



## Equality, Diversity and Inclusion Policy

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## 1. Introduction

- 1.1. South East Coast Ambulance Service NHS Foundation Trust (the Trust) is committed to equity in its services, in treating people appropriately with respect and dignity, and in valuing diversity both as a health services provider and as an employer. This commitment extends to all of our patients, employees, volunteers, committees, partners, students, apprentices and to everyone supported or engaged by the Trust.
- 1.2. The Trust is committed and indeed required 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 (protected characteristics) 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.
- 1.3. The Equality Act 2010 consolidates previous equality legislation and offers protection on the basis of protected characteristic(s) listed in 1.2 above. **It also requires organisations carrying out public functions to have due regard to the need to:**
  - Eliminate discrimination, harassment and victimisation in the workplace and in its services;
  - Advance equality of opportunity;
  - and foster good relations between different groups.
- 1.4. Inclusion means involving and engaging with our stakeholders to help improve access to our services and eliminate discrimination, to better meet the needs of patients, and to fulfil our statutory obligations.
- 1.5. The Human Rights Act 1998 imposes a legal duty on public authorities to protect human rights, a number of which have implications for healthcare (see Appendix A).
- 1.6. The Trust's approach to equality, diversity and inclusion also draws on the policy of the NHS England, the NHS Constitution, the Public Sector Equality Duty 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.
- 1.7. Evidence shows that there are other groups who are not explicitly protected by the Equality Act 2010, but who experience inequalities in health, healthcare and employment.



- 1.8. These groups include homeless people, people who misuse drugs and/or alcohol, sex workers, people living in poverty and in areas of deprivation, and people who live in rural areas (particularly where there is poor access to public transport). The Trust is committed to addressing the inequalities where it can.

## 2. Aims and Objectives

- 2.1. This Policy will be used to eliminate discrimination against any person described in 1.1 above, who has or is perceived to have any protected characteristic described in 1.2 above, including anyone associated with such a person. It sets out the parameters by which the Trust will deliver its services and provide employment opportunities to ensure compliance with equalities legislation.

### 2.1.1. The Policy 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.
- Aim to employ a workforce truly representative of all sections of society and in which each employee feels respected, supported and able to give their best. This will enable the Trust to be more sensitive to the needs of the community which it serves. Staff who are motivated will feel valued for the contributions they make and the diversity they bring to the Trust.
- Embed our equality, diversity and inclusion values into our policies and procedures and our everyday practice.
- 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, diversity and inclusion in everything we do.

## 3. Definitions

### 3.1. Discrimination definitions

- 3.1.1. **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).



- 3.1.2. **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.
- 3.1.3. **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.
- 3.1.4. **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.
- 3.1.5. **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.
- 3.1.6. **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.
- 3.2. **Other relevant definitions.**
- 3.2.1. Equality is about creating a fairer society in which everyone has the opportunity to fulfil their potential.
- 3.2.2. Diversity is about recognising and valuing difference in its broadest sense.
- 3.2.3. Inclusion means involving and engaging with our stakeholders to help improve access to our services and eliminate discrimination, to better meet the needs of patients, and to fulfil our statutory obligations.
- 3.2.4. Human Rights are about our basic needs as human beings. These are the core rights we are all entitled to so that we may develop our potential and live our lives with dignity and respect.



### 3.3. **Protected characteristics:**

- 3.3.1. **Age:** Could age be a barrier to accessing/receiving services? This can be for older persons or younger persons/children.
- 3.3.2. **Disability:** Could relate to any of the following: deaf, or hearing impaired, blind, or visually impaired, speech impaired, physical disability (including mobility issues), memory loss, dementia, learning disability, mental ill health etc.
- 3.3.3. **Gender reassignment:** Related to a person who intends to, or who is undergoing or has undergone a process to change social gender. How do we care for transgender individuals? See Appendix B for further information.
- 3.3.4. **Sex:** Males and females being treated equally.
- 3.3.5. **Sexual orientation:** Lesbians, gay men, bisexual people. Do our services take a patient's sexual orientation into account in what we do, say, and the information we give? For example, does our marketing of services reflect the LGB community and encourage uptake? Does it contain a pledge to ensure that awareness around sexual orientation remains prominent in training so that when faced with a situation where sexual orientation is disclosed, the appropriate considerations are taken (and discrimination does not happen)? Does this apply to staff as well as service users?
- 3.3.6. **Marriage and Civil Partnership\*:** Do our services take into account the need to involve civil partners? Do our services take into account all married partners, including same-sex couples?
- 3.3.7. **Pregnancy and maternity (breastfeeding):** Do we make sure the treatment of women positively takes pregnancy, maternity and breastfeeding into account, if at all possible?
- 3.3.8. **Race:** Related to a person's genetics and place of birth, language, culture, etc.
- 3.3.9. **Religion or Belief:** Related to a person's customs and beliefs –including non-belief. This extends to any and all practices required.
- 3.3.10. \*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

