

TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

PROCEDURE FOR EQUALITY MONITORING

Policy Number:	SA40
Scope of this Document:	All Staff, Patients, Service Users, Volunteers and Trust Members
Recommending Committee:	HR Policy Group
Approving Committee:	Executive Committee
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Lead Executive Director:	Executive Director of Workforce
Lead Author(s):	Equality and Human Rights Lead

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2016 – Version 3

Quality, recovery and wellbeing at the heart of everything we do

TRUST-WIDE NON-CLINICAL POLICY

Procedure for Equality Monitoring

Further information about this document:

Document name	SA40 Procedure for Equality Monitoring
Document summary	Trust procedure for undertaking equality monitoring of staff and service users/patients
Author(s) Contact(s) for further information about this document	Meryl Cuzak Trust Equality and Human Rights Lead Telephone: 0151 73 2749 Email: Meryl.cuzak@merseycare.nhs.uk
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To be read in conjunction with	HR 10 Equality policy IT11: Data Quality IT12: Information Governance IT14: Data Protection Act Policy MC01: Mental Capacity Act 2005
This document can be made available in a range of alternative formats including various languages, large print and braille etc	
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Version Control:

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Version 1	Not approved	6 th Nov 2012
Version 2	Policy Group	1 st July 2014
Version 3	Policy Group	1 st October 2016
Seen and Approved	Presented to the Executive Director of Workforce for Approval	19 th September 2016

SUPPORTING STATEMENTS

This document should be read in conjunction with the following statements:

SAFEGUARDING IS EVERYBODY'S BUSINESS

All Mersey Care NHS Trust employees have a statutory duty to safeguard and promote the welfare of children and vulnerable adults, including:

- being alert to the possibility of child/vulnerable adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child/vulnerable adult;
- knowing how to deal with a disclosure or allegation of child/adult abuse;
- undertaking training as appropriate for their role and keeping themselves updated;
- being aware of and following the local policies and procedures they need to follow if they have a child/vulnerable adult concern;
- ensuring appropriate advice and support is accessed either from managers, *Safeguarding Ambassadors* or the trust's safeguarding team;
- participating in multi-agency working to safeguard the child or vulnerable adult (if appropriate to your role);
- ensuring contemporaneous records are kept at all times and record keeping is in strict adherence to Mersey Care NHS Trust policy and procedures and professional guidelines. Roles, responsibilities and accountabilities, will differ depending on the post you hold within the organisation;
- ensuring that all staff and their managers discuss and record any safeguarding issues that arise at each supervision session

EQUALITY AND HUMAN RIGHTS

Mersey Care NHS Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the *protected characteristics* of age, disability, gender, race, religion or belief, sexual orientation and transgender. The Equality Act also requires regard to socio-economic factors including pregnancy /maternity and marriage/civil partnership.

The trust is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as a major employer. The trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

Mersey Care NHS Trust also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Mersey Care NHS Trust is committed to carrying out its functions and service delivery in line with a Human Rights based approach and the FREDA principles of **F**airness, **R**espect, **E**quality **D**ignity, and **A**utonomy

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1. PURPOSE AND RATIONALE

- 1.1 To fully explain the commitment that Mersey Care NHS Trust has towards dealing fairly with issues of equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as major employer. It is the intention of the Trust to eliminate unlawful practices in line with current Equality and Human Rights legislation.
- 1.2 This document provides practical guidance for all staff on the collection and use of equality data about patients, service users, communities and staff. It focuses on the nine equality characteristics given protection under the equality act 2010.
- 1.3 Equality monitoring is the process used to collect and analyse data about people's protected characteristics which can be used to:
 - Understand who is accessing Trust services and whether this is representative of the communities we serve
 - Monitor performance to identify if there is any difference in experience between different groups
 - Identify trends
 - Highlight possible inequalities
 - Investigate the underlying causes of any inequalities
 - Seek to put actions in place to redress any unfairness or disadvantage.
- 1.4 As a public body Mersey Care NHS Trust is bound by the duties within the Equality Act 2010 section 149(10) which states a 'Public Authority must, in the exercise of its functions, have due regard to the need of to: (A) Eliminate discrimination, harassment, victimisation, and any other conduct this prohibited under this act.
- 1.5 Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- 1.6 Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 1.7 This procedure will detail the process by which the Trust will utilise to the process of equality monitoring, whilst ensuring confidentiality, data protection and legal compliance.

2. OUTCOME FOCUSED AIMS AND OBJECTIVES

- 2.1 Equality monitoring will only generate meaningful and reliable results when employees and service users feel safe and confident in disclosing personal information and they feel assured that meaningful action will follow.
- 2.2 Assumptions can not be made about a person's protected characteristics. It is the individual's perceptions of themselves which is important because it is this that will guide their behavior and may affect their perceptions of dignity and respect and their expectations of the service.
- 2.3 All equality monitoring forms will have a 'decline to answer' category within each separate element to ensure that the person providing the answer is able to indicate, and the Trust is able to record, that they have been asked but not wish to disclose that particular piece of information.

