

Title: Equality, Diversity, Inclusion and Human Rights Policy

Classification :	Policy		
Authors Name:			
Authors Job Title:	Head of Equality Diversity and Inclusion		
Authors Division:	Corporate		
Departments/Group this Document applies to:	All employees, students, governors, volunteers, contractors, service users, patients, their families and carers		
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Policy to be followed by (target staff): All employees, students, governors, volunteers, contractors			
To be read in conjunction with the following documents: Disciplinary Policy and Procedure Grievance Policy and Procedure Speaking Up Policy and Procedure			
CQC Fundamental standards: Regulation 10 – Dignity and respect Regulation 12 – Safe care and treatment Regulation 13 – Safeguarding service users from abuse and improper treatment Regulation 16 – Receiving and acting on complaints Regulation 17 – Good governance Regulation 18 – Staffing Regulation 19 – Fit and proper Regulation 20 – Duty of Candour			

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Policy Statement

This policy provides the framework for Milton Keynes University Hospital NHS Foundation Trust (MKUH) to meet its commitment to the Equality Act 2010 and Human Rights Act 1998 in respect of our Duties as an employer and provider of NHS Services.

The Trust is a major employer and healthcare provider serving a diverse workforce and patient population, and therefore recognises the importance of promoting human rights, equality, diversity and inclusion whilst tackling inequality, discrimination, and harassment which are central to the achievement of our Vision and Values.

Our vision is for MKUH to become a leader in the field of promoting equality, valuing diversity and tackling health inequalities whilst building strong and sustainable partnerships with local Stakeholders in line with the Trust's values:

- **We care**
- **We communicate**
- **We collaborate**
- **We contribute**

The Equality Act

General Duties

Under S149 of the Equality Act 2010 the Trust as a public authority in the exercise of its functions to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by or under the Equality Act 2010
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Specific Duties

The specific duties of the Act relevant to public bodies are:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

These specific duties require public bodies to publish relevant proportionate information showing compliance with the Public Sector Equality Duty (PSED), and to set equality objectives.

The Trust is committed to ensuring that it:-

- Meets the general duty of the Public Sector Equality Duty (PSED)
- It treats everyone fairly, with respect and
- It does not discriminate against individuals and groups on the basis of any of the nine protected characteristics of the Act.

Protected Characteristics

The nine protected characteristics are:

- **Age**
Including specific ages and age groups
- **Disability**
Including cancer, HIV, multiple sclerosis, physical or mental impairment where the impairment has a substantial and long-term adverse effect on the ability to carry out day-to-day activities.
- **Gender Reassignment**
Where people are proposing to undergo, are undergoing or have undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.
- **Marriage and Civil Partnership**
- **Pregnancy and Maternity**

- **Race**

Including colour, nationality and ethnic or national origins.

- **Religion or Belief**

Including a lack of religion or belief and where belief includes any religious or philosophical belief.

- **Sex** (gender)

- **Sexual Orientation**

A person's sexual orientation towards persons of the same sex, of the opposite sex and persons of either sex.

Human Rights Act

The Human Rights Act 1998 sets universal standards to ensure that a person's basic needs as a human being are recognised and met. These include:

- The right to life
- The right not to be tortured or treated in an inhuman or degrading way
- The right to liberty
- The right to a fair trial
- The right to respect private and family life, home and correspondence
- The right not to be discriminated against

The Trust recognises the contribution that a diverse workforce can bring to the growth of the organisation and intends to go beyond compliance and ensure that everyone has access to jobs, services, training and development opportunities, and for everyone to be treated fairly.

The Trust will assess the potential effects of all policies on relevant population by undertaking an Equality Impact Assessment (EIA) (see Appendix 1).

NHS Equality Delivery System (EDS)

The Equality Delivery System (EDS) framework was designed by the NHS to support NHS commissioners and providers to meet their duties under the Equality Act. The EDS has four goals, supported by 18 outcomes. MKUH will use the EDS as a tool kit to meet the requirements under the Equality Act and we believe this will impact positively in other areas of work as in the diagram below:

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Purpose and Scope

This policy applies to all employees, workers, students, governors, volunteers, contractors and employees from other organisations working on Trust premises, service users, patients, their families and carers.

The purpose of this policy is to make clear the Trust's commitment to prevent and tackle discrimination, promote human rights, equality, diversity and inclusion by promoting equal opportunities in all areas of employment practice and service delivery for our workforce and in the delivery of our services to our employees, patients, service users and carers.

