



HPFT

# Equal Opportunities Policy

Providing workplaces that are fair, open and inclusive for our staff

## HPFT Policy

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Executive Lead	Deputy CEO/Executive Director of Workforce and OD
Lead Author	Inclusion & Engagement Team Manager
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Target Audience	This policy must be understood by all staff working across the Trust

## Document on a Page

<b>Title of document</b>	Equal Opportunities Policy		
<b>Document Type</b>	Trust Wide Policy		
<b>Ratifying Committee</b>	JCNC		
<b>Version</b>	<b>Issue Date</b>	<b>Review Date</b>	<b>Lead Author</b>
5.1	12 <sup>th</sup> June 2018	4 <sup>th</sup> October 2020	Inclusion & Engagement Team Manager
<b>General Data Protection Regulations</b>	<p>From 25 May 2018 the main piece of legislation is the EU General Data Protection Regulation (GDPR). This is being complemented with domestic legislation, which will become the new Data Protection Act (DPA). Until the new Act receives Royal Assent, and this policy is revised, the policy continues to refer to either the GDPR or the more generic terminology of 'Data Protection Legislation'. For further information please see the Trusts Information Governance Policy.</p>		
<b>Staff need to know about this policy because (complete in 50 words)</b>	<p>This policy is focused on staff behaviours in relation to equality and diversity. It is concerned with ensuring fair and equal treatment and may involve a need to redress inequalities or challenging practice to ensure we are working in inclusive workplaces.</p>		
<b>Staff are encouraged to read the whole policy but I (the Author) have chosen three key messages from the document to share:</b>	<ul style="list-style-type: none"> <li>• All staff are required to behave in a way that promotes fairness and equity within workplaces.</li> <li>• Discrimination of any kind is not tolerated within workplaces and should be actively challenged with root causes understood.</li> <li>• All staff should be confident and safe to be themselves at work. We know this improves performance and overall wellbeing.</li> </ul>		
<b>Summary of significant changes from previous version are:</b>	<ul style="list-style-type: none"> <li>• Addition of section re: disability at work, reasonable adjustments and access to work.</li> <li>• Further clarification of staff having their contributions to staff networks recognised through their PDR.</li> <li>• Updated wellbeing section.</li> <li>• Inclusion of more substantial information re: protections for carers and in relation to gender identity.</li> <li>• Referencing national programmes of work such as the NHS Workforce Race Equality Standard.</li> </ul>		

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### **PART 1 – Preliminary Issues:**

## **1. Introduction**

Hertfordshire Partnership University NHS Foundation Trust (HPFT) is committed to providing employment opportunities and workplaces that are progressive and nurturing of the diverse range of talent that employees bring to the organisation.

We work to develop environments where staff can be open, be themselves and be productive in doing so. We therefore work to:

Eliminate discrimination of all kinds

Promote equality of opportunity

Work to improve relationships between different groups of staff.

Advocate for fairness in the workplace

This policy outlines the treatment, respect and opportunity that all staff working for the Trust should enjoy and clarifies expected behaviours from staff on maintaining dignity and respect for colleagues across the organisation.

## **2. Objectives**

This policy has been developed to ensure that staff understand their responsibility with regards to their behaviour towards other staff members who have a protected characteristic as well as those without. It is also to ensure all staff know how they are protected and how to challenge when they may be being treated unequally.

## **3. Scope**

This policy must be understood by all staff working across the Trust

## **4. Definitions**

Protected characteristic – refers to the nine characteristics protected by equality legislation under the Equality Act 2010. These are:

- Age
- Disability
- Ethnicity/Race
- Gender (sex)
- Gender Reassignment & Gender Identity
- Marriage & Civil Partnership
- Pregnancy & Maternity
- Religion & Beliefs
- Sexual Orientation

## **5. Duties and Responsibilities**

### **Trust Board & Chief Executive**

Has responsibility to ensure that the Trust is meeting its obligations under the Equality Act 2010 in ensuring that people with a protected characteristic do not experience disadvantage in the workplace.

### **All Employees**

All employees have a role to play in treating each other as individuals with respect and dignity at all times, taking responsibility for ensuring their own behaviour and actions comply with and support this policy. This includes, but is not restricted to, not indirectly discriminating or inciting other people to discriminate against a staff member. At all times staff should be working in line with Trust values.

### **Managing Directors, Clinical Directors, Service Line Leads & Corporate Leads**

Are responsible for ensuring the application of this policy across all areas of the Trust and ensuring that any issues of negative treatment are dealt with swiftly using the relevant Trust procedure.

### **Line Managers**

All managers have a responsibility for ensuring the safety and wellbeing of those they are managing. Staff should feel that they can be open about themselves and feel assured that this does not work as a barrier against them. This is in line with the principle that 'people perform better where they can be themselves'. All managers must aim to avoid potential conflict by identifying problems at an early stage and attempting to deal with them by, for example, talking to the people involved in a non-confrontational way.

