

EQUAL OPPORTUNITIES & DIVERSITY POLICY

POLICY

▲ POLICIES REPRESENT THE RULES AND DEFINITIONS ▲

DOCUMENT CONTROL

AUDIENCE	All Staff
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DOCUMENT OWNER	Danielle Sargeson Group Head of HR
DOCUMENT AUTHOR	Natasha Green Head of HR Operations

VERSION CONTROL

NO.	DATE	TYPE OF CHANGE	DESCRIPTION OF CHANGE
1.0	01-05-2015	New policy	
1.1	01-06-2017	Full review minor change	Minor amendments
2.0	01-06-2019	Full review major change	Addition of Gender Pay Gap Information
3.0	17-05-2021	Full review major change	Policy updated and the addition of section 5 - monitoring the workforce.
3.1	30-06-2022	Full review minor change	Reviewed and minor formatting applied
3.2	30-11-2023	Full review minor change	Added to new template. Added regulation & responsibilities, monitoring, & Equality Impact Assessment.

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1. WHY IS THIS POLICY NEEDED

1.1 PURPOSE

Equal opportunity is about good employment practices and efficient use of the Company's most valuable asset; it's Employees. The Company is committed to eliminating discrimination and encouraging diversity amongst its workforce and treats job applicants and Employees equally, regardless of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. These are called protected characteristics. Every Employee has a personal responsibility to ensure that the Policy is adhered to.

The Company is committed to complying with relevant employment legislation and codes of practice as a minimum benchmark. Wherever possible the Company strives to exceed legislative requirements by developing Policies and Procedures that help it achieve its aim of being an Employer of Choice.

This Policy applies to the advertisement of jobs, the recruitment process, training, development and promotion, conditions of work, pay and benefits and to every other aspect of employment.

1.2 REGULATION

- The Human Rights Act 1998
- The Equality Act 2010

1.3 DEFINITIONS AND ABBREVIATIONS

ITEM	MEANING
MH	Refers to Mountain Healthcare (the company)
THE PEAK	Mountain Healthcare's Intranet
CLINICAL QUALITY GOVERNANCE BOARD (CQGB)	The CQGB provides assurance to the Board on service quality and the application of controls assurance in relation to clinical services. It scrutinises the systems in place for effective care co-ordination and evidence-based practice and focuses on quality improvement to ensure a co-ordinated holistic approach to clinical risk management and clinical governance is in place, protecting standards of clinical and professional practice.
DIVERSITY (DIFFERENCE)	MH recognises that everyone has a unique contribution to make and that a person's personal attributes contribute significantly to achieving MH goals. Diversity is a strength, and it should be visible at all levels of the organisation. Valuing Diversity is integral to valuing people. When we value Diversity, we promote a positive, supportive, and innovative working environment. When we value the Diversity of our service users, we are more likely to meet their needs and support them on their journey to recovery.
EQUALITY	Equality in the UK is about fostering and promoting the right to be different, to be free from discrimination, and to have equal choices, opportunities being valued as an individual.
HUMAN RIGHTS	The rights that we all have and share, simply because we are human that are protected by the Human Rights Act.

1.4 RESPONSIBILITIES

ROLE	RESPONSIBILITY FOR
ALL STAFF	<ul style="list-style-type: none"> Cooperating with measures introduced by management to ensure equality of opportunity and non-discriminatory practices, including making sure that people have equality of access to service provision Must not discriminate e.g., this includes any person who is responsible for selection decisions in recruitment, promotion, transfer, training etc. or those responsible for the provision and delivery of services Not acting, persuading, attempting to persuade or instructing other employees, unions, or Management to practice unlawful discrimination, harassment, bullying, victimisation, or any act that would result in a breach of the Human Rights Act 1998 Not harassing, bullying, or intimidating other employees, including their peers, subordinates, or seniors. This includes amongst others: sexual, racial, and homophobic harassment Not victimising or attempting to victimise individuals on the grounds that they have made complaints or provided information on discriminatory practice. Informing management if they suspect or are aware that an act or acts of discrimination or inhumane treatment of any kind is or have taken place.
MANAGERS	<ul style="list-style-type: none"> Understanding that unlawful discrimination, harassment, bullying, and victimisation are unacceptable practices and have no place in MH To foster positive working environments where mutual respect for Equality, Diversity, Inclusion and Human Rights are central to their role as manager, leading by example, and actively challenging abusive behaviour of any kind to maintain good staff morale, wellbeing, and good patient care Making staff aware of the policy on Equality and Diversity, and supporting policies in relation to employment and service delivery Promoting Equality, Diversity, Inclusion and Human Rights by their behaviour and actions Ensuring that complaints are dealt with in a fair and consistent manner Ensuring that contractors working within MH adhere to the principles of this policy.
HUMAN RESOURCES	<ul style="list-style-type: none"> Equality, Diversity, Inclusion and Human Rights throughout the MH in both employment and service delivery.
BOARD	<ul style="list-style-type: none"> Providing leadership and in the promotion of Equality, Diversity, Inclusion and Human Rights in both service delivery and employment matters Ensuring equitability of access in the provision of its services, which meets the needs of service users Seek to dismantle barriers that prevent equality of access to employment, promotion, training and development opportunities for all protected groups

