

EQUALITY, DIVERSITY AND INCLUSION POLICY

(Incorporating Equality Impact Assessment)

January 2021

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Name of Policy:	Equality, Diversity & Inclusion (EDI) Policy
Date Issued:	February 2021
Date to be reviewed:	January 2023

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Policy Area:	Corporate	
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Author:	Equality, Diversity & Inclusion Team	
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Consultation:	Equality, Diversity & Inclusion Steering Group and Relevant Colleagues	27.1.21

CONTENTS

		Page
1.	INTRODUCTION	4
2.	LEGISLATION	4
3.	DEFINITION	5
4.	POLICY PURPOSE AND PRINCIPLE	6
5.	IMPACT ANALYSIS	6
6.	NHS CONSTITUTION	6
7.	ROLES / RESPONSIBILITIES / DUTIES	7
8.	EQUALITY IMPACT ASSESMENT IMPLEMENTATION	8
9.	TRAINING AND AWARENESS	9
10.	CCG FUNCTIONS	10
11.	NHS ENGLAND EQUALITY STANDARDS	11
12.	PROCEDURE FOR DEALING WITH COMPLAINTS OF DISCRIMINATION	11
13.	REVIEW	11
APPENDICES		
Appendix 1	Equality Impact Assessment	

1.0 INTRODUCTION

- 1.1 At NHS Hull CCG, we are committed to developing, supporting and sustaining a diverse workforce that is representative of the community it serves. Equally, we are committed to commissioning (buying) a health service that respects and responds to the diversity of the local population.
- 1.2 We aim to provide equality and fairness for all in our employment and for those who use NHS services that we commission, and not to discriminate on grounds of gender, gender identity, race, ethnic origin, colour, nationality, national origin, disability, sexual orientation, religion or age.
- 1.3 As an employer, we recognise and value people as individuals and accommodate differences wherever possible by making adjustments to working arrangements or practices. We actively work to remove any discriminatory practices, eliminate all forms of harassment and promote equality of opportunity in our recruitment, training, performance management and development practices to ensure that no employee, or potential employee, receives less favourable treatment on the grounds of gender, race, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background, domestic circumstances, social and employment status, HIV status, gender reassignment, political affiliation or any other personal characteristic. Diversity will be viewed positively and, in recognising that everyone is different, the unique contribution that each individual's experience, knowledge and skills can make is valued equally.
- 1.4 The promotion of equality and diversity will be actively pursued through policies and ensure that employees receive fair, equitable and consistent treatment and ensure that employees, and potential employees, are not subject to direct or indirect discrimination.
- 1.5 This policy is in support of the CCG's core values of listening and valuing all communities, being ready to challenge and be challenged and to innovate in order to strive for excellence.

2.0 LEGISLATION

- 2.1 The Equality Act 2010 requires the CCG and its employees to have due regard of the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - Foster good relations between people who share a protected characteristic and those who do not.
- 2.2 The protected characteristics defined by the Equality Act are: age, sex, race (including ethnicity and nationality), disability, sexual orientation, religion or belief,

gender reassignment, pregnancy and maternity and marriage or civil partnership.

2.3 Equality Objectives

In implementing our equality duties, the CCG has defined the following equality objectives for 2020-2024:

- To be an employer with a well-supported workforce and Board that represents our population
- To work, alongside partners, to tackle health inequalities with the aim of better health outcomes for all
- To demonstrate leadership on equality and inclusion through collaboration
- To ensure that our governance and decision making pays due regard to equalities
- To ensure that all our diverse communities are able to have their voices heard and their views are taken into account in our decision making

Our regularly reviewed Equality Delivery Plan ensures that we are making progress against these objectives. This is reported to our Quality and Performance Committee throughout the year, and annually to the Board.

3.0 DEFINITIONS

3.1 **Equality** is based on the principle of providing equality of access to services, in the context of the Equality Act 2010. In its broader sense, equality is about *'creating a fairer society, where everyone can participate and has the opportunity to fulfill their potential'* (Department of Health 2004).

3.2 **Diversity**, in this context means recognising and valuing difference in individuals and communities.

3.3 **Inclusion:** *"A sense of belonging: feeling respected, valued for who you are; feeling a level of supportive energy and commitment from others so that you can do your best"*¹.

