



Shropshire, Telford
and Wrekin

Equality and Diversity Policy

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Version 2	Aug 2022	Rebranded for the ICB.

The formally approved version of this document is that held on the NHS Shropshire, Telford and Wrekin ICB website: <https://www.shropshiretelfordandwrekin.nhs.uk/>

Printed copies or those saved electronically must be checked to ensure they match the current online version.

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1. Introduction

- 1.1 The Integrated Care Board (the ICB) is committed to equality of opportunity for all employees and is committed to employment practices, policies and procedures which ensure that no employee, or potential employee, receives less favourable treatment on the grounds of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background, domestic circumstances, social and employment status, HIV status, gender reassignment, political affiliation or any other personal characteristic as outlined in the Equality Act (2010) and any other status covered by the Human Rights Act (1998). Diversity will be viewed positively and, in recognising that everyone is different, the unique contribution that each individual's experience, knowledge and skills can make is valued equally.
- 1.2 The promotion of equality and diversity will be actively pursued through policies and ensure that employees receive fair, equitable and consistent treatment and ensure that employees, and potential employees, are not subject to direct or indirect discrimination.
- 1.3 It is a condition of employment that all employees respect and act in accordance with the Equality and Diversity Policy. Failure to do so will result in the disciplinary procedure being instigated, which could result in dismissal.

2. Scope

- 2.1 This policy applies to all ICB employees, employees of member practices who are employed or are paid by the ICB to attend committees and sub-committees, and ICB board members. For the purpose of this policy, the terms manager(s), staff, employee, individual are used throughout this document to reflect these individuals/groups of people.

3. Policy Statement

- 3.1 The ICB will promote, through the provision of training and guidance, the impartial application of all employment policies and procedures, and will take action to deal with all inappropriate behaviour. Training in relation to equality and diversity is provided to all our staff and appropriate additional training events will be provided for all employees involved in selection for recruitment or training. The responsibilities of the employer and employee for equality and diversity will be positively incorporated into employee training at all levels from induction courses to Statutory and Mandatory Training and Senior Management workshops.
- 3.2 The ICB will adopt appropriate strategies to support and value equality and diversity within the organisation.

4. Responsibilities

4.1 Responsibilities of the Director of Corporate Affairs

- 4.1.1 To ensure through the management structure that staff are appropriately trained for the positions they hold.
- 4.1.2 To ensure this policy is monitored and reviewed.
- 4.1.3 To ensure this policy is communicated to managers and staff.

4.2 Responsibilities of the ICB's Commissioning Support Provider

4.2.1 To monitor the operation and implementation of the policy and for ensuring that monitoring records are maintained.

4.3 Responsibilities of Managers

4.3.1 Managers are required to exercise leadership in this field by discouraging prejudice and by modelling appropriate behaviour. They must ensure that the policy is clearly communicated to their employees along with sources of available support. They must also take speedy and appropriate action to deal with any breaches of the policy, or behaviour that could lead to a breach of the policy.

4.3.2 Any identified breaches of the Equality and Diversity Policy should be dealt with using the Disciplinary, Grievance or Harassment and Bullying policies.

4.3.3 Managers are responsible for applying employment practices, policies and procedures fairly and consistently, and for highlighting and addressing any practices which could lead to discrimination.

4.4 Responsibilities of Employees

4.4.1 All employees are responsible for familiarising themselves with the Equality and Diversity Policy and for complying with it. Employees should inform their manager if they know or suspect that discrimination/ harassment is occurring.

4.4.2 Any individual who believes that an act in breach of this policy has taken place should raise the issue as soon as possible with the individual concerned, their line manager or a member of the Human Resources Team.

4.4.3 If the complaint is against an individual's line manager, then the individual should raise the issue as soon as possible with their line manager's manager or with a member of the Human Resources team.

5 Definitions

5.1 Direct Discrimination

5.1.1 Direct discrimination occurs when an individual is treated less favourably because of a personal characteristic as outlined in the Equality Act (2010) and other status covered by the Human Rights Act (1998). An example of direct discrimination would be dismissing a female employee because she is pregnant.

