

## Equal Opportunities in Employment

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**Pennine Acute Hospital NHS Trust**  
**Equal Opportunities in Employment**

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## 1. Introduction

- 1.1 The Pennine Acute Hospitals NHS Trust recognises that it is the best interests of all its employees and service users that full utilisation is made of the skills of the total workforce and of the community. The Trust believes equal opportunities are fundamental to the delivery of good quality care for patients and staff. In an equal opportunities environment, all staff will be enabled to reach their full potential. Discrimination in any form, including indirect discrimination is unacceptable and may be unlawful, whether intended or not.
- 1.2 The Trust will strive to ensure that all literature will be written in language which is fully inclusive and non-discriminatory either directly or indirectly.

## 2. Aims / Purpose

- 2.1 All members of staff employed by the Trust and all applicants for employment shall be afforded equal opportunities in employment irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation (protected characteristics). This also covers membership or non-membership of a trade union, trade union activities, health status or caring responsibilities.
- 2.2 All members of staff will be afforded equality of opportunity irrespective of contractual status i.e. whether full time/part time, permanent/temporary staff or shift patterns, in particular permanent nights.
- 2.3 The Trust emphasises that unlawful discrimination is unacceptable on any grounds, as indicated in 2.1.
- 2.4 The Trust will fulfil its legal obligations by promoting equality of opportunity in employment as per the Equality Act 2010 and the Human Rights Act 1998 and adhering to the guidelines within its Recruitment Code of Practice (EDH046). The aim is consistent with PAHT Values and exemplified in standards detailed in current legislation. It should be read in conjunction with other closely related Trust policies and guidelines such as the:
- Single Equality Scheme (EDH041)
  - Induction and Mandatory Training Policy (EDH024)

These can be found on the 'Documents' page on the Trust's intranet.

- 2.5 Any employee who wilfully or negligently fails to comply with this policy will be liable to action under the Conduct and Disciplinary Policy (EDH002).

## 3. Scope

- 3.1 This policy applies to all employees and sub contractors of the Pennine Acute

Hospitals NHS Trust (PAHT).

## **4. Roles, Responsibilities and Accountabilities**

### **4.1 Manager's Responsibilities**

4.1.1 Staff employed by the Trust shall be made aware of the existence of this policy by:

- (i) Reference to the Trust's intranet site located at Documents/Human Resources/Policies and Procedures

4.1.2 All managers carry individual responsibility for ensuring the provisions of this policy are followed and ensure that all employees in their area of control are aware of their responsibilities under equal opportunities legislation and this policy.

### **4.2 Employee Responsibilities**

4.2.1 All employees, whether with managerial responsibility or not:-

- (i) Are required to co-operate with measures introduced to ensure equal opportunity and non-discrimination;
- (ii) Must not themselves unlawfully discriminate against other employees or induce others to do so;
- (iii) Must not victimise others on the grounds that they have made complaints or provided information on discrimination;
- (iv) Must not harass or intimidate others in pursuance of unlawful discrimination;
- (v) Should inform management if they suspect unlawful discrimination is taking place.

## **5. The Law**

5.1 As a public sector organisation, the Trust has a legal duty to demonstrate that it meets the legal requirements of the Equality Act 2010. In particular, the Trust must publish sufficient information to demonstrate that it has due regard to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between those who share and do not share a protected characteristic.

The Trust must publish, on an annual basis, an equality profile of its staff and service users in order to ensure a full understanding of its staff members and local populations. Moreover, recognising the communities that the Trust serves will ensure that the effects of policy or practice is carefully considered and imbalance or inequalities addressed.

