

Policy Group: Human Resources
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Approved by: Martin Kersey, Executive HR Director

Diversity and Inclusion Policy (Employees)

1. Policy Statement

St Andrew's Healthcare is fully committed to proactively promoting diversity, equality of opportunity and human rights for all and to creating a culture of inclusivity for our employees and the people who use our services.

This policy applies to all employees, visitors, clients, suppliers, customers or service users irrespective of race, nationality, ethnicity, sexual orientation, religion, faith or belief, disability, age, gender, gender identity/expression, marital or civil partnership status, parental status, proposed or actual gender reassignment, pregnancy and maternity, socio-economic status, HIV status, political affiliation, professional association, trade union membership or any other category (known as 'protected characteristics') where discrimination cannot be reasonably justified.

Everyone has the right to be treated equally, fairly and with dignity and respect at all times, in providing and using our services. No patient or other person using our services, no employee whether full or part-time, day night or Work Choice member, temporary, seasonal, a job applicant (both internal and external), contractor, volunteer or other stakeholder is to be subject to discrimination or subject others to discrimination and it is expected that all of the above will adhere to this policy.

By being inclusive, no individual should be treated disproportionately by reason of their ethnic origin, disability, gender identity/expression, proposed or actual gender reassignment, sexual orientation, age, religious belief, marital status or caring responsibilities. Every individual within the Charity will be expected to consistently demonstrate their personal commitment to, and responsibility for, contributing to the creation of an inclusive and diverse culture and to challenging behaviours that are unacceptable.

This policy or associated procedures does not form part of any employees' terms and conditions of employment. It does apply to all employees of the Charity, agency workers, Workchoice and self-employed contractors.

2. Links to Policies and Procedures

- Disciplinary Procedure
- Bullying and Harassment Procedure
- Freedom to Speak Up and Whistleblowing Procedure
- Human Rights, Equality, Diversity and Inclusion Policy
- Corporate Induction Guidance



- Confidentiality and Data Protection Policy
- Police Liaison and Prosecution Policy
- BSL Interpreters and Deaf Communication Guidance
- Safeguarding Adults and Children Policy

This policy seeks to comply with and support the St Andrew's Healthcare **Equality, Diversity and Human Rights Strategy**.

Policies and procedures available via the Policy A-Z:
[Policies - Policies - A-Z \(sharepoint.com\)](#)

3. Monitoring and Oversight

This policy forms part of the Human Resources policies and is owned by the Executive Director of HR.

The purpose of equality audit and monitoring is to ensure that policies and practice are free from discrimination and that there is equality of opportunity for all.

All employees and job applicants will be asked to complete equal opportunities monitoring either at recruitment or via SAP Self Service, disclosing their sensitive details such as gender, ethnicity, age, faith and belief, sexual orientation, gender identity and any disabilities that they may have.

The information provided will be collated and stored in accordance with legislation and St Andrew's Healthcare Confidentiality and Data Protection Policy and will be used to enable the charity to understand the diversity mix of its workforce, to monitor the effectiveness of this and associated policies, to enable equality analyses to be conducted and to support planning of services and monitoring of practices. It will only be viewed in an anonymised state and by individuals with a genuine need.

To enable the above and in accordance with Care Quality Commission (CQC) and legislative requirements (such as the Equality Act 2010), the following audit and monitoring activities will be conducted at least annually:

- Equal pay audit
- Employee diversity monitoring and reporting by protected characteristics of
 - Current workforce
 - Specific groups such as volunteers, Workchoice and night staff (ad hoc)
 - HR discipline, grievance and sickness absence cases; access to training; internal appointments/promotions
 - The recruitment process at application, short list and appointment stages

Reasons for selection and rejection of candidates at each stage of the selection process will be recorded, e.g. initial short-listing and final decisions. Information on the reasons for rejection of candidates will be shared on request with unsuccessful candidates.



St Andrew's Healthcare will demonstrate its commitment to fairness and equality by ensuring:

- Audit and monitoring activities are transparent and available to all
- Pay structures are published
- Pay rates and salary ranges are included in all internal and external job advertisements

Where there are any anomalies identified, these will be looked at closely with a view to developing action plans and measures to rectify any issues including positive action to address existing imbalances where necessary.

The Charity will also use external audit assessment tools where appropriate and beneficial to help understand how St Andrew's Healthcare is addressing health inequalities and improving services for LGBT people.