2. EQUAL OPPORTUNITIES PROCEDURE

2.1 DISCRIMINATION

The Company will not discriminate either directly or indirectly because of a protected characteristic.

Direct discrimination is when an individual is treated less favourably than another individual because of a protected characteristic.

Indirect discrimination is applying a requirement or condition which, although applied equally to all persons, particularly disadvantages those who share a protected characteristic.

Discrimination by perception is direct discrimination against an individual because others think they possess a particular protected characteristic.

Associative discrimination is direct discrimination against an individual because they associate with another individual who possesses a protected characteristic.

Those Employees involved in recruitment (in particular) should request training if they have any doubt about how to apply this Policy.

Any instance of doubt about the application of this Policy, or any other questions regarding discrimination, should be addressed to the HR Dept in the first instance.

2.2 DISABILITY

Employees who are disabled or become disabled in the course of their employment should inform their Line Manager who will seek external advice, if necessary, to ensure that the correct level of support is provided. An individual is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Employees with disabilities may also wish to advise the Company of any "reasonable adjustments" to their employment or working conditions which they consider will be necessary or which they consider would assist them in the performance of their duties.

Careful consideration will be given to any proposals of this nature and, where reasonable and practicable, such adjustments will be made. There may however be circumstances where it will not be reasonable or practicable for the Company to accommodate those proposals and where less favourable treatment may be justified in accordance with the statutory provisions.

2.3 DISCRIMINATION COMPLAINTS

Any Employee may use the Grievance Procedure to complain about discriminatory conduct. The Company will ensure that Employees feel able to raise such Grievances and no individual will be penalised for raising a Grievance of this nature.

If a Grievance about discriminatory conduct is found to be untrue and made in bad faith, this matter will be fully investigated and disciplinary action may be taken against the Employee, according to the Company's Disciplinary Procedure.

Where an Employee is found to have been falsely accused of discriminatory conduct, they can implement the Company's Grievance Procedure against the person making the accusation. In

this instance, the person who is found to be making the false allegation may, after a full investigation, be disciplined according to the Company's Disciplinary Procedure.

3. BULLYING & HARASSMENT

The Company believes that all Employees have a right to be treated with dignity. Any Employee who harasses any other Employee will, after a full investigation, be subject to the Company's Disciplinary Procedure. In serious cases, such behaviour may be deemed to constitute Gross Misconduct and may result in Summary Dismissal. For more information, refer to the Mountain healthcare bullying and harassment policy.

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.

Victimisation occurs when an individual is treated badly because they have made or supported a complaint or raised a grievance, or because they are suspected of doing so.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate, or injure the person on the receiving end. Examples of bullying would include picking on someone or setting him or her up to fail or making threats or comments about someone's job security without good reason.

The following behaviour at work or in the course of employment is unacceptable:

- derogatory remarks
- insensitive jokes or pranks
- insulting or aggressive behaviour
- ignoring or excluding an individual
- public criticism of a colleague

The above list is not exhaustive. The actions listed above must be viewed in terms of the distress they may cause the individual. It is the perceptions of the recipient that determine whether any action or statement can be viewed as behaviour that may constitute bullying or harassment.

