

Equality, Diversity and Human Rights Policy

We value the diversity of our local community and workforce and believe that equality, diversity, and inclusion is central to valuing our staff and the delivery of modern, high-quality patient-focused health services. We are committed to continuous improvement, as identified within Our People Plan, under the strategic priority of “Belonging in the NHS”. Where it is our ambition to foster a culture of inclusion, where all our people have a voice, and we tackle discrimination and inequality gaps.

As an employer we will provide a positive, inclusive, and fair workplace culture free from discrimination. Our staff will ensure they are consciously inclusive in their day-to-day practice and interactions, removing inequality in the provision of both health services and employment practices. We embrace diversity and seek to recognise and value differences through inclusion. We recognise that equality is not about treating everybody the same. Instead, it is about ensuring that access to opportunities is available to all by taking account of people’s differing needs.

The key messages the reader should note about this document are:

1. All staff must take positive steps to eliminate unlawful discrimination and promote equal opportunity. This applies in terms of all employees, applicants, contractors, volunteers, bank or agency workers and students.
2. There are specific requirements to make reasonable adjustments to systems or processes for instance relating to access to services, or workplace adjustments to minimise disadvantage for a person with a disability.
3. All staff, bank/agency workers, service users, carers, contractors, volunteers and visitors are expected to adhere to standards of behaviour which do not discriminate, harass, or victimise others.
4. All staff have a responsibility to bring any potentially discriminatory practice to the attention of either their line manager, the Human Resources Department or Freedom to Speak Up Guardian or trade union colleagues.

DOCUMENT SUMMARY SHEET

ALL sections of this form must be completed.

Document title	Equality, Diversity and Human Rights Policy
Document Reference Number	HR-0052
Key searchable words	<i>Equality, diversity, discrimination</i>
Executive Team member responsible (title)	Director of People and Organisational Development- Darren Skinner
Document author (name and title)	Caroline Bamford Head of Diversity and Inclusion
Approved by (Committee/Group)	People Experience Group
Date approved	9 May 2024
Ratified by	Policy and Procedure Group
Date ratified	24 May 2024
Review date	24 May 2026
Frequency of review	Every 2 years

Amendment detail

Version	Amendment	Reason
4	Changed from procedural document to policy document	Feedback from the Employment Procedure Group (EPG) in December 2018. The content of the document was approved by the EPG with inclusion of minor changes detailed below.
4	Part B Section 5 Associated Documentation- statement extended to make reference that the principals within the policy apply to all Trust policies and procedures	Request of EPG in March 2019

<p>5</p>	<p>Page 1- Revised policy statement</p> <p>Page 4- Introduction- Setting out the alignment to the protected characteristics at the outset of the policy.</p> <p>Page 5- Scope- Additional paragraph clarifying that the policy applies to individuals that provide goods and services to the trust.</p> <p>Page 5- Purpose- Summary on the guidance within the policy.</p> <p>Page 6- Statement of our commitment to meet the requirements of the Modern Slavery Act 2015.</p> <p>Pages 7 to 9- Definitions of discrimination, harassment, victimisation, and positive action set out in the body of the policy to provide further clarity on these definitions.</p> <p>Pages 10 to 11- Reviewed and revised duties- for managers/team leaders & for staff to provide further clarity.</p> <p>Access to Staffside/Trade Union support detailed consistently throughout the document.</p> <p>Minor amendments to terminology and language.</p>	<p>To include reference to our People Plan and associated ambitions.</p> <p>To provide clarity and definitions of equality, diversity, and inclusion.</p> <p>To provide clarity that the policy applies to individuals that provide goods and services to the trust.</p> <p>To provide clarity on the guidance within the policy.</p> <p>Statement included of our commitment to meet the requirements of the Modern Slavery Act 2015.</p> <p>Requested via feedback from DaWN staff network as identified beneficial for these to be within the main body of the policy.</p> <p>To provide clarity on support routes available.</p> <p>Requested via Staffside to provide clarity.</p>
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1. Introduction

This policy sets out Leeds and York Partnership Foundation Trust’s (the Trust’s) commitment to the principles of equality, diversity, inclusion, and human rights. As an equal opportunities’ employer, the Trust will promote equality with due regard to the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

What is Equality, Diversity, and Inclusion?

