



## Mandatory Training Workbook 2015

### Equality and Diversity

All Staff

My



## Checklist

- Read through this section of the workbook.
- Complete the on-line assessment via the intranet
- If further information is required please contact the

## Learning Outcomes – mapped to Core Skills Framework

- Principles of Equality, Diversity and Human Rights
- Relevant legislation, Trust policies and processes
- Individual role and responsibilities
- How to challenge behaviours that undermine equality, diversity and human rights
- The importance of valuing people as individuals and treating everyone with dignity, courtesy and respect
- The consequences of personal behaviour on others' human rights

'Equality and Diversity is about creating a fairer society where everyone can **participate and has the opportunity to fulfil** their potential'

*(NHS Knowledge and Skills Framework)*

As the largest employer in Europe, with over 1.3 million staff, the NHS has a responsibility to remain at the forefront of the equality agenda – for patients and staff.

**Equality** is not about treating everyone the same, but:

- Making sure people are treated fairly
- Meeting individuals' needs appropriately
- Challenging the factors that limit individuals' opportunity

**Diversity** is:

- Recognising and valuing individual and group differences
- Ensuring that many different types of people can contribute to society

## Equality Act 2010

- The Act brings together for the first time all the legal requirements on equality that the private, public and voluntary sectors need to follow
- It affects equality law at work and in delivering all sorts of services
- It replaces all the existing equality law including:
  - The Equal Pay Act 1970
  - The Sex Discrimination Act 1975
  - The Race Relations Act 1976
  - The Disability Discrimination Act 1976
- Harmonises and simplifies Equality and Diversity law
- Encourages to do what's right, as well as what's legal

## General Duties

- Under the Equality Act the following duties are expected of all public organisations:
  - To eliminate discrimination, harassment and victimisation
  - To advance equality of opportunity for all
  - To foster good relations between people who share a protected characteristic and those who do not

## Who the Law protects

- Whether at work as an employee or in using a service, the message (or purpose) of the Equality Act is that everyone has the right to be treated fairly at work or when using services.
- It protects people from discrimination on the basis of certain characteristics. These are known as protected characteristics.

## Definitions of Protected Characteristics

Under the Equality Act the following are now classed as protected



- **Religion or Belief**

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (eg Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition

- **Sexual Orientation**

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

- **Gender Reassignment**

The process of transitioning from one gender to another

- **Marriage & Civil Partnership**

Marriage is defined as a 'union between a man and a woman.' Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

- **Race**

Refers to a group of people defined by their race, colour and nationality (including citizenship), ethnic or national origins.

- **Disability**

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

- **Age**

It refers to a person belonging to a particular age (e.g. 32 years old) or range of ages (e.g. 18-30 year olds).

- **Sex**

A man or a woman

- **Pregnancy and Maternity**

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

## How do you know if you have responsibilities under the law?

- All employers and service providers have a responsibility under the law to treat their employees and service users fairly
- You are a service provider if you provide goods, facilities or services to the general public or section of it, regardless of whether these are free or paid for.



## What the Law protects against

These are the main forms of prohibited conduct:

**Discrimination.** This includes:

- Treating a person worse than someone else because of a protected characteristic (known as **direct discrimination**).
- Putting in place a rule or way of doing things that has a worse impact on someone with a protected characteristic than someone without one, when this cannot be objectively justified (known as **indirect discrimination**).
- Treating a disabled person unfavourably because of something connected with their disability when this cannot be justified (known as **discrimination arising from disability**).
- Failing to make reasonable adjustments for disabled people
- **Associative discrimination** is treating someone less favourably than others as a result of their association with a person who holds a protected characteristic
- Unlawfully discriminating against someone on the mistaken assumption that they hold a protected characteristic is deemed as **perceived discrimination**.

## The basis of discrimination

### Stereotypes

To make assumptions about a person on the basis of their age, sex, race, nationality, sexuality and so on

### Prejudice

Favouring or disfavouring an individual because of preconceived ideas relating to their age, sex, race, nationality, sexuality and so on.

