

# DIGITAL HEALTH AND CARE WALES

## EQUALITY & DIVERSITY POLICY

The aim of the policy is to ensure equality and fairness throughout Digital Health and Care Wales and to comply with the provisions of the Equality Act 2010

<b>Document Version</b>	v1
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<b>Status</b>	Approved
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Document author:	Velindre NHS Trust
Approved by:	Velindre NHS Trust
Date approved:	02/05/2019
Review date:	31/03/2022

<b>STRATEGIC OBJECTIVE</b>	Delivering High Quality Digital Services
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<b>WELL-BEING OF FUTURE GENERATIONS ACT</b>	A resilient Wales
If more than one standard applies, please list below:	

<b>DHCW QUALITY STANDARDS</b>	BS 76005
If more than one standard applies, please list below:	

<b>HEALTH CARE STANDARD</b>	Staff & Resources
If more than one standard applies, please list below:	

<b>EQUALITY IMPACT ASSESSMENT STATEMENT</b>	Date of submission: original EQIA 15/10/17, resubmitted in Jan 2019
Yes, applicable	Outcome: No impact identified
Statement: This policy has been impact assessed and has not been found to be discriminatory in accordance with the Equality Act 2010 and the Human Rights Act.	

<b>APPROVAL/SCRUTINY ROUTE:</b>		
Person/Committee/Group who have received or considered this paper prior to this meeting		
COMMITTEE OR GROUP	DATE	OUTCOME
Local Partnership Forum	23/03/2021	Approved

IMPACT ASSESSMENT	
QUALITY AND SAFETY IMPLICATIONS/IMPACT	No, there are no specific quality and safety implications related to the activity outlined in this report.
LEGAL IMPLICATIONS/IMPACT	Yes, please see detail below
	Could have major implications if the policy is not reviewed in line with equality legislation.
FINANCIAL IMPLICATION/IMPACT	Yes, please see detail below
	In line with the legal implications above.
WORKFORCE IMPLICATION/IMPACT	Yes, please see detail below
	The equality training package has been updated since the last impact assessment last year and training looks at what is acceptable in the workplace. Staff are made aware of how to deal with any racial incidents and issues of discrimination. Equality training empowers all staff to ensure they receive dignity at work.
SOCIO ECONOMIC IMPLICATION/IMPACT	Yes, please detail below
	Equality of opportunity to people throughout Wales, inclusive of those with protected characteristics and from less advantaged areas.

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# 1 DOCUMENT HISTORY

## 1.1 REVISION HISTORY

Date	Version	Author	Revision Summary
02/05/2019	V1	Velindre NHS Trust	Approved Policy

## 1.2 REVIEWERS

This document requires the following reviews:

Date	Version	Name	Position
02/05/2019	V1	Velindre NHS Trust	Host Organisation until 31/03/2021

## 1.3 AUTHORISATION

Signing of this document indicates acceptance of its contents.

<b>Author's Name:</b>	Velindre NHS Trust		
<b>Role:</b>	Host Organisation until 31/03/2021		
<b>Signature:</b>		<b>Date:</b>	

<b>Approver's Name:</b>	Velindre NHS Trust		
<b>Role:</b>	Host Organisation until 31/03/2021		
<b>Signature:</b>		<b>Date:</b>	

## 1.4 DOCUMENT LOCATION

Type	Location
Electronic	Integrated Management System

## 2 PURPOSE

The aim of this policy is to ensure equality and fairness throughout Digital Health and Care Wales and to comply with the provisions of the Equality Act 2010, the Public Sector Equality Duty, NHS Terms and Conditions of Service. It specifically relates to staff issues.

## 3 POLICY STATEMENT

Digital Health and Care Wales aims to eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between people who share a relevant protected characteristic and those who do not; foster good relations between people who share a protected characteristic and those who do not in accordance with the Public Sector Equality Duty.

‘Protected characteristics’ include:

- Age
- Gender reassignment
- Sex
- Disability
- Pregnancy and maternity
- Sexual orientation
- Race – including ethnic or national origin, colour or nationality
- Religion or belief – including lack of belief

The Duty applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination. People who share a protected characteristic are sometimes referred to as ‘protected groups’. An overview of the Equality Act 2010 is detailed in Appendix A.

All employees should be able to achieve their potential and be treated with dignity and respect.

## 4 PRINCIPLES

Digital Health and Care Wales will seek to employ a workforce that is representative of all sections of society within the communities from which it provides its services.

Every employee should feel respected and able to be their authentic self and give their best to their roles.

Employees will be supported and encouraged to develop their full potential and their talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

Individual differences will be recognised and valued and no form of intimidation, bullying or harassment will be tolerated.

Staff will be supported where they feel they are being unfairly treated and encouraged to report any incidents of hate crimes against them or people around them.

All of the Digital Health and Care Wales employment policies and practices and service developments will be equality impact assessed to avoid discrimination and to ensure mitigation where protected groups could be adversely affected under the Equality Act 2010.

## 5 SCOPE

This policy shall apply to all employees and potential employees of Digital Health and Care Wales.