Equality is about fair treatment, and we believe that employment and our services should be accessible to all. Everyone has individual needs and the right to have those needs respected.

Diversity is about respecting difference and can include individuals and groups with varying backgrounds, experiences, perceptions, values, and beliefs. It is important that we understand, value, and respect those differences.

Inclusion is about recognising and valuing the differences we each bring and creating an environment where everyone can be their true selves and has equal access to services, opportunities, resources and can contribute to the organisation’s success.

We believe in equality and aim to value diversity and inclusion in all that we do. This is reflected in our Trust Values that form the guiding principles and behaviours for the way we work.

Our values and behaviours



The Trust is fully committed to equality of opportunity and anti-discriminatory practice both in the provision of services and as an employer. This includes treating people with dignity and respect and eliminating discriminatory practices and behaviours as outlined within the Equality Act and the Human Rights Act. This applies for all employees, service users, carers, applicants, contractors, bank/ agency workers, students, and visitors.

The promotion of equality and diversity will be actively pursued through policies and procedures to ensure that fair, equitable and consistent treatment is provided for people who access our services and for our current and potential employees.

2. Scope

This policy applies to all staff, bank/agency workers, students, volunteers and organisations or individuals that provide goods and services to the Trust.

3. Purpose

The Equality, Diversity and Human Rights policy aims to achieve equality and diversity at work and ensure that other relevant policies and procedures are in place to support and promote these aims. The policy also supports the Trust to ensure that legal duties are met and that all staff, volunteers, job applicants and relevant stakeholders are aware of the Trust approach and their own responsibilities.

This policy provides a framework and approach in relation to equality, diversity and human rights and provides guidance on the following aspects:

- The Trusts organisational approach and arrangements for equality, diversity, inclusion, and human rights.
- The expected standards of behaviour and relevant responsibilities for people who encounter our Trust. This includes all staff, job applicants, contractors, agency staff, bank workers and students.
- The roles and responsibilities of all staff in the management of equality, diversity, inclusion, and human rights in the Trust.
- The role of committees and subgroups in ensuring that arrangements are in place are adequate, to monitor the effectiveness of this policy.
- Procedures to be followed by staff to ensure that incidents of discrimination are reported and dealt with appropriately.

4. Description of Procedure/Process

Equality and diversity underpin our three organisational strategic objectives:

1. We deliver great care that is high quality and improves lives.
2. We provide a rewarding and supportive place to work.
3. We use our resources to deliver effective and sustainable care.

Our organisational equality and diversity ambitions are that:

- All our existing and potential service users and carers are treated with civility and respect.
- Our partnership and contract arrangements promote equality of opportunity.
- Our workforce will be reflective of the communities we serve.
- We foster a culture of belonging and inclusion, where all our people have a voice, and we tackle discrimination and inequality gaps.

To achieve this in all our activities we will fully consider equality and diversity, when reviewing and developing our procedures and processes to ensure that:

- We secure fair working practices.
- We provide excellent services.
- We fairly award contracts.
- We deal with all complaints of discrimination, harassment, or victimisation promptly; learn lessons from those complaints and act with sensitivity to all those involved.
- We meet the requirements of the Modern Slavery Act 2015 through ensuring that our supply chains and corporate activities are free from slavery and human trafficking.
- We take all opportunities to advance equality of opportunity and foster good relations with and between our communities.
- Provide training on equality, diversity, and human rights for all our staff.

In delivering our services we will:

- Assess the needs of our service users and carers and ensure fair access to our services. This includes making reasonable adjustments to enable people with a disability to use our services.
- Ensure the availability of appropriate support services, this includes translation and interpreting and making key information available in a range of accessible formats, in line with the requirements of the Accessible Information Standard.

In employment, learning and development we will:

- Provide increased opportunities in areas of under-representation. This includes volunteering and placement opportunities, supported trainee schemes and coaching.
- Take appropriate positive action in recruitment and selection.
- Assess the needs of our staff or applicants with a disability or long-term health condition and provide reasonable adjustments.

