

# Healthwatch Hillingdon

## Equality, Diversity and Human Rights Policy

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## CONTENTS

1 POLICY	3
2 SCOPE	3
3 THE GENERAL EQUALITY DUTY	3
3.1 The Protected Characteristics	
4 HUMAN RIGHTS	5
5 TYPES OF DISCRIMINATION	5
5.1 Direct Discrimination	
5.2 Indirect Discrimination	
5.3 Bullying and Harassment	
5.4 Victimisation	
6 RECRUITMENT AND SELECTION	5
7 TRAINING AND PROMOTION	6
8 TERMS OF EMPLOYMENT, BENEFITS, FACILITIES AND SERVICES	7
9 PURCHASING, PROCUREMENT AND CONTRACTING	7
10 RESPONSIBILITIES UNDER THIS POLICY	7
10.1 Legal Liability	8
11 REPORTING COMPLAINTS	9
12 EQUALITY ANALYSIS	10
13 MONITORING	10

## **1. POLICY**

- 1.1 The purpose of this policy is to provide assurance to the Healthwatch Hillingdon (HWH) Board that all policies, processes and decision making within and on behalf of the organisation comply with equality legislation.
- 1.2 The policy therefore provides guidance and advice to HWH, as a 'body corporate' carrying out statutory functions and a commissioned public authority, on how they comply with their legal requirements of the general equality duty.

## **2. SCOPE**

- 2.1 This policy applies to all employees and volunteers.
  - The Board/HR Lead must ensure staffs are made aware of the contents and importance of observing the principles of Equality, Diversity and Human Rights.
  - Support and implement the principles of the Equality, Diversity and Human Rights Policy.
  - Treat all staff, volunteers, service users, visitors and community members of the public with dignity and respect.
  - Promote equality and eliminate discrimination and harassment.
    - Ensure that the human rights of staff, volunteers and the community service users are upheld as defined by the Human Rights Act 1998.
    - Ensure an organisationally shared understanding of equality, diversity and human rights.
    - Identify the potential risks involved with not adhering to the Policy, based on equality and human rights legislation.
    - Encourage staff to develop their awareness and respond to the diverse needs of service users.

## **3. THE GENERAL EQUALITY DUTY**

- 3.1 The Equality Act 2010, came into force on 1 October 2010. The new Equality Act brings together nine main pieces of equality legislation. The one single Act will provide a legal framework to protect the rights of individuals and advance equality of opportunity for all. The Equality Act 2010 simplified, strengthen and harmonise the current legislation to provide a new

discrimination law, which protects individuals from unfair treatment and promotes a fair and more equal society.

3.2 In summary, HWH is therefore subject to the equality duty and must, in the exercise of their functions and when making decisions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the general equality duty.

3.3 The organisation will endeavour to understand the potential effect of its policies and practices on the staff, volunteers and communities, particularly those from 'protected' characteristics under the Equality Act 2010 section 149.

#### 3.4 The protected characteristics

The Equality Act 2010 consolidates and harmonises existing equality legislation to ensure that there is no discrimination against groups of people with protected characteristics therefore HWH will be mindful of when making decision that impact on staff, volunteers and communities who fall into a protected group. The organisation will carry out their business in a way that genuinely recognises the importance of an inclusive society that brings opportunities and access, not barriers, to individuals and communities.

The relevant protected characteristics (or groups) under the Equality Act 2010 include:

- Age - including specific ages and age groups
- Disability - including cancer, HIV, multiple sclerosis and physical or mental impairment where the impairment has a substantial and long term adverse effect on the ability to carry out day to day activities.
- Gender re-assignment - where people are proposing to undergo, are undergoing or have undergone a process for the purpose of re-assigning the person's gender by changing physiological or other attributes of gender.
- Pregnancy and maternity

- Race - including colour, nationality and ethnic or national origins
- Religion or belief - including a lack of religion or belief and where beliefs include any religious or philosophical belief.
- Sex
- Sexual orientation

3.5 The organisation seeks to create an environment where everyone is encouraged to contribute ideas to improve their own and the organisation's performance.

3.6 The organisation is committed to reflecting the diversity of the UK and to making its services relevant and accessible to all. This applies to both external services and to the people who work for the organisation. Managing equal opportunities and diversity is a continuous process, not an initiative or event, and is an integral part of the organisation's business strategy.

3.7 Diversity is based on a principle of recognising, responding to, and valuing visible and non-visible differences amongst individuals ensuring everyone can thrive and contribute.

#### 4. HUMAN RIGHTS

4.1 The Human Rights Act 1998 sets universal standards to ensure that a person's basic needs as a human being are recognised and met. These include:

- The right to life
- The right not to be tortured or treated in an inhuman or degrading way
- The right to liberty
- The right to a fair trial
- The right to respect private and family life, home and correspondence
- The right not to be discriminated against

#### 5. TYPES OF DISCRIMINATION

5.1 **Direct discrimination:** Treating a person less favourably because of a particular protected characteristic, or a combination of protected characteristics.

