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1 Introduction

Our Journey to Change

The Trust's core values of respect, compassion and responsibility are integral to equality, diversity, inclusion and human rights. This policy is critical to the delivery of Our Journey to Change (OJTC) and our ambition to co-create safe and personalised care that improves the lives of people with mental health needs, a learning disability or autism.

This policy supports the Trust to co-create a great experience for all patients, carers and families from its diverse communities by:

- Outlining the Trust's commitment to provide services that meet people's needs and are available and accessible to its diverse communities and that any barriers to accessing services are identified and removed (see [section 4](#))
- Detailing the measures the Trust will take to ensure that its services meet the needs of its diverse communities (see sections [7.1](#), [7.2](#) and [7.7](#))
- Outlining clear expectations of the behaviours expected from all staff to ensure that patients, carers and families from protected groups have the same outcomes and experiences as other patients, carers and families (see [section 4](#))

This policy supports the Trust to co-create a great experience for all colleagues from its diverse communities by:

- Outlining the Trust's commitment to ensuring that staff from protected groups have the same outcomes and experiences as other staff and outlines the measures to ensure this will happen in recruitment and selection, learning and development and performance management (See sections [7.3](#), [7.4](#) and [7.5](#))
- Outlining clear expectations of the behaviours expected from all staff to ensure that staff from protected groups have the same outcomes and experiences as other staff (see paragraph 4)

The NHS Constitution states that **'The NHS belongs to us all'**, it is with this principle in mind that this policy has been written.

The Trust is under increasing pressure to deliver high quality services, with limited resources to an increasingly diverse population whose needs and expectations are growing. At the heart of the Trust is a commitment to provide comprehensive and flexible services that meet people's needs and are available and accessible to all. In order for the Trust to be equipped to deliver its services in a respectful, fair and inclusive way, the Trust must become more innovative in how it can meet the different needs of service users and make best use of the resources it has, most notably its people.

In employment matters the Trust recognises that harassment, discrimination, bullying and victimisation are destructive behaviours that can happen within any team, in any organisation. Wherever they exist they contribute to and exacerbate poor mental health and wellbeing, add to workplace stress and lower team morale. This in turn can result in increased sickness absence levels, high staff turnover and can ultimately result in mental ill health.

If bullying is allowed to thrive within an organisation it becomes a destructive force that can prohibit open challenge, whistleblowing or raising concerns. Staff may become fearful of reprisal (victimisation) from both managerial and non-managerial colleagues. Left unchecked this can have a direct impact on the safety and quality of patient care as was highlighted in the Francis Report into Mid Staffordshire Hospital. The Trust considers all the above mentioned abusive behaviours as 'avoidable and unjustifiable harm'.



Trust staff have a duty of care towards their colleagues, service users, their relatives and carers or anyone else they come into contact with whilst engaged in Trust business.

2 Why we need this policy

2.1 Purpose

This policy sets out how the organisation complies with applicable human rights and equality legislation (MHA CoP 2015, para.3.15). This policy is a key policy and as such should be read by all staff regardless of role, grade or position.

2.1.1 Legislation - The Human Rights Act 1998

The Human Rights Act is a foundation law, meaning that all other laws must be compatible with it. When there are abuses of Human Rights people have the right to challenge, speak up or to request an investigation. The Act has three duties which all staff and those acting on behalf of the Trust must abide by at all times. The three duties are;

- **Respect**; this means to **not** violate rights
- **Protect**; to take action to prevent a violation (by whistleblowing, raising concerns etc.)
- **Fulfil**; to provide investigation and review when violations occur (procedural duty)

The Human Rights Act is an enabling foundation law that aims to promote the rights of human beings, whatever their circumstances. It is not possible for a person not to have rights; a person always has human rights.

In particular circumstances Human Rights can be limited or restricted, but rights can never be taken away completely. Human Rights provide a set of minimum standards and are a vital safety net for the treatment we can all expect from our services, including;

- **Better services and outcomes:** can help drive up quality and improve outcomes
- **Not reinventing the wheel:** Not about completely changing what you do, human rights are a practical framework to help you improve how you do it
- **Familiar shared values:** dignity, respect, fairness, autonomy, equality and choice – upholding these values under challenging circumstances
- **Power not pity:** human rights provides a powerful language
- **Changing the day-to-day practice:** not theory

2.1.2 Key Human Rights for mental health and learning disability services

There are five key Human Rights for mental health and learning disability services, these are:

Article 2 - The right to life includes a duty not to take away anyone's life, a positive duty to take reasonable steps to protect life and a procedural duty to investigate deaths where public officials may be implicated / involved.

