

## CORPORATE AND CLINICAL POLICIES

Policy     ✓     Clinical Policy

**Policy Document Title:** Equality, Diversity and Human Rights Policy

<b>This document is relevant for staff at:</b>	<b>Luton Hospital site</b>	<b>Bedford Hospital site</b>	<b>Both Hospital sites</b> X
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### Document Author

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### Policy Developed in Consultation with:

Equality, Diversity & Human Rights EDHR Committee, staff and patient stakeholder groups Joint Staff Committee  
Director Human Resources, and Chief Nurse

### Is this policy document new or revised / or has minor amendments?

Revised to merge EDHR policies from Luton and Bedford sites and to include EDHR Principles and Organisational Values

**Reason for amendments:** Please highlight all amendments in your document. Ensuring BHFT wide application from both original site documents, adding references to new relevant initiatives / developments e.g. corporate values, T.H.R.I.V.E, F.A.I.R, Culture and L&D strategy, EAIA Toolkit, Workforce Committee, Patient Experience Council, NED/ED champions, Health Inequalities, wellbeing Strategy and FTSU framework.

### Document Number:

E03T

### Version Number:

1

### Target Audience/Scope:

All Trust Staff, Patients, service providers

### Associated Trust Documents:

- The Dignity at Work Policy, Disciplinary Policy, Grievance Policy, Capability Policy
- Maternity Policy
- Reasonable adjustment Policy
- Managing the Risk of Violence and Aggression Towards Providing Health Care Services
- Safeguarding Policy,
- Speaking up FTSU Policy
- Wellbeing Strategy
- BHFT Values and Culture Strategy and Learning and Development Strategy
- Recruitment and Selection Policy, Talent Management and Mentoring
- Reports and planned actions for WRES WDES and Gender Pay Gap and wider EDHR areas
- The EAIA Toolkit – Equality analysis impact assessment
- Governance – transparency – Freedom of information and Right to Privacy Workforce Committee, People Plan, NHS Business Plan – redevelopment and transformation Strategies
- NHS Accessible Information Strategy AIS
- EDHR Strategy Framework and FAIR Principles
- Staff Network Strategy and Groups
- Patient Experience Strategy / Council PEC and the Approach to Health Inequalities
- Transgender Policy

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**Approved by:**  
Policy Approval Group

**Chair /Chief Executive Signature:**  
David Carter, CEO

## **Table of Contents**

<b>Section</b>	<b>Page</b>
<b>1. Introduction</b>	<b>3</b>
<b>2. Purpose of Policy</b>	<b>3</b>
<b>3. Scope</b>	<b>4</b>
<b>4. Compliance</b>	<b>4</b>
<b>5. Ownership and Responsibilities</b>	<b>5</b>
Ownership	5
Trust Board	5
Role of Managers	6
Role of Individual Staff	6
Patient Compliance	6
<b>6. Handling Complaints of Discrimination</b>	<b>6</b>
<b>7. Standards and Practices</b>	<b>7</b>
<b>Part 1</b> - How the Trust supports Employees	7
<b>Part 2</b> – How the Trust Supports Patients	7
<b>Part 3</b> - Consultation and engagement	8
<b>Part 4</b> - Suppliers and Trust Tenders	8
<b>8. Equality Analysis</b>	<b>8</b>
<b>9. Dissemination and Implementation</b>	<b>9</b>
<b>10. Monitoring, compliance and effectiveness</b>	<b>9</b>
<b>Part 1</b> - Trust Employees	10
<b>Part 2</b> - Patients	10
<b>11. Outcome of Equality Analysis of this policy</b>	<b>10</b>
<b>12. Updating and Review</b>	<b>10</b>
<b>13. Further Guidance</b>	<b>10</b>
<b>APPENDICES</b>	
• <b>APPENDIX 1 – Guidelines to Requirements</b>	
• <b>APPENDIX 2 – Provision for Discriminatory conduct defined</b>	
• <b>APPENDIX 3 - Equality Analysis of this policy</b>	

