

EQUALITY & DIVERSITY POLICY

Policy Statement

This policy applies to all Staff working at Blackburn Road Medical Centre and Birkenshaw Health Centre.

The Practice Partners are committed to providing diversity and equality to all employees whether full time, part time or temporary. We therefore wholeheartedly accept our legal obligations under the legislation, identified below, which makes it generally unlawful to discriminate directly or, indirectly in recruitment, employment or after employment on the grounds of:

- Age,
- Disability,
- Gender Reassignment/Trans Status
- Marriage & Civil Partnership
- Pregnancy and Maternity,
- Race (which includes colour, nationality and ethnic or national origins)
- Sexual orientation
- Sex/Gender Identity
- Religion or belief

These are known as '**protected characteristics**'.

We also undertake not to discriminate unfairly on the grounds of trade union membership and activity, political or religious belief and unrelated criminal convictions.

There are two types of discrimination that are unlawful: direct and indirect discrimination.

Direct discrimination is where a person is treated less favourably because of their race, sex, disability, sexual orientation, religion or belief, or age.

Indirect discrimination is where the employer applies a practice, requirement or condition which applies equally to all individuals, but which:

- Has an adverse disproportionate impact on a group of people because of their race, sex, disability, sexual orientation, religion or belief, or age and
- The employer cannot show it to be justified, and
- It causes detriment to the individual.

Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability.



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Every employee is entitled to a working environment which promotes dignity and respect to all. No form of intimidation, bullying, harassment or victimisation will be tolerated.

The employer is committed to implementing equality of opportunity in carrying out all its various functions. We are committed to the development of effective policy, strategy and standards and to the introduction of monitoring and information systems to review and evaluate progress towards the achievement of equality of opportunity.

The employer recognises the effects of historical disadvantage and past discrimination, and will where appropriate and within the law, take positive action to achieve equality of opportunity.

We believe much can be achieved by developing policies, practices and procedures to eliminate unlawful and unfair discrimination and realise that real progress toward equality of opportunity requires a programme of action, which involves the commitment and participation of all staff.

The employer believes that equal opportunities require a genuine commitment to this policy from everyone. For us this also has a duty to adhere to the key guidance in establishing, monitoring and evaluating our responses to the Equality Act, Disability Discrimination Act [DDA]; Sex Discrimination Act and Race Relations Act and all Amendments related to those Acts.

The PSED was created by the Equality Act 2010 and replaces the race, disability and gender equality duties. The duty came into force in April 2011 and places a duty on public bodies and others carrying out public functions.

The aim of the PSED is to embed equality considerations into the day to day work of public authorities, so that they tackle discrimination and inequality and contribute to making society fairer.

All members of staff together with those involved in all activities are required to conduct themselves in accordance with our Equality and Diversity Policy. They are required to take personal responsibility in this area and work towards promoting respect for individuals. This will entail identifying and removing inappropriate behaviour and changing practices which perpetuate inequality and taking necessary action to challenge unfair, discriminatory or racist practices.

Members of staff can be held personally liable as well as, or instead of the Practice, for any act of unlawful discrimination. Staff who commits serious acts of harassment may be guilty of a criminal offence. Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the practice disciplinary procedure.

THE GENERAL DUTY

The new Equality Duty requires public bodies to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

RACE EQUALITY POLICY

Rationale

The employer acknowledges that the society within which we live is enriched by the ethnic diversity, culture and faith of its citizens.

We believe staff have a professional commitment to ensure that we know how to make effective personalised provision for employees, including those for whom English is an additional language or who have special educational needs or disabilities, and how to take practical account of diversity and promote equality and inclusion in our training.

The practice strives to ensure that the culture and ethos of our practice is such that, whatever the heritage and origin of our employees, everyone is equally valued and treats one another with respect.

All employees (including learners and apprentices) will be provided with the opportunity to experience, understand and celebrate diversity.

The definition of institutional racism is “the collective failure of an organisation to provide an appropriate and professional service to employees because of their culture, colour or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people.”

