


POLICY DOCUMENT

Policy Title:	EQUALITIES AND DIVERSITY POLICY
Policy Group:	Human Resources
Policy Owner:	Human Resources Manager
Issue Date:	22/06/2022
Review Period:	24 months
Next Review Due	22/06/2024
Author:	S. O'Rourke
Cross References:	This policy should be read in conjunction with the Protecting and Safeguarding Adults at Risk and Safeguarding Children Policies
Evidence:	Staff handbook, Disciplinary policy, Age Equality, Anti-Harassment & Victimisation and Recruitment Policies. Equality & Human Rights Commission, ACAS, Equality Act 2010, Equal Pay Act 1970, Sex Discrimination Act 1975, the Race Relations Act 1976, Disability Discrimination Act 1995, Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Sexual Orientation) Regulations 2003, Employment Equality (Age) Regulations 2006, Equality Act 2006, Part 2, Equality Act (Sexual Orientation) Regulations 2007, Delafield Consulting.
How implementation will be monitored:	Staff handbook, Induction, Training
Sanctions to apply for breach:	Training, Disciplinary Action
Computer File Ref.	O:newpolicybook:humanresources:equalitiesanddiversitypolicy
Policy Accepted by MT	22/06/2022
Sign-off by CEO	

Purpose of Policy: Holy Cross Hospital is committed to promoting equality and inclusion in its approach to provision of services and employment. This policy forms part of an overall framework and strategy towards achieving this.

This policy makes clear that it is Holy Cross Hospital's policy to treat job applicants, employees, other staff and also service users and visitors to the Hospital with equal respect, regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation and to establish respect for diversity as a fundamental principle in line with the values of the Congregation (the Charitable Company).

Policy Statement: The policy sets out how the Hospital will approach and deal with Equal Opportunities and Diversity matters, and you should ensure that you are familiar with the Policy.

COMMITMENT

1.1 Holy Cross Hospital believes in the dignity of all people and their right to respect and equality of opportunity. We value the strength that comes with difference and the positive contribution that diversity brings to our organisation. Holy Cross Hospital recognises that it is in its best interests, as well as the interests of the employees and all who use its services, to utilise the skills of the total workforce. Tackling discrimination and promoting diversity at work helps to attract, motivate and retain staff and enhances an organisation's reputation as a service provider and as an employer. Eliminating discrimination helps everyone to access services and employment and to develop their skills.

1.2 We recognise and accept that discrimination means some people may have not had equal access to services or employment or fair chances in life. Therefore we support the view that it may be necessary to develop or create some services or opportunities to specifically meet different needs.

1.3 We understand that discrimination can be institutionalised. We are committed to combating any unintended institutional discrimination by developing an anti-discriminatory organisational culture, placing equalities at the centre of all our activities and key agendas, and celebrating diversity in its many forms.

1.4 We work to the following principles:

- We recognise nine main equality strands (protected characteristics) as recognised in UK law, giving all equal importance. These are: gender, gender reassignment; race and ethnicity; disability; sexual orientation; age; religion/belief, marriage and civil partnership, pregnancy and maternity.
- We aim to eliminate unlawful discrimination and to promote equality of opportunity. Guidance on types of discrimination are provided in Appendix A.
- We are committed to developing and promoting an anti-discriminatory environment within the Hospital and its services as a whole and will reflect this in our policies and practices.
- We are committed to promoting our equalities practice at corporate, departmental, service and individual levels throughout the Hospital and want to maintain a positive and inclusive workplace culture that values everyone equally.
- We aim to identify and eliminate barriers in our own system and procedures, training staff and managers to enable them to help make this happen.

We will comply with all our legal obligations and follow best practice guidance. The main UK laws relating to equality and diversity are set out at Appendix B.

VALUING CLIENTS/service users* and DELIVERING SERVICES

2.1 it is our aim that:

- all clients and service users receive fair, sensitive and equal treatment when accessing services, and are treated with dignity and respect.
- All services are relevant and responsive to the changing and diverse needs of our clients service users, and are delivered without discrimination, prejudice or bias.

