

NAVIGO HEALTH AND SOCIAL CARE CIC

EQUALITY AND DIVERSITY POLICY STATEMENT

Document Reference No:	2016-013
Responsible Officer:	Simon Beeton, Finance Director
Author:	Richard Watson, Head of Workforce
Version No.	V1.1
Latest Version Issued On: (date ratified version placed in the shared area):	December 2017
First Version Issued On:	April 2011
Review Date:	June 2019
Consultation Process:	Senior Managers JCC Membership Board
Approved By:	JCC Membership Board
Date Approved:	23.11.17
Date Placed in the Shared Area	01.12.17
Target Audience:	All Staff

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CONTENTS

Section	Contents
1	Introduction/Statement of Intent
2	Scope
3	Definitions
3.1	How we Determine Diversity
3.2	Understanding What Discrimination is About
4	Main Content - General Responsibilities
4.1	Equality Impact Assessments
4.2	Recruitment, Promotion, Transfers, Redeployment and Resignation
5	Duties
6	Consultation and Communication with Stakeholders
7	Training Needs
8	Monitoring and Audit
9	Complaints
10	References
11	Appendix A – Equality Act 2010-11-05
	Appendix B – Human Rights Framework
	Appendix C – Human Rights Articles
	Appendix D – Equality Impact Assessment

NAViGO HEALTH AND SOCIAL CARE CIC
EQUALITY & DIVERSITY POLICY STATEMENT

1.0 INTRODUCTION/STATEMENT OF INTENT

Good employment practice is the key to ensure that NAViGO meets its legal responsibilities. The NHS Constitution highlights within sections 3a and 3b the duties and rights of employees with regard to equality and diversity, namely the right to be treated fairly equally and free from discrimination, the right to fair treatment regarding pay and the duty not to discriminate against patients or staff and to adhere to equal opportunities and Equality and Human Rights legislation.

This policy is in place to ensure we achieve the best from people by valuing differences. NAViGO will ensure that it works towards developing a workforce at all levels which is truly representative of all sections of society and reflects the community it serves and reflects the values and behaviours of NAViGO.

We believe that Equality and Human Rights (EHR) are fundamentally important to its employment, business plans, project initiation documents, service change, service delivery and provision, policies and other corporate documents and practices.

We will endeavour to ensure that our services are non-discriminatory, enabling equality of access and provision and meet the requirements under the Equality Act 2010.

We will make every effort to priorities our services and set them according to the health and social care needs of all diverse groups within the community. We recognise the importance of seeking views from our community and work cohesively to identify and improve our services which work towards improving health inequalities.

The Human Rights Act 1998 sets universal standards to ensure that a person's basic needs as a human being are recognised and met. Public authorities are required to have arrangements in place to ensure that they comply with equality legislation, and it is unlawful for public sector organisations to act in a way that is incompatible with the legislation.

The Act encourages public authorities to apply a human rights framework to decision making across public services in order to achieve better service provision. The Care Quality Commission standards stipulate requirements related to human rights. NAViGO's core purpose of putting patients first embodies the principles of respecting human rights (see [Appendix B](#) for further information).

The document contains measures under the Equality Act 2010 to ensure as far as possible no one in or providing services on behalf of the organisation discriminates (directly or indirectly) or victimises another person on the grounds of any protected characteristic (age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation).

Managers and staff will take all reasonable steps to ensure that there is no unlawful or unfair discrimination of potential or existing employees including bank staff, contract workers or volunteers, because of any protected characteristic be it: age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief, sex, sexual orientation. All employees, whether full time, part time or temporary, will be treated fairly and with respect.

2.0 SCOPE

This policy applies to applicants for employment, all staff working within NAViGO, including bank staff. Where medical staff have separate procedures and guidance relating to professional competence this will operate in conjunction with this policy. NAViGO expects all employees/volunteers to fully comply with this policy and the NAViGO Code of Conduct.

3.0 DEFINITIONS

Equality of opportunity is about viewing individuals positively and recognising that everyone is different, valuing equally the contribution that an individual's experience, knowledge and skills can make. Diversity is about appreciating the differences in aspirations, customs and traditions we all have in society.

Equal opportunity is the provision in law of equal rights for people from recruitment and selection to termination of employment and everything in between. In addition, there are powerful and sound business reasons and legal imperatives for taking an equal opportunity approach to the community in which we exist including our patients and their carers, our suppliers, members of other organisations and all people who receive our services in any of its many forms. In achieving our business objectives we intend to do so by centralising the importance we place on diversity and equal opportunity in all of our business activities.

NAViGO will adhere to the requirements of the Equality Act 2010 and is required through contractual obligations with the Clinical Commissioners to comply with the Public Sector Equality Duty, Public Sector Equality Duty 2 and Workforce race equality standards. (WRES).

