taken in relation to individual members of staff, and the reasons for these decisions;

6.6 Training & Development

- Relevant training and development opportunities are made known to all members of staff, with selection for training (including any criteria used for selection) being free from discrimination. Furthermore, NHS Forth Valley will take positive action in the provision of such opportunities to remedy disadvantage, meet different needs or increase the participation of people who share a protected characteristic;
- NHS Forth Valley will ensure that personal development planning and review/appraisal processes are free from discrimination, by ensuring that such processes are in line with the Personal Development Planning and Review PIN policy, with performance measured by transparent, objective and justifiable criteria using procedures that are consistently applied;

6.7 Whistleblowing

- Matters raised through the [NHS Forth Valley Whistleblowing Policy](#) are dealt with recognising the implications of this policy.
- While we would continue to encourage staff to raise concerns or complaints through these existing procedures, a new confidential alert line for NHS Scotland employees has also been established to provide an additional level of support for NHS employees who wish to raise concern about practices in NHS Scotland.
- The confidential alert line number is 0800 008 6112

7. Grievances

Any member of staff who believes that they have been treated less favourably because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, part-time status, fixed-term contract status or membership (or non-membership) of a trade union/professional organisation is encouraged to raise the matter through NHS Forth Valley's Grievance Policy or Dignity & Respect at Work Policy whichever is most appropriate depending on the circumstances of the matter.

Harassment

If the complaint is about harassment or victimisation, then the staff member should raise the matter using NHS Forth Valley's Dignity and Respect at Work Policy.

Dealing with Grievances/Harassment

It is the policy of NHS Forth Valley to ensure that:

- Where a complaint is received, staff are not discriminated against in the way that the organisation responds to it;

- Such matters will be taken seriously and investigated promptly and not dismissed as ‘over-sensitivity’ on the part of the member of staff;
- The matter will be thoroughly investigated using relevant NHS Forth Valley Policies developed in line with PIN Guidelines and which been Equality Impact Assessed to ensure that there is no discrimination.
- Members of staff who have raised allegations in good faith, regardless of whether or not they are upheld, and members of staff who have participated in the process, (e.g. as a witness), must not be subject to any detriment because of having done so.

8. Assessing Impact

- NHS Forth Valley will consider relevant evidence in order to understand the likely or actual effect of policies and practices on those with protected characteristics, or those protected from discrimination/less favourable treatment under other relevant legislation.
- In doing so it recognises that such assessing of impact is not an end in itself, but rather an important part of policy and decision-making, which will enable us to take effective action on equality; develop better policies and practices, based on evidence and be more transparent and accountable;
- The extent to which policies should be subject to an equality impact assessment will depend on questions of relevance and proportionality;
- NHS Forth Valley will ensure that our locally agreed process for undertaking impact assessment is consistently applied, by requiring that those participating in such process are appropriately trained;
- In undertaking such assessment of impact, NHS Forth Valley will give due regard to the General Duty obligations to eliminate discrimination, advance equality of opportunity and to foster good relations; and
- In the interests of transparency and accountability, NHS Forth Valley will make the results of such assessments publicly available.

9. Raising Awareness

To support the fair and consistent application of this policy, NHS Forth Valley will ensure that all staff understands what this policy means for them, with regard to both rights and responsibilities. We will:

- Ensure that this policy is publicised widely using appropriate communication channels;
- Ensure that representation on our commitment to equality, diversity and human rights is included within the corporate induction programme;

- Require all staff to undertake mandatory training on equality, diversity and human rights, under this policy, alongside training on our local Dignity & Respect at Work Policy developed in line with the Preventing and Dealing with Bullying and Harassment PIN Policy;
- Develop and deliver additional targeted training in response to any issues identified as part of the monitoring process; and
- Ensure all those staff with a managerial responsibility participate in additional management training (as soon as possible on becoming a manager and from time to time thereafter) on their vital role and responsibilities under the policy, particularly in relation to how to prevent equality and diversity issues arising and on how to manage such situations where they do arise within the workplace.

10. Monitoring

- NHS Forth Valley recognises that monitoring and evaluation, and subsequent action, is essential to ensure that this policy is successfully applied, is known about and works;
- Monitoring of the impact and adherence of this policy will be measured through statistics that are gathered to monitor the following;
 - The recruitment process
 - Grievances
 - Disciplinary cases
 - Whistleblowing concerns
 - Dignity at work concerns
 - Turnover rates
- NHS Forth Valley will commit to monitoring the following information in relation to each of the protected characteristics listed under the Equality Act 2010, the Equality Act 2010 (Specific Duties) Scotland Regulations 2012 as well as in relation to other categories of worker protected under legislation from less favourable treatment:

11. Action Planning

By undertaking equality, diversity and human rights monitoring, NHS Forth Valley can:

- Establish whether this policy is effective in practice;
- Analyse the effect of other policies and practices on staff with particular characteristics;
- Highlight possible inequalities and investigate their underlying causes;
- Set targets and timescales for reducing disparities; and

- Send a clear message to applicants and members of staff that equality, diversity and human rights issues are taken seriously within the organisation.

NHS Forth Valley will agree, via our Area Partnership Forum, equality outcomes, which will be monitored and reviewed annually, with a plan detailing how these objectives will be met. Such action plans will detail initiatives/developments that will help the organisation address short-term, as well as medium to long-term goals, with the aim of improving equality, diversity and human rights within the organisation.

We will ensure that communication on progress against and achievement of such objectives is made to both managers, staff and trade union/professional organisation representatives, and is published in the annual report.

12. Review of Policy

This policy will be reviewed, in partnership, by NHS Forth Valley every 3 years to ensure that it remains fit for purpose and to enable NHS Forth Valley to demonstrate adherence to the Equality, Diversity and Human Rights PIN Policy.

Publications in Alternative Formats

NHS Forth Valley is happy to consider requests for publications in other language or formats such as large print.

To request another language for a patient, please contact 01786 434784.

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