### **HR Business Partners, Employee Relations Advisers, Recruitment (inc Medical Staffing)**

All will be required to understand the content of this policy in order to advise staff accordingly at local levels. This will be particularly necessary when dealing with issues of alleged or actual inequality in the treatment of staff or volunteers.

### **Inclusion & Engagement Team Manager**

Responsible for ensuring that the team is structuring its response to picking up any issues that may need addressing within workplaces around inequality.

### **Equality & Diversity Lead**

The Trust Equality & Diversity Leads often a first point of contact. Therefore they will need to be clear on how to assist staff to navigate the support available following any concerns about inequality for someone with a protected characteristic.

## **6. Appropriate Conduct**

It is expected from all staff that they will ensure appropriate conduct at all times when working with colleagues and those using our services. Given that many of us spend a significant amount of our time at work we want to feel safe, supported and that there is an open culture that allows any potential conflict to be addressed as informally and quickly as possible.

In doing so it is important that staff appreciate what may constitute unwanted conduct. We may do this without knowing and it can have a serious impact on those around us.

Unwanted conduct related to a protected characteristic (section 3), 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 constitutes harassment. Any employee who is found to have committed an act of harassment, victimisation or discrimination to the detriment of job applicants, other employees, volunteers, service users, carers or members of the public, because of a protected characteristic, may be subject to disciplinary action should the issue not be able to be resolved informally through the relevant Trust process.

An employee who feels they have endured a detriment as a result of harassment, victimisation or discrimination directed at them because of a protected characteristic, or who has witnessed behaviour directed at others that has led to such a detriment, should be supported in seeking a resolution.

Managers need to seek a resolution promptly and appropriately where they are made aware of behaviour or actions, which HPFT has designated as unacceptable; and ensure support is provided for all those involved.

For grievances or issues of bullying and harassment staff should follow the relevant Trust policies however this policy also advocates for use of the Trust mediation services in resolving conflicts locally.

There are tools that staff can use to develop their own understanding of behaviours and attitudes. One example of this is implicit association tests which enable staff to identify unconscious biases as a tool to improve own behaviours at work.

## **7. Values based approach to treating people with dignity and respect**

We know that where staff are able to be themselves at work they are more productive, happy and generally more confident about developing themselves professionally to reach their potential. With this in mind it is important that staff feel they are working for an organisation that is progressive about encouraging diversity in the workplace and the value it brings.

The Trust values framework provides a foundation for all staff in the way they behave towards others.

It is expected that all staff not only understand their responsibilities against the values but also how/where to challenge where they feel they are not seeing the values being 'lived'.

The HPFT values are:

	<i>we are...</i>	<i>you feel...</i>
<b>Our Values</b>	<b>Welcoming</b>	✔ Valued as an individual
	<b>Kind</b>	✔ Cared for
	<b>Positive</b>	✔ Supported and included
	<b>Respectful</b>	✔ Listened to and heard
	<b>Professional</b>	✔ Safe and confident

## 8. Demonstrating behaviours that are fair and supportive

In relation to the above values, all Trust staff are required to demonstrate appropriated behaviours in the treatment of colleagues, service users and carers and other stakeholders of the Trust. It is important that workplaces feel open and supportive to enable staff to fulfil their own potential.

To ensure these values are consistently applied across the organisation, the Trust will embed the values and behaviours framework across all aspects of employment practice. This will include recruitment and selection, development, appraisals, recognition and rewards and this set of agreed behaviours for all staff, will provide a more transparent approach for staff to identifying where things may be going wrong on inappropriate behaviour going unchallenged.

The Trust core behaviours can be viewed in appendix 3.

## 9. Terms and Conditions of Employment

The Trust will comply with its legal duty to provide equal pay for work of equal value and provide benefits and facilities equally and proportionately to all employees. This is maintained through the ongoing implementation of the NHS Agenda for Change pay scales. In supporting this, the Trust has plans in place (since April 2017) for how it will report on gender pay equality in line with the Equality Act 2010 (and will publish reports from April 2018).

Additionally, the Trust will follow flexible working policies, which recognise the skills and expertise of employees and the need to retain them, whilst appreciating the need to attain a work life balance and provide increased opportunities for staff to seek redress where this is not happening E.g. in the case of disabled employees requesting flexible working arrangements.

The impact of employment policies and practices will be assessed routinely to ensure that there is no disadvantage in the way a policy or process is being applied. This will be managed through the Trust policy management system.

## 10. Recruitment & Selection

HPFT depend on the efficiency and commitment of all employees to deliver a responsive high quality service. We must therefore attract, recruit and retain a competent and motivated workforce.

