

HR policy

Equality and Diversity

1. Policy statement

- 1.1 The NHS Business Services Authority (NHSBSA) values the diverse nature of its customers and workforce, and is committed to equality of opportunity for current and prospective employees. We respect diversity in our workforce and recognise the many benefits this brings to our organisation. Diversity is not about treating everyone in the same way, but rather recognising and welcoming differences. We are also committed to ensuring that the NHSBSA provides accessible and inclusive services for our customers. We promote equality both in employment and in the delivery of our services, and do not tolerate unlawful discrimination. We are fully committed to undertaking the duties placed on us as an employer, service provider and public body under the Equality Act (2010) and other relevant legislation.
- 1.2 This policy is complementary to the NHS Staff Council's Equality & Diversity and Dignity at Work agreements, and is in relation to the NHSBSA's Equality strategy, Equality analysis procedure, Prevention of harassment and bullying at work policy, and Grievance procedure.
- 1.3 This policy supports the NHSBSA's values and behaviours, particularly **respect** for our staff and customers.

2. Scope

- 2.1 This policy applies to all NHSBSA employees (including those on secondment to other organisations).
- 2.2 Contractors, agency workers and secondees (those who are seconded to the NHSBSA from other organisations) are expected to adhere to this policy whilst engaged in work on our behalf.

3. Equality legislation

- 3.1 The Equality Act (2010) harmonised previous equality legislation, and further extended discrimination protection for those in employment, education and training,

and in the provision of goods and services. Protection from discrimination under the Act is on the basis of the following 'protected characteristics':

- age
- disability
- gender reassignment
- marriage and civil partnership (but not in the provision of goods and services)
- pregnancy and maternity
- race
- religion and belief
- sex
- sexual orientation.

3.2 The Equality Act (2010) prohibits the following conduct:

3.2.1 Discrimination, which includes:

- treating a person less favourably than someone else because of a protected characteristic (known as **direct discrimination**)
- putting in place a rule or a way of doing things that has a worse impact on someone (or a group of people) with a protected characteristic than someone (or a group of people) without one, when this cannot be justified (known as **indirect discrimination**)
- failing to make reasonable adjustments for disabled people.

3.2.2 Harassment, which is unwanted conduct related to a 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. An individual can complain of such behaviour even if it is not directed at them and they need not possess the relevant characteristic(s) themselves.

3.2.3 Victimisation, which is treating someone unfavourably because they have either made or supported a complaint or grievance under the Equality Act (2010), or because they are suspected of doing so.

3.3 The Act also protects people from being discriminated against:

- by someone who mistakenly perceives them to have one (or more) of the protected characteristics (known as **perception discrimination**), or
- because they are associated with someone who has a protected characteristic. This includes the parent of a disabled child or adult or someone else who is caring for a disabled person (known as **discrimination by association**).

3.4 The Equality Act (2010) also imposes a Public Sector Equality Duty (PSED) to have due regard to eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited under the Equality Act (2010); to advance equality of

opportunity; and to foster good relations between individuals who possess a certain protected characteristic and those who do not. The NHSBSA is required to set equality objectives and publish information to show how we are meeting the PSED (please refer to section 4.1 below).

- 3.5 The NHSBSA recognises our legal duty to tackle discrimination and will not permit any act of discrimination, harassment or victimisation on the basis of any of the protected characteristics listed above. In addition to this, we will not discriminate because of working patterns, offending background or trade union membership, and we will regard any harassment or bullying on these or any other grounds as a serious matter.
- 3.6 Acts of discrimination, including harassment and victimisation, are serious offences and will result in disciplinary action against employees, which could lead to dismissal.

4. Equality commitments

4.1 To support our commitment to equality and diversity, the NHSBSA will:

- set and publish equality objectives (as set out in our Equality strategy)
- publish information annually on how we are meeting the PSED and our progress in this area
- ensure that equality issues are considered as part of our everyday business, through the use of the Equality analysis procedure for all business and policy reviews and changes
- seek opportunities to promote equality and diversity for our staff and customers
- ensure that our services are as accessible and inclusive as possible, for all of our customers
- ensure that our customers know how to make a complaint if they feel they have been discriminated against
- ensure that our premises are accessible for staff and visitors.

4.2 To support our commitment to be a fair and inclusive employer, we will also:

- carry out recruitment and selection fairly (please refer to our Recruitment and selection policy for further information)
- support job applicants with disabilities by making reasonable adjustments to our recruitment processes, and by operating a Guaranteed Interview ('Two Ticks') Scheme for disabled applicants who meet the essential role criteria (as above)
- support disabled employees by making reasonable adjustments (please refer to our Absence management policy for further information)
- support employees with different religious or cultural needs where practical, for example through the provision of appropriate spaces for prayer and adaptation of working patterns

- consider equality requirements in all employment policies and practices
- provide training on equality and diversity information to managers and employees, and raise awareness on equality issues through regular equality communications
- treat all employees fairly, with dignity and respect at all times
- tackle unacceptable behaviour in the workplace
- publish equal pay information and ensure employees are paid fairly
- promote a good work-life balance and opportunities to work flexibly (please refer to the Flexible working policy for further information)
- monitor the demographic make-up of our workforce and benchmark this against local and national populations, to support our aim to have a representative workforce
- make employees aware of how to raise issues if they feel discrimination, harassment or victimisation has taken place
- make employees aware that contravention of this policy will be considered a disciplinary offence.

5. Responsibilities

5.1 **The NHSBSA Board** has primary legal responsibility for ensuring that the organisation complies with the requirements of the Equality Act (2010). In particular, the Board will:

- review and approve publication of our equality objectives, Equality strategy, and this policy
- monitor progress against the Equality strategy, through receiving regular progress reports, which include the workforce equality information reports
- take assurance from, and take action to address any underperformance in this area, through the Equality and Diversity Committee
- ensure that this policy is implemented and applied consistently.

