

## EQUALITY AND DIVERSITY POLICY

### Summary

The Equality and Diversity Policy sets out the framework by which the Trust will deliver its services and provide employment opportunities ensuring compliance with equalities legislation. Clear lines of responsibility are established and mechanisms for raising complaints are given. The Policy also sets out the Trust's approach to assessing the impact on equality of its policies, services and organisational changes.

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### 1. Board Policy Statement

1.1 The Royal Marsden NHS Foundation Trust believes in providing equity in its services, in treating people fairly with respect and dignity and in valuing diversity both as a health services provider and as an employer.

1.2 Our equality and diversity aims are to:

- Provide the best possible healthcare services we can that are accessible and are delivered in a way that respects the differing needs of the individual.
- Employ staff who are motivated because they feel valued for the contributions they make and the diversity they bring to the Trust; who are well trained and who reflect at all levels the diversity of the population the Trust serves.
- Embed our equality and diversity values into our policies and procedures and our everyday practice.
- Regularly monitor and report on our Equality Objectives, on patient and workforce information and on Equality Impact Assessments to evaluate how we are doing and to set goals and actions in response.
- Ensure that all services procured for the Trust and all staff working on behalf of the Trust understand and support the Trust's commitment to promoting equality and diversity in everything we do.

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1.3 The Royal Marsden NHS Foundation Trust is committed to eliminating all forms of discrimination on the grounds of age, disability, gender reassignment, marriage / civil partnership, pregnancy / maternity, race, religion or belief, sex and sexual orientation in the provision of its services and in recruitment and employment to ensure an environment that is characterised by dignity and respect which is free from harassment, bullying and victimisation.

## 2. Purpose and scope

2.1 This Policy applies to all staff including volunteer staff, patients, visitors and other users of the Trust's services.

2.2 The Trust will use this policy and other relevant policies to ensure fair and reasonable treatment of its patients, staff and members of the public.

2.3 The Trust values the diversity of its staff as an asset for the organisation to build upon and wishes to encourage all staff to reach their full potential. It encourages a healthy balance between home and work life through flexible working patterns and special leave arrangements where these are appropriate.

2.4 Appropriate training will be provided within available resources to enable all staff to perform their jobs effectively and to develop their careers. Opportunities for learning and development will be organised to take account of different working patterns as well as service requirements and promoted in a way to ensure equity of access.

2.5 The Trust recognises the importance of ensuring that the workforce profile broadly reflects the profile of the patient population and the communities we serve.

2.6 This Policy is to be implemented through action plans which are monitored by the Equality, Diversity and Inclusion Steering Group.

2.7 This policy should be read in conjunction with the:

- Employment Partnership Principles
- Dignity at Work Policy
- Challenging Behaviour, Violence and Aggression from Patients and Visitors - Policy and Procedure for the Management of
- Recruitment and Selection Policy and Procedure
- Retirement Policy
- Flexible Working and Employment Break Policy and Procedure
- Special Leave Policy and Procedure
- Maternity, Adoption and Maternity Support (Paternity) Leave Policy and Procedure
- Managing Sickness Absence Policies
- Whistleblowing Policy and Procedure
- Concerns and Complaints Policy and Procedure
- Patient Privacy and Dignity Policy

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### 3. Context

- 3.1 The Trust is committed to meeting the targets that relate to health inequalities in cancer care and treatment and the standards set out by the Care Quality Commission.
- 3.2 This Policy is based on the Equality Act 2010 including the Public Sector Duties that came into force in April 2011.
- 3.3 The Trust's approach to equality and diversity also draws on the Policy of the NHS Executive, the NHS Constitution, the Agenda for Change Handbook and the relevant Codes of Practice that have been developed by organisations including the Commission for Equality and Human Rights and the Government Equalities Office.

### 4. Discrimination definitions within the Equality Act 2010

#### 4.1 Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of their age, disability, gender reassignment, marriage / civil partnership, pregnancy/maternity, race, religion or belief, sex and sexual orientation (known as protected characteristics).

#### 4.2 Discrimination by association

This is direct discrimination against someone because they associate with another person who possesses one of the following protected characteristics: age, race, religion or belief, sexual orientation, disability, gender reassignment and sex.

#### 4.3 Discrimination by Perception

This is direct discrimination against an individual because others think they possess one of the following protected characteristics: age, race, religion or belief, sexual orientation, disability, gender reassignment and sex. It applies even if the person does not actually possess that characteristic.

#### 4.4 Indirect discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share one of the following protected characteristics: age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender reassignment.

#### 4.5 Harassment

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 the following protected characteristics; age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. Employees are now able to complain of behaviour that they find offensive even if it is not directed at them. Employees are also protected from harassment because of perception and association.

