

Enter Document Title Here

# Equality and Diversity Code of Practice

## Document Control Sheet

<b>Q Pulse Reference Number</b>	[Quality department to enter]
<b>Version Number</b>	01
<b>Document Author</b>	HR Advisor/HRBP
<b>Head of Department/Executive Director Signature</b>	Head of HR
<b>Head of Department Signature</b>	
<b>Date Approved</b>	04 January 2016
<b>Date Procedure Effective From</b>	01 April 2016
<b>Next Review Date</b>	05 December 2018
<b>Keywords</b>	Age Equality, Gender Equality, Sexual Orientation Equality ,Race Equality ,Sex Equality ,Disability Equality ,Carers Equality
<b>Target Audience</b>	Trust Wide

Unless this copy has been taken directly from the Trust Quality Management site (Q-Pulse) there is no assurance that this is the most up to date version.



## Table of Revisions

Version number	Status	Document section	Description of change	Author	Date revised
01	Final	Whole	This document replaces previous equality related documents and supports staff with protected characteristics to access various policies that we have in place to support staff	Karen White	04 January 2016



## Contents

1.	Introduction	5
2.	Purpose	6
3.	Scope	6
4.	Discrimination	6
5.	The Equality Act and Public Sector Equality Duty	7
	5.1 What the Trust has in Place - Disability	7
	5.2 What the Trust has in place - Gender	9
	5.3 What the Trust has in place - Race	10
	5.4 What the Trust has in place - Age	10
	5.5 What the Trust has in place - Sexual Orientation	12
	5.6 What the Trust has in place - Religion or Belief	13
	5.7 What the Trust has in place - Gender Reassignment	15
	5.8 What the Trust has in place - Pregnancy and Maternity	16
	5.9 What the Trust has in place - Marriage and Civil Partnership	17
6	Monitoring	18
7	Associated Documentation	19
	Appendices	20
	Appendix A Equality Screening	20



## 1 Introduction

This code of practice is designed to help managers ensure that staff are not unlawfully discriminated against on the grounds of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, gender, or sexual orientation (the '**Protected Characteristics**').

This code of practice should be read in conjunction with the Equality, Diversity and Human Rights policy.

North East Ambulance Service NHS Foundation Trust (known hereafter as the Trust) takes a zero tolerance approach towards unlawful discrimination. To that end, the Trust is committed to:

- Promoting equality and diversity in the workplace;
- The Trust aims to recruit a workforce which represents the communities that it serves and welcomes applications from all sections of the community, and ensures that all applicants are treated fairly at every stage of the recruitment process.
- Creating an inclusive environment in which individual differences are recognised and valued and positive and respectful relationships are fostered;
- Ensuring that all colleagues work in an environment that promotes dignity and respect and in which the contributions of all colleagues are recognised and valued;
- Eliminating all forms of unlawful discrimination, intimidation, bullying and harassment, with regular training and education and develop policies that allow us to take action to protect our workforce;
- Ensuring that development and progression opportunities are available to all who want to develop and progress within the Trust;
- Regularly reviewing and updating our policies and procedures and considering the equality impact of them to ensure that they do not unlawfully discriminate;
- Effective equal opportunities monitoring and culture surveys to check that we are achieving our commitments



## 2 Purpose

This document sets out our approach to equal opportunities, the promotion of diversity and the avoidance of unlawful discrimination at work. It applies to all aspects of employment and engagement with us, including recruitment, pay and conditions, training, appraisals, promotion, conduct at work, disciplinary and grievance procedures, and termination of employment.

## 3 Scope

This code of practice covers all employees, officers, consultants, contractors, volunteers, casual workers and agency workers

## 4 Discrimination

The Trust will not unlawfully discriminate against or harass other people including current or former colleagues, job applicants, clients, customers, suppliers and visitors. This applies in the workplace, outside the workplace (when dealing with customers, suppliers or other work-related contacts or when wearing a work uniform), and on work-related trips or events including social events.