3.1 How we Determine Diversity

Diversity in our work place is an understanding that there are both seen and unseen differences among our employees and that these differences can assist in raising the quality of our work resulting in greater efficiency and effectiveness. At NAViGO we respect and value these differences so that each person is treated and valued as a unique individual. Diversity includes virtually all ways in which people differ, not just the more obvious ones of sex (gender), race, religion or belief, sexual orientation, age disability, gender reassignment, marriage or civil partnership and pregnancy and maternity. These are referred to as the 9 'protected characteristics'.

In valuing diversity we promote and respect differences that are not amongst the protected characteristics as outlined by the Equality Act 2010 and listed above. We recognise the increasing need for more flexible working practices and we are committed to continuously explore new ways of working which will give us access to the widest range of talent as possible.

3.2 Understanding What Discrimination is About

In order to understand the nature of our commitments under this policy it is necessary to understand the definitions of some key terms relating to discrimination:-

Discrimination – A person discriminates against another if they treat that person less favourably on the grounds of:

- Race
- Sex (gender)
- Marriage or civil partnership
- Pregnancy and maternity
- Religion or belief
- Gender reassignment

- Sexual orientation
- Age
- Disability

There are a number of types of discrimination which can take place. These are:-

- **Direct Discrimination**

This occurs when someone is treated less favourably than another person because of a protected characteristic.

Occurs when person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

- **Indirect Discrimination**

This occurs when a company has a rule, policy or practice which applies to everyone but particularly disadvantages people who share a protected characteristic.

Indirect Discrimination occurs when:

- A applies a provision, criterion of practice ('PCP') to B.
- A applies, or would apply, the PCP to persons with whom B does not share the relevant protected characteristics. The PCP puts, or would put, persons with whom B shares the protected characteristics at a particular disadvantage when compared with persons with whom B does not share the characteristics.
- The PCP puts, or would put B at that disadvantage and
- The PCP is not a proportionate means of achieving a legitimate aim.

Indirect discrimination can be justified if it is a 'proportionate means of achieving a legitimate aim'.

- **Harassment**

This is 'unwanted conduct related to a relevant protected characteristic, which as the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

- **Third Party Harassment**

Employers can potentially be liable for harassment of employees by people (third parties) who are not employees of the company. Liability arises when harassment has occurred on at least two previous occasions, the employer is aware that it has taken place and has not taken reasonable steps to prevent it from happening again.

- **Victimisation**

Victimisation occurs when someone is treated badly because they have made a complaint or raised a grievance under the Equality Act 2010.

Occurs when person (A) victimises another person (B) if A subjects B to a detriment because

- (i) B does a protected act or
- (ii) A believes that B has done, or may do, a protected act.

- **Perception**

Discrimination can occur against an individual because others think that they possess a protected characteristic. It applies even if the person does not actually possess that characteristic.

- **Association**

Direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Occurs when person (A) discriminates against another (B) if, because of A's association with another person who possess a protected characteristic, A treats B less favourably than A treats or would treat others.

4.0 MAIN CONTENT - GENERAL RESPONSIBILITIES

NAVIGO aims to promote and continuously develop our commitment to diversity and equal opportunity. In providing this we commit to :-

- ensuring equality of treatment for everyone in connection with service delivery, recruitment and employment
- the broad principles of social justice, in that NAVIGO is opposed to any form of discrimination or oppression and accepts all its legal responsibilities in these respects
- treating equally everyone with whom its representatives come into contact including current and potential service users, its employees, board members and job applicants
- ensuring that no-one is treated in any way less favourably on the grounds of age, disability, gender, ethnicity (race), religion or belief, or sexual orientation
- implementing all necessary action and training to ensure its commitments with regard to equality of treatment are fulfilled and will monitor and review progress annually
- Ensure reasonable adjustments are in place when and where required in both recruitment and employment situations.
- Be mindful of available information regarding the local community in ensuring equality of access to all services .
- Ensure NAVIGO continues to comply with the positive about disability standards and mindful employer charter.

Our aims in respect of equality and diversity are:

- To ensure that equality is seen as a priority in all policy development and planning, not as a standalone heading but integrated within policies through the effective use of the Impact Assessment Tools
- To take positive action to ensure that all sections of our community have equal access to information and to our services, including better use of informal feedback from our contacts with a wide range of community groups
- To consult, involve and encourage the participation of all sections of the community in a way that best meets their needs and by minimising the information circulated to that which portrays the principles of the proposed actions in a 'people friendly' manner rather than lengthy policy and strategy documents. Ensuring different formats are available and compliance with the Information standards requirements.
- To continue to work towards building a workforce that reflects the diversity of our community
- To ensure that our workforce has equality of treatment in our employment practices and encouraging staff to challenge inequality however it is expressed or perceived

Equality and diversity in all employment practices will be monitored and annual equality audits will be undertaken and provided to The Board covering workforce data (race, gender, age, disability, contract status i.e. part time); information relating to equality policies that are in place, pay and grading information and details of the monitoring processes used for equality and diversity.

