

Healthwatch Hertfordshire Equality, Diversity and Inclusion Policy

Purpose of this document

This policy aims to outline Healthwatch Hertfordshire's commitment to ensuring equality of opportunity and equal treatment for all staff, volunteers and board members in terms of employment and access to services and to provide guidance on anti-discriminatory practice. This policy is non-contractual. This policy will be reviewed on an on-going basis and amended in line with new developments in Equality, Diversity and Inclusion best practice.

Healthwatch Hertfordshire's commitment to anti-discriminatory practice relates to any type of discrimination, as set out in the 'additional information' at the end of this document.

Legislation of central importance to our Equality, Diversity and Inclusion policy is:

- [Equality Act 2010](#)
- [Public Sector Equality Duty](#)

Scope

The policy applies to employees directly employed by Healthwatch Hertfordshire (HwH), to workers employed via agencies, contractors in terms of employment, directors, volunteers, service users and the general public in terms of service provision. The policy applies to discrimination and equality of opportunity in respect of the 'protected characteristics' as defined in the Equalities Act 2010 listed below but is not limited to these protected characteristics. The policy could also apply to economic class for example.

- (a) Age
- (b) Disability
- (c) Gender reassignment
- (d) Marital status and civil partnership
- (e) Pregnancy and maternity
- (f) Race
- (g) Religion or cultural beliefs
- (h) Sex
- (i) Sexual orientation¹

¹ A more detailed definition of these terms has been included in Appendix 1.

In the Equality Act, no one protected characteristic has a higher priority than any other.

The HwH Equality, Diversity and Inclusion policy applies across the range of employment policies and practice, including those relating to Discipline, Grievance, Code of Conduct, Complaints, Whistleblowing and Values and Behaviours.

Responsibilities

HwH values its staff and volunteers and expects them to be treated in a respectful manner. Accordingly, everyone has a responsibility to treat others with dignity and respect. The Chief Executive Officer/ Responsible Officer is responsible for providing advice and guidance on equality and diversity issues, and to ensure the Policy document reflects best practice and current legislation.

Aims

HwH is committed to valuing diversity and working with equality as a core value, HwH aims to:

- Promote equality of opportunity
- Celebrate and value diversity
- Eliminate unlawful direct and indirect discrimination
- Promote a culture of inclusion

HwH will provide equality of opportunity and equal treatment as an integral part of good practice. The organisation is committed to a working environment in which the contribution and needs of everyone are fully valued and recognised. We will support our staff, volunteers and clients in not tolerating any inappropriate, violent or abusive behaviour from colleagues, other organisations or clients.

General purpose

HwH's practices will ensure that staff, volunteers, service users and the general public will not be discriminated against on any grounds including age, disability, race, sex, religion or cultural beliefs, gender reassignment, marital status and civil partnership, sexual orientation, pregnancy and maternity.

Employment Practices

It is unlawful to discriminate directly or indirectly in recruitment or employment because of a 'protected characteristic'.

HwH aims to promote equality, diversity and inclusion as an employer and to ensure that no job applicant or employee receives less favourable treatment or is disadvantaged by conditions or requirements that cannot be shown to be

justifiable in the context of the policy. We will demonstrate transparency to ensure all internal and external potential candidates are treated fairly. We will encourage candidates from all the protected characteristics to apply for roles at all levels and use a wide range of approaches to target underrepresented groups. Factors which may identify the person's protected characteristics are removed from within their application and supporting documentation. Candidates will be anonymous when shortlisted.

Selection, recruitment, training, promotion and employment practices will be subject to regular review to ensure that they comply with the Equality, Diversity and Inclusion Policy. All training opportunities will be published widely to all appropriate employees and not in such a way so as to exclude particular groups. HwH regards discrimination, abuse, harassment, victimisation or bullying of staff, volunteers, clients or others in the course of work as disciplinary offences that could be regarded as gross misconduct.

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

HwH as a Service Provider

In developing its services and support and publicity materials, HwH will seek to ensure that access is equitable for all. This will include, wherever practicable, making specific access arrangements for clients with disabilities or learning disabilities, or any other protected characteristic which may apply, such as religion and belief. HwH will attempt to ensure that none of its policies discriminate directly or indirectly against any group or individual.

Our aims

HwH fully supports the principle of equality, diversity and inclusion. We aim to encourage, value and manage diversity and we recognise that talent and potential are distributed across the population. Not only are there moral and social reasons for promoting equality of opportunity, it is in the best interest of this organisation to recruit and develop the best people for our jobs from as wide and diverse a pool of talent as possible.

HwH recognises that certain groups and individuals in society are oppressed and disadvantaged due to discrimination directed against them. In all its work HwH will work to remove any barriers, bias or discrimination that prevents individuals or groups from realising their potential and contributing fully to our organisation's performance and to develop an organisational culture that positively values diversity. When listening to communities and individuals HwH will make every effort to understand the context in which people live their lives. Where understanding is more difficult HwH staff and volunteers will be supported in respectfully seeking information.

