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Bwrdd Iechyd Prifysgol
Betsi Cadwaladr
University Health Board

WP8
Version 5

EQUALITY, DIVERSITY AND HUMAN RIGHTS POLICY

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Documents to be read alongside this document:	<p>Strategic Equality Plan WP7 – EQIA/SEIA procedures WP27 Guidelines of the Fair Treatment of Disabled People at Work BCUHB WP43 Guidelines to Support Transgender Staff BCUHB WP42 Guidance on Dealing with Hate Incidents and Crimes Against BCUHB Employees WP6 BCUHB Code of Conduct (Disciplinary Rules and Standards of Behaviour)</p> <p>WP1 Policy for Safe Recruitment & Selection Practices People strategy and plan</p>					
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N.B. Staff should be discouraged from printing this document. This is to avoid the risk of out of date printed versions of the document. The Intranet should be referred to for the current version of the document.

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1. INTRODUCTION

This policy provides overview of the statutory requirements that the Health Board are required to demonstrate under the Equality Act 2010 and Human Rights Act 1998.

2. POLICY STATEMENT

This Policy sets out the approach of Betsi Cadwaladr University Health Board (BCUHB) in meeting its commitment and statutory compliance to Equality and Human Rights legislation.

All governance processes and documentation (strategies, policies, procedures, practices and procurement processes) within BCUHB must adhere to this policy and ensure that both services and employment practices are designed and delivered fairly and in accordance with equality and human rights legislation.

3. AIMS/PURPOSE

This policy aims to ensure that the Health Board is able to demonstrate evidence of compliance to equality and human rights legislation. It sets out how we will meet our statutory duties under the Equality Act (2010), including the Public Sector Equality Duty and the Socio-economic Duty.

This policy promotes inclusive practices and an inclusive and compassionate culture across the whole Health Board to improve the quality of services to all patients and carers across north Wales. BCUHB is committed to ensuring that it treats patients, carers and employees in line with the FREDA principles - with fairness, respect, equality, dignity and autonomy.

It is the intention of BCUHB that patients, carers, employees and prospective employees are treated fairly and with respect. No one should be subject to unlawful discrimination by reason of any protected characteristic (as defined in the Equality Act 2010). See appendix 1 for definitions.

4. OBJECTIVES

This policy aims to:

- Evidence the Health Board's compliance with the statutory duties as defined with the Equality Act 2010:
 - Public Sector Equality Duty – Part 149
 - Socio-economic Duty – Sections 1 to 3
- Promote organisational wide change in cultural behaviour that are based on inclusive and non-discriminatory approaches underpinned by procedures and policies that support employees

- Address barriers faced by patients and carers to access services in an inclusive way that meets their needs.
- Address barriers faced by employees and prospective employees to work in an organisation free from discrimination, harassment and victimisation.

5. SCOPE

The commitments within this policy apply to all employees and potential employees of the Health Board, and to patients and carers accessing health services.

They also apply to commissioned services that are delivered on behalf of the Health Board. This includes the Third Sector, Community Organisations and Contractors.

6. ROLES AND RESPONSIBILITIES

The Chief Executive, on behalf of the Board, has overall responsibility for ensuring that this policy is implemented, and that its effectiveness and accountability is monitored.

Executive Directors, Divisional Directors, Senior Managers and Line Managers have responsibility for the active and effective implementation of this policy.

Independent Members of the Board must promote compliance to this policy and provide scrutiny to decision making across the health board.

The Head of Equality and Human Rights' primary purpose is to act as the lead change agent and senior advisor and expert on all aspects of equality and human rights.

The Corporate Equality Team provides specialist advice and guidance on queries relating to Equality, Inclusion, Diversity and Human Rights. It provides a range of training and guidance to support and promote equality awareness and compliance to equality legislation. The team can be contacted by emailing BCU.Equality@wales.nhs.uk

Every employee and volunteer has a responsibility to apply this policy and to observe standards of conduct that ensure the patient care environment and the workplace are free from discrimination of any kind and from any form of harassment or victimisation.