*people accessing using our services, deemed to include patients and those close to them.

EMPLOYMENT

3.1 Responsibilities of all staff

- 3.1.1 While the overall responsibility for the implementation of this Policy rests with the Hospital Management Team, the maintenance of an environment that is positive and free from discrimination is also the responsibility of every employee irrespective of position.
- 3.1.2 It is the responsibility of all staff to ensure that the services Holy Cross provides are of the highest possible standard. The manner in which staff treat our clients (as well as each other) is key to our continued success.
- 3.1.3 Each employee is responsible for his/her own behaviour and has a responsibility to themselves, and those who are in contact with them, to ensure that they conduct themselves in a manner that ensures that the environment is not discriminatory, harassing or could be construed as victimising. All Holy Cross Hospital employees are responsible for complying with this policy. Staff must not discriminate against anyone, persuade another employee to discriminate, tolerate or condone discriminatory practices, harass or abuse other employees, clients or members of the public – for any reason.
- In return we expect our staff to be treated with respect and will not tolerate discriminatory or abusive behaviour towards our staff from members of the public or any person on our premises or off-site if clearly related to the business of Holy Cross Hospital. If it is discovered that any client has abused or harassed Holy Cross workers, the Hospital reserves the right to impose a suitable sanction upon them, which may result in the withdrawal of services and possibly legal action.
- 3.1.4 It is imperative that if any staff member is subject to discrimination, harassment, bullying or victimisation that they report it to their Line Manager or HR (see Enforcement below). Moreover, Holy Cross expects all workers not to support or ignore any actions or behaviour that could be a breach of our commitment to ensure the working environment is free from discrimination, harassment and bullying behaviours.
- 3.1.5 If any employee is found to have acted in a discriminatory way towards other employee(s) or client(s), they will be subject to disciplinary action which may lead to dismissal.
- 3.1.6 In the event of Employment Tribunal or civil proceedings being issued, a harasser or discriminator may be personally liable for the award sanctioned by the tribunal or court, and may also be liable to criminal prosecution in some circumstances.

3.2 Employment Practices

- 3.2.1 The Hospital aims to provide a safe and accessible working environment for existing and potential employees, one that is free from harassment and discrimination, where individuals' values, beliefs, identities and cultures are respected.
- 3.2.2 We aim to make sure that jobs within the Hospital are accessible to all sections of the community, and that our recruitment policies and practices do not indirectly discriminate against any particular group of job seekers.
- 3.2.3 We will develop initiatives towards redressing any imbalances in our workforce, through recruitment, career development and training.
- 3.2.4 We will provide support systems as part of our policy to promote dignity and respect at work and make confidential reporting systems available for those who may face prejudice or discrimination.
- 3.2.6 We are committed to undertaking regular workforce database monitoring, to help identify equality and diversity trends or issues that may need addressing.
- 3.2.7 We will ensure that all clients, job applicants and employees have access to this policy.

3.3 Enforcement

- 3.3.1 Employee complaints will normally be processed through the Grievance Procedure or may alternatively be made under the Anti-Harassment & Victimisation Policy if considered more appropriate by the complainant.
- 3.3.2 The Compliments and Complaints Policy and Procedure provide routes for non-employee complaints.
- 3.3.3 Anyone who complains about discrimination in good faith shall not, for that reason, receive less favourable treatment.
- 3.3.4 Particular care must be taken to deal effectively with all complaints of discrimination, victimisation or harassment. In the event of any uncertainty about responding to a complaint, Holy Cross workers are encouraged to contact HR for advice.
- 3.3.5 Allegations of discrimination will be fully investigated by a senior manager and action taken appropriate. Management action could include action under the Hospital's Disciplinary Procedure, service level or tenancy agreement as applicable.
- 3.3.6 A deliberate breach of this policy by an employee will be seen as a disciplinary offence. Serious breaches (e.g. deliberate harassment), will be treated as gross misconduct.

