

Lead Employer Trust

Equality, Diversity & Human Rights Policy

POLICY INFORMATION SHEET

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Date of Change	Changes made	Location of changes	Changes approved	Version Control
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November 2014	Document review	No changes	November 2014	2
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1. INTRODUCTION

The Lead Employer Trust (LET) is committed to being the employer of choice for its staff.

In order to do this we embrace our three public sector duties under the Equality Act 2010 (EA10) which are: in the exercise of our functions, have due regard to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
2. Advance equality of opportunity between people who share a protected characteristic and those who do not;
3. Foster good relations between people who share protected characteristics and those who do not.

This policy and commitment is made across all nine of the protected characteristics recognised under EA10: (although age and marriage/civil partnership under EA10 do not yet apply to service provision)

1. Age,
2. Disability,
3. Gender,
4. Gender Reassignment,
5. Marriage and Civil Partnership
6. Pregnancy and Maternity,
7. Race and Nationality,
8. Religion and Belief,
9. Sexual Orientation.

The commitment is achieved through the application of this policy and the LET Equality Strategy and appropriate equality impact assessment/analysis of our policies, practices, functions and decisions.

Equality, diversity and human rights are central to the vision, values and long-term business development of the LET and therefore it is important that it is mainstreamed and hardwired into everything we do.

Equality means we have fair policies, practices and services that are inclusive to all and we strive to identify and remove any barriers to access, employment, information or communication. Equality is also about offering equality of opportunity so everyone is able to fulfil their potential regardless of who they are.

Diversity means that we acknowledge and respect peoples differences whether they are visible or non-visible and embrace the value those differences bring to our organisation. It means that our policies, practices and services are flexible and responsive to meet different people's needs.

Human Rights are basic rights to humane dignified treatment and they belong to everyone. They are rights we all have simply because we are human beings, regardless of who we are, where we live or what we do. Human Rights represent all the things that are important to us, such as being able to choose how to live our life and being treated with dignity and respect. Human Rights form the basis of the [NHS Constitution](#).

2. PURPOSE

The purpose of this policy is to promote an environment and culture within the LET where people are treated fairly and feel safe and supported to be themselves.

In order to achieve this, the LET aims to:

- Create an environment free from discrimination, victimisation, and harassment;
- Develop behaviours which do not undermine people or make assumptions about them based on stereotyping or prejudices;
- Ensure all people are treated with courteous and dignity;
- Recruit from all parts of the community and be representative of the community we serve;
- Use positive action to promote equality of opportunity;
- Empower people to challenge the unacceptable and feel safe and supported in doing so;
- Ensure everyone who needs to access our services can and they can receive information in a format that meets their particular needs;
- Monitor its policies and practices to address any adverse impact on those with protected characteristics.

This policy covers all aspects of employment including recruitment, terms and conditions of work, training and development, promotion, performance, grievance, discipline and treatment of workers when their contract ends.

3. DUTIES

The LET is committed to providing equality of opportunity and eliminating unlawful discrimination. The LET also values and respects the diversity of its employees and the wider community it serves.

The policy applies to all junior doctors and dentists employed by the LET, including any person acting on behalf of the LET, for example agency workers, temporary staff or volunteers.

It is the responsibility of all staff to comply with this policy and a failure to do so may result in disciplinary action.

3.1. Board Responsibilities

- Providing leadership to the LET in the promotion of equality, diversity and human rights.
- Ensuring that equality, diversity and human rights are given high presence in the strategic direction and decisions that the Board makes.
- Has legal and moral responsibility for ensuring that no unlawful discrimination takes place in the employment of its workforce.

3.2. Management Responsibilities (including line managers, speciality schools, the LET and Training Programme Directors)

- Lead by example by adopting personal standards of behaviour which treat all employees with dignity and respect.
- Ensure that all employees are aware of their responsibilities, the law, this policy and the LET Equality Strategy.