The Equality Act 2010 brought together 9 pieces of primary legislation and over 100 pieces of secondary legislation with the aim of reducing bureaucracy and to ensure that people are treated fairly when using services or whilst at work. (See appendix 2 for more information about the Equality Act 2010). The Act protects people from discrimination on the basis of 'protected characteristics' (previously described as equality groups or equality strands). The protected characteristics are:

- ◆ Age
- ◆ Disability
- ◆ Race (ethnicity)
- ◆ Religion or belief
- ◆ Sex (gender)
- ◆ Sexual orientation
- ◆ Gender reassignment
- ◆ Pregnancy and maternity
- ◆ Marriage and civil partnership

## 5.2 Legislation relating to the above includes:

Human Rights Act 1998  
Equality Act 2010  
Civil Partnership Act 2004  
Employment Equal Treatment Framework Directive 2000/78/EC  
Equal Treatment Directive 76/207/EC as amended by Directive 2002/73/EC  
Carers Act 2004  
Health and Social Care Bill

## 6. Equal Opportunities in Employment

- 6.1 The Pennine Acute Hospitals NHS Trust will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- 6.2 Person specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job.
- 6.3 The Trust will comply with its obligations in relation to statutory requests for contract variations. The Trust will also make reasonable adjustments to its standard working practices to overcome barriers when requested in line with the Flexible Working/Work Life Balance Policy (EDH050).

- 6.4 The Trust will monitor the race, sex and sexual orientation, religious belief, disability, marriage and civil partnership and age composition of the existing workforce and of applicants for jobs (including promotion). The Trust will consider and take appropriate action to address any problems which may be identified as a result of the monitoring process.
- 6.5 The Trust can use appropriate lawful methods in the selection of employees for recruitment or promotion, including lawful positive action, to address the under-representation of any protected characteristics which the Trust identifies as being under-represented in the organisation.
- 6.6 The Trust will not unlawfully discriminate in access to and provision of education/training opportunities. Age limits for entry to training schemes will not be used as aligned in the Age Discrimination legislation (October 2012) except where it is a statutory justifiable requirement.
- 6.7 Part-time and night shift employees should not be unlawfully discriminated against in any way in relation to training opportunities.
- 6.8 All staff have the right to discuss their career prospects and training needs with their manager and/or the HR or Learning & OD Department as part of the Personal Development planning process.

## **7. Dignity at Work**

- 7.1 For concerns relating to bullying and harassment on any grounds and how complaints of this type will be dealt with please refer to the Trust's Bullying and Harassment (Dignity at Work) policy (EDH005) which can be found on the Documents page of the Trust's intranet site.

## **8. Customers, Suppliers and Other People Not Employed by the Trust**

- 8.1 Employers of the Trust must not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the Trust.
- 8.2 Employees should report any bullying and harassment by customers, suppliers, visitors or others to their line manager in line with the Trust's Policy for Managing Violence Aggression & Unacceptable Behaviour (EDE005), which can be found on the 'Documents' page of the Trust's intranet site.

## **9. Complaints**

- 9.1 Any complaint of discrimination by an employee against another employee shall be pursued through the Trust's Bullying and Harassment (Dignity at Work) policy (EDH005). The complainant may be assisted by his/her trade

union representative or workplace colleague.

- 9.2 In normal circumstances any complaint of discrimination by a non-employee against the Trust, managers or any employee shall be investigated and dealt with under the Trusts 'Complaints Handling Policy' (EDG004).
- 9.3 No member of staff or applicant will be victimised as a result of having made a complaint or allegation of unlawful discrimination or of having given evidence in such a case.
- 9.4 Anyone who requires help in pursuing a complaint can contact the Human Resources Department on:

Women & Children's Division/Corporate	01706 517290 (57290)
Division of Medicine & Community Services	0161 918 4305 (44305)
Division of Surgery/Performance & Development	0161 627 8584 (78584)
Diagnostics & Clinical Support	0161 778 3459 (83459)
Estates & Facilities	0161 778 3461 (83461)

Alternatively they can contact their recognised trade union representative.