## 4. **Policy statement**



- 4.1. The Trust will not tolerate unlawful discrimination on the grounds of the protected characteristic(s); nor will it tolerate unfair discrimination on the basis of spent criminal convictions that do not impact upon patients, staff and members of the public, Trade Union membership or non-membership and political opinion. In addition, the Trust will have due regard to advancing equality of opportunity between people from different groups and fostering good relations between people from different groups. 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.
- 4.2. The Trust will be pro-active in its work towards making diversity an integral part of the core business. It fully appreciates that making equality, diversity & inclusion key principles, will result in the most effective service.
- 4.3. The Trust will employ and develop individuals to meet the needs of its diverse communities. It underpins the aspirations to provide a comprehensive service for all ensuring equal access, dignity and respect.
- 4.4. All staff must treat all service users and all colleagues with dignity and respect.
- 4.5. There are elements within this policy where emphasis is placed on specific protected characteristics. This is not intended to be the detriment of other characteristic groups, but to enable a better understanding of their medical, physical and emotional considerations, presentations and needs.

## **5. Arrangements**

### **5.1. Promoting equality, diversity and inclusion**

#### **5.1.1. To help us achieve and promote our goals in relation to equality, diversity and inclusion we will:**

- Promote dignity at work to ensure employees are aware of and work to our Bullying and Harassment policy and procedure.
- Make our partners and contractors aware of this policy and are expected to adhere to it.
- Ensure those who provide services on our behalf have equality policies covering employment and service delivery.
- Address any breaches of this policy in line with our policies and procedures, as appropriate.



- Maintain our accredited “Disability Confident” status and promote this on all advertising material. This ensures that all applicants with disabilities who meet the essential criteria for the post are guaranteed an interview.
- Write our documents in plain English to ensure they are as accessible as possible.
- Take account of good practice in equality, diversity and inclusion when updating our policies.

## **6. Recruitment and Selection**

- 6.1. All recruitment will take place in accordance with the Trust’s Recruitment and Selection Procedure. This procedure, which will be reviewed on a regular basis, will set down how equal opportunities are to be implemented in respect of recruitment and selection.
- 6.2. Advertising will seek to attract suitably qualified, skilled and experienced candidates from all sections of the community and the existing workforce.
- 6.3. Where there is an identified need, the Trust will take positive action to encourage a diverse range of applicants. Positive action is explained further in section 5.9.
- 6.4. Equality, diversity and inclusion awareness will be a key competency requirement on all role profiles and will be assessed during our recruitment process.
- 6.5. Everyone who applies for a job or promotion within the Trust will receive fair treatment and will be considered solely on their ability to perform the role. No applicant will be placed at a disadvantage by requirements or conditions that are not essential for the performance of the role.
- 6.6. Appropriate training is provided to those responsible for making selection decisions do not discriminate, consciously or unconsciously, when making such decision.
- 6.7. Staff responsible for making selection decisions must also be aware of Occupational Requirements (OR) which states it is ONLY lawful to discriminate in recruitment in favour of certain protected characteristics the recruiting manager can evidence that the presence of a particular protected characteristic is necessary to perform a role. Where the nature of employment means that being of a particular sex, having a particular racial, ethnic or national origin, or being disabled is a genuine and determining occupational requirement - it is lawful to discriminate in these





circumstances. Evidence must be provided in all cases where such an occupational requirement is deemed to be applicable and this must be clearly stated in all recruitment activity.

## 7. Training and Development

7.1. Every new member of staff will undergo an Induction programme which includes training in equality, diversity & inclusion, and will be required to complete statutory and mandatory training every three years. Advice and guidance will be available to all employees from the Inclusion Team and Human Resources (HR).

7.2. As set out in the Trust's appraisal process, all employees will have access to regular supervision, an annual review of their performance, and a personal development plan which identifies their training needs.