- Maintain accurate training records and monitor staff uptake of equality, diversity and human rights training relevant to their role and duties.
- Ensure grievances and complaints from members of staff or third parties, whether formally or informally, are dealt with promptly in a fair and consistent manner, in accordance with existing policies and procedures.
- Maintain proper confidential records of discriminatory incidents, including harassment and report outcomes of such incidents to the Head of Human Resources of the LET.
- Undertake Equality Impact Assessment/Analysis of policies, procedures, functions and practices within their sphere of responsibility and ensure all services changes or reconfigurations are considered for their effect on people with protected characteristics.
- Ensure that proper records of employment decisions are maintained, and that regular reviews of employment practices are carried out.
- Integrate equality objectives within the local delivery and strategic planning process for their area of responsibility.
- Consider the requirements of employees who have particular diverse needs for example cultural or religious needs and support and accommodate them where possible within the demands of operating the service.

3.3. Staff Responsibilities

- Participate and co-operate in the implementation, operation and monitoring of this policy.
- Undertake relevant training and development to keep up-to-date with equality, diversity and human rights legislation and best practice.
- Do not discriminate, harass, victimise, abuse or intimidate anyone else in carrying out their day to day activities and service delivery, nor induce or attempt to induce others to do so.
- Inform management if they suspect that discrimination is taking place.

4. DISCRIMINATION

The LET will not tolerate unlawful discrimination in any form. The Equality Act 2010 recognises that discrimination can occur in a number of different ways:

- **Direct Discrimination** means treating someone worse because of a protected characteristic.
- **Direct Discrimination by Association** means treating someone in a worse way because of their association with someone else (this could be a partner, parent, child, friend etc.) who has a protected characteristic. For example not providing care to a patient whose partner is HIV positive, or giving a bad appraisal to someone in the team because of their caring responsibilities for a disabled dependant.
- **Direct Discrimination by Perception** means treating someone worse because they are perceived to have a protected characteristic even if they do not in fact possess that characteristic. For example not allowing a member of the team to represent the organisation because they look younger than they in fact are.
- **Indirect Discrimination** means doing something (*e.g. making a decision, applying a rule or way of doing things*) to someone in a way that has a worse impact on them and other people who share a protected characteristic and it can't be objectively justified. For example making a training course only available to full time staff may

potentially have a worse impact on female staff as most part time employees are woman or hosting a public consultation event on a particular date or time of day may disadvantage people of particular religions if it clashes with a religious festival or prayer times.

- **Harassment** means unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment because of a protected characteristics (except pregnancy and maternity or marriage and civil partnership). It can apply to people who find behaviour offensive even when it is not directed at them.
- **Third Party Harassment** means that protection also applies when harassment is from a third party such as a patient, volunteer, agency worker, host training organisation employee etc. It must have occurred on at least two previous occasions, the LET is aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.
- **Victimisation** means being treated badly for making a complaint of discrimination, or supporting another person making a complaint, or because they are suspected of doing so.
- **Dual Discrimination** means treating someone in a worse way because of a combination of two protected characteristics. For example being a black man, or an older woman etc.
- **Discrimination arising from a Disability** means treating a person unfavourably because of something connected to their disability. For example conducting a consultation with a person in a wheelchair in a less private, curtained off area rather than the normal consulting room because of the lack of space for their wheelchair. Another example might be marking a dyslexic candidate down for spelling mistakes during a selection test for a job.

5. EQUALITY ANALYSIS/IMPACT ASSESSMENT

In order to meet the general duties under the Equality Act 2010, the LET must complete Equality Analysis (EA) or impact assessments (as it is formally known) on all policies, procedures, strategies, projects, activities, services, functions, decisions and Board proposals, essentially everything we do whether formally written down or informal custom and practice. In addition, completing an EA is a necessary step to ensure opportunity for all is achieved with a new service or project of a 'significant' change to an existing service.

