

Human Resources & Organisational Development

Embracing Equality, Diversity and Human Rights Policy

Policy Leads Christopher Smith / Mike Cafferty	Policy Group EO PIN Group
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Policy Established	Policy Review Period/Expiry June 2019	Last Updated May 2017
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This policy does apply to Medical/Dental Staff

UNCONTROLLED WHEN PRINTED

Embracing Equality, Diversity and Human Rights Policy

Version Control

Version Number	Purpose/Change	Author	Date
1.0	Version Control was introduced in July 2011 and the previous versions of this policy, prior to this date, are available in the Electronic Document Store	Christopher Smith	
1.1	The Policy has been updated to take into account both changes in the NHS Tayside structure and in the law.	Christopher Smith	
1.2	The Policy has been updated to take into account the revised PIN. Previously named Equal Opportunities Policy.	Christopher Smith	December 2014
1.3	The Policy has been refreshed	Christopher Smith	May 2017

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Include membership of Policy Review Group

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NHS Tayside Equality, Diversity and Human Rights Policy

1 Purpose and Scope

This policy applies to all those who work within or apply to work within NHS Tayside, regardless of employment status. It therefore includes permanent and fixed-term employees, members of staff on zero-hours contracts, those working within NHS Tayside on behalf of other agencies, those on secondment to NHS Tayside, volunteers, and those on work experience or training placements.

2 Statement of Policy

This policy sets out NHS Tayside's commitment to the principles, as defined below, of equality, diversity and human rights in employment and sets out the approach to be followed in order to ensure that such principles are consistently met.

While successful implementation of this policy will ensure compliance with current legislation and national policy, NHS Tayside also recognises both the moral and business case for maintaining good employment practice in relation to equality, diversity and human rights.

NHS Tayside recognises that it also has a unique opportunity to influence the practice of those other organisations with which it engages and to champion equality, diversity and human rights within society more generally.

As such, equality, diversity and human rights must be at the heart of NHS Tayside and everything it does.

This policy has been developed in partnership with local trade union/professional organisation representatives. It reflects the best practice, and meets the minimum standards, set out within the Embracing Equality, Diversity and Human Rights in NHS Scotland Partnership Information Network (PIN) Policy.

3 Definitions

Equality is described by the Equality and Human Rights Commission as 'ensuring that every individual has an equal opportunity to make the most of their lives and talents, and believing that no one should have poorer life choices because of where, what or whom they were born, or because of other characteristics'.

Managing diversity is defined as 'valuing everyone as an individual', recognising that a "one-size-fits all" approach to managing people does not achieve fairness and equality of opportunity, given that people have different needs, values and beliefs.

Human rights are defined as 'the basic rights and freedoms to which all humans are entitled'. They ensure that people are treated fairly and with dignity and respect.

4 Responsibilities

This policy sets out the aims of NHS Tayside to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010 and less favourable treatment of other categories of worker as set out within other relevant legislation;

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Advance equality of opportunity between people who share a protected characteristic (i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation) and those who do not;
Foster good relations between people who share a protected characteristic and those who do not;
Ensure that the organisation has due regard for the European Convention of Human Rights (ECHR) in the discharge of its function.

Principles and Values

The following principles and values are key to the achievement of these aims:

Equality, diversity and human rights must be at the heart of NHS Tayside and everything it does;

Disadvantages suffered by people due to their protected characteristics will be removed or minimised in order to create an environment in which individual differences and the contributions of all staff are recognised and valued;

Steps will be taken to meet the needs of people from protected groups where these are different from the needs of other people;

Steps will be taken to reduce underrepresentation of people with particular protected characteristics and increase the diversity of our workforce, both at an organisational level and within different job roles;

A zero tolerance approach will be taken to intimidation, bullying or harassment, recognising that all staff are entitled to a working environment that promotes dignity and respect for all;

NHS Tayside will act as an agent for change within local communities by positioning equality, diversity and human rights at the heart of local delivery plans;

While this will be achieved in part by being championed at a senior level, it can only be fully achieved through all those working within NHS Tayside recognising and adhering to their own personal responsibilities in this regard, and NHS Tayside will therefore take steps to ensure that everyone in the organisation understands their rights and responsibilities under the policy;

NHS Tayside will ensure that arrangements are in place to support staff who have equality, diversity or human rights issues;

Equality and diversity monitoring will be undertaken on a regular basis, with resulting improvement actions being identified and achieved; and

This policy will be subject to ongoing monitoring to ensure that it is being fairly and consistently applied and that the stated principles and values are being met. The policy will be subject to regular review, in partnership, to ensure that it remains fit for purpose.

5 Organisational Arrangements

5.1 Recruitment and Selection

5.1.2 It is the policy of NHS Tayside to ensure that:

5.1.3 All the provisions set out within the Safer Pre and Post Employment Checks PIN policy are complied with;

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- 5.1.4** All those involved at any stage in the recruitment and selection process have or have planned appropriate training in both recruitment and selection, and equality, diversity and human rights;
- 5.1.5** Where protected characteristics are suggested in the application form or subsequent selection process, this is not used to determine the success or otherwise of the applicant;
- 5.1.6** Job descriptions and person specifications are not discriminatory, accurately describing the job and containing only those necessary or desirable criteria which are objectively justifiable, and which are capable of being tested objectively;
- 5.1.7** Vacancies are advertised widely in order to select staff from as wide and diverse pool of potential applicants as possible, with advertisements accessible to all those eligible to apply;
- 5.1.8** Advertisements are not discriminatory, confirming that all applications will be considered solely on merit and that reasonable adjustments will be made for disabled people. Where a genuine occupational requirement exists which restricts applications to those with a particular protected characteristic, a statement will be included to this effect. Where there is a lack of representation from those with particular protected characteristics within the job role or the wider organisation, a statement will be included encouraging applications from such individuals;
- 5.1.9** Any recruitment agencies operating on behalf of NHS Tayside are expected to have due regard for the promotion of equal opportunities in the undertaking of their role and to demonstrate that they have equivalent policies in place;
- 5.1.10** Reasonable adjustments are made for disabled applicants, during both the application and selection process stages. Disabled applicants who meet the minimum criteria for the job and who indicate, on their application form, that they wish to participate in the guaranteed interview scheme, will in all cases be short-listed for inclusion within the selection process;
- 5.1.11** Short-listing of applicants is based only on information provided in the application form;
- 5.1.12** Selection methods are well designed, properly administered and recognised as a reliable method of predicting an applicant's performance in a particular job;
- 5.1.13** Interviews are conducted strictly on the basis of the application form, the job description, the person specification and the results of any selection tests, avoiding inappropriate or irrelevant questions;
- 5.1.14** Except in the case of individuals who are barred from undertaking regulated work, criminal convictions do not automatically prevent employment being offered;
- 5.1.15** References are only obtained, and, with the subject's prior consent, circulated to members of the selection panel, after a selection decision has been reached, and that where a reference is subjective and negative, the successful applicant is given an opportunity to comment on it;
- 5.1.16** The terms on which successful candidates are offered employment are free from taint of discrimination;
- 5.1.17** Having secured a preferred candidate, all unsuccessful short-listed candidates will be offered feedback; and

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- 5.1.18** Comprehensive records are kept, in line with the Data Protection Act 1998, which will allow NHS Tayside to justify each decision and the process by which it was reached, to respond to any complaints of discrimination and to enable regular monitoring to identify any significant disparities between groups of people sharing different protected characteristics. If disparities are found, NHS Tayside will investigate the possible causes in each case and take steps to remove any barriers.
- 5.1.19** All posts will be advertised unless a restructuring, reorganisation or redeployment situation exists, when separately agreed principles will be followed. Particular attention should be paid in those circumstances to the NHS Organisational Change Policy documents NHS MEL (1999) 7 and NHS MEL (2000) 22 and subsequent amendment.
- 5.1.20** Information supplied to candidates following advertisement will state that “NHS Tayside is committed to equality and diversity and welcomes applicants from all sections of the community”. This statement ensures that NHS Tayside is committed to Equal Opportunities.
- 5.1.21** All job applicants will be asked to complete or return an application form. Assistance and advice will be available should the standard application form or associated information be unsuitable to applicants who have specific requirements.
- 5.1.22** Certain information is required for equal opportunities monitoring purposes. This will be requested on a monitoring form, which is separate from the application form. This will be held separately and will not be forwarded to the selection panel. Any personal information will be held on a confidential and anonymous basis.
- 5.1.23** All job applicants who report a disability and who meet the minimum criteria of the person specification will be guaranteed an interview.
- 5.1.24** Qualifications obtained outwith the UK, which are held to be equivalent to UK qualifications will be given equal weight. Before employment is offered the applicant must provide evidence that any qualifications are endorsed by the relevant Regulatory Body.
- 5.1.25** Appointing Officers responsible for recruitment and selection must have undergone training in effective recruitment practices including equal opportunities before they participate in the interview process. Training will be updated if there are changes in employment legislation. Appointing officers will need to update their training to reflect changes in legislation.
- 5.1.26** If an applicant with a disability is the preferred candidate but there remain practical concerns, NHS Tayside can refer to the NHS Tayside Guidance to managers on the Equality Act and seek advice/guidance from Human Resources Department and the Diversity and Inclusion Manager.