## 10. Implementation

### 10.1 Dissemination

10.1.1 A variety of dissemination methods are in place to ensure all staff will be made aware of, have access to and comply with this policy, these include:

- Publication in the Weekly Bulletin on implementation
- Inclusion on the Document Management System on the Trust's intranet site, which all staff are encouraged to use

### 10.2 Training Arrangements

10.2.1 This policy will be drawn to the attention of all new employees as part of the induction process. Employees will be advised that a full copy of the policy is available on the Trust's intranet site (Documents/HR/policies and procedures).

- Training will be provided to specific departments in line with identified
- training needs through the link trainer process
- Annual Trust Newsletter reminder
- Annual summary cases reported to Trust Board
- Equality and Diversity Training is mandatory for all staff

Staff who do not attend Mandatory Training or Induction will be highlighted on the Mandatory Training Compliance Register and will be monitored via the process outlined in the Induction and Mandatory Training Policy (EDH024).

### 10.3 Financial Impact

10.3.1 There is no financial impact associated with this policy.



## 11. Monitoring Arrangements

11.1 See Monitoring Table (see Appendix 1).

## 12. Review Arrangements

12.1 This policy will be jointly reviewed by the Central Policy Group before March 2016, or earlier at the request of either side with three months' notice

## 13. References and Bibliography

### 13.1 Associated Documents

The following Trust documents can found on the 'Documents' page of the Trusts intranet:

- Recruitment Code of Practice (EDH046)
- Single Equality Scheme (EDH041)
- Bullying and harassment (Dignity at Work) Policy (EDH005)
- Complaints Handling Policy (EDG004)
- Flexible Working/Work-Life Balance Policy (EDH050)
- Induction & Mandatory Training Policy (EDH024)
- Conduct & Disciplinary Policy (EDH002)
- Policy for Managing Violence Aggression & Unacceptable Behaviour (EDE005)

### 13.2 Supporting References

- Employment Equal Treatment Framework Directive 2000/78/EC
- Equal Treatment Directive 76/207/EC as amended by Directive 2002/73/EC
- Carers Act 2004
- Equality Act 2010
- Human Resources Act 1998

## 14. Abbreviations

BME	Black and Minority Ethnic
OD	Organisational Development

## 15. Appendices

Appendix 1 – Monitoring Table  
Appendix 2 – Equality Impact Assessment Pro-forma  
Appendix 3 – Other Forms of Discrimination  
Appendix 4 – Equality Act – Specific Duties  
Appendix 5 – Protected Characteristics

## Appendix 1 - Arrangements for Monitoring Compliance with this document

The arrangements for monitoring compliance of this document are summarised in the following table

Standard/ Criterion	Minimum requirement to be monitored	Process for Monitoring	Responsible Individual/ Group/ Committee for Monitoring	Frequency of Monitoring	Responsible Individual/ Group/ Committee for Review of Results	Responsible Individual/ Group/ Committee for Development of Action Plan	Responsible Individual/ Group/ Committee for Monitoring of Action Plan
The Trust will offer equal opportunities in employment	The Trust will ensure wherever possible that all its workforce is reflective of the local community that it serves and will take any positive action to address any areas of representation	Review of workforce composition	HR/Workforce Planning	Annually	HR/Workforce Planning	HR/Workforce Planning in conjunction with Recruitment and Divisional Management Teams	HR/Workforce Planning in conjunction with Recruitment and Divisional Management Teams
		Review compositions of new recruits/applicants	Please see monitoring section in the Trust's Recruitment Code of Practice (EDH046)				
	Job Specifications will be limited to those requirements necessary for effective performance of the job and candidates assessed objectively against those requirements	<p>Review of sample job description</p> <p>Ensure details relating to age, gender etc are removed prior to short listing</p> <p>Review of successful applicants</p> <p>Review of complaints received</p>	Please see monitoring section in the Trust's Recruitment Code of Practice (EDH046)				