Equality Analysis's (EA) need to be part of the early stages of project, policy or service planning development so that any mitigating actions can be introduced before the project/decision is implemented. Retrospective EA's are unlikely to demonstrate due regard to the aims of the duty at the point when decisions were being made and will leave the LET open to legal challenge.

EA is a way of looking at the effect on different groups protected from discrimination by the Equality Act to check if there are any unintended consequences for some groups or to consider if it will be effective for all target groups. It involves using equality information, and the results of engagement with protected groups to understand the actual or potential effect it may have on them and identify practical steps to tackle any negative effects or discrimination, to advance equality and to foster good relations.

EA should not be a form filling exercise but a powerful tool that will ultimately ensure that as an employer we reflect the population and value of our diverse workforce.

The LET must publish evidence of the analysis we have undertaken, details of the information considered and details of the engagement undertaken when doing the analysis in order to comply with the general duty.

6. POSITIVE ACTION

Positive action is voluntary. The term 'positive action' covers a range of measures which organisations can use where those with a protected characteristic:

- Experience some sort of disadvantage because of that characteristic;
- Have particular needs linked to that characteristic; or
- Are disproportionately under-represented in a particular activity.

Where any of these conditions apply, positive action can be taken to overcome that disadvantage, meet that need or encourage participation in that activity. Positive action can be taken in relation to a wide range of activities, such as employment, education, training and service delivery. Positive action measures can be used to counteract the effects of past discrimination so that people in such groups have equal opportunities to achieve their potential.

From April 2011 section 159 of the Equality Act 2010 allows an employer during a recruitment or promotion situation, when faced with making a choice between two or more candidates, who are of equal merit to fill a particular vacancy, to take into consideration whether any of the candidates are from a group that is disproportionately under-represented or otherwise disadvantaged within the workforce. Evidence of under-representation or disadvantage must be equality impact assessed/analysed and be available on request to support this course of positive action.

7. PROTECTED CHARACTERISTICS

7.1. Age

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds). Age protection in employment does not apply below the age of 18 years. Age discrimination is the only protected characteristic which allows an employer to justify direct discrimination but it must be a proportionate means of achieving a legitimate aim. There is currently no protection for age discrimination in service provision.

7.2. Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. Employers are under a duty to make [reasonable adjustments](#) for an employee or prospective employee. However in service provision the law goes a step further and makes the duty 'anticipatory'. This means you cannot wait until a disabled person wants to use your services, but must think in advance (and on an on-going basis) about what disabled people with a range of impairments might reasonably need, such as people who have a visual impairment, a hearing impairment, a mobility impairment or a learning disability etc.

7.3. Gender reassignment

Gender reassignment is a personal process (rather than a medical process) which involves a person expressing their gender in a way that differs from or is inconsistent with the physical sex they were born with. This personal process may include undergoing medical procedures or it may simply include choosing to dress in a different way as part of the personal process of change.

7.4. Marriage and civil partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples.

7.5. Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding. There is no requirement for a woman who is pregnant or because of maternity to use a comparator when complaining of discrimination she need only show she has received unfavourable treatment (rather than less favourable).

7.6. Race

Race refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

7.7. Religion and belief

The protected characteristic of religion or belief includes any religion and any religious or philosophical belief. It also includes a lack of any such religion or belief. A religion need not be mainstream or well known to gain protection as a religion. It must, though, be identifiable and have a clear structure and belief system and affect life choices or the way a person lives their life.

7.8. Sex

A person's sex refers to the fact that they are male or female. In relation to a group of people, it refers to either men or women or to either boys or girls.

7.9. Sexual orientation

Whether a person's sexual attraction is towards their own sex (gay or lesbian), the opposite sex (heterosexual/straight) or to both sexes (bi-sexual).

8. MONITORING OF EQUALITY DATA

Equality monitoring is the processes used to collect, store, and analyse data on protected characteristics. The information will be confidential and used only for monitoring purposes. No personal information, such as name or address, shall be used in collating statistical data.