IMPLEMENTATION

- 4.1 **Structure:** There is a clear infrastructure to help deliver equality and diversity in the organisation.

Holy Cross Hospital Management Team will review the policy annually, prepare any action plan required and receive reports from the Human Resources Manager on a monthly basis.

- 4.2 **Training, communications and resources:** The Chief Executive will continue to ensure that training and guidance is provided for key decisions-makers such as managers and supervisory staff and those involved in people and service management practices plus mandatory equalities and diversity training for new staff. We supplement formal training through briefings and communications designed to raise awareness and increase knowledge around all equality issues, best practice and legislation.

- 4.3 **Consultation and Involvement:** Holy Cross Hospital undertakes regular consultation with staff representatives and through client-based forums to ensure that the views are heard and can be used to inform priorities and improve services.
- 4.4 **Contractors:** Holy Cross Hospital requires all its contractors to comply with this policy and the provisions of the legislation.
- 4.5 **Employment:** HR will develop and review existing procedures for recruitment, selection, promotion and training in line with this policy and changes in relevant legislation. HR will develop and review mechanisms for resolving grievances about unfair discrimination and harassment. HR will work with managers to monitor the consistent application of the policy.
- 4.6 **Equality Impact Assessment (EIAs)** Holy Cross Hospital is committed to an ongoing process of undertaking EIAs on all relevant policies and functions to ensure that they do not discriminate or cause any adverse impact relating to equalities and diversity.
- 4.7 **Monitoring:** Monitoring is an essential and integral element of the Holy Cross Hospital's equalities performance.
- 4.8 **Single Equality Scheme:** Holy Cross Hospital plans to adopt a single equality scheme, which includes outstanding actions from any previous race, disability and gender schemes. The scheme is to be reviewed and reported on annually.

COMMUNICATION

- 5.1 This Policy will be communicated through:
- Holy Cross Hospital's website (by HR)
 - The Staff Handbook (by HR)
 - Notice boards (by HR)
 - Recruitment advertising (by HR)
 - Information to applicants for employment (by HR)
 - Information to service users (by dept. heads)
 - Information to contractors (by General Manager)

REVIEW

- 6.1 We will review our practice regularly in line with this policy to ensure that the principles, objectives and priorities are achieved.

Human Resources will prepare an annual report to accompany the annual policy review which will cover, as appropriate, the following:

1. Changes in legislation
2. Changes in the composition of the workforce in regard to the 8 protected characteristics.
3. Changes in Procedures
 - recruitment
 - promotion
 - disciplinary actions
 - training
 - allocation of accommodation

4. Policy Impact Assessments
5. Equal Opportunities Monitoring – results
6. Any other relevant information

Equality and Diversity

This policy has been reviewed for overt or implied discrimination within the scope of the Hospital's policies on equality and diversity and none was found.

Review

The policy will be reviewed bi-annually to ensure that the system described continues to provide an effective framework for managing recruitment.

Types of Discrimination

The Equality Act 2010 uses the familiar concepts of direct discrimination, indirect discrimination, victimisation and harassment. But there have been some changes.

- *Direct discrimination*

Discrimination occurs if an employer discriminates against an employee because of a protected characteristic, whether or not the employee possesses that characteristic (except in the case of marital status or civil partnership)

It will be unlawful to discriminate against employees because of their connection with someone else who possesses a protected characteristic. This is sometimes called discrimination by association or perception. Discrimination against a woman because she is breastfeeding is deemed to be sex discrimination.

- *Indirect discrimination*

Unjustified indirect discrimination is already unlawful in relation to most protected characteristics. The Act extends coverage to include gender reassignment and disability (but not to pregnancy and maternity).

- *Harassment*

Employers can already be held liable for the sexual harassment of their employees by a third party (for example, someone outside their organisation). The Act extends liability for third party harassment to all protected characteristics (other than pregnancy/maternity and marriage/civil partnerships) where the employer has failed to take reasonable steps to prevent it and provided the employer knows that the employee has experienced third party harassment on at least two prior occasions.

