



## Equality and Diversity Policy

<b>Policy No :</b>	<b>CP 11</b>
<b>Version:</b>	<b>1.1</b>
<b>Ratified by:</b>	<b>BB CCG Board</b>
<b>Date Ratified:</b>	<b>13 June 2013</b> <b>Revised v1.1 approved: February 2020</b>
<b>Name of originator/author</b>	<b>David Triggs , Head of Corporate Governance</b>
<b>Date Issued:</b>	<b>14 June 2013</b> <b>V1.1 issued February 2020</b>
<b>Review Date:</b>	<b>February 2023</b>
<b>Target Audience:</b>	<b>CCG Board members and staff, member practices, members of the public and stakeholders</b>

**CONTENTS PAGE:**

<b>Contents</b>		<b>Page No.</b>
<b>1.</b>	<b>INTRODUCTION</b>	<b>3</b>
<b>2.</b>	<b>PURPOSE</b>	<b>3</b>
<b>3.</b>	<b>DEFINITIONS</b>	<b>3</b>
<b>4.</b>	<b>ROLES AND RESPONSIBILITIES</b>	<b>5</b>
<b>5.</b>	<b>POLICY PROCEDURAL REQUIREMENTS</b>	<b>6</b>
<b>6.</b>	<b>MONITORING COMPLIANCE</b>	<b>7</b>
<b>7.</b>	<b>ASSOCIATED DOCUMENTATION</b>	<b>7</b>
<b>8.</b>	<b>REFERENCES</b>	<b>8</b>
<b>9.</b>	<b>LIST OF STAKEHOLDERS CONSULTED</b>	<b>8</b>
<b>10.</b>	<b>EQUALITY IMPACT ASSESSMENT (ANALYSIS OF THE EFFECTS ON EQUALITY)</b>	<b>8</b>
<b>11.</b>	<b>VERSION CONTROL</b>	<b>9</b>

## 1 INTRODUCTION

This document is the policy of NHS Basildon & Brentwood Clinical Commissioning Group hereafter referred to as “the CCG” for ensuring compliance with all of their statutory obligations around equality and diversity (in particular the Equality Act 2010) in respect of their duties as employers and as commissioners of NHS services.

This policy should be considered alongside the CCG’s Equality & Diversity Strategy.

## 2 PURPOSE

All NHS organisations have a statutory duty to comply with the Equality Act 2010 (particularly the Public Sector Equality Duty in section 149), ensuring that commissioning, service provision and workplaces provide equality of opportunity and treatment for all.

This policy provides a framework for the CCG to ensure compliance with the Equality Act 2010 and associated guidance from the Equalities and Human Rights Commission and the Government Equalities Office.

## 3 DEFINITIONS

**3.1 Protected characteristics** – these are the characteristics which are afforded explicit protection from discrimination under the Equality Act 2010. The characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Gender
- Sexual orientation

Human rights legislation is also considered when undertaking Equality Impact Assessments (see below).

Although socioeconomic status is no longer a protected characteristic within the Equality Act 2010 as implemented, it is good practice for the CCG to have regard for this dimension of equality when conducting Equality Impact Assessments.

**3.2 Equality target groups** – people exhibiting one or more of the protected characteristics.

**3.3 Direct Discrimination** – this occurs when a person or group is treated less favourably than others are or would be treated in the same or similar circumstances.

**3.4 Indirect Discrimination** – this occurs when an apparently neutral provision or criteria has an adverse impact on someone due to their having one or more of the protected characteristics. It is possible to justify indirect discrimination but this has to be done on sound, objective grounds, having shown that all possible measures have been taken to lessen the discriminatory effect

**3.5 Public Sector Equality Duty (PSED)**- public authorities (including NHS organisations) must, in the exercise of their functions, have due regard to the need to:

- eliminate discrimination, harassment and victimisation or any other conduct prohibited by the Equality Act 2010 in relation to the protected characteristics
- advance equality of opportunity between all persons; and
- foster good relations between groups of people sharing a protected characteristic and those that do not.

Under the specific duties of the PSED, CCGs are required to publish in a manner that is accessible to the public:

- 1) Information to demonstrate its compliance with the PSED at least annually. This information must include, in particular, information relating to people who share a protected characteristic who are :
  - its employees (although this does not apply to NHS Basildon & Brentwood CCG as public authorities with fewer than 150 employees are exempt);
  - people affected by its policies and procedures.
- 2) Equality objectives at least every four years. All such objectives should be specific and measurable.

**3.6 Equality Delivery System (EDS)** – EDS was initiated by the Equality & Diversity Council. The purpose of the EDS is to drive up equality performance and embed equality into mainstream NHS business. It has been designed to help NHS organisations to meet:

- the requirements of the Public Sector Equality Duty
- equality aspects of the NHS Constitution
- equality aspects of the NHS Outcomes Framework
- equality aspects of CQC's Essential Standards

EDS covers the 9 protected characteristics, and has four goals: better health outcomes for all; improved patient access and experience; empowered, engaged and well-supported staff; and inclusive leadership at all levels.

**3.7 Equality impact assessment (EIA)** – this process is designed to enable managers to identify the impact, both positive and negative, which a proposed policy, commissioning activity, service redesign or other function might have upon one of the equality target groups. In the light of the EIA, managers can make changes which aim to maximise the potential benefits and mitigate the negative impacts for the target groups.

## **4 ROLES AND RESPONSIBILITIES**

### **4.1 Corporate responsibilities**

The CCG Board has overall corporate responsibility for ensuring that the CCG complies with its legal and ethical obligations with regard to equality and diversity in its dealings with staff, patients and the public and other stakeholders.

The Governance Committee is responsible for overseeing the CCG's compliance with legal and ethical obligations with regard to equality and diversity, including the NHS Equality Delivery System (EDS). This Committee is responsible for providing assurance to the CCG Board in this regard.