Definition of a racist incident:

“any incident which is perceived to be racist by the victim or any other person”

Our Aims:

Our aims for promoting racial equality and challenging racial discrimination include:

- Ensuring that staff from all racial groups are encouraged to achieve to their full potential.



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- Maintaining an inclusive ethos.
- Acknowledging the existence of racism and being proactive in tackling and eliminating racial discrimination.
- Promoting at every opportunity the practice ethos of welcoming and valuing everyone irrespective of their race, colour, religion, ethnic or national origin, age or sexual orientation.
- Ensuring that equality is an integral part of all our training.

ACTIONS TO ENSURE RACE EQUALITY

The practice will:

1. Undertake a race equality audit on an annual basis.
2. Where monitoring demonstrates disadvantages in employment or under-representation, the practice will undertake positive action measures allowed by law to rectify this. Such as;
 - Provide facilities or services to meet the particular needs of people from under-represented groups.
 - Target job training at particular groups that are under-represented in a particular area of work.
 - Encourage applications from groups that are under-represented in such areas.
 - The Race Equality Policy will be reviewed annually by the practice manager.
3. The practice will ensure that our quality assurance processes identify good practice.
4. The practice will endeavour to ensure that our staff team reflects the multi-cultural and multi-ethnic society in which we live.
5. All racist incidents will be recorded and reported to the Manager. All incidents will be resolved sensitively, in a manner, which supports the victim and both sanctions and educates the perpetrator.

All staff, learners and apprentices will:

1. Be made to feel valued members of the practice.
2. Be encouraged to reach their full potential.
3. Be supported in their development.
4. Have their views, backgrounds and beliefs respected by colleagues and peers.
5. Act as role models through the positive relationships they foster with colleagues and peers.

Monitoring by Ethnicity

The practice recognises ethnic monitoring as essential to ensure that no ethnic group is being disadvantaged, and that monitoring leads to action planning. We will build on that approach to tackle other key areas identified.

Due Regard

One Size Does Not Fit All

Our staff and patients are all different ([protected characteristics](#)) and therefore 'one size does not fit' all when it comes to service design or delivery. The Practice aims to make sure our work, and the services we commission, promote equality, diversity and human rights, are fair and reflect local needs.

All public organisations, including the Practice and public providers and commissioners of health and social care services have a legal duty to promote equality.

Equality Analysis

Equality Analysis is the mechanism by which the Practice seeks to ensure that none of our functions, policies and processes have an adverse impact on any people in any of the protected groups described in the [Equality Act 2010](#), namely: age, disability, gender reassignment/trans status, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) and ,sexual orientation

The Public Sector Equality Duty, (Equality Act 2010), seeks to simplify the previous Equality Impact Assessment process. The aim is to reduce bureaucracy whilst seeking to ensure LPT consider the three aims of the Equality Duty as an integral part of decision making in respect of service, policy and process changes. These aims are to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act
- Advance equality of opportunity between people of the same group and people from different groups; and
- Foster good relations between people of the same group and people from different groups.

Making Fair Decisions

Due Regard will be used as a tool to help us make fair, sound and transparent decisions that are based on a robust understanding of the needs and rights of the groups and individuals who may be affected.

LEGISLATIVE FRAMEWORK

Equality Act 2010

(This act replaces the Equality Act 2006, the Race Relations Act 1976 and the Disability Discrimination Act 1995 and seeks to harmonise a number of previous pieces of equal opportunity legislation)

The purpose of the Equality Act 2010 is to simplify discrimination legislation and create a more consistent and effective framework, while at the same time extending discrimination protection. The Act defines discrimination as less favourable treatment because of a **'protected characteristic'**. The protected characteristics under the Equality Act are: disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. Indirect discrimination against individuals because they have a relevant protected characteristic is also covered (with the exclusion of pregnancy & maternity).