The following forms of discrimination are prohibited under this code of practice and are unlawful:

- **Direct discrimination:** treating someone less favourably because of a Protected Characteristic. For example, rejecting a job applicant because of their religious views, ethnicity or sexual orientation.
- **Indirect discrimination:** applying a provision, criterion or practice to everyone that adversely affects people with a particular Protected Characteristic more than others, and is not justified. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified.
- **Discrimination by Association:** comes about when someone is treated unfavourably on the basis of another person's protected characteristic. For example, a candidate who has been told she is getting a job is suddenly deselected after revealing she has a severely disabled child with complicated care arrangements. The withdrawal of the job offer could amount to discrimination because of her association with a disabled person (disability being a protected characteristic).



- **Discrimination by perception:** When someone is treated unfavourably because others believe they have a protected characteristic. For example, an employer rejects a job application from a white female whom he wrongly thinks is black because the applicant has an African-sounding name.
- **Harassment:** this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Dignity at Work Policy.
- **Victimisation:** retaliating against someone who has complained or has supported someone else's complaint about discrimination or harassment.

#### 4.2 Justifying indirect discrimination or other less favourable treatment

The Trust is an emergency service and from time to time it may be necessary for us to require our workforce to comply with rules or other provisions, criteria or practices that may result in a person feeling that they have been discriminated against on the grounds of a Protected Characteristic. Any act that is indirectly discriminatory can only be justified where it is a proportionate means of achieving a legitimate aim (i.e. The fire service requires all job applicants to take a number of physical tests. This could be indirect discrimination because of age, as older people are less likely to pass the tests than younger applicants. However, the fire service can justify this as fire-fighting is a job which requires great physical capability. The reason for the test is to make sure candidates are fit enough to do the job and ensure the proper functioning of the fire service. This is a legitimate aim. Making candidates take physical tests is a proportionate way of achieving this aim).

## 5 The Equality Act (2010) and Public Sector Equality

The Equality Act (2010) and Public Sector Equality Duty places an Equality Duty on public bodies which the Trust needs to respond to in its' employment policies and practices, and provision of its services. Whilst the Code of Practice is not driven solely by legislation, it recognises the importance of ensuring that the Trust can meet its' statutory duties. As such, the Trust is committed to meeting its duties under equality legislation which covers the following protected characteristics:-

- Disability
- Gender
- Race – this includes ethnic or national origins, colour or nationality
- Age
- Sexual orientation
- Religion or belief – this includes lack of belief
- Gender reassignment
- Pregnancy and Maternity
- Marriage and Civil Partnership



## 5.1 What the Trust has in place - Disability

The Trust is positive about disabled people and is a Disability Symbol User. As such the Trust has signed up to the agreements and five commitments of the Disability Accreditation Award Scheme which is the 'Two Ticks' Award. This relates to recruitment, retaining staff who became disabled, consulting disabled staff, developing greater awareness of disability amongst all staff, and reviewing progress with regard to disability equality.



The five commitments under the 'Disability Accreditation Award Scheme' that the Trust has committed to are:

- To guarantee an invitation to the first stage of the recruitment process for all applicants with a disability who meet the essential minimum criteria for a job vacancy.
- To ensure there is a system in place to discuss with employees who have a disability, their development requirements. This discussion can take place at any time but must be done at least on an annual basis.
- If a member of staff becomes disabled, to ensure that every effort is made to retain them in employment (such as making reasonable adjustments or considering alternative employment).
- To take action to ensure that all employees develop the appropriate level of disability awareness necessary to achieve these commitments.
- To review the five commitments annually and report on achievements. Plan ways to improve and inform staff and job centre plus of any progress and future plans.

The Equality Act (2010) makes it unlawful to discriminate against disabled people or people who have a disability, in a number of areas including employment. The duty applies to all public sector authorities including the NHS.

The definition includes physical, mental health, sensory, learning disabilities and conditions such as HIV, multiple sclerosis and cancer. There has also been a recent change in the classification for mental illness, which no longer needs to be 'clinically well recognised' to be classed as an impairment.

For information regarding specific requirements for employees who have a disability, such as the obligations regarding rehabilitation or redeployment, please refer to the Trust's **Attendance Management Policy** which is available on Q Pulse.

