



North West Ambulance Service



NHS Trust



Delivering the right care, at the right time, in the right place

# Equality and Diversity Policy

Equality and Diversity Policy		Page:	Page 1 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

Recommended by	Executive Management Team
Approved by	Workforce & Communities Committee
Approval Date	30 July 2014
Version Number	2.0
Review Date	April 2017
Responsible Executive Director	Director of Organisational Development
Responsible Manager	Head of Human Resources
For use by	All staff

Equality and Diversity Policy		Page:	Page 2 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

## CHANGE RECORD FORM

Version	Date of change	Date of release	Changed by	Reason for change
x.1	3rd April 2009	6 <sup>th</sup> April 2009	L Ward	Document creation
x.2	2 <sup>nd</sup> May 2009	2 <sup>nd</sup> May 2009	L Ward	Consultation feedback: managers, staff side, E&D Steering Group
1.1	27 <sup>th</sup> August 2010	30 <sup>th</sup> Sept 2010	L Ward	Review to incorporate changes required from Equality Act
1.2	14 April 2014		L Ward	Document Review
1.3	1 <sup>st</sup> May 2014	1 <sup>st</sup> May 2014	L Ward	Legal review
1.4	12 <sup>th</sup> May 2014	12 <sup>th</sup> May 2014	L Ward	Policy Group consultation
2.0	30 <sup>th</sup> July 2014	30 <sup>th</sup> July 2014	L Ward	Approval from Trust Board

Equality and Diversity Policy		Page:	Page 3 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

# EQUALITY AND DIVERSITY POLICY

## Contents

1. Introduction.....	5
2. Statement of Intent.....	5
3. Responsibilities.....	6
4. Implementation.....	8
4.1 Recruitment and Selection	
4.2 Training and Development	
4.3 Work life balance	
4.4 Terms and Conditions	
4.5 Discipline and grievance	
4.6 Environment	
5. Complaints.....	12
6. Monitoring.....	12
7. Review .....	13

## Appendices

1. Definitions .....	14
----------------------	----

Equality and Diversity Policy		Page:	Page 4 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

## 1. Introduction

- 1.1. North West Ambulance Service NHS Trust (NWAS) is committed to providing equality of opportunity in its employment policies and practices.
- 1.2. This Policy outlines the Trust's commitments to equality and diversity and should be read in conjunction with more detailed policies and procedures, such as Dignity at Work and Recruitment and Selection.
- 1.3. This policy applies to all employees of NWAS, volunteers, agency workers and external contractors working on its sites.
- 1.4. Whilst this policy focuses on employment practices, the Trust is also fully committed to providing equality of opportunity to our patients, relatives and carers in the delivery of our services.

## 2. Statement of Intent

- 2.1. NWAS respects and values the diversity of our staff, patients, relatives and carers. We are committed to serving our community in ways that are appropriate, accessible, fair and culturally sensitive. We will be proactive in ensuring and promoting equal opportunities through everything we do and among all those people and organisations that we are associated with.
- 2.2. NWAS has developed organisational values which reflect the principles of equality and diversity set out in the NHS Constitution. These act as a guide to managers and staff as to the behaviours and values they should display in their engagement with colleagues and delivery of services.
- 2.3. We will make best use of the range of talents, skills, experience and different perspectives available in today's society, enabling people to feel they are respected and valued, and can achieve their potential regardless of any 'protected characteristics' under the Equality Act 2010, which includes age, race, religion or belief, gender, gender reassignment, sexual orientation, disability (including physical and mental impairments), marital or civil partnership status, pregnancy or maternity leave. Also in relation to characteristics covered by other legislation such as trade union membership or activities, part-time or fixed-term worker status..
- 2.4. We recognise that individual and institutional discrimination obstructs the fundamental aims of any organisation, and are therefore committed to taking any steps necessary to eliminate it. We will do this by ensuring that we consider the impact on equality and diversity of all aspects of the Trust's work, from service delivery and

Equality and Diversity Policy		Page:	Page 5 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

development, to recruitment and employment. We will seek to ensure that all our staff are trained in respect of equality, diversity and anti-discriminatory behaviour.

- 2.5. The concept of 'equal opportunities' does not always mean treating everybody the same. It can mean for instance, ensuring a 'level playing field' exists and that protection from unlawful discrimination is provided. In some cases this may require 'Positive Action' measures to enable some members of society to access the services they need, on an equal footing with others.
- 2.6. A zero tolerance of discriminatory behaviour, including bullying and harassment and victimisation, by anyone towards anyone, on Trust premises, is endorsed throughout the organisation. This includes direct and indirect discrimination, discrimination because someone is perceived to have a characteristic which is protected by legislation (e.g. someone who is thought to be gay) or because an individual is associated with someone who is protected (e.g. a carer for a disabled child). Definitions are included in Appendix 1.
- 2.7. NWAS is covered by the public sector equality duty set out in the Equality Act 2010, which requires public authorities to have due regard to the need to: eliminate discrimination, harassment, victimisation and other conduct prohibited under this Act; advance equality of opportunity; and foster good relations. The duty applies to all of the protected characteristics, except marriage and civil partnership, which is only covered by the first part of the duty, i.e. the need to eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act.
- 2.8. The Trust recognizes its statutory obligations and will take all reasonable action to ensure that we comply with our commitments under the equalities legislation.

### **3. Responsibilities**

- 3.1. The Chief Executive and Trust Board have primary legal responsibility for ensuring the elimination of direct and indirect discrimination in the delivery of services and employment. Through their approval of policy and strategy and their leadership of change they are responsible for ensuring that the needs of diverse groups are properly accounted for and addressed. They are role models for the organisation, in demonstrating the organisational values and ensuring a culture exists which values difference and displays zero tolerance of harassment and discrimination.
- 3.2. The Director of Organisational Development has responsibility for the implementation of this policy through promotion, training, monitoring and the development of more detailed human resources policies and practices which embody the commitments in the policy.

Equality and Diversity Policy		Page:	Page 6 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

3.3. Managers and supervisors are responsible for:

- Adhering fully to this policy and ensuring awareness and understanding within their teams
- Demonstrating through their behaviours and actions at all times a commitment to equality and diversity and ensuring that they act as role models in displaying the appropriate values and behaviours to staff
- Acting to address inappropriate behaviours in their teams
- Guarding against assumptions and stereotyping which may influence their decision making inappropriately
- Taking into account the impact of decisions on different groups of staff and identify and review practices and procedures which may lead to either direct or indirect discrimination
- Supporting all staff to achieve their full potential
- Ensuring that values, behaviours and equality and diversity are discussed with staff through their annual appraisal
- Ensuring appropriate record keeping to demonstrate decision making processes in employment decisions and to allow appropriate investigation of complaints

3.4. Individual members of staff are responsible for:

- Always acting and speaking in a way which does not discriminate or harass
- Always acting and speaking in a way which values the diversity and difference of their colleagues, patients and members of the public and treats people with dignity and respect
- Always reflecting the values of the Trust in their behaviour to colleagues and staff
- Appropriately challenging behaviours and actions in others where these contravene the spirit and statements in this policy

Equality and Diversity Policy		Page:	Page 7 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

- Reporting breaches of this policy through the appropriate channels
- Maintaining their knowledge of equality and diversity issues, including issues particular to the local communities where they work
- Not victimising or seeking to victimise individuals who make a complaint under this policy or under the law.

## 4. Implementation

### 4.1. Board of Directors

- The Board of Directors will ensure that the Trust's performance in respect of Equality and Diversity is monitored and reported to the Board of Directors at least annually
- All policies, procedures, business cases and service redesign decisions will be assessed for their equality implications prior to approval by the Board of Directors or Executive Management Team
- NWAS will meet its statutory obligations in respect of setting equality objectives and publishing employment monitoring data

### 4.2 Recruitment, Selection and Promotion

- The recruitment and selection process must result in the appointment of the most suitable person for the position based on their skills, knowledge and attributes for the role and irrespective of their race, gender, age, disability, sexual orientation, religion or belief, gender reassignment, marriage or civil partnership, pregnancy or maternity leave.
- All managers involved in recruitment and selection will be appropriately trained and will be expected to comply with the law and this policy, by being aware of their own assumptions and stereotyping and by not discriminating in their decision making
- Applicants for posts will be given clear and accurate information regarding the requirements for the post to enable them to make an informed decision on their own suitability for the job

Equality and Diversity Policy		Page:	Page 8 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

- Appropriate placement of adverts will take place to ensure equality of access and the content will be scrutinised to ensure that they do not imply a preference for one group of applicants, unless there is an occupational requirement.
- The essential requirements for positions will be reviewed to ensure that they are required for the role and that they do not indirectly discriminate against any particular group
- Shortlisted applicants will be asked whether they require adjustments to enable them to access the selection process and, where appropriate reasonable adjustments will be made. Consideration will also be given to the timing of selection procedures taking into account major religious festivals
- Recruitment and selection procedures will be equality assessed to ensure that they do not discriminate and continual review will be undertaken through monitoring to identify and, as far as reasonably practicable, eliminate any areas of potential discrimination
- The Trust will seek to maintain its qualification for the Positive about Disability award which sets standards for the recruitment of disabled applicants
- The Trust will seek to include evidence of its commitment to equal opportunities in job adverts and to promote positive images of diverse groups in its recruitment literature.
- The Trust will only ask health related questions during the recruitment and selection process which are relevant to ensuring equality of access to the process. Once an individual has been successful, the Trust will only ask health related question which are relevant to determining the need for reasonable adjustments or to assess whether the successful candidate can carry out functions 'intrinsic' to the role.

### 4.3 Training, Development and Appraisal

- The Trust will work towards providing equality of opportunity in training and development activities, with all employees being given access to appropriate training to enable them to deliver their roles effectively
- The Trust will provide a range of learning opportunities and options to broaden access and training courses will, where possible, be planned to meet the needs of part time and full time staff

Equality and Diversity Policy		Page:	Page 9 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

- Trainers and educators within the Trust will receive appropriate training to increase their understanding of equality and diversity
- Training courses, materials and other learning resources will be developed to ensure that they meet the needs of a variety of learning styles
- Reasonable adjustments will be made to support those with disabilities to access training and practices will be developed to support delegates with specific learning needs, such as dyslexia
- All managers involved in implementing appraisal and developing personal development plans with staff, will be appropriately trained and will be expected to be aware of their own assumptions and stereotyping and to seek to support all employees to reach their potential
- Talent management processes will seek to identify any specific barriers to progression in different groups and to take appropriate actions to eliminate barriers, including through positive action
- New employees will be made aware of this policy, associated policies and the required standards of behaviour expected of them through induction
- Specifications for the procurement of external training services will incorporate appropriate equal and diversity requirements.

#### 4.4 Work life balance

- The Trust operates a 24 hour emergency service and must balance the needs of staff with the delivery of a high quality and responsive service to patients, but the Trust will review options to provide working patterns which offer increased flexibility to staff
- The Trust will look sensitively at individual requests for flexible working and work with an individual to try to find a mutually acceptable solution working within the framework of the legislation and organisational need
- The Trust will seek to support those with caring responsibilities in a variety of ways, including through access to benefits such as childcare vouchers

Equality and Diversity Policy		Page:	Page 10 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

- The Trust will seek to be sensitive to requests to support staff in religious observance for major religious festivals, but remaining mindful of the needs to deliver service.

#### 4.5 Terms and conditions

- The Agenda for Change terms and conditions of employment have been equality impact assessed nationally and aim to be non-discriminatory. Managers should seek to apply these conditions accurately and fairly, seeking advice from the Human Resources Department in their application
- All employees will be made aware of the terms, conditions and benefits associated with their employment and these will be applied and accessible to them without discrimination
- Where The Trust will make reasonable adjustments to roles to enable disabled applicants to take up recruitment or promotion opportunities or to be redeployed after becoming disabled in employment
- The Trust will undertake equality analysis of its policies and procedures to identify discriminatory practices and will take reasonable steps to eliminate such discrimination.

#### 4.6 Discipline and Grievance

- Discrimination, including harassment or victimisation will be dealt with as serious disciplinary matters under the Trust’s Discipline Policy. This will include staff seeking to induce others to discriminate, harass or victimised
- The Trust’s disciplinary and grievance procedures will be applied fairly to all and their application monitored
- Complaints of discrimination, harassment or victimization will be dealt with seriously and sensitively by managers, although it is recognized that on occasion it may be difficult for a member of staff to directly approach their manager regarding such an incident and in this instance they should approach the HR department or their Trade Union representative
- All employees have the right to raise a complaint where they feel they have been discriminated against, through the Trust’s Grievance Procedure. This will not prejudice the employee’s current employment or future prospects.

Equality and Diversity Policy		Page:	Page 11 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

## 4.7 Environment

- The Trust aims to create a work environment which is free from discrimination, harassment, bullying and victimisation. To this end the Trust has published a set of organisational values which establish the standards of behaviour expected by employees. All employees are expected to act on these values and treat colleagues, patients and carers with dignity and respect
- Harassment, bullying and victimisation will not be tolerated and will be treated as a serious disciplinary offence
- The Trust also recognises that workplace conflict may arise, which may not constitute harassment or bullying but may breach the principles of this policy. Through the Dignity at Work Policy and workplace mediation individuals will be supported to resolve differences and learn from their experiences to create a more positive working environment for all.

## 5 Complaints

- 5.1 Any complaints by employees relating to breaches of this policy will be dealt with under the Grievance Procedure.
- 5.2 Complaints from volunteers, agency workers and contractors will be dealt with through the arrangements defined in their contracts or procedures for raising concerns.
- 5.3 Any complaints by members of the public relating to breaches of this policy will be dealt with through the PALS or Complaints procedure.
- 5.4 Individuals making complaints will not be victimised for exercising their right to complain.

## 6 Monitoring

- 6.1 The Trust will, as a minimum, monitor and publish employment data as required by legislation and will also report this at least annually to the Board.
- 6.2 Employment monitoring data will be reviewed and used to identify areas of possible discrimination and action plans developed.
- 6.3 An action plan will be developed annually

Equality and Diversity Policy		Page:	Page 12 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

- 6.4 The Trust will engage with and seek feedback from its staff through a variety of means, including staff support networks, consultation exercises and focus groups to gain feedback on its practices and to identify areas for improvement.
- 6.5 The Trust will seek to gather a range of equal opportunities data from its employees and applicants to assist it in monitoring and identifying discrimination. This information will be kept confidentially and in the case of applicants will not be accessible to individuals taking recruitment and selection decisions.
- 6.6 The Trust will undertake appropriate equality assessments to identify discrimination and opportunities to promote equality of opportunity. The Trust will take all reasonable actions to eliminate discriminate identified.

**7 Review**

- 7.1 This Policy will be formally and jointly reviewed after a period of 3 years unless monitoring indicates the needs for early review.

Equality and Diversity Policy		Page:	Page 13 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

# Appendix 1 : Definitions

## Protected Characteristic

A protected characteristic is a distinguishing characteristic of an individual which is protected by the Act. The following characteristics are protected:

- Sex
- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sexual orientation

## Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

## Discrimination by Association

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic e.g. someone married to an individual who has undergone gender reassignment or a carer for a disabled person.

## Discrimination by perception

Perceptive discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic e.g. someone who is thought to be gay or someone who is thought to be much younger or older than they are.

## Indirect discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. E.g. if our recruitment process required candidates to be taller than 6 feet, this might be indirect discrimination against women and particular ethnic groups as they are less able to meet this height than men.

Indirect discrimination can be justified if you can show that you have a legitimate aim (such as health and safety), and the policy or practice achieves that aim in the least discriminatory way possible. .

Equality and Diversity Policy		Page:	Page 14 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

### **Duty to make reasonable adjustments**

NWAS have a duty to make reasonable adjustments to premises or working practices to help disabled job applicants and employees. A failure to comply with this duty to make reasonable adjustments is a form of discrimination.

### **Discrimination arising from disability**

Discrimination arising from disability can occur when someone is treated unfavourably because of something arising in consequence of their disability. E.g. If someone's visual impairment means that they cannot work as quickly as others, and then action is taken against them because of this low output.

Discrimination arising from disability can be justified if you can show that the action was taken to achieve a legitimate aim, such as the requirement to provide a service.

### **Bullying**

Bullying can be defined as a pattern of offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through a means intended to undermine, denigrate or injure the recipient.

A bully is normally aware of the impact that they are having. Their behaviour is likely to be personal rather than business focused and a reasonable person could be expected to understand that the behaviour is unfair and likely to cause offence.

An employee must not confuse performance management with an act of bullying or harassment. It is the manager's responsibility to manage staff performance and apply the trust's policies and procedures. Addressing performance or conduct issues with a member of staff will not, in itself, constitute bullying and harassment as long as it is being applied appropriately within Trust policies and is managed in a reasonable and fair manner, with reference to the values of dignity and respect outlined in this policy.

### **Harassment**

Harassment is generally defined as unwanted conduct affecting the dignity of men and women in the workplace. The current legal definition is unwanted conduct which has the purpose or effect of violating people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

To be unlawful it will be related to age, gender, race, disability, religion or belief, sexual orientation, gender reassignment or nationality but in the workplace may also relate to any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Equality and Diversity Policy		Page:	Page 15 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017

## Victimisation

Victimisation is the unfair treatment of someone as a result of making a complaint. The current legal definition is where someone is subjected to a detriment because they have done one of the following, or believed to have done one of the following: Brought proceedings under the Equality Act 2010, given evidence or any other thing under this Act, or made an allegation under the act. In the workplace this could include someone raising a complaint or grievance about discrimination.

Equality and Diversity Policy		Page:	Page 16 of 16
Author:	L Ward	Version:	2.0
Date of Approval:	30 July 2014	Status:	Final
Date of Issue:	20 October 2014	Date of Review	April 2017