It is important to monitor equality data because the LET has a legal duty to ensure that both employment and services are provided fairly. Without equality monitoring, the LET will not know whether it is doing this. Equality monitoring can indicate whether we are offering equality of opportunity to all groups of people with protected characteristics and can help us to make changes based on facts rather than assumptions.

The LET will use equality monitoring information in accordance with the General Data Protection Regulations 2018; to understand who our employees, prospective employees and customers are and what particular needs they have in order to:

- Build a workforce which is representative of the community we serve;
- Recruit and retain the best people from the widest pool of talent;
- Maintain an inclusive culture where staff are more motivated and productive because practices are being monitored to ensure fairness;

- Identify any trends of under representation and seek to remove barriers;
- Deliver fair and equitable services and employment practices;
- Develop services and assist with making changes and improvements in how we do things;
- Set targets and objectives from what the monitoring data tells us;
- Build a reputation of an organisation which values diversity by tackling the issues raised;
- Improve participation and engagement with minority groups through clear and transparent approaches to service delivery and employment practices.
- Ensure our inclusive LET Equality Strategy is working
- Comply with the law and minimise risks of costly and damaging court action.

Stonewall provide useful guidance on why organisations collect equality data and what it is used for called: [What's it got to do with you?](#)

9. COMPLAINTS

Employees who feel they have been discriminated against, harassed or victimised by another employee, volunteer, agency worker, contractor or employee of other organisations who are on site, should normally progress their complaint in accordance with the Dignity at Work Policy.

Employees, who feel they have been discriminated against, harassed or victimised by a member of the public whilst working in a host training organisation including visitor, service user, patient, their relatives or carers etc. in the course of their employment should refer to the relevant host training organisations policy on managing violence and aggression.

Other relevant complaints from staff should be raised through the Grievance Policy and Procedure.

Members of the public, visitors, services users, patients, their relatives or carers should raise any issues of discrimination, harassment, victimisation or related issues through the LET or relevant host training organisations Complaints Procedure as applicable to the complaint received.

Where complaints relate to any of the nine equality protected characteristics, (Age, Disability, Gender Reassignment, Marriage/Civil Partnership, Pregnancy/Maternity, Race/Nationality, Religion/Belief, Sex, Sexual Orientation), outcomes should immediately be reported to the General Manager of the LET for consideration of any LET wide issues which need to be addressed.

Complaint occurrences relating to protected characteristics must be returned annually to the General Manager of the LET for monitoring in the annual report.

Any employee found to be in breach of this or any related policies may be subject to disciplinary action.

10. REFERENCES/ASSOCIATED POLICIES

Further relevant information is available in the following documents; this is not an exhaustive list:

- LET Equality Strategy
- Dignity at Work Policy

- Disability Policy
- Management Attendance Policy
- Grievance Policy and Procedure
- Recruitment and Selection Policy and Procedure
- Special Leave Policy
- Flexible Working Policy
- Maternity and Maternity Support (Paternity) Policy

11. RELEVANT LEGISLATION

The following law is relevant to this policy:

- Equality Act 2010
- Equality Act 2010 Statutory [Code of Practice on Services, Public Function and Associations](#)
- Equality Act 2010 Statutory [Code of Practice on Employment](#)
- Human Rights Act 1998
- Racial and Religious Hatred Act 2006
- General Data Protection Regulations 2018

12. REVIEW

The General Manager of the LET is responsible for monitoring the application of this policy and to ensure that the document is reviewed no later than three years from the date of issue. The policy may be amended at any time by joint agreement.

Equality Impact Assessment

Full Assessment Form

v1/2009

Division/Department:

Human Resources

Title of policy, procedure, function or service:

Equality, Diversity and Human Rights policy

People involved with completing the EIA:

HR Employment Advisor, LET

Type of policy, procedure, function or service:

- Existing
- New/proposed
- Changed



Step 1 – Make sure you have clear aims and objectives

What is the aim of your policy, procedure, project or service?