Two completely new types of discrimination are introduced:

- *Combined (or dual) discrimination*

This will allow claims to be brought by employees who have been directly discriminated against because of a combination of two protected characteristics (excluding pregnancy/maternity or marriage/civil partnerships).

- *Detriment arising from disability*

This replaces the concept of “disability-related discrimination”. It occurs when employers treat employees in a detrimental way because of something that is a consequence of their disability. A typical example would be dismissing employees with poor attendance records when their absences were caused by disability. This would be unlawful unless dismissal could be justified as a “proportionate means of achieving a legitimate aim” or the employer could not reasonably have been expected to know of the disability.

Relevant Legislation

Equality Act 2010

Brings together all the existing strands of equality and discrimination legislation, with the aim of clarifying existing law, extending it to cover some anomalies in existing discrimination law and creating a stronger set of obligations on public bodies to promote equality. Creates a new Public Sector Equality Duty to consider reducing social and economic inequality. Bans age discrimination outside the workplace and strengthens protection from discrimination for disabled people and extends protection to carers. Introduces the concept of 'dual discrimination' where people have a combination of protected characteristics.

Equality Act (sexual orientation) Regulations 2007

Prohibits discrimination in the provision of goods, facilities, services and education in the exercise of public functions and the use and disposal of premises.

Equality Act 2006

Establishes a single Commission for Equality and Human Rights by 2007 that replaces the three existing commissions. Introduces a positive duty on public sector bodies to promote equality of opportunity between women and men and eliminate sex discrimination. Protects access discrimination on the grounds of religion or belief in terms of access to goods, facilities and services.

Employment Equality (Age) Regulations 2006

Protects against discrimination on grounds of age in employment and vocational training. Prohibits direct and indirect discrimination, victimisation, harassment and instructions to discriminate.

Racial and Religious Hatred Act 2006

Seeks to stop people from intentionally using threatening words or behaviour to stir up hatred against somebody because of what they believe.

Disability Discrimination Amendment Act 2005

Introduces a positive duty on public bodies to promote equality for disabled people.

Employment Equality (Sex Discrimination) Regulations 2005

Introduces new definitions of indirect discrimination and harassment, explicitly prohibits discrimination on the grounds of pregnancy or maternity leave, and sets out the extent to which it is discriminatory to pay a woman less than she would otherwise have been due to pregnancy or maternity issues.

Civil Partnerships Act 2004

Provides legal recognition and parity of treatment for same-sex couples and married couples, including employment benefits and pension rights.

Gender Recognition Act 2004

Provides transsexual people with legal recognition in their acquired gender.

Employment Equality (Sexual Orientation) Regulation 2003

Protects against discrimination on the grounds of sexual orientation in employment vocational training, promotion and working conditions.

Employment Equality (Religion or Belief) Regulation 2003

Protects against discrimination on the grounds of religion and belief in employment, vocational training, promotion and working conditions.

Race Relations Act 1976 (Amendment) Regulation 2003

Introduces new definitions of indirect discrimination and harassment, new burden of proof requirements, continuing protection after employment ceases, new exemption for determinate job requirement and the removal of certain other exemptions.

Race Relations Amendment Act 2000

Places a statutory duty on all public bodies to promote equal opportunity, eliminate racial discrimination and promote good relations between different racial groups.

Disability Discrimination Act 1995

Outlaws the discrimination of disabled people in employment, the provision of goods, facilities and services or the administration of management of premises.

Sex Discrimination Act 1975

Makes it unlawful to discriminate on the grounds of sex. Sex discrimination is unlawful in employment, education, advertising or when providing housing, goods, services or facilities. It is unlawful to discriminate because someone is married, in employment or advertisements for jobs.

Equal Pay Act 1970 (Amended)

Gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and the woman are doing like work, work rates as equivalent under an analytical job evaluation study or work that is proved to be of equal value.



