

EQUALITY AND DIVERSITY POLICY

POLICY STATEMENT

1. PHSO aims to be an exemplar organisation, demonstrating excellence in equality and diversity. We strive to be inclusive through respecting one another, promoting and achieving equality of opportunity, and valuing diversity, and providing an accessible, responsive service to our customers.

PURPOSE AND SCOPE OF POLICY

2. The purpose of this policy is to ensure that our commitment to equality of opportunity and valuing diversity is reflected in all employment processes. The policy covers all PHSO employees, including those on fixed-term contracts and those on secondment from other organisations.
3. The term 'discrimination' is used throughout this policy to mean unfair and unlawful discrimination.

PRINCIPLES

5. Equality and diversity is central to our daily working life at PHSO. We aim to prevent and remove unfair discrimination, harassment and victimisation wherever we encounter it in our work, to promote equality of opportunity in all that we do, and to value and respect differences. Relevant training and development is provided to employees to achieve this.
6. All employees have a responsibility to challenge, report and/or directly dealing with discriminatory behaviour, unfair treatment, harassment or bullying at PHSO. Our Dignity at Work Policy outlines the process through which people can raise concerns.
7. We recognise that people have preferences in relation to the world around them. However every employee has a responsibility to ensure that decisions made at work are not affected by bias or prejudice. The Equality Act (2010), states that there are nine protected characteristics and that it is unlawful to discriminate against people because of those characteristics.
8. Discrimination, harassment and victimisation are disciplinary offences which may lead to dismissal.
9. Our policy will comply with and, where appropriate, exceed statutory requirements of the Equality Act 2010, as appropriate and in accordance with current good practice.

10. Under the Equality Act, PHSO is subject to the Public Sector Equality Duty in respect of its employment and procurement functions. In these areas PHSO will have due regard to the need to:
- eliminate discrimination, harassment and victimisation, and other conduct prohibited by the Act
 - advance equality of opportunity between people who share protected characteristics and those who do not
 - foster good relations between people who share protected characteristics and those who do not

To fulfill this obligation PHSO will conduct Equality Analysis to assess the effects of all employment related policies. Further guidance on Equality Analysis is available.

11. PHSO is committed to becoming an organisation which understands the effects of disability, and provides effective support so that disabled employees are able to perform to the best of their ability. This means ensuring that they have the opportunity to discuss and request reasonable adjustments, and that managers will ensure that any agreed adjustments are put in place promptly. When considering reasonable adjustments, PHSO will consider how best to prevent substantial disadvantage.

OUTCOMES

12. The outcomes of this policy are that:
- PHSO acts in compliance with relevant statutory requirements, specifically the Equality Act
 - PHSO's workforce better reflects the community we serve, and the working populations around our sites, at all levels
 - there are no significant differences in results of the People Survey between those with protected characteristics and those without
 - PHSO's employees understand and respond effectively to the diverse needs of the communities we serve in order to promote equal access to our services.

MONITORING AND REVIEW

13. HR, People & Talent will monitor the effectiveness of this policy to ensure we are achieving the stated outcomes above by reviewing:
- in consultation with Management and Office Trade Unions regularly
 - the implementation of all other PHSO employment policies
 - E&D workforce and customer data, through reports to the Leadership Team
 - the results of the people survey to determine whether there are significant differences between employees with protected characteristic

14. A formal review of this policy will occur every three years unless there is a significant change in relevant legislation which triggers a review before then.

PHSO's commitment to equality and diversity

PHSO will be an exemplar organisation, demonstrating excellence in equality and diversity issues across all areas of policy and practice, and influencing others through the high standards that we set.

In all aspects of our work we will be:

- accessible
- inclusive
- responsive
- fair

PHSO's Vision Statement will be realised through all of our staff working together to achieve:

1. An understanding of the different needs of PHSO's customers so that we are able to provide an accessible and responsive service to all who need it
2. A PHSO workforce that includes a diverse range of people at all levels, reflecting the community we serve and the working populations around our sites
3. An open and inclusive culture within PHSO
4. A good reputation for understanding and managing equality and diversity effectively.

PHSO's Diversity Value and E&D Rights and Responsibilities

Diversity is one of the four organisational values, PHSO places great emphasis on E&D particularly as our values shape our behaviours. Our diversity value states:

We value people and their diversity and strive to be inclusive:

- We respect others, regardless of personal differences
- We listen to people to understand their needs and tailor our service accordingly, and
- We promote equal access to our service for all members of the community.

