

Diversity in Employment Policy

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Name of originator/author:	Alison Gooding, HR Manager, MLCSU
Name of responsible committee/individual:	General Purpose and Resource Group
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Target audience:	All ICB employees, practices and contractors.

CONSULTATION SCHEDULE

Name and Title of Individual	Groups consulted	Date Consulted
Granville Thelwell	CSU Equality & Inclusion Business Partner	December 2018
	Staff Engagement Group	January 2018
	Staff Side Reps	February 2019

RATIFICATION SCHEDULE

Name of Committee approving Policy	Date
Communications, Engagement, Equality & Employment Committee	6 th March
CCG Governing Body	
Integrated Care Board	1 st July 2023

VERSION CONTROL

Version	Version/Description of amendments	Date	Author/amended by
1	New Policy for South Staffs CCGs	Oct 2017	Alison Gooding, HR Manager, MLCSU
2	Revised Policy for the six South Staffordshire CCGs, policy aligned Updates related to equality legislation	January 2019	J Chapman
3	Scheduled review – minor corrections made.	October 2020	R Downing (HR Business Partner, MLCSU)
4	Adapted for Integrated Care Board	March 2023	Stacey Robinson

Impact Assessments – available on request

	Stage	Complete	Comments
Equality Impact Assessment			Covered by EIA on Policy development
Quality Impact Assessment			N/A
Privacy Impact Assessment			N/A

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1.0 INTRODUCTION

- 1.1** The Integrated Care Board (the ICB) is committed to equality of opportunity for all employees and are committed to employment practices, policies and procedures which ensure that no employee, or potential employee, receives less favourable treatment on the grounds of a protected characteristic as outlined in the Equality Act (2010) namely; Age, Disability, Gender-Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race Religion and Belief, Sex and Sexual Orientation. any other protected status covered by the Human Rights Act (1998) and the 2012 Social Care Act including; colour, ethnicity or national origin, trade union membership, offending background, domestic circumstances, social and employment status, HIV status, 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.
- 1.2** The promotion of equality and diversity will be actively pursued through policies to ensure that employees receive fair, equitable and consistent treatment and to ensure that employees, and potential employees, are not subject to direct or indirect discrimination.
- 1.3** It is a condition of employment that all employees must respect and act in accordance with the Diversity in Employment Policy. Failure to do so will result in the disciplinary procedure being instigated, which could result in dismissal.

2.0 SCOPE

- 2.1** This policy applies to all ICB employees, employees of member practices who are employed or are paid by the ICB to attend committees and sub-committees, and Governing Body members. For the purpose of this policy, the terms manager(s), staff, employee, and individual are used throughout this document to reflect these individuals/groups of people.
- 2.2** The ICB is subject to both the Equality Act 2010 and the Public Sector Equality Duty, and must, in the exercise of carrying out their functions and when making decisions, have due regard to 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.
 - Foster good relations between people who share a protected characteristic and those who do not.
- These are sometimes referred to as the three aims or arms of the general equality duty.
- 2.3** The Human Rights Act 1998 sets universal standards to ensure that a person's basic needs as a human being are recognised and met. These include:
- The right to life
 - The right not to be tortured or treated in an inhuman or degrading way
 - The right to liberty
 - The right to a fair trial
 - The right to respect private and family life, home and correspondence
 - The right not to be discriminated against

3.0 POLICY STATEMENT

- 3.1** The ICB will promote, through the provision of training and guidance, the impartial application of all employment policies and procedures, and will take action to deal with all inappropriate behaviour. Training in relation to equality and diversity is provided to all staff and appropriate additional training events will be provided for all employees involved in selection for recruitment or training. The responsibilities of the employer and employee for equality and diversity will be positively incorporated into employee training at all levels from induction courses to Statutory and Mandatory Training and Senior Management workshops.
- 3.2** The ICB will adopt appropriate strategies to support and value equality and diversity within the organisation.

4.0 RESPONSIBILITIES

This policy has been written and agreed through a partnership of managers, Trade Union and Staff Side representatives, the South HR/OD Committee and the ICB's Human Resources provider.

4.1 Responsibility of the ICB

- 4.1.1** The provision of an agreed Diversity in Employment Policy lies with the ICB's Senior Leadership Team and the General Resource and Purpose Group. The Chief Executive Officer is the Executive Lead for the application of this policy and is ultimately legally responsible for the ICB's compliance with equality legislation.
- 4.1.2** The Senior Leadership Team will oversee the implementation of this policy and will actively support and promote the principles of this policy. This includes the promotion of the collective responsibility all employees have to ensure the ICB complies with equality legislation, both in terms of delivery of service and by being a good and fair employer.
- 4.1.3** The Senior Leadership Team will ensure, through the management structure, that staff are appropriately trained for the positions they hold alongside ensuring that this policy and the principles behind it are regularly communicated to managers and staff.

4.2 Responsibilities of the ICB's Commissioning Support Provider

To monitor the operation and implementation of the policy and for ensuring that monitoring records are maintained.