The Equality Act (2010) 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, and the Trust will ensure that no unlawful discrimination occurs and all job applicants are not discriminated against on the grounds of their disability. Please refer to the **Trust's Recruitment and Selection Policy**.
- Everyone is treated with dignity and respect regardless of their disability
- Harassment and bullying on the grounds of disability is a serious disciplinary offence, and will be dealt with under the **Dignity at Work Policy** which is available on Q Pulse.
- Inappropriate verbal and written comments with regard to disability in any form, including jokes, e-mails, graffiti, songs or speeches, will not be tolerated. The Trust undertakes to remove any such material whenever it appears on Trust premises and to take action against those responsible.
- Disability awareness issues will be included in training for front line staff as well as induction training and EAT. We monitor a range of metrics by disability to help understand how our policies and processes impact on people from different backgrounds. This data is considered alongside staff and patient survey feedback to identify potential for unfair treatment on the grounds of disability, the results of which are reported to various groups and committees and published annually in the Trust's Equality Analysis Report.
- Action will be taken to ensure that all employees develop the appropriate level of disability awareness necessary to achieve these commitments.
- All applications for access to development and training are monitored by disability.

## 5.2 What the Trust has in place – Gender

The Trust values the contribution from both men and women and aims to ensure that all individuals do not face discrimination because of their gender and in order to do so the Trust needs to:

- Eliminate unlawful discrimination and harassment
- Promote equality of opportunity between men and women.

The Equality Act (2010) makes it unlawful to discriminate at work because of a person's gender. The regulations apply to all aspects of employment, including training, recruitment, promotion and dismissal. The Trust also recognises the existence of sexism in society, and through the implementation of relevant policies seeks to ensure that:

- Recruitment, progression and promotion are based entirely on relevant criteria, and the Trust will ensure that no unlawful discrimination occurs and all job applicants are not discriminated against on the grounds of their gender. Please refer to the **Trust's Recruitment and Selection Policy**.



- Men and women are equally represented in the workforce and in levels of seniority, and there is no pay or progression gap between men and women.
- Men and women enjoy equal flexibility at work.
- All gender related issues, are dealt with efficiently in a timely manner.
- Harassment and bullying on the grounds of gender is a serious disciplinary offence, and will be dealt with under the **Dignity at Work Policy** which is available on Q Pulse.
- Everyone is treated with dignity and respect regardless of their gender.
- Inappropriate verbal and written comments with regard to sexism in any form, including jokes, e-mails, graffiti, songs or speeches, will not be tolerated. The Trust undertakes to remove any such material whenever it appears on Trust premises and to take action against those responsible.
- We monitor a range of metrics by gender to help understand how our policies and processes impact on gender. This data is considered alongside staff and patient survey feedback to identify potential for unfair treatment of men and women, the results of which are reported to various groups and committees and published annually in the Trust's Equality Analysis Report.
- All applications for access to development and training are monitored by gender.

**The Family Friendly Policy and Procedure** supports both men and women and recognises that all employees should enjoy a work life balance. This policy enables both men and women to maintain a healthy balance between their personal commitments and work, within the confines of the needs of the Trust to benefit patient care. Please refer to the above policy for further information which is available on Q Pulse.

### 5.3 What the Trust has in place – Race

The Trust values the contribution from all ethnic groups and cultures. Furthermore, the Trust aims to create an environment in which all staff feel equally welcomed and valued, and in which racist behaviour is not tolerated. This section aims to ensure that all individuals are supported and do not face discrimination.

The Equality Act (2010) 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. **Please refer to the Trusts Recruitment and Selection Policy.**
- Everyone is treated with 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.**
- Inappropriate verbal and written comments with regard to race, ethnicity and culture in any form, including jokes, e-mails, graffiti, songs or speeches, will not be tolerated. The Trust undertakes to remove any such material whenever it appears on Trust premises and to take action against those responsible.
- Race and culture issues are included in frontline training as well as induction training and EAT. We monitor a range of metrics by ethnicity to help understand how our policies and processes impact on people from different backgrounds. This data is considered alongside staff and patient survey feedback to identify potential for unfair treatment on the grounds of ethnicity, the results of which are reported to various groups and committees and published annually in the Trust's Equality Analysis Report.
- We meet our mandated requirements in relation to the Workforce Race Equality Standard. This standard is an agreed action set by NHS England to ensure employees from black and ethnic minority (BME) backgrounds have equal access to career opportunities and receive fair treatment in the workplace.
- All applications for access to development and training are monitored by ethnicity.