When recruiting to the Trust, people must be treated equally with regards to their role, relationship status, age, race, nationality, disability, ethnic or national origin, social

background, sexual orientation, religion, beliefs or non-beliefs, union membership, gender identity or any other characteristic that is unrelated to their ability to carry out the role.

The Trust recruitment and selection policy incorporates legal requirements and recommended good practice with respect to recruitment, selection and pre-employment checks and is designed to support the principles set out in this policy.

All managers responsible for recruitment should ensure that interviewing panels are fair and acknowledge the importance of understanding and challenging unconscious and conscious biases that we all have.

## **11. Staff Development**

Essential to a fair and inclusive working environment is ensuring that development opportunities are provided in a way that is fair and proportionate. Perceived favouritism and overlooking of staff members can impact on the morale of staff teams and perpetuate notions of inequality.

All managers are responsible for ensuring that development opportunities are offered equally. This includes, but is not restricted to:

- Promotion of training opportunities
- Promotion and encouragement for secondment options
- Development of opportunities for shadowing and work experience – and recognition of these as valid experience in the workplace.
- Supporting internal candidates prior to an interview – ensure same support for all.
- Eliminating favouritism and impacts of bias from decisions about staff development options.

For support around this area, managers can liaise with the Trust Organisational Development Team.

## **12. Positive Action**

Positive Action may include proactive advertising, job design, support networks, help-lines, mentoring, coaching or training. The Trust adopts Positive Action to encourage recruitment and improve access amongst those under-represented at all levels in the workforce. It is used only in addition to regular processes and is about creating equality between different groups rather than favouring one group over another.

The Trust is currently a:

- Disability Confident Employer
- Stonewall Diversity Champion

Where necessary the Trust will use these attainments to proactively advertise career opportunities to these underrepresented protected groups.

However, with recent introduction of national NHS programmes for delivering equality across the NHS workforce (such as the Workforce Race Equality Standard and Gender Pay Gap Reporting) this will become more relevant throughout the year.

### **13. Associated Harassment or Discrimination**

The Trust will take such steps as reasonably practicable to prevent harassment or discrimination of any kind. The Equality Act 2010 specifies a certain type of discrimination called associated discrimination. This means discrimination against someone who may be associated to someone from a protected characteristic but may not be from that group themselves. Examples of this could mean discrimination against someone because:

- They provide care and support to someone with a disability.
- They have a family member who is lesbian, gay or bisexual
- They have a partner or family member undergoing gender reassignment

This is just one type of discrimination but is one we often do not realise there is legal protection from. This policy is about protecting all staff, whether they are from a protected group or not. This is further evidence of the need for all staff to be working in a values based way to ensure they are respectful of all individuals and do not base their behaviours on what they see (or perceive they see), but rather what is generally acceptable in promoting a culture of fairness and inclusion.

### **14. Workforce Monitoring**

The Trust publishes data on the diversity of its workforce by applicants, post holders, leavers and those subject to disciplinary procedures. Wherever possible the Trust will only ask for demographic data once – at application.

To ensure compliance with relevant data protection legislation, the Trust is required to ensure staff regularly checks the data we hold for them to ensure it is still correct as well as addressing any gaps in data.

Equality monitoring data is only ever used in its anonymised form to make improvements to the working environment and recruitment process.

Generally, workforce data is published annually as part of the Trust Public Sector Equality Duty compliance reporting, however increasingly data is being looked at more frequently for trends that may need addressing.

### **15. Promoting and Embedding Health and Wellbeing**

The Trust employee support service and occupational health service are provided by PAM. Staff should ensure they are aware of these services. More information around this is available on the staff intranet at <http://hpft-news.tfhosts.co.uk/portal/health-and-wellbeing/health-wellbeing-homepage> (see appendix 2 for PAM poster)

The Trust, and managers, have a duty to promote and support staff personal health and wellbeing at all times. This includes both physical and mental health and wellbeing. Consideration should always be given to the effects that work duties; and this policy have on an individual's health and wellbeing. Managers should be proactive in discussing and agreeing a process to monitor an employee's mental and physical health to reduce the risk of their health and wellbeing deteriorating. Managers should support employees and offer services that are available to everyone to help in managing health and wellbeing (EAP, Physiotherapy, mediation, flexible working, staff benefits; and Health and wellbeing initiatives). It is important to remember that all employees need to also take a responsibility over their mental wellbeing if support in the workplace is required.

## **16. Supporting Disability in the workplace**

The following excerpts are taken from 'Manager's Guide for Supporting Staff With a Disability' available on Trustspace by [clicking here](#) and should be used by managers.

### **16.1 Reasonable Adjustments**

HPFT must make reasonable adjustments to make sure workers with disabilities, or physical or mental health conditions, aren't substantially disadvantaged when doing their jobs. This is a legal duty under the Equality Act 2010 that all managers are expected to comply with.