## 6 LEGISLATION AND NHS REQUIREMENTS

Equality Act 2010 and Public Sector Equality Duty.  
Agenda for Change Equality and Diversity Statement  
Human Rights Act 1998

## 7 PROCEDURE

The principles of this policy will underpin all policies and practices of Digital Health and Care Wales. Equality in the workplace is good management practice and makes sound business sense. It can also contribute to prudent healthcare.

Digital Health and Care Wales will seek to achieve its objectives of achieving equality and fairness through its Equality and Diversity Strategy which can be found on the Digital Health and Care Wales website. The Equality and Diversity Strategy is fully supported by senior management and has been agreed with staff side representatives.

In order to ensure that the Equality and Diversity Strategy is appropriate and current, every effort will be made to improve the collection of staff Equality data.

Progress towards achievement of the Equality and Diversity Strategy and information contained in the Workforce Profile will be discussed by the Local Partnership Forum, Senior Workforce Team and reported to Executive and Organisation Board.

Where any shortfall or cause for concern is identified, further analysis will be undertaken, and appropriate action plans agreed and monitored. This may include positive action.

Equality in pay and grading will also be considered as part of the gender pay element of the Public Sector Equality Duty and action plans developed where there is cause for concern. Looking at intersectionality and pay. Gender Equality cannot be viewed in isolation, people's lives and identity

are shaped by many factors. So within this Gender Pay report it is only right that we look at the Organisation's workforce in all of its intersectionality. This means that we recognise the way in which power structures based on the factors such as sex/gender, race, sexuality, disability, age and faith interact with each other and create inequalities, discrimination and barriers.

Digital Health and Care Wales will regularly review its employment practices and procedures to ensure fairness and compliance with the law and good practice on an ongoing basis. All new and existing policies will be impact assessed using the Organisation's Equality Impact Assessment tool to ensure that they comply with legislation and good practice and this can enable greater mainstreaming of equality so that it is considered at every opportunity. This will also apply to service change and developments.

The Digital Health and Care Wales Recruitment procedure aims to ensure all potential and actual applicants will have equality of opportunity in applying for our posts and following their appointment should they be successful. The Organisation will seek to employ a workforce that is representative of all sections of society within the communities from which it is drawn. It will also aim to promote gender equality as well as equality for all protected groups e.g. through appropriately designed posts that take full account of flexibility, use of appropriate language throughout the recruitment process and positive practices aimed at avoiding direct or indirect discrimination. This is relevant to every stage of the process, from the initial identification of the post and its approval to appointment. In some cases, positive action may be taken following appointment e.g. through the provision of mentoring or coaching opportunities to unsuccessful candidates particularly if they belong to under-represented groups.

Equality principles shall also apply to other aspects of employment such as the practice of 'retire and return' so that the individual's request can be considered against the needs of the service but also of any other issues within the department, including under representation of particular groups and the need to consider opportunities for existing staff too.

Full account shall be taken of the Bilingual Skills Strategy and the promotion of the Welsh Language.

A range of policies has been developed to support the promotion of equality and diversity. These will be updated to reflect legislative and other changes. Specific policies will also be developed in due course to address particular strands of the Equality Act 2010.

Staff engagement will be promoted throughout the organisation through the encouragement of the development of groups based on membership of particular protected groups and/or a broader group composed of members of a range of groups and/or the development of equality champions depending on the interest and availability of staff.

Specific arrangements may need to be made to accommodate particular groups in terms of facilities, catering, adaptations to the workplace etc.

Where an individual feels they have been treated unfairly from an equality perspective, they should raise the issue with their manager in the first instance. Where the issue relates to their treatment by another person, the situation may be addressed by the Organisation's Dignity at Work policy or the Grievance policy if it relates to their treatment by their manager. If the individual feels stressed by



their situation, recourse should be made to the Mental Health, Wellbeing and Stress Management policy.

If the issue relates to their application for employment, they may wish to raise their concern with the Appointing Officer and, where the matter is not resolved, via the complaints process. Whatever the circumstance, the Organisation will endeavour to deal with the issue promptly and fairly.

Equality and Diversity training is now part of the Core Skills agenda and as such staff will be required to undertake the Treat Me Fairly e-learning package and/or classroom Equality Training sessions on a 3 yearly basis. This may be supplemented by further more detailed or specific training by request or in order to support specific initiatives as determined by the Organisation. Wherever possible Equality will be mainstreamed into other training delivered within the Organisation by internal and external providers.

Every effort will be made to keep staff informed of news, initiatives and developments in relation to Equality and diversity with the aim of also engaging with staff by encouraging them to ask questions and discuss relevant issues. Further engagement will be undertaken through the introduction of staff engagement and support groups. Examples of equality communication methods can be found in Appendix B.

## 8 TRAINING

Training will be delivered to managers via e-learning, formal training programmes and on an informal basis to discuss specific equality issues e.g. equality impact assessment. Managers will be expected to raise awareness for their staff. Management development and Organisational Development programmes will also include Equality elements wherever possible.