To embed the principles of equality, diversity and human rights in practices, the Trust aims to provide an inclusive work environment and service provision with due regard given to the needs of people sharing protected characteristics.

5. The Equality Act 2010

The Equality Act 2010 brought together several pieces of legislation and introduced the term Protected Characteristics in relation to areas covered by the previous legislation.

The Protected Characteristics.

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

Definitions of each characteristic can be found at page 14 of this policy document.

In line with the Equality Act public sector duty the Trust will achieve these aims through:

- Working to eliminate all acts of discrimination, harassment, and victimisation.
- Eliminating unlawful discrimination, harassment, victimisation, including those not covered by the Equality Act.
- Advancing equality of opportunity between people who share a protected characteristic and people who do not.
- Fostering good relations between people who share a protected characteristic and people who do not.

5.1 Discrimination

Discrimination can take many forms, and these are legally defined in the Equality Act 2010, where the discrimination relates to a protected characteristic.

5.1.1 Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have.

5.1.2 Indirect Discrimination

Indirect discrimination may occur when a condition, rule, policy, or practice in an organisation, that applies to everyone, particularly disadvantages people who share a protected characteristic. Indirect discrimination may sometimes be justified if it is applied as a 'proportionate means of achieving a legitimate aim'.

5.1.3 Discrimination by Perception

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

5.1.4 Discrimination by Association

This is direct discrimination against someone because they are associated with another person who possesses a protected characteristic. For example, the direct discrimination is associated with the fact that a person cares for a disabled relative.

5.1.5 Disability Discrimination

Discrimination because of a failure to comply with the duty to make reasonable adjustments for a Disabled Person. The Equality Act 2010 places a duty on organisations to make reasonable adjustments for disabled people, if an organisation fails to meet this duty this is discrimination.

5.1.6 Being treated unfairly because of Trade Union membership

Discrimination may occur when someone is treated unfairly because of Trade Union Membership.

5.1.7 Being treated unfairly because of Part Time Working

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 protects part time workers from being treated less favourably than a comparable full-time worker.

5.2 Prohibited Conduct under the Equality Act 2010

5.2.1 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 that individual’.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage or civil partnership. There are three types of harassment:

- Unwanted conduct relating to a relevant protected characteristic.
- Sexual harassment.
- Less favourable treatment of someone because they agreed to or rejected sexual harassment or harassment related to their sex or gender reassignment.

More details regarding the definition of Harassment can be found in the Trust’s Bullying and Harassment Policy.

5.2.2 Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

5.3 Positive Action

The Equality Act allows action that may involve treating one group more favourably where there is a proportionate way to help members of that group overcome a disadvantage or participate more fully. This is called “positive action”¹ and is lawful if it is undertaken within the terms of the Equality Act 2010.²

6. The Human Rights Act 1998

The Human Rights Act 1998 gives legal protection of human rights and for public sector organisations are legally enforceable entitlements. There are 16 rights, known as “articles”, set out in the Act and protection applies to all people living in the United Kingdom.

The Trust and its workforce, along with its partner agencies are required to respect the convention rights by:

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85014/positive-action-recruitment.pdf

² ss.158 or 159 of the Equality Act 2010
Date effective from: 24 May 2024
Document Reference Number: HR-0052
Version No: 5.0

- putting human rights principles and standards into practice
- aiming to secure the full enjoyment of human rights for all, and
- ensuring rights are protected and secured.

Further details of the 16 rights set out in the Human Rights Act are detailed within Section 9 of this policy.

7. Duties

7.1 Executive Leadership and Senior Management

While it is expected that all employees will have responsibility for the implementation of this policy, lead responsibility for its implementation will rest with Executive Directors and senior management. For example, Chief Executive, Executive and Clinical Directors. The Director of People and Organisational Development will have specific responsibility for reviewing and monitoring the effectiveness of this policy and deciding on appropriate actions in response to any identified needs.