5.2 During Employment

It is the policy of NHS Tayside to ensure that:

- 5.2.1** For all staff, at all stages and in all aspects, their employment relationship with the organisation is free from discrimination, victimisation and harassment. This will be achieved through delivering the appropriate training for all staff in equality, diversity and human rights, both during induction and thereafter during the course of their employment;
- 5.2.2** The local policy, developed in line with the Preventing and Dealing with Bullying and Harassment implemented consistently, with the commitment that inappropriate behaviour within or outwith (where still considered to be within the course of employment) the workplace, including that related to a protected characteristic, will not be tolerated;

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- 5.2.3** Consideration is always given to making reasonable adjustments for disabled members of staff so as to avoid their being placed at a substantial disadvantage compared to other staff. Such staff are assured that any information disclosed about a disability will be held confidentially, only disclosed to others with the individual's consent;
- 5.2.4** Due regard is paid to the need to address pay inequality between women and men, making every effort to identify where equal pay is an issue and, where appropriate, taking steps to address such issues;
- 5.2.5** All staff will have the right to make a request for flexible working and that any refusal of such a request will be objectively justified and in accordance with the statutory provisions and local policy;
- 5.2.6** Local policies in relation to sickness and absence from work are non-discriminatory in design and applied fairly and consistently;
- 5.2.7** NHS Tayside will consult with relevant staff to understand the requirements of their religion or belief, such as religious observances, and make appropriate provision to support them in doing so, where reasonably practicable;
- 5.2.8** If a member of staff is undergoing gender reassignment, NHS Tayside will consult with them sensitively about their needs in the workplace and whether there are any reasonable and practical steps that can be taken to help them as they undergo their gender reassignment process;
- 5.2.9** NHS Tayside will comply with local policy in providing appropriate support to mothers who wish to breastfeed their children;
- 5.2.10** NHS Tayside will comply with the National Uniform Policy and Dress Code (as contained within CEL 42 (2010), particularly in relation to specialist items which may be required to meet religious or medical needs;
- 5.2.11** Training and development opportunities are made known to all relevant members of staff, with selection for training (including any criteria used for selection) being free from discrimination. Furthermore, NHS Tayside will take positive action in the provision of such opportunities to remedy disadvantage, meet different needs or increase the participation of people who share a protected characteristic;
- 5.2.12** NHS Tayside will ensure that personal development planning and review/appraisal processes are free from discrimination, by ensuring that such processes are in line with the Personal Development Planning and Review PIN policy, with performance measured by transparent, objective and justifiable criteria using procedures that are consistently applied;
- 5.2.13** NHS Tayside will ensure that work is assigned to staff by managers in a fair and consistent manner;
- 5.2.14** NHS Tayside will ensure that decision-making processes in relation to displacement on organisational change grounds, subsequent redeployment decisions, and , where applicable, voluntary severance, are non-discriminatory in design and application, and meet the requirements of the local policy;

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- 5.2.15** The Embracing Equality, Diversity and Human Rights Policy requires to work in conjunction with other NHS Tayside policies which are available on the Staff Intranet. Where changes to policies and procedures are being considered, in addition to consulting with recognised trade unions/professional organisations, NHS Tayside will also consult with trade union/professional organisation equality representatives as a first step towards understanding the diverse needs of members of staff;
- 5.2.16** Proper records are maintained, in line with the Data Protection Act 1998, of decisions taken in relation to individual members of staff, and the reasons for these decisions; and
- 5.2.17** Monitoring of overall workplace figures is undertaken in order to identify any significant disparities between groups of people sharing different protected characteristics. If disparities are found, NHS Tayside will investigate the possible causes in each case and take steps to remove any barriers.

5.3 Remedies

- 5.3.1** NHS Tayside will not tolerate behaviour that may constitute discrimination, harassment or victimisation of its staff in the course of their employment. Nor will it tolerate such behaviour by its staff whether directed against colleagues or other people with whom they come into contact during the course of their employment.
- 5.3.2** All staff must adhere to this policy, and a failure to do so may lead to disciplinary action.

5.4 Grievances

- 5.4.1** Any member of staff who believes that they have been treated less favourably because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, part-time status, fixed-term contract status or membership (or non-membership) of a trade union/professional organisation is encouraged to raise the matter through the NHS Tayside's local grievance policy.