## • APPENDIX 4 – Governance summary

### 1. Introduction

- 1.1** The Bedfordshire Hospitals Foundation NHS Trust BHFT [“the Trust”] as one of the more diverse Acute Trusts is committed to leading, promoting and supporting diversity, equality, inclusion and human rights in the Trust both for the community it serves and its workforce.
- 1.2 Patient Experience** - Having commitment within the service provision means not only meeting the needs of the NHS Contract and Business plan for prevention and for management of health inequalities, but also ensuring healthcare services are inclusive, accessible and delivered in a way that respects the differing needs of the individual.
- 1.3 Workforce Experience** - As a leading employer of a diverse workforce the Trust is committed to being an Equal Opportunities Employer for all to be able to have a good work experience and to access roles, learning and career progression. The Trust aims to ensure that the workforce profile is as reflective and balanced as much as possible of the local working age population and of the community it serves.
- 1.4** This is an important part of the Trust’s commitment towards achieving and maintaining the highest possible standards of quality, honesty, openness and accountability in all of its service and workforce practices.
- 1.5** The foundation of this policy is laid down in the Trusts EDHR F.A.I.R principles of Fair Treatment, Access, Inclusion, Respect and dignity. These work alongside the Trusts T.H.R.I.V.E values to ensure good conduct, and the elimination of any unfair treatment or any direct or indirect discrimination.

### 2. The Purpose of this Policy

- 2.1** This policy makes it clear that poor conduct and discriminatory behaviours are not acceptable and that responsibility for ensuring that such conduct does not happen rests with all employees of the Trust as well as the Trust Board. This means everyone ensuring that the BHFT environment is free from unlawful discrimination, victimisation or harassment on the grounds of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race including nationality & ethnicity, religion or belief, sex, sexual orientation, or any other unjustifiable reason.
- 2.2** The policy details the Trust’s engagement, commitment, practice and sustainable evidence and monitoring required, to remain and be fully compliant with UK equality, diversity legislation and Human Rights Legislation and to the standards expected for the NHS contract and Care Quality Commission.
- 2.3** This policy supports the Trust’s implementation and developments made in response to the NHS Business and People plan, the WRES, WDES and Gender Pay Gap Reporting and the NHS Equality Delivery System (EDS2 to EDS3).

### 3. Scope

**The Policy applies to all:**

- 3.1** Employees of the Trust.

**3.2** All Agency workers, contractors, sub-contractors volunteers, secondees, patients and students placed at the Trust.

**3.3** All patients, their relatives and carers plus the general community who receive, or are eligible for services provided by the Trust or in conjunction with any of its designated healthcare partners.

#### **4. Compliance**

**4.1** The Trust's Equality, Diversity and Human Rights EDHR Policy complies with key UK anti-discriminatory legislation including for instance:

- **The Equalities Act 2010** which replaced all previous and numerous established equality and diversity legislations that covered the individual, care, the provision of services and access rights in terms of non-discriminatory treatment.
- **The Human Rights Act 1998**
- **BSL Act 2022** (effective since June 2022 for requirements around provision of British Sign Language)

For further information see Appendix 1 and 2.

**4.2 The Equalities Act 2010** brought together all the different key equality attributes that an individual may have and termed these “**protected characteristics**”. All these characteristics or ‘equality strands’ were given broader coverage with mainly generic but also some bespoke legal requirements. The protected characteristics are:

- Gender
- Age
- Ethnicity
- Religion or Belief
- Disability Sexual Orientation
- Transgender
- Pregnancy and Maternity
- Marriage or civil partnership

**Over time case law has developed and extended coverage.** For instance:

- Transgender cover was originally intended for people who identified as the opposite gender to their birth gender profile and wanted to transgender (**binary**). Now it also **non-binary** people for instance those who are trans-fluid, A-gender, transsexual, etc.
- Religion and Belief includes non-belief in its protection e.g. the right to be agnostic or atheist. It also now covers whether broader beliefs such as veganism or philosophical belief are, or are not, covered.