We are committed to providing a working environment in which our employees can work without fear of intimidation, offensive banter, discrimination, harassment or bullying, especially on the grounds of disability or by reason of a person's association with a disabled person, gender, marital status, race, colour, ethnic origin or national origin, nationality, age, sexual orientation, gender re-assignment, religion or any other unjustifiable conditions or requirements covered under the legislation.

We will not tolerate or accept such behaviour from staff, providers of services and service users and managers will ensure, so far as is reasonably practicable, that this does not occur. Any action or behaviour found to be in breach of this document may be regarded as misconduct or gross misconduct and may result in disciplinary action, in accordance with the Disciplinary policy or Performance and Capability policy.

Where members of staff have particular needs i.e. religious or belief, which may conflict with existing work requirements, these requirements will be considered which may result in adjustments where reasonably practicable.

We also commit to continuously review how our diversity and equal opportunity policy and practices are expressed in action.

4.1 Equality Impact Assessments

Undertaking Equality Impact Assessments is a very important way in which NAViGO is able to identify and address differences in the way that services are provided to a diverse range of service users.

The process is described within a separate NAViGO Policy, the associated toolkit is designed to help ensure that NAViGO does not knowingly, or unknowingly discriminate in an unlawful manner in service provision or employment matters, and strives to promote equality of opportunity in all its activities as well as seeking to promote good community relations within the communities it serves.

4.2 Recruitment, Promotion, Transfers, Redeployment and Resignation

This document will underpin all other policies related to recruitment, promotion, transfers, redeployment and resignations. Where clarity is required, managers will seek advice and support from Workforce.

All job advertisements will include a statement to encourage applications from groups which are under-represented within the organisation. Any programmes and initiatives to encourage such applications will keep to relevant legislation.

Job advertisements and supporting recruitment documentation will ensure they do not refer to any specific equality criteria unless there is a genuine occupational requirement, which fully meets the provisions of the relevant legislation. Any personal details specified must be genuinely necessary to perform the particular role.

Procedures for selecting and recruiting staff, promoting, transferring and redeploying employees and resignations/voluntary redundancies of employment will be fair and consistent. Where reasonably feasible, selection panels will be made up of members from

diverse backgrounds to avoid any potential discrimination, and will include an independent service user (see Recruitment Policy).

5.0 DUTIES

All Members of Staff - All managers and staff are expected to observe the requirements of this policy in their behaviour towards other staff members and members of the public. In particular, they shall:

- support and implement the principles of the Equal Opportunities and Diversity Policy
- report any incident or behaviour which contravenes this policy and not indirectly support unfair treatment by ignoring what is happening around them
- treat all staff, managers, patients, visitors and members of the public with dignity and respect
- must not themselves unlawfully discriminate against other employees or induce others to do so
- must not victimise others on the grounds that they have made complaints or provided information on discrimination
- must not harass or intimidate others in pursuance of unlawful discrimination
- individual members of staff can be held personally liable for acts of unlawful discrimination.

Chief Executive and Board Members

The Chief Executive has overall responsibility for leading and promoting the equality agenda. Furthermore, the Chief Executive and Directors will take responsibility for applying, co-ordinating and monitoring the activity.

Members of the Board, collectively and individually are responsible for supporting the Chief Executive in this objective making sure the necessary arrangements are in place to eliminate any unlawful discrimination and to promote equality of opportunity and good relations when carrying out their work.

The organisation, in relation to equality and human rights, will endeavour to conform to current legislative requirements and will seek to ensure equality of access and provision to services, meet the needs of service users. We will endeavour to breakdown any barriers that prevent equality of access to employment, promotion and development for all.

We have a legal and moral responsibility to make sure that the organisation and its employees do not discriminate and demonstrate that the arrangements it has in place are effective. Those arrangements will include ways of:

- planning and driving forward the main process for implementation of the equality agenda.
- taking responsibility for monitoring the reviews of functions and policies and implementing appropriate plans.
- ensuring involvement, engagement and consultation takes place with staff and appropriate groups.
- taking responsibility for ensuring the information is published and action plans are monitored and reported on an annual basis.

Directors and Senior Management

The Head of Workforce, with the support of other departmental directors will have the responsibility to apply, co-ordinate and monitor all aspects of employment and service delivery in relation to equality.

The Managers will promote and publicise their commitment to equality, in line with the legislation.

