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Equality, Diversity, Inclusion and Human Rights Policy

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Type of document	Policy	
Target audience	All CWP staff, volunteers, contractors, visitors and staff from other organisations working on CWP Premises.	
Document purpose	This Policy provides Cheshire and Wirral Partnership NHS Foundation Trust (CWP) with the overall framework to meet its commitment to promoting Equality, Diversity, Inclusion and Human Rights.	
Approving meeting	People and Organisational Development Subcommittee	18/07/2019
Implementation date	August 2019	

CWP documents to be read in conjunction with	
CP6 CP38 HR2.14 HR3.18 HR3.3 HR3.4 HR3.5 HR3.7 HR3.8 HR6 HR14 HR16 HR19	<p>The management of violence and aggression policy</p> <p>Seclusion and Segregation Policy</p> <p>Maternity, Paternity, Adoption and Shared Parental Leave Policy</p> <p>Capability policy and procedure</p> <p>Trust disciplinary policy and procedure</p> <p>Grievance policy and procedure</p> <p>Managing Attendance Policy</p> <p>Dignity at work policy and procedure (incorporating harassment and bullying)</p> <p>How to raise and escalate concerns within work (incorporating whistleblowing) policy</p> <p>Mandatory Employee Learning (MEL) policy - Trust-wide learning and development requirements including the training needs analysis (TNA)</p> <p>Guidance on accessing staff support and psychological wellbeing service</p> <p>Conflict resolution and mediation procedure</p> <p>Policy for supporting staff involved in traumatic events at work including incidents, complaints, claims and inquests – promoting staff wellbeing guidance for managers and staff</p> <p>People Plan</p> <p>Reasonable Adjustments Guidance</p>

Document change history	
What is different?	This Policy is reviewed annually. It is felt to remain fit for purpose, except for a small number of minor updates which have been made to the document.
Appendices / electronic forms	N/A
What is the impact of change?	N/A
Training requirements	3 Yearly - Training requirements for this policy are in accordance with the CWP Training Needs Analysis (TNA) with Education CWP.

Document consultation	
Clinical services	EDI Locality Leads
Corporate services	Director of Nursing, Therapies and Patient Partnership Associate Director of Patient and Carer Experience
External agencies	Healthwatch Merseyside Society for Deaf People Cheshire & Merseyside Commissioning Support E&D Lead
Internal	CWP Trustwide Equality, Diversity & Inclusion Group Consultation Negotiation Partnership Consultation Committee (CNPCC) Staff Side People and Organisational Development Sub Committee Council of Governors CWP Staff Network Groups

Financial resource implications	None
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Equality Impact Assessment (EIA) - Initial assessment	Yes/No	Comments
Does this document affect one group less or more favourably than another on the basis of:		
- Race	No	
- Ethnic origins (including gypsies and travellers)	No	
- Nationality	No	
- Sex	No	
- Culture	No	
- Religion or belief	No	
- Sexual orientation including lesbian, gay and bisexual people	No	
- Age	No	
- Disability - learning disabilities, physical disability, sensory impairment and mental health problems	No	
Is there any evidence that some groups are affected differently?	No	
If you have identified potential discrimination, are there any exceptions valid, legal and/or justifiable? Select		
Is the impact of the document likely to be negative?	No	
- If so can the impact be avoided?	N/A	
- What alternatives are there to achieving the document without the impact?	N/A	
- Can we reduce the impact by taking different action?	N/A	
Where an adverse or negative impact on equality group(s) has been identified during the initial screening process a full EIA assessment should be conducted.		
If you have identified a potential discriminatory impact of this procedural document, please refer it to the human resource department together with any suggestions as to the action required to avoid / reduce this impact. For advice in respect of answering the above questions, please contact the human resource department.		
Was a full impact assessment required?	No	
What is the level of impact?	Low	

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1. Introduction

This Policy provides the Cheshire and Wirral Partnership NHS Foundation Trust (hereafter referred to as 'CWP') with the overall framework to meet its' commitment to promoting equality, diversity, inclusion and human rights. It fits with one of the Trust's seven strategic objectives – to be a model employer and have a caring, competent and motivated workforce and with the CWP's People and Organisational Development Strategy. CWP recognises the need to tackle discrimination and to promote equality between different groups in the community whilst also addressing the diverse needs of individuals.

This Policy illustrates CWP's commitment to provide an inclusive culture which treats all individuals with dignity and respect. CWP values diversity highly and recognises that different people bring different perspectives, ideas, opinions, knowledge and culture and that this difference brings great strength.

The benefits of a diverse workforce are well recognised and include a culture where difference is visibly welcomed and where people are actively included in order that they can use their unique talents to the full in the provision of a healthcare service that respects and responds to the diverse needs of the local population it serves.

