



Race Equality Policy

Document Profile Box	
Document Reference:	QSSD 1502
Version:	0003
Ratified by:	Trust Board
Date ratified:	March 2011
Name of originator/author:	Equality and Diversity Manager
Name of responsible committee/individual:	Director of Workforce and Organisational Development
Date issued:	March 2011
Review date:	March 2012
Target audience:	All staff, volunteers, contractors, visitors and staff from other organizations working on Trust premises.
Document owner:	Director of Workforce and Organisational Development
Authorised signatory:	

Contents

Section		Page
1	Introduction	3
2	Policy Statement	3
3	Scope of the Policy	3
4	Responsibilities	4
5	Guidance for Managers	5
6	Discrimination on the Grounds of Race	5
6.1	Direct Discrimination	5
6.2	Bullying and Harassment	5
6.3	Indirect Discrimination	5
6.4	Victimisation	5
7	Other Considerations	6
7.1	NHS North East BME Network	6
7.2	Equality, Diversity and Human Rights Training	6
7.3	Communication	6
8	Procedure for resolving issues relating to this policy	6
9	Monitoring Compliance	6
10	Equality and Diversity Statement	7
11	Related Documents	7
12	Dissemination and Implementation	7
13	Consultation, Approval and Ratification Process	8

1 Introduction

The Trust is fully committed to equality of opportunity and promoting diversity. As such the Trust values all staff regardless of their race, ethnic group or culture. Furthermore, the Trust aims to create an environment in which all staff, whatever their ethnic origin, feel equally welcomed and valued, and in which racist behaviour is not tolerated. This document describes how the Trust aims to ensure that all individuals do not face discrimination either on the grounds of ethnic origin or with regard to other aspects of their identity.

The tragic death of Stephen Lawrence and the subsequent findings of the public enquiry left a clear legacy in ensuring how public institutions behave towards black and minority ethnic citizens they serve. The amendment to the 1976 Race Relations Act places a statutory duty on all public bodies to positively promote race equality in service delivery and employment.

The Stephen Lawrence inquiry defined institutional racism as “a collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes, and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people”. (para 6.34 Stephen Lawrence Enquiry Report). This definition needs to be carefully considered by all that work in the public sector within the context of daily work practices.

2 Policy Statement

The Race Relations (Amendment) Act 2000 is a direct result of the Home Secretary's response to the Stephen Lawrence Inquiry. It gives public authorities a general duty to promote race equality. The duty applies to all public authorities, including the National Health Service (NHS).

The Race Relations Act as amended, makes it unlawful to discriminate at work on the grounds of race or culture. The regulations apply to all aspects of employment, including training, recruitment, promotion and dismissal. The Trust through the implementation of relevant policies seeks to ensure that:

- Recruitment, progression and promotion are based entirely on relevant criteria, which do not include race, ethnic origin or culture.
- Everyone is treated with equal dignity and respect regardless of their race, ethnic origin or culture.
- Racist abuse, harassment and bullying is a serious disciplinary offence, and will be dealt with under the Dignity at Work and Disciplinary Policies.
- Racist propaganda in any form, including jokes, e-mails, graffiti, songs or speeches, will not be tolerated. The Trust undertakes to remove any such

propaganda whenever it appears on Trust premises and to take action against those responsible.

- Race and culture issues will be included in all equality, diversity and human rights training, internal equality and diversity surveys and in the monitoring of complaints of bullying and harassment cases, the results of which will be published annually in the Trust's Single Equality Scheme (QSSD 1507).

3 Scope of the policy

This policy applies to all staff working within the Trust including employees, contractors, volunteers and staff from other organisations working on Trust premises. It also applies to patients and visitors.

This policy will apply to all Trust premises and all staff working in other premises, including any place where the occasion can be identified with either the requirements of the Trust, or with social events linked to the Trust.

4 Responsibilities

- **Directors/Managers** are required to ensure that the policy is observed and applied consistently and fairly within their areas of responsibility.
- **The Director of Human Resources and Organisational Development** has prime responsibility for the implementation of this policy and to ensure it is regularly monitored, reviewed and updated.
- **The Human Resources Department** will be responsible for ensuring the implementation of this policy, advising managers, staff and trade unions on the content of this policy and its interpretation, providing training and advice to managers and staff on the operation of this policy, ensuring that all complaints of discrimination or harassment are dealt with in a fair and consistent manner, and that remedial action is taken where necessary.
- **Employees** should ensure that their behaviour at work creates an environment which is free from any form of harassment, victimisation and all other forms of discrimination on the grounds of race, ethnic origin or culture. Employees should be aware that if they are involved in discriminatory actions or practice they may not only face disciplinary action but also legal proceedings against themselves as individuals.

5 Guidance for Managers

The Trust recognises that it needs to attract potential staff from all sections of the community and create a workforce culture that embraces diversity and equality, to reflect the diverse communities we serve. In view of this the Trust considers the drivers below to be of the utmost importance:-

- Reputation – the need to show the right corporate image to an increasingly discerning local population, that has changing demographics.
- Recruitment and Retention – the need for the Trust to be seen as an employer of choice and to maintain a competitive advantage in an increasingly complex labour market.
- Productivity – the need to retain and motivate the staff necessary for optimal performance.
- Risk mitigation – the need to comply with a robust set of anti- discrimination laws and to avoid the escalating costs of litigation.

