

Equality and Human Rights Policy

Version No: 2

Document Summary:

This policy describes the actions needed to:

- Ensure that the Trust meets its statutory requirements as defined by the Equality Act 2010
- Support the Human Rights of patients, visitors and employees in the Trust as defined by the Human Rights Act 2008
- Ensure that the Trust anticipates the consequences of its actions on our local communities and ensure that as far as possible, negative consequences are eliminated and opportunities for promoting equality are maximised wherever possible.

Document status	Approved	
Document type	Policy	Trust wide
Document number	STHK0596	
Approving body	Patient Experience Council / Workforce Council	
Date approved	22/07/2020	
Date implemented	22/07/2020	
Review date	*3 years from approval date 31/07/2023	
Accountable Director	Director of Nursing, Midwifery & Governance	
Policy Author	Patient Inclusion and Experience Lead	
Target audience	All staff	

The intranet version of this document is the only version that is maintained. Any printed copies should therefore be viewed as “uncontrolled”, as they may not contain the latest updates and amendments

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	1 of 21		

Document Control

[Author to complete all sections apart from Section 4 & 5]

Section 1 – Document Information	
Title	Equality and Human Rights Policy
Directorate	Quality & Risk
Brief Description of amendments	
Amended responsibilities of individual members of staff, added recruitment into reasonable adjustments section <i>Please state if a document has been superseded.</i>	
Does the document follow the Trust agreed format?	Yes
Are all mandatory headings complete?	Yes
Does the document outline clearly the monitoring compliance and performance management?	Yes
Equality Analysis completed?	Yes

Section 2 – Consultation Information	
Consultation Completed	<input type="checkbox"/> Trust wide <input type="checkbox"/> Local <input type="checkbox"/> Specific staff group
Consultation start date	Click here to enter a date.
Consultation end date	Click here to enter a date.

Section 3 – Version Control		
Version	Date Approved	Brief Summary of Changes
2	22/07/2020	Amended responsibilities of individual members of staff, added recruitment into reasonable adjustments section
	Click here to enter a date.	
	Click here to enter a date.	
	Click here to enter a date.	
	Click here to enter a date.	

Section 4 – Approval – <i>To be completed by Document Control</i>	
Document Approved	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved with minor amendments
Assurance provided by Author & Chair	<input type="checkbox"/> Minutes of Meeting <input checked="" type="checkbox"/> Email with Chairs approval
Date approved	22/07/2020
Review date	31/07/2023

Section 5 – Withdrawal – <i>To be completed by Document Control</i>	
Reason for withdrawal	<input type="checkbox"/> No longer required <input type="checkbox"/> Superseded
Assurance provided by Author & Chair	<input type="checkbox"/> Minutes of Meeting <input type="checkbox"/> Email with Chairs approval
Date Withdrawn:	Click here to enter a date.

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	2 of 21		

Contents

Document Control	2
1. Scope	4
2. Introduction	4
3. Statement of Intent.....	5
4. Definitions.....	5
5. Duties, Accountabilities and Responsibilities.....	6
5.1 Management Responsibilities (including Directors, Heads of Service, Managers and Supervisors).....	6
5.2 The Diversity and Inclusion Group has responsibility for:	7
5.3 Individual members of staff:	7
6. Embedding equality, diversity and Human Rights	7
6.1 Public sector equality duties.....	7
6.2 Equality Analysis.....	8
6.3 Duty to make ‘reasonable adjustments’.....	8
6.4 Patients and services.....	9
6.5 Accessible Information Standard.....	10
6.6 Recruitment, selection and promotion of staff	10
6.7 Disability Confident Accreditation.....	10
6.8 Workforce Race Equality Standard (WRES)	11
6.9 Workforce Disability Equality Standard (WDES)	11
6.10 Equality Delivery System (EDS2).....	12
6.11 Access to training and development.....	12
6.12 Service delivery – public and patient involvement	12
6.13 Complaints of unlawful discrimination	13
6.14 Harassment at work	13
6.15 Procurement	13
6.16 Human Rights	14
6.16.1 Who has legal duties under the Human Rights Act?	14
6.17 A Human Rights based approach to healthcare - The FREDA principles	15
7. Training.....	15
8. Monitoring Compliance	15
8.1 Key Performance Indicators (KPIs) of the Policy	15
8.2 Performance Management of the Policy	16
9. References	17
10. Related Trust Documents	18
11. Equality Analysis Form.....	19

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	3 of 21		

1. Scope

This policy applies to all Trust employees, contractors and temporary workers, together with any applicants for employment in the Trust, service users and/or any external persons who have a connection with the business of the Trust.

