

EQUALITY AND DIVERSITY POLICY

| Version: | Owner: | Created: |
|--------------------------------|--|------------------------------|
| 3.1 | Helen Harvey-Wilson (Senior Peoples tea Co-Ordinator.) | 1 st October 2009 |
| Published: | Approving Director: | Next Review |
| 27 th February 2024 | Mike Duncan (Director of People) | 1 st October 2025 |

Equality and Diversity Policy

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Equality and Diversity Policy

1. INTRODUCTION

BrisDoc greatly values the right of every staff member and patient within our local communities to be fairly treated and to receive equal opportunity. We are committed that every individual who comes into contact with BrisDoc on any basis be treated with the dignity, respect and consideration they deserve and are protected from unlawful discrimination. We are committed to ensuring that everyone has the opportunity to reach their full potential and has access to appropriate healthcare.

This policy applies to all employees, workers, managers and directors within BrisDoc. Other individuals such as agency workers, suppliers, self-employed contractors, are also encouraged to read it and act accordingly.

In line with BrisDoc's four business values, we believe the following benefits are achieved when equality and diversity are valued in our healthcare environment:

Patient Care

- Valuing equality and diversity can help to improve health.
- By improving access to services, there will likely be an increase in uptake.
- A good understanding and application of equality & diversity can enhance patient care.
- It encourages respect for all members of society.

It ensures patients and service users:

- Are protected against unfair treatment
- Are treated with dignity and respect
- Have enhanced individual life chances and well-being.

Workforce Care

It helps staff by:

- Ensuring quality and standards in the workplace.
- Protecting employment rights and entitlements.
- Encouraging the promotion of inclusion.
- Ensuring staff with one or more 'protected characteristics' are not prevented from achieving their ambitions.
- Promoting a tolerant and supportive work environment.

Quality Care

It helps BrisDoc to:

- Meet its legal and human rights responsibilities.
- Set base level standards of quality in practice.
- Ensure the fulfilment of moral and social obligations.
- Protect against negative impact and reputation in the wider community.
- Provide a higher standard of care across the board.

Resource Care

- Minimises risks of legal claims against the company for discrimination
- Ensures all equipment / resources / premises are fit for purpose for all staff and patients

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The purpose of this policy is therefore to ensure equality and fairness for all in our employment and care, and not to discriminate on the grounds of any Protected Characteristic: age, disability, gender reassignment, marriage or civil partnership, maternity or pregnancy, race, religion or belief, sex and sexual orientation. We oppose all forms of discrimination.

2. DEFINITIONS

2.1 DISCRIMINATION

This is the practice of treating individuals less fairly than other people or groups. See Appendix 2.

2.2 EQUALITY

Equality is about creating a fairer society where everyone can be involved and has the opportunity to fulfil their potential. It is backed up by legislation designed to address unfair discrimination based on membership of a particular group.

2.3 DIVERSITY

Diversity is about the recognition and valuing of difference. It is about creating a working culture and practices that recognise, respect, value and harness difference for the benefit of the organisation and individuals.

2.4 PROTECTED CHARACTERISTIC

The Equality Act 2010 protects people from discrimination on the basis of a Protected Characteristics. These characteristics are:

- Age
- Disability
- Gender reassignment
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnerships
- Pregnancy and maternity
- Race (this includes ethnic or national origins, colour and nationality)

See Appendix 1 for definitions.

