



Review Sheet



Last Reviewed  
18 Aug '23



Last Amended  
18 Aug '23



Next Planned Review in 12 months, or  
sooner as required.

Business impact



Changes are important, but urgent implementation is not required, incorporate into your existing workflow.

Reason for this review

Client request

Were changes made?

Yes

Summary:

This policy underpins each employer's approach to discrimination and equal opportunities. It can assist should any claim be brought for discrimination as, if the employer can show that it has a properly implemented its equality and diversity policy, this can be used in defence of such a claim. As the sanctions for non-compliance are contained in other policies this is more for reference purposes, hence the lower business impact. The policy has been reviewed and updated to add in a section regarding neurodiversity and what an employer should do, should an employee disclose they suffer from a neurodiverse condition. The references have been checked and further reading on neurodiversity has also been added.

Relevant legislation:

- Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012 (Amendment to Parts 4 & 5)
- Care Quality Commission (Registration) and (Additional Functions)
- Care Quality Commission (Registration) Regulations 2009
- Equality Act 2010
- Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)
- Data Protection Act 2018
- Gender Recognition Act 2004
- UK GDPR

Underpinning knowledge - What have we used to ensure that the policy is current:

- Author: Equality and Human Rights Commission, (2011), *Employment Statutory Code of Practice*. [Online] Available from: [Accessed: ]
- Author: Government, (2010), *Equality Act 2010*. [Online] Available from: <https://www.legislation.gov.uk/ukpga/2010/15/contents> [Accessed: 18/8/2023]
- Author: Equality and Human Rights Commission, (2019), *Equality Act guidance*. [Online] Available from: <https://www.gov.uk/guidance/equality-act-2010-guidance> [Accessed: 24/11/2023]
- Author: EQUALITY AND HUMAN RIGHTS COMMISSION, (2022), *What is the Equality Act?*. [Online] Available from: <https://www.equalityhumanrights.com/equality/equality-act-2010/what-equality-act?return-url=https%3A%2F%2Fwww.equalityhumanrights.com%2Fsearch%3Fkeys%3DWhat%2Bis%2Bthe%2BEquality%2BAct%253F> [Accessed: 24/11/2023]

Suggested action:

- Encourage sharing the policy through the use of the QCS App

Equality Impact Assessment:

QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.





## 1. Purpose

**1.1** To ensure that all members of staff can work in an environment that is free from harassment or discrimination.

**1.2** HealthBus Trust is committed to ensuring that all members of staff and job applicants receive equal treatment, regardless of their Protected Characteristics.

**1.3** This policy applies to all aspects of employment with HealthBus Trust. For the avoidance of doubt, this includes recruitment, pay and conditions, training, appraisals, promotion, conduct at work, disciplinary and grievance procedures, business trips or at work-related events or social functions and termination of employment.

**1.4** To support HealthBus Trust in meeting the following Key Lines of Enquiry/Quality Statements (New):

Key Question	Key Lines of Enquiry	Quality Statements (New)
SAFE	HS1: How do systems, processes and practices keep people safe and safeguarded from abuse?	QSS2: Safe systems, pathways and transitions QSS3: Safeguarding
WELL-LED	HW4: Are there clear responsibilities, roles and systems of accountability to support good governance and management?	QSW5: Governance, management and sustainability QSW7: Learning, improvement and innovation QSW8: Environmental sustainability sustainable development
WELL-LED	HW5: Are there clear and effective processes for managing risks, issues and performance?	QSW3: Freedom to speak up QSW5: Governance, management and sustainability

**1.5** To meet the legal requirements of the regulated activities that {HealthBus Trust} is registered to provide:

- | Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012 (Amendment to Parts 4 & 5)
- | Care Quality Commission (Registration) and (Additional Functions)
- | Care Quality Commission (Registration) Regulations 2009
- | Equality Act 2010
- | Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)
- | Data Protection Act 2018
- | Gender Recognition Act 2004
- | UK GDPR



