

Equality and Diversity Policy

Introduction

- 1 Our aim is to be a fair regulator, and a fair employer. Our Equality and Diversity Strategy explains more about how we are trying to meet this aim.
- 2 We have to comply with the requirements of the Equality Act 2010. As an employer this means that we have to treat everyone fairly and not discriminate in our workforce activities, for example, in recruiting staff, or in how we work together.
- 3 For us being a fair employer goes beyond meeting our legal obligations. It's about treating everyone fairly and with dignity and respect. In fact treating everyone fairly, being honest, and striving to be open and transparent, are all part of our organisational values.
- 4 We want to have a workplace that is open and supportive at every level, and free from bullying, harassment and discrimination. The Dignity at Work Policy explains our approach to managing bullying and harassment at work.
- 5 Being a fair employer is also about encouraging and valuing the differences that we all have, and recognising the value that these differences bring to our work. The doctors who we regulate are diverse, and we protect patients who are also diverse. So we need a workforce that reflects the diversity of the UK's talented people, because the more different perspectives and skills we have, the better equipped we are to meet the needs of our interest groups.
- 6 The Performance and Resources Board review and monitor our work to be a fair employer and ensure that we are compliant with the Equality Act 2010 in our employment activities.

Who is this policy for?

- 7 This policy covers all employees, contractors, temporary workers and prospective employees. The policy applies to all aspects of employment, from recruitment and selection through to termination of employment.

The Equality Act 2010

- 8** The Equality Act 2010 protects nine groups of people from unlawful discrimination. These groups are known as 'protected characteristics'. They are:
- age
 - disability
 - sexual orientation
 - religion and belief
 - race
 - sex
 - gender reassignment
 - marriage and civil partnership
 - pregnancy and maternity.
- 9** The law means that no employee, or potential employee, can be treated less favourably on the grounds of a 'protected characteristic'.

The public sector equality duty

- 10** The public sector equality duty is a set of provisions within the Equality Act 2010 that apply to us as an employer, and a regulator. Complying with the equality duty means that we need to be conscious about equality when we make decisions. The duty says that in delivering our work we must have 'due regard' to the need to:
- Eliminate unlawful discrimination, harassment and victimisation or any other conduct prohibited by the Equality Act 2010.
 - Advance equality of opportunity between people who share a 'protected characteristic' and those who do not share it.
 - Foster good relations between people who share a protected characteristic and people who do not share it.
- 11** Attached at **Annex A** are definitions of some common equality and diversity legal terms that you may come across. These are listed in alphabetical order.

What are our responsibilities as an employer?

12 As an employer we are committed to:

- Creating a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated. The Dignity at Work policy explains our approach to managing bullying and harassment in the workplace. We provide mandatory equality and diversity classroom based training for new joiners, which staff refresh every two years via an e-learning programme, to ensure that everyone understands the behaviours that are expected of them at work.
- Making sure that our policies and procedures comply with employment and equality legislation.
- Evaluating the impact of our policies, services and functions and making changes to them where they impact unfairly or adversely on any group(s).
- Making sure that selection for employment, promotion, training or any other benefit is on the basis of merit and ability.
- Making reasonable adjustments for disabled staff.
- Ensuring that all employees are helped and encouraged to develop their full potential.
- Creating a working environment in which individual differences and the contributions of all our staff are recognised and valued.
- Ensuring that training, development and progression opportunities are available to all staff.
- Collecting, monitoring and analysing the diversity of applicants and our workforce to ensure that we reflect the diverse communities we serve.
- Making sure that staff involved in recruitment and selection decisions attend a training programme that covers all aspects of good practice on equality and diversity.

What are your responsibilities as a manager?

13 As a manager you are responsible for making sure that:

- you provide support and direction to staff reporting to you about the behaviours expected of them at work
- you are a role model for good behaviour

- you deal quickly and effectively with concerns and complaints, or any breaches of the Equality and Diversity, or Dignity at Work policies
- staff attend / complete our mandatory equality and diversity training
- staff are encouraged, supported and enabled to reach their full potential
- together with HR, employees are effectively supported at work, and that any necessary modifications are made to working arrangements, for example, by making reasonable adjustments for disabled employees.

What are your responsibilities as a staff member?

14 We are all responsible for:

- making sure that our behaviour and actions do not amount to discrimination, harassment, bullying or victimisation in any way
- recognising and respecting the needs and backgrounds of both colleagues and the people we deal with
- raising any breaches of the Equality and Diversity, or Dignity at Work policies with your manager, HR Consultant, or through your staff forum representative.

What happens if this policy is breached?