**4.3** A key part of the Act is to ensure that there is no discrimination due to holding a protected characteristic. The policy identifies the different types of discrimination (see Appendix 2 for full details), and gives clear responsibility for ensuring that discrimination does not happen to the Trust Board and all employees of the Trust. It also explains how the policy will be applied to Trust employment practices and describes arrangements for monitoring, handling complaints and communicating the policy to staff

**4.4 Public Sector Equality Duty PSED requirements** The Equality Act 2010 continued and extended PSED requirements to ensure that the Trust's commitments as a ‘Public Body’,

including statutory duties, covered all EDHR areas and remain integral the Trust's EDHR Policy

**4.5 EDHR Framework and Governance.** The Trust's requirements, undertakings and commitment to this agenda and the approach and governance structure can be seen in the EDHR Strategy Framework on the EDHR section of the Trust's website and intranet. This includes the work of the EDHR committee, annual statutory reports and action plans.

## **5. Ownership and Responsibilities**

**5.1 Ownership** - The Trust's Director of Human Resources and Director of Culture along with the Equality, Diversity and Human Rights Committee (EDHR) chaired by an Executive Director and supported by the Trust's EDHR lead, will be responsible for the implementation and review of the Trust's Equality, Diversity and Human Rights Policy.

**5.2 The Trust Board** - has ultimate responsibility for the policy implementation and its consistent application across the Trust. To ensure it is fully effective, the Trust has delegated overall responsibility for implementing the policy to Directors and Managers within their own Departments but also has a named NED and ED to champion a characteristic on the board and across the Trust.

**5.3 Role of Managers** - Every manager is responsible for promoting and leading by example on EDHR F.A.I.R <sup>1</sup>principles, ensuring fair treatment, access, inclusion and respect & dignity. This includes conduct in their sphere of management for patient as well as for workforce experience. Managers must ensure that:

- They lead by example and implement this policy in their own areas of responsibility.
- all staff are aware of the policy, and their responsibilities, and reaffirm these regularly.
- ensure recruitment and selection, grievance, disciplinary, training and promotion issues are dealt with in a timely, fair, appropriate and consistent manner.
- appropriate records are maintained in accordance with this and subsequent policies and procedures;
- all staff are aware of their individual responsibility for the promotion and practice of F.A.I.R and for avoidance of poor conduct, unfair treatment or discrimination;
- patients are made aware of the Policy in general patient information and the expectation of their both receiving, and support for, F.A.I.R principles within their or others conduct. Also of BHFT T.H.R.I.V.E values.

**5.4 Role of Individual Staff** - The Trust will ensure that all employees understand their rights and responsibilities under this policy by ensuring it is easily available on the Trust intranet and referred to, as appropriate in communication material. **All employees have a personal responsibility** to ensure F.A.I.R treatment of colleagues and patients, that they are treated consistently in a respectful and non-discriminatory manner, and in line with clinical practice. In particular, all staff should:

- comply with the policy and related arrangements
- Adhere to conduct expectations, F.A.I.R treatment and T.H.R.I.V.E values and not discriminate in their day to day activities or encourage others to do so;
- not victimise, harass or intimidate staff or patients on the grounds outlined in this policy

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<sup>1</sup> F.A.I.R Fair Treatment, Access. Inclusion and Respect & dignity

- advise their manager if they become aware of any poor conduct or discriminatory practice directed against staff, patients, patient groups, relatives or visitors from any source: (e.g. staff, patients or visitors).
- be prepared to challenge behaviour that is inappropriate.

## 5.5 Patient Compliance

Patients, their relatives, carers or visitors will be expected to comply with the general principles of this policy and specifically:

- not partake in or encourage any form of abusive or threatening behaviour directed towards Trust employees, patients, relatives or visitors;
- not distribute any inflammatory or offensive material; and
- to follow any reasonable instruction or request in the interests of patient safety, care and privacy.