Abbreviations Used

EDI	Equality, Diversity and Inclusion
EDS	Equality Delivery System
EIHR	Equality Inclusion and Human Rights
EIR	Equality Information Report
EIA	Equality Impact Assessment / Equality Analyses
ESR	Electronic Staff Records
HR	Human Resources
HRA	Human Rights Act 1998
MKUH	Milton Keynes University Hospital NHS Foundation Trust
NHSEI	National Health Service England and Improvement
PSED	Public Sector Equality Duty
The Act	The Equality Act 2010

Definitions

Combined discrimination (initially referred to as multiple or dual discrimination) is where a person suffers unfavourable treatment because of a combination of two or more protected characteristics, for example race, disability (and sex).

Confirmation bias is the tendency to interpret and process information by looking for and interpreting information that is consistent with one's existing beliefs and viewing evidence as confirmation of one's existing beliefs or theories. This is a biased approach to decision making which may be conscious or unconscious and often results in ignoring inconsistent information.

Direct discrimination is the act of treating a person less favourably because of a protected characteristic, or a combination of protected characteristics.

Discrimination arising from a disability means that discrimination will occur against a disabled person if they are treated in a particular way and **because** of their disability the treatment amounts to a detriment, unless there is justification (from an employer) that the treatment was a proportionate means of achieving a legitimate aim. In addition, the indirect discrimination provisions will also apply to disability discrimination.

Discrimination by perception or association is the act of treating a person less favourably because they are perceived to have a particular protected characteristic or that they are associated with a third party that has a particular protected characteristic.

Diversity is the recognition and valuing of difference in its broadest sense. It is about creating a working culture and practices that recognise, respect, value and harness difference for the benefit of the organisation, its workforce and the individual, including patients.

Due regard is the process of equality analysis and demonstrating due regard for adverse impacts upon any of the protected characteristics and is designed to embed EIHR considerations into MKUH business processes and enable a more evidenced approach.

The due regard process is where MKUH can evidence that decisions have been influenced appropriately by the equality analysis that has been undertaken thus ensuring a proactive approach to inclusive practice whilst meeting the requirements of the public sector equality duty under the Equality Act 2010.

Equality (or equal opportunities) is based on a principle of providing equal access to opportunities and services.

Equality Delivery System 2 (EDS) is a tool that supports the NHS to deliver better outcomes for patients and communities and better working environments for employees, which are personal, fair and diverse.

Equality monitoring is the process by which we ask for and gather personal information from our patients, service users, patients and employees related to their protected characteristics.

Equal opportunity refers to the policy of giving everyone the same opportunities for employment, pay, and promotion, without discriminating against particular groups.

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.

Indirect discrimination is the act of applying criteria or practice equally to all people but which has the effect of disadvantaging one group of people.

The Trust refers to Milton Keynes University Hospital NHS Foundation Trust.

Unconscious bias refers to biases that influence our thoughts and behaviours. These biases can influence our decision making automatically and are often triggered by our brain making quick judgments, assessments, confirmation bias/stereotypes of people and situations, without all of the relevant information and instead are informed by our own background, cultural and personal experiences.

Victimisation is the act of treating a person less favourably because they have asserted their rights under this policy or equality legislation (e.g. made or assisted with a complaint).

1.0. Roles and Responsibilities:

It is the responsibility of everyone within the Trust to ensure that they behave and conduct themselves in such a way as to ensure work colleagues and patients are treated with dignity and respect.

1.1. Trust Board

The MKUH Trust Board has a moral and legal responsibility for promoting human rights, equality, valuing diversity and tackling discrimination and ensuring that adequate resources are allocated in order to achieve the aims of this policy.

The Trust Board has overall corporate responsibility for ensuring that the Trust complies with their legal and ethical obligations (With regards to equality and inclusion) in their dealings with employees, service users, patients, carers, the public and other stakeholders. The Trust Board and respective Trust sub-committees giving due regard will:

- Ensure that the organisation has equality objectives that meet the requirements of the public sector equality duty as set out under the provisions of the Equality Act 2010
- The Board of Directors will receive and consider regular reports in order to evaluate the effectiveness of the policy and review and approve the annual PSED / Equality Information Report (EIR)
- The Workforce and Development Assurance Committee will assure the Trust Board of compliance with the Equality Act 2010

1.2. Chief Executive

The Chief Executive has overall responsibility for ensuring that the Trust has appropriate policies in place and that robust monitoring arrangements are embedded which give due regard to:

- Promote equality, eliminates discrimination and promotes good relationships between different groups and individuals
- Ensure that MKUH employees and service users are confident that any complaints related to this policy will be dealt with effectively and appropriately

