

Equality and Human Rights Policy

Policy Number:	HR10
Scope of this Document:	All Colleagues, Patients and Service Users, Visitors, Carers, Volunteers, Contractors
Recommending Committee:	HR Policy Group
Approving Committee:	Executive Committee
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Lead Executive Director:	Executive Director of Workforce
Lead Author(s):	Equality & Human Rights Lead

TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

2018 – Version 3

*Striving for perfect care for
the people we serve*

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Equality and Human Rights Policy (HR10)

Further information about this document:

Document name	Equality and Human Rights Policy HR10
Document summary	The Equality & Human Rights Policy sets out the framework by which the Trust will deliver its services and provide employment opportunities ensuring compliance with equalities legislation. The policy establishes clear lines of responsibility and a robust complaints process
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Published by Copies of this document are available from the Author(s) and via the trust's website	Mersey Care NHS Foundation Trust V7 Building Kings Business Park Prescot Merseyside L34 1PJ Trust's Website https://www.merseycare.nhs.uk/about-us/policies-and-procedures
To be read in conjunction with	HR14 Dignity and Respect at work HR01 Disciplinary policy and procedure Equality Act 2010 HR02 Grievance policy and procedure HR21 Recruitment and Selection Policy Workforce Race Equality Standard (updated annually)
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:

		Version History:
Version 1	Approved by the Corporate Procedural Document Review Group	August 11
Version 2	Approved by Trust Board	May 2015
Version 3	Draft Approved by HR Policy Group	September 2018
	Policy Group	October 2018
	Executive Committee	November 2018

SUPPORTING STATEMENTS

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

SAFEGUARDING IS EVERYBODY'S BUSINESS

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

- being alert to the possibility of child / adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child / 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 / 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 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 Foundation 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 Foundation 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 Foundation 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 Foundation Trust is committed to carrying out its functions and service delivery in line the 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 Our vision is to be a champion and leader in promoting diversity, managing diversity and challenging discrimination. Diversity implies that we acknowledge people's differences whether they are visible or non-visible and attempt to promote the differences in a positive way. We deliver our services via a workforce that is made up of many talented individuals with a large diversity of backgrounds, perspectives, styles and characteristics. This policy provides a framework in which equality and human rights can be delivered, it sets out individual and collective responsibilities, explains the legal framework and defines the complaint procedure.

2. OUTCOME FOCUSED AIMS AND OBJECTIVES

2.1 This document provides the framework from which all strategy, policy and procedure is developed. It sets the standards to enable the Trust to meet its duties in relation to these specific areas described in the legal framework including

2.2 Enhance and promote high quality services which are responsive to different communities and individual's needs;

2.3 To ensure the Trust commitment to its responsibilities in relation to the Human Rights Act 1998 and the development of human rights based approach enabling the protection of individuals Human Rights;

2.4 Assist in creating a productive, safe and prejudice-free work environment which treats all employees fairly and with respect;

2.5 Demonstrate and promote a commitment to equality issues to both the community and our colleagues by challenging discrimination

2.6 Promote diversity in all aspects of Trust business and ensure that people's views are listened to and responded

2.7 Improve the motivation, performance, retention, skills and morale of the workforce.

2.8 Demonstrate our commitment to best practice in employment and service delivery and working towards being a model employer.

2.9 Ensure all employees are made fully aware of this policy and without exception must adhere to its requirements.

2.10 Ensure that any employee who feels that they have experienced bullying, discrimination, harassment, or victimisation whilst at work has the right to pursue their complaint through internal policies and procedures.

2.11 Promote Equality, Diversity and human rights as the responsibility of everyone.

3 SCOPE

3.1 This policy applies to all colleagues, service users, patients, carers, visitors and contractors

4 DEFINITIONS

Protected Characteristic	Age, Disability, Religion or Belief, Race and Ethnicity, Sexual Orientation, Gender, Pregnancy and Maternity, Marriage and Civil Partnership, Transgender
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Direct Discrimination	Direct discrimination occurs when someone is treated less favourably than another person because of their age, disability, gender, sexual orientation, religion or belief, gender reassignment or marriage or civil partnership (known as protected characteristics)
Indirect Discrimination	Indirect discrimination can occur when you have a condition, rule, policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic.

5 DUTIES

5.1 The Equality & Human Rights Committee will oversee the implementation of all aspects of the national and local equality frameworks for service and employment. Specifically, the groups aim is to provide strategic leadership to drive equality, diversity and human rights across the trust for patient care and the workforce. The Committee will meet four times a year and will monitor action plans related to this policy. The Equality & Human Rights Committee reports to Mersey Care Foundation Trust Board of Directors

5.1 The Chief Executive has overall responsibility for ensuring that the Trust complies with Equality and Human Rights legislation.

5.2 The Executive Director for Workforce has overall responsibility for this policy and related procedures and their implementation which includes:

- Ensuring that Trust Board are appropriately trained and updated in matters of equality & human rights.
- Ensuring that all managers have access to the Policy and procedures and that they are aware of their responsibility to their staff and patients.
- Ensuring that staff views on equality and diversity in the Trust are captured in the annual staff survey and reported to the Equality & Human Rights Committee
- Directing the implementation of this Policy and other supporting HR policies and procedures.