### **4.2 Lay Board Members**

These Board members are responsible for ensuring there is sufficient scrutiny of the CCG's assurance mechanisms for compliance with the Equality Act 2010, EDS and associated good practice guidance.

### **4.3 Clinical Accountable Officer**

This senior postholder acts as the executive lead for equality and diversity for the CCG.

### **4.4. Head of Corporate Governance**

This postholder is the day-to-day operational and strategic lead for equality & diversity within NHS Basildon & Brentwood CCG.

### **4.5 NHS England**

The Regional Team of NHS England will monitor the compliance of NHS Basildon & Brentwood CCG with legislative requirements and established good practice with regard to equality & diversity on an ongoing basis and as part of their formal annual assessment of CCG performance.

### **4.6 CCG Board members and staff**

All Board members and staff who are involved in the development of policies, commissioning cases and service redesign initiatives are responsible for ensuring that equality impact assessments (EIAs) are conducted at an early stage and at key stages as the exercise develops.

Managers are also responsible for ensuring that any allegations of discriminatory behaviour or practices are correctly investigated and appropriate action taken. This may involve the use of the CCG's Dignity at Work and Grievance Policy or Conduct and Capability Policy.

## **5 POLICY PROCEDURAL REQUIREMENTS**

### **5.1. Promoting a culture of equality and diversity**

In order to develop and nurture an organisational culture which values equality & diversity as an integral part of its full range of activities as a commissioner, provider and an employer, the CCG has adopted and implemented the following processes.

#### **5.1.1 Equality Delivery System (EDS)**

As summarised in section 3.6. above.

#### **5.1.2 Equality impact assessments / equality analysis**

Equality impact assessments will be conducted on all policies, commissioning cases, service redesigns or other functions, both in the initial stages of the piece of work and again as significant developments occur.

EIAs will be conducted using the toolkit and guidance notes approved as part of this policy.

#### **5.1.3. Access to interpreting and translation**

NHS Basildon & Brentwood CCG will, upon request, provide written translations of its corporate publications such as consultation documents and annual reports. Publications will also be made available in Braille, easy read or audio formats upon request.

The CCG will provide interpreting and/or written translation as appropriate during or following public meetings such as consultations around proposed service changes that affect particular groups of people with protected characteristics. When deciding upon the provision of interpreting, the promotion of equality and access to the proceedings will be balanced with the cost of such provision.

#### **5.1.4. Equality and diversity training**

NHS Basildon & Brentwood CCG provides training to promote a culture of equality and diversity in the following ways:

- General equality & diversity training as part of the induction course for all staff upon appointment
- General equality & diversity awareness refresher training for all staff

- Specific training for Board members on their corporate responsibilities with regard to equality & diversity, as part of the CCG's Organisational Development Programme
- Equality impact assessment training for managers.

### **5.1.5. Recruitment, selection and promotion**

The CCG has a separate Equal Opportunities Policy which details the organisation's mechanisms for ensuring that existing and potential employees have equal access to opportunities for promotion, recruitment and development.

## **6 MONITORING COMPLIANCE**

The Clinical Accountable Officer has overall responsibility for monitoring the implementation of this policy in NHS Basildon & Brentwood CCG.

The operational performance of NHS Basildon & Brentwood CCG against the delivery of their equality and diversity obligations will be monitored by the Governance Committee. The Committee and subsequently the Board will receive an equality & diversity information as part of the annual reporting cycle.

## **7 ASSOCIATED DOCUMENTATION**

NHS Basildon & Brentwood CCG Equality and Quality Impact Assessment Toolkit and Guidelines

## **8 REFERENCES**

Other policies and external sources:

- Health and Social Care Act 2012 (Consequential, Transitional & Saving Provisions) Order 2013 (<http://www.legislation.gov.uk/ukxi/2013/235/schedule/3/made>)
- Equal Opportunities Policy
- Dignity at Work & Grievance Policy
- Equalities & Human Rights Commission ([www.equalityhumanrights.com](http://www.equalityhumanrights.com))
- Government Equalities Office ([www.equalities.gov.uk](http://www.equalities.gov.uk))

## **9 LIST OF STAKEHOLDERS CONSULTED DURING DEVELOPMENT OF THIS POLICY**

CCG Chair  
 Human Resources adviser Arden Gem CSU  
 Communications Manager  
 AD Involvement and Governance  
 Deputy Chief Nurse

## 10 EQUALITY IMPACT ASSESSMENT

NHS Basildon & Brentwood CCG is committed to carrying out a systematic review of all its existing and proposed policies to determine whether there are any equality implications.

This policy has been assessed using the CCG's Equality Impact Assessment framework which identified the following impact/s upon equality and diversity issues:

Age	Marital Status	Disability	Gender & Pregnancy	Race	Sexuality	Religion	Human Rights	Total Points	Impact
3	3	3	3	3	3	3	3	27	HIGH

### Points

- 3 – This area has a high relevance to equalities**
- 2 – This area has a medium relevance to equalities**
- 1 – This area has a low relevance to equalities**
- 0 – This area has no relevance to equalities**

### Scoring

- 13-27 points – high impact**
- 7-12 points – medium impact**
- 0-6 points – low or no impact**

By definition, this policy has a high relevance to all of the equality target groups as it sets out the CCG's strategic approach towards equality and diversity. The policy is intended to have a positive impact for all of the target groups.

11	VERSION CONTROL			
	Version	Author: Name & Title	Date Policy Issued	Date Policy Due to be Reviewed
	1.0	Andrew Stride, Head of Corporate Governance	14 <sup>th</sup> June 2013	1 <sup>st</sup> June 2015
	1.1	David Triggs, Head of Governance	February 2020	February 2023