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3. OUR COMMITMENT

- 3.1 **To create an environment in which individual differences and the contributions of all our staff are recognised and valued.** We recognise and welcome the fact that people bring to work a range of different work and personal styles, and a wide range of different beliefs, and attitudes. We are committed to creating a culture characterised by mutual respect, in which differences are appreciated and nurtured, whilst always ensuring that our organisation's values are upheld and that we abide by our legal obligations.
- 3.2 **To provide a healthy working environment for every employee that promotes dignity and respect to all.** It is crucial that all staff feel comfortable and 'safe' at work. No form of intimidation, bullying or harassment will be tolerated. No employee will be treated favourably or unfavourably on the grounds of any Protected Characteristic (see section 2.4 for definition).
- 3.3 We care for a **community of diversity**. BrisDoc is committed to having a **staff that reflects that community**. We believe that this makes our services more accessible and responsive to the health needs of our local population.
- 3.4 **To provide training, development and progression opportunities that are accessible to all staff.** Also to ensure that no member of staff be denied this access on the grounds of any discrimination in relation to a protected characteristic.
- 3.5 **To ensure all our employment practices and procedures provide equality and fairness.** We also ensure that all our policies are equally accessible and staff are aware of their rights in employment with BrisDoc – this will start at induction.
- 3.6 We will ensure that **the policy is circulated to any agencies responsible for our recruitment** and a copy of the policy will be made available for all employees and made known to all applicants for employment. The policy will also be **communicated to all private contractors** reminding them of their responsibilities towards equality and diversity.
- 3.7 **To comply with the Public Sector Equality Duty (PSED)¹.** Public organisations including **NHS** Trusts are subject to the general duty and must have due regard to the need to:
 - eliminate unlawful; discrimination, harassment and victimisation;
 - advance equality of opportunity between people who share a protected characteristic and those who do not; and,
 - foster good relations between people who share a protected characteristic and those who do not.
 - This means that every year, public bodies, subject to section 149 of the Equality Act 2010 and the specific equality duties are required to publish equality information. Every

¹ BrisDoc's Equality Strategy and objectives in line with the NHS Equality Delivery System (EDS2) will be available from 2019/20 financial year.

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four years, public bodies subject to these duties are also legally required to publish equality objectives.

All employees have a personal responsibility for the application of this policy. **Breaches of our Equality and Diversity Policy could be regarded as gross misconduct and lead to disciplinary proceedings in line with our Disciplinary Policy & Procedure.**

We fully acknowledge that good intentions alone will not bring the real and sustainable change we would like to see. We realise that the key to achieving our aims lies in taking concrete action in a range of areas throughout our organisation. We also realise that those actions must be upheld by being measured and monitored where necessary. How this will be achieved is described in the sections that follow.

4. RESPONSIBILITIES

4.1 STAFF AT ALL LEVELS (INCLUDING SELF-EMPLOYED CONTRACTORS)

- 4.1.1 To behave in a way that is representative of BrisDoc's values and aims concerning Equality and Diversity.
- 4.1.2 To treat colleagues and patients/families fairly and to refrain from any conduct which could amount to bullying or harassment, or any form of intimidation.
- 4.1.3 To inform your respective line managers immediately if you suspect any unfair treatment that may be taking place.

4.2 LINE MANAGERS

- 4.2.1 Not to discriminate on any grounds within any area of management or supervision. This is inclusive of recruitment, Personal Development Reviews, sickness absence and any development training opportunities.
- 4.2.2 To communicate and activate any measures or improvements to monitoring equality in BrisDoc.
- 4.2.4 To ensure that all staff are aware of their responsibilities under this policy by ensuring staff undertake the necessary training on Equality & Diversity. It is also the responsibility of the line manager to discuss Equality and Diversity at appropriate team meetings.

4.3 BRISDOC DIRECTORS

- 4.3.1 To ensure that this policy is fully implemented and monitored.
- 4.3.2 To ensure that this policy is supported resource-wise.
- 4.3.3 To 'walk the walk' and demonstrate with excellence, the values of this equality and diversity policy.