Holy Cross Hospital

Equal Opportunities Monitoring Form

Holy Cross Hospital aims to be an equal opportunities employer and undertakes to apply objective criteria to assess merit and ability. It aims to ensure that no job applicant, employee or worker receives less favourable treatment on the grounds of race, colour, national or ethnic origins, sex, marital status, sexual orientation or perceived sexuality, disability, membership or non-membership of trade union, "spent convictions" of ex-offenders, class, age, politics, religion or belief.

Please complete the following information, this will be treated in the strictest confidence and will be kept separately from your application form.

THIS FORM HAS NO PART IN THE SELECTION PROCESS.

1. Personal details

Name

Title:

Mr/Mrs/Miss/Dr./Other

Post Applied for:

.....

2. Age (please tick)

☐ Under 18

☐

19-24

☐ 25-64

☐ 65+

☐ Prefer not to say

3. Marital Status

☐ Single

☐

Married

☐ Divorced/Separated

☐

Other

4 I belong to the following ethnic grouping: (tick as appropriate)

A: White <input type="checkbox"/> British <input type="checkbox"/> Irish <input type="checkbox"/> Any other white background (please specify)	D: Black or Black British: <input type="checkbox"/> Caribbean <input type="checkbox"/> African <input type="checkbox"/> Any other black background (please specify)
B Of mixed race: <input type="checkbox"/> White & Black Caribbean <input type="checkbox"/> White & Black African <input type="checkbox"/> White & Asian <input type="checkbox"/> Any other mixed background (please specify)	E: Asian or Asian British: <input type="checkbox"/> Indian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Any other Asian background (please specify)
C: Chinese:	F: Any other ethnic group (please specify)

5. Religion or belief

- | | | | |
|-----------------------------------|-----------------------------------|--|----------------------------------|
| <input type="checkbox"/> Atheism | <input type="checkbox"/> Buddhism | <input type="checkbox"/> Christianity | <input type="checkbox"/> Islam |
| <input type="checkbox"/> Jainism | <input type="checkbox"/> Sikhism | <input type="checkbox"/> Agnostic | <input type="checkbox"/> Judaism |
| <input type="checkbox"/> Hinduism | <input type="checkbox"/> Other | <input type="checkbox"/> Prefer not to say | |

6. Disability

The Disability Discrimination Act, 1995, states that a person is disabled if he/she has a physical or mental impairment which has a substantial and long-term adverse effect of his/her ability to carry out normal day-to-day activities. By this definition, do you consider yourself to be disabled or having a long-term condition?

☐ Yes ☐ No ☐ Prefer not to say

Do you have any disability for which special arrangements should be made, either in an interview or employment situation? If so, please specify the nature of the disability and your requirements:

Data Protection Act

I understand that this information may be stored and processed in compliance with the Data Protection Act 1998 and Holy Cross Hospital's Policy, as part of Holy Cross Hospital's Monitoring of equal opportunities and by signing below I give my consent to my details to be used for this purpose.

Signed: Date:

Equal Opportunities and Diversity Questionnaire – Contractors

<p>Do you have an Equality and Diversity?</p> <p>If so, please return a copy with this questionnaire</p>	Yes	No
<p>If the answer is yes:</p> <p>a) Does the policy provide guidance in respect of recruitment & training</p> <p>b) Is the policy made available to employees, recognised trade unions or other employee representative groups?</p> <p>c) Do you make any commitment to diversity in:</p> <ul style="list-style-type: none"> - your recruitment advertisements or other literature - in promoting your service 		
<p>In the last three years, have any findings of discrimination been made against your organisation by any court or tribunal?</p>		
<p>In the last three years, has any contract with you or your company been terminated on grounds of your failure to comply with:</p> <ul style="list-style-type: none"> - Legislation prohibiting discrimination? - Contractor conditions relating to equality? 		
<p>Please can you confirm the number of employees you have in your company:</p> <p>Less than five</p> <p>5 to 49</p> <p>50 or more</p>		
<p>Who has overall responsibility for diversity and equality within your organisation?</p>		