5.5 Harassment

- 5.5.1** If the complaint is about harassment or victimisation, then the staff member should raise the matter using the NHS Tayside local policy developed in line with the local policy.

5.6 Dealing with Grievances/Harassment

It is the policy of NHS Tayside to ensure that:

- 5.6.1** Where a complaint is received, staff are not discriminated against in the way that the organisation responds to it;
- 5.6.2** Such matters will be taken seriously and investigated promptly and not dismissed as "over-sensitivity" on the part of the member of staff;
- 5.6.3** The matter will be thoroughly investigated using the NHS Tayside's local policy. Where an investigation recommends that a disciplinary process is appropriate, the alleged perpetrator will be given a fair hearing; and
- 5.6.4** Members of staff who have raised allegations in good faith, regardless of whether or not they are upheld, and members of staff who have participated in the process, (e.g. as a witness), must not be subject to any detriment because of having done so.

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5.7 Assessing Impact

- 5.7.1** NHS Tayside will consider relevant evidence in order to understand the likely or actual effect of policies and practices on those with protected characteristics or those protected from discrimination/less favourable treatment under other relevant legislation, recognising that such assessing of impact is not an end in itself, but rather an important part of policy and decision-making, which will lead to enable us to take effective action on equality; develop better policies and practices, based on evidence; and be more transparent and accountable;
- 5.7.2** The extent to which policies should be subject to impact assessment will depend on questions of relevance and proportionality.
- 5.7.3** NHS Tayside will ensure that our locally agreed process for undertaking impact assessment is consistently applied, by requiring that those participating in such a process are appropriately trained;
- 5.7.4** In undertaking such assessment of impact, NHS Tayside will give due regard to the General Duty obligations to eliminate discrimination, advance equality of opportunity and to foster good relations; and
- 5.7.5** In the interests of transparency and accountability, NHS Tayside will make the results of such assessments publicly available.

5.8 Raising Awareness

- 5.8.1** Ensure that this policy is publicised widely using appropriate communication channels;
- 5.8.2** Ensure that presentation on our commitment to equality, diversity and human rights is included within the corporate induction programme;
- 5.8.3** Require all staff to undertake mandatory training on equality, diversity and human rights, under this policy, alongside training on our local policy developed in line with the preventing and Dealing with Bullying and Harassment PIN policy;
- 5.8.4** Develop and deliver additional targeted training in response to any issues identified as part of the monitoring process; and
- 5.8.5** Ensure all those staff with a managerial responsibility participate in additional management training (as soon as possible on becoming a manager and from time to time thereafter) on their vital role and responsibilities under the policy, particularly in relation to how to prevent equality and diversity issues arising and on how to manage such situations where they do arise within the workplace.

5.9 Equality, Diversity & Human Rights Monitoring

- 5.9.1** NHS Tayside recognises that monitoring and evaluation, and subsequent action, is essential to ensure that this policy is successfully applied, is known about and works;

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- 5.9.2** NHS Tayside will commit to monitoring the following information in relation to each of the protected characteristics listed under the Equality Act 2010, the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 as well as in relation to other categories of worker protected under legislation from less favourable treatment, examples of which are the following;

Recruitment (including redeployment and successful and unsuccessful applicants)	Applicants for employment (internally and externally)
	Those who are successful (or not) in the short-listing process
	Those who are successful (or not) at each subsequent stage of the selection process
During employment (including those on fixed-term contracts and promoted)	Members of staff in post by job, location and band/grade
	Applicants for training
	Members of staff who receive training
	Time spent at a particular band/grade
	Members of staff who benefit (or not) via PDPR/appraisal procedures (e.g. gateway progression with KSF or PRP with Executive & Senior Management Cohort)
	Requests for flexible working
	Allocation of discretionary points in the case of medical/dental staff
	Pay
	Occupational segregation
	Members of staff involved in grievance/dignity at work procedures
	Members of staff subject to formal procedures relating to conduct, capability or sickness absence
	Members of staff displaced as a result of organisational change
Termination of Employment	Dismissals
	Retirement
	Resignation(including exit interview information)
	Termination for other reasons

- 5.9.3** We will only collect information which is required by law and can be used effectively;

- 5.9.4** We will ensure that all those from whom we are seeking such information are made aware of how we will use this information, how they will benefit in the long term and that this data will be gathered, stored and used in line with the Data Protection Act 1998; and

- 5.9.5** Information collected will be regularly collated and analysed, according to the timescales locally agreed in partnership.