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5. PATIENT CARE

In line with our mission statement of '*patient care...by people who care*', BrisDoc values its patients and is committed to ensuring that patients are fairly and equally treated. In order to measure this action, we are committed to ensuring that the following steps are implemented and upheld:

- 5.1 Our patients are treated with dignity, respect and receive the best quality care, irrespective of any protected characteristic. We ensure that employees are properly informed of our commitment, initially during induction/probation (see Corporate Staff Handbook), with ongoing mandatory training updates in 'Equality, Diversity & Human Rights' via the National Skills Academy for Health e-learning platform.
- 5.2 Our employees are equipped to care for patients who have difficulty communicating. This is to ensure that no one is discriminated against or denied access to our services. In particular, we provide "type-talk" or sign language interpretation for patients who are hard of hearing and "Big Word" or "Language Line" or "Health Links" as interpretation services where English is not their first language.
- 5.3 Our patients are able to request chaperones for any medical consultation/examination. All medical and clinical staff are notified of this, with posters displayed at each base, and mandatory training put in place for all relevant staff.
- 5.4 Our patients are not treated less favourably on the grounds of any protected characteristics. We ensure that all of our patients receive the appropriate care within the urgency required by their clinical picture.
- 5.5 We operate a 'zero tolerance' for any form of discrimination.

Any breach of these aims could lead to disciplinary action.

6. WORKFORCE CARE

BrisDoc is committed to ensuring that all applicants and existing staff are fairly treated and receive equal opportunities. We are committed to ensuring discrimination does not occur in any aspect of employment (including, but not limited to, recruitment and selection, promotions, training, transfers, dismissals) and to encouraging diversity in our workforce.

As part of the PSED, we will commit to regularly reviewing our workforce demographics against the protected characteristics.

The following provides examples of our commitment in two key areas of 'Recruitment and Selection' and 'Training'.

6.1 RECRUITMENT AND SELECTION

We recognise that our recruitment and selection process is vital to achieving the aims and values outlined in this policy.

- 6.1.1 We will endeavour, through appropriate training, to ensure that employees making selection and recruitment decisions will not discriminate, whether consciously or unconsciously. They are also informed that any job applicant may request to see any interview notes, under the Freedom of Information Act.

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- 6.1.2 All employees involved in the recruitment process will periodically review their selection criteria to ensure that they are related to the job requirements and do not unlawfully discriminate.
- 6.1.3 We make sure that recruitment decisions (including promotion) are made based on the following criteria: qualifications/skills, experience and suitability for the role. In line with our PSED and implementation plan of the Equality Delivery System (EDS2), there may be occasions where positive action under the Equality Act 2010 may be taken to ensure that our workforce is reflective of the health communities we serve.
- 6.1.4 Job descriptions, where used, will be revised to ensure that they are in line with our Equality & Diversity policy. Job requirements will be reflected accurately in any personnel specifications.
- 6.1.5 We will maintain a consistent, non-discriminatory approach to the advertising of vacancies.
- 6.1.6 Shortlisting will be carried out by more than one person where possible. We make sure that all applications are anonymised before short listing including the removal of the Equal Opportunities Monitoring Form. This will ensure that we do not discriminate on the grounds of any Protected Characteristic in the short listing process.
- 6.1.7 Interview questions will be related to the requirements of the job and will not be of a discriminatory nature.
- 6.1.8 We will not disqualify any applicant because he/she is unable to complete an application form unassisted unless personal completion of the form is a valid test of the standard of English required for the safe and effective performance of the job.
- 6.1.9 We will regularly review and update our recruitment forms and documents E.g. application form, job adverts, job descriptions, and personal specifications to ensure they are non-discriminatory.
- 6.1.10 We make sure that we provide the opportunity for every applicant to fill out an Equal Opportunities Monitoring Form. This will enable us to analyse our recruitment process and ensure that we are not recruiting unfairly or unequally.
- 6.1.11 We will routinely analyse our Equal Opportunities data against those who were “recruited” and those who were “not recruited”, to ensure decisions for appointment were not based on, or discounted because of, a protected characteristic.
- 6.1.12 We make sure that any references and occupational health assessments that require detail relating to an individual’s sickness/health record are conducted after a conditional offer of employment has been made to ensure that no discrimination occurs on the grounds of disability. Up to this point in the selection process, we will only ask health-related questions that help us:
- decide whether we need to make any reasonable adjustments for the person to the selection process
 - decide whether an applicant can carry out a function that is essential (‘intrinsic’) to the job
 - monitor diversity among people making applications for jobs

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- take positive action to assist disabled people
- assure ourselves that a candidate has the disability where the job genuinely requires the jobholder to have a disability.