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#### 4.6 Third party harassment

The Equality Act makes us potentially liable for harassment of our employees by people (third parties) who are not employees of the Trust, such as patients or members of the public. We will be liable when harassment has occurred on at least two previous occasions, we are aware that it has taken place, and we have not taken reasonable steps to prevent it from happening again. This applies to sex, age, disability, gender reassignment, race, religion or belief and sexual orientation.

#### 4.7 Victimisation

Victimisation occurs when an employee is treated badly (suffers a detriment) because they have made or supported a complaint or raised a grievance under the Equality Act 2010 or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

### 5. Organisational Responsibility

5.1 The ***Equality, Diversity and Inclusion Steering Group***, will oversee the implementation of all aspects of the national and local equality frameworks for service and employment. Specifically the Group's aim is to provide strategic leadership to drive the equality, diversity and inclusion agenda across the Trust for patient care and services and for the workforce.

5.2 The Group will meet six times a year and will report to the Workforce and Education Committee and Integrated Governance and Risk Management Committee through select papers as appropriate.

### 6. Individual Responsibilities

6.1 ***The Chief Executive*** has overall responsibility for ensuring that the Trust complies with equality and diversity legislation.

6.2 ***The Director of Workforce*** has overall responsibility for this Policy and related procedures and their implementation which includes:

- ensuring that the Board are appropriately trained and updated in matters of equality and diversity.
- ensuring that all managers have access to the Policy and procedures and that they are aware of their responsibility to their staff. See section below.
- ensuring that staff views on equality and diversity in the Trust are captured in the annual Staff Survey and reported to the Equality, Diversity and Inclusion Steering Group.
- directing the implementation of this policy and procedures and other related policies including 'Bullying and Harassment - Managing Incidents at Work Policy and Procedure' to include providing monitoring information to the Equality, Diversity and Inclusion Steering Group.

6.3 ***Heads of Department, all managers and supervisors and Human Resources staff*** are directly responsible for the effective implementation and monitoring of this

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Policy and procedures at operational level. They should familiarise themselves with the Policy and procedures and ensure that their staff are aware of how they can access them. They are responsible for ensuring all staff attend mandatory training on equality and diversity and refresh this training every three years. Managers are responsible for undertaking equality impact assessments on services, organisational change and on appropriate policies.

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

6.5 Failure to comply with the Equality and Diversity Policy and procedures will lead to disciplinary action which applies equally across all staff groups.

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

## 7. Learning and Development

7.1 Appropriate mandatory training will be provided to ensure that staff and managers understand their responsibilities under the Trust Equality and Diversity Policy. Equality and diversity issues will be integrated as appropriate into other Trust learning and development programmes.

## 8. Monitoring

8.1 Analysing data both from a service and a workforce perspective is essential for helping us to make decisions about our organisation. Monitoring information and data will be provided regularly to the Equality, Diversity and Inclusion Steering Group and will include information about our workforce, patients, members and national and local population data. This information will be published on the Trust's equality and diversity web pages to comply with the Equality Act 2010 requirements.

8.2 All information recorded will be kept confidentially and protected from misuse.

## 9. Complaints

### 9.1 Staff:

If there are any issues that cannot be addressed through the Dignity at Work or 'Challenging Behaviour, Violence and Aggression from Patients and Visitors - Policy and Procedure for the Management of' then they should be raised under the Trust's Grievance Procedure. Mediation services are available to help resolve issues where appropriate, to be accessed through Human Resources.

### 9.2 Service users to include patients and visitors:

All **formal** complaints are to be made using the Trust's Complaints procedure, which is available from the Complaints Team. The Trust's Complaints Procedure follows the national guidance for managing complaints.

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## 10. Responsibility and Policy Review

- 10.1 Overall responsibility for this policy and procedure rests with the Director of Workforce.
- 10.2 This policy and any associated procedure(s) will be reviewed at the date stated and may be subject to change at that time, or at an earlier date if necessary, subject to consultation with staff representatives recognised for that purpose.

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## Appendix 1

### DEFINITIONS OF DISCRIMINATION

Discrimination can be direct, indirect, intentional or unintentional. Individuals, groups or whole institutions/organisations can be discriminatory. Perception is as important as intention. It is essential to take seriously the views of people who feel they face discrimination.

#### INDIVIDUAL DISCRIMINATION

Is personal attitudes of superiority, for example that disabled people are not as capable as non disabled people, white people believe they are superior to black people, men believe they are better than women. It can also be where someone prejudices another person because of the group with which they are identified or with which they identify themselves.

#### GROUP DISCRIMINATION

Is where prejudicial attitudes and behaviours are shared and reinforced so that there is a culture within the group that encourages discrimination.

