



Equality and Diversity

By Roving Practice Managers
December 2020

Equality and Diversity



Equality is about ensuring everybody has an **equal opportunity** and is not treated differently or discriminated against because of their characteristics.

Diversity is about taking account of the differences between people and groups of people, and placing a positive value on those differences.

Employers have an obligation to provide employees with a safe work environment free from discrimination, harassment and intimidation. Without the proper training and management, a diverse workplace can become a breeding ground for behaviour and actions that rise to the level of unlawful and unfair employment practices. Therefore, employers have several responsibilities concerning diversity in the workplace.

acas New Acas guides at www.acas.org.uk/equality Equality policy 9 characteristics

Equality and discrimination: the basics

- The law covers nine areas known as protected characteristics: Age; Disability; Gender reassignment; Marriage and civil partnership; Pregnancy and maternity; Race; Religion or belief; Sex (gender); and Sexual orientation
- The law looks at the different types of discrimination that can happen: direct; indirect; harassment; and victimisation
- Have an equality policy in place so all employees know what is acceptable and expected of them
- The policy should be a commitment to deal with inequality, prevent discrimination and to tackle it if it arises
- An employer should be clear how it will handle a complaint of discrimination – there are different options depending on the circumstances.

The table above from ACAS explains the basics. A 5-minute video guide for staff created by ACAS is available at the following link <https://youtu.be/pxkC8A648JA> .

Employees should also read the **practice policy** as part of their induction and the practice may provide the Bluestream online learning modules or access to the TeamNet training on this subject.

Always talk to the Practice Manager (or Partner responsible for HR if their issue relates to the Practice Manager). ***Employees should raise concerns if they have them.***

All staff should make every effort to ensure that the practice and its service remains accessible to all members in the community it serves and raise concerns and make suggestions if you can see where improvements could be made.

Some key terms explained:

Direct discrimination

Occurs when a person is treated less favourably, on the grounds of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. These nine categories are referred to as protected characteristics under the October 2010 Equality Act.

Associative discrimination

Occurs when a person is treated less favourably because they associate with another person with a protected characteristic. For example, carers of disabled people and elderly relatives, who can claim they have been treated unfairly because of the duties they have had to carry out at home relating to their care work. Other examples could be discriminating against a person because their partner is from another country.

Indirect discrimination

Occurs where the effect of certain requirements, conditions, or practices imposed by an employer has an adverse impact disproportionately on one group or other.

Harassment

Occurs when a person feels that behaviour directed towards them is offensive. Employees can also claim if they find something offensive even if it is not directed at them. The practice regards harassment as repeated unwelcome looks, comments, actions, suggestions, or physical contact that is considered objectionable and offensive to an individual or group of employees, and which might threaten an employee's job security or create an intimidating working environment.

Harassment by a third party

The practice can be potentially liable for the harassment of staff they do not directly employ, such as a contractor.

Victimisation

Occurs when a person is discriminated against because they have made or supported a complaint under the Equality Act legislation. The practice will not single out employees for using their workplace complaints procedures.

Discrimination by perception

Occurs when a person is discriminated against because others think they have a protected characteristic, even if they do not

Additional information for Practice Managers

The legislation:

Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Human Rights Act 1998 <http://www.legislation.gov.uk/ukpga/1998/42/contents>

You have a duty to keep the related policies up to date and to ensure that staff have sufficient training and that any concerns are addressed. Attention should also be paid to ensuring that **patients and visitors also have access** to the services of the surgery in a Diverse and non-discriminatory way. It would help the practice to have a workforce and Patient and Public Participation Group that is reflective of its practice demographics or the local population.

Patients should be made aware of this policy using **patient leaflets and on the practice website**.

When investigating **complaints and significant events** consider equality and diversity as part of your investigation.

A good **go-to handbook** is available at https://archive.acas.org.uk/media/4267/Equality-and-discrimination-understand-the-basics/pdf/Equality_and_discrimination_understand_the_basics_-_July_2019.pdf and can be used for future reference or as a check list of what the employer needs to do. Take care when printing off such documents to ensure that you keep the latest version to hand.

ACAS works on resolutions between employees and employers and is a good place to base your standards on. Their guidance is often seen as a bench mark in employment tribunal situations and they are available to mediate also.

If you have a specifically high demographic group and have been unsuccessful in recruiting to the staff team or PPG it is worth making contact with community groups directly, via your local CVS or leaders and asking for their support. They may also be able to help and be willing to come into the practice to talk to staff or the PPG.

Equality Monitoring:

You do not have to track how many job applications you receive from different groups of people, or the characteristics of the people working for you.

If you collect personal information (eg, ethnicity, gender, faith, sexuality) about job applicants or staff, you must protect that data.

You must not discriminate against a candidate based on their personal information.

Monitor patient access with equality and diversity in mind. Are you doing everything that you can?

Supporting **mental health in the workplace:**

A 3-minute video from ACAS <https://youtu.be/yr7BT4dcB3Y> gives good advice, particularly in these more challenging COVID-19 times where mental health conditions are more prevalent and staff more distant.

Ensure that your Policy is kept up to date and reviewed regularly and is easily available to staff.

When there is a problem:

1. refer to the policy and the ACAS or NHS guidance.
2. Take time to talk to everyone involved
3. Seek help and advice if needed
4. Advise your insurer early, if this may escalate, so that you are sure that you follow their procedures to ensure that they maintain their support of the practice.

Other useful contacts:

Department of Health. Equality analysis

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/213693/dh_134183.pdf

NHS England. Patient and public participation equality and health inequalities

<https://www.england.nhs.uk/wp-content/uploads/2017/04/ppp-equalities-analysis.pdf>

The Equality and Human Rights Commission <http://www.equalityhumanrights.com/>

ACAS as above and at <https://www.acas.org.uk/improving-equality-diversity-and-inclusion>

Your LMC, HR advisors, consultants, companies such as Croner or Peninsula or via your insurers.

Blue stream online training - <https://www.bluestreamacademy.com/Home/Contact> or Team net.

Template policies (Equality and Diversity and Equal Opportunities) are also available here on teamnet in Master Documents.

Remember who is here for you – there is a list as part of these induction materials.