### **BAME (Black, Asian and Minority Ethnic) Staff Forum**

This forum provides a voice to BAME staff throughout the Trust. If we are to improve our approach for staff and patients we must ensure that people are included in decisions and are able to receive information and challenge the Trust. Our vision is inclusive of the BAME Community and we have made public commitments to BAME equality through the Workforce Race Equality Standard and the ongoing work we are undertaking in this area.

Aims of the Forum are to:

1. Assist in the creation of a more cohesive and visible BAME community within the North East Ambulance Service and North East region.
2. Support and contribute to the North East Ambulance Services equality agenda in relation to employment and service delivery
3. Provide confidential support and information for any member of staff regarding BAME matters, particularly but not exclusively relating to work



## 5.4 What the Trust has in place – Age

The Trust values the contribution from all age groups and aims to create an environment in which all staff feel equally welcomed and valued, and in which ageist behaviour is not tolerated. This section describes how the Trust aims to ensure that all individuals do not face discrimination on the grounds of their age.

This section should be read in conjunction with the **Trust's Retirement Policy**.

Following the abolition of the default retirement age in 2006 and the subsequent implementation of the Equality Act (2010), it is not permissible to retire someone on the grounds of their age unless it can be objectively justified. Workers can voluntarily retire at a time they choose and draw any occupational pension they are entitled to. Employers cannot force employees to retire or set a retirement age unless it can be objectively justified, for example posts in the emergency service that requires a significant level of physical fitness.

The Equality Act (2010) makes discrimination because of age unlawful (unless it can be objectively justified). The Trust recognises that supporting an ageing workforce and serving an ageing population will require a strategic response and 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 age.
- Everyone is treated with dignity and respect regardless of their age.
- Ageist abuse, harassment and bullying are serious disciplinary offences, and will be dealt with under the **Dignity at Work and Disciplinary Policies**.
- Inappropriate verbal and written comments with regard to age in any form, including jokes, e-mails, graffiti, songs or speeches, will not be tolerated. The Trust undertakes to remove any such material whenever it appears on Trust premises and to take action against those responsible.
- Age issues will be included in frontline training as well as induction training and EAT. We monitor a range of metrics by age groups to understand how our policies and processes impact on people from different age groups. This data is considered alongside staff and patient survey feedback to identify potential for unfair treatment of different age groups, the results of which are reported to various groups and committees and published annually in the Trust's Equality Analysis Report.
- All applications for access to development and training are monitored by age group.



## Work place discussions

Whatever the age of an employee, discussing their future aims and aspirations can help an employer to identify their training or development needs and provide an opportunity to discuss their future work requirements.

The outcome of any workplace discussions should be recorded and held for as long as there is a business need for doing so. It would be good practice to give a copy to the employee.

Failure to address any poor performance with an employee because there is an expectation they will retire soon may be discriminatory. Managers should refer to the **Trusts Capability Policy** and seek advice from the Human Resources Department.

## 5.5 What the Trust has in place – Sexual Orientation



The Trust values the contribution from all groups and aims to create an environment in which all staff feel equally welcomed and valued regardless of their sexual orientation, and in which homophobic and bi-phobic behaviour is not tolerated. This section describes how the Trust aims to ensure that all individuals do not face discrimination on the grounds of their sexual orientation.

The Trust joined the Stonewall Diversity Champions Programme in 2008. Stonewall Diversity Champions actively work to create working environments that are free from fear, free from discrimination and where staff can be valued as individuals.

The Equality Act (2010) makes it unlawful to discriminate at work because of sexual orientation and applies to all aspects of employment, including training, recruitment, promotion and dismissal. The Trust also recognises the extent of heterosexist assumptions within society and the existence of homophobia and bi-phobia and through the implementation of relevant policies seeks to ensure that:

- Recruitment, progression and promotion are based entirely on relevant criteria, which do not include sexual orientation. Please refer to the **Trusts Recruitment and Selection Policy**.
- Everyone is treated with dignity and respect regardless of their sexual orientation.
- Homophobic abuse, harassment or bullying is a serious disciplinary offence, and will be dealt with under the **Dignity at Work and Disciplinary Policies**.
- Homophobic or bi-phobic material in any form, including e-mails, graffiti, songs or speeches, will not be tolerated. The Trust undertakes to remove any such material whenever it appears on Trust premises and to take action against those responsible.
- Assumptions will not be made that partners are of the opposite sex.