This applies to all workers, including trainees, apprentices, contract workers and business partners.

Reasonable adjustments include:

- changing the recruitment process so a candidate can be considered for a job
- doing things another way, such as allowing someone with social anxiety disorder to have their own desk instead of hot-desking
- making physical changes to the workplace, like installing a ramp for a wheelchair user or an audio-visual fire alarm for a deaf person
- changing someone's equipment, for instance providing a special keyboard if they have arthritis
- Voice activated software is also of benefit to those who have hearing loss and telephone systems can support staff with hearing loss.
- allowing employees who become disabled to make a phased return to work, including flexible hours or part-time working
- offering employees training opportunities, recreation and refreshment facilities
- Ergonomic seating, anti glare screens etc.
- Computer software that is voice activated (for people who cannot use mouse or keyboard due to disability)
- Communications software that helps with symptoms of dyslexia
- Disability Leave – to enable staff to attend disability related appointments (recorded as separate to general sick leave)
- Support worker for a disabled staff in appropriate circumstances
- Modifying grievance/disciplinary procedures as appropriate for disabled worker

There are a significant number of other reasonable adjustments that could be made as any adjustments should be catered to individual needs of the staff member.

Budgetary concerns are not a legitimate reason to refuse a reasonable adjustment as this is a legal requirement. If there are concerns about any of this, managers should contact the Head of Financial Planning at [finance.trac@hpft.nhs.uk](mailto:finance.trac@hpft.nhs.uk)

## **16.2 Access to Work**

The Access to Work Scheme is a part of the Department for Work and Pensions (DWP).

The scheme exists to provide individuals (our staff), who are no longer able to perform all of their duties due to a disability or feel they need additional support to fully carry out their role, to continue working.

This includes providing a workplace assessment culminating in a report for the staff member (and manager) with a series of recommendations for adjustments. This can include help with transport to and from work, as well as assistance with carrying out tasks.

Access to work should be contacted by the line manager of the staff member concerned following a detailed discussion between the manager and staff member about their needs.

Access to work are only able to help with funding adjustments over a certain amount, therefore it recommended that you contact your HR representative or Employee Relations Team for guidance if you feel the adjustment is a simple one that can be implemented solely by the Trust.

To apply to the access to work scheme, manager's should use the details below:

Telephone: 0345 268 8489

Textphone: 0345 608 8753

Check telephone number

***Monday to Friday, 8am to 6pm***

Web: <https://www.gov.uk/access-to-work/apply>

Further information on the Access to Work Scheme visit <https://www.gov.uk/access-to-work>.

## **16.3 Disability Confident Employer**

The Trust is currently part of the national Disability Confident Scheme (previously Two Ticks) which requires the Trust to work toward constantly:

- Challenging attitudes towards disability
- Increasing understanding of disability
- Removing barriers to disabled people and those with long-term health conditions
- Ensuring that disabled people have the opportunities to fulfil their potential and realise their aspirations

It is the expectation of the Trust that all staff contribute to achieving this, particularly line managers.

It is recognised that **disabled staff and service users have a right to equal treatment** and any reasonable adjustments that are required to achieve this. It should also be recognised that the available evidence that we have from our annual staff survey indicates that in most areas disabled staff are less satisfied with their experience in HPFT than non-disabled staff and this is very much a matter of concern.

### 17. Training and Awareness

Write a breakdown of all staff groups training requirements and the frequency of training required by each group. This must be done in the form of a table and should include details of who will provide the training. Where no formal training is required, describe the informal method of raising staff awareness of the procedural document.

#### Example of Training Template:

Course	For	Renewal Period	Delivery Mode
Equality, Diversity & Culture	All staff	Annually	E-Learning or Book Learning

### 18. Process for monitoring compliance with this document

How will the document be monitored for compliance?

- What will be monitored
- Who will monitor
- How often
- Where will the monitoring be reported and actioned

Consider including the monitoring table below:

Key process for which compliance or effectiveness is being monitored	Monitoring method (i.e. audit, report, on-going committee review, survey etc.)	Job title and department of person responsible for leading the monitoring	Frequency of the monitoring activity	Monitoring Committee responsible for receiving the monitoring report/audit results etc.	Committee responsible for ensuring that action plans are completed
Review compliance of document with relevant legislation annually.	Review	Inclusion & Engagement Team Mgr	Annually	HR Policy Group	HR Policy Group

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**19. Embedding a culture of equality and respect**

The Trust promotes fairness and respect in relation to the treatment, care and support of service users, carers and staff.