Article 3 - The right to be free from torture, inhuman and degrading treatment. This is an absolute right. It covers three types of treatment: Torture, Inhuman treatment, degrading treatment

It imposes three types of obligations on public officials:

- A negative duty **not** to torture or treat someone in an inhuman and degrading way
- A positive duty to take reasonable steps to protect people known to be at risk of such treatment
- A procedural duty to investigate where torture, inhuman or degrading treatment has occurred

Article 5 - The right to liberty is a non-absolute right. In specific circumstances liberty can be limited, e.g. detention under Mental Health Act or prison. The right to liberty is not a right to be free to do whatever you want. It is a right not to have extreme restrictions placed on a person's movement. It includes procedural safeguards such as review mechanisms and time limits.

Article 8 – The right to respect for private and family life, home and correspondence.

This right protects four interests: private life, family life, home and correspondence

This right is non-absolute and can be restricted. It has to be balanced against the rights of others and the needs of society. This right involves three types of obligations on public officials:

- A negative duty **not** to interfere with people's family life, private life, home and correspondence
- A positive duty to take reasonable steps to protect people known to be at risk of having their rights violated, especially in relation to mental and physical well-being
- A procedural duty to ensure fair decision-making processes

Article 14 – The right to non-discrimination. This right can only be used in conjunction with another right or rights. The definition of discrimination is broader than that of the Equality Act and a person can bring a case of discrimination for any reason.

Human Rights belong to everyone. They are the basic rights that we all have simply because we are human, regardless of who we are, where we live or what we do. Human Rights represent all the things that are important to us as human beings, such as being able to choose how to live our lives whilst being treated with dignity and respect. We have Human Rights from the moment we are born until the moment we die. Putting Human Rights at the heart of the way Trust services are designed and delivered ensures better services for everyone.

2.1.3 Legislation - The Equality Act 2010

The Trust focuses on Equality, Diversity, Inclusion and Human Rights from two perspectives that are intertwined with each other:

- **Service Delivery** – Equality, Diversity, Inclusion and Human Rights in healthcare for service users and their carers
- **Employment** – Equality, Diversity, Inclusion and Human Rights for our staff

The Equality Act 2010 makes it unlawful to discriminate against someone because of one or more protected characteristics. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Section 149(1) of the Equality Act 2010 states – A public authority must, in the exercise of its functions, have due regard (take seriously) 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 more commonly known as the three aims of the Act.

The Act requires that the Trust demonstrates 'due regard' this means the Trust **MUST** demonstrate that it has reasonably considered its impact on equality. This is an ongoing requirement (continuous duty) and it is essential that this is done in a proactive and anticipatory way, rather than in a reactive way which is ineffective and does not evidence or demonstrate 'due regard' (reasonable consideration) of the requirements of the Act.

Section 149(2) of the Equality Act 2010 states:

A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

Section 149(2) relates to Trust staff and anyone else who provides or delivers services to the public such as council workers, the police, teachers etc. All NHS staff and anyone else who carries out a function or functions on, or on behalf of the Trust must take their responsibility seriously and in accordance with the Act, acting in compliance with section 149(1) of the Act at all times. Further information on how to access the Equality Act 2010 can be found on page 15.

2.2 Objectives

The objective of this policy is to provide a set of minimum standards that everyone who has dealings with the Trust must adhere to. We must ensure that all aspects of Trust business are non-discriminatory, carried out in a fair and consistent manner and in line with the Trust values; compassion, respect and responsibility. The Trust is committed to providing services and employment environments that promote Equality, Diversity, Inclusion and Human Rights and will make every effort not to discriminate against service users, relatives, carers, Trust staff, potential Trust staff, bank workers, agency workers, volunteers, students, contractors or anyone that deals with the Trust in any way. The Trust has a duty to respect and promote people's Human Rights which improve experiences for all.

3 Scope

3.1 Who this policy applies to

This policy applies to the following groups of people:

- The Chief Executive and The Trust Board of Directors including Non-Executive Directors

- All Trust Managers, regardless of role, grade or position
- All Trust staff regardless of role, grade or position
- Bank Workers and Agency Workers
- Service users, their carers, relatives and friends
- Trust Governors
- Trust experts by experience
- Trust Volunteers
- Hospital Managers
- Contractors

Expected standards of behaviour can be found in section [3.2 Roles and Responsibilities](#).