Benefits of diversity for policy and service delivery include:

- Increased confidence in public services amongst people who access services
- Improved 'openness' about policy making
- Equitable targeted policies
- The ability to improve the delivery of suitable and accessible services that meet varied needs
- The development of good practice

Benefits of diversity for employment include:

- Encouraging the workforce to be more representative of the community it serves
- Support CWP's ambition to be a model employer thus attracting potential staff to the service
- Retention of staff
- Improvement in staff morale and ultimately improved patient care

Equality Act

The Equality Act (2010) places an Equality Duty on public bodies which CWP needs to respond to in its employment policies, practices and provision of its services. Whilst the policy is not driven solely by legislation, it recognises the importance of ensuring that CWP can meet its statutory duties. As such, CWP is committed to meeting its duties under equality legislation which covers the following protected characteristics:

- Age
- Disability
- Ethnicity / Race

- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Religion or belief – this includes lack of belief
- Sex
- Sexual orientation

Age

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. The definition

means that the vast majority of our service users and many of our staff will be protected by the Disability Protected Characteristic under the Equality Act.

Ethnicity / Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Gender reassignment

The process of transitioning from one gender to another.

Marriage and Civil Partnership

Entitlement to marry is available to those who are;

- 16 or over
- free to marry or form a civil partnership (single, divorced or widowed)
- not closely related

Same-sex couples can have their relationships legally recognised as civil partnership and within England, Scotland and Wales Marriage of same-sex couples has been legal since 2014. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and Maternity

Pregnancy is the condition of being pregnant - expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Religion and Belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief or a belief that there is no god (Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex

A person's genetically assigned sex: male, female or intersex (born with reproductive or sexual anatomy that does not fit the boxes of 'female' or 'male.'). May also relate to a person's concept of themselves or 'gender identity' since a person's genetically assigned sex may not necessarily correlate with their gender identity, hence transgender, non-binary or gender non-confirming for example.

Sexual Orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

This legislation is also underpinned by Human Rights as set out in the Human Rights Act 1998.

CWP will also commit to observe the Equality and Human Right Commissions' Code of Good Practice for Employment

CWP will work within the Equalities Act 2010 in order to ensure that we pay due regard to our public sector equality duty (PSED) to;

- Eliminate discrimination, harassment and victimisation
- Advance opportunities
- Foster good relations between different people.

2. Policy Statement

The overall objective of this Equality, Diversity, Inclusion and Human Rights policy is to achieve the following in employment policies and practices, in services, and in engagement with partners and with the communities across the Trust's region:-

- Develop an organisational culture which embraces an inclusive approach;
- Discrimination, harassment, bullying, and victimisation are considered to be, and will be treated as serious disciplinary offences (i.e. gross misconduct, which, where proven, may lead to dismissal).
- Promote equality of opportunity;
- Promote good relations and positive attitudes between people of diverse backgrounds
- Foster a culture of respect and understanding between people of diverse cultures, backgrounds, circumstances and identities

CWP aims to ensure that no job applicants, employees, volunteers, contractors, patients or people who access services receive less favourable treatment on any reason which cannot be shown to be justified. This covers the nine protected characteristics; race (including colour, nationality, ethnic or national origin), religion or belief, sex, disability, sexual orientation, gender reassignment, age, marital or civil partnership status, pregnancy or maternity, in addition to having caring responsibilities for children or other dependents.

CWP recognises that;

- discrimination may occur on more than one ground at the same time
- people have a range of diverse needs and services should be designed or delivered in different ways to respond to these needs.

3. Scope of the Policy

This policy applies to all staff working within CWP including employees, contractors, volunteers and staff from other organisations working on Trust premises. It also applies to people who access services and visitors.

This policy applies to CWP premises and all staff working in other premises, including any place where the occasion can be identified with either the requirements of CWP or with social events linked to CWP.

4. Aims of the Policy

In meeting the overall objective of this policy, a number of more detailed aims have been identified covering general aims, services and employment. CWP will:-

- Incorporate consideration of equality, diversity, inclusion and human rights principles from the onset in all its policies, plans, strategies and services
- Undertake equality impact assessments to measure the impact of policies and services and to determine the needs of its employees, people who access services. and the public
- Identify equality, diversity and inclusion outcomes it requires for employees, people who access services and the public as necessary
- Reflect the diversity of the geographical areas it serves in publications, events and other marketing and communications activities
- Follow the social model of disability
- Apply the principles of this policy to suppliers of goods and services to CWP

Service Provision Aims:

CWP aims to:

- Ensure that no one should have negative experience relating to their protected characteristic when in receipt of or intending to be in receipt of a CWP service
- Provide appropriate, accessible and effective services and facilities to all sections of its communities without discrimination or prejudice
- Provide clear information about its services in appropriate formats or languages which meet people's needs
- Monitor its services to ensure that all sections of the community are receiving fair access and outcomes and take action to address any inequalities that are apparent
- Consult with and involve all sections of the community when making decisions about services
- Respond promptly and fairly to any complaints received about its services including those relating to discrimination

- CWP will regularly review patient experience using national or local patient surveys

Employment Aims:

CWP will:

- Ensure that its employment policies and procedures do not discriminate directly or indirectly against any group or individual on unjustifiable grounds
- Work to achieve a workforce that represents the community it serves
- Monitor our recruitment and selection processes, training and development opportunities, disciplinary, grievance, bullying and harassment and capability procedures by race, disability, sex, age, sexual orientation, gender reassignment, religion or belief, pregnancy and maternity, and whether married or in a civil partnership, and take action to address any inequalities that are apparent
- Promote a culture of fairness and respect in its employment policies, procedures and practices
- Provide appropriate training for employees at every level on equality, diversity and human rights issues
- Protect employees from bullying, harassment and violence and investigate all claims of bullying and harassment that are made
- Respond to the particular needs of employees including those relating to race, disability, age, sex, gender reassignment, sexual orientation, religion or belief, pregnancy or maternity, or whether married or in a civil partnership.

5. Responsibilities

CWP has taken into account and will continue to do so, the duties placed on it by equality legislation on race, disability, sex, age, religion or belief, gender reassignment, sexual orientation, pregnancy or maternity, and marriage or civil partnership. It is committed to applying good practice to all the equality areas to ensure equity of health outcomes and employment.

The following groups support CWP in meeting its Equality, Diversity, Inclusion and Human rights objectives:

The Trustwide Equality, Diversity & Inclusion Group is responsible for overseeing the work of the Equality, Diversity & Inclusion Local Groups, providing assurance that CWP is delivering on both its general and specific equality duties and taking other steps to promote equality and tackle discrimination. The Trustwide Equality, Diversity & Inclusion Group also has responsibility for contributing towards progression of the Trust's Equality, Diversity and Inclusion Objectives.

Local Equality, Diversity & Inclusion Groups support the work of the Trustwide Equality, Diversity & Inclusion Group and report to this group. They have responsibility for ensuring the development and delivery of the Trust Wide EDI agenda, focusing on 'Better Health Outcomes' and 'Improved Patient Access and Experience'. The group provides a forum for the users of CWP services, staff and community groups and networks and members to promote information and issues from local services/teams to the Trustwide EDI Group.

Care Groups are expected to regularly review EDI and Human Rights, specifically via their meeting structures.

The People and Organisational Development Sub Committee has oversight of the minutes of meetings of the **Trustwide Meeting** on a regular basis, has responsibility for ratifying any EDI matters having a potential impact on people working within CWP services.

The CWP Quality Committee monitors progress of the Trustwide Equality, Diversity and Inclusion Group on behalf of the Trust Board by oversight of the minutes of the meetings of this group on a regular basis. The Committee also has responsibility for monitoring performance against CWP's Equality, Diversity & Inclusion Objectives.

The Trust Board is ultimately responsible for ensuring that the organisation complies with its obligations under the Equality Duty and with the commitments set out in this policy. It will consider annually the information published under CWP's Equality, Diversity, Inclusion and Human Rights Objectives and agree actions on any underperformance by the Trust. It will also ensure that steps which have been taken to promote equality and tackle discrimination. Finally, it will consider recommendations made in relation to any further steps which are considered desirable in view of the Trust's duties to promote equality and address discrimination.

6. Other Considerations

Equality, Diversity, Inclusion and Human Rights Awareness Training - CWP provides Equality, Diversity, Inclusion and Human Rights Awareness Training to all staff as part of their Induction Programme and by means of regular online update training, every 3 years.

Dignity at Work – CWP supports a working environment for individuals in which dignity at work is paramount and a working environment and culture in which bullying and harassment is unacceptable. All complaints are treated with due regard and without prejudice to the employee or their career. Please refer to the Dignity at Work Policy and Procedure for further information.

7. Human Rights in Action

Human rights are the basic rights and freedoms that belong to all people. They cannot be taken away (but some can sometimes be restricted). There are 3 types of rights;

- 1) Absolute Right, These 'absolute' rights can never be interfered with in any circumstances they include the right to be free from inhuman and degrading treatment
- 2) Limited Right, the right to liberty can be limited if a person is convicted and sentenced to prison
- 3) Qualified Right which means they can only be restricted in order to protect the rights of other people or if it's in the public interest for specific reasons such as the prevention of crime.