Further responsibilities will be the inclusion of the following;

- giving managers and employee's advice, guidance and support to apply this document and agreeing any future training activity to support their development.
- encourage staff from across the organisation to apply for training and employment opportunities, particularly focusing on under-represented groups.
- making sure the organisation keeps to the employment related requirements of the Equality Act 2010. Our Single Equality Strategy and Action Plan 2017-2021 outlines our equality objectives.
- maintaining a record of the protected characteristics under equality legislation of each employee and job applicants, where provided.
- ensure job descriptions or person specifications and contracts of employment clearly state the employee's responsibility under this document.
- progress reports to the organisation's Board, Chief Executive and Directors.

Management and Supervisory Responsibility

Managers and Supervisors in particular will ensure that:

- they eliminate any unfair practices of which they are aware, whether or not a complaint has been made
- any allegations of discriminatory behaviour or practices are properly investigated, all relevant documentation retained and, disciplinary action taken (where appropriate) in a non-discriminatory manner
- they are positive role models of best equality practice for their staff
- they address any discriminatory practices or behaviours from service users and ensure that staff are supported appropriately
- promote the learning and best practice arising from the work of front line clinical and support staff in delivering care that accords with equality and diversity principles
- they and all members of staff under their supervision are aware of their responsibilities and obligations under this document;
- their staff do not discriminate, harass or bully anyone and promote and reinforce the appropriate standards of behaviour that are expected and challenge inappropriate behaviour whenever encountered;
- each employee's development states an objective that considers equality, when planning and delivering services. Furthermore, managers will be expected to identify any future training needs and continue to provide on-going support and guidance through regular reviews.
- their own behaviour is free from discrimination, harassment and bullying and that they treat every individual with dignity and respect. In addition managers have a responsibility for ensuring that they treat all complaints of harassment, discrimination and bullying with sensitivity and professionalism.
- records of employment decisions are maintained and regular monitoring reviews of employment practices are carried out. In addition, appropriate changes will be applied to criteria or practices shown to be causing unjustifiable disadvantages to any individual or group.
- appropriate changes and reasonable adjustments are made to any working practices or procedures, which are shown to be discriminatory towards any employee or group.
- a record of service delivery decisions are made and regularly reviewed.
- all employees will have equal access to promotion and training opportunities.
- consideration is given to any request employees make for special paid or unpaid leave, where operationally viable.
- issues and complaints are dealt with in a fair, consistent and sensitive manner, through the use of the human resources policies.

Individual Responsibility

Individuals in particular will ensure that:

- they maintain professional behaviour and good management practices at all times, as the reputation of the organisation within the community relies on this. Professional attitudes and good conduct and behaviour are crucial to equality in the delivery of services and the carrying out of its functions.
- they take responsibility to ensure that they do not discriminate, harass or bully anyone and promote a climate free from unacceptable behaviour. Each individual must ensure that their own conduct, and that of their colleagues, does not cause offence. Staff are encouraged to challenge and discourage offending behaviour and support colleagues who are experiencing harassment, discrimination or bullying.
- they co-operate and adhere to measures introduced by the organisation to ensure equality of opportunity and non-discrimination in employment and service delivery.
- do not discriminate, when they are involved in recruitment and selection decisions, promotion, transfer or training.
- do not induce or attempt to induce other members of staff, union members or management to practice unlawful discrimination, harassment or bullying, when delivering a service.
- do not victimise or attempt to victimise any individual on the grounds that they have made a complaint/grievance or assisted someone who has.
- do not harass, abuse, intimidate or bully other members of staff or members of the public.
- they inform their managers, if they suspect that discrimination, harassment, bullying, abuse, victimisation or offensive banter has taken place.

The organisation is committed to fostering a culture where staff can approach their manager or supervisor and raise a concern about their human rights. Whatever their concern, they have a right for it to be considered and discussed and resolved where possible.

People (other than employees) working for the Organisation

Contractors, agency staff, partners and stakeholders and students on placement within the organisation providing services are required to adhere to the equality principles outlined in this document. Appropriate action will be taken against contractors, agency staff and students who fail to adhere to the document.

Workforce.

The Workforce team are responsible for providing advice and guidance to any employee or manager on the application and effective implementation of this policy:

- they have responsibility for ensuring that the duty to promote is observed and the general and specific duties of Equality Legislation are observed
- review work practices to determine negative impact on those seeking work or continuing to work for the organisation
- review all equal opportunities monitoring and determine action to be taken if required
- consider and support the development of new roles and new ways of working
- gather and publish equality and diversity data across all of the protected characteristics
- ensure transparency in the area of diversity and equal opportunity

People from other Organisations – People from other organisations will have the responsibility to comply with NAViGO's Equality and Diversity policy in matters which impact on our employed staff and the service we provide.

Legal Liability - As an employer NAViGO may be liable for any act of unlawful discrimination committed by its staff during the course of their employment, unless it can be proved that all reasonable and practicable steps had been taken to prevent such an act from occurring. NAViGO has a primary legal and moral responsibility for ensuring that discrimination does not occur.