The Trust’s values of respect, compassion and responsibility are key to ensuring that all those from its diverse populations who come into contact with the Trust have the same high-quality outcomes and experiences.

3.2 Roles and responsibilities

Role	Responsibility
Chief Executive and the Trust Board of Directors	<ul style="list-style-type: none"> • The Chief Executive is responsible for providing leadership to the Trust in the promotion of Equality, Diversity, Inclusion and Human Rights in both service delivery and employment matters • Members of the Trust Board collectively and individually are responsible for supporting the Chief Executive in this objective • The Trust must conform to current legislative requirements of the Human Rights Act 1998 and the Equality Act 2010. • The Trust seeks to ensure equitability of access in the provision of its services, which meets the needs of service users • As a provider of mental health, learning disability and substance misuse services, the Trust is committed to meaningful engagement with all parts of its communities and commissioners • The Trust seeks to dismantle barriers that prevent equality of access to employment, promotion, training and development opportunities for all protected groups
Director of People and Culture	<ul style="list-style-type: none"> • The Director of People and Culture has operational responsibility for Equality, Diversity, Inclusion and

	Human Rights throughout the Trust in both Employment and Service Delivery
The Equality, Diversity, Inclusion and Human Rights Lead	<ul style="list-style-type: none"> The Equality, Diversity, Inclusion and Human Rights Lead role is to support the Director of People and Culture to be able to make informed decisions in all matters relating to Equality, Diversity, Inclusion and Human Rights. The EDIHR Lead reports to the Director of People and Culture monthly and to the relevant board committee/s covering employment and clinical services three times a year, submitting an annual report of progress made as part of the reporting cycle. Further to this the EDIHR Lead reports to the Management Group (MG) and Workforce Development Group as and when necessary and in accordance with Trust requirements
Equality, Diversity, Inclusion and Human Rights Officer	<ul style="list-style-type: none"> The Equality, Diversity, Inclusion and Human Rights Officer reports to the Equality, Diversity, Inclusion Lead and has an active role in supporting the Equality, Diversity, Inclusion and Human Rights Lead, supporting Trust staff to embed Equality, Diversity, Inclusion and Human Rights within employment and services
Managers and Leaders	<ul style="list-style-type: none"> Managers and Leaders understand that unlawful discrimination, harassment, bullying and victimisation are unacceptable practices and have no place in Trust services, departments or teams. Managers and Leaders are expected to foster positive working environments where mutual respect for Equality, Diversity, Inclusion and Human Rights are central to their role as manager, leading by example, and actively challenging abusive behaviour of any kind to maintain good staff morale, wellbeing and good patient care Making staff aware of the Trust policy on Equality, Diversity, Inclusion and Human Rights and the supporting policies in relation to employment and service delivery Promoting Equality, Diversity, Inclusion and Human Rights by their behaviour and actions Ensuring that complaints are dealt with in a fair and consistent manner Ensuring that contractors working within the Trust adhere to the principles of the Equality, Diversity, Inclusion and Human Rights Policy
Staff, including agency workers, bank workers and students	<ul style="list-style-type: none"> Are responsible for co-operating with measures introduced by management to ensure equality of opportunity and non-discriminatory practices, including making sure that people have equality of access to service provision

	<ul style="list-style-type: none"> • Must not discriminate e.g., this includes any person who is responsible for selection decisions in recruitment, promotion, transfer, training etc. or those responsible for the provision and delivery of services • Not acting, persuading, attempting to persuade or instructing other employees, unions or Management to practice unlawful discrimination, harassment, bullying, victimisation or any act that would result in a breach of the Human Rights Act 1998 • Not harassing, bullying or intimidating other employees, including their peers, subordinates or seniors. This includes amongst others: sexual, racial and homophobic harassment • Not victimising or attempting to victimise individuals on the grounds that they have made complaints or provided information on discriminatory practice. • Informing management if they suspect or are aware that an act or acts of discrimination or inhumane treatment of any kind is or have taken place
Contractors	<ul style="list-style-type: none"> • All contractors must comply with the requirements of the Equality Act 2010 and the Human Rights Act 1998 whilst providing or delivering goods, services and facilities to Trust staff, service users, their relatives, carers and anyone else who has links with the Trust. • Not complying with the above means that the contractor is in direct breach of the 'Terms and Conditions of its contract with the Trust and the contract will be terminated.
Service users, their relatives and carers	<ul style="list-style-type: none"> • Service users, their relatives, friends and carers can expect to be treated with respect and courtesy whilst accessing or engaging with Trust services. We encourage service users, their carers and relatives to contact the Trust using the PALS service if they experience unfair or unequal treatment or feel that Trust services do not meet their needs. • Service users, their relatives, friends and carers are expected to treat Trust staff with respect and courtesy whilst receiving Trust services. • The Trust will not tolerate racist, sexist or homophobic abuse etc., towards its staff, other service users, their relatives or carers. The Trust will provide support and/or signposting to staff or anyone else who feels that they have been harassed, discriminated against or victimised whilst they have been delivering services or receiving care.

