

Equality & Diversity Policy

1.2

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1. Policy Statement

SHPCA is committed to providing diversity and equality to all employees whether full time, part time or temporary. We therefore wholeheartedly accept our legal obligations under the legislation, identified below, which makes it generally unlawful to discriminate directly or indirectly in recruitment, employment or after employment on the grounds of:

- Age
- Disability
- Gender Reassignment
- Marriage & Civil Partnership
- Pregnancy and Maternity
- Race (which includes colour, nationality and ethnic or national origins)
- Sexual orientation
- Sex
- Religion or belief

These are known as '**protected characteristics**'.

We also undertake not to discriminate unfairly on the grounds of trade union membership and activity, political belief and unrelated criminal convictions.

There are two types of discrimination that are unlawful: direct and indirect discrimination.

Direct discrimination is where a person is treated less favourably because of their race, sex, disability, sexual orientation, religion or belief, or age.

Indirect discrimination is where the employer applies a practice, requirement or condition which applies equally to all individuals, but which:

- Has an adverse disproportionate impact on a group of people because of their race, sex, disability, sexual orientation, religion or belief, or age and;
- The employer cannot show it to be justified, and;
- It causes detriment to the individual.

Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability.

Every employee is entitled to a working environment which promotes dignity and respect to all. No form of intimidation, bullying, harassment or victimisation will be tolerated.

The employer is committed to implementing equality of opportunity in carrying out all its various functions.

We are committed to the development of effective policy, strategy and standards and to the introduction of monitoring and information systems to review and evaluate progress towards the achievement of equality of opportunity.

The employer recognises the effects of historical disadvantage and past discrimination, and will, where appropriate and within the law, take positive action to achieve equality of opportunity.

We believe much can be achieved by developing policies, practices and procedures to eliminate unlawful and unfair discrimination and realise that real progress toward equality of opportunity requires a programme of action, which involves the commitment and participation of all staff.

The employer believes that equal opportunities require a genuine commitment to this policy from everyone. For us this includes a duty to adhere to the key guidance in establishing, monitoring and evaluating our responses to the Equality Act 2010 and any amendments related to the ACT, as well as the United Nations Convention on Disability Rights.

All members of staff, together with those involved in all activities, are required to conduct themselves in accordance with our Equality and Diversity Policy. They are required to take personal responsibility in this area and work towards promoting respect for individuals. This will entail identifying and removing inappropriate behaviour and changing practices that perpetuate inequality and taking necessary action to challenge unfair, discriminatory or racist practices.

Members of staff can be held personally liable as well as, or instead of SHPCA, for any act of unlawful discrimination. Members of staff who commit serious acts of harassment may be guilty of a criminal offence. Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under SHPCA disciplinary procedure.

2. RACE EQUALITY POLICY

Rationale

The employer acknowledges that the society within which we live is enriched by the ethnic diversity, culture and faith of its citizens.

We believe members of staff have a professional commitment to ensure that we know how to make effective personalised provision for employees, including those for whom English is an additional language or who have special educational needs or disabilities, and how to take practical account of diversity and promote equality and inclusion in our training.

SHPCA strives to ensure that the culture and ethos of our practice is such that, whatever the heritage and origin of our employees, everyone is equally valued and treats one another with respect. All employees (including learners and apprentices) will be provided with the opportunity to experience, understand and celebrate diversity.

The definition of institutional racism is “the collective failure of an organisation to provide an appropriate and professional service to employees because of their culture, colour or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people.”

Definition of a racist incident:

“any incident which is perceived to be racist by the victim or any other person”

Our Aims:

Our aims for promoting racial equality and challenging racial discrimination include:

- Ensuring that staff from all racial groups are encouraged to achieve to their full potential.
- Maintaining an inclusive ethos.
- Acknowledging the existence of racism and being proactive in tackling and eliminating racial discrimination.
- Promoting at every opportunity SHPCA ethos of welcoming and valuing everyone, irrespective of their race, colour, religion, ethnic or national origin, age or sexual orientation.
- Ensuring that equality is an integral part of all our training.