Commissioned services (including Third Sector) delivering services on behalf of the Health Board are required to adhere to the Equality provisions contained within the NHS Wales Standard Terms and Conditions for the Provision of Goods and Services Version: 3 - Issued: 6 June 2018.

The Patient Advice and Liaison Service – PALS supports patients to listen to comments, suggestions, compliments and queries and offers impartial advice and support.

The Complaints Team work closely with PALS to deal with formal complaints under The Health Board's Putting Things Rights procedures and is responsible for identifying and resolving equality related complaints.

7. DISCHARGING OUR EQUALITY DUTIES

The Public Sector Equality Duty (PSED) and 'due regard' – Section 149 of The Equality Act 2010 says that public bodies, when carrying out their functions, must have due regard to three needs. These are the needs to:

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

The Socio-economic Duty requires public bodies to whom the duty applies, "When making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage."

7.1 EQUALITY IN RECRUITING AND EMPLOYMENT

BCUHB is committed to ensuring that it treats its employees fairly and with respect and that it does not discriminate against individuals or groups on the basis of any of the "protected characteristics" outlined in the Equality Act 2010. It will discharge its equality duty through:

- Following fair recruitment processes and procedures and 'On-Boarding procedures' to ensure that a range of information is provided to all new starters.
- Committing to being a Disability Confident employer and making reasonable adjustments to ensure inclusive employment practices.
- Providing new employees with a range of support - including specialised support for people recruited from other countries.
- Providing appropriate Equality related training.

- Signing up to equality related pledges and schemes that advance equality of opportunity for underrepresented people.
- Supporting unrepresented groups through membership of BCUHB Equality Staff Networks.
- Implementing Welsh Government equality related plans – including the Anti-racist Action Plan and the LGBTQ+ Action Plan and other plans that are published during the active period of this policy.
- Publishing annual employer monitoring data and Gender Pay Gap reporting - which is a legal requirement.
- Following fair recruitment processes for recruitment of volunteers and providing appropriate Equality related training.

All areas of the Health Board will strive to foster inclusive behaviour that actively challenge discrimination, harassment and victimisation. This includes promoting allyship and providing safe ways for people to raise concerns and share incidents of discrimination and hate crime.

7.2 EQUALITY IN THE DELIVERY OF HEALTH CARE

BCUHB is committed to ensuring that it treats all patients, carers and communities across north Wales fairly and with respect and that it does not discriminate against individuals or groups on the basis of any of the “protected characteristics” outlined in the Equality Act 2010. It will discharge its equality duty through:

- Providing services which are free from discrimination and treating patients and carers with dignity and respect. This will enable equality of access to meet the requirements of the Equality Act.
- Providing a Human Rights approach to health care – with the FREDA principles: Fairness, Respect, Equality, Dignity and Autonomy.
- Meeting the communication needs of different groups – including those who require interpretation services.
- Compliance with the All Wales Standards for Accessible Communication and Information for People with Sensory Loss.
- Compliance with Welsh Language Standards.
- Compliance with Code of Practice for Autism services.

- Providing culturally competent care.
- Providing spiritual care in times of need to patients, carers and staff regardless of their belief or non-belief.
- Monitoring of external commissioned services – contractors and organisations (including Third Sector) delivering services on behalf of the Health Board to ensure compliance in the Equality provisions contained within the NHS Wales Standard Terms and Conditions for the Provision of Goods and Services Version: 3 - Issued: 6 June 2018.

BCUHB will engage with patients, carers and external stakeholders from across north Wales to gain understanding on how services affect them and involve them within decision making across the Health Board.