5.2 **Indirect discrimination:** Applying criteria or practice equally to all people but which has the effect of disadvantaging one group of people.

5.3 **Bullying and Harassment:** Unwanted behaviour which creates a humiliating, offensive or degrading environment.

- 5.4 **Victimisation:** Treating a person less favourably because they have asserted their rights under this policy or equality legislation (e.g. made or assisted with a complaint).

## 6. RECRUITMENT AND SELECTION

- 6.1 Managers responsible for conducting any selection or assessment processes are also responsible for monitoring that process to ensure that the procedures are carried out fairly and transparently, and are open to, and able to withstand, any challenge or scrutiny. Monitoring for any disproportionate impact will be carried out by the appropriate Board members.
- 6.2 Advertisements will encourage applications from all suitably qualified and experienced people. When advertising job vacancies, in order to attract applications from all sections of the community, the organisation will, as far as reasonably practical:
- Ensure adverts are not confined to media that would exclude or disproportionately reduce the number of applicants of a particular gender, race, disability, age, religion or sexual orientation
  - Avoid prescribing any unnecessary requirements that would exclude a higher proportion of a particular gender, race, age, religion or sexual orientation or that would exclude disabled job applicants
  - Avoid prescribing any requirements as to marital or civil partnership status.
- 6.3 The selection process will be carried out consistently for all jobs at all levels and all applications will be processed in the same way. Staff responsible for short-listing, interviewing and selecting candidates will be clearly informed of the selection criteria and need for consistent application. Job descriptions and person specifications will only include requirements that are necessary for the effective performance of the job.
- 6.4 All applicants will be interviewed by at least two interviewers and all questions asked of the applicants will relate to the requirements of the job. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.
- 6.5 With disabled job applicants, the organisation will endeavour to make reasonable adjustments to work provisions, criteria and practices, or to work premises, in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.

All disabled people who meet the essential criteria for the role will be given an interview.

- 6.6 If it is necessary to assess whether personal circumstances will affect the performance of the job (e.g. if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about the individual or the individual's circumstances.

## **7. TRAINING AND PROMOTION**

- 7.1 Equality and diversity will be covered as part of the induction process and during individual appraisals as appropriate (Induction Policy and Procedure - HWH012). The organisation recognises that this policy impacts on every aspect of its work and will only be effective if all employees and volunteers embrace it.
- 7.2 The organisation recognises that the workforce and its volunteers consists of a diverse population of people and that harnessing such differences will create a productive environment in which everyone feels valued, where their talents are being fully utilised and in which business and organisational goals are met. All individuals will have appropriate and fair access to the support they need and equality of opportunity for them to learn and develop to improve performance.
- 7.3 The organisation's aim is to encourage all individuals to take advantage of relevant and suitable training and development opportunities. It is committed to providing an environment in which the capabilities of all staff can be fully developed, in line with business needs, so that they can achieve their full potential.
- 7.4 The organisation will ensure that all Line Managers receive appropriate training on the Equality, Diversity and Human Rights Policy and in helping them identify discriminatory acts or practices or acts of harassment or bullying. Line Managers will be responsible for ensuring they actively promote equal opportunities and diversity within their team.
- 7.5 The organisation's aim is to base promotion on the ability, or demonstrated potential, to do the job. The principles that apply to fair selection in recruitment apply equally to the promotion process. Consideration for promotion will be based on the ability of the candidate to do the job or whether they demonstrate the potential to do so after suitable training.

## **8. TERMS OF EMPLOYMENT, BENEFITS, FACILITIES AND SERVICES**

- 8.1 The organisation will endeavour to ensure that its policies, procedures and practices relating to employment and the provision of services follow the requirements of current legislation and Codes of Practice.
- 8.2 All terms of employment (including policies and procedures), benefits, facilities and services will be reviewed from time to time, in order to ensure that there is no unlawful discrimination on the grounds of sex, race, disability, religion or belief, sexual orientation or age. If changes are required, the organisation will implement them.

## **9. PURCHASING, PROCUREMENT AND CONTRACTING**

- 9.1 The general equality duty and the Human Rights Act will also apply to any procurement and commissioning by HWH, in so far as the procurement and commissioning are part of their exercise of those public functions.
- 9.2 The requirement to comply with the general equality duty applies to all procurement regardless of the value; the value of the contract may, however, impact upon the relevance and proportionality of equality considerations.
- 9.3 Tendering for all services, equipment and supplies will include an essential criterion in relation to equality and diversity that is appropriate to the process. Each tender and contract will be assessed for its potential to contribute to reducing inequality and promoting equal opportunities and Human Rights, in line with the Equality Act and the Human Rights Act.