1.3. Chief Nurse & Director of Patient Care

The Chief Nurse & Director of Patient Care is responsible for ensuring that these appropriate policies are in place and that robust monitoring arrangements are embedded for all service / clinical policies on behalf of the Chief Executive

1.4. Director of Workforce

The Director of Workforce is responsible for ensuring that these appropriate policies are in place and that robust monitoring arrangements are embedded for all workforce policies on behalf of the Chief Executive

1.5. Workforce Department

It is the responsibility of the Workforce Department to provide advice and support to line managers and employees in implementing this policy. To:

- Ensure that the Equality Diversity Inclusion and Human Rights Policy is updated following legislative changes and revised in consultation with Trade Unions and other relevant bodies.
- Request equality information on the protected characteristics from job applicants
- Provide equality monitoring reports for the Board
- Implement recruitment and selection training for all managers
- Ensure that all HR policy and procedures are equality impact assessed
- Advise on and manage employees complaints and grievances in relation to equality, diversity and inclusion issues
- Advise line managers on handling all disability related staffing issues
- Actively take steps to promote and embed the Trust's vision, values and behaviours
- Design, roll out and evaluate mandatory equality, diversity and inclusion workshops for all Trust employees
- Ensure that education, learning and development events are accessible to all employees.

1.6. Head of Patient and Family Experience / Service Lead for Equality Diversity and Inclusion

The Head of Patient and Family Experience / Service Lead will be responsible for ensuring that policy and action plans are in place to deliver the equality agenda in relation to service delivery and patient care utilising the Equality Delivery System (EDS) as a toolkit to ensure the Trust is working towards compliance with the Equality Act

1.7. Head of Equality Diversity and Inclusion / Workforce Lead for Equality Diversity and Inclusion

The Head of Equality Diversity and Inclusion / Workforce Lead for Equality Diversity and Inclusion is responsible for ensuring that policy and action plans are in place to deliver the equality agenda for workforce and will:

- Provide advice and assistance to the Trust Board and its sub-committees to enable them to comply with equality and human rights legislation
- Support the Trust with setting and achieving its equality objectives

1.8. Divisional, Clinical Service unit (CSU), Department and Line Managers

Divisional, CSU, Department and line managers will:

- Be responsible for creating a climate where the differences that individuals bring are valued
- Foster good relations between all employees
- Actively take steps to promote and embed the Trust's vision, values and behaviours
- Ensure that employees attend equality, diversity and inclusion workshops every three years, in line with their role and responsibility for example MKWay Managers' Development Programme in addition to corporate induction
- Conduct themselves in accordance with the Trust's Values and behaviours.

1.9. Employees

Employees will:

- Treat people in accordance with the Trust's vision, values and behaviours
- Actively take steps to promote and embed the Trust's values and behaviours
- Be aware of their responsibilities, report inappropriate or discriminatory behaviours and raise any incidents that breach MKUH policies
- Familiarise themselves with this policy and procedure, ensuring that their practices are consistent with its contents and the Human Rights Act and Equality Act legislation
- Champion equality, diversity and inclusion in the workplace

- Provide personal equality and diversity information when required to enable the Trust to meet your needs and fulfil its legal and statutory responsibilities however, the right to choose not to disclose this information remains
- Be aware of their personal liability in breaching the requirements of Section 110 of the Equality Act 2010. <https://www.legislation.gov.uk/ukpga/2010/15/section/110>
- Conduct themselves in accordance with and promote MKUH's vision, values and behaviours

1.10. Contractors

All Contractors working for or within the Trust must adhere to the principles of this policy.

1.11. Patients, Service Users, Carers and Visitors

Patients, service users, carers and visitors will be expected to recognise and comply with the principles set out in this policy whilst on the Trust's premises or whilst receiving care originating from the Trust. Every effort will be made by the Trust to ensure all relevant information is available in a suitable format to achieve this aim.

Patients, service users, carers and visitors are expected to be respectful to all employees and other patients. Those who are verbally or physically abusive or who make derogatory statements that are of a discriminatory nature to any employees or other patients should be aware that they will be challenged about their behaviour. Where appropriate, the Trust may consider limiting or withdrawing the provision of services.

2.0 Implementation and Dissemination of Document

The policy will be accessible to everyone through the Trust's internet and intranet, Line managers and departments where printed and by request from the Human Resources Department. This document will be published on the Trust's internet under Freedom of Information and on the Trust's intranet.