7.3 EQUALITY IN DECISION-MAKING ACROSS THE HEALTH BOARD

BCUHB is committed to ensuring that all decisions (which have a potential impact on patients, carers, employees or wider communities) do not discriminate against individuals or groups on the basis of any of the “protected characteristics” outlined in the Equality Act 2010. It will discharge its equality duty through:

- Ensuring that decision makers will assess the potential effects of a policy or change on patients, carers, employees or wider communities with robust and rigour.
- Demonstrating in decision-making how ‘due regard’ (to the Public Sector Equality Duty and Socio economic Duty) has been taken by working to the Health Board’s ‘Equality Impact, Socio economic Impact, Human Rights, Welsh Language requirements and Armed Forces Covenant – WP7 Procedure’.
- Integrate children’s rights into every aspect of decision-making, policy and practice. (principle within the UN Convention on the Rights of the Child and adopted within the BCUHB Children’s Rights Charter)
- Informing decision-making with robust evidence based information and research – including local health needs assessment and population health information.
- Engaging underrepresented populations across north Wales to co-design / co-produce and implement Welsh Government Plans and BCUHB Strategic Equality Plans.
- Following procedures aligned to Welsh Government employment legislation and involve Union representation.

- Reporting annually on the progress of Equality and Human Rights activities.
- Adopting the social model of disability.

8. EQUALITY STATEMENT INCLUDING WELSH LANGUAGE

An 'Equality Impact, Socio economic Impact, Human Rights, Welsh Language requirements and Armed Forces Covenant Assessment' has been undertaken on this policy to demonstrate how due regard has been given to relevant equality legislation. The Health Board will endeavor to make reasonable adjustments to accommodate any employee'/patient with particular equality and diversity requirements in implementing this policy.

9. WELL-BEING OF FUTURE GENERATIONS (WALES) 2015

The Act requires all public bodies to change the way we work in order to improve well-being for the whole population, by acting in accordance with the sustainable development principle and meeting seven Well-being Goals, which includes a 'More Equal Wales' goal. This is defined as: 'A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).' The Health Board would like to go beyond fulfilling potential to expanding people's potential'.

When making decisions, impact assessments will give due regard to the Well-being of Future Generations Act.

10. ENVIRONMENTAL IMPACT

No environmental impacts have been identified within this policy. This policy will be published on BetsiNet to reduce the impact of printing hard copies. Printed copies may be required for teams which have limited access to computers or in different accessible formats.

11. RESOURCES

For the successful implementation of this policy, the resource of time is required for key activities such as:

- Undertaking mandated Equality training
- Undertaking appropriate assessments
- Providing time for attendance to Equality Staff Networks
- Providing time for undertaking work relating to compliance of the Equality Act and delivery of the Strategic Equality Plan

There may be associated costs of new data systems which align to monitoring data for protected characteristics.

There may be associated costs of providing reasonable adjustments throughout the Health Board to meet the needs of both patients, carers and employees.

12. EQUALITY IN TRAINING, DEVELOPMENT AND CAREER PROGRESSION

Equality is a key element to our behaviour, procedures and organisational culture. No employee will be discriminated against in respect of their access to training and development opportunities, which may impact upon their career progression. All employees will be considered for development opportunities objectively. In discharging our equality duty we will:

- Expect all employees and volunteers to undertake mandated Equality and Human Rights training – which should be renewed every three years.
- Require employees to undertake additional training related to Equality agenda that is determined to be relevant to their role and identified within PADR process.
- Some groups of employees who share a specific protected characteristics may be offered additional training as a result of under-representation of those employees in specific areas of the Health Board. This will constitute lawful positive action measures permissible under the Equality Act 2010.

13. IMPLEMENTATION

BCUHB will promote this policy to all BCUHB employees. The implementation will be supported by the Strategic Equality Plan (SEP) and yearly plans.

Progress on this will be reported via the Equality and Human Rights Strategic Forum and published within the Annual Equality Report.

Feedback on this policy should be shared with the Equality team by emailing BCU.Equality@wales.nhs.uk

14. FURTHER INFORMATION - CLINICAL DOCUMENTS

This is not a clinical policy.

15. AUDIT

Compliance of this policy will be monitored by several mechanisms relating to how the Health Board discharges its duty. This includes:

- Audit work for Equality and Socio-economic impact assessment procedure
- Regular reporting on progress on the Strategic Equality Plan
- Regular monitoring of equality related complaints
- Regular monitoring of commissioned service delivery

16. REVIEW

This policy will be reviewed in 3 years unless there are any legislation changes which requires review work sooner.