Respect means ensuring that the particular needs of ‘protected groups’ are upheld at all times and individually assessed on entry to the service. This includes the needs of people based on their age, disability, ethnicity, gender, gender reassignment status, relationship status, religion or belief, sexual orientation and in some instances, pregnancy and maternity.

Working in this way builds a culture where service users can flourish and be fully involved in their care and where staff and carers receive appropriate support. Where discrimination, inappropriate behaviour or some other barrier occurs, the Trust expects the full cooperation of staff in addressing and recording these issues through appropriate Trust processes.

Access to and provision of services must therefore take full account of needs relating to all protected groups listed above and care and support for service users, carers and staff should be planned that takes into account individual needs. Where staff need further information regarding these groups, they should speak to their manager or a member of the Trust Inclusion & Engagement team.

Where service users and carers experience barriers to accessing services, the Trust is required to take appropriate remedial action.

<p><b>Service user, carer and/or staff access needs</b> (including disability)</p>	<ul style="list-style-type: none"> <li>• Staff should be able to access all workplaces that are relevant to their role and be entitled to any reasonable adjustments that help them in doing so.</li> <li>• Staff should have access to request opportunities for flexible working and to have these seriously considered by their manager.</li> <li>• All staff should have development opportunities provided equally, meaning that membership of a protected group should in no way become a barrier.</li> <li>• All staff should benefit equally from family leave policies as required.</li> <li>• Where a staff member is part of the staff disability network they should have an opportunity to have this recognised as part of their PDP should they wish to, as part of their ongoing personal and professional development.</li> <li>• Where a staff member is part of the staff mental health network, they may wish to discuss this as a part of their PDP development</li> </ul>
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	<ul style="list-style-type: none"> <li>• See section 16 for more specific detail re: disability.</li> <li>• There will be a proactive approach from the Trust to challenge unconscious biases amongst staff that could impact on their treatment of people in relation to disability.</li> </ul>
<b>Involvement</b>	<ul style="list-style-type: none"> <li>• All staff should be provided with an opportunity to provide feedback on their experience in the workplace.</li> <li>• Staff should be involved in helping shape changes that take place across the organisation.</li> </ul>
<b>Relationships &amp; Sexual Orientation</b>	<ul style="list-style-type: none"> <li>• All staff should have access to clear information to partner and spousal benefits whether in relation to being married, civil partnered or partnered.</li> <li>• Staff should be respected in terms of the relationship they may be in.</li> <li>• Lesbian, Gay and Bisexual staff should expect the support of their manager should they wish to 'come out' at work without fear of mis-treatment. Where a staff member is part of the Outlook LGBTQ network, they should have an opportunity to have this recognised as part of their PDP should they wish to, as part of their on-going personal and professional development.</li> <li>• There will be a proactive approach from the Trust to challenge unconscious biases amongst staff that could impact on their treatment of people in relation to sexual orientation</li> </ul>
<b>Culture &amp; Ethnicity</b>	<ul style="list-style-type: none"> <li>• Staff should see opportunity while at work to observe their cultural traditions where it is of benefit to working environment.</li> <li>• Where a staff member is part of the BME network, they should have an opportunity to have this recognised as part of their PDP should they wish to, as part of their ongoing personal and professional development.</li> <li>• The Trust has identified areas that require attention in all services to ensure that BME staff are not treated disproportionately when compared with other staff. This has been highlighted by the NHS Workforce Race Equality Standard (WRES) but also through discussions with the Trust staff network. In implementing this policy, all staff (especially managers) are responsible for addressing unequal treatment within workplaces and for ensure development needs (such as unconscious bias training) are addressed as needed.</li> <li>• There will be a proactive approach from the Trust to challenge unconscious biases amongst staff that could impact on their treatment of people in relation to race, ethnicity and culture.</li> </ul>

<b>Spirituality</b>	<ul style="list-style-type: none"> <li>• Staff can often expect support from the organisation with respect to practicing their spirituality. This may include prayer, space for worship, acknowledging cultural festivals etc.</li> <li>• Support for staff observing their religion will be removed in situations where such practices discriminate, harass, negatively affect staff and service users/carers or jeopardise the care of service users/carers.</li> <li>• There will be development of resources for staff to help them understand and celebrate the range of beliefs amongst the workforce and what support is available.</li> <li>• There will be a proactive approach from the Trust to challenge unconscious biases amongst staff that could impact on their treatment of people in relation to religion and beliefs.</li> </ul>
<b>Age</b>	<ul style="list-style-type: none"> <li>• All staff should expect the full support of their employer to continually develop them and young members of staff joining the workforce should not experience any disadvantage based on their age.</li> <li>• The Trust recognises that pensionable age is different from default retirement age (the latter no longer exists)</li> <li>• Graduate trainees and new staff members should feel they have as much to provide to the workforce as anyone else working for the organisation. There will be a proactive approach from the Trust to challenge unconscious biases amongst staff that could impact on their treatment of people in relation to age.</li> </ul>
<b>Gender &amp; Gender Reassignment</b>	<ul style="list-style-type: none"> <li>• Staff should expect the Trust to comply with Equal Pay legislation and on-going implementation of the Agenda for Change pay scales framework.</li> <li>• Staff will see the Trust routinely carry out work that looks at the experience of women in the workforce to ensure any gender equality gap is narrowing.</li> <li>• HPFT guidance regularly reviewed to ensure support for staff who may be thinking of, going through or have gone through reassignment of their gender as well as consideration given to specific needs. E.g. use of toilet/changing facilities, changes to staff records etc.</li> <li>• Where a staff member is part of the staff women's network, they should have an opportunity to have this recognised as part of their PDP should they wish to, as part of their ongoing personal and professional development.</li> <li>• Where a staff member is part of the Outlook LGBTQ network they should have an opportunity to have this recognised as part of their PDP should they wish to, as part of their on-going personal and professional development.</li> <li>• There will be a proactive approach from the Trust to</li> </ul>