- Any workplace benefits will apply equally to same sex partners as they do to heterosexual partners. **Please refer to the Family Friendly Policy and Procedure** for further information
- Sexual orientation issues will be included in all frontline training as well as induction training and EAT. We monitor a range of metrics by sexual orientation to understand how our policies and processes impact on people from lesbian, gay and bisexual (LGB) groups. This data is considered alongside staff and patient survey feedback to identify potential for unfair treatment of LGB groups, the results of which are reported to various groups and committees and published annually in the Trust's Equality Analysis Report.
- All applications for access to development and training are monitored by sexual orientation.

### **Proud@NEAS - Lesbian, Gay, Bisexual and Transgender Forum**

Proud@NEAS is North East Ambulance Service's Lesbian, Gay, Bisexual, Transgender, Questioning and Allies Staff Forum. We have made public commitments through the Stonewall Diversity Champions programme, our mentoring arrangement with Gentsoo and the ongoing work we are progressing in this area.

The aims of the forum are to :

Assist in the creation of a more cohesive and visible LGBT community within the North East Ambulance Service and North East region.

Support and contribute to the North East Ambulance Services equality agenda in relation to employment and service delivery.

Provide confidential support and information for any member of staff regarding LGBTQ matters, particularly but not exclusively relating to work.

### **5.6 What the Trust has in place – Religion or Belief**

The Trust values the contribution from all groups and recognises that it operates in a multi-cultural and religious environment. The Trust accepts that with regard to current practices any religious facilities, acknowledgements or celebrations are predominantly Christian. The Trust wishes to embrace other religions, faiths, and beliefs where possible and aims to create an environment in which all staff, feel equally welcomed and valued regardless of their religion or belief.

#### **Definitions**

The following are only intended to be used as a general guide for the purposes of interpreting and applying this section.



**Religion and Belief** - a recognised religion/belief or similar philosophical belief. This does not include any philosophical or political belief unless it is similar to a religious belief. A recognised religion is likely to include some form of collective worship, a clear belief system, or a profound belief affecting a way of life or view of the world.

**Culture** - used most obviously to describe social groupings such as people of shared national, ethnic or regional origin. It consists of the shared beliefs, values and attitudes that guide the behaviour of group members.

**Race** - classification of humans based on genetic characteristics or common nationality, history or experience

Under the terms of the Equality Act (2010) it is unlawful to discriminate against, harass or treat less favourably workers because they follow, are perceived to follow or do not follow a particular (or any) religion or belief. Such behaviour will not be tolerated by the Trust, which is committed to equality and diversity in employment and seeks to ensure that:

- All staff are able to practice or fulfil religious or cultural beliefs **as far as is practicably possible** (i.e. during Ramadan where prayer time is necessary, if the staff member is front line the Trust would need to take into account whether this person could be released)
- Acknowledge occasions other than those which are Christian and encourage all staff to celebrate or acknowledge these special dates.
- Support staff in fulfilling their commitments.
- Apply the uniform and dress code policy to allow employees to comply with service needs and the requirements of religious dress codes wherever possible.
- Religion and belief issues are included in all frontline training as well as induction training and EAT. We monitor a range of metrics by religion or belief to help understand how our policies and processes impact on people from different backgrounds. This data is considered alongside staff and patient survey feedback to identify potential for unfair treatment on the grounds of religion or belief, the results of which are reported to various groups and committees and published annually in the Trust's Equality Analysis Report.
- Recruitment, progression and promotion are based entirely on relevant criteria, which do not include religion or belief. Please refer to the **Trusts Recruitment and Selection Policy**.
- Everyone is treated with dignity and respect regardless of their religion or belief.
- Abuse, harassment or bullying based on religion or belief is a serious disciplinary offence, and will be dealt with under the **Dignity at Work and Disciplinary Policies**.
- Inappropriate verbal and written comments with regard to religion or belief in any form, including e-mails, graffiti, songs or speeches, will not be tolerated. The Trust



undertakes to remove any such material whenever it appears on Trust premises and to take action against those responsible.