## 9 REVIEW, MONITORING AND AUDIT ARRANGEMENTS

The policy will be monitored on an annual basis as described above and reviewed on a three yearly basis.

## 10 MANAGERIAL RESPONSIBILITIES

Responsibilities at all levels of the organisation are detailed in Appendix C.

## 11 NON-CONFORMANCE

Breaches of this equality policy will be regarded as misconduct and could lead to disciplinary proceedings.

## Appendix A Protected Characteristics and the Provisions of the Equality Act 2010

The Equality Act 2010 (the Act) brings together and replaces the previous anti-discrimination laws with a single Act. It simplifies and strengthens the law, removes inconsistencies and makes it easier for people to understand and comply with it. The majority of the Act came into force on 1 October 2010.

The Act includes a new **public sector equality duty** (the 'general duty'), replacing the separate duties on race, disability and gender equality. This came into force on 5<sup>th</sup> April 2011.

The new general duty covers the following protected characteristics:

- Age
- Gender reassignment
- Sex
- Race – including ethnic or national origin, colour or nationality
- Disability
- Pregnancy and maternity
- Sexual orientation
- Religion or belief – including lack of belief

It applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The aim of the general duty is to ensure that public authorities and those carrying out a public function consider how they can positively contribute to a fairer society through advancing equality and good relations in their day-to-day activities. It is an integral and important part of the mechanisms for ensuring the fulfilment of the aims of the Equality Act 2010. The duty ensures that equality considerations are built into the design of policies and the delivery of services and that they are kept under review. This will achieve better outcomes for all.

In exercising their functions, public bodies are required to have due regard to the need to:

1. eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act
2. advance equality of opportunity between people who share a relevant protected characteristic and those who do not
3. foster good relations between people who share a protected characteristic and those who do not.

This guidance refers to these three elements as the three 'aims' of the general duty and so when we discuss the general duty we mean all three aims.

The Act explains that having due regard for advancing equality of opportunity in the second aim involves:

- removing or minimising disadvantages experienced by people due to their protected characteristics
- taking steps to meet the needs of people from protected groups where these are different

from the needs of other people

- encouraging people with protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

The Act describes fostering good relations in the third aim as tackling prejudice and promoting understanding between people who share a protected characteristic and those who do not. Meeting the duty may involve treating some people more favourably than others, as long as this does not contravene other provisions within the Act.

## **Appendix B   Equality Communication**

### **Introduction**

Given the size of the Equality agenda, particularly in relation to the Public Sector Equality Duty and the All Wales Standards for Communication and Information for People with Sensory Loss, it is important to develop a two-way Communications Strategy. The key aims of the Communication Strategy will be to:

- Effectively convey and communicate key Equality, Diversity and Human Rights activity and messages to all staff, the Organisation, the public including difficult to reach groups, public sector and third sector partners and any other key stakeholders
- Explore and deploy a series of appropriate communications mechanisms to enable the Forum to receive feedback and receive communication from all of the above parties e.g. in relation to service and policy development, this will be particularly beneficial in the equality impact assessment process.
- To support the training agenda by providing information, resources, toolkits etc which can be easily accessed as appropriate

### **Recommended Approaches**

A multi-pronged Communication Strategy will be deployed in order to achieve the above aims. A number of potential communication avenues are listed below:

- Staff Newsletters (online and/or paper based), Chief Executive's blog, news carousel. Wherever possible the timing of these will be linked to significant dates on the 'Equality calendar'.
- Formal communication and engagement events
- Development of networks e.g. staff who share 'protected characteristics', also link to existing groups e.g. Stakeholder reference groups, groups established by Third Sector organisations.
- Media - social media, press releases.
- Marketing events e.g. for the Treat Me Fairly package.
- Questionnaires e.g. at local events.
- Suggestion boxes
- Link to existing Organisational communications process e.g. Partnership work.
- Inclusion of Equality information in internal training delivery
- Exploration of new creative methods of communicating Equality information on an ongoing basis.

It will also be appropriate to ensure that the Organisation's communication strategy is underpinned by Equality considerations and regular communication will take place with the Communications Team to facilitate this. The need to provide information and ensure communication in accessible formats will be fundamental to this.

## Appendix C Managerial Responsibilities

It is important for all employees of Digital Health and Care Wales be aware of the equality duty so that it is considered in their work where relevant.

- **Board members** – in how they set strategic direction, review performance and ensure good governance of the organisation with particular emphasis on ensuring equality impact assessment is undertaken in all policy and service development
- **Senior managers** – in how they oversee the design, delivery, quality and effectiveness of the organisation's functions and in how they recruit and manage their staff
- **Workforce & OD staff** – in how they build equality considerations into the development and application of employment policies and procedures and every element of the business partnership process.
- **Communications staff** – in how they ensure information is available and accessible to all staff, service users and the community taking account of their protected characteristics
- **Workforce Information staff** – in how they support the organisation in gathering information on Equality characteristics and in providing regular workforce information reports to enable the monitoring of the effect of Health Board policies and practices on people from protected groups
- **Staff side representatives** – in contributing to the Equality agenda and supporting their members particularly where they have concerns about equality