5.3 Equality and Human Rights Lead is the subject expert for the Trust and is responsible for the strategic planning and implementation of the Trust wide Equality and Human Rights agenda.

5.4 Heads of Department, all managers, supervisors and Human Resources staff are directly responsible for the effective implementation of this Policy and procedures at operational level. They should familiarize themselves with the Policy and procedures and ensure that their staff are aware of how they can access them. They are responsible for ensuring all staff participate in mandatory training on equality and diversity and refresh this training every three years. Managers are responsible for undertaking equality impact assessments on services, organizational change and on appropriate policies.

5.5 Executive Committee will monitor progress on Equality and Human Rights initiatives via quarterly reports from the Equality & Human Rights Committee

5.6 Board of Directors will ensure that all managers are accountable for the promotion

and implementation of this Policy. The Trust Board will monitor progress on equality, diversity and Human Rights issues and initiatives on a regular basis, and will ensure the implementation of any relevant actions points and plans concerning equality, diversity and Human Rights diversity issues.

5.7 All staff are responsibility for ensuring that they act within the spirit of the Policy and procedures and participate in equality and diversity training every three years.

5.8 Failure to comply with the Equality & Human Rights Policy and procedures will lead to disciplinary action which applies equally across all staff groups.

5.9 Where the Trust uses external providers of services they will be required to ensure that the equality and human rights standards identified in this Policy are met.

6 PROCESS

6.1 THE LEGAL FRAMEWORK

6.2 Equality Act

In 2010 equalities legislation was significantly updated with the passing of the Equality Act. The Equality Act has two aims, which are to harmonise and consolidate the different strands of discrimination law (over 100 pieces of separate legislation) into one single act. Therefore simplifying and strengthening the law to support progress on equality.

There are nine protected characteristics covered by the legislation including:

- Age
- Disability
- Ethnicity
- Gender
- Faith
- Sexual Orientation
- Marriage and Civil Partnerships
- Pregnancy and Maternity
- Gender Reassignment

The Equality Act makes it unlawful to discriminate against people who share a protected characteristic and applies to services and public functions, premises, work and education.

6.3 Public Sector Equality Duties

The public sector has additional duties placed on them within the Equality Act which help public authorities avoid discriminatory practices and integrate equality into their core business.

Since 5th April 2011 public authorities must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and any other conduct that is unlawful under the Equality Act
- Advance equality of opportunity
- Foster good relations

The general duty is underpinned by specific duties which include the requirement for us to:-

- Set specific, measurable equality objectives. (At least one every 4 years)
- Analyse the effect of our policies and practices on equality and consider how they further the equality aims. (Known as equality analysis)

- Publish sufficient information to demonstrate we have complied with the general equality duty on an annual basis. (Equality monitoring information)

6.4 The Human Rights Act

The Human Rights Act 1998 came into force in the UK in October 2000. It is based on the European Convention for Human Rights which mean that individuals can take human rights cases to domestic courts. They no longer have to go to Strasbourg to argue their case in the European Court of Human Rights.

All public authorities and anyone carrying out public functions must comply with the Human Rights Act.

The Act sets out the fundamental rights and freedoms that individuals in the UK have access to.

They include:

- Right to Life
- Freedom from torture and inhuman or degrading treatment
- Right to liberty and security
- Freedom from slavery and forced labour
- Right to a fair trial
- No punishment without law
- Respect for your private and family life, home and correspondence
- Freedom of thought, belief and religion
- Freedom of expression
- Freedom of assembly and association
- Right to marry and start a family
- Protection from discrimination in respect of these rights and freedoms
- Right to peaceful enjoyment of your property
- Right to education
- Right to participate in free elections

6.5 Patients, service users, carers and visitors can raise a concern or complaint about potential discrimination via Mersey Care's Complaints and PALS Team and can contact the Equality Team. Colleagues can raise concerns via Staff Side, HR, directly with a member of the Equality Team or via a staff network.

6.6 WORKFORCE RACE EQUALITY STANDARDS

6.7 Implementing the Workforce Race Equality Standard (WRES) is a requirement for NHS commissioners and NHS healthcare providers through the NHS standard contract. The aim of the WRES is to ensure equal access to career opportunities for employees from black and minority (BME) backgrounds. This is important because studies show that a motivated, included and valued workforce helps deliver high quality patient care, increased patient satisfaction and better patient safety.

As an NHS Trust Mersey Care is expected to demonstrate progress on a number of indicators of workforce equality. These include a specific indicator to address the low numbers of BME board members across the organisation.

6.8 Mersey Care completes an annual WRES report to NHS England using the UNIFY 2 system. The information and corresponding improvement plan will also be published on the Equality pages of our web.

6.9 EQUALITY DELIVERY SYSTEM (EDS2)

The Equality Delivery System aims to improve the equality performance of the NHS,

embedding equality into mainstream business and ensuring all NHS organizations are meeting their obligations under the Equality Act (2010).