5.10 Action Planning

By undertaking equality, diversity and human rights monitoring, NHS Tayside can:

- 5.10.1** Establish whether this policy is effective in practice;

- 5.10.2** Analyse the effect of other policies and practices on staff with particular characteristics;

- 5.10.3** Highlight possible inequalities and investigate their underlying causes;

- 5.10.4** Set targets and timetables for reducing disparities; and

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- 5.10.5** Send a clear message to applicants and members of staff that equality, diversity and human rights issues are taken seriously within the organisation.
- 5.10.6** NHS Tayside will agree, via our Area Partnership Forum, equality outcomes, which will be monitored and reviewed annually, with a plan detailing how these objectives will be met. Such action plans will detail initiatives/developments that will help the organisation address short-term, as well as medium – long-term goals, with the aim of improving equality, diversity and human rights within the organisation.
- 5.10.7** We will ensure that communication on progress against and achievement of such objectives is made to managers, staff and trade union/professional organisation representatives, and is published in the annual report.

5.11 Review of Policy

This policy will be reviewed, in partnership, by NHS Tayside every two years to ensure that it remains fit for purpose and to enable NHS Tayside to demonstrate adherence to the Equality , Diversity and Human Rights PIN policy.

6 Key Contacts

Policy Leads: Christopher J Smith, Associate Director of Human Resources
Raymond Marshall, Staff Side Secretary

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NHS TAYSIDE – POLICY APPROVAL CHECKLIST

This form must be completed by the Policy Manager and this checklist must be completed and forwarded with the policy to the Executive Team, Clinical Quality Forum or Area Partnership Forum for approval and to the appropriate Committee for adoption.

POLICY AREA: Human Resources and Organisational Development Directorate
 POLICY TITLE: Embracing Equality, Diversity and Human Rights Policy
 POLICY MANAGER: Christopher J Smith

Why has this policy been developed?		In response to PIN	
Has the policy been developed in accordance with or related to legislation? – Please give details of applicable legislation.		Equality Act 2010, The Human Rights Act 1998 FREDA (Fairness, Respect, Equality Dignity and Autonomy) and PANEL (Participation, Autonomy, Non discrimination, Equality and Legislation) Principles	
Has a risk control plan been developed and who is the owner of the risk? If not, why not?		Director of Human Resources and Organisational Development Directorate	
Who has been involved/consulted in the development of the policy?		Workforce and Governance Group, Area Partnership Forum, Equality and Diversity Steering Group	
Has the policy been Equality Impact Assessed in relation to:-		Has the policy been Equality Impact Assessed not to disadvantage the following groups:-	
Age Disability Gender Reassignment Pregnancy/Maternity Race/Ethnicity Religion/Belief Sex (men and women) Sexual Orientation	Please indicate Yes/No for the following: Yes Yes Yes Yes Yes Yes Yes Yes	People with Mental Health Problems Homeless People People involved in the Criminal Justice System Staff Socio Economic Deprivation Groups Carers Literacy Rural Language/Social Origins	Please indicate Yes/No for the following: Yes Yes Yes Yes Yes Yes Yes Yes Yes
Does the policy contain evidence of the Equality Impact Assessment Process?		Yes	
Is there an implementation plan?		Staffnet	
Which officers are responsible for implementation?		Associate Director of HR & OD	
When will the policy take effect?		Immediate	
Who must comply with the policy/strategy?		All Staff, volunteers, agency staff and placements	
How will they be informed of their responsibilities?		Notification via Vital Signs/Partnership News	
Is any training required?		No	
If yes, attach a template			
Are there any cost implications?		No	

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If yes, please detail costs and note source of funding	N/A
Who is responsible for auditing the implementation of the policy?	Area Partnership Forum/Staff Governance Committee
What is the audit interval?	Annually
Who will receive the audit reports?	Area Partnership Forum/Staff Governance Committee
When will the policy be reviewed and provide details of policy review period (up to 5 years)	APF every 2 years or earlier if legislation requires

POLICY MANAGER: Christopher J Smith

DATE: 15 February 2017

APPROVAL COMMITTEE TO CONFIRM: APF/WAG

ADOPTION COMMITTEE TO CONFIRM: Staff Governance Committee

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EQUALITY IMPACT ASSESSMENT

Name of Policy, Service Improvement, Redesign or Strategy:

Embracing Equality, Diversity and Human Rights Policy

Lead Director of Manager:

Director of Human Resources and Organisational Development

What are the main aims of the Policy, Service Improvement, Redesign or Strategy?

To minimise risk to NHS Tayside in relation to equality, diversity and human rights and to provide a framework which promotes equal opportunities within the workplace.

Description of the Policy, Service Improvement, Redesign or Strategy – What is it? What does it do? Who does it? And who is it for?