Any complaint of bullying or harassment received will be investigated to ensure the problem is resolved as quickly as possible. For more information on how to raise a complaint, refer to the Mountain Healthcare bullying and harassment policy.

All allegations of harassment will be dealt with seriously, promptly and in confidence. Employees who feel they have been subject to harassment must not hesitate in using the procedure nor fear victimisation. Retaliation against an Employee who brings a complaint of harassment is a serious disciplinary offence which may constitute gross misconduct and lead to dismissal.

Any member of Management will provide, in confidence, advice and assistance to Employees subjected to harassment and assist in the resolution of any problems, whether through informal or formal means.

4. GENDER PAY GAP

Employers must give men and women equal treatment in the terms and conditions of their employment contract if they are employed to do:

- 'Like Work' – work that is the same or broadly similar

- Work rated as equivalent under a job evaluation scheme
- Work found to be of equal value in terms of effort, skill or decision-making

4.1 OUR COMMITMENT TO PAY EQUALITY

Ensuring that we reward staff fairly, based on their contribution to our community and regardless of their protected characteristics, is at the core of our values.

We have no significant pay gaps between staff undertaking work of equal value, but we know there are a range of different factors that contribute to our overall gender pay gap and we need to better understand those so that we can take further targeted action to address this vital issue.

5. MONITORING THE WORKFORCE

Equality monitoring will take place during the recruitment process and the information gathered will be reported to the equality and diversity board. This will help the business to identify and address any potential issues and encourage equality, diversity, and inclusion within the workforce.

During the recruitment process we will collect the following information for equality and diversity monitoring purposes only.

- Date of birth
- Gender
- Marital status
- Ethnic origin
- Religion or belief
- Disability
- Criminal convictions

The monitoring information provided at the recruitment stage cannot be viewed by the appointing/recruiting managers who are shortlisting the applications.

6. HOW THIS POLICY WILL BE IMPLEMENTED

• This policy will be published on The Peak
• Line managers will disseminate this policy to MH employees through a line management briefing
• It will be the responsibility of the [insert title] governance groups to ensure implementation.
• Training will be delivered using a range of approaches from formal teaching sessions where appropriate to colleagues working in clinical areas and local induction

7. HOW THE IMPLEMENTATION OF THIS POLICY WILL BE MONITORED

AUDITABLE STANDARD / KPI	FREQUENCY / METHOD/ ACCOUNTABLE	GOVERNANCE OVERSIGHT
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1	Equality Impact Assessment (policies)	Policy Lead / As Required	CQGB
2	Equality and Diversity Mandatory Training	Line Managers / Monthly	CQGB
3	Complaints relating to EDIHR	HR / Annual	Board

8. SUPPORTING DOCUMENTATION

^ Insert documentation name and link to it

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EQUALITY IMPACT ASSESSMENT

DATE OF ASSESSMENT:	30-November-2023	
COMPLETED BY:	Claire Newey Head of Governance & Quality	
WHO IS INTENDED TO BENEFIT FROM THE POLICY?	This policy lays down the expected standards in relation to Equality, Diversity, Inclusion and Human Rights in both employment and services. This policy is inclusive of all staff, bank workers, service users, carers, and visitors etc. It is hoped that by taking a joined up and inclusive approach MH can promote a unified message for all.	
ARE THERE CONCERNS THAT THE POLICY COULD HAVE AN ADVERSE IMPACT BECAUSE OF:		
	YES / NO	RATIONALE
AGE	NO	
DISABILITY	NO	
GENDER	NO	
ETHNICITY	NO	
SEXUAL ORIENTATION	NO	
RELIGION / BELIEF	NO	
PREGNANCY / MATERNITY / PATERNITY	NO	
CULTURE	NO	
IF THE ANSWER TO ANY OF THE ABOVE IS YES, CONSIDER THE FOLLOWING:		
	TICK	RATIONALE
CAN IT BE DEMONSTRATED THAT SUCH A DISADVANTAGE OR ADVANTAGE CAN BE JUSTIFIED		
ADJUST THE POLICY TO MINIMISE THE DISADVANTAGE IDENTIFIED OR BETTER PROMOTE EQUALITY		
IF NEITHER OF THE ABOVE IS POSSIBLE, SUBMIT TO GOVERNANCE FOR REVIEW		