7.2 Team/Department Leads and Managers

Line managers have a requirement to positively promote high equality standards. They will:

- Ensure that their team members are aware of the requirements of this policy.
- Respond to all allegations of discrimination or harassment, in line with supporting policies and procedures.
- Consider the need for ongoing support for individual team members, such as wellbeing and occupational health support, if deemed appropriate.
- Ensure that staff in their area are enabled to promote equality, diversity and inclusion. For example, through membership or allyship of a Trust staff network or Trust/community equality group.
- Ensure that all staff in their area undertake compulsory equality and diversity training, which has been provided to ensure all staff are aware of their responsibilities relating to equality, diversity and inclusion.
- Assisting with the monitoring of compliance with good equality and diversity practice within their areas of responsibility.

7.3 All Staff

Members of staff, bank/agency workers, students and volunteers will:

- Ensure they attend and are up to date with equality and diversity training and other related training relevant to their role.

- Report all incidents of discrimination or harassment or discriminatory practice, in line with supporting policies and procedures. If it is felt that concerns are not being taken seriously advice can be sought through their line manager, the HR Team or Trade Unions/Staffside. There are also addition to raise a concern outside of these arrangements; please refer to the Freedom to Speak Up; Raising Concerns (Whistleblowing) Procedure reference HR009, available on the staff intranet.

7.4 Providers of Goods and Services

The Trust expects that all providers adhere to the principles of this policy and treat all those with whom they encounter with dignity and respect.

7.5 Service Users, Carers and Visitors

The Trust maintains that all employees, service users, carers and visitors have the right to an environment in which the dignity and safety of individuals is respected and recognised and is free from any bullying, intimidation, harassment or threatening attitudes or behaviours.

It is recognised that unacceptable behaviours may arise due to mental ill health or learning disability, where capacity to understand the impact of behaviours is restricted. However, assumptions must not be made that people with mental health or learning disabilities are incapable of taking responsibility for their actions.

If a member of staff believe that they have been subjected to any of these behaviours, they should be reported using the Trust's incident reporting processes. If a member of staff believes that their concerns about bullying and harassment are not being taken seriously, professional guidance can be sought from professional leaders, Trade Unions/Staffside or a member of the HR Team. For further information and guidance please refer to the Bullying & Harassment procedure reference HR-001, available on staffnet.

It is therefore the responsibility of all individuals accessing Trust Services to comply with the principles detailed within this policy.

8. Monitoring and Governance Processes

Progress and performance are monitored through the Trust's governance structures including annual equality, diversity and inclusion progress reporting to the Board of Directors. This governance process includes the Equality and Inclusion Group whose key functions are to:

- Assure best practice in equality and diversity.
- Ensure that the Trust delivers work plans and develops actions that meet local and national standards and requirements and the statutory duties laid out in the general and specific duties under the Equality Act 2010.
- Ensure effective monitoring of progress against equality objectives and action and improvement plans.
- Promote, enable, and support equality and diversity continuous improvement across the Trust.

9. Appendices

9.1 Glossary of Definitions

The following definitions are of relevance to this policy document:

No.	Definition	Meaning
1.	Reasonable Adjustment	The requirement to make reasonable and proportionate changes to systems or processes in order that a person with a disability is not put at any substantial disadvantage compared to a non-disabled person. For instance, relating to access to services or workplace adjustments to minimise disadvantage for a person with a disability.
2.	Due Regard	To 'have due regard' means that in making decisions, and in its other day-to-day activities a body subject to the Public Sector Equality Duty, must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations in a proportionate manner.
3.	Genuine Occupational Requirement	In limited circumstances it can be lawful for an employer to require a job applicant or worker to have a particular protected characteristic. This requirement has to be both <u>intrinsic</u> to the role and has to be a <u>proportionate</u> means of achieving a legitimate aim.
4.	Age	This means a person belonging to a particular age group. This includes people of the same age and people of a particular range of ages.
5.	Disability	Protection is provided where someone has a physical or mental impairment which is substantial and has a long-term adverse effect on the person's ability to carry out normal day to day activities.
6.	Marriage and civil partnership	Protection from discrimination for being married or in a civil partnership is provided in employment and vocational training only.
7.	Pregnancy and maternity	For all areas covered by the Act a woman is protected from unfavourable treatment because of pregnancy or because she has given birth.
8.	Race	'Race' includes colour, nationality and ethnic or national origins. A racial group can also be made up of two or more distinct racial groups.
9.	Religion or Belief	Religion means any religion and includes a lack of religion. It is for the courts to determine what constitutes a religion.