Trust Governors and Volunteers	<ul style="list-style-type: none"> • Trust Governors and Volunteers are expected to treat each other and anyone else they come into contact with whilst carrying out their duties with respect and courtesy • Trust Governors and Volunteers can expect to be treated with respect and courtesy whilst performing duties, with or on behalf of the Trust
Hospital Managers	<ul style="list-style-type: none"> • Hospital Managers have a statutory role under the Mental Health Act 1983 which requires them to attend review meetings to ensure the lawful criteria for detention under the Act is met. This role is also pivotal in that it addresses the Human Rights of service users. It is expected that they will be non-biased and that their decisions will be made without prejudice. It is expected that individuals who are selected to act on behalf of the Trust as Hospital Managers will uphold the principles of this policy, in that the Trust expects high standards in relation to Equality, Diversity, Inclusion and Human Rights from Hospital Managers. The Trust will take action to remove Hospital Managers who do not meet the Trusts expected standards.

4 Policy

1. The Trust will respect and protect the Human Rights of all service users, staff and anyone else who has a relationship to the Trust.
2. Any restriction/s placed on the rights of service users, for example a decision to detain a person under the Mental Health Act will be lawful, justifiable and proportionate, will have a legitimate aim and will be the least restrictive option in the circumstance
3. The Trust takes breaches of policy very seriously, particularly those that when breached have a harmful effect on other people. Victimisation, harassment, discrimination (or an attempt to do so) and bullying will not be tolerated and will, where substantiated lead to disciplinary action
4. Staff who identify with protected groups have the right to be treated fairly and with dignity and respect and without the fear of unlawful discrimination, harassment, victimisation or bullying
5. Service users who identify with protected groups, their relatives and their carers have the right to be treated in a fair, reasonable and consistent way with dignity, respect and compassion and without the fear of unlawful discrimination, harassment, victimisation or bullying
6. The Trust will work to reduce health inequalities for all service users
7. The Trust is committed to the ongoing development of staff awareness and knowledge of Equality, Diversity, Inclusion and Human Rights. Staff development begins on employment and continues throughout an individual's career until they leave the Trust
8. The Trust is committed to monitoring, evaluating and reporting on issues of Equality, Diversity, Inclusion and Human Rights in employment and service provision
9. The Trust will work towards best practice standards of Equality, Diversity, Inclusion and Human Rights and not merely comply with legislation
10. The Trust will promote equality, foster good relations and take an anti-discriminatory approach in all areas of employment and service delivery
11. The Trust will ensure that barriers to accessing services and employment are identified and removed so that no person is treated less favourably because they identify with a protected group/s
12. The Trust recognises the importance of this policy in the employment relationship it has with its staff and in provision of services for service users, and will reflect this commitment in all Trust policies, procedures and practices etc.
13. Anyone that deals with the Trust will receive equitable treatment whether they are receiving a service, providing a service, tendering for a contract or in any other relationship with the Trust
14. This policy extends outside the workplace and Trust staff should be aware that work place behaviour includes times when they are not physically at work but are participating in activities where work is a factor, e.g. team nights out, shopping trips with colleagues and if behaviours in these situations are deemed discriminatory and / or unethical, it could warrant disciplinary action or allegations of gross misconduct

15. Staff with a professional registration may also find that discriminatory and or unethical practices outside work may lead to complaints to their professional body and possible action by them

The Trust recognises the benefits which will arise from implementation of the Human Rights, Equality Diversity and Inclusion Policy including:

