

Livewell Southwest

Equality and Diversity Policy

Version No 3.0

Review: March 2025
Expires: August 2025

Notice to staff using a paper copy of this guidance

The policies and procedures page of the Livewell Southwest intranet holds the most recent version of this guidance. Staff must ensure they are using the most recent guidance.

Author: People and Professionalism

Asset Number: 834

Reader Information

Title	Equality and Diversity Policy.V.3
Asset number	834
Rights of access	Public
Type paper	Policy
Category	Non clinical
Document purpose/ summary	The Equality & Diversity Policy is a public commitment of how Livewell Southwest intends to meet its statutory duties placed on it by equality legislation.
Author	People and Professionalism
Policy Author's Manager	Dawn Slater, Director of People and Professionalism
Ratification date and group	August 2022. Virtual Policy Ratification Group
Publication date	29 th March 2023
Review date and frequency	Three years after publication, or earlier if minor changes are required.
Disposal date	The PRG will retain an e-signed copy for the archive in accordance with the Retention and Disposal Schedule, all copies must be destroyed when replaced by a new version or withdrawn from circulation.
Target audience	This Policy covers all employees working at all levels and grades. It also extends to persons working for Livewell Southwest such as secondees, agency staff, volunteers, contractors and others employed under a contract of service, and all other individuals using or accessing Livewell Southwest services
Circulation list	Electronic: Livewell Southwest (LSW) intranet and website (if applicable) Written: Upon request to the Policy Coordinator at livewell.livewellpolicies@nhs.net Please contact the author if you require this document in an alternative format.
Consultation process	Virtual Policy Ratification Group
Equality analysis checklist completed	Yes
References/sources of information	NHS Employers is responsible for workforce and employment issues, working on behalf of NHS organisations in England. www.nhsemployers.org • ACAS is an organisation devoted to preventing and resolving employment disputes. www.acas.org.uk • Workforce Race Equality Standard https://www.england.nhs.uk/about/equality/equality-hub/equality-standard/ • Workforce Disability Equality Standard https://www.england.nhs.uk/about/equality/equality-hub/wdes/

	<ul style="list-style-type: none"> • Equality Delivery System https://www.england.nhs.uk/about/equality/equality-hub/eds/ • Agenda for Change Terms and Conditions Handbook • Equality Act 2010 • Equality and Human Rights Commission Codes of Practice • European Convention on Human Rights • Human Rights Act 1988 <p>CQC https://www.cqc.org.uk/publications/equally-outstanding-equality-human-rights-good-practice-resource-november-2018</p>
Associated Documentation	Bullying & Harassment Policy, Compliments, Concerns & Complaints Policy, Dress Code Policy, Flexible Retirement Policy, Attendance Policy, Incident Reporting & Investigation, Workplace Adjustments Policy, Disciplinary Policy, Violence & Aggression Management Policy, Grievance Policy, Interpretation & Translation Policy, Safeguarding Policy, Appraisal and Line Management Policy, Whistleblowing Policy
Supersedes document	All previous versions
Author contact details	By post: Local Care Centre, Mount Gould Hospital, 200 Mount Gould Road, Plymouth, Devon. PL4 7PY. Tel: 01752 434700 (LCC Reception) or e mail: livewell.livewellpolicies@nhs.net

Document Review History

Version no.	Type of change	Date	Originator of change	Description of change
For previous versions, please contact the VPRG				
V3.0	Full Review	27/3/23	Deputy Director of People	Full Review

Contents		Page
1	Introduction	5
2	Purpose	5
3	Definitions	6
4	Duties and Responsibilities	7
5	Equal Opportunities in Employment	8
6	Service Delivery	9
7	Complaints	9
8	Training Implications	9
9	Monitoring Compliance	9

Equality and Diversity Policy

1. Introduction

- 1.1 As an equal opportunities employer, Livewell Southwest will promote equality with due regard to the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Livewell will also promote equality with due regard to carers, ex-offenders, members of trade unions, political affiliation and social background.
- 1.2 Everybody has a right to be treated with dignity and respect and in doing so, the organisation recognises its legal duties under the Equality Act 2010 and Human Rights Act 1998.
- 1.3 Livewell is committed to creating a culture in which equality, diversity and human rights are promoted actively and has a zero-tolerance approach to unlawful discrimination, intimidation, bullying and harassment. Livewell recognises that the experiences and needs of every individual are unique and strives to respect and value the diversity of its patients, service users, carers, public and employees.
- 1.4 Board Policy Statement
- 1.5 Livewell Southwest is committed to fairness and equity and values diversity in all aspects of its work as a provider of health and social care services and as an employer of people. We constantly strive to build a workforce that is representative of the community it serves.

2. Purpose

- 2.1 This Policy applies to all employees working at all levels and grades. Everyone who works for Livewell Southwest or applies for work must be treated fairly and valued equally. It also extends to persons working for Livewell Southwest such as secondees, agency staff, volunteers, contractors and others employed under a contract of service, and all other individuals using or accessing Livewell Southwest services.
- 2.2 Livewell Southwest will use this Policy and other relevant policies to ensure fair and reasonable treatment of its patients, employees and members of the public.
- 2.3 Livewell Southwest values the diversity of its employees as an asset for the organisation to build upon and wishes to encourage all colleagues to reach their full potential. It encourages a healthy balance between home and work life through flexible working patterns where these are appropriate and fit the service needs.
- 2.4 Appropriate training will be provided to enable all employees to perform their jobs effectively and to develop their careers. Opportunities for learning and development will be organised to take account of different working patterns as well as service requirements and promoted in a way to ensure equity of access. Livewell Southwest is

also committed to enabling each employee to achieve their future potential in an environment that has dignity and respect as it core belief.