10.	Sex	Protection is provided for both men and women to ensure equitable treatment for both sexes
11.	Sexual Orientation	(e.g. Heterosexual, Homosexual and Bisexual) - Protection is provided for all sexual orientation to ensure equitable treatment for all
12.	Transgender	Protection is provided where someone has proposed, started or completed a process to change their sex. There is no requirement to be undergoing medical treatment or supervision.

9.2 Human Rights Act

There are 16 rights, known as “articles”, set out in the Human Rights Act 1998.

Article 2: Right to life

Article 3: Prohibition of torture

Article 4: Prohibition of slavery and forced labour

Article 5: Right to liberty and security

Article 6: Right to a fair trial

Article 7: no punishment without law

Article 8: Respect for your family and private life

Article 9: Freedom of thought, conscience, and religion

Article 10: Freedom of expression

Article 11: Freedom of assembly and association

Article 12: Right to marry

Article 14: prohibition of discrimination

Article 1 of Protocol 1: Protection of property

Article 2 of Protocol 1: Right to education

Article 3 of Protocol 1: Right to free elections

Article 1 of Protocol 13: Abolition of the death penalty

PART B

10. Identification of Stakeholder

The table below should be used as a summary. List those involved in development, consultation, approval and ratification processes.

Stakeholder	Level of involvement
Associate Director of People Experience	Consultation and Advice
Associate Director of People and Employment	Consultation and Advice
Staffside	Consultation and Advice
Network leads/chairs	Consultation and Advice
Equality Diversity and Inclusion Group	Consultation and Advice
JLNC	Consultation and Advice
JNCC	Consultation and Advice
People Employment Group	Approval
Policy and Procedure Group	Ratification

11 Standards/Key Performance Indicators

The key performance indicators are aligned to our equality related performance measures within our People Plan 2024-2027.

- Number of employee relations cases (formal and informal) by protected characteristics.

12. Equality Impact

The Trust has a duty under the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people from different groups. Consideration must be given to any potential impacts that the application of this policy might have on these requirements and on the nine protected groups identified by the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, gender and sexual orientation).

Declaration: The potential impacts on the application of this policy/procedure have been fully considered for all nine protected groups. Through this process I have not identified any potential negative impacts for any of the nine protected groups.

Print name: Caroline Bamford

Job title: Head of Diversity and Inclusion

Date: 08 April 2024

If any potential negative impacts are identified the Diversity Team must be contacted for advice and guidance: email; diversity.lypft@nhs.net.

CHECKLIST

To be completed and attached to any draft version of a procedural document when submitted to the appropriate group/committee to support its consideration and approval/ratification of the procedural document.

This checklist is part of the working papers.

	Title of document being newly created / reviewed:	Yes / No/
1.	Title	
	Is the title clear and unambiguous?	Y
	Is the procedural document in the correct format and style?	Y
2.	Development Process	
	Is there evidence of reasonable attempts to ensure relevant expertise has been used?	Y
3.	Content	
	Is the Purpose of the document clear?	Y
5.	Approval	
	Does the document identify which committee/group will approve it?	Y
6.	Equality Impact Assessment	
	Has the declaration been completed?	Y
7.	Review Date	
	Is the review date identified?	Y
	Is the frequency of review identified and acceptable?	Y
8.	Overall Responsibility for the Document	
	Is it clear who will be responsible for co-ordinating the dissemination, implementation and review of the document?	Y

Name of the Chair of the Committee / Group approving

If you are assured this document meets requirements and that it will provide an essential element in ensuring a safe and effective workforce, please sign and date below and forward to the chair of the committee/group where it will be ratified.

Name	<i>Frances Dodd</i>	Date	<i>9 May 2024</i>
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Name of the chair of the Group/Committee ratifying

If you are assured that the group or committee approving this procedural document have fulfilled its obligation please sign and date it and return to the procedural document author who will ensure the document is disseminated and uploaded onto Staffnet.

Name	<i>Clare Edwards</i>	Date	<i>24 May 2024</i>
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