1. Right respecting clinical practice provides the very best opportunity for recovery. Services take a positive and inclusive approach to minimising distress and harm
2. The provision of accessible, flexible and adaptable services that are delivered by highly capable staff that meet the needs of service users', resulting in equitable levels of patient satisfaction regardless of which protected group/s they identify with
3. Equality, Diversity, Inclusion and Human Rights enhance opportunity, inclusivity, creativity and innovation leading to better working and patient care environments
4. Employing staff from different protected groups and cultural backgrounds enables a better understanding of the needs of all service users, and results in a workforce with increased levels of empathy and compassion
5. A diverse workforce and inclusive working environments increase the reputation of the Trust in different communities. In turn this encourages people from these communities such as BAME and LGBTQ+ people, and people with disabilities and long-term health conditions to apply for positions within the Trusts as its reputation grows as an employer of choice
6. A diverse organisation has higher levels of emotional intelligence and empathy than less diverse organisations. Diversity also drives innovation and creativity which is a key element in developing inclusive working practices and service provision. Staff that share similar values on issues such as respect, compassion, equality and fairness are more likely to get on and more likely to be part of an effective and successful team

5 Definitions

Term	Definition
CQC	Care Quality Commission
Diversity (difference)	The Trust recognises that everyone has a unique contribution to make and that a person's personal attributes contribute significantly in achieving the Trusts goals. Diversity is a strength and it should be visible at all levels of the organisation. Valuing Diversity is integral to valuing people. When we value Diversity we promote a positive, supportive and innovative working environment. When we value the Diversity of our service users we are more likely to meet their needs and support them on their journey to recovery.
EHRC	Equality and Human Rights Commission
Equality	Equality in the UK is about fostering and promoting the right to be different, to be free from discrimination, and to have equal choices, opportunities being valued as an individual
Human Rights	The rights that we all have and share, simply because we are human that are protected by the Human Rights Act
BAME	Black, Asian and Minority Ethnic
LGBTQ+	Lesbian, Gay, Bisexual, Trans, Queer, Questioning and other sexual orientation/ gender identity

6 Related documents

To provide context the Trust has a number of closely associated policies, procedures, guidance and other documents that support the aims of this central policy, they include:

- Managing concerns of potential conduct (Disciplinary) Procedure, Dealing with concerns affecting Medical Staff, Freedom to Speak Up (Whistle Blowing) Policy, Incident Reporting and Investigating Policy, Security Procedure, Equality Impact Assessment Guidance, Interpreting and Translation Policy and Guidance, Staff Development Policy, Dress Code Procedure, Special Leave Procedure, Recruitment & Selection Procedure, Leavers Procedure, Grievance Procedure, Bullying and harassment resolution procedure, Job Evaluation Procedure, Organisational Change Procedure, Retirement and Long Service Recognition Procedure, Information Governance Policy, Information Security and Risk Policy, and Managing Concerns of Potential Poor Performance (Capability) Procedure.

7 How this policy will be implemented

Equality, Diversity, Inclusion and Human Rights will be embedded into every aspect of Trust business. This section highlights some of the key areas and themes that have been identified in the Trust and how this policy will be implemented

7.1 Equality Impact Assessment

The Trust will use Equality Impact Assessment (EIA) to ensure that it reasonably considers its impact on equality. Equality Impact Assessment Policy and Guidance, defines the requirements of the Trust and its staff in more detail.

7.2 Interpreting and Translation

Trust staff will refer to the Interpreting and Translation Policy and Guidance when providing care for people who speak using a language other than English or who communicate using British Sign Language. Patient care cannot take place if the service user is unable to understand the clinician or any member of staff involved in their care and treatment.

7.3 Recruitment, Selection and Employment

- All recruitment processes, conditions of service, job requirements and learning and development opportunities, must fit with the needs of the service and those who work in it. The Trust will comply with the legal requirements of the Equality Act 2010 and the Human Rights Act 1998
- The Trust will strive to provide a positive working environment in which people want to work and be a leader in good employment practices and effective communication
- All staff will have the opportunity to have talent management conversations
- Under representation, where it exists, will be identified and addressed by removing barriers. People will have equal access to career advancement and other opportunities within the organisation
- Taking positive action, where appropriate, to ensure applicants and employees can participate in, and have opportunity work for the Trust, further ensuring that Trust services meet the needs of its communities

- The Trust is also committed to enabling every member of staff to achieve their full potential in an environment characterised by opportunity, dignity and mutual respect

7.4 Learning and Development

- All staff must undertake Equality and Diversity training as they start working for the Trust. Additionally staff are required to undertake regular refresher training in accordance with the mandatory training needs analysis which is part of the staff development policy
- All employees should have an annual individual appraisal including a personal development plan. This should be completed in accordance with the staff development policy. On an annual basis the Trust will produce a Training Needs Analysis to outline how the Trust's priorities for development will be achieved
- Information on training and development opportunities is widely publicised and all employees will be encouraged to undertake appropriate training and development, which will enable them to meet the requirements of their role in meeting service needs

7.5 Performance Management

- Performance assessments should be based on employee's performance against their actual objectives and the Knowledge and Skills Framework profile linked to their job description
- All managers with responsibility for appraisal should be able to show evidence of competence in Appraisal and Equality and Diversity Awareness
- Concerns over discriminatory or inappropriate behaviour picked up through supervision, whether clinical, professional or managerial, should be dealt with promptly by the manager
- In relation to disability, the Trust will make every effort to make reasonable adjustments for Trust staff that have or develop a disability whilst employed by the Trust. This could include people who can continue to work but the reasonable adjustments can't be accommodated in that particular role. Under the Trust's capability or sickness procedures there would be opportunity for staff to enter redeployment to explore whether adjustments could be accommodated in another job in a different area

- If an individual is so unwell or the condition is so severe/life-threatening that they cannot continue working then Occupational Health advice would be sought and the Trust would follow the Staff Health, Wellbeing and Attendance Procedure (Maintaining Attendance at Work) Stage 4.
- Reasonable adjustments and other support procedures will be put in place to support and enable staff with disabilities to meet the requirements of their role, but on very rare occasions it will not be possible to make reasonable adjustments or redeploy staff. This may be because the nature of the person's disability will be such that it inhibits the person's ability to work at all. When this happens the Trust will follow the End of Employment Procedure.
- If you believe that you have been subjected to bullying, harassment, discrimination or victimisation, you can raise a grievance using the Trust's Grievance Procedure. The Trust will not tolerate harassment, discrimination, victimisation or bullying of staff because of a protected characteristic(s) or for any other reason. Any member of staff committing such actions will be subject to the Trusts [Managing Concerns of Potential Conduct \(Disciplinary\) Procedure](#) (or for medical staff [Dealing with concerns affecting Medical Staff](#)) and it could result in dismissal
- **If you witness someone being subjected to bullying, harassment, discrimination or victimisation and don't feel you can raise it with your line manager then you should use the Trust's Whistleblowing Procedure and Raising Serious Concerns Procedure to raise the issue.**

7.6 Partnership Agreement

The Trust has an agreement with staff side representatives which reinforces the importance of partnership working with all parties sharing a commitment to the business and service needs of the Trust.

The agreement encourages managers to spread the benefits of partnership working by ensuring that staff and staff side representatives are systematically and routinely involved in shaping the service and involved in the decision making process. This reinforces an environment where the right balance is reached between the needs of the service and the needs of its employees, ultimately improving the working environment for staff which has a positive knock on effect which can be seen in the quality of patient care.

7.7 Trust Services

- The Trust will ensure that its priorities are informed by the health needs of the communities it serves. When health inequalities are recognised steps will be taken to remove them by engaging and seeking the views of the communities,

including those represented by protected groups and by working with commissioners

- Equality, Diversity, Inclusion and Human Rights will be considered throughout the planning stages of all Trust services. This will include the completion of an equality impact assessment and/ or the use of demographic data
- Trust staff will take a positive and proactive approach to Equality, Diversity, Inclusion and Human Rights by raising their own awareness and knowledge levels to accomplish this aim. The Trust (the Equality, Diversity, Inclusion and Human Rights team) will support staff to do this.
- All Trust services will proactively endeavour to anticipate and meet the needs of people that identify with protected groups. When a protected group is underrepresented in a service the Trust will investigate the reasons for this and where necessary will take action to remove barriers that impact on services being accessed in an equitable way
- The Trust will ensure that its services are accessible to people with disabilities
- The Trust recognises the importance of data completeness and will continue to undertake work to ensure gaps in data are reduced and both staff and service users understand the importance of why the data is requested
- Trust services will be delivered in a respectful, dignified, compassionate and professional way with the needs of the service user taking priority
- Trust services and the staff involved in the delivery of services will maintain a flexible and adaptable approach to delivering care, if concerns or issues arise around working with protected groups or in how to meet the human rights of service users, staff will seek advice from the Equality, Diversity Inclusion and Human Rights Team in the first instance
- Trust services will ensure that patients are involved in discussions about their care and treatment and that their culture and ethnicity are respected and supported. The Trust will gather feedback on patients' experiences at appropriate times.