Please refer to our Recruitment and Selection Policy for further details regarding our recruitment process.

6.2 TRAINING

- 6.2.1 All salaried employees have equal opportunity to access both statutory and mandatory training courses, as well as further development training courses. No member of staff will be denied access to training on the grounds of a Protected Characteristic.
- 6.2.2 All training authorisation decisions are made based on the following criterion: relevance to the role or service, number of contracted hours of the individual, length of training, and the cost of the training.
- 6.2.3 All staff have a regular Performance and Development Review (PDR) with their line manager where they can discuss the development opportunities for the individual to enhance their skills to improve the service provided to our patients.
- 6.2.4 We ensure all staff are fully aware of their responsibilities towards Equality, Diversity & Human Rights, and how it relates to them and their role.

Please refer to our Training and Development Policy for any further details regarding training.

6.3 GRIEVANCES

- 6.3.1 Although BrisDoc is committed to ensuring that all employees are treated fairly, we recognise that at times employees may feel that they have been treated less favourably. Should this situation arise, every employee has the right to raise a Grievance.

Please refer to our Grievance Policy and Procedure for further details regarding grievances.

7. QUALITY CARE

We are committed to ensuring opportunities for all staff to contribute and share their own views in order to enhance quality care throughout our company.

- 7.1. All employees have the opportunity to raise any issues with their line manager, attend team meetings, attend all-staff Roadshows, and to approach a senior manager and/or the Workforce Team at any point to discuss and contribute to improvement in the service we provide. We recognise and value the ideas and opinions of our team members.

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- 7.2 All members of staff have the opportunity to contribute their views in the annual Staff Surveys. The surveys are anonymous therefore no view will be disregarded on any grounds of discrimination.
- 7.3 Should a member of staff leave BrisDoc they are sent an Exit Questionnaire and given opportunity to have an Exit Interview with either their manager or a member of the Workforce Team. This information provides valuable feedback to monitor staff turnover and the overall satisfaction of working at BrisDoc.

8. RESOURCE CARE

BrisDoc is committed to ensuring that finance and support is allotted fairly and as appropriate to the need. This will be monitored by the Finance Governance Board.

By ensuring the implementation of this policy:

- 8.1. We will make sure that an employee's wage is decided on the basis of criteria, including qualifications and skill set, experience and length of service according to the salary scale for that post, and is balanced with service funding. Awards of any discretionary bonus will have strict eligibility criteria that ensures no discrimination has taken place on the grounds of a protected characteristic.

Discrimination on the grounds of sex is currently being monitored through the public disclosure of Gender Pay Gap. All discretionary bonus criteria will be confirmed to all staff with monitoring from the Workforce Team and

- 8.2 We will make sure that any funding for extra training support is not allotted on the grounds of any discrimination whether favourable or unfavourable.

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APPENDIX 1: EQUALITY ACT 2010 – SUMMARY & DEFINITIONS

The Equality Act gives the UK a single Act of Parliament, requiring equal treatment in access to employment as well as private and public services, regardless of the following Protected Characteristics: age, disability, gender reassignment, marriage or civil partnership, maternity or pregnancy, race, religion or belief, sex and sexual orientation.