Human rights are legally enforceable in the UK under the Human Rights Act (HRA). This means public authorities (like Mental Health Service providers) are legally required to respect the rights of service users in everything that we do, and in some cases we must take positive action to protect rights when they are known to be at risk.

Any restriction on a person's rights must be proportionate. This means a public authority must have a legitimate aim, and the restriction on your rights must be the least possible restriction in the circumstances.

For something to be a violation of human rights it needs to have had a serious impact. Individual circumstances are important, for example, health, gender, age and personal circumstances may all contribute to how a particular action or decision affects a person.

8. Outline of Human Rights contained in the Human Rights Act

- Article 2: Right to life;
- Article 3: Right not to be tortured or treated in an inhuman or degrading way;
- Article 4: Right to be free from slavery or forced labour;
- Article 5: Right to liberty;
- Article 6: Right to a fair trial;
- Article 7: Right not to be punished for something which wasn't against the law at the time;
- Article 8: Right to respect for private and family life, home and correspondence;
- Article 9: Right to freedom of thought, conscience and religion;
- Article 10: Right to freedom of expression;
- Article 11: Right to freedom of assembly and association;
- Article 12: Right to marry and found a family;
- Article 14: Right not to be discriminated against in relation to any of the rights contained in the Human Rights Act;

- Article 1, Protocol 1: Right to peaceful enjoyment of possessions;
- Article 2, Protocol 1: Right to education;
- Article 3, Protocol 1: Right to free elections;
- Article 1, Protocol 13: Abolition of the death penalty.

9. Personal Fair and Diverse Statement

The Trust is committed to providing equality of opportunity, not only in its employment practices but also in the services for which it is responsible. An Equality Impact Assessment has been carried out on this document to identify any potential discriminatory impact. The Trust also values and respects the diversity of its employees and the communities it serves. In applying this policy, the Trust will have due regard for the need to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Provide for good relations between people of diverse groups

For further information on this, please contact the CWP Equality, Diversity & Inclusion Co-ordinator.

10. Monitoring Compliance With and the Effectiveness of Procedural Documents

To comply with the Mental Health Act code of practice 2015 section 3.15 the policy and compliance to the HRA should be reviewed annually by:

- The Trust Board
- People and Organisational Development Sub Committee
- Equality, Diversity & Inclusion Trustwide Group

The effectiveness of the policy will be monitored on a regular basis via the Trusts Quality Committee. Key performance indicators within the Trust's Equality, Diversity and Inclusion Objectives will be monitored by analysing relevant data against agreed Trust/national targets. The equality agenda will be embedded across other key documents including business plans.

Equality Objectives

The Trust's Equality, Diversity and Inclusion Objectives reflect the equality needs of the Trust. These objectives will flow through our governance structures and our core business plans.

Equality Analysis

An equality analysis is a process whereby the Trust will assess risk of discrimination to ensure services meet the needs of patients through robust analysis of evidence and through specifications and contract monitoring arrangement. Equality analysis is an essential way of meeting our public sector equality duty. As well as advancing equality of opportunity for communities, equality analysis will take account of patient's individual human rights

Consultation and Engagement

CWP will consult and engage with the communities we serve, including those protected by law and our providers, to develop and put in place strategies, policies and services that meet the health and wellbeing needs of our diverse community as set out in the Trust's Communication and Engagement Strategy.

The effectiveness of the policy will be monitored on a regular basis via the Trusts Quality Committee. Key performance indicators within the Trust's Equality, Diversity and Inclusion Objectives will be monitored by analysing relevant data against agreed Trust / national targets. The equality agenda will be embedded across other key documents including business plans.

Equality Objectives

The Trust's Equality and Diversity Objectives reflect the equality needs of the Trust. These objectives will flow through our governance structures and our core business plans.

Equality Analysis

An equality analysis is a process whereby the Trust will assess risk of discrimination to ensure services meet the needs of patients through robust analysis of evidence and through specifications and contract monitoring arrangement. Equality analysis is an essential way of meeting our public sector equality duty. As well as advancing equality of opportunity for communities, equality analysis will take account of patient's individual human rights

Equality Delivery System (EDS2)

The EDS2 is designed to support NHS providers to deliver better outcomes for patients and communities and better working environments for staff, which are personal, fair and diverse. By adopting the model developed CWP will ensure that we have robust and sustainable processes in place that drive up improvements for people accessing services.

The EDS2 is based on 18 outcomes grouped into four goals:

- Better health outcomes for all
- Improved patient access and experience
- Empowered, engaged and well supported staff
- Inclusive leadership at all levels

CWP will use EDS2 to help:

- Achieve compliance with the PSED
- Deliver the NHS Commissioning Outcomes Framework Deliver the NHS Constitution
- Deliver the CQC's Essential Standards of Quality and Safety Deliver the Human Resources Transition Framework.