6.0 CONSULTATION AND COMMUNICATION WITH STAKEHOLDERS

Management, Senior Management, JCC Members and Membership Board.

The document has been agreed by the Senior Management Team. It supports the legal obligations we have in relation to the Equality Act 2010 and the Equality Duties 2011 (please see [Appendix A](#)).

7.0 TRAINING NEEDS

All new employees will be expected to attend the mandatory induction programme which includes training in equality.

The organisation's equality training package will include information which complies with the general and specific duties outlined in the legislation. It is important that staff are trained to be aware of the specific requirements under the legislation.

All employees will have access to regular supervision, an annual review of their performance, and a personal development plan which identifies their training needs. This will include a review of any equality training appropriate to their job function.

Information on training and development opportunities will be published on the organisation's website. Employees should be encouraged to undertake training and development that will enable them to develop within the organisation

8.0 MONITORING AND AUDIT

The success of this Equal Opportunity and Diversity policy is enhanced by the systematic monitoring of its implementation. Success will be regularly reviewed and the information collected by the Workforce function and presented to the senior team at regular intervals. In monitoring the policy the following applies:-

- NAViGO will review the policy immediately following legislative changes which necessitate change to policy statements
- information relating to recruitment, selection, opportunities for training, opportunities for promotion, appraisal, terms and conditions, pay and reasons for leaving etc will be monitored against the requirements of the policy
- the organisation may use one to one interviews, satisfaction surveys and other interventions to determine best practice, problems and morale across the protected characteristics within the organisation
- should there be a need, an analysis of the number and nature of any complaints relating to a breach of the Equal Opportunity and Diversity policy will be carried out whether the complaints are received from patients, candidates, employees, contracted business associates, suppliers and members of the public
- the workforce department will monitor and analyse recruitment, selection and training opportunities in order to create a current organisational equal opportunity profile.

We will ensure that monitoring activity is undertaken to highlight concerns that may have been identified through the process. This will enable us to take appropriate action to address any issues identified.

The process will include:

- analysis of our recruitment activity;
- analysis of training and development and deployment and promotion of applicants;
- analysis of the composition of the workforce;
- analysis of grievance, disciplinary and harassment issues;
- analysis of exit interviews.

We will ensure that recruitment and selection records are maintained for an appropriate period of time, including reasons for short-listing, appointments, and rejections.

The Head of Workforce with the support of the other departmental directors will have the lead responsibility to ensure the document is reviewed with respect to changes in legislation and/or at any time where it can be shown the needs of either NAViGO or its employees are not being met.

9.0 COMPLAINTS

NAViGO will endeavour to actively involve and engage with all communities in order that they can influence and shape services. It is committed to fostering a culture where patients can approach a member of staff and raise a concern about their human rights. The concerns/issues will be considered and discussed with them and resolved where possible (please see Complaints Policy).

Where the issue remains complex and difficult to decide on, staff should seek further guidance from their Senior Managers who will, if necessary, seek advice.

If members of staff have a complaint they should contact the Workforce team. All grievances or complaints will be treated seriously and with sensitivity. Further information can be obtained from the Workforce Team or viewing the policies on our website.

For all other issues staff will need to follow the various policies/procedures implemented by the organisation dependent upon the complaint and need to follow the process as indicated above under the heading of Responsibilities.

10.0 REFERENCES

- NAViGO has accreditation under the Employment Service the 'Positive About Disabled People'.
- NAViGO is also accredited under the 'Mindful Employer' scheme which supports people to find or remain in employment

11.0 APPENDICES

Appendix A – Equality Act 2010-11-05
Appendix B – Human Rights Framework
Appendix C – Human Rights Articles
Appendix D – Equality Impact Assessment

Appendix A

The Equality Act 2010 was introduced in April 2010. The main focus is to streamline, strengthen and harmonise the equality law. Additionally, this also brought about the introduction of the new Equality Duty for all Public Authorities.

The aim of the Equality Duty is to embed equality considerations into day to day work of public authorities, so that they tackle discrimination and inequality and contribute to making society fairer. The Equality Duty consists of a general duty, (set out in section 149 of the Equality Act 2010); and specific duties (set out in secondary legislation to accompany the Equality Act 2010). The specific duties are designed to help public bodies meet the general duty.

The aim of the general duty is to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

Protected Characteristics

Age - where the Act refers to the protected characteristic of age, it means a person belonging to a particular age or age group. An age group includes people of the same age and people of a particular range of ages. Where people fall in the same age group, they share the protected characteristic of age.

Disability - a person has a disability if the person has a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on person's ability to carry out normal day to-day activities.

Gender reassignment – a person has this protected characteristic if they are proposing to undergo, are undergoing or have undergone a process (or part of a process) for the purpose of reassigning their sex, by changing physiological or other attributes of sex.