## **10. RESPONSIBILITIES UNDER THIS POLICY**

- 10.1 All employees share responsibility for promoting equality, diversity and human rights within the workplace and for ensuring that individuals do not have to suffer any form of harassment whilst undertaking their job.
- 10.2 The Chair, CEO and Board HR Lead are responsible for ensuring the organisation has a robust Equality, Diversity and Human Rights Policy and will seek to eliminate any discriminatory practice in respect of the treatment of the providers and users of the organisation's services, as well as internal staff.
- 10.3 The CEO and Board HR Lead are responsible for co-ordinating the implementation and monitoring of the Equality, Diversity and Human Rights Policy, ensuring that all staff and volunteers receive guidance on the proper

application of the policy and that the monitoring of procedures and selection decisions is carried out.

10.4 Line Managers will be responsible for the practical application of the policy and in particular should ensure that:

- All individuals are aware of their responsibilities according to legislation, relevant codes of practice and the Equality, Diversity and Human Rights Policy
- Fair standards of employment practice are maintained
- Employment decisions are not discriminatory
- Employment practices are reviewed regularly.

10.5 All individuals have a responsibility for ensuring that they do not unlawfully discriminate during the course of their employment, in particular by:

- Complying with the policy and their responsibilities in relation to colleagues and customers
- Adhering to and giving support to any measures introduced to ensure equality of opportunity
- Not discriminating in the application of any of the organisation's policies, procedures and working practices
- Not harassing, abusing or intimidating other individuals during the course of their employment.

10.6 If an individual is in any doubt regarding the application of this Policy, or have any other questions, they should raise these issues with their Line Manager or with the Board HR Lead, including any requests for special/further training.

#### **10.7 Legal Liability**

Individual members of staff can be held personally liable for acts of unlawful discrimination.

### **11. REPORTING COMPLAINTS**

11.1 All allegations of discrimination will be dealt with seriously, confidentially and promptly. The organisation will not ignore or treat lightly grievances or complaints of discrimination from members of a protected group (see section 3 p4).

- 11.2 The organisation will try and resolve matters informally where possible, through mediation between parties where appropriate. This is likely to produce solutions that are speedy, effective and restore positive relationships in the workplace.
- 11.3 If an individual wishes to make a complaint of discrimination, they should first of all report the incident to their Line Manager, who will aim to resolve the complaint informally. If the Line Manager is the subject of the complaint, then the individual should speak to the CEO. If the CEO is the subject of the complaint, then the individual should speak to the Board HR Lead.
- 11.4 If the situation cannot be resolved informally, then the individual should use the organisation's Grievance Policy and Procedure (HWH003) to make a formal complaint.
- 11.5 An individual will not be victimised for raising a complaint, even if it is not upheld. Complaint that are found, under investigation, to have been falsified and untrue will receive a formal warning under the organisation's Disciplinary Policy and Procedures (HW001).
- 11.6 Any individual who is found to have discriminated against another individual in violation of this policy will be subject to disciplinary action under the Disciplinary Policy and Procedure (HWH001). Such behaviour may be treated as gross misconduct and could render the individual liable to summary dismissal. In addition, Line Managers who had knowledge that such discrimination had occurred in their team but who had taken no action to eliminate it will also be subject to disciplinary action under the organisation's Disciplinary Policy and Procedure.

## **12. EQUALITY ANALYSIS**

- 12.1 The purpose of Equality Analysis (EA) is to make sure that, when carrying out its services (or implementing policies and practices related to those services), the organisation does not unlawfully discriminate against any of its client groups and that, wherever possible, it promotes equality and diversity. It is a way to make sure that individuals and teams think carefully about the likely impact of their work and take action to improve strategies, policies and projects, where appropriate.
- 12.2 Where they are judged to be relevant and proportionate, an EA will be conducted at the outset of a project or policy's development, in relation to disability, race/ethnicity and gender, age, faith and belief and sexual orientation.

### **13. MONITORING**

- 13.1 To facilitate the ongoing monitoring process, the organisation will maintain records the protected characteristic of all employees and job applicants. Such records will be used solely for the purpose of monitoring equal opportunities. Analysis of shortlisting and selection decisions for employment, promotion and access to training, as well as the composition of the workforce, will be carried out in order to assess whether equal opportunities and diversity at work are being achieved.
- 13.2 The organisation will monitor its Equality, Diversity and Human Rights Policy and progress in achieving its objectives. Where barriers to equal opportunities and promoting diversity are identified, including any possible indirect discriminatory effects of working practices, an Equality, Diversity and Human Rights Action Plan will be produced and any necessary changes will be made to this policy and to those working practices.