ACTIONS TO ENSURE RACE EQUALITY

SHPCA will:

1. Undertake a race equality audit on an annual basis.
2. Where monitoring demonstrates disadvantages in employment or under-representation, SHPCA will undertake positive action measures allowed by law to rectify this, such as;
 - Provide facilities or services to meet the particular needs of people from under-represented groups.
 - Target job training at particular groups that are under-represented in a particular area of work.
 - Encourage applications from groups that are under-represented in such areas.
 - The Race Equality Policy will be reviewed annually by Chief Operating Officer manager.
3. SHPCA will ensure that our quality assurance processes identify good practice.
4. SHPCA will endeavour to ensure that our staff team reflects the multi-cultural and multi-ethnic society in which we live.
5. All racist incidents will be recorded and reported to the Manager. All incidents will be resolved sensitively, in a manner, which supports the victim and both sanctions and educates the perpetrator.

All staff, learners and apprentices will:

1. Be made to feel valued members of SHPCA.
2. Be encouraged to reach their full potential.
3. Be supported in their development.
4. Have their views, backgrounds and beliefs respected by colleagues and peers.
5. Act as role models through the positive relationships they foster with colleagues and peers.

Monitoring by Ethnicity

SHPCA recognises ethnic monitoring as essential to ensure that no ethnic group is being disadvantaged, and that monitoring leads to action planning. We will build on that approach to tackle other key areas identified.

3. IMPLICIT BIAS

What are implicit biases?

Implicit biases are the unconscious prejudices, preferences or assumptions that the brain forms about certain groups of people. These associations are a fast and easy way for the subconscious to store information and enable quick judgements. It's important to establish that holding these implicit biases is not the same thing as being overtly racist or sexist - they are formed automatically and involuntarily.

Studies have shown that implicit bias can have a direct impact on decision making - even where a company has a diversity policy and actively supports equality, it remains possible for such biases to come into play. Decisions on recruitment, performance, promotion, and even medical diagnoses have been found to alter when individuals are presented with similar situations where the only differences are characteristics such as gender or race.

How to counter implicit bias

Implicit biases are most likely to emerge when tired or making quick decisions. When rushed, low on sleep or under pressure, making a conscious effort to take extra time to assess the responses and judgements you are making can establish whether they are they based purely on facts, or if assumptions are playing a part. Alternatively, and if possible, consider anonymising job applications, CVs or requests from employees or patients to ensure implicit biases cannot impact on responses.

4. LEGISLATIVE FRAMEWORK

Equality Act 2010

(This act replaces the Equality Act 2006, the Race Relations Act 1976 and the Disability Discrimination Act 1995 and seeks to harmonise a number of previous pieces of equal opportunity legislation)

The purpose of the Equality Act 2010 is to simplify discrimination legislation and create a more consistent and effective framework, while at the same time extending discrimination protection. The Act defines discrimination as less favourable treatment because of a '**protected characteristic**'. The protected characteristics under the Equality Act are: disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. Indirect discrimination against individuals because they have a relevant protected characteristic is also covered (with the exclusion of pregnancy & maternity).

5. OTHER LEGISLATION

Data Protection

The organisation treats personal data collected for reviewing equality of opportunity in recruitment and selection in accordance with its Data Protection Policy Information about how data is used and the basis for processing is provided in the organisation's [Employee Privacy Notice](#).

Rehabilitation of Offenders Act 1974

The purpose of the Act is to benefit those people who have been convicted of a criminal offence in civilian life or in the services (Army, Navy or Air Force) and who have since not committed any crimes.

According to the Act, if a person is convicted of a criminal offence and receives a sentence of not more than 2½ years and is not convicted again during a specified period of time (known as the *rehabilitation period*) s/he becomes a rehabilitated person.

The conviction for the offence then becomes 'spent', or forgotten, and the person in possession of a spent conviction can then have equal access to the same benefits as a person without the same conviction within the realms of employment, training and housing.

Police Act 1997 – section 122

This section of the Act requires SHPCA to publish a Code of Practice. This is to provide assurance to those applying for Standard Disclosures – (information contained in criminal record certificates) or Enhanced Disclosures (information contained in enhanced criminal record certificates), that the information released will be used fairly and stored securely.

Public Order Act 1986 and Criminal Justice Act 1994

In some cases the offender may commit a criminal assault and criminal liability may arise under these Acts. It is an offence to intentionally cause harassment, harm or distress through using threatening, abusive or insulting words, behaviours or displays of material. There is a penalty of up to six months in jail and/or a fine of up to £5,000.