Marriage and civil partnership - people who have or share the common characteristics of being married or of being a civil partner can be described as being in a marriage or civil partnership. A married man and a woman in a civil partnership both share the protected characteristic of marriage and civil partnership. People who are not married or civil partners do not have this characteristic.

Pregnancy and maternity – relates to women that are pregnant or within their allocated maternity period. Women that are not pregnant nor within their maternity period do not share this characteristic.

Race - for the purposes of the Act, "race" includes colour, nationality and ethnic or national origins. People who have or share characteristics of colour, nationality or ethnic or national origins can be described as belonging to a particular racial group. A racial group can be made up of two or more different racial groups.

Religion or belief - the protected characteristic of religion or religious or philosophical belief, is also stated to include a lack of religion or belief. It is a broad definition in line with the freedom of thought, conscience and religion guaranteed by Article 9 of the European Convention on Human Rights. For example, Baha'i faith, Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Rastafarianism, Sikhism and Zoroastrianism are all religions for the purposes of this provision.

Beliefs such as humanism and atheism would be beliefs for the purposes of this provision but adherence to a particular football team would not be.

Sex (Gender) - people having the protected characteristic of sex refers to being a man or a woman, and that men share this characteristic with other men, and women with other women.

Sexual orientation - the protected characteristic of sexual orientation relates to a person's sexual orientation towards people of the same sex as him or her (in other words the person is a gay man or a lesbian); people of the opposite sex from him or her (the person is heterosexual); people of both sexes (the person is bisexual).

Types of discrimination covered under Equality Act 2010

Direct discrimination - occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic
Associative discrimination - this is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

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

Indirect discrimination - can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make.

Harassment - is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual".

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Victimisation - occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee who make spurious or maliciously complaints will be dealt with through our disciplinary policies.

Human Rights Framework

The Human Rights Act 1998 sets universal standards to ensure that a person's basic needs as a human being are recognised and met. Public authorities should have arrangements in place to ensure that they comply with the Human Rights Act 1998, and it is unlawful for a healthcare organisation to act in a way that is incompatible with the Act. The Act urges public authorities to apply a human rights framework to decision making across public services in order to achieve better service provision.

The CQC standard stipulates requirements related to human rights. The organisations core purpose of putting patients first embodies the principles of respecting human rights.

The equality benefits of a human rights based approach include:

- An improved quality of health services – patients treated with fairness, respect, equality and dignity.
- More person-centred care.
- A reduced risk of complaints and litigation.
- Improved decision making overall.
- A broader range of marginalised groups being involved and considered.
- More meaningful engagement of patients, carers and families.

The main purpose of the Act is;

- to establish a framework around the human rights based approach that puts the individual and the rights to which they are entitled at the heart of commissioning, employment and service delivery.
- to give guidance on the principles, duties and practice associated with a human rights value base.
- to promote a culture which respects dignity, equality and human rights?
- to empower and involve staff and patients in achieving the realisation of human rights principles.
- to enable the meaningful involvement and participation of all key stakeholders, including vulnerable groups.
- to ensure clear accountability throughout the organisation.
- to specify training and development for staff in relation to challenging discrimination, promoting equality and a respect for human rights.

Key Responsibilities/Duties

The Chief Executive and the Senior Management Team are accountable and responsible, for ensuring that their policies and procedures considers Human Rights and that it is integral to the way the organisation manages existing commissioning, employment and services. The organisation will where possible ensure the development of new opportunities for promoting continuous improvement in their performance. Furthermore, they will be responsible for ensuring compliance with the Human Rights Act 1998.

Managers at all levels of the organisation will take positive steps to provide clear and visible leadership that promotes human rights as integral to the way the organisation delivers care and manages its staff. They will to their best ability take a lead role in establishing, promoting and maintaining a culture of respect and dignity.

All staff and volunteers will ensure that they operate at the highest standard of professional and personal integrity and for ensuring day to day actions and behaviours respect and protect the human rights of patients, service users, their carers and families and of those with whom they

work. They are accountable for ensuring that the services provided by the organisation are compliant with the legislation.

The primary vehicle used to integrate and embed human rights into the organisation is the public sector equality duty, the equality strategy and Equality Analysis as part of developing policies and procedures.

All employees have a personal responsibility to respect all staff and to treat everyone they meet fairly, equally and with dignity and respect. Training in equality has been developed and established across the organisation.

Raising Concerns About Human Rights

Although the rights embodied in the Human Rights Act may seem simple and straightforward, in practice the position may be more complex. As far as UK Law is concerned it is only as particular issues come to court that there is any clarity about the interpretation of the law and therefore of whether something is or is not to be regarded as a 'right'. It is accepted that rights can be conflicting e.g. the right to liberty may conflict with someone else's right to safety. These cases often need to be interpreted and decided upon.