Those people experiencing discrimination may experience particular issues when accessing health and social care services. When working with partner organisations HwH will be aware of discriminatory practice and how this may manifest itself. Staff and volunteers will be supported in bringing any issues to the attention of partner organisations. Whenever practical and possible HwH will support public sector organisations in undertaking Equality Impact Assessments.

Discrimination operates through commonly held assumptions and prejudices, which are reinforced by laws, rules and customs. This makes discrimination appear normal and inevitable. Discrimination works by stereotyping people into different roles, by treating some people worse than others, or simply by ignoring them.

All forms of discrimination are unacceptable, regardless of whether there was any intention to discriminate or not. Staff and volunteers have a duty to co-operate with HwH to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination. Employees and volunteers should draw the attention of their line manager to suspected discriminatory acts or practices or cases of bullying or harassment. However, if the attention of suspected discriminatory acts, practices or cases of bullying and/or harassment is raised as coming from the line manager, it should be drawn to the attention of the Chief Executive Officer.

HwH recognises that the promotion of equal opportunities requires more than passive opposition to discrimination; we are therefore committed to taking positive action towards equality of opportunity, recognising that the limited resources and the operational needs of the organisation may impose justifiable restrictions upon our ability to take such action.

Training

All staff and volunteers are required to take part in Equality, Diversity and Inclusion training appropriate to their role. Regular refresher training sessions will also be mandatory. Information on all related training will be available from the Responsible Officer.

Complaints

HwH will treat seriously any complaints of unlawful discrimination on any of the stated grounds made by employees, volunteers, clients or third parties and will take action where appropriate. Complainants have the right to make a complaint free from victimisation or fear of retaliation.

All complaints made by external parties will be investigated in accordance with HwH's Complaints Procedure and the complainant will be informed of the outcome.

In the event of an investigation concerning a complaint against an employee, HwH's Grievance Policy and Procedures will be followed and any action necessary dealt with under HwH's Disciplinary Procedure.

Complaints will be reviewed annually by the Board.

This policy should be read in conjunction with all HwH policies, but particularly, Code of Conduct, Complaints Policy, Grievance Procedure, Disciplinary Procedure.

**Reviewed and signed off at the Healthwatch Hertfordshire Board Meeting on:
22nd February 2022**

Nuray Ercan

Signed by Nuray Ercan, as Company Secretary

Responsible Officer
Jane Brown, Quality Manager

Appendix 1: Important explanatory information to be read in conjunction with the Equality, Diversity and Inclusion Policy

What do we mean by Equality, Diversity and Inclusion?

Equality is about making sure that people are treated fairly and given equal access to opportunities and resources. Equality is not about treating everyone in the same way; it is about treating everyone fairly, with respect and recognising that people from different backgrounds may have needs that are met in different ways.

Diversity is about valuing individual difference. Diversity challenges us to recognise and value all sorts of differences become apparent when people work together, in order to build stronger communities and harmonious environments, for the benefit of all.

People come from a wide variety of backgrounds and we differ from one another in many ways. These include differences that are highlighted in current equality legislation such as race, religion and sex but also, for example, our personality, personal interests and lifestyle choices.

Inclusion is 'being included within either a group or society as a whole'. Inclusion links with diversity and equality. It is important to understand someone's differences so that you can include them and treat them equally and fairly. People can feel excluded if they are not able to join in with activities. Excluding people because of their differences is known as 'discrimination' Inclusion encourages innovation within the workplace, allowing people to contribute to the way things can be done for the better.

Protected Characteristics

The protected characteristics as listed in the [Equality Act 2010](#) are:

Age

Age discrimination is where you are treated unfairly because of your age or because you're part of a particular age group.

Disability

The definition is set out in section 6 of the Equality Act 2010. It says you are disabled if:

- you have a physical or mental impairment
- that impairment has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities

Some impairments are automatically treated as a disability. You will be covered if you have:

- cancer, including skin growths that need removing before they become cancerous
- a visual impairment - this means you're certified as blind, severely sight impaired, sight impaired or partially sighted
- multiple sclerosis
- an HIV infection - even if you don't have any symptoms
- a severe, long-term disfigurement - for example severe facial scarring or a skin disease

Gender Reassignment

The Equality Act says discrimination because of gender reassignment is where you are treated unfairly because you are a transsexual person.

A transsexual person is someone who:

- wants to change their gender, whether they go through with the medical treatment or not
- has had a gender reassignment
- is undergoing medical treatment to reassign their gender
- has started the medical process but has decided to stop it
- has decided to adopt the identity of their chosen gender without undergoing a medical gender reassignment
- wants to dress as their chosen gender, all the time or only occasionally.

But if you cross-dress for some other reason than because you want to adopt your chosen gender- for example, as a joke - this is not gender reassignment.

Gender reassignment is a personal process rather than a medical one. You don't have to undergo medical treatment and you don't have to be under medical supervision.

Marital Status and Civil Partnership

You're protected against unlawful discrimination if you are:

- legally married, or
- in a civil partnership.

