

EQUAL OPPORTUNITIES POLICY

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Appendix A - Membership of Forum

PROMOTING EQUALITY

Statement from Chief Executive:

The West Dorset General Hospitals NHS Trust is committed to providing a work environment and culture which treats all staff and potential employees fairly and equitably irrespective of gender, age, marital status, disability, sexual orientation, race, colour, religion, ethnic or national origin.

This policy is designed to ensure that positive measures are taken to progress equal opportunities forward and to make it an integral part of the achievement of the Trust's corporate and business goals. Any services provided to the Trust by external contractors will be required to have equal opportunities policies in line with the Trust's or to provide evidence of these in any tendering exercise.

Whilst the Trust must operate within the parameters of equal opportunities legislation, the aim of this policy is not only to comply with these requirements but is to achieve the very best in good employment practice and employee relations.

The Key Objectives of the policy will be to:

- **Foster an open workplace culture based on trust, mutual respect and good communications.**
- **Ensure existing recruitment and promotion procedures, work practice and training and development provide an equal opportunity for all in accordance with the legislative requirements as follows: Sex Discrimination Act 1975 & 1986; Equal Pay Act 1970 and Amendment to Equal Pay Act 1983; Race Relations Act 1976; Disability Discrimination Act 1995; Protection from Harassment Act 1997, Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Orders 1986 which do not permit discrimination in any context.**
- **ensure all staff understand their role and responsibility in promoting and achieving equality within the Trust and the standards which must be achieved.**
- **ensure equality is translated into operational practice with accessible and effective training programmes.**

- **Include equal opportunities performance in the continuous development and appraisal process.**
- **create a Trust Forum for addressing and monitoring equal opportunities issues.**
- **provide regular information to the Trust Board which demonstrates our progress in achieving these objectives through joint co-operation.**
- **ensure patients and visitors are aware of the Trust's approach to equal opportunities in relation to the delivery of care.**

EQUAL OPPORTUNITIES

EMPLOYMENT LEGISLATION

This policy recognises that any form of discrimination is unacceptable. The following legislation governs equal opportunities in employment: Sex Discrimination Acts 1975 and 1986; Equal Pay Act 1970 and amendment to Equal Pay Act 1983; Race Relations Act 1976; Disability Discrimination Act 1995; Protection from Harassment Act 1997; Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 1986 and the Human Right Act 1998.

Equal Pay Act 1970 and amendment to Equal Pay Act 1983

The Act applies to both men and women and operates by directly incorporating into contracts of employment what is called an equality clause. Broadly speaking, the equality clause gives the employee concerned the right to benefit from terms included in the contract of an equivalent employee of the opposite sex in the same employment, which are either not included at all in the contract or are less beneficial than the terms in the contract of the comparator.

An employee can compare themselves in one of three ways; either by showing that they are employed on like work with the comparator or that they are employed on work rated as equivalent to that of the other or that they are employed on work of equal value to that of the comparator in order to be able to claim equivalent contractual status to that of the comparator.

One express exception is made to the operation of the equality clause by s. 1(3) of the Act, which provides that an equality clause shall not operate in relation to the variation between the woman's contract and the man's contract if the employer proves that the variation is genuinely due to a material difference (other than the difference of sex) between her case and his so far as claims based on the "like work" or "work rated as equivalent" provisions are concerned.

**Sex Discrimination Acts
1975 and 1986**

Makes it unlawful to discriminate against both men and women, directly and indirectly on the grounds of sex and/or marriage. The Act covers the entire area of sex discrimination in employment including those areas relating to recruitment, advertising, selection, promotion and training. It is not unlawful to give special treatment to women in respect of pregnancy and childbirth, for example, in relation to maternity leave.

Race Relations Act 1976

Makes it unlawful to discriminate against a person directly and indirectly on the grounds of race.

Racial grounds means any of the following: colour, race, nationality or ethnic or national origins.

Racial group means a group of persons defined by reference to colour, race, nationality or ethnic or national origins and references to a person's racial group refer to any racial group into which he or she may fall. The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group for the purpose of the Act. The features of a racial group can be determined by factors such as dress and dialect, a long shared history, common geographical origin, customs.

**Disability Discrimination
Act 1995**

Under the terms of the Act a person has a disability if he/she has a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities. The Act makes it unlawful for an employer to discriminate against a disabled person in the field of employment. The Act says that discrimination occurs in two ways where:

1 For a reason which relates to a disabled person's disability, the employer treats that disabled person less favourably than

the employer treats or would treat others to whom the reason does not or would not apply, and the employer cannot show this treatment is justified.