5.2 Indirect Discrimination

5.1.2 Indirect discrimination occurs when an unjustifiable condition or requirement is applied which has a discriminatory effect, as the number of people who can comply with the condition or requirement is smaller among a particular group. An example of indirect discrimination would be only sending full-time employees on training courses (as more female employees than male is likely to be part-time).

5.3 Discrimination by Association

5.3.1 Discrimination by association occurs when an individual is treated differently because of their gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any

other personal characteristic as outlined in the Equality Act (2010) and other status covered by the Human Rights Act (1998). An example of this would be not offering an individual a job because they have carer responsibilities for someone who has a disability.

5.4 Discrimination by Perception

5.4.1 Discrimination by perception occurs when an individual is treated differently because they are perceived to possess a protected characteristic as outlined in the Equality Act (2010) and other status covered by the Human Rights Act (1998). An example of this would be not promoting an individual because she is thought to be pregnant, regardless of whether she is or not.

5.5 Harassment and Bullying

5.5.1 Detailed information, including definitions, regarding Harassment and Bullying can be found in the ICB's Harassment and Bullying Policy.

5.6 Protected Characteristic

5.6.1 The Equality Act 2010 makes it unlawful to discriminate against people with a 'protected characteristic' (previously known as equality strands / grounds). The protected characteristics outlined in the Act are Age, Disability, Gender Reassignment, Pregnancy and Maternity, Marriage and Civil Partnership, Race, Religion or Belief, Sex and Sexual Orientation.

5.7 Victimisation

5.7.1 This occurs when a person is treated badly because they have brought or supported a complaint of discrimination or raised a grievance under the Equality Act 2010 or internal policy / procedure. It can also occur when an individual is treated less favourably if they have given evidence or information to such proceedings.

6. Equality

6.1 In applying this policy, the ICB will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

7. Monitoring

7.1 The ICB Commissioning Support Provider's Human Resources Department will maintain records of gender, ethnic origin, age and disability for all employees and for internal and external job applicants via NHS Jobs and ESR (Electronic Staff Record) Systems. This information will be collected and stored in line with the Data Protection Act 1998 and will only be used to monitor compliance with the Equality and Diversity Policy. The information will be analysed regularly.

7.2 Equality impact assessments will take place at a frequency to be determined by the Human Resources and Remuneration Committee.

- 7.3 The ICB will have responsibility to monitor the effectiveness of this policy and review it every three years. Where review is necessary due to legislative change, this will happen immediately.
- 7.4 This policy will remain in force until superseded by a replacement agreement or until either side seeks the opportunity to jointly amend or renegotiate the agreement.
- 7.5 Any amendments will be approved by the Audit Committee. Minor changes may be approved by the Chief executive officer.

8. Fraud Bribery and Corruption

- 8.1 Unfortunately fraud, bribery and corruption, as well as theft, does occur throughout the NHS, and as such all NHS employees have a duty to ensure that public funds are protected. The ICB is committed to reducing the level of fraud, bribery and corruption (economic crime) within the NHS to an absolute minimum and keeping it at that level, freeing up public resources for better patient care.
- 8.2 If an employee, manager or volunteer suspects that there has been a potential act of fraud, bribery or corruption against the ICB or the wider NHS, or has seen any suspicious acts or events, they must report the matter to the ICB's Counter Fraud Team (contact details can be found on the ICB's public website) or report the matter to the NHS Fraud and Corruption Reporting Line on 0800 028 4060. Alternatively reports can be made through the online reporting tool at <https://cfa.nhs.uk/reportfraud>. Further advice on counter fraud issues is available from the Executive Director of Finance, Deputy Executive Director of Finance/Fraud Champion and the ICB's Counter Fraud Team.

ICB Counter Fraud Contact details:

Paul Westwood (Heads CW Audit's Counter Fraud Team and is the ICB's nominated Local Counter Fraud Specialist)

Tel: 07545 502400

Email: paul.westwood@cwaudit.org.uk

Email: pwestwood@nhs.net (secure)

9. Counter Fraud

- 9.1 This policy should be read in conjunction with the ICB's policies covering counter fraud, bribery and corruption which can be found on the ICB's website (<https://www.shropshiretelfordandwrekin.nhs.uk/>) or you can contact a member of the Team who will be able to supply a copy.