3.0 Processes and Procedures

3.1. Implementation

MKUH will deliver its responsibilities by applying and adhering to the Equality Act 2010 and the Human Rights Act 1998.

3.1.1. Legal Requirements and Duties

The Equality Act 2010 requires MKUH to:

- Promote equality across all its functions for all protected groups
- Eliminate discrimination
- Promote positive relationships between different groups of people

The Human Rights Act 1998 requires MKUH to:

- a. Ensure that all employees and service users are equally able to access all their human rights as set out in the Act, both as employees and service users of MKUH

3.2 . Monitoring the Compliance and Effectiveness of this Policy

The effectiveness of this policy will be monitored and reported through the annual PSED / Equality Information Report, EDS Report and Action Plan, Gender Pay Gap Report and Action Plan, WRES and WDES Reports and Action Plans and the Annual NHS Staff Survey based on performance against equality objectives and actions outlined in equality action and work plans.

Employees, service users, staff side and other stakeholders will be encouraged to provide feedback on the organisation's performance against its equality objectives through a variety of accessible forums. This feedback will be considered by the Trust Executive and the Trust Board and where appropriate new actions will be added to equality work plans.

33 Complaints

Employees who believe they have witnessed or experienced harassment or believe they have experienced discrimination may raise their concerns under the Trust's Grievance Policy and Procedure, Disciplinary Policy and Procedure or Speaking Up Policy and Procedure.

Complaints about breaches of this policy in relation to the provision of services can be made to the Patient Advice and Liaison Service (PALS). Patients, carers and service users may raise their concerns with PALS. PALS is an informal, confidential service who can advise on how to make a formal complaint. PALS provide 'on the spot' help, advice and information for patients, families and carers who have concerns about the care they or a loved one is receiving at MKUH. PALS will use this feedback to continually improve and shape the care provided to our patients.

Other support can be obtained from trades unions representatives and groups internally and externally including MKUH staff networks.

34 Equality Analysis

Where relevant and / or required by for example third party partners/commissioners, an equality analysis will be completed to highlight and mitigate any adverse impact of Trust actions/policies/initiatives/functions.

Where relevant and possible, equality analyses should be undertaken in partnership with Trades Union/Staff Side Equalities Leads (PRG/JCNC).

4.0 Statement of Evidence/References

Statement of Evidence:

NHS Employers

[Diversity and inclusion - NHS Employers](#)

Equality and Human Rights Commission (EHRC)

[Public Sector Equality Duty | Equality and Human Rights Commission \(equalityhumanrights.com\)](#)

GOV.UK NHS Constitution

[The NHS Constitution for England - GOV.UK \(www.gov.uk\)](#)

GOV.UK Legislation

[Equality Act 2010 \(legislation.gov.uk\)](#)

References:

Care Quality Commission

[Guidance for providers on meeting the regulations | Care Quality Commission \(cqc.org.uk\)](#)

Equality and Human Rights Commission (EHRC)

[Public Sector Equality Duty | Equality and Human Rights Commission \(equalityhumanrights.com\)](#)

GOV.UK Legislation

[Equality Act 2010 \(legislation.gov.uk\)](#)

GOV.UK NHS Constitution

[The NHS Constitution for England - GOV.UK \(www.gov.uk\)](#)

GOV.UK Public Procurement

[Public procurement policy - GOV.UK \(www.gov.uk\)](#)

NHS Employers

[Diversity and inclusion - NHS Employers](#)

NHSEI East of England Equality Diversity and Inclusion Leads Network – Sharing of Policies and Best Practice

External Weblink References:

[Equality Act 2010 \(legislation.gov.uk\)](#)

[Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](#)

[Guidance for providers on meeting the regulations | Care Quality Commission \(cqc.org.uk\)](#)

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[Public Sector Equality Duty | Equality and Human Rights Commission
\(equalityhumanrights.com\)](https://equalityhumanrights.com)

[Public procurement policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

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5.0 Governance

5.1. Document Review History

Version number	Review date	Reviewed by	Changes made
1	May 2005		Review
2	May 2006		Review
3	June 2006		Review
4	October 2012		Rewrite
5	December 2017		Review
6	April 2021		<p>Rewrite to include and enhance Human Rights and the PSED and Due Regard responsibilities as they extend to Patients, Service Users, Carers and in the provision of Services as these have not previously featured within the EDI Policy.</p> <p>Change the name of the Policy to reflect and incorporate Human Rights</p> <p>Update CQC Essential Standards to ensure Due Regard / Duty of Candour incorporated to underpin PSED/Service/NHS Constitution foci</p>

5.2. Consultation History

Stakeholders Name/Board	Area of Expertise	Date Sent	Date Received	Comments	Endorsed Yes/No
Policy Review Group (PRG)	Staff Side	Jul-21	Jul-21	None received.	Yes
JCNC	Staff Side	Aug-21	Aug-21	Approved.	Yes
Trust Executive Group (TEG) Board	Executive/ Workforce	Sep-21	Sep-21	Approved.	Yes.