The Policy has been developed in response to the national PIN. The Policy seeks to eliminate unlawful discrimination and advance equality of opportunity. All staff, volunteers, agency workers must comply with the Policy.

What are the intended outcomes from the proposed Policy, Service Improvement, Redesign or strategy? – What will happen as a result of it?– Who benefits from it and how?

To ensure NHS Tayside's employment processes and policies are implemented in a fair and equitable way. All staff should benefit from it by ensuring that whatever their protected characteristic they will be dealt with fairly.

Name of the group responsible for assessing or considering the equality impact assessment? This should be the Policy Working Group or the Project team for Service Improvement, Redesign or Strategy.

Area Partnership Forum

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SECTION 1 Part B – Equality and Diversity Impacts**Which equality group or Protected Characteristics do you think will be affected**

Item	Considerations of impact	Explain the answer and if applicable detail the impact	Document any Evidence/Research/Data to support the consideration of impact	Further actions required
1.1	Will it impact on the whole population? Yes or No. If yes will it have a differential impact on any of the groups identified in 1.2. If no go to 1.2 to identify which groups	No, policy aimed mainly at existing workforce and applicants for posts. The aim of the policy is to minimise differential impact on any of the protected characteristics in relation to employment matters.		

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Item	Considerations of impact	Explain the answer and if applicable detail the impact	Document any Evidence/Research/Data to support the consideration of impact	Further actions required
1.2	<p>Which of the protected characteristic(s) or groups will be affected?</p> <ul style="list-style-type: none"> • Minority ethnic population (including refugees, asylum seekers & gypsies/travellers) • Women and men • People in religious/faith groups • Disabled people • Older people, children and young people • Lesbian, gay, bisexual and transgender people • People with mental health problems • Homeless people • People involved in criminal justice system • Staff • Socio- economically deprived groups 	All protected characteristics covered but not differential impact.	The Equality Act 2010 Public Sector Equality Duties Human Rights Act 1998	Approval of Policy Approval of training plan

Item	Considerations of impact	Explain the answer and if	Document any	Further actions required
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		applicable detail the impact	Evidence/Research/Data to support the consideration of impact	
1.3	<p>Will the development of the policy, strategy or service improvement/redesign lead to</p> <ul style="list-style-type: none"> • Discrimination • Unequal opportunities • Poor relations between equality groups and other groups • Other 	The purpose of the Policy is to eliminate discrimination and unequal opportunities in relation to employment.	NHS Tayside Equality & Diversity Strategy on mainstreaming, equality, diversity and HR principles and Mainstreaming Report e-learning module for equality and diversity.	To implement recommendations of Mainstreaming Report.

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SECTION 2 – Human Rights and Health Impact.

Which Human Rights could be affected in relation to article 2, 3, 5, 6, 9 and 11. (ECHR: European Convention on Human Rights)

Item	Considerations of impact	Explain the answer and if applicable detail the impact	Document any Evidence/Research/Data to support the consideration of impact	Further actions required
2.1	On Life (Article 2, ECHR) <ul style="list-style-type: none"> • Basic necessities such as adequate nutrition, and safe drinking water • Suicide • Risk to life of / from others • Duties to protect life from risks by self / others • End of life questions 	Not applicable as this policy does not apply.		
2.2	On Freedom from ill-treatment (Article 3, ECHR) <ul style="list-style-type: none"> • Fear, humiliation • Intense physical or mental suffering or anguish • Prevention of ill-treatment, • Investigation of reasonably substantiated allegations of serious ill-treatment • Dignified living conditions 	Not applicable as this policy does not apply.		

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Item	Considerations of impact	Explain the answer and if applicable detail the impact	Document any Evidence/Research/Data to support the consideration of impact	Further actions required
2.3	On Liberty (Article 5, ECHR) <ul style="list-style-type: none"> • Detention under mental health law • Review of continued justification of detention • Informing reasons for detention 	Not applicable as this policy does not apply.		
2.4	On a Fair Hearing (Article 6, ECHR) <ul style="list-style-type: none"> • Staff disciplinary proceedings • Malpractice • Right to be heard • Procedural fairness • Effective participation in proceedings that determine rights such as employment, damages / compensation 	The Policy is designed to ensure that any concerns regarding equality and diversity and human rights can be raised without fear of victimisation. Concerns raised will be considered fairly and equally.	Grievance Policy Employee Conduct Policy Bullying & Harassment Policy Whistleblowing Policy Recruitment & Selection Policy Promoting Attendance at Work Policy ACAS Codes of Practice Adherence to the Staff Governance Standards	Managers to complete relevant training in line with each of the policies identified.