This policy covers all aspects of service delivery including access to services, appointments, referrals and discharge, treatment and care, consultation, communication, access to information and complaints.

The policy also covers all aspects of employment including recruitment and selection, terms and conditions of employment, training and development, and equal opportunities for all staff employed by St Helens and Knowsley Teaching Hospitals NHS Trust.

2. Introduction

St Helens and Knowsley Teaching Hospitals NHS Trust is committed to creating an inclusive organisation, which seeks to recognise diversity, promote equal opportunities and supports Human Rights in the provision of health services for the communities it serves and in its practice as a lead employer.

Equality, diversity and Human Rights are central to the vision, values and long term development of St Helens and Knowsley Teaching Hospitals NHS Trust and, therefore, it is important that all three are embedded throughout the organisation in everything we do for both patients and staff.

In order to do this we endeavour to meet our Public Sector Equality Duties (General Duties) described by the Equality Act 2010, which includes having **due regard** to the need to:

- Eliminate unlawful discrimination, harassment, 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.

The Trust is also committed to delivering the expected outcomes as identified in the national Equality Delivery System 2 (EDS2) and meet the specific equality duties defined by the Equality Act 2010.

The Trust promotes and supports the positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, religion or belief, sex or sexual orientation as defined by the Equality Act 2010, and also members of other known vulnerable/hard to reach groups including refugees, asylum seekers, street workers, drug and alcohol users and homeless individuals.

The Trust recognises the impact that effective implementation of a Human Rights based approach to healthcare has upon an organisation and is committed to embedding the

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	4 of 21		

'FREDA' principles (freedom, respect, equality, dignity, autonomy) into all areas of the Trust.

3. Statement of Intent

The aim of this policy is to build a fully inclusive organisation. This will be achieved by:

- Serving our local communities in a way which is appropriate, accessible and responsive;
- Making the best use of the range of talent and experience available within both the current and future workforce;
- Fulfilling our legal obligations as defined in the Equality Act 2010 and the Human Rights Act 1998.

The Trust endorses the following principles in relation to equality and Human Rights issues:

- To ensure that the health and wellbeing of all our patients and staff are at the heart of everything we do
- To ensure active engagement with the public, our patients, staff and clinicians
- To work through partnership to achieve mutual benefit
- To respect individuals and embrace the diversity of our patients and staff
- To work with integrity and honesty

4. Definitions

Definition	Meaning
Equality	Is creating a fairer society in which everyone has the opportunity to fulfil their full potential.
Diversity	Is recognising and valuing difference in its broadest sense. Differences in individuals and/or groups of individuals and placing a positive value on those differences.
Disability	The Equality Act 2010 defines a disability as a physical or mental impairment that has a 'substantial' and 'long-term' adverse effect on your ability to carry out normal day to day activities
Discrimination	Treating people differently, people being thought of as having different worth or value, being treated less favourably or given fewer opportunities because they are in possession of one or more protected characteristic(s).
Direct discrimination	Is treating someone less favorably because they have one or more protected characteristics
Indirect discrimination	Is discriminating by means of rules, regulations or procedures that may appear to be neutral, but which actually discriminate against certain groups of people. Not intentional, but is important to ensure that indirect discrimination is introduced by carrying out a robust equality analysis (equality impact assessment).
Associative discrimination	Occurs when a person is treated differently, less favourably because of their association (relationship) with a person(s) with one or more protected characteristic(s).
Perceptive	Occurs when someone is treated less favourably because you

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	5 of 21		

discrimination	perceive or assume they belong to one or more protected groups.
Positive action	Is a range of lawful actions that seek to address an imbalance in employment opportunities among specific groups that have previously experienced disadvantage or that are under-represented in the workplace.
Harassment	Is unwanted conduct on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation which has the purpose or effect of either violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
Protected characteristics	The Equality Act 2010 introduced the term " protected characteristics " to refer to groups that are protected from discrimination under the provisions of the Equality Act 2010 (see Appendix 2). The nine groups are given protection on the grounds of: <ul style="list-style-type: none"> • Age • Disability • Gender reassignment • Marriage or civil partnership • Pregnancy or maternity • Race • Religion or Belief • Sex • Sexual orientation
Human Rights	The Human Rights Act (HRA) was introduced in 1998 and is a comprehensive legal framework which sets out the legal obligations of public authorities in relation to Human Rights. The Act obliges public authorities to treat people in accordance with their Human Rights (as set out in the European Convention of Human Rights).

5. Duties, Accountabilities and Responsibilities

5.1 Management Responsibilities (including Directors, Heads of Service, Managers and Supervisors)

All managers and service leads are responsible for implementing this policy in the areas they are responsible for and for maintaining high standards of Equality and Human Rights practice.

All managers must ensure that:

- They lead by example adopting personal standards of behaviour which treat all employees with dignity and respect;
- Staff are aware of this policy and its location;
- All staff grievances and patient complaints are dealt with fairly, appropriately and in a timely manner;
- All staff are aware of their individual responsibility for the promotion and practice of equal opportunities and the avoidance of discrimination;

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	6 of 21		

- Patients are made aware of the policy in general patient information;
- They fully support and undertake an Equality Analysis (EA) on all policies, functions, service changes or reconfigurations, transformation projects and cost improvement initiatives within the areas they have responsibility for.

5.2 The Diversity and Inclusion Group has responsibility for:

- Overseeing the development and implementation of the Trust's equality objectives to ensure integration of equality and diversity into mainstream services and corporate functions;
- Overseeing the development and implementation of the Trust's Equality and Human Rights strategy;
- Undertaking monitoring of progress with all statutory and non-statutory requirements in order to provide assurance to the relevant governance committees.

5.3 Individual members of staff:

All Trust employees (including contractors and temporary workers) must:

- Take a personal responsibility to carry out their duties and behave at all times in a way which supports equality, recognises diversity and upholds the Human Rights of service users, colleagues and visitors to the Trust.
- Undertake relevant training and development to ensure they are kept up to date with equality, diversity and Human Rights legislation and best practice.
- Be aware that unlawful discrimination on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation illegal and could result in legal proceedings against the Trust and/or against the individual.
- Be aware they have a duty to report any unlawful discrimination or suspected discrimination occurring within the Trust whether by colleagues, service users, visitors or contractors. Help and advice is available from their line manager, Patient Inclusion and Experience Lead, Workforce EDI Lead, HR business partner/advisor or Trade Union representative (for those members of staff who are members of a Trade Union).

6. Embedding equality, diversity and Human Rights

6.1 Public sector equality duties

On 5th April 2011 the Public Sector Equality Duty (PSED/the equality duty) came into force in England, Scotland and Wales. This duty replaces the existing race, disability and gender equality duties.

The public sector equality duty consists of a **general** equality duty, which is set out in section 149 of the Equality Act 2010 itself, and the **specific** duties which came into law on the 10th September 2011.

In summary, those subject to the general equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	7 of 21		

- 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.

The specific duties require public bodies to:

- Publish information to show their compliance with the Equality Duty, at least annually; and
- Identify and publish equality objectives, at least every four years.

All information must be published in a way which makes it easy for people to access it.

6.2 Equality Analysis

In order to meet the general duties under the Equality Act all policies, functions, service changes, reconfigurations, transformation projects and cost improvement initiatives must have an Equality Analysis (EA) completed as early as possible during the planning stage. Retrospective EAs are unlikely to demonstrate **due regard** to the aims of the duty at the point when decisions were being made, and could leave the Trust open to legal challenge.

An EA is a way of identifying any potential discrimination (direct or indirect) at the earliest possible stages of the planning process and enables action to be taken to eliminate discrimination at the earliest possible opportunity.

The assessment is a systematic analysis of the impact of the following on people from each of the groups given protection from discrimination by the Equality Act 2010:

- Policies/SOP's
- Functions
- Service changes or reconfigurations/decommissioning of services
- Cost improvement initiatives
- Transformation programmes

A thorough assessment should involve the use of all available equality information, and wherever possible the results of engagement with all relevant groups e.g. service users, staff, carers and visitors in order to fully understand the impact on individuals from each of the protected groups, and demonstrate due regard.

In addition to identifying any potential negative impacts, the EA is also a useful tool in identifying areas of good practice in the Trust.

6.3 Duty to make 'reasonable adjustments'

The Equality Act 2010 places a duty on the Trust to make reasonable adjustments to working arrangements, physical features of the premises or services which may place a disabled employee, applicant or service user at a substantial disadvantage (in comparison to non-disabled individuals); this is to help disabled people to overcome the practical effects of their disability wherever possible.

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	8 of 21		

The duty does not arise if the Trust is not aware (or could not reasonably be expected to know) that a disabled person has a disability and is, therefore, likely to be substantially disadvantaged, compared to non-disabled individuals.

Examples of 'reasonable adjustments' could include:

- Changing the Trust estate to ensure all areas are accessible to all patients and visitors to the Trust
- Providing verbal and non-verbal interpreting services for patients whose first language is not English
- Ensuring signage across the Trust is clear, visible and accessible to all patients and visitors to the Trust
- Providing information in accessible formats for patients who may have additional communication needs
- Flexible working
- Changes to working pattern/shift patterns
- Changes to working environment (structural or physical)
- Changes to equipment used
- Redeployment to a more suitable available post in the Trust
- Arranging training sessions in accessible locations/asking delegates if they need any reasonable adjustments to attend training

Where the duty to make reasonable adjustments applies, the Trust may be able to justify not making the adjustment on the basis that:

- It was not reasonable or practicable to do so, due to costs, disruption to activities, etc. It is important to note, that if using 'cost' as justification for not making a reasonable adjustment, the financial position of the whole organisation is taken into consideration and not an individual area or department;
- The only reasonable adjustment that could have been made would not have made a difference i.e. the individual would still remain disadvantaged.

6.4 Patients and services

Patients, their relatives or carers should be treated with dignity, respect and due consideration at all times.

Patients should be afforded healthcare in a consistent and non-discriminatory manner, regardless of their possession of one or more protected characteristic(s).

To ensure equality of access for all our patients access to Trust services, healthcare arrangements or Trust buildings (estate) will be subject to any reasonable adjustments necessary, or appropriate to meet the needs of patients who have a disability.

Religious beliefs and cultural requirements need to be considered when planning a patient's care where necessary and should include ensuring their dietary requirements are met.

Patients whose first language is not English should be identified at the time of booking their first appointment, and relevant interpreters arranged, this includes providing British Sign Language or other non-verbal interpreters. Patient information will be provided in

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	9 of 21		

the appropriate format to ensure that patients are well informed and can be as involved in their care as they wish to be.

Any patient who considers they have been the victim of discrimination from another service user, carer, relative or a member of staff should be encouraged to address their issue through the Trust's Policy for the Management of Incidents of Unacceptable Behaviour or the Trust's complaints procedure.

All booking and scheduling staff and clinical staff are responsible for making reasonable efforts to obtain equality information from patients, or if appropriate from the relatives or carers, at the earliest possible point of patient access to the Trust's services.

6.5 Accessible Information Standard

From 1st August 2016 onwards, all organisations that provide NHS care and / or publicly-funded adult social care are legally required to follow the Accessible Information Standard. The Standard sets out a specific, consistent approach to identifying, recording, flagging, sharing and meeting the information and communication support needs of patients, service users, carers and parents with a disability, impairment or sensory loss. This Trust is compliant with this standard and can provide communication support in a variety of formats, including non-verbal interpreting services.

The guidance for the Accessible Information Standard can be found at:
<https://www.england.nhs.uk/ourwork/accessibleinfo/>

6.6 Recruitment, selection and promotion of staff

The Trust will ensure that its recruitment, selection and promotion practices provide equal access/opportunities for all persons and are free from unfair or unlawful forms of discrimination.

No advertisement placed on behalf of the Trust will contain wording which implies there are restrictions upon eligibility to apply for employment in the Trust **except** in instances where a genuine occupational requirement applies.

Job applicants or employees shall receive no less favourable treatment on the grounds of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation.

The Trust strives to have a workforce that is representative of the local populations that it serves.

6.7 Disability Confident Accreditation

Disability Confident Accreditation replaced the 'Two Ticks, Positive about Disability' scheme in 2016. This accreditation has 3 levels:

1. Disability Confident – Committed
2. Disability Confident – Employer
3. Disability Confident – Leader

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	10 of 21		

Currently, this Trust is at level 2 and is a Disability Confident Employer. This means that the Trust is committed to improving employment opportunities and career development for disabled people and has committed to undertake the following actions:

- Actively looking to attract and retain disabled individuals;
- Providing fully inclusive and accessible recruitment and selection process;
- Offering an interview to disabled people who meet the minimum criteria for a job;
- Flexibility when assessing people so disabled job applicants have the best opportunity to demonstrate that they can do the job;
- Proactively offering and making reasonable adjustments as required;
- Encouraging our suppliers and partner organisations to become Disability Confident;
- Ensuring employees have appropriate disability equality awareness;
- Promoting a culture of being Disability Confident;
- Supporting employees to manage their disabilities or health conditions;
- Ensuring managers are aware of how they can support staff who are sick or absent from work;
- Valuing and listening to feedback from disabled people.

Members of staff involved in recruitment and selection processes **must** be up to date with their Equality and Diversity Training.

6.8 Workforce Race Equality Standard (WRES)

In April 2015 the Workforce Race Equality Standard became a mandatory requirement for NHS organisations. This standard requires NHS organisations to publish data annually demonstrating how they perform against a set of metrics designed to capture the opinions and experiences of Black and Minority Ethnic (BME) staff. The focus of this standard is not simply to collect the data but also to deliver real improvements and outcomes for BME staff employed in the Trust, therefore, in addition to the collecting and publishing the data, an action plan is also produced.

The WRES guidance can be found at:

<https://www.england.nhs.uk/wp-content/uploads/2017/03/wres-technical-guidance-2017.pdf>

6.9 Workforce Disability Equality Standard (WDES)

The Workforce Disability Equality Standard (WDES) is a set of ten specific measures which enables NHS organisations to compare the workplace opinions and experiences of Disabled and non-disabled staff. The WDES enables NHS organisations to better understand the experiences of their disabled staff and supports positive change for all existing employees and enable a more inclusive environment for disabled people working in the NHS. The focus of this standard is not simply to collect the data but also to deliver real improvements and outcomes for disabled staff employed in the Trust, therefore, in addition to the collecting and publishing the data, an action plan is also produced.

The WRES guidance can be found at:

<https://www.england.nhs.uk/wp-content/uploads/2019/06/wdes-technical-guidance-v2.pdf>

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	11 of 21		

6.10 Equality Delivery System (EDS2)

EDS2 is a tool designed to help NHS organisations, in partnership with local stakeholders, to review and improve their performance for people with characteristics protected by the Equality Act 2010, and to support organisations in meeting the Public Sector Equality Duties. It became mandatory in 2015-16 for all NHS organisations to participate in EDS2.

In its simplest form, EDS2 provides organisations with the tools to assess its equality performance in relation to:

- How good you are now
- How good you can be
- How you can get there

At the heart of the EDS2 are 18 outcomes grouped into four goals. These outcomes cover the things that patients and staff say matter the most to them. Working with patients, staff and local voluntary organisations, NHS organisations analyse their performance against the 18 outcomes and use the results to identify equality objectives for the next business planning round. The outcomes are aligned with key mainstream levers for the NHS – including the NHS Outcomes Framework, the NHS Constitution and the Care Quality Commission’s key inspection questions.

The EDS2 guidance document can be found at:

<https://www.england.nhs.uk/wp-content/uploads/2017/03/wres-technical-guidance-2017.pdf>

6.11 Access to training and development

All employees will be given equal opportunity and encouragement to progress and have equal access to learning and development opportunities both within the Trust and externally, so they are given the opportunity to achieve their full potential.

Reasonable adjustments will be made to ensure that employees with disabilities (including learning disabilities) have the same access to training and development opportunities as those members of staff who do not have a disability.

When providing training to external delegates the Trust has a duty to take into consideration any reasonable adjustments potential delegates may need in order to allow them to access the training.

6.12 Service delivery – public and patient involvement

The Trust will ensure that its services are non-discriminatory, enabling equality of access and provision and that it meets the requirements of the general and specific duties of the Equality Act 2010.

The Trust will ensure that priorities are influenced and set by the health needs of our local communities, and health inequalities are narrowed by seeking the views of the community and working cohesively with our local commissioners, HealthWatch representatives and patient groups to identify and work towards improving health inequalities.

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	12 of 21		

The Trust will actively engage with people from all of our local communities in order to give them the opportunity to help influence and shape the services we offer.

6.13 Complaints of unlawful discrimination

The Trust will not tolerate any form of unlawful discrimination or harassment and will investigate all complaints of discrimination whether the alleged discriminator is an employee, service user, carer or relative, contractor or volunteer in the Trust.

The Trust will ensure that all complaints are dealt with sensitively, confidentially, thoroughly and in a timely manner in line with the Trust's Managing Concerns and Complaints Policy.

Any member of staff who considers they have been the victim of discrimination or harassment from a service user, carer, relative or another member of staff may pursue the matter through the Trust's Policy for the Management of Incidents of Unacceptable Behaviour by Patients, Visitors and Members of the Public

Any job applicant, who considers they have been unfairly treated or discriminated against in the operation of the Trust's recruitment and selection procedures should be encouraged to initiate a formal complaint in writing to the Human Resources Department.

6.14 Harassment at work

The Trust is committed to ensuring that all staff have a working environment that upholds the right of the individual to be treated with consideration, dignity and respect. Harassment at work in any form is unacceptable and may in certain circumstances be unlawful.

The Trust takes its duty to protect staff from harassment seriously, and will take action whether the harassment is from colleagues, service users, carers or visitors. Any member of staff who believes they have been harassed should take action as described in the Trust's Policy for the Management of Incidents of Unacceptable Behaviour by Patients, Visitors and Members of the Public or the Respect and Dignity at Work Policy.

6.15 Procurement

As a major procurement organisation, the Trust will encourage best practice and non-discriminatory principles from within its existing and prospective supplier base. This will form, where appropriate, part of the Trust's formal contractual arrangements and obligations with suppliers.

Private and honorary contractors employed by the Trust in any activity (for example; suppliers of goods or services, researchers) will be required to fully comply with the Trust's Equality and Human Rights Policy when on any of the Trust sites or if conducting business or activity on behalf of the Trust elsewhere.

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	13 of 21		

6.16 Human Rights

Human rights are the basic rights and freedoms we have because we are human. They provide a set of **minimum standards**, outlined in law, for how the government should treat us. Our Human Rights are protected through the Human Rights Act 1998 (HRA), which makes 16 of the rights written in the European Convention on Human Rights part of UK law.

The HRA guarantees these minimum standards in two key ways:

- It places a **legal duty on public officials**, (including providers of health services) to uphold these standards by respecting our Human Rights in everything they do. This means that public authorities have legal responsibilities for respecting, protecting and fulfilling Human Rights;
- All legislation, **including health and social care law, should be** compatible with Human Rights, or be **'Human Rights compliant'**. In practice this means the laws that are relevant to health and social care should be designed and applied in a way that respects, protects and fulfils our Human Rights.

6.16.1 Who has legal duties under the Human Rights Act?

Only public authorities or bodies exercising public functions have legal duties under the HRA.

This includes:

- NHS organisations and staff (ALL staff)
- Outsourced NHS services provided by the private sector or charities
- Private nursing and care arranged and/or paid for by a public authority or funded by the NHS
- Local authorities and their employees eg. Social Services staff etc.
- Regulators of services

Everyone who works in a public health authority will have legal responsibilities under the Human Rights Act, these responsibilities are to:

Respect:

This means ensuring you respect people's rights. This can help you to avoid interfering with someone's rights, unless it is a right you can restrict and you have followed the correct legal process for doing this. This is called a 'negative duty'.

Protect:

This requires action to protect people's Human Rights in certain circumstances. This can include protecting a person known to be at risk of serious harm. This is often called a '**positive duty**' or '**obligation**'.

Fulfil:

This means taking steps to strengthen access to and realisation of Human Rights. It includes having systems in place to prevent or investigate Human Rights abuses. This is called a '**procedural duty**'.

The key rights relevant to working in a healthcare organisation are:

- The right to life (article 2)

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	14 of 21		

- The right not to be tortured or treated in an inhuman or degrading way (article 3)
- The right to liberty (article 5)
- The right to respect for private and family life, home and correspondence (article 8)
- The right not to be discriminated against in relation to any of the rights in the Human Rights Act (article 14)

6.17 A Human Rights based approach to healthcare - The FREDa principles

A Human Rights based approach is the process by which Human Rights can be protected by adherence to the underlying core values of:

- **F**airness
- **R**espect
- **E**quality
- **D**ignity
- **A**utonomy

These principles are the basics of good clinical care, and should be used to inform decisions not determine them.

Individual healthcare professionals working in accordance with their profession's codes of practice have the daily opportunity to demonstrate Human Rights principles in practice by offering healthcare that epitomises the values of fairness, respect, equality, dignity and autonomy.

7. Training

All employees of the Trust are required to complete mandatory equality and Human Rights training as part of their corporate induction, at the first available date on commencement of employment in the Trust and every 3 years thereafter.

Any changes in equality or Human Rights legislation will be communicated to all staff when required to ensure they are up-to-date with the latest practice.

8. Monitoring Compliance

8.1 Key Performance Indicators (KPIs) of the Policy

No	Key Performance Indicators (KPIs) Expected Outcomes
1	Systematic screening of equality analysis (equality impact assessments)
2	Annual patient profile report
3	Annual workforce profile report
4	Recruitment and selection process report

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	15 of 21		

8.2 Performance Management of the Policy

Minimum Requirement to be Monitored	Lead(s)	Tool	Frequency	Reporting Arrangements	Lead(s) for acting on Recommendations
<p>A systematic screening equality analysis is carried out on all changes to Trust services, cost improvement programmes, business and strategic plans and policies and practices.</p> <p>Ensuring that when necessary a full equality analysis is carried out.</p>	<p>Patient Inclusion and Experience Lead</p> <p>Workforce EDI lead</p>	<p>Audit of 10% of updated/new policies and all cost improvement plans and service changes.</p>	6 monthly	Diversity and Inclusion Group	Patient Inclusion and Experience Lead
<p>Annual patient profile to include demographics of patients accessing services in the Trust to demonstrate if service users are representative of the local communities</p>	Patient Inclusion and Experience Lead	Report	Annually (end of Jan)	Patient Experience Council	Patient Inclusion and Experience Lead
<p>Annual workforce profile to include demographics of staff employed in the Trust and data demonstrating the numbers of staff involved in formal HR processes (disciplinarys, grievances etc) and accessing learning and</p>	Workforce EDI lead	Report	Annually (end of Jan)	Workforce Council	Head of Human Resources

Title: Equality and Human Rights Policy

Document Number: STHK0596

Version: 2

Page: 16 of 21

development opportunities. Also to determine if workforce profile mirrors local community profile					
Recruitment and selection process report – all stages including applications, shortlisting and appointments will be monitored by protected characteristic to identify if any particular group(s) fail to progress through all stages of the recruitment and selection process.	Resourcing Lead Workforce EDI lead	Report	Annually (end of Jan)	Workforce Council	Head of Human Resources

9. References

No	Reference
1	Equality Act 2010
2	Human Rights Act 1998
3	Workforce Race Equality Standard (WRES) Technical Guidance, April 2017
4	A Refreshed Equality Delivery System for the NHS (EDS2), November 2013
5	Accessible Information Standard Guidance (version 1.1), August 2017
6	Workforce Disability Equality Standard Guidance, March 2019

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	17 of 21		

10. Related Trust Documents

No	Related Document
1	Recruitment and Selection Policy
2	Managing Concerns and Complaints Policy
3	Trust's Policy for the Management of Incidents of Unacceptable Behaviour by Patients, Visitors and Members of the Public
4	Respect and Dignity at Work Policy
5	Equality Analysis Standard Operating Procedure
6	Equality Analysis Toolkit
7	Policy to meet the communication needs of patients
8	Caring for transgender patients policy
9	Transgender staff support policy

11. Equality Analysis Form

The screening assessment must be carried out on all policies, procedures, organisational changes, service changes, cost improvement programmes and transformation projects at the earliest stage in the planning process to ascertain whether a full equality analysis is required. This assessment must be attached to all procedural documents prior to their submission to the appropriate approving body. A separate copy of the assessment must be forwarded to the Patient Inclusion and Experience Lead for monitoring purposes. Cheryl.farmer@sthk.nhs.uk. If this screening assessment indicates that discrimination could potentially be introduced then seek advice from the Patient Inclusion and Experience Lead. A full equality analysis must be considered on any cost improvement schemes, organisational changes or service changes which could have an impact on patients or staff.

Equality Analysis			
Title of Document/proposal /service/cost improvement plan etc:		Equality and Human Rights Policy	
Date of Assessment	10/06/2020	Name of Person completing assessment /job title:	Cheryl Farmer
Lead Executive Director	Director of Nursing, Midwifery & Governance		Patient Inclusion and Experience Lead
Does the proposal, service or document affect one group more or less favourably than other group(s) on the basis of their:		Yes / No	Justification/evidence and data source
1	Age	No	It is clear in the policy that patients and staff should not be treated less favourably on the grounds of their possession of one or more protected characteristic.
2	Disability (including learning disability, physical, sensory or mental impairment)	Yes	The duty on the Trust to make reasonable adjustments for staff with disabilities is clear in the policy, and includes information on making reasonable adjustments for current employees, patients, applicants for employment, visitors attending the Trust for interview or training. The Trust is a disability confident employer, which demonstrates that the Trust is committed to improving employment opportunities and career development opportunities for disabled people. The Trust also participates in the WDES to enable the Trust to better understand the opinions and experiences of disabled staff and support positive change and create a more inclusive environment for people working in the Trust. The Trust is compliant with the requirements of the Accessible Information Standard, and provides communication support in various formats for patients who require additional communication

Title:	Equality and Human Rights Policy		
Document Number:	STHK0596	Version:	2
Page:	19 of 21		

			support relating to their disability, including non-verbal interpreters.
3	Gender reassignment	No	It is clear in the policy that patients and staff should not be treated less favourably on the grounds of their possession of one or more protected characteristic. Refers reader to related transgender patient and staff policies.
4	Marriage or civil partnership	No	It is clear in the policy that patients and staff should not be treated less favourably on the grounds of their possession of one or more protected characteristic.
5	Pregnancy or maternity	No	It is clear in the policy that patients and staff should not be treated less favourably on the grounds of their possession of one or more protected characteristic.
6	Race	No	It is clear in the policy that patients and staff should not be treated less favourably on the grounds of their possession of one or more protected characteristic. The Trust also participates in the WRES to enable the Trust to better understand the opinions and experiences of staff from Black, Asian or Minority Ethnic backgrounds and support positive change and create a more inclusive environment for people working in the Trust.
7	Religion or belief	No	It is clear in the policy that patients and staff should not be treated less favourably on the grounds of their possession of one or more protected characteristic. The policy highlights the need of staff to be aware of the religious or cultural requirements of patients including the duty to provide communication support where needed for patients whose first language is not English, this includes interpretation and translation services.
8	Sex	No	It is clear in the policy that patients and staff should not be treated less favourably on the grounds of their possession of one or more protected characteristic.
9	Sexual Orientation	No	It is clear in the policy that patients and staff should not be treated less

Title: Equality and Human Rights Policy

Document Number: STHK0596

Version: 2

Page: 20 of 21

			favourably on the grounds of their possession of one or more protected characteristic.
Human Rights – are there any issues which might affect a person’s human rights?		Yes / No	Justification/evidence and data source
1	Right to life	No	Click here to enter text.
2	Right to freedom from degrading or humiliating treatment	No	Click here to enter text.
3	Right to privacy or family life	No	Click here to enter text.
4	Any other of the human rights?	No	Click here to enter text.
Lead of Service Review & Approval			
Service Manager completing review & approval Job Title:		Cheryl Farmer	
		Patient Inclusion and Experience Lead	