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5.3. Audit and Monitoring

Audit/Monitoring Criteria	Tool	Audit Lead	Frequency of Audit	Responsible Committee/Board
Annual PSED Report: Workforce	ESR / Workforce/Recruitment & Selection / Information	Head of HR Systems & Compliance/Workforce Information Manager	Annual	Workforce and Development Assurance Committee / Workforce Board
Annual PSED Report: Service	Patient Information PALS / Complaints	Head of Patient and Family Experience	Annual	Quality Committee /Nursing and Midwifery Therapies Board Workforce and Development Assurance Committee
Annual Workforce Race Equality Standard (WRES) Report and Action Plan	Workforce and OD Directorate Operational Teams' Reports	Head of Equality Diversity and Inclusion	Annual	Workforce and Development Assurance Committee / Workforce Board
Annual Workforce Disability Equality Standard (WDES) Report and Action Plan	Workforce and OD Directorate Operational Teams' Reports	Head of Equality Diversity and Inclusion	Annual	Workforce and Development Assurance Committee / Workforce Board
Annual Gender Pay Gap (GPG) Report and Action Plan	Workforce and OD Directorate Operational Teams' Reports	Head of Equality Diversity and Inclusion	Annual	Workforce and Development Assurance Committee / Workforce Board
Workforce Operational Standard Reports	Workforce and OD Directorate Operational Teams' Reports	Deputy Director of Workforce/Assistant Director of HR Services	Quarterly	Workforce Board

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5.4. Equality Impact Assessment

As part of its development, this policy and its impact on equality has been reviewed. The purpose of the assessment is to minimise and if possible remove any disproportionate impact on the grounds of race, gender, disability, age, sexual orientation, religion or belief, pregnancy and maternity, gender reassignment or marriage and civil partnership. No detriment was identified.

Equality Impact Assessment			
Division	Corporate	Department	Workforce, Learning & Development
Person completing the EqIA		Contact No.	01908 997620 equality-diversity&inclusion@mkuh.nhs.uk
Others involved:	PRG, JCNC, Management Board	Date of assessment:	27 April 2021
Existing policy/service	Equality Diversity and Inclusion Policy	New policy/service	*Proposed change of Name and emphasis* Equality, Diversity, Inclusion and Human Rights Policy
Will patients, carers, the public or staff be affected by the policy/service?		Staff/Employees, students, Governors, Volunteer Staff, Contractors, Service Users, Patients, their families and Carers	
If staff, how many/which groups will be effected?		All staff	
Protected characteristic	Any impact?	Comments	
Age	NO	The policy ensures equity and fairness of process and therefore, should have no detrimental impact on employees due to their age	
Disability	NO	The policy ensures equity and fairness of process and therefore, should have no detrimental impact on employees due to their Disability	
Gender reassignment	NO	The policy ensures equity and fairness of process and therefore, should have no detrimental impact on employees due to their Gender reassignment	
Marriage and civil partnership	NO	The policy ensures equity and fairness of process and therefore, should have no detrimental impact on employees due to their Marriage and Civil Partnership	
Pregnancy and maternity	NO	The policy ensures equity and fairness of process and therefore, should have no detrimental impact on employees due to their Pregnancy and Maternity	
Race	NO	The policy ensures equity and fairness of process and therefore, should have no detrimental impact on employees due to their Race	
Religion or belief	NO	The policy ensures equity and fairness of process and therefore, should have no detrimental impact on employees due to their Religion or Belief	
Sex	NO	The policy ensures equity and fairness of process and therefore, should have no detrimental impact on employees due to their Sex	
Sexual orientation	NO	The policy ensures equity and fairness of process and therefore, should have no detrimental impact on employees due to their Sexual Orientation	
What consultation method(s) have you carried out?		Consultation through PRG Consultation with JCNC	
How are the changes/amendments to the policies/services communicated?		Trust internet and Intranet sites; Staff side engagement Senior management team, consultative forums	
What future actions need to be taken to overcome any barriers or discrimination?			
Who will lead this?	Who will lead this?	Who will lead this?	Who will lead this?
N/A	N/A	N/A	N/A
Review date of EIA	September 2024		