2 An employer will also discriminate against a disabled person if it fails to comply with its duty imposed by the Act to make reasonable adjustments to any arrangements made or physical features of premises which place the disabled person at a disadvantage to others, and it cannot show this to be justified.

Protection from Harrassment Act 1997

Whilst this Act is predominately aimed at 'stalking' it has implications for employers and employee behaviour in the workplace and creates new criminal offences and a civil right to damages. The Act states that a person must not pursue a course of conduct, which amounts to harassment and which he or she knows or ought to know amounts to harassment. Such harassment is defined as 'alarming the person or causing the person distress'. A 'course of conduct' must involve conduct on at least two occasions. The test is whether a reasonable person in possession of the same information would have thought the behaviour constituted harassment. The Act provides employees with both a criminal and civil remedy for bullying at work which comes within the statutory definitions of harassment.

Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Orders 1986

The Rehabilitation of Offenders Act provides that an individual with a record of a previous conviction may become rehabilitated after a given period of time. It lays down that if after a given period of time the individual has not committed a further serious offence, the conviction could be regarded as spent and the individual as having been rehabilitated. This Act provides that someone who has a spent conviction does not have to refer to it under most circumstances and could regard such offences as to not have happened. There are exceptions to this rule designed to protect the vulnerable members of the public. These exceptions

relate to certain posts where it is compulsory to declare every previous conviction whether spent or not. Such exempt posts would include membership of certain health professions and employment within those professions as detailed below:

- medical practitioner
- dentist
- nurse
- optician
- osteopath
- pharmaceutical
- chemist
- chiropractor

and employment which has access to or substantial contact with children, elderly people, the sick and people with physical or mental disabilities.

While the law requires all job applicants to declare all convictions (including spent ones) when applying for posts, it also makes it unlawful for an employer to discriminate against a person who has a spent conviction (and is not applying for one of the exempt posts) because of a record of a previous conviction.

Human Rights Act (1998)

The Human Rights Act identifies 16 basic rights which affect rights in every day life (for example, what is said and done, individual beliefs and the right to a fair trial) as well as matters of life and death (freedom from torture and killing). They are not revolutionary, rather an affirmation of rights which, in a civilised society, protect an individual's civil liberties and human dignity. It is unlawful for NHS Trust's (as public authorities) to act in a way which is incompatible with these rights.

The practical implications of the Act will become clearer as cases are decided. However, the articles most likely to have an effect on employment issues are:

Article 3 - Prohibition of Torture

Individuals have the absolute right not to be subjected to inhuman or degrading treatment or punishment. This article could be breached in instances of serious sex or race discrimination where

humiliation and mental distress is caused to the individual.

Article 6 - Right to a Fair Trial

Individuals have the right to a fair and public hearing within a reasonable period of time. This applies to criminal cases and those concerning civil rights and obligations. It is reasonable to assume that a tribunal will consider the principles of this article to decide whether an employee has been treated fairly in any internal grievance or disciplinary proceedings.

Article 8 - The right to respect for private and family life.

Individuals have the right to respect for family and private life, their home and correspondence. This article could be used to prevent discrimination on the grounds of sexual orientation.

Article 9 - Freedom of thought conscience and religion

Individuals are free to hold a broad range of views, beliefs and thoughts, as well as religious faith. This article could be used to prevent discrimination on the grounds of religion.

Article 10 - Freedom of expression

Individuals have the right to hold opinions and express views individually or in a group. This article does not allow individuals to exercise the right by infringing the freedom of others.

DEFINING DISCRIMINATION

Direct Discrimination

Occurs when an individual(s) is treated less favourably than others in the same or not materially different circumstances on the grounds of sex, race or disability. For example, not selecting job applicants on the basis they are married with children or not providing the same training opportunities to night staff which are available to day staff, or appointing a less experienced and qualified white applicant as opposed to a better qualified and more experienced black candidate.

Indirect Discrimination

Takes place when a requirement or condition has a disproportionate effect and discriminates unfairly and unjustifiably between one group or individual and another. This could arise from specifying requirements for a job which are not relevant or essential and which prohibit an individual or group from being considered for the post or because of their ethnic origin/sex/disability. There are four tests of indirect discrimination:

1. Has a requirement or condition been applied equitably irrespective of sex, race or disability.
2. Is the requirement or condition one with which a considerably smaller number of a specific sex, racial group or individual(s) with a disability can comply with compared with individual(s) not of that gender, racial group or those without a disability.
3. Is the requirement justifiable regardless of sex, race or disability.
4. Is the requirement to the detriment of a person who cannot comply with it.