	challenge unconscious biases amongst staff that could impact on their treatment of people in relation to gender and gender identity.
<b>Pregnancy &amp; Maternity</b>	<ul style="list-style-type: none"> <li>• Staff who are pregnant or in a period of maternity will not experience disadvantage due to this. Trust policies for family leave will ensure a fair process is followed.</li> <li>• Recruitment processes will not disadvantage women who are pregnant.</li> <li>• There will be a proactive approach from the Trust to challenge unconscious biases amongst staff that could impact on their treatment of people in relation to pregnancy.</li> </ul>
<b>Carers</b>	<ul style="list-style-type: none"> <li>• Policy should be followed re: ensuring staff who are unpaid carers are supported with flexible working options where needed.</li> <li>• Where a staff member is part of the staff carers network they should have an opportunity to have this recognised as part of their PDP should they wish to, as part of their ongoing personal and professional development.</li> <li>• Under the Care Act 2014, staff who are unpaid carers are entitled to an assessment of their needs to identify any supports needs to help improve wellbeing and support them in their caring role. Depending on where the cared for person lives (and services used) will determine which organisation is responsible for providing this.</li> <li>• There will be a proactive approach from the Trust to challenge unconscious biases amongst staff that could impact on their treatment of people in relation to carers.</li> </ul>

## **20. Promoting and Considering Individual Wellbeing**

Under the Care Act 2014, Section 1, the Trust has a duty to promote wellbeing when carrying out any of their care and support functions in respect of a person. Wellbeing is described as relating to the following areas in particular:

- Personal dignity (including treatment of the individual with respect);
- Physical and mental health and emotional wellbeing;
- Protection from abuse and neglect;
- Control by the individual over day to day life including over the care and support provided and the way in which it is provided;
- Participation in work, training, education, or recreation;
- Social and economic wellbeing;
- Domestic, family and personal;
- Suitability of living accommodation;
- The individual's contribution to society.

There is no hierarchy and all should be considered of equal importance when considering an individual's wellbeing. How an individual's wellbeing is considered

will depend on their individual circumstances including their needs, goals, wishes and personal choices and how these impact on their wellbeing.

In addition to the general principle of promoting wellbeing there are a number of other key principles and standards which the Trust must have regard to when carrying out activities or functions:

- The importance of beginning with the assumption that the individual is best placed to judge their wellbeing;
- The individual's views, wishes, feelings and beliefs;
- The importance of preventing or delaying the development of needs for care and support and the importance of reducing needs that already exist;
- The need to ensure that decisions are made having regard to all the individual's circumstances;
- The importance of the individual participating as fully as possible;
- The importance of achieving a balance between the individuals wellbeing and that of any carers or relatives who are involved with the individual;
- The need to protect people from abuse or neglect;
- The need to ensure that any restriction on the individuals rights or freedom of action that is involved in the exercise of the function is kept to the minimum necessary

### Part 3 – Document Control & Standards Information

#### 21. Version Control

Version control for the Equal Opportunity Policy

Version	Date of Issue	Author	Status	Comment
V3	June 09	HR Manager	Superseded	
V4	8 <sup>th</sup> October 2013	Customer Inclusion & Engagement Team Manager	Superseded	
V4.1	14th February 2017	Organisational Development Manager	Superseded	Updated to include importance of employee Health and Wellbeing
V5	4th October 2017	Inclusion & Engagement Team Mgr	Current	3 yearly review
V5.1	12 <sup>th</sup> June 2018	Inclusion & Engagement Team Mgr	Current	Reviewed under GDPR

## 22. Relevant Standards

NHS Equality Delivery System 2 (EDS2)

## 23. Associated Documents

- Harassment & Bullying Policy
- Recruitment & Selection Policy
- Family Leave Policy
- Disciplinary Policy
- Grievance Procedure
- RESPECT statement

## 24. Supporting References

N/A

## 25. Consultation

In the case of the Equal Opportunities Policy, the following have been consulted so far.