7.3. All staff will be able to apply for training in line with Trust Procedures, which sets out the application process and the criteria for approval.

7.4. Positive steps will be taken to ensure that disabled people can access and progress in employment and to ensure that disabled people can access our services. **More specifically, we will take a positive approach to:**

- Avoid the substantial disadvantage where a provision, criterion or practice puts a disabled person at a substantial disadvantage.
- Remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a person with disabilities at a substantial disadvantage compared with those who do not have a disability.
- Provide necessary reasonable adjustments where a disabled person would, but for the provision of that adjustment, be put at a substantial disadvantage compared to those who are not disabled.

### 7.5. Expected behaviours

7.5.1. Within the NHS Code of Conduct (NHS) sets out acceptable behaviour at work and are applicable to this policy.

7.5.2. Employees, contractors and volunteers are expected to do what they can to create a welcoming environment where differences are respected. Guidance on behavioural approaches is provided in Appendix C.

### 7.6. Prohibited Behaviours





**7.6.1. Whist at work or representing the Trust, undertaking work-related functions, and near the workplace, employees, contractors and volunteers must not:**

- Treat anyone less favourably than others on the basis of age, sex, race, disability, sexual orientation, gender identity, religion or belief, marital status, pregnancy or because they are breastfeeding.
- Engage in activities which have the purpose or effect of violating another's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. This could cover a wide range of behaviour, including racist, homophobic, sexist or transphobic behaviour; spoken or written words, inappropriate banter or abuse (including via email and social networking sites); imagery and graffiti; physical gestures, facial expressions, and mimicry; jokes and pranks; and acts affecting a person's surroundings, such as displaying unwelcome images or objects.
- Treat someone unfavourably because they have previously brought action under the Equality Act 2010 or because they have submitted to – or rejected – harassment on the basis of any protected characteristic.
- Any employee, contractor or volunteer who feels they are subjected to the prohibited behaviours outlined above should consult the Bullying & Harassment Policy and Procedure.
- Any breach of the above standards by an employee will be dealt with through disciplinary procedures set out in the organisation's Disciplinary Policy and Procedure.

**7.7. Complaints and Concerns**

- 7.7.1. Any employee who witnesses a member of staff or contractor engaging in prohibited behaviours must report it to their line manager, or HR manager, or refer to the Raising Concerns at Work (Whistleblowing) Policy.
- 7.7.2. If there are any issues that cannot be addressed through the Bullying and Harassment process then they should be raised under the Trust's Grievance Procedure.
- 7.7.3. Mediation services are available to help resolve issues where appropriate, to be accessed through Human Resources.
- 7.7.4. Any employee who witnesses a service user or visitor engaging in any of the prohibited behaviours outlined above are encouraged to report the incident under the incident reporting procedures.



7.7.5. The Complaints process is available for any service user who witnesses or experiences a member of employee, contractor or volunteer engaging in prohibited behaviours.

#### 7.8. **Data monitoring**

7.8.1. The Trust will maintain a record of employees' and applicants' sex, age, ethnicity, disability, religion or belief, marriage and civil partnership status, pregnancy and maternity status and sexual orientation or gender identity status, where provided. Ongoing monitoring and regular analysis of such records provide the basis for appropriate action to eliminate unlawful direct and indirect discrimination and promote equality, diversity and inclusion to demonstrate the effectiveness of the policy.

#### 7.9. **Positive Action**

7.9.1. The result of the monitoring will be analysed and where there is evidence of underrepresentation, the Trust will produce an action plan. This may include strategies such as target advertising or management development programmes designed to meet specific needs. The Equality Act 2010 allows measures to be taken to encourage members of under-represented communities to take advantage of employment and or training and development opportunities. For example, where following a full and objective assessment of two candidates, they are found to be of equal merit, provisions allow for the appointment of the candidate from an under represented group. Positive Action is lawful and should not be confused with positive discrimination, which is unlawful.

7.9.2. Positive Action measures may be used to target services at particular communities where there is low usage of service compared to disease profile for those particular communities.

#### 7.10. **Cultural and Religious Needs**

7.10.1. The Trust will accommodate cultural and religious needs of employees wherever they are compatible with the safe and efficient running of the service. However, the Trust will not allow discrimination on the basis of religion, belief or cultural views against people who have other protected characteristics such as disability, sexual orientation or gender reassignment (perceived or real).