3.4 **Equality impact assessment (EqIA)** is a process of explicitly considering the likely equality impact of new or changes to existing policy, project or functions.

3.5 **Protected characteristics** are defined by the Equality Act 2010. The characteristics that are protected by the Equality Act 2010 are: age; disability; gender reassignment; marriage or civil partnership (in employment only); pregnancy and maternity; race; religion or belief; sex.

The Equality Act 2010 protects against discrimination, harassment and victimisation.

3.6 **Direct discrimination** occurs when an individual is treated less favourably because of their gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristic. An example of direct discrimination would be

¹ Miller and Katz (2002)

dismissing a female employee because she is pregnant.

- 3.7 **Indirect discrimination** occurs when an unjustifiable condition or requirement is applied which has a discriminatory effect, as the number of people who can comply with the condition or requirement is smaller among a particular group. An example of indirect discrimination would be only sending full-time employees on training courses (as more female employees than male are likely to be part-time).
- 3.8 **Harassment** is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.
- 3.9 **Victimisation** means treating someone less favourably because they have done a 'protected act' (or because you believe that a person has done or is going to do a protected act). A 'protected act' is: Making a claim or complaint of discrimination (under the Equality Act)²

4.0 POLICY PURPOSE AND PRINCIPLES

- 4.1 The purpose of this policy is to set out the position of the CCG in relation to legislative compliance with the Equality Act 2010 and to enable staff members of the CCG to understand their rights and responsibilities in this regard. It applies to all functions and activities undertaken by the CCG and gives guidance to staff members on their roles and responsibilities in complying and implementing this policy.

PRINCIPLES

- 4.2 **Transparent working practice** (publication of Equality Impact Analyses)
The CCG will meet all of its obligations in relation to publishing statements of compliance with the Equality Act 2010. In addition to this it will publish the Equality Impact Analyses it has undertaken for policies and service specifications and other relevant documents, for example strategies and plans.
- 4.3 **Effectively managing and integrating equality and diversity:** The CCG has developed an Equality Delivery Plan, based on our Equality Objectives to deliver its obligations under the Equality Act (2010). Progress is regularly reviewed by the EDI Steering Group, and reported to the Quality and Performance Committee bi-monthly. An annual equality information report is reviewed by our Board, before being published on our website (see <http://www.hullccg.nhs.uk/pages/equality-and-diversity>).

5.0 IMPACT ANALYSIS

² Definition provided by the EHRC: <https://www.equalityhumanrights.com/en/advice-and-guidance/what-victimisation>

5.1 **Equality**

This policy will have a positive impact on equality as sets out the CCG's approach to promoting equality, eliminating discrimination and fostering good relationships. It also sets out clear expectations for staff in complying with our equality duties.

5.2 **Bribery Act 2010**

NHS Hull Clinical Commissioning Group has a responsibility to ensure that all staff are made aware of their duties and responsibilities arising from The Bribery Act 2010. The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed.

For further information see <http://www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf>.

If you require assistance in determining the implications of the Bribery Act please contact the Local Counter Fraud Specialist on telephone number 01482 866800 or email at nikki.cooper1@nhs.net.

Due consideration has been given to the Bribery Act 2010 in the development of this Equality, Diversity and Inclusion Policy.

6.0 **NHS CONSTITUTION**

6.1 The CCG is committed to eliminating discrimination and promoting equality and diversity in its policies, procedures and guidelines, and

Designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged.

6.2 This Policy supports the NHS Constitution and Respect and dignity in that the CCG:

Values every person – whether patient, their families or carers, or staff – as an individual, respect their aspirations and commitments in life, and seek to understand their priorities, needs, abilities and limits. We take what others have to say seriously. We are honest and open about our point of view and what we can and cannot do.

7.0 **ROLES, RESPONSIBILITIES AND DUTIES**

7.1 **Expected standards of behaviour**

The CCG expects and demands that all of its own staff and the staff employed by providers with whom it contracts, will display the appropriate behaviour to all colleagues, patients and service users, regardless of their protected characteristics. Any non-compliance with this requirement will result in disciplinary action.

7.2 **CCG Board**

The Board of the CCG will adopt appropriate strategies to support and value equality and diversity within the organisation.

It is the role of the CCG to review EqlAs of policies or decisions being presented to the Board and for Board members to seek assurance of the robustness and validity of EqlAs.

The Board has a lay member for Equality, Diversity and Inclusion, and a Board Member with the lead for Health Inequalities, both are represented on the Equality Diversity and Inclusion Steering Group.

7.3 **All CCG Staff**

All employees are responsible for familiarising themselves with the Equality and Diversity Policy and for complying with it. Employees should inform their manager if they know or suspect that discrimination/ harassment is occurring.

It is the responsibility of staff leading on any of the areas of work listed above to ensure that an equality impact assessment is undertaken. This should be done in a collaborative way, involving relevant colleagues, e.g. in clinical engagement, public and patient engagement, staff development groups as much as possible.

It is also the responsibility of CCG to ensure the EqlA is reviewed and signed off by the Executive Equality Lead before it is submitted to the relevant committee / body for approval.

7.4 **Managers**

Managers are required to exercise leadership in equality and diversity by discouraging prejudice and by modelling appropriate behaviour. They must ensure that the Equality and Diversity policy is clearly communicated to their employees along with sources of available support. They must also take speedy and appropriate action to deal with any breaches of the policy, or behaviour that could lead to a breach of the policy.

Any identified breaches of the Equality and Diversity Policy should be dealt with using the Disciplinary, Grievance or Harassment and Bullying policies.

Managers are responsible for applying employment practices, policies and procedures fairly and consistently, and for highlighting and addressing any practices, which could lead to discrimination.

7.5 **Quality and Performance Committee**

It is the role of the Quality and Performance Committee to review progress against the CCG's equality objectives.

7.6 **Executive Equality Lead**

It is the role of the Associate Director of Communications and Engagement / Executive Equality Lead to review the EqlA and sign off providing assurance of the robustness of the EqlA. The CCG Board will nominate a lay member Equality lead who will have oversight of the equalities and legal framework.

8.0 EQUALITY IMPACT ASSESSMENT IMPLEMENTATION

Equality impact assessment is a process of explicitly considering the likely equality impact of new or changes to existing policy, project or functions.

It should be based on evidence and engagement, identifying any equality impact (positive and negative) and identify actions to mitigate any negative impact.

Equality impact in this context refers to impact on people who have or share protected characteristics, as defined by the Equality Act 2010. However, this process can also be used to identify needs and impact of other groups, for example carers or homeless people.

The CCG will undertake an equality impact assessments for the following:

- New or reviewed policies;
- Strategies;
- Services Specifications;
- Business Cases;
- Service reviews;
- Any decommissioning activity; and
- Any other project that will have a significant impact on staff, patients or the public.

Equality impact assessments should:

- Ensure that decisions impact in a fair way;
- Ensure that decisions based on evidence, based on engagement insight;
- Support effective and timely commissioning of services that best meets local patient's needs; and
- Make decision-making more transparent.

Further information about EqIA tools and guidance can be found here:

<Y:\HULLCCG\Corporate Templates and Forms\Equality and Diversity Information.>

Please contact hullccg.equalityanddiversity@nhs.net if you need support to access these.

9.0 TRAINING

The CCG will ensure that each member of staff has the training appropriate to their role in relation to Equality and Diversity. All members of staff will be required to undertake mandatory online training on Equality and Diversity at the appropriate intervals. In addition to this, members of staff directly involved in commissioning, service design, contracting and procurement will receive tailored training to support them in these activities.

10.0 CCG FUNCTIONS

The examples below set out how the CCG incorporates the principles of equality

and diversity into our functions (however this is not limited to the functions listed below).

10.1 **Service design and redesign**

When considering any service that is being designed or redesigned, service leads and commissioning staff should consider the needs and requirements of each of the groups with protected characteristics and should ensure that they have engaged appropriately with these groups.

Consideration of these requirements at the beginning of the process will mitigate any potential discrimination that may arise for a group with a protected characteristic and will contribute to the high level of quality service delivery expected by the CCG in its commissioning role. This may include any national or local research, data and patient feedback related to the protected characteristics that apply to the service in question.

This information can inform the Equality Impact Analysis for the service.

10.2 **Procurement**

When procuring services, the CCG will ensure that all tender specifications and tender documentation is fully cognisant of the legislative requirements of the Equality Act 2010. This will include the requirement for assurance by bidders of their commitment to, and implementation of, the Public Sector Equality Duty in their service delivery.

10.3 **Contracting**

When contracting for services, the CCG will ensure that there is provision within the contract that providers will comply with the Equality Act 2010 and specifically they will undertake activities to ensure that they comply with the Public Sector Equality Duty, regardless of their individual legal status.

10.4 **Performance Management**

Compliance with the requirements set out in the contract relating to Equality and Diversity will be performance managed robustly through a relevant set of Key Performance Indicators and datasets and reviewed at contract management meetings.

10.5 **Communications and Engagement**

When undertaking communications internally and externally and any engagement activities related to CCG initiatives, due regard will be paid to ensuring that communications are accessible in a variety of ways (including other languages and alternative formats) and that all sections of the community with protected characteristics are engaged with appropriately. This will be evidenced through robust monitoring and engagement feedback reports which will incorporate commentary on the efficacy of reaching out to relevant groups, depending on the

nature of the specific engagement activity.

11.0 NHS ENGLAND EQUALITY STANDARDS

11.1 Workforce Race Equality Standard (WRES)

The CCG will implement the WRES by reporting on their performance as an organisation and implementing an action plan for areas of improvement. As a commissioner we will also seek assurance that providers publish their reports, draft and implement actions plans. The CCG will also analyse the results of provider WRES report to identify areas that need further development and focus across the health economy.

11.2 Accessible Information Standard (AIS)

The CCG has incorporated the Accessible Information Standard into our Equality Outcomes Framework. This includes the accessibility of the CCG's information, as well as seeking assurance from providers that they are effectively incorporating this standard to ensure that the communication needs of patients are being recorded and met.

11.3 Equality Delivery System (EDS)

The Equality Delivery System (EDS) is a mandatory NHS England standard that requires NHS organisations show how they are improving outcomes for people who share protected characteristics as defined by the Equality Act 2010.

Equality and Diversity is all about people, how we can level uneven playing fields, providing people with an opportunity to thrive, succeed and feel respected and valued whatever their background, culture or characteristics

The EDS has four performance objectives / goals:

1. Better Health Outcomes for all
2. Improved patient access and experience
3. Empowered, engaged and well supported staff
4. Inclusive leadership at all levels

More information about how the CCG implements the EDS can be found here:

<http://www.hullccg.nhs.uk/pages/equality-delivery-system-eds>

11.4 The Workforce Disability Equality Standard (WDES)

The Workforce Disability Equality Standard was launched in 2019 with the aim of ensuring that disabled staff are treated fairly, not discriminated against, and that their talents are valued and developed. It measures 10 different indicators, covering areas as diverse as recruitment, experiences of bullying and harassment, career progression opportunities and engagement levels. The CCG will submit an annual WDES report in 2021, and review the WDES reports of our healthcare providers

12.0 PROCEDURE FOR DEALING WITH COMPLAINTS OF DISCRIMINATION

12.1 Any employee who feels that they have been discriminated against on any grounds set out in this policy should initially raise their concerns with their line manager. Where an employee's concerns relate to their line manager, the employee should raise their concern with the next more senior officer.

Alternatively, employees may wish to discuss their concern with a member of the Human Resources Team.

Our public facing Reporting and Management Policy for Compliments, Comments, Concerns and Complaints sets out a process for feeding back or making a complaint against the CCG.

12.2 Where resolution cannot be achieved through informal discussion, an employee may put forward a grievance in line with the guidelines set down in the CCG's Grievance Procedure. Alternatively the Bullying and Harassment Policy may be followed. At all stages of the procedure, employees can be accompanied by a Trade Union representative or work colleague.

13.0 REVIEW

13.1 This policy will be reviewed within two years from the date of implementation.

13.2 Minor amendments (such as changes in title) may be made prior to the formal review, details of which will be monitored/approved by the Associate Director of Communications and Engagement.

HR / Corporate Policy Equality Impact Analysis:	
Policy / Project / Function:	Equality and Diversity Policy (incorporating the Equality Impact Assessment Policy)
Date of Analysis:	January 2021
Completed by: (Name and Department)	Amanda Heenan, Independent EDI Advisor
What are the aims and intended effects of this policy, project or function?	The aim of this policy is to promote equality of opportunity, eliminate discrimination and foster good relationships in accordance with the duties of the Equality Act 2010. It sets out the roles and responsibility of all staff, as well as the protections provided to all staff and the population we commission health services for.
Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups?	The key change is the incorporation of the recently revised equality impact assessment process.
Please list any other policies that are related to or referred to as part of this analysis	Bullying and Harassment Policy Recruitment and Retention Premia Policy Flexible Working Policy Disciplinary Policy Managing Work Performance Remote Working Policy All corporate and clinical policies with respect to equality impact assessment
Who will the policy, project or function affect?	Staff, partner organisations, the population we commission services for.

<p>What engagement / consultation has been done, or is planned for this policy and the equality impact assessment?</p>	<p>Staff and community engagement conducted through Equality Delivery System Engagement</p>
<p>Promoting Inclusivity and Hull CCG's Equality Objectives.</p> <p>How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation?</p> <p>How does the policy promote our equality objectives:</p> <ol style="list-style-type: none"> 1. To be an employer with a well-supported workforce and Board that represents our population 2. To work, alongside partners, to tackle health inequalities with the aim of better health outcomes for all 3. To demonstrate leadership on equality and inclusion through collaboration 4. To ensure that our governance and decision making pays due regard to equalities 5. To ensure that all our diverse communities are able to have their voices heard and their views are taken into account in our decision making 	<p>This policy sets out the CCG's commitment to delivering our equality objectives and complying with our legal duties. It also clearly sets out the roles and responsibilities of staff with the aim of achieving our equality objectives.</p> <p>This policy provides a clear and comprehensive framework to support an inclusive and accessible organisational culture, where everyone feels safe and valued, and treated with respect.</p>

<p style="text-align: center;">Equality Data</p>	
<p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as '<i>Equality Groups</i>'.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <p>1: Recruitment data, e.g. applications compared to the population profile, application success rates</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>Staff data, disaggregated by protected characteristic is regularly reviewed, reported to SLT, and through the WRES and WDES.</p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document). If you answered No, what information will you use to assess impact?</p>

<p>2: Complaints by groups who share / represent protected characteristics</p> <p>4: Grievances or decisions upheld and dismissed by protected characteristic group</p> <p>5: Insight gained through engagement</p>	<p>Please note that due to the small number of staff employed by the CCG, data with returns small enough to identify individuals cannot be published. However, the data should still be analysed as part of the EqIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.</p>
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Assessing Impact				
Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups? (Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)				
Protected Characteristic:	Neutral Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> ³ exists (see footnote below – seek further advice in this case)
Gender		X		This policy applies to all regardless of gender
Age		X		This policy applies to all regardless of age
Race / ethnicity / nationality		X		
Disability		X		This policy applies to all regardless of Disability. The policy can be made available in alternative formats based on access needs.
Religion or Belief		X		This policy applies to all regardless of Religion or Belief
Sexual Orientation		X		This policy applies to all regardless of Sexual Orientation
Pregnancy and Maternity		X		This policy applies to all regardless of Pregnancy and Maternity
Transgender / Gender reassignment		X		This policy applies to all regardless of

1. ³ The action is proportionate to the legitimate aims of the organisation (please seek further advice)

				Transgender / Gender reassignment
Marriage or civil partnership		X		This policy applies to all regardless of Marriage or civil partnership

Action Planning:

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
	Monitor Equality Impact Assessment Performance	Sue Lee		
	Monitor performance against EDI Outcomes Plan	Sue Lee		
As the policy is written in English there is a potential impact on employees who may have communication barriers.	The CCGs internal 'portal' and external website signpost individuals to alternative formats such as large print, braille or another language.	CCG Communications	Updating of this facility is ongoing	Next Policy Review – January 2022

Sign-off

All policy EIAs must be signed off by Sue Lee, Associate Director of Communications and Engagement

I agree with this assessment / action plan Yes

If *disagree*, state action/s required, reasons and details of who is to carry them out with timescales:

Shae

Signed:

Date: 9.2.21