PRACTICE ANTI-DISCRIMINATION (EMPLOYMENT) POLICY

The Practice:

- Values its employees equally
- Will ensure that all employees are treated with dignity and respect
- Will ensure that employees will receive the same contractual pay and benefits as a person of the different gender doing the same or broadly similar work
- Will promote equality of opportunity between men and women
- Will offer equal opportunities to all employees, and treat all employees the same regardless of age, sex/gender, trans status, marital status, pregnancy, race, ethnicity, disability, sexual orientation, gender, pregnancy or maternity status, religion or belief
- Will not tolerate any discrimination against any employee or job applicant for any of the above reasons; any such discrimination will be considered as a disciplinary offence
- Will not tolerate any discrimination against a visitor or patient; any such discrimination will be considered as a disciplinary offence
- Will advertise externally and within the Practice all job vacancies; all applications will be welcomed and considered, irrespective of age, sex/gender, trans status, marital status, pregnancy, race, ethnicity, disability, sexual orientation, religion or belief
- Will advertise within the Practice all opportunities for promotion, transfer and training; all applications will be welcomed and considered, irrespective of age, sex/gender, trans status, marital status, pregnancy, race, ethnicity, disability, sexual orientation, religion or belief

And has fully adopted the requirements and ethos of the Equality Act 2010 and associated legislation.



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APPLICABILITY

This Policy applies to all employees and Partners, and also applies in principle to other people who work at the Practice e.g. self-employed staff, temporary staff and contractors.

PROCEDURE

If you feel discriminated against:

- You should bring the matter to the attention of the Practice Manager.
- The Practice Manager will investigate the matter thoroughly and confidentially within 3 working days.
- The Practice Manager will establish the facts and decide whether discrimination has taken place and advise you of the outcome of the investigation within 10 working days.
- The Practice Manager will take appropriate action to prevent further discrimination and discipline the offender(s), if appropriate, via the Practice's Disciplinary Procedure.

If you are not satisfied with the outcome, you should progress the matter via the Practice's Grievance Procedure, starting at the Formal Procedure Stage 1.

* if the complaint is against The Practice Manager, you should bring the matter to the attention to a GP Partner.

OTHER LEGISLATION

Rehabilitation of Offenders Act 1974

The purpose of the Act is to benefit those people who have been convicted of a criminal offence in civilian life or in the services (Army, Navy or Air Force) and who have since not committed any crimes.

According to the Act, if a person is convicted of a criminal offence and receives a sentence of not more than 2½ years and is not convicted again during a specified period of time (known as the *rehabilitation period*) s/he becomes a rehabilitated person. The conviction for the offence then becomes 'spent', or forgotten, and the person in possession of a spent conviction can then have equal access to the same benefits as a person without the same conviction within the realms of employment, training and housing.

Police Act 1997 – section 122

This section of the Act requires the organisation to publish a Code of Practice. This is to provide assurance to those applying for Standard Disclosures – (information contained in criminal record certificates) or Enhanced Disclosures (information contained in enhanced criminal record certificates), that the information released will be used fairly and stored securely.

Public Order Act 1986 and Criminal Justice Act 1994

In some cases the offender may commit a criminal assault and criminal liability may arise under these Acts. It is an offence to intentionally cause harassment, harm or distress through using threatening, abusive or insulting words, behaviours or displays of material. There is a penalty of up to 6 months in jail and/or a fine of up to £5,000.

Protection from Harassment Act 1997

This imposes a criminal liability on the part of the offender. There is a penalty of up to 6 months in jail and/or a fine of up to £5,000.

Human Rights Act 1998

Human rights Act incorporates rights under the European Convention of Human Rights into domestic law. Individuals can bring claims under the HRA against public authorities for breaches of Convention rights. UK courts and tribunals are required to interpret domestic law, as far as possible, in accordance with Convention rights. Previous case law may be overturned if there is a breach of Convention rights and the relevant law can be re-interpreted in a way which is compatible with Convention rights. Convention rights include a right not to be discriminated against on non-exhaustive grounds, which include that of sex, where another Convention right is engaged.