15 Breaches of the Equality and Diversity, or Dignity at Work policies, will be dealt with under our Disciplinary Procedure, and could lead to dismissal in serious or repeated cases.

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Glossary of terminology

Here is an explanation of some of the common equality and diversity terms that you may come across. These are listed in alphabetical order.

Advancing equality of opportunity

Involves considering the need to:

- a** remove or minimise disadvantages that people suffer because of their protected characteristics
- b** meet the needs of people who have protected characteristics
- c** encourage people with protected characteristics to participate in public life or in other activities where participation is low.

Age

A person of a particular age (for example, 32 years), or from a specific age group (for example, 18–30 years).

Associated discrimination

Discriminating against someone who does not have a protected characteristic because of their association with someone who does – for example, the parent of a disabled child.

Direct discrimination

Less favourable treatment of a person compared with another person because of a protected characteristic.

Disability

The law says that a person has a disability 'if they have a physical or mental impairment that has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities'. 'Substantial' is more than minor or trivial (for example, it

takes much longer than it usually would to complete a daily task like getting dressed). 'Long-term' means 12 months or more, (for example, a breathing condition that develops as a result of a lung infection). HIV, Cancer and Multiple Sclerosis are covered from the point that they are diagnosed.

Diversity

Recognising, respecting and valuing the differences that everyone has, as well as leveraging the opportunities that different people bring to the work that we do.

Due regard

Consciously thinking about the three aims of the public sector equality duty when making decisions. This means that equality issues must influence the decisions reached by public bodies such as how they act as employers.

Equality

Challenging discrimination, removing barriers faced by people from different groups, and creating a fairer society where everyone can participate and has the same opportunities to fulfil their potential. Equality is not about giving preferential treatment to some people when they are applying for jobs, or lowering the standards that they have to meet.

Fairness

'Fairness' for us means conforming with rules and standards, making judgements that are free from bias, discrimination and dishonesty, and being just to everyone.

Fostering good relations

Involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Gender or sex

A male or female adult or child.

Gender reassignment

The process of transitioning from one gender to another. The law does not require a person to undergo a medical procedure to be recognised as transsexual.

Harassment

Unwanted behaviour that has the purpose or effect of violating a person's dignity or that creates a degrading, humiliating, hostile, intimidating or offensive environment.

Indirect discrimination

Discrimination that occurs when a provision, criteria or practice is applied that creates disproportionate disadvantage for a person with a protected characteristic compared with those who do not share that characteristic.

Marriage or civil partnership

In England and Wales, marriage is no longer restricted to a union between a man and a woman, but now includes a marriage between a same sex couple. This will also be true in Scotland once the relevant legislation comes into force (expected in 2015). Same-sex couples can have their relationships legally recognised as civil partnerships. Civil partners must be treated the same as married couples on a wide range of legal matters.

Perceived discrimination

Discriminating against a person in the belief that they have a protected characteristic, whether or not they do have it.

Positive action

A range of lawful actions that seek to overcome or minimise disadvantages (for example, in employment opportunities) that people who share a protected characteristic have experienced, or to meet their different needs.

Positive discrimination

Treating someone with a protected characteristic more favourably because you think they have been discriminated against in the past. It is generally not lawful with the exception of the duty to make reasonable adjustments, where treating a disabled person more favourably may be required by law.

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 that she is entitled to. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Protected characteristics

The legal term for the nine grounds on which discrimination is unlawful, as listed in the Equality Act 2010. Please note that equality law is different in Northern Ireland.

Public sector equality duty

The duty on a public authority when carrying out its functions to have 'due regard' to the need to eliminate unlawful discrimination and harassment, foster good relations and advance equality of opportunity.

Race or ethnicity

Refers to a group of people defined by their race, colour, nationality (including citizenship), ethnic or national origins.

Reasonable adjustment

Where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage. In other words the employer has to make a 'reasonable adjustment'.

Religion and belief

Belief includes religious and philosophical beliefs, including lack of belief (for example atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sexual orientation

Everyone has a sexual orientation. This refers to whether a person's sexual attraction is towards their own sex, the opposite sex or both sexes.

Vicarious liability

The legal basis whereby an organisation may become legally liable for the acts of its employees. This can apply even where the organisation had no knowledge of the acts and where, if it had been aware, it would disapprove or have disapproved of the acts in question.

Victimisation

Subjecting a person to a detriment because they have done a 'protected act' or there is a belief that they have done a 'protected act'. A 'protected act' could include making a claim or complaint of discrimination under the Equality Act 2010, or helping someone else to make a claim by giving evidence or information.

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