**5.6 Further details** - Further details with regard to the requirements, responsibilities and best practice can be found in this policy in **Appendix 1 – Guidelines to Requirements, Appendix 2 Provisions for discriminatory conduct defined**, which need to be read in conjunction with this main policy. Also within the EDHR Framework and it's appendices on the EDHR section of the intranet.

## 6. Handling Complaints of Discrimination

- 6.1** Discrimination under the Act in any form will not be tolerated by the Trust and action will be taken where discrimination has occurred, whether the discriminator is an employee, a service user, relative, or a contractor. (See also **Appendix 2 - Provisions for discriminatory conduct defined**).
- 6.2** The Trust is committed to ensuring that complaints in all cases will be treated sensitively, confidentially, thoroughly and swiftly. All employees who have been discriminated against can expect action to be taken on their behalf and support from the Trust.
- 6.3** An individual not employed by the Trust or another organisation who considers they have been discriminated against may make a formal complaint, which will be dealt with through the Trust Complaint's Procedure.
- 6.4** A Trust employee who considers they have been discriminated against may pursue the matter through the Grievance Procedure or the Harassment and Bullying Procedure.
- 6.5** Employees who are found to be involved in discriminatory activities or practices in relation to their duties will be investigated, which could lead to disciplinary proceedings.
- 6.6** Further advice and guidance may be obtained from the Human Resources Department.

## 7. Standards and Practice

### Part 1 - How the Trust supports Employees

- 7.1** The Trust works to ensure that EDHR Strategy, its framework and this policy is embedded in all the Trust does and so further information about EDHR provisions will be found within most policies, practices and strategies, especially those listed at the front of this policy e.g. for recruitment, discipline, reasonable adjustment etc.
- 7.2** The EDHR provisions are present in the whole work life cycle so as to ensure that each

job applicant or employee shall receive no less favourable treatment on the grounds of ethnicity, race, disability, gender, age, sexual orientation, transgender, religion or belief, pregnancy or maternity, partnership status or social class or by being a carer. Some of the key areas for instance are within:

- Recruitment and selection
- Job description and person specifications
- Advertisements
- Shortlisting and selection process
- Terms and conditions of employment
- Education, career development and promotion
- Grievance, Capability, Discipline and Termination of Employment
- Employee retention or exit provisions
- Occupational Health and Wellbeing
- Maternity and Paternity - Carers
- Meeting religious needs
- Meeting Disability needs and reasonable adjustment – Carers

More specific information can be found within the policies for these areas.

**7.3** All employees will be given equal opportunity and encouragement to progress, and to use the training and development offered within the Trust to reach their potential.

**7.4** All Trust employees receive mandatory equality and diversity training either on line or by group or as part of their induction programme. The range of generic non-mandatory training, learning and development relevant to this agenda has been extended to include areas such as conduct expected, handling of poor conduct, stress, resilience, wellbeing, cultural awareness etc. and is available to all staff. Some areas will have specific application where staff can be encouraged to use the development opportunity offered.

**7.5** The Trust has a Flexible Working Policy and Flexible working practices will continue to be considered and encouraged where appropriate in line with HR / Trust Policy and service delivery needs. This is particularly helpful when introduced in support of patient and workforce needs, enabling the full and effective provision of Health Services, and identified as best suited to the community the Trust serves.

**7.6** Trust employees with a declared disability will receive reasonable adjustment consideration where appropriate and possible, in line with BHFT commitment to encourage and support recruitment and retention of disabled employees. Staff are encouraged to discuss a potential disability with their line manager or HR in confidence so that appropriate consideration can be given to potential needs. Reasonable adjustments under the Equality Act 2010 for may include adjustments to employment practices, or working arrangements, or equipment, or alterations to premises for staff.