The Equality team will be responsible for reviewing and updating this policy in line with any relevant legislative change or routine review schedule.

17. REFERENCES

Equality Act 2010

Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011

Welsh Language Act and Welsh Language (Wales) Measure 2011

Technical Guidance on the Public Sector Equality Duty: Wales

Human Rights Act 1998

Wales Childrens Commissioner - [The-Right-Way.pdf \(childcomwales.org.uk\)](https://childcomwales.org.uk/The-Right-Way.pdf)

The Well-being of Future Generations (Wales) Act 2015

Social Services and Well-being (Wales) Act 2014

Gender Recognition Act 2004

Armed Forces Act 2021

Online Safety Bill – draft legislation

Protection from Harassment Act 1997

The Care Act 2014

18. APPENDICES

APPENDIX 1: DEFINITIONS AND ABBREVIATIONS

Allyship is an active process of building and nurturing supportive relationships with underrepresented, marginalised, or discriminated against individuals or groups. The aim is to develop and advance inclusive behaviour consistently. Allyship should work to create opportunities for underserved individuals and groups to be heard.

Disability Confident is a scheme the Health Board has signed up to demonstrate its commitment to attract, recruit and retain disabled staff.

Discrimination is when one person or a group of people are being treated less favourably than another because of their protected characteristics or other reasons.

Diversity is about relating to and working with people who hold different perspectives and views, bring different qualities to the workplace, have different aspirations and have different customs and traditions.

Equality is about creating a fairer society where everyone can participate and has the same opportunity to fulfil their potential. It also means that everyone has equality of access to jobs and services.

Equity is about recognising that individuals and groups have different circumstances, so resources are allocated, and adjustments are made, to reach equal outcomes.

Gender Pay Gap is the percentage difference between average rates of pay for men and women across a whole workforce. It reflects broad trends in employment and salaries at an organisation, rather than comparing individuals. It is not the same as equal pay, which is the legal requirement to pay men and women the same rate for the same or similar work.

Health inequality is defined by the King's Fund as avoidable, unfair and systematic differences in health between different groups of people. There are many kinds of health inequality, and many ways in which the term is used.

Inclusion is about an individual's experience within society and the extent to which they feel valued and included.

Intersectional disadvantage is "the interconnected nature of social categorisations such as race, class, and gender, regarded as creating overlapping and interdependent systems of discrimination or disadvantage". (Oxford Dictionary)

Neurodiversity is defined as the range of differences in individual brain function and behavioural traits, regarded as part of normal variation in the human population (used especially in the context of autistic spectrum disorders). (Oxford dictionary)

Protected Characteristics are defined under the Equality Act 2010 and include age, disability, gender reassignment, race, religion or belief, pregnancy or maternity, marriage or civil partnership, sex and sexual orientation. Inclusive terminology of 'gender identity' is considered alongside 'gender reassignment'. Inclusive terminology of gender is considered alongside 'sex'. "Belief" includes "philosophical" and "non-belief".

Public Sector Equality Duty (PSED) sets out that those subject to the duty must have due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Reasonable adjustment duty is the requirement to take reasonable steps to avoid substantial disadvantage where a provision, criterion or practice puts disabled students at a substantial disadvantage.

Socio-economic Duty (SED) came into force in 2021 and aims to deliver better outcomes for those who experience socio-economic disadvantage.

Social Model of Disability looks at disability differently to the medical model. It makes the important difference between 'impairment' and 'disability', and looks at social barriers to access rather than impairments or the person's body. Barriers can be attitudes, physical and organisational barriers.

APPENDIX 2: RELATED POLICIES / BCUHB GUIDANCE

WP7 Procedure for Assessment work for evidencing Due Regard for: Equality Impact, Socio economic Impact, Human Rights, Welsh Language requirements and Armed Forces Covenant.