- All applications for access to development and training are monitored by religion or belief.

The Trust recognises that at present an individual's annual leave comprises of two elements, a personal leave entitlement based upon their contract of employment and also statutory leave. In the UK statutory days are comprised of religious occasions e.g. Good Friday, Easter Monday and traditional holidays e.g. Boxing Day and August Bank Holiday.

To embrace a diverse workforce, the Trust accepts that not all members of staff share the same religion or beliefs and hence not the same occasions of celebration or remembrance. Differing faiths have different occasions marked by their own practice and customs and therefore members of staff may wish to take leave in order to participate in such events.

The Trust recognises that the needs of the service must be the first and foremost consideration of all employees, but is fully committed to ensuring that it remains a preferred employer, recognising the needs of all staff. The principles relating to annual leave have always been to ensure that individuals are able to take their annual leave in such a way that achieves a balance between the needs of the service and the commitment and, circumstances of an individual.

Some statutory days relate to religious occasions, some individuals who share a different belief may not wish to take leave at that particular time but instead when their religious occasion actually takes place. Whilst some days in a religious calendar are fixed e.g. 25 December for Christmas day, other events are not e.g. Ramadan. This is not a fixed date but varies each year, thus Muslims may not always know in advance when this occasion is likely to occur.

Where possible, employees who request not to be on leave on statutory days may be permitted to either work their contracted hours on another day of the week, or, where practicable, work in another department on that day. It should be noted that in some cases a member of staff may wish to work on statutory days but not be able to work unsupervised, further guidance can be obtained from the HR Department.

## **5.7 What the Trust has in place – Gender Reassignment**

The Trust values the contribution from all groups and aims to create an environment in which all staff feel equally welcomed and valued regardless of gender re-assignment, and in which transphobic behaviour is not tolerated. This section describes how the Trust aims to ensure that all individuals do not face discrimination on the grounds of gender re-assignment.

The Equality Act (2010) makes it unlawful to discriminate at work because of gender re-assignment and applies to all aspects of employment, including training, recruitment, promotion and dismissal. The Trust also recognises the extent of heterosexist assumptions within society and the existence of transphobia and through the implementation of relevant policies seeks to ensure that:



- Recruitment, progression and promotion are based entirely on relevant criteria, which do not include gender re-assignment. Please refer to the **Trusts Recruitment and Selection Policy**.
- Everyone is treated with dignity and respect regardless of gender re-assignment.
- Transphobic abuse, harassment or bullying is a serious disciplinary offence, and will be dealt with under the **Dignity at Work and Disciplinary Policies**.
- Transphobic material in any form, including e-mails, graffiti, songs or speeches, will not be tolerated. The Trust undertakes to remove any such material whenever it appears on Trust premises and to take action against those responsible.
- Assumptions will not be made that partners are of the opposite sex.
- Any workplace benefits will apply equally to same sex partners as they do to heterosexual partners. **Please refer to Family Friendly Policy and Procedure** which is available on Q Pulse.
- Transgender issues will be included in frontline training as well as induction training and EAT. We monitor a range of metrics by sexual orientation to understand how our policies and processes impact on people from transgender groups. This data is considered alongside staff and patient survey feedback to identify potential for unfair treatment of transgender groups, the results of which are reported to various groups and committees and published annually in the Trust's Equality Analysis Report.
- All applications for access to development and training are monitored by gender re-assignment.

**For further information please refer to Guidance on Gender Re-assignment and seek advice from the HR Department**

## 5.8 What the Trust has in place – Pregnancy and Maternity

The Trust values the contribution from all groups and aims to create an environment in which all staff, feel equally welcomed and valued regardless of pregnancy or maternity. This section describes how the Trust aims to ensure that all individuals do not face discrimination on the grounds of pregnancy or maternity.

**Definitions:** Pregnancy is the condition of being pregnant. Maternity refers to the period of 26 weeks after the birth, which reflects the period of a woman's ordinary maternity leave entitlement in the employment context.).