For these reasons the organisation is committed to fostering a culture where patients or their advocates can approach any member of staff and raise a concern. Whatever their concern is, they have a right for it to be considered and discussed with them and resolved where possible. This may be done at the time of raising the issue with a member of staff or by contacting the organisation's Complaints Manager. Staff with concerns should raise these with their line manager, Senior Human Resources Advisor or staff side representative and be met with the same consideration.

Any employee who suspects another employee to have contravened the document has the right to inform the organisation without fear of discrimination. The Organisation will investigate any allegations using the Performance and Conduct Policy and serious breaches by employees may be considered to be gross misconduct, and may lead to dismissal. Where the issue remains complex and difficult to decide on, staff should seek further guidance from their senior managers. The aim is, where appropriate, for staff concerns about human rights issues to be resolved informally between the individual and his or her line manager. If this is not possible or the concern has not been resolved, the individuals can raise this formally with the HR team. . Alternatively, where a member of staff feels unable to raise their concern through their line management chain, concerns can be raised to the complaints team.

The organisation has developed a number of options for raising concerns, contained within the various policies such as Whistle Blowing policy.

- The complaints department will deal with complaints, compliments and serious incidents for evidence of any adverse trends.
- Monitoring processes in line with statutory requirements and to ensure they cover all protected characteristics.
- Provide specific equality, diversity and human rights training for all staff, with training for managers and document authors on equality analysis that covers the Human Rights Act.
- The organisation will review the results of the National Patient Survey and the NHS Staff Opinion Survey

Equality Analysis

The organisation has an equality analysis process which assesses services and employment policies to determine any adverse impact on the protected characteristics. The assessment will be in line with the Equality Act 2010 and other relevant equalities legislation.

Human Rights will be incorporated into the process and through effective training; staff will ensure that they apply the basic fundamentals of the equality legislation when carrying out the analysis.

Human Rights Article & Relevant issues.

Article 1 - is introductory and not incorporated into the Human Rights Act

Article 2: Right to Life

everyone's right to life shall be protected by law. No one shall be deprived of his life save in the execution of sentence of court following his conviction of a crime for which this penalty is provided in law. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:

- i) in defence of any person from unlawful violence
- ii) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained
- iii) in action lawfully taken for the purpose of quelling a riot or insurrection

Resuscitation policies, Consent policies, Living Wills,

High Cost Treatments, Suicide prevention, Drugs and equipment research trials, Appropriately qualified staff, Palliative care

EDHR policies – e.g. age, discrimination, people with learning disabilities. Mental capacity act.

Article 3 : Prohibition of Torture

no-one shall be subjected to torture or to inhuman or degrading treatment or punishment

Environmental issues – e.g. fresh air, light, warmth. Management of violence and aggression, Restraint, Mixed sex accommodation, Privacy and Dignity, Consent for invasive procedures, Pain control, Child and adult protection.

Article 4 : Prohibition of slavery and forced labour

i) No-one shall be held in slavery or servitude. ii) No-one shall be required to perform forced or compulsory labour.

Article 5 : Right to Liberty and Security

1) Everyone has the right to liberty and security of person. No-one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

- i) lawful detention after conviction by a competent court.
- ii) arrest or detention for non-compliance with the lawful order of a court.
- iii) lawful arrest or detention where there is a reasonable suspicion that an offence has been committed or to prevent an offence from being committed or to prevent the person from fleeing having committed an offence.
- iv) detention of a minor by lawful order for educational supervision or to bring him before competent legal authority
- v) detention of persons to prevent the spreading of infectious diseases, persons of unsound mind, alcoholics or vagrants
- vi) lawful arrest and detention of a person to prevent unauthorised entry into the country or where deportation or extradition is to be effected.

1) Everyone who is arrested is to be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

2) Everyone arrested or detained in accordance with the provisions of 1(iii) of this article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to a trial within a reasonable time and to be released pending trial. Release may be conditioned by guarantees to appear for trial.

3) Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

4) Everyone who has been the victim of an arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation.

Mental Health Act
Security measures to lock wards
'Wandering' patients
Discharge against medical advice
Interpreter services
Surveillance (CCTV)
Control or restraint
Zero tolerance policy
Health and safety
Child and adult protection

Article 6 – The Right to a Fair Trial

1) In the determination of civil rights against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interest of juveniles or the protection of the private life of parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2) Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to the law.

3) Everyone charged with a criminal offence has the following human rights:

a) to be informed promptly, in a language he can understand, and in detail, of the nature and cause of the accusation against him.

b) To have adequate time and facilities for the preparation of his defence.

c) To defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require.

d) To examine and have examined witnesses against him and to obtain the attendance.

Employment procedures – e.g. disciplinary and grievance procedures

Interpreting

Mental Health Act issues

Legal representation

Prisoners and police custody in hospital

Child and adult protection

Article 7: Retrospective crimes

(1) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

(2) This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time it was committed, was criminal according to the general law recognised by civilised nations.