## Harassment

- Unwanted conduct which has the purpose or effect of violating someone's dignity of which is hostile, degrading, humiliating or offensive to someone with a **protected characteristic** or in a way that is sexual in nature

The effect on an individual is more important than the intention of the bully/bullies.

Can involve:

- Verbal abuse or taunting
- Nasty comments or jokes
- Physical force
- Deliberately isolating/ignoring someone
- Unfair allocation of work
- Display or circulation of offensive materials
- Inappropriate sexual comments

## Victimisation

- Treating someone unfavourably because they have taken (or might be taking) action under the Equality Act or supporting somebody who is doing so.

As well as these characteristics, the law also protects people from being discriminated against:

- By someone who wrongly perceives them to have one of the protected characteristics
- Because they are associated with someone who has a protected characteristic. This includes the parent of a disabled child or adult or someone else who is caring for a disabled person

## Fairness and Equality

Respect for all

Equality of opportunity

- Treat people according to needs
- Reasonable adjustment
- Positive action

## How is 'reasonable' judged?

- Whether adjustment will prevent the problem
- How practicable it is

- Financial and other costs
  - Employer's financial and other resources
  - Availability of financial or other assistance

## Human Rights

'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.'

***(U.N. Declaration of Human Rights, 1948)***

### Our Human Rights – 1

- To life
- Not to be tortured or treated in an inhuman or degrading way
- To be free from slavery or forced labour
- To liberty and security
- To a fair trial
- No punishment without law
- To respect for private and family life, home and correspondence

### Our Human Rights – 2

- To freedom of thought, conscience and religion
- To freedom of expression
- To freedom of assembly and association
- To marry and have a family
- Not to be discriminated against
- The right to peaceful enjoyment of possessions
- To education
- To free elections

## Human Rights Act (1998)

'The Human Rights Act offers a practical tool to help support NHS organisations to put the individual at the heart of the decision making process and make decisions that better protect the interests of service users, staff and carers.'

***(Department of Health, 2008)***

## Human Rights based approach

- Goes beyond the 9 protected characteristics to outlaw discrimination on all grounds
- Improves patient, service user and staff experiences through person-centred decision making

- Improves compliance with the Human Rights Act and reduces complaints/litigation
- Human rights are not an 'add on', they are an inherent part of care...Healthcare that isn't sensitive to human rights probably doesn't deliver its goals.'

***(British Medical Association)***

## **F.R.E.D.A.**

- A human rights based approach to clinical practice
  - Fairness
  - Respect
  - Equality
  - Dignity
  - Autonomy

It is suggested that adherence to underlying core values of F.R.E.D.A. allows for a process by which a human rights based can be protected in clinical and



## **Your Responsibilities**

- Co-operate with measures introduced to support equality
- Not to discriminate against others
- Not to encourage others to discriminate
- Not to harass, bully or abuse others
- To report evidence or suspicion of discrimination
- Not to victimise anyone who has complained/provided information relating to discrimination

## **How to challenge prejudice and discrimination?**

- Avoid blame – say what would be better
- Think about the impact of your role and relationship with the individual
- Be clear about your position
- Consider when and where is best to challenge
- Think about the effect on others

Remember – NOT challenging is not a neutral act – it can be seen as collusion

## Making a difference

- Learn more about people who are different from you
- Recognise how your social and racial identity may impact on others
- Understand that treating people fairly may not mean treating everyone the same
- Treat everyone with respect
- Don't stereotype
- Avoid disrespectful language

## Trust Policy

### ACTIVITY: EQUALITY, DIVERSITY AND HUMAN RIGHTS

Do not forget to complete the on-line assessment on [My PACT](#)



Please note:

- If you achieve 80% or more you have been successful
- If you do not achieve 80% you will not be deemed as compliant with your essential mandatory training and will need to repeat the test.