<b>Job Title of person consulted</b>
HRBP – E&N SBU
Head of HRBP
Head of Operational HR
Head of Organisational Development
BME Staff Network Members
Mental Health Staff Network Members
Staff Carers Network Members
Equality & Diversity Lead
Inclusion & Engagement Team Manager
Deputy Director, Nursing & Quality
LGBTQ Staff Network Members
Disabled Staff Network Members
Women's Staff Network Members

**Appendices** – Detailed guidance or other supplementary information to be attached as numbered appendices. Any significant information about the document should always be in the main body. Refer to all appendices in the text.

1. Types of Discrimination
2. Employee Assistance Programme Poster
3. Staff Values & Behaviours

### **Discrimination types and the law**

The Equality Act came into effect from 1 October 2010 absorbing all existing 116 pieces of Equalities legislation into one legal framework to ensure protections for nine protected characteristics.

As a public sector organisation, the Trust is also required to comply with the public sector equality duty requiring the Trust to have a general duty to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relations between different groups

In doing this it is important for the Trust to be clear on what constitutes different types of discrimination to ensure that HPFT is providing fairness in its approach to employment. Some examples of this are listed in this section.

#### **Age**

Age discrimination is prejudice against someone because they are - or perceived to be- a certain age. Discrimination is based on perception. Examples of harassment or bullying based on age can include inappropriate jokes, forced retirement, suggesting older staff members seek medical retirement, implying younger staff members lack experience etc.

#### **Disability**

Disability Discrimination is prejudice against someone who has a disability, including long term health conditions and mental health issues. Examples of bullying and harassment can include denying reasonable adjustments based on disability, making inappropriate jokes, treating someone differently because they are a carer of a disabled person, ignoring disabled staff members in the workplace.

#### **Gender reassignment**

It is discriminatory to treat people who propose to start to or have completed a process to change their gender less favourably. Examples of bullying or harassment can include denying annual leave to staff need time off for gender reassignment, inappropriate jokes, disclosing that someone is transgender without consent, refer to someone by a name attributed to the opposite gender

#### **Pregnancy and maternity**

It is discriminatory to treat a woman less favourably because they are pregnant or have given birth. Similarly if maternity leave is being shared by a same sex partner it is discriminatory to treat the staff member negatively because of this. Examples of bullying and harassment include denying opportunities to women who are pregnant or returning from maternity leave, making assumptions about the capability of pregnant workers, excluding workers from tasks because they are pregnant.

#### **Race**

Racism is the prejudice against someone based on their race, which includes colour, nationality, ethnic or national origin. Some examples of bullying and harassment

include denying access to professional development, inappropriate jokes, giving no consideration to annual leave for cultural festivals as well as more overt and institutional racist behaviours.

### **Religion or belief**

This is the prejudice against people because they hold a particular religious or spiritual view or because of another belief they might hold (including lack of any belief). Some examples can include denying appropriate space for a staff member to observe their religion (where appropriate), imposing rules re: religious dress that impact on culture, inappropriate jokes re: religion and beliefs.

### **Gender**

It is discriminatory to treat someone less favourably on the grounds of their gender/sex. Examples can include preferential treatment for men or women, inappropriate sexually overt behaviour towards either men or women, inappropriate jokes, requiring specific duties of a staff member based on their gender.

### **Sexual orientation**

It is discriminatory to treat someone less favourably based on a perception of whether someone is lesbian, gay, bisexual, heterosexual etc. Some examples of this include inappropriate jokes, deliberately preventing someone from coming out at work, disclosing that someone is lesbian, gay or bisexual without their consent etc.

### **Definitions of discrimination**

**Direct discrimination** - where someone is treated less favourably than another person because of a protected characteristic. This type of discrimination is obvious and is often obvious to identify.

**Indirect Discrimination** – when there are rules or conditions that apply to everyone, but affect one group of people more than another without good reason.

**Indirect Discrimination** – The collective failure of an organisation to provide appropriate services/support to people based on protected characteristics. Can be seen in processes and attitudes, which amount to discrimination through prejudice, ignorance and thoughtlessness creating disadvantage.

**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.

HPFT is adverse to all forms of discrimination and works proactively to address any issues of discrimination that arise. Any discrimination will be dealt with extremely seriously by the Trust.



