

POLICY: EQUALITY, DIVERSITY & INCLUSION

Role responsible:	Director of Corporate Services
Reviewed by:	Associate Director of HR
Date created:	August 2015
Date of review:	November 2019
Next review:	June 2022
Approved by:	HR Management Group, Executive Team
Ratified by Chief Executive Officer:	Pam Court (28.2.20)

**Saint Francis Hospice is regulated by the Health & Social Care Act 2008
and the Care Quality Commission (CQC) Regulation 2009**

This policy relates to the following CQC standard set of key lines of enquiry (KLOEs)

SAFE	People are protected from abuse and avoidable harm	S1 & S2
EFFECTIVE	Care, treatment and support achieves good outcomes, promotes a good quality of life and is evidence-based where possible	
CARING	Staff involve and treat people with compassion, kindness, dignity and respect	C1 & C3
RESPONSIVE	Services are organised so that they meet people's needs	
WELL-LED	Leadership, management and governance of the organisation assures the delivery of high-quality person-centered care, supports learning and innovation, and promotes an open and fair culture	W1 & W2

Policy has been circulated to: (tick as appropriate)	
SFH team	✓
Quality & Care Team / Medical Team	
Other – please specify	

Additional copies available as follows:

**Hospice Reception
Retail Head Office**

Consultation with :
HR Team
HR Management Group

The impact of this policy has been considered in terms of equality and diversity

EQUALITY, DIVERSITY & INCLUSION POLICY

1 Introduction

Saint Francis Hospice (SFH) is committed to eliminating discrimination and encouraging diversity amongst our workforce. Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best.

To that end the purpose of this policy is to provide equality and fairness for all in our employment and not to discriminate on grounds of gender, gender reassignment, marital status (including civil partnerships), race, ethnic origin, colour, nationality, national origin, disability, sexual orientation, religion or age. We oppose all forms of unlawful and unfair discrimination.

All employees, whether part-time, full-time or temporary including volunteers, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability.

All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Hospice. SFH is actively training all staff so that they can develop inclusive skills and behaviour.

The above principles apply to all aspects of employment, including pay, hours of work, holiday entitlement, work allocation, sick pay, pensions, recruitment, training, promotion and redundancy.

It is accepted that the success in achieving this must be measured by practical outcomes and not just policy intentions. The Hospice acknowledges that reasonable resources are required to plan, implement and monitor the policy. The implementation is monitored via the HR Management Group and Corporate Governance Committee.

Our commitment:

- To create an environment in which individual differences, values and beliefs are respected and the contributions of all our staff are recognised and valued.
- We expect all our staff to show a high level of empathy, understanding and appreciation of others and our Line Managers to be able to develop, empower and delegate effectively to achieve change and generate a positive, inclusive, workplace.
- Every employee is entitled to a working environment that promotes dignity and respect to all.
- No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff.
- Equality & Inclusion in the workplace is good management practice and makes sound business sense.
- We will review all our employment practices and procedures to ensure fairness.
- Breaches of our Equality, Diversity and Inclusion Policy will be regarded as misconduct and could lead to disciplinary proceedings.

- This Policy is fully supported by Senior Management and Trustees

2 Responsibilities

The Chief Executive Officer (CEO) has the responsibility for ensuring that a culture of equality, diversity and inclusion is embedded in all the work, processes and procedures of Saint Francis Hospice life.

The Associate Director of HR has the responsibility for overseeing the Equality, Diversity and Inclusion Policy and the procedures involved in the delivery.

It is the responsibility of all Managers and Heads of Department to ensure compliance with this Policy.

Every employee is required to assist SFH to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the Organisation for any act of unlawful discrimination.

Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees, service users and customers are disciplinary offences and will be dealt with under SFH Bullying & Harassment (Dignity at Work) Policy and Disciplinary Procedure.

Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

3 Equal Opportunities in Employment

Equality is ensuring individuals or groups of individuals are not treated differently or less favourably, on the basis of their specific protected characteristic, including areas of race, gender, disability, religion or belief, sexual orientation and age.

Diversity aims to recognise, respect and value people's differences to contribute and realise their full potential by promoting an inclusive culture for all.

Inclusion is providing equal access to opportunities and resources for people who might otherwise be excluded or marginalised.

Saint Francis Hospice will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability.

Saint Francis Hospice will consider any possible indirect discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if SFH considers it has good reasons, unrelated to any protected characteristic, for doing so.

Saint Francis Hospice will comply with its obligations in relation to statutory requests for contract variations. The organisation will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Further details of employment legislation are attached at appendix 1.

4 Wellbeing Policies

Saint Francis Hospice recognises that staff have busy and full lives. We want to support staff with their work life balance and with this in mind we have a number of policies and support mechanisms which are aimed at assisting our staff in balancing these commitments.