6 Discrimination on the Grounds of Race

6.1 Direct Discrimination

This takes place when a person is treated less favourably on the grounds of race, ethnic origin or culture. For example it is unlawful not to employ someone, to dismiss them, refuse to promote them, deny them training or any other benefits available to others of a different ethnic origin, because of their race or culture.

6.2 Bullying and Harassment

If an employee is being bullied because of their race, ethnic origin or culture this will constitute harassment which is unlawful and would fall within direct discrimination. The Trust will not tolerate any form of harassment and will take disciplinary action against any perpetrators, in line with the Dignity at Work Policy (QSSD 315) and Disciplinary Policy (QSSD 310).

If an employee feels they are being bullied or harassed because of their race, ethnic origin or culture they should refer to the Trust's Dignity at Work Policy for further guidance. Trained Dignity at Work Officers can provide confidential assistance to staff, the contact details of whom are available on the Trust's intranet site or from the Human Resources Department.

6.3 Indirect Discrimination

This occurs when an organisation has recruitment and selection criteria, policies, procedures and other practices in place, which indirectly put people of a particular race, ethnic origin or culture at a disadvantage when compared with others. Indirect discrimination is unlawful whether it is intentional or not.

6.4 Victimisation

Individuals who make a complaint of being discriminated against on the grounds of their race, ethnic origin or culture, and who are then subject to further detrimental treatment because of their complaint, whether by bullying and harassment, or other means such as

demotion or transfer, are protected by victimization legislation. This also extends to cover any third party witnesses involved in a complaint.

7 Other Considerations

- **NHS North East BME (Black and Minority Ethnic) Staff Network** – the Trust fully supports and participates in this network for BME staff who work within the NHS in the North East. The Equality and Diversity Department have responsibility for publicising the activities and work of the network.
- **Equality, Diversity and Human Rights Awareness Training** - the Trust provides Equality, Diversity and Human Rights Awareness, and Dignity at Work Training to all staff as part of the Statutory and Mandatory training programme. Details of this are available from the Organisational Development Department. Equality, Diversity and Human Rights Awareness Training is also included in the Induction programme which all new staff attend. The above training includes race equality awareness. Managers will receive awareness training on this policy as part of the wider Equality, Diversity and Human Rights training course for Managers.
- **Communication** – It is good practice for all employees to understand the culture of their colleagues to avoid embarrassment or difficulties. This can be achieved through discussion with those concerned and providing training and general awareness sessions for staff.

8 Procedure for resolving issues relating to this policy

If an employee feels they are being bullied or harassed because of their race, ethnic origin or culture they should refer to the Trust's Dignity at Work Policy (QSSD 316) for further guidance. Trained Dignity at Work Officers can provide confidential assistance to staff, the contact details of whom are available on the Trust's intranet site or from the Human Resources Department.

Should there be any other issues which relate to an employee's race, ethnic origin or culture they should be raised and dealt with in accordance with the Trust's Grievance Procedure.

9 Monitoring Compliance With and the Effectiveness of Procedural Documents.

This policy will be reviewed twelve monthly or earlier if required by:

The Trust Board
The Assurance Committee

The effectiveness of the policy will be monitored on regular basis via the trusts Executive Team. Key performance indicators will be monitored by analysing data received from the HR team against agreed trust/national targets.

10 Equality and Diversity Statement

The Trust is committed to providing equality of opportunity, not only in its employment practices but also in the services for which it is responsible. As such, this document has been screened, and if necessary an Equality Impact Assessment has been carried out on this document, to identify any potential discriminatory impact. If relevant, recommendations from the assessment have been incorporated into the document and have been considered by the approving committee. The Trust also values and respects the diversity of its employees and the communities it serves. In applying this policy, the Trust will have due regard for the need to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Provide for good relations between people of diverse groups

For further information on this, please contact the Equality and Diversity Department.

11 Related documents

- Dignity at Work Policy (QSSD 316)
- Disciplinary Policy and Procedure (QSSD 310)
- Grievance Procedure (QSSD 309)
- Single Equality Scheme (QSSD 1507)
- Equality, Diversity and Human Rights Policy

12 Dissemination and Implementation

12.1 Dissemination

Once ratified this policy will be added to the Document Quality Control System and added to the Intranet site to which all staff have access. Earlier versions of the document will be archived in the quality system.

The policy will also be added to the NetConsent system once it is implemented. This system will require staff to read the policy before allowing access to IT systems, and will record the date and time staff members have read the document.

12.2 Implementation of Procedural Documents

Information about this policy will be added to Statutory and Mandatory Training which is delivered to all staff on an annual basis.

13 Consultation, Approval and Ratification Process

13.1 Consultation Process

This policy has been discussed with the Equality and Diversity Group which includes representatives from staff side and all directorates.

13.2 Policy Approval Process

This policy has been submitted to the Policy Review Group for approval.

13.3 Ratification Process

This policy has been approved by the Policy Review group and submitted to the JCC for ratification.