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## Appendix 3

Our values and commitments	Our standards	Our behaviours: how we are with service users and colleagues.	
		You will see us...	You won't see us...
<b>We are welcoming so you feel valued as an individual</b>	<i>Welcoming and approachable</i>	Introducing ourselves and our role. Being approachable. Creating a welcoming environment.	Ignoring or avoiding people, avoiding eye contact.
	<i>Polite, courteous and friendly</i>	Making eye contact, smiling if appropriate. Using people's preferred name.	Being abrupt or rude, shouting, insulting people.
	<i>See the whole person</i>	Treating people as individuals. Valuing people's whole life. Seeing the person not the behaviour.	Making inappropriate assumptions and generalisations.
	<i>Value diversity and difference</i>	Remembering facts to personalise our service. Actively championing people's rights.	Undermining, being judgmental, criticising others' choices.
	<i>Seek and give feedback</i>	Creating opportunities to get feedback from service users, carers and colleagues and acting on this.	Being defensive about feedback and doing nothing in response. Being reluctant to give feedback.
<b>We are kind so you can feel cared for</b>	<i>Empathy and compassion</i>	Showing empathy, putting ourselves in others' shoes, making sure people feel cared for.	Making excuses for people being treated without compassion.
	<i>Kindness and understanding</i>	Being sensitive to people's feelings, even when under pressure.	Being too busy to listen. Being insensitive to others' preferences.
	<i>Responsive and timely</i>	Being punctual and valuing other people's time.	Keeping people waiting unnecessarily. Being persistently late or unprepared.
	<i>Helpful and attentive</i>	Going the extra mile, noticing when others need help and offering to help. Paying attention to detail.	Avoiding people who need help, making excuses for not helping, passing the buck... "It's not my job".
	<i>Value and appreciate one another</i>	Praising a job well done and saying thank you. Looking for the best in people. Celebrating success.	Dismissing others' opinions. Criticising colleagues in front of others.
<b>We are positive so you can feel supported and included</b>	<i>Positive, encouraging, 'can do' attitude</i>	Being positive. Using hopeful words. Asking people what their aims are and focusing on these.	Moaning and being negative. Focusing on what can't be done rather than what is possible.
	<i>Clear explanations and information</i>	Using everyday language. Explaining what's happening and what's going to be happening.	Using jargon or confusing language. Withholding information or giving inconsistent messages.
	<i>Involve people as equals</i>	Working with people as equal partners. Welcoming people's views. Checking people understand.	Talking over people, ignoring other people's views, imposing change.
	<i>Share ideas, choices, and decisions</i>	Involving people in making decisions. Being interested in what others say. Offering choices.	Not allowing people to express an opinion.
	<i>Supportive and flexible</i>	Helping people to access the right services and information quickly. Being flexible, open to ideas.	Being inflexible.
<b>We are respectful so you can feel listened to and heard</b>	<i>Listen and hear</i>	Taking time to listen carefully before giving opinions.	Being too busy to listen. Rushing. Talking down to, at, or over people.
	<i>Respect privacy and dignity</i>	Respecting people's privacy and doing all we can to protect it. Speaking out if dignity is compromised.	Undermining people's dignity. Discussing personal details in open areas where other people can hear.
	<i>Make time for people</i>	Managing our time well. Not making it obvious when time is short.	Watching the clock.
	<i>Reliable and trustworthy</i>	Doing what we say we will do. Seeing things through and following things up.	Breaking promises.
	<i>Work as a team, open and honestly</i>	Understanding each others' skills, roles and responsibilities and helping each other to deliver.	Undermining other people's efforts. Only focusing on ourselves.
<b>We are professional so you can feel safe</b>	<i>Safe, calm and reassuring</i>	Helping people build confidence. Speaking up if there is a safety issue.	Saying or doing things that make others feel unsafe or lose confidence.
	<i>Consistent, efficient and well organised</i>	Prioritising effectively, planning workloads to achieve within required timescales.	Waiting to be chased, ignoring messages and e-mails. Not dealing with issues.
	<i>Professional and accountable</i>	Making responsibilities clear. Taking responsibility. Keeping up to date. Challenging poor practice.	Making it somebody else's problem. Not taking responsibility and blaming others.
	<i>Aim high and create solutions</i>	Sharing good practice. Encouraging people to find creative solutions. Collaborating with colleagues.	Finding excuses not to try new approaches.
	<i>Interested in improving &amp; learning</i>	Being open to new ideas. Always looking for ways to improve. Seeking opportunities to learn.	Squashing ideas for improving things. Reverting to "what we've always done". Tolerating poor practice.

	<i>we are...</i>	<i>you feel...</i>
<b>Our Values</b>	<b>Welcoming</b>	✔ Valued as an individual
	<b>Kind</b>	✔ Cared for
	<b>Positive</b>	✔ Supported and included
	<b>Respectful</b>	✔ Listened to and heard
	<b>Professional</b>	✔ Safe and confident

Our  values  
 Welcoming Kind Positive Respectful Professional