When are you legally married?

You're legally married if your union is recognised as a marriage under UK law, even if you didn't get married in the UK.

When are you in a civil partnership?

A civil partnership means a registered civil partnership under the **Civil Partnership Act 2004**. This also includes civil partnerships registered outside the UK.

When can you complain about marriage and civil partnership discrimination?

You can only complain about marriage and civil partnership discrimination at **work**. If you're treated unfairly outside the workplace because you're married or in a civil partnership, it's not unlawful discrimination under the Equality Act.

Pregnancy and Maternity

A woman remains protected in her employment during the period of her pregnancy and any statutory maternity leave to which she is entitled. This is now separate from protection on grounds of sex, which is not available to a woman during pregnancy and maternity.

It is unlawful to take into account an employee's period of absence due to pregnancy related illness when taking a decision about her employment.

Race

Race discrimination is when you are treated unfairly because of one of the following things:

- colour
- nationality
- ethnic origin
- national origin.

You can be discriminated against because you belong to a certain **racial group**. People who share the same colour, nationality or ethnic or national origins are part of the same racial group.

Religion or Belief

Religion and belief are protected characteristics under the Equality Act. They cover people with a range of faiths and beliefs. Belief means both religious and non-religious beliefs.

What is meant by religion?

You can be discriminated against because you belong to an organised religion, for example:

- Islam
- Christianity
- Judaism
- Sikhism
- Buddhism
- Hinduism.

Religion also means smaller religions or sects like Rastafarianism, Scientology or Paganism.

You can also be discriminated against because you belong to a specific denomination or sect within a religion - for example:

- Protestants, Methodists or Jehovah's Witnesses within Christianity
- Sunnis or Shi'as within Islam
- Orthodox or Reform Judaism.

Religious beliefs

The Equality Act protects you against discrimination because of your religious beliefs.

Religious belief means the belief in a religion's central articles of faith, for example, within Christianity that Jesus is the Son of God. It also means beliefs which exist within a religion, but which are not shared by everybody within that religion.

Here are examples of religious beliefs:

- the belief of some Christians that you should wear a cross as a symbol of your faith
- the belief within Islam that a woman should cover her head or her whole body
- the belief in creationism or intelligent design.

What if you don't have any religion or religious beliefs?

You're also protected against discrimination under the **Equality Act** if you don't belong to any religion or have any religious beliefs- for example, if you're an atheist.

Sex

Sex discrimination is where you're treated unfairly because you're a man or a woman. It applies to men and women of any age and therefore includes girls and boys.

Sexual Orientation

Sexual orientation is when you're sexually attracted to:

- people of your own sex - when you're gay or lesbian
- people of the opposite sex - when you are heterosexual
- people of both sexes - when you are bisexual.

Sexual orientation and gender reassignment

Sexual orientation is different from gender reassignment. If you've been treated unfairly because you're a transsexual person, this is unlawful discrimination because of gender reassignment. But, if the reason you're treated unfairly is because- for example, you're gay, it's discrimination because of sexual orientation.

Types of Unlawful Discrimination

Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

Associative discrimination

This is direct discrimination against someone because they are linked or associated with another person who possesses a protected characteristic.

Perceptive discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Indirect discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic and which cannot be justified in relation to the job.

Harassment

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Third party harassment

Harassment of employees by people (third parties) who are not employees of your company, such as clients. HwH has a duty to prevent harassment and may be liable if aware that harassment has occurred on at least two previous occasions and does not take reasonable steps to prevent it from happening again.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint about discrimination or harassment, or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

The difference between characteristics and types of discrimination

If an employee/volunteer believes they have been discriminated against, they will often connect this to a reason such as age, sex or race. These are called protected characteristics. But the way in which they have been allegedly discriminated against will determine which type or types of discrimination apply within their protected characteristic. For example, whether direct, indirect, harassment or victimisation.

Failure to make reasonable adjustments

This is where a rule or policy or way of doing things has a worse impact on someone with a protected characteristic 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. Reasonable adjustments should be made with the person’s involvement. Failure to make ‘reasonable adjustments’ is one of the most common types of disability discrimination.

Positive Action

Some people with protected characteristics are disadvantaged or underrepresented in some areas of life, or have particular needs linked to their characteristic. They may need extra help or encouragement if they are to have the same chances as everyone else. The new positive action provisions held within the Equalities Act 2010 enable service providers to take proportionate steps to help people overcome their disadvantages or to meet their needs.

What is the Public Sector Equality Duty?

Organisations in the public sector must have due regard to the need to:

- prevent unlawful discrimination, harassment and victimisation and other behaviour that is not allowed under the act
- provide equal opportunities for people who share a protected characteristic and those who do not
- promote good relations between people who share a protected characteristic and those who do not.

The act explains that having due regard for providing equality involves:

- removing or reducing as far as possible disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people from protected groups if these are different from the needs of other people
- encouraging people from protected groups to take part in public life or in other activities where they are under-represented