3. SCOPE

- 3.1 This procedure describes the Trust's corporate and operational arrangements and responsibilities for equality monitoring. This procedure applies to all staff, patients, service users, volunteers, Trust members.
- 3.2 **Employment:** Equality monitoring for staff will assist the Trust to identify and address any inequalities in the application of employment. It supports staff to be valued by recognizing the diversity of people's backgrounds and lifestyles which is important in making the most out of the contribution that they bring to an organisation's performance, and to improve , recruit and retain the best from the widest talent pool.
- 3.3 **Volunteers and Trust Members.** Equality monitoring forms will be completed within the recruitment/data gathering process. The data will be stored in a confidential format within separate data bases.
- 3.4 **Service Provision :**Equality monitoring for people who use Mersey Care will
- assist to ensure to ensure a positive and equitable uptake of all sections of the community that we serve,
 - support the Trust to identify and address any inequalities in access and service provision,
 - create awareness, signaling an understanding and commitment ,
 - create a more inclusive work environment as well as appropriate and equitable services which meet the needs of the communities we serve,
 - provide specific adjustments, training or interventions,
 - avoid risk –compliance with the Equality Act 2010 avoids damaging costly employment tribunals or negative publicity.

4. DEFINITIONS (Glossary of Terms)

4.1

Glossary of Terms	Definition
Equality and Human Rights Analysis	A systematic approach to provide a written record of due regard undertaken taken to ensure compliance with the general duty of the Equality Act 2010.
Equality Monitoring	The process used to collect, store and analyse data about people's diversity. It will be used to support the Trusts actions to highlight possible inequalities, investigate their underlying causes and remove any unfairness or disadvantage.
The nine protected characteristics as identified within the Equality Act 2010.	Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Race , Religion and Belief , Sex, Sexual Orientation.
Age	Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
Disability	A person has a disability if s/he has a

	physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
Gender Reassignment	The process of transitioning from one gender to another.
Marriage and Civil Partnership	Marriage is defined as a 'union between a man and a woman' and Same-sex couples . Same Sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.
Pregnancy and Maternity	Pregnancy is the condition of being pregnant (expecting a baby). Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth; such discrimination includes treating a woman unfavorably because she is breastfeeding.
Race	Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, caste and nationality (including citizenship), ethnic or national origins
Religion and Belief	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
Sex	A man or a woman.
Sexual Orientation	Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

5. DUTIES

- 5.1 **Board of Directors** will ensure that all managers are accountable for the promotion and implementation of this procedure.
- 5.2 **The Executive Director Of Workforce** has responsibility for this policy in relation to its monitoring, evaluation, and review on an annual basis, in consultation with staff side representatives or on an appropriate change in legislation.
- 5.3 **The Executive Director of Workforce** has specific responsibility for the safe and effective equality data gathering and monitoring for all staff employed by the Trust. This procedure will be subject to monitoring and review on an annual basis in in consultation with staff side representatives or an appropriate change in legislation.

- 5.4 **The Human Resources function** has specific responsibility to ensure the promotion of equality and inclusiveness through its employment practices , policies and procedures , and in supporting the application of this procedure.
- 5.5 **Information Governance manager has** the specific responsibility to ensure the appropriate data protection arrangements are in place.
- 5.6 **All staff** have a personal responsibility for the application of this procedure.

6. PROCESS

- 6.1 All equality monitoring processes will be completed in a format that ensures:
Confidentiality is maintained.
- Data protection processes to gather the data.
 - Data protection processes in place to store the data.
 - Any production and publication of statistical information is not produced in a way that can identify individuals.
 - The option “DO NOT WISH TO DISCLOSE “or “PREFER NOT TO SAY” is available to all who complete an information request.
 - No element should be completed without their explicit approval.
 - Issues of mental capacity need to be addressed to ensure accurate and informed completion.
- 6.2 In circumstances where the question does not include categories: ‘Not stated ’or ‘prefer not to say’, it is advised that NHS organisations and councils include one of these options in their categories. This option will give patients and staff the chance not to volunteer particular pieces of information they do not want to. However the implications for their situation should be made clear to them.
- 6.3 The above is the reason there is the inclusion of a ‘prefer not to say’ code (or a not stated code). However individuals should be assured that if they tick this code, no assumptions are made about a particular characteristic in question. Some people may think that details of the protected characteristics are a matter for public record, irrespective of what ever assurances are given, but their motives must not be second guessed.
- 6.4 NB: Re Gender Reassignment Act 2004: It is important to note that section 22 of the gender reassignment Act 2004 prohibits disclosure of an individual’s gender identity that is protected by the act.
- 6.5 **Staff:** Equality monitoring forms will be completed by staff within the recruitment process. This data will be stored within the Electronic Staff Records (ESR) system. The Trust may complete an equality data gathering exercise periodically to ensure the quality of the data is maintained.
- 6.6 **People using services :** Equality data requests will be made to people using Mersey Care Services at different times with their contact as a service user .This may be made by requesting a the information through :the completion of a form or a clinical contact.
- Data relating to protected characteristics for service users will be recorded in the electronic patient record:
 - PACIS for high secure patients – patient information screen (date of birth), individual details screen (other protected characteristic information).
 - Epex for all other service users –patient registration screens.