## **Part 2 - How the Trust supports Patients**

**7.7** Patients, their relatives or identified carer(s), will be treated with respect and due consideration. They will receive healthcare in a consistent and non-discriminatory manner irrespective of their protected characteristics or social status. This will be in line with the Trust's Clinical Policies, Privacy & Dignity Policy, Patient Experience Strategy, Accessible Information, Interpretation, Safeguarding or any other relevant Patient Policies.

**7.8** Patient access to Trust services, the Trust site or healthcare arrangements will be subject to any reasonable adjustments under the requirements of the Equality Act 2010 and the NHS Accessible Information Standard that are necessary or appropriate to meet patient disability



needs. This may for example, be reasonable adjustments to premises for patient access; provision of equipment or aids such as inductive 'hearing loops' in reception areas or wards or an interpreter.

- 7.9** Patient religion, belief or non-belief and cultural needs will be considered as part of any clinical application where or if deemed appropriate. If appropriate, the Trust will discuss with the patient and/or relatives or designated carer(s) any particular needs in terms of health care provision or service provided by the Trust. This may range comprehensively from dietary or wellbeing needs to requirements around bereavement or death.
- 7.10** Patient spoken and non-spoken language and interpretation needs will be covered as necessary by the Trust's interpretation services in line with the Trust's Interpretation and Translation Policy.
- 7.11** Patient privacy needs will be encouraged and managed under existing Trust privacy policy and national guidance.

### **Part 3 - Consultation & Engagement**

- 7.12** The Trust will aim to reflect, as part of its consultation arrangements with its formal or informal stakeholder groups (e.g. providers, local communities, networks, patient or support groups and employees) or by surveys that wherever possible, the widest and most reflective representation of these groups are approached for their views, in order to ensure a board spectrum of opinion and feedback is received.
- 7.13** Where appropriate these consultation arrangements or opportunities may be made available in alternative formats (i.e. Braille or easy read) or in different spoken or non-spoken languages to reflect the targeted community or stakeholder group needs as identified.

### **Part 4 - Suppliers**

- 7.14** As a major procurement organisation, the Trust encourages best practice and non-discriminatory principles from within its existing and prospective supplier base. This is an important and appropriate part of our formal contractual arrangements and obligations with suppliers.
- 7.15** Private and honorary contractors employed by the Trust in any activity (for example as employees, suppliers of goods or services, or as researchers) will be required to fully comply with the Trust EDHR Policy when on the Trust site or if conducting business or activity on the Trusts behalf.
- 7.16** Since 2022 the Trust's EDHR provisions can also be requested by organisations when departments or sections within the Trust tender to provide services.

## **8. Equality Analysis**

- 8.1 Equality Analysis Impact Assessment (EAIA)**, (previously known as an Equality Impact Assessment or EIA) is a formal and systematic process which the Trust is required to undertake to be able to evaluate practice and performance around equality and make informed decisions.
- 8.2 Equality Analysis Impact Assessment (EAIA), Toolkit** - The Trust has an EAIA Policy and Toolkit which includes a summary explanation, guidance and frequently asked

questions to undertake assessments of the impact of key decisions such as from the recent merger, capital projects and redevelopment. Managers are expected and required to fully support the process in their respective spheres of management.

**8.3** The primary purpose of this process is to help the Trust identify any to minimise any unanticipated impact or unintentional direct or indirect discrimination in relation to employment practice or as to how healthcare services are delivered.

**8.4 Equality Analysis of Policy** – some areas (such as the assessment of impact from a new or revised policy) do not require the same level of assessment and there is an appropriate form for this that makes the process reasonable, proportionate and adequate. The Trust will assess all its employment, patient and site policies and procedures for any impact. This process can occur at any stage of a policy or processes review cycle, such as during initial drafting, at consultation stages or when due for review.

**8.5** The Trust will publish the Equality Analysis outcomes of all its policies on the Trust intranet where appropriate.

## **9. Dissemination and Implementation**

**9.1** The HR Directorate, EDHR Committee, Staff Side representatives and managers within Divisions are responsible for the implementation of this policy.