It is important that people understand their rights, and their responsibilities to achieve our vision for E&D and to put our values into action. To do this effectively we expect the following behaviours:

1. Valuing diversity through treating customers and people at PHSO as individuals.
2. Constructively challenging or praising others to ensure the PHSO values are lived out as well as recognising unacceptable behaviour and taking appropriate action
3. Demonstrating an understanding of the E&D Policy and participating in developmental activities relating to E&D

Glossary of terms stated in the Equality Act (2010)

Age

The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if the employee can justify it, ie if the person can demonstrate that it is a proportionate means of meeting a legitimate aim.

Disability

Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Gender reassignment

The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender.

Marriage and civil partnership

The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

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 to which she is entitled.

Race

For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins.

Religion or belief

In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words those not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.

Sex

Both men and women are protected under the Act.

Sexual orientation

The Act protects bisexual, gay, heterosexual and lesbian people.

Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

Discrimination by association

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perception discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic but are perceived as doing so.

Indirect discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if the employee can show that you acted reasonably in managing your business, ie that it is 'a proportionate means of achieving a legitimate aim'.

Harassment

Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual". Employees are also protected from harassment because of perception and association

Third party harassment

The Equality Act makes you potentially liable for harassment of your employees by people (third parties) who are not employees of your company, such as customers or clients. You will only be liable when harassment has occurred on at least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so.

Discrimination arising from a disability

The Act says that treatment of a disabled person amounts to discrimination where:

- an employer treats the disabled person unfavourably;
- this treatment is because of something arising in consequence of the disabled person's disability; and
- the employer cannot show that this treatment is a proportionate means of achieving a legitimate aim,

unless the employer does not know, and could not reasonably be expected to know, that the person has the disability

Discrimination through failure to provide reasonable adjustments

Discrimination against a disabled person occurs where an employer fails to comply with a duty to make reasonable adjustments imposed on them in relation to that disabled person, the employer must:

- avoid the substantial disadvantage where a practice applied by or on behalf of the employer puts a disabled person at a substantial disadvantage compared to those who are not disabled.
- remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a disabled person at a substantial disadvantage compared to those who are not disabled.
- provide an auxiliary aid where a disabled person would, but for the provision of that auxiliary aid, be put at a substantial disadvantage compared to those who are not disabled.

Equal opportunities monitoring

1. One of the stated aims of this policy is to remove discrimination wherever we encounter it in our work and to promote equality in all we do. In employment terms this means being fair to everyone and ensuring no job applicant or employee receives less favourable treatment on the grounds of race, sex, age, sexual orientation, disability, trade union activities, pregnancy or maternity, civil partnership or marriage, religious or other beliefs, or gender re-assignment.

2. As part of our commitment to equality and diversity, we undertake a comprehensive monitoring process to ensure that the above aim is fulfilled. Monitoring helps us to evaluate the effectiveness of our Equality and Diversity strategy and action plan.

3. Information on the protected characteristics is collected at the point of recruitment. If the applicant is then employed at PHSO, the monitoring information is entered in their personal record on the Human Resources (HR) database. Information on all other applicants is logged (anonymously) on a spreadsheet and hard copies destroyed.

4. Based on this information, HR, People & Talent carry out regular monitoring exercises and provide reports to the Leadership Team as part of PHSO's performance reporting cycle as follows:

- staff in post (quarterly)
- recruitment - total applicants, candidates interviewed and appointed, and reserve candidates (six-monthly)
- Performance award nominations and performance ratings (annually)
- Learning and development - participation rates in formal learning and development activity, including further education courses (annually)

5. The above reports monitor ethnic origin, sex, disability, age, marital status and religious belief (and sexual orientation for the Staff in Post report). Where appropriate, the reports also include monitoring information on part-time/full-time employees and pay band. Where data permits gender reassignment, civil partnership or marriage and pregnancy and maternity may be analysed.

6. In addition to the above, PHSO's Employment Assistance Programme service provider submits a report to PHSO senior management on users of their services monitored by some of the protected characteristics.

7. Performance awards monitoring information is published annually in InPHOmatation.

8. All the above information is reported appropriately anonymised and no individual employee is identified in the reports. All Equal Opportunities monitoring information is kept secure, confidential and in compliance with Data Protection Act (1998) guidelines. Access to individual data is strictly restricted to the HR, People & Talent.

9. Additional monitoring takes place within the HR, People & Talent in relation to other employment processes and learning and development activities and events. Such monitoring is not published in regular reports; however, senior management are alerted in the event of any significant trends or concerns.