4.3 Responsibilities of Managers

- 4.3.1** Managers are required to exercise leadership in this field by discouraging prejudice and by modelling appropriate behaviour. They must ensure that the policy is clearly communicated to their employees along with sources of available support. They must also take timely and appropriate action to deal with any breaches of the policy, or behaviour that could lead to a breach of the policy.
- 4.3.2** Any identified breaches of the policy should be dealt with using the relevant HR policy, for example Disciplinary, Grievance or Bullying and Harassment. The ICB's HR provider should be made aware of any identified breaches at the earliest opportunity to ensure issues are addressed in line with the relevant policies and processes in a fair, transparent and consistent way.

4.3.3 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.

4.4 Responsibilities of Employees

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

4.4.2 Any individual who believes that an act in breach of this policy has taken place should raise the issue as soon as possible with the individual concerned, their line manager or their line manager's manager.

4.4.3 If the complaint is against an individual's line manager, then the individual should raise the issue as soon as possible with their line manager's manager.

5.0 DEFINITIONS

Direct Discrimination Direct discrimination occurs when an individual is treated less favourably because of a personal characteristic as outlined in the Equality Act (2010) and other status covered by the Human Rights Act (1998). An example of direct discrimination would be dismissing a female employee because she is pregnant.

Indirect Discrimination 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).

Discrimination by Association Discrimination by association occurs when an individual is treated differently because of their association with someone whose 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 / protected characteristic is covered by the Equality Act (2010) and other status covered by the Human Rights Act (1998). An example of this would be not offering an individual a job because they have carer responsibilities for someone who has a disability.

Discrimination by Perception Discrimination by perception occurs when an individual is treated differently because they are perceived to possess a protected characteristic as outlined in the Equality Act (2010) and other status covered by the Human Rights Act (1998). An example of this would be not promoting an individual because she is thought to be pregnant, regardless of whether she is or not.

Harassment and Bullying	Detailed information, including definitions, regarding Harassment and Bullying can be found in the ICB's Bullying and Harassment Policy.
Protected Characteristics	The Equality Act 2010 makes it unlawful to discriminate against people with a 'protected characteristic'. The protected characteristics outlined in the Act are Age, Disability, Gender Reassignment, Pregnancy and Maternity, Marriage and Civil Partnership, Race, Religion or Belief, Sex and Sexual Orientation.
Victimisation	This occurs when a person is treated badly because they have brought or supported a complaint of discrimination or raised a grievance under the Equality Act 2010 or internal policy / procedure. It can also occur when an individual is treated less favourably if they have given evidence or information to such proceedings.

6.0 EQUALITY

- 6.1** In applying this policy, the ICB will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.2** The ICB will ensure that all job vacancies and associated adverts are non-discriminatory and positively promote equality and diversity. In addition, where appropriate, job advertisements will include a statement to encourage applications from under-represented groups in a particular area of work.
- 6.3** The ICB is committed to providing equality of access to training and career development to all employees and are committed to providing training for all employees across the equality and diversity agenda. In taking this approach, the ICB is able to support staff to understand the importance of equality and diversity principles in terms of how they are relevant to their specific role, and also highlight to staff what behaviours are expected from them to support equality and diversity in the workplace.

7.0 EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment must be undertaken to ensure that the policies remain fair and inclusive and to provide an audit trail to demonstrate due regard to the Equality Acts, Public Sector Equality Duty. The Equality Impact Assessments are produced via an online software system called U-Assure, with support from the Midlands and Lancashire CSU Equality and Inclusion Business Partners.

8.0 QUALITY IMPACT ASSESSMENT

A Quality Impact Assessment must be undertaken to ensure that the policy provides a safe service by assessing the change or a new service proposed.

9.0 TRAINING

The implementation of this policy will not require staff to undergo any specific training. The ICB Governance Team will provide assistance on an individual basis, when required.

10.0 MONITORING AND EVALUATION

10.1 The ICB's Human Resources provider will maintain records of gender, ethnic origin, age and disability for all employees and for internal and external job applicants via NHS Jobs and ESR (Electronic Staff Record) Systems. This information will be collected and stored in line with the Data Protection Act 2018 (DPA 2018), alongside the General Data Protection Regulation (GDPR) and will only be used to monitor compliance with the Equality and Diversity Policy. The information will be analysed regularly.

10.2 Equality Impact Risk Assessments (EIRA) will be undertaken on HR policies, strategies and projects when necessary and overseen by the General Purpose and Resource Group.

10.3 The ICB will have responsibility to monitor the effectiveness of this policy through the General Purpose and Resource Group with support from the ICB's Human Resources provider. The policy will be reviewed every three years unless changes to employment legislation require a review to take place sooner. Where review is necessary due to legislative change, this will happen immediately. Minor changes may be approved by the Chief Executive Officer.

11.0 ASSOCIATED POLICIES

This policy should be considered alongside other HR policies including but not limited to:

- Bullying and Harassment Policy
- Disciplinary Policy
- Grievance Policy
- Recruitment and Selection Policy

12.0 REVIEW

The policy will be reviewed every three years.