## 8. **Responsibilities**

8.1. The Chief Executive Officer has overall responsibility for ensuring that the Trust complies with equality, diversity and inclusion legislation.



- 8.2. The Trust Board have the responsibility to obtain assurance that the policy works effectively and supports the board level public commitment to implementing the principles and duties of equality, diversity and inclusion. The Trust Board is also responsible for ensuring that they are appropriately trained and updated in all relevant legislation to Equality, diversity & inclusion.
- 8.3. The Director of Human Resources, also Chair of the Inclusion Working group has overarching responsibility for this policy and its implementation.
- 8.4. The Trust's Directors are responsible for overseeing the implementation of this policy and any implications arising out of it that fall within their directorate.
- 8.5. The Inclusion Working Group (IWG) 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. This policy is to be implemented through action plans which are monitored by the IWG.
- 8.6. The Inclusion Working Group (IWG) will receive any reports on the outcomes of patient satisfaction surveys that have a direct link to protected characteristics.
- 8.7. The Inclusion Team is responsible for providing guidance and support to managers and staff to implement of this policy across the Trust. The Inclusion Team will also offer support and guidance to improve awareness of the actions and responsibilities within this policy.
- 8.8. The Head of Procurement is responsible for ensuring that all external service providers and contactors are aware of the requirement to ensure that the equality, diversity and inclusion requirements are adhered to.
- 8.9. The senior manager responsible for External Providers such as Privates Ambulance Providers (PAPs) and Voluntary Ambulance Service (VAS) is responsible for ensuring that all Private Ambulance Service (PAS) providers and contactors are aware of the requirement to ensure that the equality, diversity and inclusion standards identified in this policy are met.
- 8.10. The appropriate managers responsible for volunteers are responsible for ensuring that all volunteers are aware of this policy and the Trust's requirement for them to act in accordance with it.



8.11. The Resourcing Team are responsible for enabling a fair and equal recruitment and selection process, free from discrimination and undertaking Positive Action in terms of recruitment.

8.12. **The Learning and Organisation Development and Clinical Education Team are responsible for:**

- The provision of appropriate mandatory and key skills training to ensure that staff and managers understand their responsibilities under this policy. Equality, diversity and inclusion issues will be integrated as appropriate into other Trust learning development and clinical education programmes.

8.13. **Human Resources is responsible for:**

- Providing support to staff and to managers in relation to the implementation of this policy and associated procedures, including the Bullying and Harassment Policy.
- Monitoring any trends that emerge and instances of non-compliance with this policy and reporting to the IWG and / or the relevant Committee.
- Heads of Department, all managers and supervisors are directly responsible for the effective implementation and monitoring of this policy and procedures. 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, diversity and inclusion every three years.

8.14. **The Patient Experience Team will:**

- Advise the IWG of any concerns and complaints that are relevant to this policy and identify to them any trends which may be developing, as they arise.
- Report to the Quality & Safety Group the outcome of the Trust's patient satisfaction surveys in relation to protected characteristics and disadvantaged communities.
- The Chief Nurse is responsible for identifying any trends or incidents related to protected characteristics as identified by the Serious Incidents Requiring Investigation (SIRI) process and the Trust's incident reporting system and processes. They will be reported to the IWG as they arise.



- If there is a policy, procedure or change proposed the manager responsible must first take an Equality Analysis (EA).
- All employee, contractors, and volunteers are responsible for ensuring that they act within this policy and associated procedures and participate in equality, diversity and inclusion training every three years.
- Failure to comply with the Equality, Diversity and Inclusion Policy and procedures will lead to disciplinary action. This applies equally across all staff groups.
- Diversity Champions help embed equality and diversity into the wider organization, raising awareness and supporting a greater understanding of equality and diversity, actively opposing and challenging prejudice.

## 9. Competence

- 9.1. The Trust Board will be appropriately trained and updated in matters of Equality, diversity and inclusion.
- 9.2. Appropriate mandatory training will be provided to staff and managers to ensure they understand their responsibilities under this policy. Equality, diversity and inclusion issues will be integrated as appropriate into other Trust learning development and clinical education programmes.

## 10. Monitoring

- 10.1. Monitoring information and data will be provided annually as part of our duty to Publish Equality Information. An overview will be provided to the IWG and will include information relevant to this policy on our workforce including volunteers, patients, members, national and local population data. The IWG will have the responsibility for those required to provide the information.
- 10.2. In order to check the extent to which we comply with this policy, we will monitor data we collect by protected characteristics where this is used to improve our service. **More specifically, we will monitor;**
  - How many people with a particular protected characteristic apply for each job, are shortlisted and are recruited or promoted.