- 2.5 Livewell Southwest recognises the importance of ensuring that the workforce profile broadly reflects the profile of the patient population and the communities we serve.
- 2.6 Livewell Southwest is committed to meeting the targets that relate to health inequalities in care and treatment and the standards set out by the Care Quality Commission.
- 2.7 This Policy is based on the Equality Act 2010 and covers the first of the three requirements of the Public Sector Equality Duty:
 - 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.
- 2.8 The specific duties require public bodies to:
 - Publish information to show their compliance with the Equality Duty, at least annually; and
 - Set and publish equality objectives, at least every four years.

All information must be published in a way which makes it easy for people to access it.

3. Definitions

- 3.1 **Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

- 3.2 **Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by direct sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

- 3.3 Harassment** is where there is unwanted conduct, related to one of the protected characteristics that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.
- 3.4 Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.
- 3.5 Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic.
- 3.6 Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint.
- 3.7 Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

4. Duties and Responsibilities

4.1 The Chief Executive will

- Ensure that Livewell applies the principles of managing diversity and equality to all its operations and demonstrates a commitment to managing diversity.
- Ensure that the commitment from the organisation in managing diversity and equality is communicated to all employees of Livewell Southwest.
- Lead by example, developing and promoting an organisational culture that is supportive of the benefits of managing diversity and equality.

4.2 The Director of People & Professionalism will

- Ensure that all people policies, practices and procedures are consistent with legislative requirements and best practices relating to workplace diversity and equality.
- Ensure that employees have access to the necessary training interventions with regard to managing diversity and equality, and that all relevant training events are supportive of the principles of this Policy.
- Monitor the effectiveness of this Policy and other policies and procedures in relation to diversity and equality of opportunity, in particular through use of the staff survey, workforce profile, recruitment and selection monitoring, and incidents of harassment, taking any necessary action as appropriate.

- Report to the Board on an annual basis relevant data relating to diversity and equality issues.

4.3 Inclusion Steering Committee

The focus of the committee is to provide a steer for:

- The implementation of Livewell's Equality & Diversity Policies and Strategy
- Compliance in line with the Equality Act 2010 including requirements outlines in the Public Sector Equality Duty (PSED)
- Monitoring developments / progress with regards to the Equality Delivery System (EDS2)
- Monitoring developments / progress with regards to:
 - o Workforce Race Equality Standard (WRES)
 - o Workforce Disability Equality Standard (WDES)
 - o Gender pay gap

4.4 Managers

- Ensure that policies and procedures relating to managing diversity are implemented and communicated to all existing employees and new employees on their commencement.
- Promote a professional and positive work environment, and in doing so ensure employees' rights to pursue a career with dignity.
- Raise awareness of managing diversity and the principles of equality of opportunity, acting as a role model for others, and developing personal skills in order to handle issues relating to discrimination and harassment.
- Be directly responsible for the resolution of issues relating to harassment and discrimination in their work area, in accordance with Livewell's policies and procedures, including the Disciplinary Policy where necessary.

4.5 Employees

- Maintain a professional working environment, treating other employees and service users with respect.
- Comply with and promote Livewell policy and procedures with regard to managing diversity.
- Be aware of their responsibility, challenge inappropriate behaviour when appropriate and always report inappropriate behaviour to their manager.

5. Equal Opportunities in Employment

Livewell will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively

against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability.

Livewell will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

6. Service Delivery

- Livewell Southwest will ensure that its services are non-discriminatory, enabling equality of access and provision and meet the requirements of the Equality Act 2010.
- Livewell Southwest will ensure that people from all diverse communities within its catchment area know what services are available and where necessary will be shaped around the needs of the whole of the population in order to gain equal levels of satisfaction.
- Livewell Southwest will actively engage with all diverse communities in order for them to influence and shape services.

7. Complaints

- 7.1 **Employees:** If there is a complaint or concern then this should be raised through the Early Resolution Policy. Facilitated Conversations (mediation services) are available to help resolve issues where appropriate, which can be accessed through the Organisational Development Team.
- 7.2 **People who use our services (to include patients and visitors):** All formal complaints are to be made using Livewell Southwest's Compliments, Concerns & Complaints Policy, which is available from the Complaints Department. Livewell Southwest's Compliments, Concerns & Complaints Policy follows the national guidance for managing complaints.

8. Training Implications

- 8.1 Mandatory training will be provided to ensure that all employees and managers understand their responsibilities under this Policy. This will also be provided on induction.

9. Monitoring Compliance

- 9.1 Compliance with this policy will be monitored by Human Resources and reported to the Diversity and Inclusion Steering Committee.
- 9.2 Livewell's EDI Strategy and action can be found in the link below which is monitored by the Inclusions Steering Group - <https://www.livewellsouthwest.co.uk/equality-diversity-inclusion>.

All policies are required to be electronically signed by the Lead Director. Proof of the electronic signature is stored in the policies database.

The Lead Director approves this document and any attached appendices. For operational policies this will be the Assistant Directors.

The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.

Signed: Director of People and Professionalism

Date: 29th March 2023