**Employment:** In the workplace a woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled.



During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. Special rules apply to sickness absence which is related to a woman's pregnancy or to her having given birth. For further information see **Family Friendly Policy and Procedure** which is available on Q Pulse

The Equality Act (2010) makes it unlawful to discriminate at work because of pregnancy or maternity and applies 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 pregnancy and maternity. Please refer to the **Trusts Recruitment and Selection Policy**.
- Everyone is treated with dignity and respect regardless of pregnancy and maternity.
- Harassment and bullying on the grounds of pregnancy and maternity is a serious disciplinary offence, and will be dealt with under the **Dignity at Work and Disciplinary Policies**.
- Inappropriate verbal and written material in any form, including e-mails, graffiti, songs or speeches, will not be tolerated. The Trust undertakes to remove any such material whenever it appears on Trust premises and to take action against those responsible.
- Assumptions will not be made that partners are of the opposite sex.
- Any workplace benefits will apply equally to same sex partners as they do to heterosexual partners. **Please refer to Family Friendly Policy and Procedure** which is available on Q Pulse.
- Pregnancy and maternity issues will be included in frontline training as well as induction training and EAT. We monitor a range of metrics by pregnancy and maternity to understand how our policies and processes impact on people. This data is considered alongside staff and patient survey feedback to identify potential for unfair treatment of various groups, the results of which are reported to various groups and committees and published annually in the Trust's Equality Analysis Report.
- All applications for access to development and training are monitored by pregnancy and maternity.

## 5.9 What the Trust has in place – Marriage and Civil Partnership

The Trust values the contribution from all groups and aims to create an environment in which all staff, feel equally welcomed and valued regardless of marriage or civil partnership. This section describes how the Trust aims to ensure that all individuals do not face discrimination on the grounds of grounds of marriage or civil partnership.



## Key points

- Same sex couples who marry or register as civil partners have the same rights as other married couples in respect of employment rights
- The Equality Act also gives protection from discrimination because of an employee's sexual orientation
- Same sex couples can now marry in a civil ceremony or religious ceremony where the religious organisation allows it in England, Scotland and Wales

The Equality Act 2010 protects employees who are in a civil partnership, or marriage, against discrimination. Gay and lesbian couples are able to get married or register their civil partnership in England, Scotland and Wales, which gives many of the same rights as other married couples. 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 marriage and civil partnership. Please refer to the **Trusts Recruitment and Selection Policy**.
- Everyone is treated with dignity and respect regardless of marriage and civil partnership.
- Harassment and bullying on the grounds of marriage and civil partnership is a serious disciplinary offence, and will be dealt with under the **Dignity at Work and Disciplinary Policies**.
- Inappropriate verbal and written material in any form, including e-mails, graffiti, songs or speeches, will not be tolerated. The Trust undertakes to remove any such material whenever it appears on Trust premises and to take action against those responsible.
- Assumptions will not be made that partners are of the opposite sex.
- Any workplace benefits will apply equally to same sex partners as they do to heterosexual partners. Please refer to **Family Friendly Policy and Procedure** which is available on Q Pulse.
- Marriage and civil partnership issues will be included in frontline training as well as induction training and EAT. We monitor a range of metrics by marriage and civil partnership to understand how our policies and processes impact on people. This data is considered alongside staff and patient survey feedback to identify potential for unfair treatment of various groups, the results of which are reported to various groups and committees and published annually in the Trust's Equality Analysis Report.
- All applications for access to development and training are monitored by marriage and civil partnership.



## 6 Monitoring

### 6.1 Compliance and Effectiveness Monitoring Table

Monitoring Criterion	Response
Who will perform the monitoring?	Equality and Diversity Group
What are you monitoring?	Compliance with the Equality Act (2010) set out by the Care Quality Commission, Public Sector Equality duty and the Workforce Race Equality Standard
When will the monitoring be performed?	Annually
How are you going to monitor?	Measure compliance through the Equality Analysis and the Equality Diversity and Human Rights Policy
What will happen if any shortfalls are identified?	An action plan will be developed to ensure recommendations are implemented
Where will the results of the monitoring be reported?	Equality Analysis and E&D Annual Report
How will the resulting action plan be progressed and monitored?	Through the Workforce and Equality Committee
How will learning take place?	As above

### 6.2 Key Performance Indicators

The effectiveness of this document will be measured on a regular basis through the Equality and Diversity Group. Compliance is measured through the Equality analysis and the Equality, Diversity and Human Rights Policy the purpose of which is to demonstrate our commitment to equality and diversity.