Within EDS there are 18 outcomes over 4 goals which are:

1. Better Health outcomes For All
2. Improved Patient Access and Experience
3. A Representative and Supported Workforce
4. Inclusive Leadership

Based on transparency and evidence, commissioners, Healthwatch organisations and other interested groups locally agree one of four grades annually for trusts:-

- Excellent
- Achieving
- Developing
- Under Developed

The grades that Mersey Care receive each year influence our key priorities within our Improvement plans for the following year. Information on how Mersey Care are delivering EDS can be found on the E&D pages of our web site.

7 CONSULTATION

HR Policy Group
Equality Officer for Specialist Learning Disability
Equality Officer for High Secure

8 TRAINING AND SUPPORT

Equality, Diversity & Human Rights Training is mandatory for all colleagues of Mersey Care NHS Foundation Trust

9 MONITORING

The effectiveness of this policy will be monitored via:

- Electronic recording and flagging of equality related incidents and concerns to the Equality & Human Rights Lead
- HR Complaints to the Equality & Human Rights Lead, Equality Officers, HR Advisors and HR Business Partners, Staff Side colleagues.
- Annual Results of EDS2 Equality Framework to be reported to the Equality & Human Rights Committee
- Annual results of Workforce Race Equality Scheme to be reported to Strategic Workforce Group and Board of Directors
- Patient Feedback via Pals
- Patient Complaints and Concerns
- Feedback from Healthwatch to the Equality & Human Rights Lead or Patient Experience Team
- Staff Feedback via FFT, Staff Survey and staff networks

10 Equality and Human Rights Analysis

Title:	Equality & Human Rights Policy
Area covered:	Employment and Service Delivery

What are the intended outcomes of this work? *Include outline of objectives and function aims* provides the framework from which all strategy, policy and procedure is developed. It sets the standards to enable the Trust to meet its duties in relation to these specific areas described in the legal framework

Who will be affected? *e.g. staff, patients, service users etc*
 Staff, patients, service users, carers and visitors

Evidence

What evidence have you considered?
EDS2, WRES, Complaints and concerns, staff feedback, patient feedback

Disability (including learning disability)

Sex

Race *Consider and detail (including the source of any evidence) on difference ethnic groups, nationalities, Roma gypsies, Irish travellers, language barriers.*

Age *Consider and detail (including the source of any evidence) across age ranges on old and younger people. This can include safeguarding, consent and child welfare.*

Gender reassignment (including transgender) *Consider and detail (including the source of any evidence) on transgender and transsexual people. This can include issues such as privacy of data and harassment.*

Sexual orientation *Consider and detail (including the source of any evidence) on heterosexual people as well as lesbian, gay and bi-sexual people.*

Religion or belief *Consider and detail (including the source of any evidence) on people with different religions, beliefs or no belief.*

Pregnancy and maternity *Consider and detail (including the source of any evidence) on working arrangements, part-time working, infant caring responsibilities.*

Carers *Consider and detail (including the source of any evidence) on part-time working, shift-patterns, general caring responsibilities.*

Other identified groups *Consider and detail and include the source of any evidence on different socio-economic groups, area inequality, income, resident status (migrants) and*

other groups experiencing disadvantage and barriers to access.

Cross Cutting *implications to more than 1 protected characteristic*
Positive impact across all protected characteristics

Human Rights	Is there an impact? How this right could be protected?
Right to life (Article 2)	<i>Use not engaged if Not applicable</i>
Right of freedom from inhuman and degrading treatment (Article 3)	<i>Use supportive of a HRBA if applicable</i>
Right to liberty (Article 5)	
Right to a fair trial (Article 6)	
Right to private and family life (Article 8)	
Right of freedom of religion or belief (Article 9)	
Right to freedom of expression Note: this does not include insulting language such as racism (Article 10)	
Right freedom from discrimination (Article 14)	

Engagement and Involvement *detail any engagement and involvement that was completed inputting this together.*

Summary of Analysis *This highlights specific areas which indicate whether the whole of the document supports the trust to meet general duties of the Equality Act 2010*

Eliminate discrimination, harassment and victimisation

Advance equality of opportunity

Promote good relations between groups

What is the overall impact?

Positive Impact overall

Addressing the impact on equalities

There needs to be greater consideration re health inequalities and the impact of each individual development /change in relation to the protected characteristics and vulnerable groups

Action planning for improvement

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

Include here any or all of the following, based on your assessment

- *Plans already under way or in development to address the **challenges** and **priorities** identified.*
- *Arrangements for continued engagement of stakeholders.*
- *Arrangements for continued monitoring and evaluating the policy for its impact on different groups as the policy is implemented (or pilot activity progresses)*
- *Arrangements for embedding findings of the assessment within the wider system, OGDs, other agencies, local service providers and regulatory bodies*
- *Arrangements for publishing the assessment and ensuring relevant colleagues are informed of the results*
- *Arrangements for making information accessible to staff, patients, service users and the public*
- *Arrangements to make sure the assessment contributes to reviews of DH strategic equality objectives.*

For the record

Name of persons who carried out this assessment:

Kate Jones

Date assessment completed: September 2018
Name of responsible Director: Amanda Oates
Date assessment was signed: September 2018

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
Monitoring			
Engagement			
Increasing accessibility			