7. CONSULTATION

- 7.1 The following groups were consulted in the development of this policy. Staff side/ Human Resources Senior Managers /Trust Equality Steering Group/Equality and Human Rights Lead.

8. TRAINING AND SUPPORT

- 8.1 Equality monitoring awareness rising will take place via the Trust mandatory equality and human rights training. No further resources required.

9. MONITORING

- 9.1 Monitoring of compliance of this will be undertaken by the Equality and Human Rights team. This will be on an annual basis by information from resources in which the information has been stored after collection. This monitoring information will be published in a yearly publication of Equality Information.
- 9.2 Monitoring will be undertaken by means of an audit of the data gathering process for staff and service user and the use of equality data.
- 9.3 The results of monitoring will be reported to the Trust Equality and Human Rights Steering Group.
- 9.4 Reporting of staff and service user protected characteristics data completeness indicators.
Reporting performance against data completeness indicators of protected characteristics data for both staff and service users will be in accordance with indicator definitions as described within the Trust's performance assurance framework and will be back up with detailed procedural notes relating to the extraction and analysis of the data prior to release via performance reports to the Trust Board , committees of the Board and Divisions. The Trust's business intelligence system provides detailed patient level information to support improvements in data capture of protected characteristics for service users on a real time basis.

10. EQUALITY AND HUMAN RIGHTS ANALYSIS

Equality and Human Rights Analysis

Title: : Equality monitoring procedure

Area covered: Trust Wide Non Clinical Policy

What are the intended outcomes of this work?

To ensure that the equality monitoring of both staff and service users is completed in line with equality legislation, data protection and ensures confidentiality.

Who will be affected?

Staff, patients, service users, volunteers, carers, Trust members.

Evidence

What evidence have you considered?

The procedure

Disability (including learning disability)

Include the requirement to ensure issues of capacity to provide information are addressed appropriately. (Section 5 procedure standards)

Sex within crosscutting

Race within crosscutting

Age within crosscutting

Gender reassignment (including transgender) within crosscutting

Sexual orientation within crosscutting

Religion or belief within crosscutting

Pregnancy and maternity. within crosscutting

Carers. within crosscutting

Other identified groups within crosscutting

Cross Cutting No element should be completed for an individual without their explicit approval.

Human Rights

Is there an impact?

How this right could be protected?

Right to life (Article 2)	not engaged
Right of freedom from inhuman and degrading treatment (Article 3)	supportive of a HRBA
Right to liberty (Article 5)	not engaged
Right to a fair trial (Article 6)	not engaged
Right to private and family life (Article 8)	supportive of a HRBA
Right of freedom of religion or belief (Article 9)	supportive of a HRBA
Right to freedom of expression Note: this does not include insulting language such as racism (Article 10)	supportive of a HRBA
Right freedom from discrimination (Article 14)	supportive of a HRBA

Engagement and Involvement

Non indicated.

Summary of Analysis

Eliminate discrimination, harassment and victimisation

Procedure supports the Trust's activities to eliminate discrimination, harassment and victimisation.

Advance equality of opportunity

Procedure supports the Trust's activities to advance equality of opportunity.

Promote good relations between groups

Procedure supports the Trust's activities to promote good relations between groups

What is the overall impact? To ensure an efficient system for data collection and to

maintain both Equality and Human Rights standards across the Trust.

Addressing the impact on equalities

This procedure supports the Trust's activities to address the impact of inequality.

Action planning for improvement

Changes indicated within the analysis re disability and cross cutting have been made within the policy .

Detail in the action plan below the challenges and opportunities you have identified.

For the record

Name of persons who carried out this assessment:

Meryl Cuzak - Equality and Human Rights Lead

Michael Rigelsford –Service User

Richard Newton - Service User.

Date assessment completed:

26th July 2013 – Reviewed October 2014 –no change

Reviewed August 2016 no change George Sullivan/Meryl Cuzak

Name of responsible Director:

David Fearnley

Date assessment was signed:

26th July 2013- Reviewed October 2014 –no change-October 2016 No change

Action plan template

This part of the template is to help you develop your action plan. You might want to change the categories in the first column to reflect the actions needed for your policy.

Category	Actions	Target date	Person responsible and their area of responsibility
Publication			
Engagement			
Increasing accessibility			