#### INSTITUTIONAL DISCRIMINATION

Institutional discrimination is the collective failure of an organisation to provide an appropriate service to people because of their differences including race, gender, caring responsibilities, disability, gender re-assignment, age, social class, sexual orientation and religion or belief. It can be seen through processes, attitudes, behaviour and power imbalances that discriminate through unwitting prejudice, ignorance, thoughtlessness and stereotyping, which disadvantage these people.

#### WHAT IS RACISM?

Racism is a general term to describe the conduct, practice and attitude that places people at a disadvantage or advantage because of their skin colour, culture or ethnic origin.

Institutional racism is the failure of an organisation to provide a service to people because of their skin colour, culture or ethnic origin. It can be seen in processes, attitudes, behaviour and power imbalances that discriminate through unwitting prejudice, ignorance and thoughtlessness – it leads to the disadvantage of black and minority ethnic people.

#### WHAT IS SEX DISCRIMINATION?

Sexism comes from the belief that one gender is superior to the other. Sexism can be seen in an organisation's power holders, structures, systems and practices.

- We know that negative attitudes can lead to sexual harassment and discrimination in access to jobs, training and services. We will strive to combat this through providing equal access to jobs, development and services.
- We will take lawful action to ensure any discriminatory barriers are overcome and we will monitor the results of our actions.

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## WHAT IS DISABILITY DISCRIMINATION?

Physical barriers in the environment and attitudes in society lead to disability discrimination. Disabled people are disadvantaged by these factors rather than their impairment.

- We will make reasonable adjustments to jobs and working conditions to support disabled people at work and have a redeployment programme for staff who may become disabled to ensure we retain staff whenever possible.
- The Trust has been awarded the Two Ticks Disability symbol which ensures that all disabled applicants who meet the essential criteria for the post are guaranteed and interview.

The Business Disability Forum is the employers' organisation focused on the issue of disability in the workplace. It is funded and managed by employers. The Forum is recognised as the authoritative voice on disability.

<http://businessdisabilityforum.org.uk/>

## WHAT IS HETEROSEXISM AND HOMOPHOBIA?

Heterosexism is the belief that heterosexuality is the norm and any other form of sexuality is abnormal.

Homophobia is a collection of negative attitudes and prejudices that lead to discrimination against individuals on the grounds of their sexuality.

- We recognise that discrimination can take place both in service delivery and employment because of a person's sexual orientation.
- We acknowledge the discrimination that lesbians, gay men and bisexuals face and we will create a climate of respect in the workplace where all staff feel safe to "come out" if they wish to.

## WHAT IS RELIGIOUS DISCRIMINATION?

Making jokes about someone's faith, belittling beliefs or unreasonably promoting your own faith can be offensive. To hold a religious or other belief is a basic human right and should be treated with respect and tolerance.

- We will endeavour to promote a culture where people can practice their religion or belief in safety and without fear of harassment and discrimination.

## WHAT IS DISCRIMINATION BASED ON GENDER REASSIGNMENT?

This is any action that places a transsexual person at a disadvantage by the Trust.

Gender re-assignment is where someone experiences such a deep conflict between their physical sex and their mental gender that they have no choice but to elect to re assign their gender. This is called Transsexualism.

- The Trust recognises that transsexualism is a genuine medical status. We will provide appropriate support to staff with this status.

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- Transsexual employees will be treated with respect and dignity. We will strive to remove any barriers to employment opportunities.

The Gender Trust at <http://www.gendertrust.org.uk>

GIRES (UK) A registered charity that provides education based on research into gender identity and intersex issues. <http://www.gires.org.uk>

## WHAT IS AGE DISCRIMINATION?

Assumptions can be made about people because of their age – in particular young people and older people. The assumptions can be that young people lack maturity and that older people lack flexibility and the ability to learn. These attitudes can become built into organisations and shown in their policies and practices – for example advertising jobs for a particular age range only.

- We recognise that ageism is harmful because it undervalues the contribution that young and older people make.
- We will ensure that there is not age bias in our recruitment advertising, job descriptions, person specifications, promotion opportunities, access to training and development and all Human Resource policies.

The Employers Forum on Age (EFA) is an independent network of leading employers that aim to attract and retain experienced employees, regardless of their age. It highlights, through regular reports, studies and research, knowledge and understanding about the issue of age discrimination at work <http://www.efa.org.uk>.

Information for employers about employing older workers is available on the Business Link website [www.businesslink.gov.uk](http://www.businesslink.gov.uk).

Age positive publications including case studies research and statistics are available on the Department for Works and Pensions website [www.dwp.gov.uk/agepositive](http://www.dwp.gov.uk/agepositive).

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