- How many people in the workforce have a particular protected characteristic and the levels within the organisation that they are employed by the Trust? (NB this will be determined in part by the capacity of central recruitment information systems to capture this information.)
- Whether disciplinary action is disproportionately taken against workers with a particular protected characteristic.

10.3. This information will be published on the Trust's Equality, diversity and inclusion web pages to comply with the Equality Act 2010 requirements.

10.4. All personal information will be kept confidentially and protected from misuse in line with Trust information governance and data protection requirements.

## **11. Compliance**

11.1. The IWG will monitor the reports, information and data it receives, as described above, and will oversee the development and implementation of action plans to ensure this policy is complied with. Non-compliance will result in the first instance to the relevant senior manager or Director. If the actions are not progressed this matter will be escalated to the Trust Board, relevant Committee or the Executive, as appropriate.

## **12. Audit and Review**

12.1. To ensure the aims and objectives of this policy are being met, the Director of HR (also Chair of the Inclusion Working Group), or nominated deputy, will review the Policy in conjunction with the annual review of Published Equality Information (PEI) and data. Exceptions will be reported at the relevant IWG at meeting scheduled after the PEI Review has taken place.

12.2. Where non-compliance is identified, the policy and its associated documentation will be reviewed to ensure its aims and objectives are capable of being met.

12.3. This policy will be reviewed every three years or sooner if new legislation, codes of practice or national standards are introduced.

## **13. Equality Analysis**





- 13.1. Equality Analysis has been undertaken and no adverse impacts identified. This document was created by reviewing other companies' guidelines, conversations with people and groups involved with equality, diversity and inclusion issues. Members of the IWG, Inclusion Hub Advisory Group, Staff Engagement Forum and Joint Partnership Forum have been consulted.

## 14. References

- Codes of Conduct (NHS) which set out acceptable behaviour at work

### 14.1. **The following legislation and national guidance are relevant to this Policy;**

- Equality Act (2010)
- Gender Recognition Act (2004)
- Employment Rights Act 1996
- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1992
- Disability Discrimination Act of 1995
- Sex Discrimination Act 1975
- Race Relations Act 1976 and Amendments
- Protection from Harassment Act 1997
- Criminal Justice and Public Order Act 1994
- Article 3 of the Human Rights Act of 1998
- Malicious Communications Act 1998
- Bullying and Harassment at Work (Advisory, Conciliation and Arbitration Service, April 2009)

### 14.2. **Useful links to further information:**

- The Gender Identity Research and Education Society [www.gires.org.uk](http://www.gires.org.uk)
- Human Rights Campaign [www.hrc.org/workplace/transgender](http://www.hrc.org/workplace/transgender)



- Gender PAC [www.genderpac.org](http://www.genderpac.org)
- Gender Education & Advocacy [www.gender.org](http://www.gender.org)
- Donna Rose - Transgender Consultant [www.donnarose.com](http://www.donnarose.com)
- World Professional Association for Transgender Health <http://www.wpath.org/>
- Glossary
- A Glossary of Terms – “What is ...?” is provided in Appendix D.
- Terminology used in the field of “transgender” is provided in the procedure and guidance for supporting transgender staff and service users.