The Trust expects that staff will actively challenge and report abusive behaviour of any kind. The Trust expects managers to take steps to support staff who experience challenging or abusive behaviour of any kind. If you are unsure what this is, you can seek further advice and guidance from the Equality, Diversity, Inclusion and Human Rights Team

- This policy will be published on the Trust's intranet and external website.
- Line managers will disseminate this policy to all Trust employees through a line management briefing.

- Where additional training needs for staff are identified they will be taken forward using existing Trust processes by the Equality, Diversity, Inclusion and Human Rights Lead.

7.8 Training needs analysis

Staff/Professional Group	Type of Training	Duration	Frequency of Training
All staff and volunteers	Mandatory Equality, Diversity, Inclusion and Human Rights training	On line	Every 3 years
All staff and volunteers	Other Equality, Diversity, Inclusion and Human Rights training	As necessary	As necessary

8 How the implementation of this policy will be monitored

Number	Auditable Standard/Key Performance Indicators	Frequency/Method/Person Responsible	Where results and any Associate Action Plan will be reported to, implemented and monitored; (this will usually be via the relevant Governance Group).
1	Equality Impact Assessment (policies and procedures)	Policy Lead	Management Group
2	Equality Impact Assessment (projects and programmes)	Policy Lead	Programme Management Team
3	Equality and Diversity Mandatory Training	Line Manager	ODDG or equivalent
4	Complaints relating to EDIHR	Complaints Manager	EDIHR steering group

9 References

Equality Act 2010
 Human Rights Act 1998
 Mental Health Act 1983
 NHS Constitution

10 Document control (external)

To be recorded on the policy register by Policy Coordinator

Date of approval	18 October 2023
Next review date	18 October 2026
This document replaces	HR-0013-v9.1 Human Rights Equality and Diversity, Inclusion Policy
This document was approved by	Exec P&C Committee
This document was approved	30 August 2023
This document was ratified by	Management Group
This document was ratified	18 October 2023
An equality impact assessment was completed on this policy on	30 August 2023
Document type	Public
FOI Clause (Private documents only)	n/a

Change record.

Version	Date	Amendment details	Status
9	22 Sept 2021	Transferred to the new template and Our Journey To Change added. Minor changes	Withdrawn

		to wording in the remainder of the document.	
9.1	26 Aug 2022	Added Journey to Change section. Minor changes to wording in the remainder of the document. Titles of relevant procedures updated	Withdrawn
9.2	18 Oct 2023	Full review with minor changes including:- Updates to related documents titles and links; and minor formatting and wording changes throughout.	Ratified

Appendix 1 - Equality Impact Assessment Screening Form

Please note: The Equality Impact Assessment Policy and Equality Impact Assessment Guidance can be found on the policy pages of the intranet

Section 1	Scope
Name of service area/directorate/department	Equality Diversity Inclusion and Human Rights Team, People and Culture Directorate
Title	Human Rights, Equality Diversity and Inclusion Policy Ref:HR-0013-9.2
Type	Policy
Geographical area covered	Trust wide
Aims and objectives	<p>This policy lays down the Trusts expected standards in relation to Equality, Diversity, Inclusion and Human Rights in both employment and services. This policy is inclusive of all Trust staff, bank workers, service users, carers and volunteers etc. It is hoped that by taking a joined up and inclusive approach the Trust can promote a unified message for all.</p> <p>The Equality Act 2010 is legislation aimed at eliminating unlawful discrimination, promoting equality of opportunity for different groups of people and fostering good relations between different groups of people. These are more commonly known as the three aims of the Act. The Trust focuses on Equality, Diversity, Inclusion and Human Rights from two perspectives that are intertwined with each other.</p> <ul style="list-style-type: none"> • Service Delivery – Equality, Diversity, Inclusion and Human Rights in healthcare for service users and their carers • Employment – Equality, Diversity, Inclusion and Human Rights for our staff <p>The policy applies to the following groups of people.</p> <ul style="list-style-type: none"> • The Chief Executive and The Trust Board of Directors including Non-Executive Directors • All Trust Managers, regardless of role, grade or position • All Trust staff regardless of role, grade or position • Bank Workers and Agency Workers