5.2 **Managers at all levels** have a responsibility to implement this policy and to bring it to the attention of their staff, in order to establish and maintain a work environment free of any discrimination, harassment or victimisation, and where all staff feel able to be themselves at work. They will:

- set a positive example to staff by treating all employees, customers and visitors with dignity and respect, and maintain standards of acceptable behaviour
- complete the equality and diversity for managers training
- promote a working environment where discrimination, harassment and victimisation are unacceptable and not tolerated
- ensure that their own behaviour cannot be construed as discrimination, harassment or victimisation, by acting with fairness and equity

- challenge any unacceptable behaviour displayed by employees, customers or visitors, and escalate the issue if necessary using the appropriate policy
- create a climate where complaints can be raised without fear of reprisal, and ensure that staff know how to raise any discrimination, harassment or victimisation issues
- treat any complaints (whether from employees, customers or visitors) of discrimination, harassment or victimisation seriously and deal with them promptly and confidentially, in accordance with the relevant policies
- ensure that all decisions made during any recruitment or selection process are free from any form of bias or discrimination, in accordance with the Recruitment & selection policy
- ensure that staff development or training opportunities are free from any form of bias or discrimination
- encourage and support diversity within their teams, and encourage awareness of diverse needs, of both staff and customers
- ensure that equality analysis is undertaken for any business decisions or policy reviews or changes, in accordance with the Equality analysis procedure.

5.3 It is a condition of employment that **all employees** respect and act in accordance with this policy. Failure to do so may result in the disciplinary procedure being instigated, which could result in dismissal. The NHSBSA expects all employees (and contractors, agency workers and secondees engaged in work on our behalf), to:

- familiarise themselves with this policy and act in accordance with it
- treat all employees, customers and visitors with dignity and respect at all times
- ensure that they do not discriminate against, harass or victimise employees, visitors or customers, and do not attempt to induce others to do so
- consider the diverse needs of both staff and customers, to ensure our services are as inclusive and accessible as possible
- complete equality and diversity training as requested
- challenge any unacceptable behaviour displayed by other staff, customers or visitors, and report the issue as appropriate.

5.4 **Trade union representatives and the NHSBSA's Staff Diversity Network** have an important role to play in promoting equality and eliminating discrimination. In addition to the responsibilities outlined for all staff, they will:

- help to promote and support this policy
- provide support and information for any NHSBSA employee who may have experienced or witnessed possible discrimination, harassment or victimisation. In addition, trade union representatives can provide advice and representation to employees.

6. Procedure for dealing with complaints of discrimination

- 6.1 Any employee who feels that they have been discriminated against, harassed or victimised, or witnessed any such behaviour, on any grounds set out in this policy, should initially raise their concerns with their line manager. Where an employee's concerns relate to their line manager, the employee should raise their concern with the next more senior manager. Alternatively, employees can discuss their concern with a member of the Human Resources department, their trade union representative, or a Staff Diversity Network member.
- 6.2 Issues can be resolved informally if appropriate and if staff wish to explore these options they should discuss this with a member of the Human Resources department, their trade union representative, or a Staff Diversity Network member.
- 6.3 Any employee who feels that they have been discriminated against may make a complaint using the Grievance procedure, or the Prevention of harassment and bullying at work policy if the complaint is in relation to bullying or harassment. At all stages of either procedure, employees can be accompanied by a trade union representative or work colleague.
- 6.4 Any customer or visitor who feels that they have been discriminated against may make a complaint at any time using the Complaints procedure.

7. Implementation

- 7.1 The Director of People & Organisational Development has delegated responsibility from the NHSBSA Board for overseeing the implementation, consistent application of and continuing effectiveness of this policy. This includes ensuring that the provisions of this policy inform other NHSBSA policies and practices where appropriate.
- 7.2 The NHSBSA will ensure that managers and staff (in addition to contractors, agency workers and secondees engaged in work on our behalf) are made aware of this policy and their responsibilities within it. New staff will be made aware of the policy through Induction, employees will be made aware through completion of equality and diversity training, and managers through completion of the Equality and Diversity for Managers programme. The Board will receive training in equality and diversity relevant to their responsibilities. In addition, other training will be developed to meet specific needs in relation to equality and diversity as identified.
- 7.3 The NHSBSA will also communicate this policy to employees through internal staff communication channels and it will be made available on the intranet. We will support and encourage employees in their responsibilities by providing additional information and guidance, where appropriate.

7.4 The policy will be made available to customers through our website. It will also be available in alternative formats upon request.

8. Monitoring

8.1 The Human Resources department will collect and maintain equality information for all employees, in addition to internal and external job applicants. This includes the analysis of information on age, disability, gender, race, religion & belief, and sexual orientation. This information will be collected and stored in line with the Data Protection Act (1998) and will only be used for anonymised monitoring and reporting purposes.

8.2 Equality information will also be collected from customers, to ensure that our services are being accessed by members of the public from all communities and to support the identification of any barriers to our services.

8.3 The results of monitoring and our progress in relation to our equality objectives will be reviewed at six-monthly intervals by the Equality & Diversity Committee, and the Board, to assess the effectiveness of this policy and our Equality Strategy. This information will also be published on our staff intranet and website.

9. Review

9.1 This policy will be reviewed every two years (or earlier if required by legislative or business changes) by People & Organisational Development and Trade Union Representatives. Consultation will also take place with the Equality & Diversity Committee and Staff Diversity Network.

10. Equality and diversity statement

10.1 In applying this policy, the NHSBSA will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.