The aims of this Procedure are to provide a framework to ensure that the equality duty, a human rights approach, and Socio-economic duty principles are identified, considered, and embedding within organisational decision-making and policy/strategy development processes. It also aims to ensure the organisation develops the necessary capability to undertake robust impact assessments.

All Wales Code of Conduct (Business) for NHS Staff and WP6 BCHUB Code of Conduct (Disciplinary Rules and Standards of Behaviour)

Provides the organisations expectations in the standards of conduct and behaviour of all employees in their role.

WP42 Guidance on Dealing with Hate Incidents and Crimes against BCUHB Employees.

This document gives guidance to staff on dealing with situations where they either witness, or are the subject of a hate incident/crime where the perpetrator is:
a service user, their relatives or carers,
a visitor,
a member of the public,
a fellow member of staff.

WP4a Procedure for NHS Staff to Raise Concerns

Provides procedure to:

- (a) Encourage staff to discuss concerns and safety issues as soon as possible, in the knowledge that their concerns will be taken seriously and acted upon as appropriate,
- (b) To encourage staff to report more serious concerns and suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate and where requested that their confidentiality will be respected.
- (c) To provide staff with guidance as to how to raise those concerns.
- (d) To assure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

Raising a concern procedure: The Health Board has a mandatory responsibility to listen and learn from patient and carer experience. The procedure addresses complaints in a person centred way and is used to improve services. The procedure supports staff to resolve complaints as close as possible to the point of service delivery and to respond thoroughly, impartially, and fairly by providing evidence-based decisions based on the facts of the case.

Partnership, Engagement and Communications Strategy: This strategy provides how partnerships, engagement and communication work will be supported across the health board.

'It's Just Good Care - A Guide for Health and Wellbeing Staff Caring for People, who are Trans, Non-Binary or Gender Diverse.' This provides practice guidance for staff to ensure services are inclusive for patients and carers that are transgender / non binary.

WP43 Guidelines to Support Trans and Gender Diverse Staff in BCUHB The Health Board will ensure that anyone who does not identify with the gender assigned to them at birth, regardless of the way they choose to express their gender and any medical interventions they may choose to pursue, will feel valued, respected, and understood and as a result be treated fairly.

WP27 Guidelines On The Fair Treatment Of Disabled People At Work In BCUHB These guidelines are aimed at promoting good practice in the employment of disabled people by providing managers with guidance and information on all aspects of the employment cycle from recruitment and selection, through to promotion, performance management, training and development, and including termination. It is the clear intention of the Health Board to ensure that no employee or job applicant receives less favourable treatment or suffers any detriment because of their disability through clear and consistent guidance on the rights of the individual and the responsibilities of the organisation.

NHS Wales Standard Terms and Conditions for the Provision of Goods and Services Version: 3 - Issued: 6 June 2018

<https://nwssp.nhs.wales/ourservices/procurement-services/documents/terms-and-conditions/>

Areas with specific reference to equality compliance the contractor shall: section 21.7.1 comply with all current employment legislation and in particular, does not unlawfully discriminate within the meaning of the Equality Act 2010 or any other relevant legislation relating to discrimination in the employment of Staff for the purpose of providing the Services.

- Section 21.7.2 in the management of its affairs and the development of its equality and diversity policies, the Contractor shall co-operate with the Authority and/or Beneficiary in respect of the Authority's and/or Beneficiary's obligations to comply with statutory equality duties. The Contractor shall take such steps as the Authority and/or Beneficiary considers appropriate to promote equality and diversity, including race and sex equality, equality of opportunity for disabled people, gender equality, and equality relating to religion and belief, sexual orientation and age in the provision of the Services.