The Trust will offer equal opportunities in Education and Training	Staff will not be refused attendance at education and training events because of age, gender, disability etc and reasonable adjustments will be made to facilitate attendance	Review of grievances received	HR	Monthly	HR	Line manager in conjunction with HR	Line manager in conjunction with HR
The Trust will ensure that its employees are aware of their responsibilities under this policy	Ensure all new entrants to the Trust attend the mandatory 2 day Trust induction programme	Please see monitoring section of the Trust's Induction and Mandatory Training Policy (EDH024)					
	Employees do not discriminate/ harass/ intimidate or victimise against other employees or induce others to do so	Review of bullying and harassment complaints received	HR	Monthly	HR	Line manager in conjunction with HR	Line manager in conjunction with HR

## Appendix 2 – Completed Equality Impact Assessment Pro-forma

### Part One

Name of Policy	Equal Opportunities Policy	Date of assessment		Is the policy new or for review?	Review
Area	Human Resources	Name of Author(s)	Human Resources		
1.1	Briefly describe the aims and objectives and the purpose of the policy	<p>Aim: Ensure equality of opportunity Objective: All members of staff employed by the Trust and all applicants for employment shall be afforded equal opportunities in employment irrespective of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation (protected characteristics), membership or non-membership of a trade union, trade union activities, health status or caring responsibilities.</p>			
1.2	Are there any associated objectives or directives of the policy? i.e. Care Quality Commission (CQC), NHS Litigation Authority (NHSLA)				
1.3	Who is the policy intended to benefit, and what are the expected outcomes?	All members of staff employed by the Trust and all applicants for employment. Afford equal opportunities in employment, irrespective of age, disability etc as detailed above			
1.4	What factors could influence the intended outcomes either positively or negatively?				
1.5	Who are the main stakeholders in relation to the policy	<b>Staff</b>	<b>Service Users</b>	<b>Public</b>	<b>Other</b>
1.6	Who implements and is responsible for the policy?	HR Department			


## Part One (cont)

For each of the nine Equality Categories ask the question below:	Human Rights	Age	Disability	Ethnicity (Race)	Religion	Gender	Sexual orientation	Carers	Social Deprivation
1.7 From the evidence, does the policy affect or have the potential to affect individuals or communities differently or disproportionately, either positively or negatively (including discrimination)?	No	Yes	No	No	No	No	No	No	No
1.8 Is there potential for, or evidence that, the proposed policy will promote equality of opportunity for all and promote good relations with different groups?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
1.9 Is there public concern (including media, academic, voluntary or sector specific interest) in the policy area about actual, perceived or potential discrimination about a particular community?	No	No	No	No	No	No	No	No	No
1.10 Is there any doubt about answers to any of the questions?	No	No	No	No	No	No	No	No	No

## Part Two

<p><b>2.1 In what way does the policy impact on any particular group listed above? Include here what evidence you have collated, whether there are any gaps and what further information is required.</b></p> <p>The policy may support legislation that impacts on those staff accessing entry to training schemes where an age limit is stipulated for entry. The policy is in line with age discrimination regulations</p>
<p><b>2.2 Adverse Impact - if you have identified potential or real direct or indirect discrimination? If so, can it be justified (e.g., legislation, clinical or social evidence)?</b></p> <p>May support the application of age limits for entry on to courses - used only when there is a statutory justifiable requirement</p>
<p><b>2.3 Positive Impact - does the policy actively promote equality of opportunity and/or good relations between different groups of people?</b></p> <p>Yes, the policy provides for all staff irrespective of protected characteristics</p>

**Part Three**

<b>Policy Title (as it appears on the Document Management System)</b> <b>Equal Opportunities in Employment</b>		<b>Policy Number</b> <b>EDH004</b>	
<b>Ratifying Committee</b> <b>CJNCC &amp; Executive Directors Team Meeting</b>		<b>Date sent to Committee</b> <b>6 March 2013</b>	
This policy has been assessed as having no or low equality impact. Part 1 is completed.			
This policy has been assessed as having low to medium impact. Parts 1 and 2 have been completed. Full impact assessment is unnecessary.			<b>Yes</b>
This policy has been assessed as having medium to high impact. Parts 1 and 2 have been completed. <b>Full impact assessment is necessary.</b>			
<b>Assessors Name</b> <b>Victoria Cooney</b>	<b>Designation</b> <b>Adult &amp; Child Care Co-ordinator</b>	<b>Signed</b> 	
<b>Equality Champion</b> <b>Michelle Waite</b>	<b>Directorate</b> <b>Corporate</b>	<b>Signed</b> 	
<b>Date</b> <b>6 March 2013</b>	<b>Please scan or insert electronic signature</b>		