Protection from Harassment Act 1997

This imposes a criminal liability on the part of the offender. There is a penalty of up to 6 month in jail and/or a fine of up to £5,000.

Human Rights Act 1998

Human Rights Act incorporates rights under the European Convention of Human Rights into domestic law. Individuals can bring claims under the HRA against public authorities for breaches of Convention rights. UK courts and tribunals are required to interpret domestic law, as far as possible, in accordance with Convention rights. Previous case law may be overturned if there is a breach of Convention rights and the relevant law can be re-interpreted in a way which is compatible with Convention rights. Convention rights include a right not to be discriminated against on non-exhaustive grounds, which include that of sex, where another Convention right is engaged.

European Legislation

- The Pregnant Workers Directive- protects pregnant women's basic rights during and after pregnancy
- Article 119 of the Treaty of Rome- men and women should receive equal pay for equal work
- The Equal Treatment Directive- Equal opportunities for men and women in the workplace
- The Equal Pay Directive- men and women should receive equal pay for equal work

6. Grievance

If an individual feels this policy does not support them or that it is being implemented inadequately, they should report their grievance to Chief Operating Officer.

If an individual regards any matter as requiring formal resolution under this policy then such matters should be referred to the surgery Grievance Policy & procedures.

SHPCA through its Board is responsible for ensuring the implementation of this policy.

7. RESPONSIBILITIES

Aspect	Overall Responsibility	Delegated Control
Equality / diversity training and standards	Clinical Director Lead for HR (Janet Naylor)	Kerry Cooper Chief Operating Officer
Equality / diversity annual audit and review	Clinical Director Lead for HR (Janet Naylor)	Kerry Cooper Chief Operating Officer
Recruitment and selection management and processes	Clinical Director Lead for HR (Janet Naylor)	Kerry Cooper Chief Operating Officer

8. Checklist

Aspect	Requirement	Checked and Present Y/N
New recruits	Monitoring (where carried out) is entirely separate, and confidential from, the selection process. Equality and diversity training carried out	
Existing staff	Equality and diversity training carried out	
Annual review and audit	Completed, and follow up actions identified and action planned	

9. Sample Monitoring Form for use by SHPCA Recruiting Manager.

(Edit as required)

Monitoring is strictly confidential but not anonymous. Pay numbers are a way to identify employees for monitoring purposes to ensure fairness and access to opportunity. For job applicants, you should enter the job applied for title.

Job Title (applied for)		
Candidate Number / pay number		
Ethnicity	How would you describe yourself (mark all that may apply)	<p>A White British Irish Scottish English Welsh Any other White background, please write below</p> <p>B Mixed Heritage White and Black Caribbean White and Black African White and Asian Any other Mixed background, please write below</p> <p>C Asian or Asian British Indian Pakistani Bangladeshi Any other Asian background, please write below</p> <p>D Black or Black British Caribbean African Any other Black background, please write below</p> <p>E Chinese or other ethnic group Chinese Any other, please write below</p> <p>F prefer not to say</p>

Disability	Do you consider yourself to have a disability or a long-term health condition?	<input type="radio"/> Yes <input type="radio"/> No OR: Prefer not to say
	What is the effect or impact of your disability or health condition?	

Gender monitoring	Would you describe yourself as:	<input type="radio"/> Male <input type="radio"/> Female? OR: Prefer not to say
Age monitoring	What is your Date of Birth?	__ / __ / ____ (dd/mm/year) OR: Prefer not to say

Data protection

SHPCA treats personal data collected for reviewing equality of opportunity in recruitment, selection and, if relevant, employment within the organisation in accordance with its Data Protection Policy. Information about how your data is used and the basis for processing is provided in the organisation's job applicant privacy notice.

I hereby give my consent to SHPCA processing the data supplied in this form for the purpose of equal opportunities monitoring in recruitment and selection, and if relevant, employment within the organisation. I acknowledge that my application will be treated the same regardless of whether or not I complete this form. I understand that I may withdraw my consent to the processing of this data at any time by notifying [data protection officer or other appropriate individual].

Signature:

Date: