

Equality Analysis Policy

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1 Introduction

Tees Esk and Wear Valleys NHS Foundation Trust is fully committed to ensuring that it provides fair and equal treatment to all, whether this is in the provision of Trust services or in relation to employment matters. No one should have a lesser service or a worse experience because of their difference. It is in keeping with this principle that this policy has been written.

The Equality Analysis (EA) Policy and **The Equality Analysis Guidance, Ref CORP-0052-001-V1.2** supports policy writers, project leads and service managers to analyse organisational change, policies, strategies, functions, projects and services in the context of assessing in so far as is proportionate and relevant, the Trusts impact on equality. The process of completing equality analysis is a positive process. Getting an equality analysis right means high quality services that are accessible, fair and meet people's needs.

2 Why we need this policy

Equality analysis helps the Trust manage its impact on equality. Having a policy and guidance in place further supports this and helps Trust staff consider equality when they make decisions that are going to impact on people from different groups.

Equality analysis reduces the likelihood of 'Institutional Discrimination'. This happens when the culture, policies, systems and procedures in an organisation inherently discriminate against a group or groups of people because the systems and processes are designed without taking into account the diverse needs of groups within the community in relation to their race, disability, sex, gender identity/reassignment, sexual orientation, religion or belief, age, pregnancy and maternity and marriage and civil partnership status.

2.1 Purpose

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| <ul style="list-style-type: none"> • To support the Trust Board of Directors in their decision making processes. Provides relevant information that enables them to consider equality before decisions are made |
| <ul style="list-style-type: none"> • To enable policy owners and service leads, etc. to manage the Trusts impact on Equality and to ensure that all of our practices are inclusive and meet people's needs |
| <ul style="list-style-type: none"> • Supports the identification of potential negative impacts. Note: Unlawful discriminatory impacts must be removed completely |
| <ul style="list-style-type: none"> • Supports the identification of positive practice and alternative approaches, which might alleviate negative impact and more effectively promote equality of opportunity and choice |

2.2 Objectives

<ul style="list-style-type: none"> • To ensure Trust policies, strategies, functions and services etc. meet the requirements of the Equality Act 2010, with a specific focus on the Public Sector Equality Duty;
<ul style="list-style-type: none"> • To ensure, so far as is reasonable and practical, that the Trust makes a proactive and consistent effort to ensure that it does not discriminate in employment or in the delivery and provision of goods, services and functions;
<ul style="list-style-type: none"> • To support and promote fair, inclusive services that meet people’s needs;
<ul style="list-style-type: none"> • To support and promote fair and equal treatment of Trust staff, regardless of role, grade or position;
<ul style="list-style-type: none"> • To further minimise the risk of litigation through legal challenge.

3 Scope

The Trust believes that a transparent and honest service provider works in collaboration with the communities it serves. The Equality Analysis Policy and The **Equality Analysis Guidance, Ref CORP-0052-001-V1.2** supports Trust staff to analyse the impact that it’s policies, strategies, functions and services etc. may have on our service users, their carers, our communities and staff.

Equality Analysis involves assessing, (insofar as is reasonable and proportionate) the impact NHS organisations can have on health equity in our society. The Trust and other NHS organisations have a responsibility to ensure that all relevant staff are provided with appropriate training and support in relation to completing equality analysis.

Independent contractors are responsible for the development and management of their own procedural documents and for ensuring compliance with relevant legislation and best practice guidelines. The Trusts Equality, Diversity and Human Rights Team can provide support, advice and guidance to all staff completing Equality Analysis.

3.1 Who this policy applies to

The Equality Act 2010 Public Sector Equality Duty Section 149(2) states that ‘*A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in Subsection (1)*’.

In essence this means that all Trust staff have a responsibility to uphold the principles and spirit of the Equality Act 2010 when they are at work and whenever they representing the Trust. This policy applies to all Trust staff who are writing, designing, developing or reviewing of any of the bulleted items stated in section 4 of this document

3.2 Roles and responsibilities

Role	Responsibility	When
Policy, strategy, function or service owner/lead (See section 4.1)	<ul style="list-style-type: none"> • Conduct EA screening • Contact EDHR team when negative impact has been identified 0191 3336267 or if you are unsure • Unlawful discriminatory impacts MUST be removed completely • Review EA's when changes are made that are more than minor or trivial • Review in line with the Equality Analysis Policy, Guidance and the Policy and Procedure for Development of Policies and Procedures • Identify training need 	<ul style="list-style-type: none"> • You should start to complete the EA as soon as you become aware that you are a policy owner, service / project lead etc. • The EDHR team hosts weekly surgeries, providing advice and guidance for staff completing EA's. Please call 0191 3336267 to arrange an appointment
Manager	<ul style="list-style-type: none"> • Identify who will conduct the EA screening • Check the EA screening has been completed properly and signed off by member of staff • Sign off the EA screening as line manager only when you are comfortable that it has been completed correctly • When a negative impact is identified make sure a full EA is completed – you should consider having more than one member of staff do this • Check that negative impacts are minimised / reduced • Unlawful discriminatory impacts MUST be removed completely • Identify staff training need • Contact the EDHR Team for advice if you are unsure how to proceed 	<ul style="list-style-type: none"> • Ensure that equality is an integral part of the process and not left until the last minute as this can result in delays if the EDHR team identifies it will, or has potential for a negative impact • The Equality Act asks us to consciously consider the impact the Trust has on equality and this includes the decisions we make. E.g. The Trust needs to procure new phones – but we also need to make sure that the phones we order can be used by staff with mild to moderate hearing loss. The cost could be slightly higher. • However, the cost could be justified under the 'duty to make reasonable adjustments' for people with disabilities. Being proactive and anticipating needs can actually save money because we don't then need to go out and buy more expensive phones on an ad hoc basis for staff with hearing loss which results in cost savings.
Project lead / manager	<ul style="list-style-type: none"> • Make an appointment with the EDHR Team by booking onto one of our EA surgeries, telephone 0191 3336267. • Conduct EA screening at start of project with the support of the 	<ul style="list-style-type: none"> • As above

	<p>E&D team, consider the impact of the project on equality (1)</p> <ul style="list-style-type: none"> • (2)Continue to consider equality throughout the term of the project. • When the project is complete you must conduct a second EA as you may have additional information to consider, (3) • Unlawful discriminatory impacts MUST be removed completely • Identify Training need • Contact the EDHR Team for advice if you are unsure how to proceed 	
EDHR Team	<ul style="list-style-type: none"> • Work with the Information Mapping and Policy Development Manager to make sure all Trust policies, procedures and guidance have an EA • Host weekly surgeries to support staff, providing advice and guidance • Check that the EA has been filled in correctly, i.e. dated, owners name etc. • Train Trust staff when required to do so • Review this policy in line with current legislation and the requirements of the Trust 	<ul style="list-style-type: none"> • Weekly EA Surgeries • Training when requested • Review every 3 years or if there are changes to legislation
Information Mapping and Policy Development Manager	<ul style="list-style-type: none"> • Notify the E&D Team when policies, procedure and guidance is written, amended or reviewed to ensure that an EA is completed correctly 	<ul style="list-style-type: none"> • In line with current assurance and governance process
The Trust Board of Directors	<ul style="list-style-type: none"> • Ensure that all aspects of Trust Business that are referred to in section 4.1 have had an equality analysis before they are ratified by the Trust Board of Directors 	<ul style="list-style-type: none"> • In line with current assurance and governance process

4 Policy

4.1 Equality Analysis Screening

*An equality analysis screening must be completed by the owner or lead for all:

- Organisational Change
- Buildings, includes - new builds, hospitals, rented premises etc.
- Policies
- Procedures
- Functions
- Strategies
- Services
- Pathways
- Codes of practice
- Guidance or guidelines
- Projects
- Business plans
- Trust Events

Please note that this is a non-exhaustive list. If you are unsure about what your responsibilities are then please contact the EDHR Team for further advice 0191 3336267.

4.2 Identifying a Negative Impact

Should you identify a negative impact/s on any of the protected groups you **must** contact the EDHR Lead or Officer to discuss your concerns / findings etc., tel. 0191 3336267 for further advice.

4.3 The Duty of 'Due regard'

As an NHS employee you cannot delegate your duty of 'due regard'. This means that you cannot lawfully ask another person make a decision that could impact negatively on equality in order to not have to make that decision yourself.

4.4 Review

Equality Analyses will be reviewed by the owner / lead every three years in line with the guidance which can be found in the **Governance of policies, CORP-0001-V5.2** or when there are changes made that are more than minor or trivial.

Please note; it is the owner, lead or manager's responsibility to identify when a review should be undertaken.

4.5 Context

The Trust must be compliant with the Equality Act 2010. It applies to all organisations that provide a service to the public or a section of the public (service providers). It also applies to anyone who sells goods or provides facilities. It applies to all of our services, whether or not a charge is made for them.

The Act protects people from discrimination on the basis of a ‘protected characteristic’ (these used to be called ‘grounds’). The relevant characteristics for services, public functions and employment are:

149(1) – A public authority must, in the exercise of its functions, have due regard (take seriously) to the need to –

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

Section 149(1) of the Act requires that the Trust demonstrates ‘due regard’ this means the Trust **MUST** demonstrate that it has reasonably considered its impact on equality. This is an ongoing requirement (continuous duty) and it is essential that this is done in a proactive and anticipatory way, rather than in a reactive way which is ineffective and does not evidence or demonstrate ‘due regard’ (reasonable consideration) of the requirements of the Act.

Conducting Equality Analyses provides the Trust with the best evidence of a proactive approach. This evidence is vital should the organisation be challenged or be required to give evidence of what it has taken into consideration with regard to its impact on equality.

Protected Characteristic Groups identified in the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnerships (In employment only), pregnancy and maternity, race, religion or belief, sex and sexual orientation.

4.6 Equality Analysis Guidance

Staff conducting an equality analysis must read **The Equality Analysis Guidance, Ref CORP-0052-001-V1.2** before they begin. The guidance gives staff important context that will help with their understanding of what an equality analysis is and how to conduct one.

5 Definitions

Term	Definition
EA	Equality Analysis
E&D	Equality and Diversity

6 Related documents

The Equality Analysis Guidance, Ref CORP-0052-001-V1.2

7 How this policy will be implemented

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| <ul style="list-style-type: none">• This policy will be published on the Trust's intranet and external website |
| <ul style="list-style-type: none">• Line managers will disseminate this policy to all Trust employees through a line management briefing |
| <ul style="list-style-type: none">• The Equality, Diversity and Human Rights Team will provide an overview of Equality Analysis on the Policy Writing Course |
| <ul style="list-style-type: none">• The Equality, Diversity and Human Rights Team will provide 1:1 support and training for Trust staff that require it |

8 How this policy will be audited

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| <ul style="list-style-type: none">• The completion of equality analysis will be monitored by the Equality, Diversity and Human Rights Lead, Officer and the Information Risk and Policy Manager |
| <ul style="list-style-type: none">• The Equality and Diversity Steering Group will monitor the percentage of completed equality analysis for policies, projects and services. Equality Analysis is a key performance indicator (KPI). Progress on the use and completeness of equality analysis will be reported to the Equality and Diversity Steering Group on a quarterly basis. |

9 References

[The Equality Act 2010](#)

[The Human Rights Act 1998](#)

The Equality and Human Rights Commission – www.equalityhumanrights.com

10 Document control

Date of approval:	01 February 2017 (re-ratified 22 Jan 2020)	
Next review date:	22 July 2023	
This document replaces:	CORP/0052/v2 Equality Analysis Policy	
Lead:	Name	Title
	Sarah Jay	Equality, Diversity and Human Rights Lead
Members of working party:	Name	Title
	Tracey Marston	HR Officer
This document has been agreed and accepted by: (Director)	Name	Title
	David Levy	Director of HR & OD
This document was approved by:	Name of committee/group	Date
	Executive Management Team	01 February 2017 22 January 2020 (re-ratified)
An equality analysis was completed on this document on:	10 January 2020	
Amendment details:	<p>Minor changes to structure of document</p> <p>25 Jun 2018 Minor amendment - reference to gender amended to sex in line with the Equality Act 2010</p> <p>22 Jan 2020 Full review with no changes.</p> <p>25 Jun 2020 Removal of inTouch links and replaced by document names. Appended Equality analysis document and updated trust logo. Extend review date from 22 January 2023 to 22 July 2023.</p>	

Equality Analysis Screening Form

Name of Service area, Directorate/Department i.e. substance misuse, corporate, finance etc	Equality and Diversity Team – HR&OD Directorate			
Name of responsible person and job title	Jools Smithies			
Name of working party, to include any other individuals, agencies or groups involved in this analysis	Representatives from HR&OD, Information Mapping and Policy Development Manager, Equality and Diversity Lead			
Title	Equality Analysis Policy Ref: CORP-0052-v31			
Is the area being assessed a	Policy/Strategy	X	Service/Business plan	Project
	Procedure/Guidance		Code of practice	
	Other – Please state			
Geographical area	Trust wide			
Aims and objectives	<p>Equality analysis helps the Trust manage its impact on equality. Having a policy and guidance in place further supports this and helps Trust staff consider equality when they make decisions that are going to impact on people from different groups.</p> <p>Equality analysis reduces the likelihood of ‘Institutional Discrimination’. This happens when the culture, policies, systems and procedures in an organisation inherently discriminate against a group or groups of people because the systems and processes are designed without taking into account the diverse needs of groups within the community in relation to their race, disability, gender, gender identity/reassignment, sexual orientation, religion or belief, age, pregnancy and maternity and marriage and civil partnership status.</p> <p>Supports the identification of negative impact – Unlawful discriminatory impacts must be removed completely. Supports the identification of positive practice and alternative approaches, which might alleviate negative impact and more effectively promote equality of opportunity and choice.</p>			

Start date of Equality Analysis Screening	01/11/2013
End date of Equality Analysis Screening	10/01/2020

Please read the Equality Analysis Guidance for further information

You must contact the E&D team if you identify a negative impact. If you require further advice and support please ring Sarah Jay on 0191 3336267/3542

1. Who does the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan benefit?

Equality Analysis is a positive and productive process which supports the elimination of 'institutional discrimination' by enabling staff to consider equality when they are writing or reviewing:

- Organisational Change
- Policies
- Procedures
- Functions
- Strategies
- Services
- Pathways
- Codes of practice
- Guidance or guidelines
- Projects
- Business plans
- Trust Events

The policy benefits the Trust, service users and their carers, staff, volunteers and members of the public by ensuring that equality is

<p>considered in a proactive way thus ensuring that people from protected groups are considered. This supports the Trust in its endeavour to be a fair employer, where diversity is valued and people are respected. In respect of service delivery the Trust is more likely to be able to ensure that its services are accessible and meet the needs of the communities it serves.</p>					
<p>2. Will the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan impact negatively on any of the protected characteristic groups below?</p>					
Race (including Gypsy and Traveller)	No	Disability (includes physical and mental impairment)	No	Gender (Men and women)	No
Gender reassignment (Transgender and gender identity)	No	Sexual Orientation (Lesbian, Gay, Bisexual and Heterosexual)	No	Age (includes, young people, older people – people of all ages)	No
Religion or Belief (includes faith groups, atheism and some other non religious beliefs)	No	Pregnancy and Maternity (includes pregnancy, women who are breastfeeding and women on maternity leave)	No	Marriage and Civil Partnership (includes opposite sex and same sex couples who are either married or civil partners)	No
<p>Yes – Please describe the anticipated negative impact No – Please describe any positive outcomes</p> <p>Equality Analyses is in itself a positive process which supports positive outcomes for people who identify with protected groups. It is difficult to quantitatively assess the positive impacts that arise from completing equality analysis, though it is clear that there are many benefits. Equality analysis encourages people to think in a way that is inclusive of different groups of people, including their needs and their diversity. By doing this it is possible to ascertain whether a policy, project etc is likely to have negative impacts. Many negative impacts are not unlawful, these can be reduced and those that are unlawful must be removed completely. Thinking about this before a policy, guidance, project etc is ratified is much more positive and productive than dealing with mistakes at a later date.</p>					
<p>3. Have you considered any codes of practice, guidance, project or business plan benefit? If 'No', why not?</p>				Yes	No
				X	

Sources of Information may include:

- Feedback from equality bodies, e.g. Care Quality Commission, Disability Rights Commission, etc
- Investigation findings
- Trust Strategic Direction
- Data collection/Analysis
- NHS Human Rights in Healthcare - A Framework for Local Action
- The NHS Constitution
- House of Commons Report on conducting equality analysis Oct 2013
- Staff grievances
- Media
- Community Consultation/Consultation Groups
- Internal Consultation
- Other (Please state below)
- The Equality Act 2010
- The Human Rights Act 1998

4. Have you engaged or consulted with service users, carers, staff and other stakeholders including people from the following protected groups?: Race, Disability, Gender, Gender reassignment (Trans), Sexual Orientation (LGB), Religion or Belief, Age, Pregnancy and Maternity or Marriage and Civil Partnership

Yes – Please describe the engagement and involvement that has taken place

Prior to this review there were a number of consultations and listening events with different groups of people. The feedback from people who identify with protected groups has contributed to the formulation and development of the Trusts approach to the equality analysis screening form, guidance, policy and training. The Equality Analysis Policy has also gone through the consultation process with Trust staff who represent all protected groups.

No – Please describe future plans that you may have to engage and involve people from different group

5. As part of this equality analysis have any training needs/service needs been identified?

Yes	Please describe the identified training needs/service needs below Staff will be provided with EA training when they identify a need. This is detailed within the process of the EA policy Staff are provided with an overview of Equality Analysis on the policy writing course.				
A training need has been identified for					
Trust staff	Yes	Service users	No	Contractors or other outside agencies	No
Make sure that you have checked the information and that you are comfortable that additional evidence can provided if you are required to do so					
The completed EA has been signed off by: You the Policy owner/manager: Type name: Jools Smithies					Date:10/01/2020
Your reporting manager: Type name: Sarah Jay					Date: 10/01/2020
Please forward this form by email to: tevv.policies@nhs.net Please Telephone: 0191 3336267/6542 for further advice and information on equality analysis					