Further details can be found on your “Wellbeing Matters” posters and in our policies on M: drive and in particular our Maternity, Paternity and Shared Parental Leave Policies. The Hospice has also in place a counselling service and access to Mental Health training and Mental Health First Aiders.

We also have a Flexible Working Policy which is open to all staff.

5 Access & Facilities for people with Disabilities

Saint Francis Hospice is aware of its responsibilities towards facilitating applications and the employment of people with a disability. To this end SFH will also work towards ensuring that people with disabilities have appropriate access to and facilities within the workplace. All applications from people with a disability will be considered within the guidelines set out in the Disability Discrimination Act.

6 Appraisal, Training and Development

All staff have access to 1 to 1 supervision, individual appraisals and the training and development necessary to undertake their job.

Employees will be encouraged to undertake training relevant to their present job or personal development. This will be managed through the Study Leave Process.

Records of training will be kept and reviewed to ensure that there is equity of access.

Saint Francis Hospice actively encourages all staff to reach their maximum potential. It does this through the use of the appraisal system and identifying training and development needs.

7 Complaints

If you consider that you may have been unlawfully discriminated against, you may use the grievance procedure to make a complaint.

If your complaint involves bullying or harassment, use the grievance procedure.

The Organisation will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Use of the Organisation's grievance procedure does not affect your right to make a complaint to an Employment Tribunal. Complaints to an Employment Tribunal must normally be made within three months of the act of discrimination complained of.

8 Communication and Monitoring of the Policy

All staff and volunteers will receive a copy of the Equality, Diversity and Inclusion Policy, as part of their induction pack. Staff and volunteers will be required to complete e-learning covering equality, diversity and inclusion.

Saint Francis Hospice will monitor the success of the policy using different methods. Monitoring forms will be issued with application packs and the information collated to provide statistics on a regular basis. Information will be collated from all applicants, not just those who have been appointed to a Hospice position. Monitoring through feedback from the Compliments, Comments and Complaints process/cards will also be recorded.

The Hospice will monitor the ethnic, gender and age composition of the existing workforce, the number of people with disabilities within these groups, with the aim of creating an inclusive workforce. A Workforce Race Equality Scheme (WRES) will be implemented and monitored on an annual basis.

This will be monitored through the HR Management Group and Corporate Governance Committee with reports made to the Board.

Appendix 1 - Legislation

- Equality Act 2010 Protected Characteristics

Age

The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, i.e. if you can demonstrate that it is a proportionate means of achieving a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

Disability

Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Gender Reassignment

The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live as a man but does not undergo any medical procedures would be covered. Where transsexual people are absent from work or study because they propose to undergo, are undergoing or have undergone gender reassignment, it is discrimination to treat them less favourably than they would be treated if they were absent because they were ill or injured.

Marriage and Civil Partnership

The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

Pregnancy and Maternity

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled.

Race

For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins.

Religion or Belief

In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

Sex:

Both men and women are protected under the Act.

Sexual Orientation:

The Act protects bisexual, gay, heterosexual and lesbian people.

- Equality Act 2010 Prohibited Behaviours

Direct Discrimination:

Section 13 of the Act defines direct discrimination to be where people are treated less favourably than others on grounds related to their identity as one of the protected groups (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation).

The definition of direct discrimination extends protection based on association and perception.

Discrimination by Association

Applies to age, disability, gender reassignment, race, religion and belief, sex and sexual orientation.

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Discrimination by Perception / Perception Discrimination

Applies to age, disability, gender reassignment, race, religion and belief, sex and sexual orientation.

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination

Applies to age, disability, gender reassignment, marriage and civil partnership, race, religion and belief, sex and sexual orientation.

Section 19 of the Act defines indirect discrimination as occurring when a provision, criterion or practice is neutral on the face of it, but its impact particularly disadvantages people with a protected characteristic, unless the person applying the provision can justify it as a proportionate means of achieving a legitimate aim. Ultimately, if tested, it will be for a court of law or tribunal to determine what is justifiable.

Discrimination Arising from Disability

This can occur when a disabled person is treated unfavourably because of something connected to their impairment and the treatment cannot be justified.

Failure to make Reasonable Adjustments for Disabled People

The Equality Act 2010 places a duty upon higher education institutions to make reasonable adjustments for staff, students and service users in relation to: provisions, criteria or practices
physical features auxiliary aids These adjustments apply where a disabled person is placed at a substantial disadvantage in comparison to non-disabled people.

Bullying is defined as offensive, abusive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power which undermines, humiliates, denigrates or injures the recipient. The behaviour is unwelcome and may be carried out as a deliberate act or unconsciously.

Harassment is unwanted conduct which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Victimisation Section 27 of the Act defines victimisation as less favourable treatment of someone because they have made or might make a complaint about discrimination under one of the above Protected Group categories.

An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.