## 2. Scope

- 2.1** The following roles may be affected by this policy:
- | All staff
- 2.2** The following Patients may be affected by this policy:
- | Patients
- 2.3** The following stakeholders may be affected by this policy:
- | Family
  - | Commissioners



## 3. Objectives

- 3.1** To set out the zero-tolerance approach of HealthBus Trust to the perpetrators of discrimination in the workplace.
- 3.2** To ensure that HealthBus Trust has an open and transparent approach to all aspects of employment, free from discrimination.
- 3.3** To ensure that all members of staff are able to thrive in an inclusive environment.
- 3.4** To create a working environment which enables everyone to work to the best of their skills and abilities without the threat of discrimination or harassment in the workplace.



## 4. Policy

- 4.1** All forms of discrimination are unlawful and prohibited under this policy. HealthBus Trust takes a zero-tolerance approach to any type of discrimination, bullying, harassment and/or victimisation which one member of staff may perpetrate against another and/or against any other person, including but not limited to former employees, job applicants, Patients, customers, suppliers and visitors.
- 4.2** Equally, this policy not only applies in the workplace but also outside of it when the member of staff is dealing with customers, suppliers or other work-related contacts, or when wearing a work uniform and on work-related trips or events including social events.
- 4.3** Any data collected as part of this policy will be processed in accordance with UK GDPR, data protection legislation, the Privacy Notice issued to staff and the Data Security and Data Retention Policy and Procedure of HealthBus Trust. HealthBus Trust appreciates that certain health data and medical reports will be special category data and HealthBus Trust will process this data accordingly.
- 4.4** HealthBus Trust complies with the Equality Act 2010 in all its processes regarding employees.
- 4.5** This policy does not form part of any employee's contract of employment and we may amend it at any time.



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## 5. Procedure

**5.1** HealthBus Trust will provide appropriate training on Equal Opportunities. HealthBus Trust is committed to following the European Human Rights Commission Employment Statutory Code of Practice and has appointed an appropriate senior manager to have responsibility for Equal Opportunities training.

### **5.2 Recruitment and Selection**

Any selection exercises including recruitment, promotion and redundancy selection, amongst others, will be carried out with regard to objective criteria which specifically avoid any issues of discrimination. Similarly, where possible, HealthBus Trust will ensure that such exercises are carried out by more than one person. Any vacancies will be advertised to as wide and diverse an audience as possible. Such advertisements will not discourage any individual or group from applying. Job applicants will not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic. For example, applicants should not be asked whether they are pregnant or planning to have children.

Job applicants will not be asked about health or disability before a job offer is made, except in the very limited circumstances allowed by law, for example, to check that the applicant could perform an intrinsic part of the role, for example, heavy lifting (taking account of any reasonable adjustments), or to see if any reasonable adjustments may be required at an interview. Where necessary, job offers can be made conditional on a satisfactory medical check. Health or disability questions may be included in equal opportunities monitoring forms; these forms will not be used for selection or decision-making purposes.

### **5.3 Disabilities**

HealthBus Trust is committed to ensuring that all members of staff have the ability to thrive in their career. If a member of staff is disabled or becomes disabled, whether this disability is obvious or not, HealthBus Trust encourages them to tell Katherine Hibbitt about their condition so that HealthBus Trust can consider what reasonable adjustments or support may be appropriate.

### **5.4 Immigration Status**

HealthBus Trust will not make any assumptions about immigration status based on appearance or apparent nationality.

However, HealthBus Trust is required by law to ensure that all of its employees are entitled to work in the UK. Therefore, all prospective employees, regardless of nationality, must be able to prove their right to work in the UK before their employment commences at HealthBus Trust. Please refer to the Right to Work Checks Policy and Procedure at HealthBus Trust for further details.