Exceptions:

Genuine Occupational

Qualifications on the grounds of sex

Genuine occupational qualifications on

the grounds of sex may be specified for certain posts including those in which personal services would be provided or due to reasons of decency or where the job involves living or working in close proximity with members of a particular sex group.

On the Grounds of Race

Being of a particular racial group is a genuine occupational qualification for a job only where a person of that racial group is required for reasons of authenticity or the holder of the job provides persons of that racial group with personal services promoting their welfare and those services can most effectively be provided by a person of that racial group.

Harassment/Bullying

Harassment takes many forms and as well as arising on sexual grounds, occurs in a variety of other forms and may be directed at one person or many people. In general terms it can be described as unwanted behaviour which a person finds intimidating, upsetting, embarrassing, humiliating or offensive. Harassment and bullying can range from extremes such as violence to less obvious forms like isolation, non co-operation, stalking and exclusion from social activities. (IPD key facts).

Victimisation

This form of discrimination is identified under the Race, Sex and Disability Legislation as being unlawful where a person who has made a complaint in order to assert their rights, or of whom it is suspected is contemplating making a complaint, or who is known to be going to provide evidence internally or externally about an incident of discrimination and is made to experience any form of detriment. Actions which may be considered examples of victimisation would include: threatening the person with the sack, failing to promote them, providing them with inappropriate references and in general terms, treating them less favourably on the grounds of their complaint or trying to prevent them from exerting their rights under law to bring proceedings which are based on discrimination.

Sexual Harassment

Is conduct which is imposed on another person because of his/her sex. It is unwanted, unreciprocated and regarded as offensive by the recipient. Sexual harassment constitutes any action which detracts from the dignity and respect employees are entitled to at work. For instance, this can take the form of unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of women or men at work. This can include unwelcome physical, verbal or non-verbal conduct (European Commission Code of Practice). This form of harassment may amount to unlawful discrimination under the Sex Discrimination Act and Article 3 of the Human Rights Act.

Racial Harassment

Is insulting behaviour towards an individual(s) on the grounds of skin colour or ethnic difference and nationality. It may involve abusive comments, language, jokes or derogatory reference to an individual(s) ethnic origin. This form of harassment may amount to unlawful discrimination under the Race Relations Act and Article 3 of the Human Rights Act.

Disability Discrimination

Arises when prospective or current employees are treated less favourably than someone else because of their disability without any justifiable reason. This may involve stipulating unnecessary requirements in a job which would prohibit someone with a disability from applying or where reasonable adjustment to the employment environment or arrangements are not made to accommodate the disability. This form of treatment may be unlawful discrimination under the terms of the Disability Discrimination Act.

In addition to the above legal requirements, the Trust would also seek to ensure the equal treatment of all staff regardless of age and sexual orientation as follows:

Age Discrimination

Arises where individual(s) are treated less favourably on the grounds of their age, taking into account potential length of service balanced against investment in training and development. The Trust's

retirement age is 65 for men and women.

**Sexual Orientation and
Gender Reassignment**

Arises where individuals are treated less favourably because of their sexuality. This form of treatment may be unlawful discrimination under Article 8 of the Human Rights Act. A person's sexuality is not a matter, which the Trust will take into account in determining suitability in any context.

In addition no job applicant or employee shall receive less favourable treatment on other grounds such as:

- Religion, this may be unlawful discrimination under Article 9 of the Human Rights Act.
- Trade union membership
- Political affiliation
- Territorial Army
- Public service activities

Unless this is required by law, or is legally permitted and can be shown to be a justifiable request of the Trust. These do not represent an inexhaustible list.

EQUAL OPPORTUNITIES IN PRACTICE

RECRUITMENT

The process must result in the selection of the most suitable person for the job.