## Appendix A: Potential Human Rights implications in healthcare

<b>Rights:</b>	<b>Issues:</b>
<b>A2: RIGHT TO LIFE (limited)</b>	Abortion; availability of life-saving treatments; Euthanasia; deaths in custody
<b>A3: PROHIBITION OF TORTURE &amp; INHUMAN &amp; DEGRADING TREATMENT (absolute right)</b>	Corporal punishment; "pin down"; respecting the dignity of vulnerable people e.g. the elderly mentally ill; female circumcision
<b>A4: PROHIBITION OF SLAVERY (absolute) FORCED LABOUR (limited)</b>	Effectively abolished in 1774, but note recent cases of servants held in slave-like conditions
<b>A5: RIGHT TO LIBERTY (limited)</b>	Powers of arrest; detention of the mentally ill; periods of detention; detention without trial
<b>A6: RIGHT TO A FAIR TRIAL (part absolute; part limited)</b>	Court delays; disclosure of evidence; right to silence; search and seizure orders; legal representation
<b>A7: NO PUNISHMENT WITHOUT LAWFUL AUTHORITY (absolute)</b>	Criminal law must be certain. Penalties cannot be introduced afterwards
<b>A8: RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE (qualified)</b>	Access to records; public surveillance; telephone tapping; care orders; closure of residential homes; fertility treatment
<b>A9: FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION (qualified)</b>	Blasphemy; employment practices; religious denomination schools; religious "cults"; charitable funding
<b>A10: FREEDOM OF EXPRESSION (qualified)</b>	Restrictions on the media re privacy; defamatory statements; reporting of court proceedings; "whistleblowers"
<b>A11: FREEDOM OF ASSEMBLY AND ASSOCIATION (qualified)</b>	Right to belong to trade unions; policing of demonstrations; music festivals; membership of "cults"
<b>A12: RIGHT TO MARRY (limited)</b>	Rights of transgender people; same sex marriages; arranged marriages
<b>A14: PROHIBITION OF DISCRIMINATION (qualified)</b>	Prohibits "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"



## Appendix B: Transgender (trans) people

1. The Trust recognises that people who propose undergoing, are undergoing, or have undergone gender reassignment have the protected characteristic of gender reassignment under the Equality Act 2010. In addition, the Trust recognises that some transgender people may not wish to transition, and they must also be treated with dignity and respect. Equality legislation has a broader reach than just these groups; those associated with them, for instance, family members or carers, are also protected as are those who are perceived – even if wrongly – to be trans and they suffer a ‘detriment’ as a result.
2. This legislation ensures that the privacy of trans people and their families is respected and that they are treated with dignity on all occasions. In any event, these are standards of behaviour that the Trust is proud to deliver to all its service users and staff.
3. The Trust recognises that the gender identity of a person may not be the same as with the sex recorded at birth. The Trust has a zero tolerance of transphobic behaviour and discrimination and staff will not discriminate on any grounds, including gender reassignment (as defined in the Equality Act 2010). For gender variant people not covered by the Act (i.e. those who do not currently intend to transition), they also must not be discriminated against. In order to understand the broad scope of transgender please refer to the Procedure and guidance for supporting transgender staff and service users.
4. The Trust is becoming increasingly aware of a growing community who consider themselves outside of the gender binary. The Trust aims to gain a better understanding of this section of society, to better inform our policies and practices



## Appendix C: Guidance on expected behaviours

### Expected behaviours

1. Employees, contractors and volunteers are expected to do what they can to create a welcoming environment where differences are respected.
2. Find out how others prefer to be treated and communicated with, and accommodate these preferences where possible, **including:**
  - How others wish to be addressed.
  - Flexibility in times for meetings, interviews and appointments to take account of caring responsibilities, religious observances and other aspects of life.
  - Explanations and information provided in appropriate accessible formats and in plain language that can be understood by people using services or those acting on their behalf.
  - Going at the person's pace, not rushing.
  - Making use of the Translating and Interpreting Services – not relying on relatives to perform this role.
  - Refrain from acting on assumptions and prejudices, e.g. that all parents are heterosexual; that people will behave in a particular way because of who they are.
  - Use a person's name in care settings, not inappropriate 'terms of endearment'.
  - Treat people as individuals, not as patients/cases or as job roles.
  - Talk to service users directly (where they have capacity), not their relatives or carers.
  - Avoid talking to each other about somebody in front of that person (or somebody else).
  - Protect people's privacy and confidentiality while they receive care/treatment or feedback on their performance at work:
  - Using quiet areas/private spaces;



- Behind closed doors and/or screens/curtains where appropriate; Speaking quietly and sensitively about private matters;
- Not talking about an individual's care or performance in front of others.





## **Appendix D: Glossary of Terms – “What is ...?”**

### **1. WHAT IS RACISM?**

- 1.1. 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.
- 1.2. 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.

### **2. WHAT IS SEX DISCRIMINATION?**

- 2.1. 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.
- 2.2. 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.
- 2.3. We will take lawful action to ensure any discriminatory barriers are overcome and we will monitor the results of our actions.

### **3. WHAT IS DISABILITY DISCRIMINATION?**

- 3.1. Physical barriers in the environment and attitudes in society lead to disability discrimination. Disabled people are disadvantaged by these factors rather than their impairment.
- 3.2. 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.
- 3.3. The Trust is committed to being a “Disability Confident” organisation which ensures that all applicants with disabilities who meet the essential criteria for the post are guaranteed and interview.