### **5.5 Part-time and Fixed-term Work**

Part-time and fixed-term employees should be treated the same as comparable full-time or permanent employees and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

### **5.6 Neurodiversity**

Neurodiversity is a broad term that is used to describe the infinite number of ways the human brain can operate (most commonly used in the context of autism spectrum disorder (**ASD**), as well as other neurological or development conditions such as ADHD, dyslexia, dyscalculia and dyspraxia).

HealthBus Trust appreciates that members of staff may be neurodivergent and HealthBus Trust promotes neurodiversity within the workplace and will ensure that neurodivergent employees are not treated unfairly or suffer any detriment due to their neurodivergence.

In order to support any neurodivergent employees, HealthBus Trust encourages those employees who are living with a neurodiverse condition to speak to their line manager to inform them of their condition. HealthBus Trust will deal with any information disclosed in confidence, sensitively and in accordance with its data protection requirements.

If an employee has a neurodiverse condition, their line manager may discuss with them how, if at all, their condition affects their ability to complete their role and where necessary, complete a "needs assessment" to help identify any workplace adjustments that can be put in place to support them within the workplace and help the employee complete their role. Examples of workplace adjustments that can be put in place include but are not limited to:

- | Amending duties
- | Putting in place visible instructions next to equipment
- | Allowing employees to use noise cancelling headphones
- | Allocating work areas with more natural light; and



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- | Providing an area that is considered 'quiet' or a location away from busy areas

HealthBus Trust is committed to ensuring that neurodivergent employees feel comfortable in the workplace and is committed to raising awareness of neurodiversity by:

- | Providing training to managers on supporting neurodiverse employees
- | Creating neurodiverse support networks for employees
- | Encouraging employees to speak about neurodiversity; and
- | Creating neurodiverse champions

#### **5.7 Disciplinary Procedure**

Any member of staff found to be in breach of this policy will be subject to disciplinary action. Serious cases of deliberate discrimination may amount to gross misconduct, resulting in dismissal.

Please see the Discipline Policy and Procedure for further information.

#### **5.8 Grievance Procedure**

If a member of staff believes that they have suffered discrimination, then they should raise these issues through the Grievances Policy and Procedure and/or the Anti-Bullying Policy and Procedure and the Harassment Policy and Procedure at HealthBus Trust. A member of staff will not be bullied or victimised for raising issues under this policy. However, if a complaint is made in bad faith and/or is knowingly false, the member of staff may be subject to the Discipline Policy and Procedure of HealthBus Trust.

**5.9** All staff should understand their responsibility to show consideration to, and to not discriminate against, disabled colleagues, and this will be reinforced in supervision.



## 6. Definitions

### 6.1 Victimisation

- | Retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment. For example, Person A raised a complaint of being subject to discrimination, following which their manager subjected Person A to a disciplinary process

### 6.2 Disability Discrimination

- | This includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability

### 6.3 Discrimination

- | The act of unjustified or prejudicial treatment towards other people based on their Protected Characteristics
- | There are a number of types of discrimination, including distinctions between people based on the groups, classes, or other categories to which they belong or are perceived

### 6.4 Bullying

- | This is categorised as offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can leave an employee feeling vulnerable, upset, humiliated, undermined or threatened
- | Bullying is dealt with further in our Anti-Bullying Policy and Procedure

### 6.5 Harassment

- | This includes sexual harassment and other unwanted conduct related to a protected characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them
- | Harassment is dealt with further in our Anti-Bullying Policy and Procedure and our Harassment Policy and Procedure

### 6.6 Disability

- | A physical or mental impairment which has a substantial and long-term adverse effect on an individual's ability to carry out normal day-to-day activities. The effect must have lasted for 12 months or be likely to last 12 months. An effect that is likely to recur is treated as continuing for this purpose

### 6.7 Direct Discrimination

- | Treating someone less favourably because of a protected characteristic, for example, rejecting a job applicant because of their religious views or because of their sexuality