4. Scope

This policy applies to every element of the employment lifecycle: the process of recruitment and selection, promotion, training, conditions of work, pay and benefits, general treatment at work and the processes involved in leaving the organisation.

If any employee feels (or groups of employees collectively feel) they are being subjected to bullying or harassment, or have been discriminated against, they should follow either the Grievance Procedure or the complaints procedure as defined in the Bullying and Harassment Procedure. It is the intention of the Charity that individuals who raise concerns under either of these policies get the matter rectified as soon as possible. If an employee feels they are unable to discuss their concerns with their Line Manager, then HR is available to all staff for advice and guidance. The Charity aims to ensure that staff feel comfortable about raising such complaints. No individual will be penalised for raising complaints unless the substance of the complaint is untrue or the complaint is made in bad faith, for example out of malice. Deliberately false allegations may themselves lead to disciplinary investigation.

St Andrew's Healthcare is an equal opportunities employer. The Recruitment and Selection Policy seeks to ensure all recruitment practices, promotion, succession planning, career development and acting up arrangements are free from direct and indirect, perceived or associative discrimination.

From a patient perspective this Policy should be read alongside the Anti-Bullying of Patients Policy.

Failure to comply with this and accompanying policies and procedures may result in disciplinary action.

The Charity strives to ensure equality of opportunity for all, both as a major employer and a major provider of health care.

5. Key requirements

Paying Employees Fairly

St Andrew's Healthcare strives to achieve fairness and equity in pay and reward. All employees carrying out equal work should receive equality of terms with regard to benefits, contractual conditions and fair and transparent pay and reward systems, subject to justifiable variables such as career pathways and performance related pay.

To achieve this, St Andrew's Healthcare ensures:

- Regular monitoring and analysis of pay practices across the Charity based on median and average full-time equivalent salary and pay distributions for those considered to be doing equal work
- Analysis is conducted at least annually in order to identify, explain any unjustifiable pay gaps and recommend realistic actions designed to eliminate them and establish whether or not there is a disproportionate impact on a particular group or groups of employees.

Reasonable Adjustments

Employees who are or becoming disabled in the course of their employment should inform the Charity about this disability or significant illness. Line Managers will then arrange to discuss with the employee what reasonable adjustments to their role, working conditions or environment might assist them in the performance of their duties. Where reasonable and reasonably practicable, such adjustments will be made to ensure that individuals are not disadvantaged because of their disability.

Advice should always be sought from HR and Occupational Health as to what is defined as a disability as this covers a very broad range of conditions and/or what may constitute a reasonable adjustment as not all disabilities are visible and reasonable adjustments can consist of a wide range of minor to major modifications.

The Business Language

St Andrew's Healthcare employees and patients have a rich diversity of nationalities with many languages used throughout the Charity. However, a diversity of languages can sometimes be confusing for patients; it is important that employees, contractors and visitors are aware and remember that their use of language can increase and decrease patients wellbeing.

The Charity requires a common language which is understood by all; this is known as the business language of the organisation. St Andrew's Healthcare has identified that the business language will be English. People speaking a language others around them cannot understand can make them feel excluded. Some of our patients have issues about paranoia and so can be particularly vulnerable to feeling stressed and afraid and then reacting to those feelings. This could put patients and people around them at risk and set back patient recovery.

St Andrew's Healthcare provides interpreter and translation services through external agencies wherever required and will support any existing staff member who needs to develop their competence in their use of the English language.



Definitions

The definitions of equality, diversity and human rights that the Charity follows are detailed below:-

Equality – is about creating a fairer society where everyone has the same chance to fulfil their potential, to participate fully in the community and have access to the services they need. Equality of opportunity is about equal access, treatment and outcomes that meet individual needs.

Diversity – is about recognising and valuing differences in their broadest sense: understanding people's differences and similarities to help the individual, the Charity and society as a whole.

Human Rights – are basic rights and freedoms that belong to every person in the world. Human rights are based on core principles like dignity, fairness, equality and respect. They affect a person's day-to-day life and protect their freedom to live the life they chose, to take part in Charity decision-making at all levels, to help them to be safe, be treated fairly and take an active part in the workplace and their community.

Inclusion – is a sense of belonging; feeling respected, valued for who we are; feeling support and commitment from others so that people can do their best. It is about positively striving to meet the needs of different people and taking action to create environments where everyone feels respected and able to achieve their full potential.