### **4. WHAT ARE HETEROSEXISM AND HOMOPHOBIA?**



- 4.1. Heterosexism is the belief that heterosexuality is the norm and any other form of sexuality is abnormal.
- 4.2. Homophobia is a collection of negative attitudes and prejudices that lead to discrimination against individuals on the grounds of their sexuality.
- 4.3. We recognise that discrimination can take place both in service delivery and employment because of a person's sexual orientation.
- 4.4. 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.

## **5. WHAT IS BI-PHOBIA?**

- 5.1. Bisexuality (or bi) is defined as: 'an attraction to both men and women'. However, many members of bisexual communities tend to prefer the definition: 'a changeable sexual and emotional attraction to people, where gender may not be a defining factor'.
- 5.2. Biphobia is aversion toward bisexuality and bisexual people as a social group or as individuals. People of any sexual orientation can experience such feelings of aversion. Biphobia is a source of discrimination against bisexuals and may be based on negative bisexual stereotypes or irrational fear.
- 5.3. A common stereotype of bisexuality is that it is 'a phase' on the way to a 'mature' lesbian, gay or straight identity. Some recent research has even attempted to prove the non-existence of bisexuality, particularly male bisexuality, although these studies have been criticised as methodologically and theoretically flawed. Bisexual women are frequently regarded as 'just being bi-curious' and trying to titillate heterosexual men: another way of denying that bisexuality is 'real'.
- 5.4. There is also a common stereotype that bisexuals are greedy and promiscuous. This can lead to a double bind for bisexuals whereby those who are in non-monogamous relationships are regarded as proving this stereotype (even if these are honest open relationships), whereas those who are single or in monogamous relationships are regarded as 'really' lesbian, gay or straight and risk invisibility.
- 5.5. Bi invisibility is also perpetuated in the media when celebrities and fictional characters are portrayed as lesbian or gay even though they have sexual/romantic relationships with women and men.



- 5.6. The author Robyn Ochs writes about the 'double discrimination' bisexual people can face from both heterosexual and lesbian/gay communities. Many surveys have found that bisexual people suffer from higher rates of mental health problems than lesbians and gay men, who in turn have higher rates than the population as a whole. This is often linked to biphobia, bisexual invisibility, low levels of support and acceptance, and the 'double discrimination' experienced by bisexual people.

- Source: Stonewall - [http://www.stonewall.org.uk/at\\_home/sexual\\_orientation\\_faqs/2696.asp](http://www.stonewall.org.uk/at_home/sexual_orientation_faqs/2696.asp)

## 6. WHAT IS RELIGIOUS DISCRIMINATION?

- 6.1. 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.
- 6.2. We will endeavour to promote a culture where people can practise their religion or belief in safety and without fear of harassment and discrimination.

## 7. WHAT IS DISCRIMINATION BASED ON GENDER REASSIGNMENT?

- 7.1. (Refer also to: Appendix A of the Procedure and guidance for supporting transgender staff and service users)
- 7.2. This is any action that places a transgender person at a disadvantage by the
- 7.3. Trust.
- 7.4. Some transgender people may experience gender dysphoria, a condition that is *not* regarded as a mental illness. It arises where brain development is not in line with external sex characteristics.
- 7.5. Consequently, the innate understanding of oneself as a boy or girl, man or woman (the gender identity), is not aligned with the sex (male or female) assigned at birth. Transgender people may therefore wish to make permanent adaptations to their gender expression and role, often associated with medical intervention to realign physical sex characteristics.
- 7.6. There is a greater understanding now that people may identify and express themselves in a wide variety of ways that do not necessarily conform to the stereotypical binary development as men or women, and may be anywhere on a gender spectrum, or may identify as non- gender.



- 7.7. Trans employees will be treated with respect and dignity. We will strive to remove any barriers to employment opportunities.
- 7.8. The Gender Trust at <http://www.gendertrust.org.uk>
- 7.9. GIRES (UK) A registered charity that provides education based on research into gender identity and intersex issues. <http://www.gires.org.uk>

## **8. WHAT IS AGE DISCRIMINATION?**

- 8.1. 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.
- 8.2. We recognise that ageism is harmful because it undervalues the contribution that young and older people make.
- 8.3. 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.
- 8.4. 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) .