### 6.8 Special Category Data

- | Special Category Data is a category of data which is more sensitive than normal personal data. This includes data which relates to:
  - | Race
  - | Ethnic origin
  - | Politics
  - | Religion
  - | Trade union membership
  - | Genetics
  - | Biometrics (where used for ID purposes)
  - | Health
  - | Sex life; or
  - | Sexual orientation

### 6.9 Indirect Discrimination

- | A provision, criterion or practice that applies to everyone but adversely affects people with a particular protected characteristic more than others and is not justified. For example, requiring a job to be done full-time rather than part-time may adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified

### 6.10 Protected Characteristics



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- | Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation



### Key Facts - Professionals

Professionals providing this service should be aware of the following:

- | Procedures must ensure that reasonable adjustments are made in a timely manner to enable workers with disabilities to enjoy equality with colleagues
- | This policy applies both in the workplace and outside of it where the individual is representing HealthBus Trust
- | HealthBus Trust should ensure that all decisions on recruitment and internal promotions are made with reference to objective criteria which do not discriminate against any individual or group
- | Issues of discrimination, harassment and victimisation should be treated with the utmost care and attention



### Key Facts - People affected by the service

People affected by this service should be aware of the following:

- | Patients and those involved in their care who make derogatory statements that are of a discriminatory nature to any staff should be aware that they will be challenged about their behaviour
- | Similarly, HealthBus Trust may receive reports of derogatory statements made by staff from Patients and will endeavour to investigate such reports as fully and fairly as possible



## Further Reading

As well as the information in the 'underpinning knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

**ACAS - Discrimination and the Equality Act 2010:**

<https://www.acas.org.uk/discrimination-and-the-law>

**ACAS - Disability Discrimination at Work:**

<https://www.acas.org.uk/disability-discrimination>

**ACAS - Improving Equality, Diversity and Inclusion in your Workplace:**

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

**ACAS - Discrimination Because of Pregnancy and Maternity:**

<https://www.acas.org.uk/managing-your-employees-maternity-leave-and-pay/discrimination-because-of-pregnancy-and-maternity>

**ACAS - When an employer may make a decision based on age, race or another protected characteristic:**

<https://www.acas.org.uk/employer-decision-protected-characteristic>

**ACAS - Handling a Bullying or Discrimination Complaint at Work:**

<https://www.acas.org.uk/handling-a-bullying-harassment-discrimination-complaint>

**Napthens - The Ageing Workforce: Creating a Diverse Workforce:**

<https://www.napthens.co.uk/blog/the-ageing-workforce-creating-a-diverse-workforce/>

**AfterAthena (Part of Napthens)/QCS Blog - What is your Equality, Diversity & Inclusion Focus for 2023?**

<https://www.qcs.co.uk/equality-diversity-inclusion-focus-2023/>

**ACAS - Thinking differently about neurodiversity podcast:**

<https://www.acas.org.uk/podcast/thinking-differently-about-neurodiversity>

**QCS Podcast - Neurodiversity in the Workplace:**

<https://www.qcs.co.uk/hr-podcast-neurodiversity-in-the-workplace/>

**BBC News - Does your company nurture neurodiverse talent?**

<https://www.bbc.co.uk/news/uk-51014028>

**GOV.UK - Access to Work:**

<https://www.gov.uk/access-to-work>

**Harassment Policy and Procedure**

**Anti-Bullying Policy and Procedure**



## Outstanding Practice

To be 'outstanding' in this policy area you could provide evidence that:

- 1 The wide understanding of the policy is enabled by proactive use of the QCS App
- 1 HealthBus Trust offers training to members of staff who have been absent for a period (maternity, paternity, ill-health due to a disability, etc.) to meet any need
- 1 HealthBus Trust provides training to all members of staff on equality and diversity and keeps this training up to date
- 1 HealthBus Trust ensures that decisions for selection are always taken by more than one manager
- 1 HealthBus Trust considers taking positive action to remedy disadvantage, meet different needs or increase the participation of people who share a protected characteristic



## Forms

Currently there is no form attached to this policy.