	<ul style="list-style-type: none"> • Service users, their carers, relatives and friends • Trust Governors • Trust Volunteers • Hospital Managers • Contractors
Start date of Equality Impact Assessment	April 2023
End date of Equality Impact Assessment	30 August 2023

Section 2	Impacts
Who does the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan benefit?	All staff and Patients
Will the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan impact negatively on any of the protected characteristic groups?	<ul style="list-style-type: none"> • Race (including Gypsy and Traveller) NO • Disability (includes physical, learning, mental health, sensory and medical disabilities) NO • Sex (Men, women and gender neutral etc.) NO • Gender reassignment (Transgender and gender identity) NO • Sexual Orientation (Lesbian, Gay, Bisexual and Heterosexual etc.) NO • Age (includes, young people, older people – people of all ages) NO • Religion or Belief (includes faith groups, atheism and philosophical beliefs) NO • Pregnancy and Maternity (includes pregnancy, women who are breastfeeding and women on maternity leave) NO • Marriage and Civil Partnership (includes opposite and same sex couples who are married or civil partners) NO • Armed Forces (includes serving armed forces personnel, reservists, veterans and their families) NO

Describe any negative impacts	
Describe any positive impacts	This Policy is very positive as it recognises the link between staff behaviour and service delivery. Many other groups of people are covered within it such as service users, carers, bank staff, volunteers and contractors. The policy is clear about what the Trust should expect from its employees and what its staff should expect from service users. The Policy is inclusive of all protected groups and ensures that there is no hierarchy of values in relation to discrimination and harassment. I.e., sexism is equally as negative as ageism, ageism is equally as negative as homophobia, homophobia is equally as negative as racism etc.

Section 3	Research and involvement
What sources of information have you considered? (e.g. legislation, codes of practice, best practice, nice guidelines, CQC reports or feedback etc.)	Human Rights Act 1998 Equality Act 2010
Have you engaged or consulted with service users, carers, staff and other stakeholders including people from the protected groups?	No
If you answered Yes above, describe the engagement and involvement that has taken place	
If you answered No above, describe future plans that you may have to engage and involve people from different groups	No specific protected groups were consulted, however all staff will be consulted on this policy before ratification. In the future it is envisaged that staff engagement groups will play an active part in the consultation process.

Section 4	Training needs
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As part of this equality impact assessment have any training needs/service needs been identified?	Yes
Describe any training needs for Trust staff	Training is available to staff mandatory for Equality and Diversity training and optional for Human Rights however staff are encouraged to complete the programme where possible.
Describe any training needs for patients	N/A
Describe any training needs for contractors or other outside agencies	N/A

Check the information you have provided and ensure additional evidence can be provided if asked

Appendix 2 – Approval checklist

To be completed by lead and attached to any document which guides practice when submitted to the appropriate committee/group for consideration and approval.

	Title of document being reviewed:	Yes/No/ Not applicable	Comments
1.	Title		
	Is the title clear and unambiguous?	Yes	
	Is it clear whether the document is a guideline, policy, protocol or standard?	Yes	
2.	Rationale		
	Are reasons for development of the document stated?	Yes	
3.	Development Process		
	Are people involved in the development identified?	Yes	
	Has relevant expertise has been sought/used?	Yes	
	Is there evidence of consultation with stakeholders and users?	Yes	
	Have any related documents or documents that are impacted by this change been identified and updated?	Yes	
4.	Content		
	Is the objective of the document clear?	Yes	
	Is the target population clear and unambiguous?	Yes	
	Are the intended outcomes described?	Yes	
	Are the statements clear and unambiguous?	Yes	
5.	Evidence Base		
	Is the type of evidence to support the document identified explicitly?	Yes	
	Are key references cited?	Yes	
	Are supporting documents referenced?	Yes	
6.	Training		
	Have training needs been considered?	Yes	
	Are training needs included in the document?	Yes	
7.	Implementation and monitoring		

	Title of document being reviewed:	Yes/No/ Not applicable	Comments
	Does the document identify how it will be implemented and monitored?	Yes	
8.	Equality impact assessment		
	Has an equality impact assessment been completed for the document?	Yes	
	Have Equality Diversity Inclusion and Human Rights reviewed and approved the equality impact assessment?	Yes	
9.	Approval		
	Does the document identify which committee/group will approve it?	Yes	
10.	Publication		
	Has the policy been reviewed for harm?	Yes	
	Does the document identify whether it is private or public?	Yes	
	If private, does the document identify which clause of the Freedom of Information Act 2000 applies?	N/A	