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Item	Considerations of impact	Explain the answer and if applicable detail the impact	Document any Evidence/Research/Data to support the consideration of impact	Further actions required
2.5	On Private and family life (Article 6, ECHR) <ul style="list-style-type: none"> • Private and Family life • Physical and moral integrity (e.g. freedom from non-consensual treatment, harassment or abuse • Personal data, privacy and confidentiality • Sexual identity • Autonomy and self-determination • Relations with family, community • Participation in decisions that affect rights • Legal capacity in decision making supported participation and decision making, accessible information and communication to support decision making • Clean and healthy environment 	The Policy recognises that with regard to protected characteristics confidentiality will require to be respected.	NHS Tayside gathers information on protected characteristics which is reported on an anonymous basis and informs relevant decision making.	Ensure data held regarding protected characteristics is kept up to date.

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Item	Considerations of impact	Explain the answer and if applicable detail the impact	Document any Evidence/Research/Data to support the consideration of impact	Further actions required
2.6	On Freedom of thought, conscience and religion (Article 9, ECHR) <ul style="list-style-type: none"> To express opinions and receive and impart information and ideas without interference 	The Policy aims to highlight good practice in relation to the employment issues associated with freedom of religion/belief, though and conscience without prejudice or discrimination.	See 2.5	.
2.7	On Freedom of assembly and association (Article 11, ECHR) <ul style="list-style-type: none"> Choosing whether to belong to a trade union 	The Policy highlights the freedom to belong to a trade union or not	Monitored by APF	
2.8	On Marriage and founding a family <ul style="list-style-type: none"> Capacity Age 	The Policy aims to highlight good practice in relation to employment issues associated with marriage or civil partnership and age.	Paternity Leave Policy Breastfeeding Policy Guidelines on Maternity	
2.9	Protocol 1 (Article 1, 2, 3 ECHR) <ul style="list-style-type: none"> Peaceful enjoyment of possessions 	Not applicable as this policy does not apply.		

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SECTION 3 – Health Inequalities Impact
Which health and lifestyle changes will be affected?

Item	Considerations of impact	Explain the answer and if applicable detail the impact	Document any Evidence/Research/Data to support the consideration of impact	Further actions required
3.1	<p>What impact will the function, policy/strategy or service change have on lifestyles?</p> <p>For example will the changes affect:</p> <ul style="list-style-type: none"> • Diet & nutrition • Exercise & physical activity • Substance use: tobacco, alcohol or drugs • Risk taking behaviours • Education & learning or skills • Other 	<p>The Policy highlights the need for employees to be aware of differing needs of its workforce. This will include issues associated with diet, education and religion.</p>	<p>NHS Tayside Equality & Diversity Strategy on mainstreaming No Smoking Policy</p>	<p>Appropriate risk assessment will require to be undertaken when such issues arise.</p>
3.2.	<p>Does your function, policy or service change consider the impact on the communities?</p> <p>Things that might be affected include:</p> <ul style="list-style-type: none"> • Social status • Employment (paid/unpaid) 	<p>The Policy has a direct effect on staff but also on non-employees e.g. candidates for posts. The Policy should be applied equally to all groups irrespective of social status, income or employment background.</p>	<p>NHS Tayside Recruitment and Selection Policy</p>	<p>Work of Healthcare Academy to promote social inclusion.</p>

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	<ul style="list-style-type: none"> • Social/family support • Stress • Income 			
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Item	Considerations of impact	Explain the answer and if applicable detail the impact	Document any Evidence/Research/Data to support the consideration of impact	Further actions required
3.3	<p>Will the function, policy or service change have an impact on the physical environment?</p> <p>For example will there be impacts on:</p> <ul style="list-style-type: none"> • Living conditions • Working conditions • Pollution or climate change • Accidental injuries/public safety • Transmission of infectious diseases • Other 	The Policy should ensure that the working environment is appropriate to promote equality and diversity e.g. reasonable adjustments for a disability.	Promoting Attendance at Work Recruitment and Selection Policy.	
3.4	<p>Will the function, policy or service change affect access to and experience of services?</p> <p>For example</p> <ul style="list-style-type: none"> • Healthcare • Social services • Education • Transport • Housing 	There will be no direct impact.		

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Item	Considerations of impact	Explain the answer and if applicable detail the impact	Document any Evidence/Research/Data to support the consideration of impact	Further actions required
3.5	<p>In relation to the protected characteristics and groups identified:</p> <ul style="list-style-type: none"> • What are the potential impacts on health? • Will the function, policy or service change impact on access to health care? If yes - in what way? • Will the function or policy or service change impact on the experience of health care? If yes – in what way? 	The Policy will have no direct effect on health.		