## Appendix 3 – Other forms of Discrimination

**Direct discrimination** - where someone is treated less favourably than another person because of a protected characteristic.

**Associative discrimination** - this is direct discrimination against someone because they are associated with another person who possesses a protected characteristic.

**Discrimination by perception** - this is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to.

**Indirect discrimination** - this can occur when you have a rule or policy that applies to everyone but disadvantages a person with a particular protected characteristic.

**Harassment** - this is behaviour that is deemed offensive by the recipient. Employees can now complain of the behaviour they find offensive even if it is not directed at them.

**Harassment by a third party** - employers are potentially liable for the harassment of their staff or customers by people they don't themselves employ, i.e. a contractor.

**Victimisation** - this occurs when someone is treated badly because they have made or supported a complaint or grievance under this legislation.

## Appendix 4 – Equality Act Specific Duties

Equality Act 2010 Section 149 General / Specific Duties (1-3)	
General Duties	Due Regard
<p><b>1</b> Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010</p>	<p>Remove or minimise disadvantages connected with a relevant protected characteristic (e.g. address the problems that women have in accessing senior positions in the workplace)</p> <p>Take steps to meet the different needs of persons who share a relevant protected characteristic (e.g. ensure the particular needs of BME women fleeing domestic violence are met)</p> <p>Encourage persons who share a relevant protected characteristic to participate in public life or any other activity in which they are under-represented (e.g. take steps to encourage more disabled people to apply for senior posts).</p>
<p><b>2</b> Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it</p>	<p>Tackle prejudice (e.g. tackle hate crime for people with protected characteristics)</p>
<p><b>3</b> Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p>	<p>Promote understanding (e.g. promote an understanding of different faiths).</p>
<p><b>NB</b> Organisations that are not public authorities are also required to have due regard to the needs listed above whenever they carry out public functions. This could include, for example, a private company with a contract to provide certain public services.</p>	
Specific Duties	
<p><b>4</b> Publication of information</p> <p>Each public authority must publish information to show that it is complying with the s.149 duty by 31st January 2012 and at least on an annual basis after that. Authorities must include information about persons who share a protected characteristic who are its employees (if it has 150 or more employees) and its service users.</p>	
<p><b>5</b> Equality objectives</p> <p>Each public authority must prepare and publish one or more objectives it thinks it should achieve to have due regard to the need to eliminate discrimination and harassment, to advance equality of opportunity or to foster good relations. Any objective must be specific and measurable. Authorities must publish their first objectives no later than 6 April 2012 and at least every four years after that.</p>	



## Appendix 5 – Protected Characteristics

The Public Sector Equality Duty 2010 (protected characteristics) (1-8)	
1	<b>Age</b> By being of a particular age / within a range of ages
2	<b>Disability</b> A physical or mental impairment which has a substantial and long term adverse effect on day to day activities
3	<b>Gender (sex)</b> being a man or a woman
4	<b>Gender Reassignment</b> Transsexual people who propose to; are doing or have undergone a process of having their sex reassigned
5	<b>Pregnancy and maternity</b> If a woman is treated unfavourably because of her pregnancy, pregnancy related illness or related to maternity leave
6	<b>Race</b> Includes colour, nationality, ethnic origins and national origins
7	<b>Religion or belief / lack of belief</b> The full diversity of religious and belief affiliations in the United Kingdom.
8	<b>Sexual orientation</b> A person's sexual preference towards people of the same sex, opposite sex or both