Article 8 – Right to respect for Private and Family Life

1) Everyone has the right to respect for his private and family life, his home and correspondence.

2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder and crime, for the protection of health or morals, or for the protection of rights and freedoms of others.

Visiting policies

Confidentiality and information governance policies

Mixed sex wards

Privacy and dignity issues

Employment issues – e.g. improving working lives, maternity and paternity leave, shift patterns.

Child and adult protection

Article 9 – Freedom of Thought, Conscience and Religion

1) Everyone has the right to freedom of thought, conscience or religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2) Freedom to manifest ones religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society and in the interests of public safety, for the protection of public order, health and morals, or for the protection of the rights or freedoms of others.

Multi-faith chaplaincy

Consent policies

Dress code and uniform policies

Food and diet

Bereavement and last offices

Employment – e.g. request that shift patterns reflect ‘faith’ days such as the Sabbath

Article 10 – Freedom of Expression:

1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions and penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of health and morals, for the protection of the reputation and rights of others, for the prevention of disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Whistle blowing policies

Staff ‘going to the press’

Political activity by staff members (e.g. membership of political parties or holding political office)

Confidentiality.

Article 11 – Freedom of Assembly and Association

1) Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2) No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder and crime, for the protection of health or morals or for the protection of rights or freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the state.

Union rights – Recognition Agreements.

Article 12 - Right to marry

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of the right.

Maternity services – e.g. teenage pregnancy

Discrimination – e.g. learning disabled people having children.

Visiting policies

Fertility treatment

Article 14: Prohibition of Discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
EDHR legislation and policies.

Article 1 of Protocol 1 – Protection of Property.

A person has a right to the peaceful enjoyment of their possessions. A public authority cannot usually interfere with things people own or the way they use them, except in certain limited circumstances

Discharge planning

Property policies

Article 2 of Protocol 1 – Right to education

A person has a right not to be denied access to the educational system

Schooling for children in hospital

EQUALITY IMPACT ASSESSMENT

To be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval

Name of Policy/Procedure/Service/Function being assessed: Equal Opportunities and Diversity Statement			
Function or Department: Workforce			
Briefly describe the main objective or purpose of the Policy/Procedure/ Service/Function and any expected outcomes: To ensure that all staff are aware of their responsibility with regard to Equality Opportunities and Diversity both within the services we provide and procure and within the workplace.			
List the main stakeholders – the recipients of the Policy/Procedure/Service/Function or the individual(s) or groups who are expected to benefit from, or to whom it applies. NAVIGO staff, Service Users, carers.			
How relevant is the Policy/Procedure/Service/Function to each of the groups below? Does the policy have, or have the potential for differential outcomes for any of the listed groups? Does the policy affect or have the potential to affect any of the listed groups in an adverse way?			
Category:	Relevant?	High Medium Low	Reasons for differential impact and why:
Ethnicity (Race)	YES <input checked="" type="checkbox"/>	Low	This Statement has no adjustments required.
Disability	YES <input checked="" type="checkbox"/>	Low	This Statement has no adjustments required
Gender	YES <input checked="" type="checkbox"/>	Low	This Statement has no adjustments required
Age	YES <input checked="" type="checkbox"/>	Low	This Statement has no adjustments required
Sexual Orientation	YES <input checked="" type="checkbox"/>	Low	This Statement has no adjustments required
Religion/Belief/Non-belief	YES <input checked="" type="checkbox"/>	Low	This Statement has no adjustments required
Other:..... (please state)			The Policy by definition relates to Equality and Diversity and NAVIGO's approach to promoting E&D in the workplace and across services
Overall Priority rating:	Low		
What is the available data and research which provides the evidence for your comments on relevance above? List any consultation you have done with affected groups/stakeholders.			
Category:	Evidenced by:		

Ethnicity/Race (BME Community members)	
Disability (People with Disabilities* (*see definition))	
Gender (Women/Men/ Transgender)	
Age (Older people/ Children & Younger People)	
Sexual Orientation (Gay/Lesbian & Bisexual community)	
Religion/Belief/Non-Belief	
Other:..... (please state)	
Priority rating:	
What other information do you need to complete this assessment, and before determining whether to proceed to a full Impact Assessment?	
How will you publicise the results of this assessment?	
Incorporated within policy	
Other comments/observations for action: Noted that policy itself provided the definition and expectations regarding Equality and Diversity across Navigo, and the framework to address any inequalities.	
All new and revised policies and procedure with the company will include equal opportunities and diversity, where appropriate.	
Scheduled for Full Impact Assessment?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Name of person completing screening:	Richard Watson, Head of Workforce & Development
Designation: Head of Workforce	Date Completed: October 2017