Protected Characteristics - the protected characteristics detailed in the Equality Act 2010 for the workplace are age, gender, gender reassignment, race (ethnicity and nationality), disability, sexual orientation, faith and belief, pregnancy and maternity (including breastfeeding) and marital and civil partnership status (including same sex couples).

The types of discrimination are defined as:

Direct Discrimination – means treating a person less favourable than others are or would be treated in the same or similar circumstances because of a 'protected characteristic'. For example, refusing to employ an applicant because of their race, religion or because they are transgender is less favourable treatment.

Indirect Discrimination – means applying a requirement or condition which, although applied equally to all persons, is such that a considerably smaller proportion of one group can comply with that requirement or condition and it cannot be shown to be justifiable, i.e. only allowing full time working when part-time working is operationally feasible.

Employment legislation is designed to prevent discrimination and identifies actions which are regarded as unlawful. Discrimination may be either direct or indirect, perceived or by association, it may include victimisation and/or harassment and may be subtle.

The Charity aims to develop management competencies and a culture that enables accurate and sensitive identification of all forms of discrimination, robust procedures



for reporting and managing instances of discrimination and various networks and channels of support for individuals who may be experiencing discrimination.

Certain characteristics people have are protected in law and are set out in the Equality Act 2010 and summarised above. All of us have at least some of these 'protected characteristics'. Human rights law includes, and often goes beyond those characteristics to cover fundamental aspects of life such as the right to freedom of thought, conscience and religion and the right to freedom from discrimination that is not defined by a set list of characteristics.

Individuals must not practice, or induce others to practice, any form of bullying, discrimination, harassment or victimisation against any other person.

If an employee is uncomfortable approaching their Line Manager, or believes that their Line Manager has behaved inappropriately, they can contact a range of other people for advice and support, such as HR, other/second Line Managers, a Speak Up Guardian or the Diversity & Inclusion Manager.

To ensure positive practice is the responsibility of all, it is expected that everyone will commit to:-

- Building awareness of and positive attitudes to 'difference', including a willingness to learn about differing perspectives;
- Treating everyone fairly and respectfully;
- Challenging and reporting discrimination – either directly or by reporting to another person, or by using the Freedom to Speak Up and Whistleblowing procedure
- Seeking advice if unsure about any Diversity and Inclusion issue.

Hate crimes will not be tolerated in St Andrew's Healthcare, and will be thoroughly investigated and disciplinary action taken where appropriate. This applies to all incidents whether staff to patient, patient to staff, patient to patient or staff to staff, including external agencies and suppliers. Full details of how to report and respond to hate crimes are contained in the Bullying and Harassment Policy.

6. Training

St Andrew's Healthcare will ensure that it will not discriminate in the provision of training courses as follows:-

- All training courses, procedures, materials, criteria and attendance will be regularly reviewed, monitored and analysed to ensure they are free from bias and discriminatory content.
- Diversity and Inclusion principles will permeate all training courses and materials.
- Opportunities for training and development will be communicated to and made available to all relevant members of staff.
- All training requests will be based on defined organisational and/or individual development need and in accordance with the Charity's Individual Performance & Development Review (IPDR) process.
- A range of training events which support the implementation and importance of Diversity & Inclusion are provided throughout the Charity, including induction for all new employees, mandatory refresher training for all existing employees,



Dignity at Work training, Managing Discrimination toolkit and Managing Diverse Teams training for line managers. Every individual within the Charity will therefore have a clear understanding of:

- Their personal responsibility for contributing to the creation of a culture of inclusivity, acceptance and respect for everyone's human rights
 - Their responsibilities in line with the core competence framework to treat others with dignity and respect at all times
 - Their responsibilities to challenge behaviours that are unacceptable
 - The procedures and support mechanisms in place to report and deal with instances of bullying and harassment
- Descriptors and information relating to all sessions can be found within the Learning and Development Prospectus
 - Attendance is recorded on each individual employee's personal learning account via the HR Training Database.

6. References to Legislation and Best Practice

Equality Act 2010. 2021. Equality Act 2010. [ONLINE] Available at: <https://www.legislation.gov.uk/ukpga/2010/15/contents>. [Accessed 18 October 2021].

7. How to request a change or an exception to this procedure

There will be no exceptions to this procedure.

8. Key changes

Version Number	Date	Revisions from previous issue
v1	Sept 21	Reviewed and in new procedure format transfer. Refer to v12 for previous version.