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SECTION 4 – Financial Decisions Impact
How will it affect the financial decision or proposal?

Item	Considerations of impact	Explain the answer and if applicable detail the impact	Document any Evidence/Research/Data to support the consideration of impact	Further actions required
4.1	<ul style="list-style-type: none"> Is the purpose of the financial decision for service improvement/redesign clearly set out Has the impact of your financial proposals on equality groups been thoroughly considered before any decisions are arrived at 	There are no direct financial decisions arising from this Policy.		
4.2	<ul style="list-style-type: none"> Is there sufficient information to show that “due regard” has been paid to the equality duties in the financial decision making Have you identified methods for mitigating or avoiding any adverse impacts on equality groups Have those likely to be affected by the financial proposal been consulted and involved 	There are no direct financial decisions arising from this Policy.		

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Item	Considerations of impact	Explain the answer and if applicable detail the impact	Document any Evidence/Research/Data to support the consideration of impact	Further actions required
5.	<p>Involvement, Consultation and Engagement (IEC)</p> <p>1) What existing IEC data do we have?</p> <ul style="list-style-type: none"> Existing IEC sources Original IEC Key learning <p>2) What further IEC, if any, do you need to undertake?</p>	The Policy has been developed in partnership with the staff side.	Minutes of WAG/APF	Final approval by Staff Governance Committee

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Item	Considerations of impact	Explain the answer and if applicable detail the impact	Document any Evidence/Research/Data to support the consideration of impact	Further actions required
6.	<p>Have any potential negative impacts been identified?</p> <ul style="list-style-type: none"> If so, what action has been proposed to counteract the negative impacts? (if yes state how) <p>For example:</p> <ul style="list-style-type: none"> Is there any unlawful discrimination? Could any community get an adverse outcome? Could any group be excluded from the benefits of the function/policy? <p>(consider groups outlined in 1.2)</p> <ul style="list-style-type: none"> Does it reinforce negative stereotypes? <p>(For example, are any of the groups identified in 1.2 being disadvantaged due to perception rather than factual information?)</p>	There are no negative impacts arising from this Policy.	Equality & Diversity Strategy	Monitoring by the Staff Governance Committee

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Item	Considerations of impact	Explain the answer and if applicable detail the impact	Document any Evidence/Research/Data to support the consideration of impact	Further actions required
7.	Data & Research <ul style="list-style-type: none"> Is there need to gather further evidence/data? Are there any apparent gaps in knowledge/skills? 	Data on unprotected characteristics will be gathered. Some of this data includes declined or not known data.	NHS Tayside will seek to develop data gathering which will facilitate the implementation of the Policy.	Communication Plan to promote accurate data completion by staff.
8.	Monitoring of outcomes <ul style="list-style-type: none"> How will the outcomes be monitored? Who will monitor? What criteria will you use to measure progress towards the outcomes? 	Outcomes will be monitored by the APF/Staff Governance Committee.	Data to support outcomes will be collated and analysed by the Public Sector Employment Duties Group.	Papers to be submitted to APF/SGC.
9..	Recommendations State the conclusion of the Impact Assessment	Impacts have been identified along with appropriate actions.	Completed data assessment.	The outcome of the impact assessment does not show any negative impacts on protected characteristics or human rights.
10.	Completed function/policy <ul style="list-style-type: none"> Who will sign this off? When? 	Staff Governance Committee March 2017		Paper to be submitted to Staff Governance Committee.

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11.	Publication	Staffnet Vital Signs EQIA will be published on public website.		Policy when approved to be placed in relevant areas.
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Conclusion Sheet for Equality Impact Assessment

Positive Impacts (Note the groups affected)

The Policy will have a positive impact on employment practices and will ensure equality of opportunity for people with a relevant protected characteristic(s). It will also consider the human rights of people we employ.

Negative Impacts (Note the groups affected)

There have been no adverse or negative impacts identified for any of the protected characteristics.

What if any additional information and evidence is required

Robust collection of Diversity Employment data to enable employment duties to be met and data to be used to ensure equality of opportunity in employment practice.

From the outcome of the Equality Impact Assessment what are your recommendations? (refer to questions 5 - 10)

A Communication Plan to promote accurate data completion by all staff.

There are no further recommendations identified but once the Policy has been implemented there may be further actions we need to take to ensure that the Policy is working and we are meeting the aims of the PIN for Embracing Equality, Diversity and Human Rights.

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