The Equality Act aims to simplify the law by bringing together several pieces of anti-discrimination legislation. It replaces the following employment legislation:

- Equal Pay Act 1970
 - Sex Discrimination Act 1975
 - Race Relations Act 1976
 - Disability Discrimination Act 1995
 - Employment Equality (Religion or Belief) Regulations 2003
 - Employment Equality (Sexual Orientation) Regulations 2003
 - Employment Equality (Age) Regulations 2006
 - Equality Act 2006, Part 2
 - Equality Act (Sexual Orientation) Regulations 2007
- The ACAS guidance for employers on The Equality Act 2010 provides the following definitions:

| | |
|-------------------|--|
| Age | The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, ie if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination |
| Disability | <p>The Act has made it easier for a person to show that they are disabled and protected from disability discrimination. Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport.</p> <p>The Act puts a duty on you as an employer to make reasonable adjustments for your staff to help them overcome disadvantage resulting from an impairment (eg by providing assistive technologies to help visually impaired staff use computers effectively). The Act includes protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability (eg a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim. Additionally, indirect discrimination covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement you have in place disadvantages people with the same disability. Unless you could justify this, it would be unlawful. The Act also includes a provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.</p> |

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| Gender reassignment | The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live as a man but does not undergo any medical procedures would be covered. It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured. |
| Marriage and civil partnership | The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected. |
| Pregnancy and maternity | A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. It is unlawful to take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment. |
| Race | For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins. |
| Religion or belief | In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief. |
| Sex | Both men and women are protected under the Act. |
| Sexual orientation | The Act protects bisexual, gay, heterosexual and lesbian people. |

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APPENDIX 2: TYPES OF DISCRIMINATION: DEFINITIONS

- The ACAS guidance for employers on The Equality Act 2010 provides the following definitions:
 - **Direct discrimination** occurs where someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).
 - **Discrimination by association** applies to age, race, religion or belief, sexual orientation, disability, gender reassignment, and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
 - **Perception discrimination** applies to age, race, religion or belief, sexual orientation, disability, gender reassignment, and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.
 - **Indirect discrimination** applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender reassignment. Indirect discrimination can occur when you have a condition, rule, policy or even a practice in the company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if an employer can show that they acted reasonably in managing their business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision made in running a business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that a company has looked at 'less discriminatory' alternatives to any decision made.
 - **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 all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.
 - **Harassment by others** applies to age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. The Equality Act makes an organisation potentially liable for harassment of employees by people who are not employees at the company, such as customers or clients. Organisations may be liable when they are aware that harassment has taken place, and have not taken reasonable steps to prevent it from happening again. (This is also known as 'Third Party Harassment').

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- **Victimisation** occurs where an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; 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. A complainant will not need to compare their treatment with that of a person who has not made or supported a claim under the Act.
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RELATED POLICIES

- Recruitment and Selection Policy and Procedure
- Training and development Policy and Procedure
- Disciplinary Policy and Procedure
- Grievance Policy and Procedure
- Performance and Development Review Policy
- Religious and Cultural Policy
- Bullying and Harassment Policy and Procedure
- Code of Expectations and Standards of Behaviour

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CHANGE REGISTER

| Date | Version | Author | Change Details |
|----------|---------|--------|----------------|
| 27/02/24 | 3.1 | MD | Changed owner |
| | | | |
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| Date | Reviewed and amended by | Revision Details | Issue Number |
|----------|-------------------------|---|--------------|
| 24.4.15 | CLN | Update core values headings, CQC outcomes changed to the new standards | 2.1 |
| 24.10.18 | CK | Updated core values in line with BrisDoc's Equality Strategy (section 1). Updated the following sections: 3.2, 3.4, 3.5, 4.1.2, 4.3.3, 5.1, 5.4, 6, 6.1.1, 6.1.3, 6.1.11, 6.1.12, 6.2.1, 6.2.2, 6.2.4, 7.1, 7.3, 8, 8.1, Appendix 1 (added definitions), Appendix 2 (added and updated definitions) Added sections: 3.7, 5.3, 5.5, | 3.0 |

| Date | Action | Comments | Name |
|--------|--|-----------------------|------|
| 3.3.15 | 1½hr Training provided to all Osprey staff during team brief session | External trainer SARI | CLN |
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