- The policy will be stored in the Trust's document library on the internet / intranet site.
- The policy is shared with HR to enable them to support implementation of the policy.
- A clear communication will be sent to Managers for awareness of the revised policy being issued and that they are responsible for cascading the information to their staff teams including those without regular access to email.
- Trust directors / Chairs of Staff Side will be advised of the issuing of the new policy.
- The revised policy will also be shared in the bulletins which are circulated to all staff.

## **10. Monitoring compliance and effectiveness**

### **Part 1 - Employees**

**10.1** The Trust monitors the protected characteristics of employees. Long term this has been for gender, age and race, but now includes as appropriate or able, data for disability, sexual orientation, religion or belief and transgender, pregnancy and maternity, marriage and civil partnership as part of monitoring processes, practices and outcomes. This is required under the statutory duties related to pay, employment, recruitment, training, promotions, grievances, disciplines, dismissals etc.

**10.2** The Trust will use data and analysis to identify any variances, trends or disproportionate outcomes, and then make informed decisions to support where applicable, any action needed to address these areas, e.g. such as under or over representation, poor experiences or a lesser or detrimental impact. This then feeds into the Trust's EDHR and Workforce Committee plans and objectives.

**10.3** Trust employees are asked and encouraged to assist the Trust in meeting its statutory compliance duties and most importantly its ability to monitor performance and make informed decisions by completing their equality data when requested. This is confidential, anonymised and generic in use. It is required in Equal Opportunities Monitoring forms at recruitment, development, training, and within the NHS Staff survey or in any other

monitoring requirement, as determined under statutory compliance.

- 10.4** The Trust publish annual reports with generic staff equalities data such as in / for the Workforce Race Equality Standard, Workforce Disability Equality Standard, Gender Pay Gap and other annual reports. Also specific interim reports may be requested e.g. for the Workforce or EDHR Committee's for review or for Equality Analysis Impact Assessments when there are changes to policies, procedures, practice, service or organisationally.

## **Part 2 - Patients**

- 10.5** The Trust monitors the ethnicity, age, gender, religion, belief or non-belief, disability, sexual orientation and transgender profile of its patients, in order to monitor the effectiveness and accessibility of Trust services. The level of declaration is important as without a high number declaring, the validity of the data can be affected. Patients are respectfully asked to provide such information with the reasons for this.
- 10.6** The Trust will also use the generic, anonymised patient information or data obtained to comply with any of the Trust's statutory requirements or EDHR objectives. Also to meet the requirements of the NHS contract, Care Quality Commission, any national or regional or ICB initiatives or standards and Equality Analysis Impact Assessment. This may be with regard to inclusive practices and the provision and accessibility of services within the community.
- 10.7** All Trust clinical and/or designated support employees, will be responsible for making reasonable arrangements, to obtain this monitoring information from patients or if appropriate and/or permissible, from their relatives or carers, at the earliest possible point of patient access to the Trust's services.
- 11. Outcome of Equality Analysis of this policy** - The Policy has been subject to an Equality Analysis. The outcome was that the policy would have a likely highly positive impact towards our F.A.I.R principles (fair treatment, Access, Inclusion and Respect & Dignity). Helping to ensure good patient and workforce experience and to reduce the likelihood of unfair treatment or undue discrimination across both staff and patient groups. See Appendix 2 (OR LINK)
- 12. Updating and Review** - This Policy will be reviewed on a tri-annual basis, following any appropriate assessment and clearance by the Trust's Committees.
- 13. Further guidance on the application of this policy** is available from Human Resources, a professional organisation or trade union representative. The following websites provide useful information:

[www.acas.co.uk](http://www.acas.co.uk)  
[www.cipd.co.uk](http://www.cipd.co.uk)

[www.nhsemployers.org](http://www.nhsemployers.org)  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

[www.unison.org.uk](http://www.unison.org.uk)  
[www.dwp.gov.uk](http://www.dwp.gov.uk)