Section 58 Equality and Non-discrimination

- 58.1 The Contractor shall comply with the Equality Act 2010 ("2010 Act") and any other applicable equality legislation.
- 58.2 The Contractor acknowledges and agrees that the Authority and/or Beneficiary is subject to the public sector equality duty set out in section 149 of the 2010 Act.
- 58.3 The Contractor must, in respect of its performance of this Contract, comply with section 149 of the 2010 Act and warrants and undertakes to have due regard in its performance of this Contract to:
 - 58.3.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the 2010 Act;
 - 58.3.2 advance equality of opportunity between persons who share a relevant protected characteristic (as defined in the 2010 Act) and persons who do not share it;
 - 58.3.3 foster good relations between persons who share a relevant protected characteristic (as defined in the 2010 Act) and persons who do not share it;
 - 58.3.4 and for the avoidance of doubt this obligation shall apply irrespective of whether the Contractor is a public authority for the purposes of such section.
- 58.4 Without prejudice to Clause 58.3 the Contractor shall:
 - 58.4.1 comply with the Authority's and/or Beneficiary's instructions and directions and any Policies and codes of practice issued by it from time to time in relation to the 2010 Act; and
 - 58.4.2 promptly notify and keep the Authority and/or Beneficiary informed (with full supporting details if requested) of all complaints and investigations in relation to the 2010 Act.
- 58.5 The Contractor shall provide to the Authority and/or Beneficiary such information as the Authority and/or Beneficiary may reasonably require to:
 - 58.5.1 monitor the equity of access to the services; and
 - 58.5.2 fulfil its obligations under legislation (including any sub-ordinate legislation); and
 - 58.5.3 monitor equality of opportunity in employment.

- 58.6 The Authority and/or Beneficiary and the Contractor shall each undertake Equality Impact Assessments in accordance with the legislation (including any sub-ordinate legislation).
- 58.7 The Contractor shall notify the Authority and/or Beneficiary immediately of any investigation of or proceedings against the Contractor under the 2010 Act and shall cooperate fully and promptly with any requests of the person or body conducting such investigation or proceedings, including allowing access to any documents or data required, attending any meetings and providing any information requested.
- 58.8 The Contractor shall indemnify the Authority and/or Beneficiary against all costs, claims, charges, demands, liabilities, damages, losses and expenses incurred or suffered by the Authority and/or Beneficiary arising out of or in connection with any investigation conducted or any proceedings brought under the 2010 Act due directly or indirectly to any act or omission by the Contractor, its agents, staffs or sub-contractors.
- 58.9 The Contractor shall impose on any sub-contractor obligations substantially similar to those imposed on the Contractor by this Clause 58.

APPENDIX 3: PLEDGES

Zero racism Wales - Betsi Cadwaladr University Local Health Board | Zero Racism Wales

Betsi Cadwaladr University Local Health Board commits to promoting a zero tolerance to racism throughout the Betsi Cadwaladr University Local Health Board, this means that:

- We will take a stand against racism and promote a more inclusive and equal society for all.
- We will not tolerate racial prejudice, discrimination, harassment, victimisation, abuse, or violence against any individual.
- We will stand in solidarity, come together, and say no to racism, in all its forms.
- We will promote good race relations between people from diverse ethnic backgrounds in Betsi Cadwaladr University Local Health Board.
- We will promote equal and fair opportunities for people from diverse ethnic backgrounds to attain promotion.
- We will eliminate unlawful race discrimination, harassment, victimisation and abuse.

This pledge directly relates to the Anti-racism Wales Action Plan and related Health Board work relating to this plan.

Breastfeeding Welcome Scheme – promoting breastfeeding across the Health Board and throughout communities in north Wales.

Step into health Programme – supporting Armed Forces community to access career opportunities within the NHS.

APPENDIX 4: MONITORING

Statutory requirements	Tool	Frequency	Governance route
Reporting on progress on Strategic Equality Plan – yearly plan	Monitoring of progress made against actions and regular reporting	Quarterly	Equality and Human Rights Strategic Forum
	Equality Annual Report – published	Annually	Board
Gender Pay Gap Report	Annual Report – published	Annually	Equality and Human Rights Strategic Forum
Employment monitoring report	Annual Report – published	Annually	Equality and Human Rights Strategic Forum
Workforce Race Equality Standard	Reporting as directed by Welsh Government	Annually	Equality and Human Rights Strategic Forum