## 7 Associated Documentation

The code of practice refers to the following policies and procedures:

- Family Friendly Policy and Procedure
- Dignity at work Policy
- Disciplinary Policy
- Recruitment and Selection Policy
- Attendance Management Policy
- Equality Analysis Report
- Guidance for Managing Dyslexia in employment
- Uniform and Dress Code Policy
- Capability Policy



## Appendices

### Appendix A Equality Screening

Equality screening which must be conducted to determine if there is a potential differential impact. If there is, a full Equality Impact Assessment must then be carried out.

Date of screening	01 November 2015
Name of assessor	Karen White
Job title	HR Adviser
Signature of assessor	<i>Karen White</i>

Equality Group	Does this document have a potential impact on any of the equality groups?	If yes, please describe the potential impact	Is this impact legal and justifiable? If yes, please explain how
Age	Yes	Potential positive impact (in relation to age) covered by the Equality Act (2010)	Yes, the policy meets legislative requirements and best practice guidance. Prevention of less favourable treatment for individuals within that group
Disability	<b>Choose an item.</b>	Potential positive impact (in relation to disability) covered by the Equality Act (2010)	Yes, the policy meets legislative requirements and best practice guidance. Prevention of less favourable treatment for individuals within that group
Gender	<b>Choose an item.</b>	Potential positive impact (in relation to gender) covered by the Equality Act (2010)	Yes, the policy meets legislative requirements and best practice guidance. Prevention of less favourable treatment for individuals within that group
Gender reassignment	<b>Choose an item.</b>	Potential positive impact (in relation to	Yes, the policy meets legislative



		gender reassignment) covered by the Equality Act (2010)	requirements and best practice guidance. Prevention of less favourable treatment for individuals within that group
Marriage and civil partnership	<b>Choose an item.</b>	Potential positive impact (in relation to marriage and civil partnership) covered by the Equality Act (2010)	Yes, the policy meets legislative requirements and best practice guidance. Prevention of less favourable treatment for individuals within that group
Race	<b>Choose an item.</b>	Potential positive impact (in relation to race) covered by the Equality Act (2010)	Yes, the policy meets legislative requirements and best practice guidance. Prevention of less favourable treatment for individuals within that group
Religion or belief	<b>Choose an item.</b>	Potential positive impact (in relation to religion or belief) covered by the Equality Act (2010)	Yes, the policy meets legislative requirements and best practice guidance. Prevention of less favourable treatment for individuals within that group
Sexual orientation	<b>Choose an item.</b>	Potential positive impact (in relation to sexual orientation) covered by the Equality Act (2010)	Yes, the policy meets legislative requirements and best practice guidance. Prevention of less favourable treatment for individuals within that group

Equality Impact Assessment required?	No
1. Identify the aims of the document	
From the screening, what are the key issues and which equality groups are affected?	
What is the aim of the document?	
What are the intended outcomes of the document	
How will you measure the outcomes?	
Who is intended to benefit and how?	
2. Legislative compliance	



Does the document prevent the promotion of equality of opportunity or good relations between different equality groups? Please state how.	
Does the document/service provision infringe an individual's human rights? Please state how.	
3. Considering alternatives	
Can changes be made to the document/service to reduce the impact? (such as amending the wording of a policy or changing a procedure) If Yes, please detail the changes and proceed to Section 6. If No, proceed to section 4	
4. Gathering information	
Please state the relevant qualitative information that is already available that is being used for this EIA.	
Please state the relevant quantitative information that is already available that is being used for this EIA.	
Are there any gaps in your information and if so how are you going to address those?	
5. Partnership working, consultation and involvement	
Do you need to involve, consult or work in partnership with any community group? Y / N If Yes, please state which community group(s).	
Do you need to involve, consult or work in partnership with any staff groups? Y / N If Yes, please state which staff group(s).	
Do you need to involve, consult or work in partnership any specialist services, groups or practitioners? Y / N If Yes, please state which services, groups or practitioners.	



Action	Benefits / Rationale	Lead	Timescale	Measures of Success	Age	Disability	Gender	Gender reassignment	Marriage and civil partnership	Maternity and pregnancy	Race	Religion or belief	Sexual orientation
1.													
2.													
3.													
4.													