

Practice Policy on Equality and Diversity

Policy Statement

This policy applies to all staff employed by Penrose Health.

Penrose Health is committed to providing diversity and equality to all employees whether full time, part time or temporary. We openly accept our legal obligations under 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 (colour, nationality and ethnic or national origins), Sexual orientation, Sex/Gender Identity, Religion or belief

These are [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.

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 required 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.

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 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 commit 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 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 ethos of our practice is one where, whatever the heritage and origin of our employees, everyone is equally valued and treats each other with respect.

All employees (including temporary and in probation period) 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:

“an 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.
- 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, which may include;
- Providing 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.
 - The practice will ensure that our quality assurance processes identify good practice.
 - The practice will endeavour to ensure that our staff team reflects the multi-cultural and multi-ethnic society in which we live.
 - All racist incidents will be recorded and reported to the managing partner, Mr Sunil Gupta. All incidents will be resolved sensitively, in a manner, which supports the victim and both sanctions and educates the perpetrator.

All staff will:

1. 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 positive relationships with colleagues.

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. Penrose Health 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 Penrose Health 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 Penrose Health seeks to ensure that our functions, policies and processes do not have an adverse impact on any persons in 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 opposite sex 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.

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 your line manager
- Your line manager will investigate the matter thoroughly and confidentially within 3 working days.

- Your line 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.
- Your line 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.

* should the complaint be against your line manager, you should bring the matter to the attention of the managing partner, Mr Sunil Gupta.

OTHER LEGISLATION

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

Grievance

If an individual feels this policy does not support them or that it is being implemented inadequately, they should report their grievance to their line 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 practice, through its Partners and management team, are responsible for ensuring the implementation of this policy.

Commitment to Review

Next review: 11th February 2022