Gender Recognition Act 2004

The 2004 Gender Recognition Act (GRA) makes it a criminal offence to disclose an individual's transgender history to a third party without their written consent if that individual holds a Gender Recognition Certificate (GRC). Patients do not need to show a GRC or birth certificate in order for the GRA 2004 to be in effect, so it is best practice to act as though every trans patient has one. This means always obtaining a trans patient's written consent before sharing details about their social or medical transition, sometimes also called gender reassignment, with other services or individuals. This includes information such as whether a patient is currently taking hormones or whether they have had any genital surgery, as well as information about previous names or the gender they were given at birth. Consent should always be obtained before information relating to the patient being trans is shared in referrals and this information should only be shared where it is clinically relevant, e.g. it would be appropriate when referring a trans man for a pelvic ultrasound but not when referring him to ENT

European Legislation

- The Pregnant Workers Directive

- Article 119 of the Treaty of Rome
- The Equal Treatment Directive
- The Equal Pay Directive

Grievance

If an individual feels this policy does not support them or that it is being implemented inadequately, they should report their grievance to the Practice Manager.

If an individual regards any matter as requiring formal resolution under this policy then such matters should be referred to the surgery Grievance Policy & procedures.

The Surgery through its Partner/s is responsible for ensuring the implementation of this policy.

RESPONSIBILITIES

Aspect	Overall responsibility	Delegated control
Equality / diversity training and standards	Practice Manager	Practice Manager
Equality / diversity annual audit and review	Practice Manager	Administration Manager
Recruitment and selection management and processes	Practice Manager	Business Manager

Checklist

ASPECT	REQUIREMENT	CHECKED AND PRESENT Y/N
New recruits	Monitoring (where carried out) is entirely separate, and confidential from, the selection process. Equality and diversity training carried out	
Existing staff	Equality and diversity training carried out	
Annual review and audit	Completed, and follow up actions identified and action planned	

Monitoring Form



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Monitoring is strictly confidential but not anonymous. Pay numbers are a way to identify employees for monitoring purposes to ensure fairness and access to opportunity. For job applicants, you should enter the job applied for title.

Job Title (Position held or applied for)		
Candidate Number / Payroll number		
Ethnicity	How would you describe yourself (mark all that may apply)	A White <input type="checkbox"/> White <input type="checkbox"/> British <input type="checkbox"/> Irish <input type="checkbox"/> Scottish <input type="checkbox"/> English <input type="checkbox"/> Welsh Any other White background, please write below
		B Mixed Heritage <input type="checkbox"/> White and Black Caribbean <input type="checkbox"/> White and Black African <input type="checkbox"/> White and Asian Any other Mixed background, please write below
		C Asian or Asian British <input type="checkbox"/> Indian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi Any other Asian background, please write below
		D Black or Black British <input type="checkbox"/> Caribbean <input type="checkbox"/> African Any other Black background, please write below
		E Chinese or other ethnic group <input type="checkbox"/> Chinese Any other, please write below
		F prefer not to say

Continued over....



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Disability	<p>Do you consider yourself to have a disability or a long-term health condition?</p> <p>What is the effect or impact of your disability or health condition?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OR: Prefer not to say</p>
Gender monitoring	Would you describe yourself as:	<p>Please circle Gender: Male (including trans men) / Female (including trans women) /</p> <p>Non-binary / In Another Way (Please Specify)</p> <p>_____</p> <p>Is this the gender you were assigned at birth? Yes / No</p> <p>Sexual Orientation: Lesbian or Gay / Straight or Heterosexual / Bisexual /</p> <p>Other (please specify).....</p>
Age monitoring	What is your Date of Birth?	<p>__ / __ / ____ (dd/mm/year)</p> <p>OR: Prefer not to say</p>

Confidentiality Statement

- The Practice has established procedures to ensure compliance with the requirements of the General Data Protection Regulations (Regulation (EU) 2016/679) and the Data



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Protection Act and other associated and related legislation and guidance. The Practice regard all identifiable personal information relating to patients as confidential and compliance with the legal and regulatory framework will be achieved, monitored and maintained.

Commitment to Review

The Equality & Diversity policy will be reviewed annually by the Practice Manager