The purpose of this policy is to promote an environment and culture within the LET where people (both staff and members of the public) are treated fairly and feel safe and supported to be themselves.

Who is the policy, procedure, project or service going to benefit?

The employees of the LET, Host Training Trusts and practices, Health Education England North East (HEENE) and other LET Stakeholders.

What outcomes do you want to achieve?

Fair and inclusive practices and services which do not discriminate or subject anyone to harassment or victimisation

What barriers are there to achieving these outcomes?

Culture and attitudes which will be addressed through raising staff awareness, e-learning and training

How will you put your policy, procedure, project or service into practice?

This policy will be a corporate policy which applies to everyone and will be available on the internet.

Step 2 – Collecting your information

What existing information / data do you have?

Current equality data is available on the workforce including applicants, starters, leavers, staff in post and those involved in formal discipline and grievance issues or complaints of Bullying/Harassment.

Local population data is available from the 2001 Census

Using your existing data what does it tell you?

The data tells us that the organisations workforce is well represented in terms of BME compared to our local population and information is available on gender and age, however workforce data on the other equality groups is incomplete and therefore is unreliable for monitoring purposes.

Local population census information will be more up to date following the publication of the 2011 census information which will enable more accurate comparisons in terms of representation.

Step 3 – What is the impact?

Is there an impact on some groups in the community? (Think about race, disability, age, gender, religion or belief, sexual orientation and other socially excluded communities or groups)

Ethnicity or race

Positive impact around raising awareness and the promotion of equality and inclusion in line with legislation and best practice

Gender and transgender

Positive impact around raising awareness and the promotion of equality and inclusion in line with legislation and best practice

Age

Positive impact around raising awareness and the promotion of equality and inclusion in line with legislation and best practice

Disability

Positive impact around raising awareness and the promotion of equality and inclusion in line with legislation and best practice

Religion or belief

Positive impact around raising awareness and the promotion of equality and inclusion in line with legislation and best practice

Sexual Orientation

Positive impact around raising awareness and the promotion of equality and inclusion in line with legislation and best practice

Other socially excluded groups or communities' e.g. rural community, socially excluded, carers, areas of deprivation, low literacy skills

Positive impact around raising awareness and the promotion of equality and inclusion in line with legislation and best practice

Step 4 – What are the differences?

Are any groups affected in a different way to others as a result of the policy, procedure, project or service?

No, all protected characteristics are given high presence in the policy

Does your policy, procedure, project or service either directly or indirectly discriminate?

Yes

No

Step 5 – You're almost there – now you need to consult!

Who have you consulted with?

NA

If you have not consulted yet please list who you are going to consult with

LET Management Group

How are you going to consult with specific groups or communities?

Comments on this document will be welcomed on an on-going basis.

Step 6 – Make a decision based on steps 2 - 5

If *you are* in a position to change or introduce the policy, procedure, project or service clearly show how it was decided on

This policy will be introduced to compliment and sit alongside other relevant Trust policies such as disability, dignity at work policies etc. which promote equality of opportunity and encourage inclusion for all staff and members of the public.

What are the main effects and benefits?

The main expected benefits and effects will be a shift in culture and staff attitude to be anti-discriminatory, inclusive and respectful of the diversity of the community within which we work and live.

If *you are* in a position to introduce the policy, procedure, project or service but still have information to collect or actions to complete to ensure all equality groups have been covered please list

Monitoring will take place every three years on the implementation of this policy and Equality and Diversity monitoring will occur annually in line with the Equality Act 2010.

If *you are not* in a position to introduce the policy, procedure, and project or service what action are you going to take?

N/A

Please ensure that this assessment is attached to the policy document to which it relates.

This EIA has been approved by:

Head of Human Resources, Lead Employer Trust

Date: 18.5.23

Contact number:

0191 275 4769



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