Requirements:

- No staff will be permitted to participate in any part of the Recruitment and Selection Process until they have successfully completed the appropriate training/assessment which will be provided by the Trust.
- All jobs are advertised internally and made available to all staff. Internal advertisements are also circulated to: the local job centre, career centre, social services, Dorset County Council, neighbouring Trusts and local colleges.
- No assumptions or prejudgements are made by recruiters about the suitability of applicants on the grounds of gender, age, marital status, disability, sexual orientation, race, colour, religion, ethnic or national origin.
- No decision is made, or preference stated, in advance regarding the outcome of the recruitment process.
- All applications are given equal consideration.
- Application forms only contain questions, which are relevant, and non-discriminatory.
- Managers and recruiters are given the appropriate training and meet the required standards of competency to recruit, interview and select staff.
- All advertising agencies and other associated external agencies adhere to the Trust's Equal Opportunities Policy.
- Person specifications contain as far as possible, objective measurable criteria required for the job. Disabled candidates must be shortlisted when they meet the essential personal

specification for the job. All candidates must be shortlisted where they meet the full specification.

- Any selection tests applied must be free from bias with respect to gender, race and disability and administered and scored in a consistent and non discriminatory way. Further information can be found in the Recruitment and Selection Procedure.
- All job descriptions outline the individual postholder's responsibility in relation to equal opportunities.
- All recruitment must be conducted in adherence with the Trust's Recruitment and Selection Policy.

WORK PRACTICE

No working practice should favour one individual or group of staff over another.

Requirements

- Overtime/extra hours are offered to all staff on an equitable basis.
- Shift times do not directly discriminate against particular groups of staff or individuals.
- Job sharing is, where practicable, applied to all vacancies except where there are exceptional reasons for not doing so.

TRAINING & DEVELOPMENT OPPORTUNITY

All staff will have a personal development plan and equal access to training opportunities which reflects both the identified individual's needs and the directorate's/division's training strategy and would also mirror the Trust's Equal Opportunities Policy.

Requirements

- Availability of training is monitored and managed through the individual personal development plan.
- Access to training is the same for part time, full time, night and day staff.
- All staff receives induction training

and a session on the Trust's policy on equal opportunities is included in all induction programmes.

- All staff receives the necessary training required to perform their job to the required standards.
- Training is made available to facilitate a return to work such as "back to nursing practice."
- Regular (at least yearly) appraisal and performance interviews are undertaken for all staff, which provides opportunities for continuous development and planned career progression.

PAY

All employees undertaking equal jobs within a particular pay group or grade are to be treated equally with respect to pay and other conditions of their contracts of employment.

Requirements

- New pay systems will be transparent, non discriminatory and free from sex bias.
- Pay reflects the value or the market rate for the job on an equitable and consistent non-discriminatory basis.
- The distributions of ratings in the performance appraisals of senior managers on which performance payments depend are checked for consistency and fairness in their application.
- Employees should be able to clearly understand how their pay is determined.

EO2000

The Equal Opportunities Forum will establish a sub group to develop initiatives which take account of goals set by the NHS Executive which focus on the under representation of women, ethnic minority groups and the disabled in employment in the NHS.

The NHS Executive is due to review the current opportunity 2000 targets in September 1998 and the work of the group will be aligned to this review.

RESPONSIBILITIES FOR IMPLEMENTING EQUAL OPPORTUNITIES

We all have a responsibility to achieve equality at all levels within the Trust and to actively work within and promote this policy.

STRUCTURE OF RESPONSIBILITIES:

Trust Board

The Trust Board has primary legal and moral responsibility for ensuring that this policy

Chief Executive

The Chief Executive has overall responsibility for the policy setting out clearly what is expected from all staff within the Trust. This will include requirements for mandatory training and continuing support.

Head of Personnel

Responsibility for implementation of the policy in individual directorates lies with the Head of Personnel and Personnel Managers. This includes ensuring the policy is publicised, mechanisms are in place to implement, monitor and evaluate the policy and comprehensive training is provided.

Clinical Directors, Consultant Medical Staff, Service Managers, Heads of Service, Heads of Department, Clinical Nurse Specialists, Ward Sisters should ensure

All employees are aware of their responsibilities within the law and this policy and associated policies

Each directorate has at least one named designated person responsible for monitoring equal opportunities and providing representation /feedback to the Trust's Equal Opportunities Forum. Appendix A lists the names of equal opportunities representatives and the membership of the Forum. Equal opportunities awareness training is mandatory for staff via induction and in

addition equal opportunities representatives and Forum members will be given appropriate training to enable them to fulfil the responsibilities of their role.

Complaints will be treated confidentially and sensitively and will be dealt with promptly in a fair and consistent manner in accordance with the following procedures: Grievance Procedure; Harassment Policy; Equal Opportunities Complaints Procedure; Complaints Policy.

Proper records of recruitment/ selection, appraisal, personal development decisions are maintained.

All public areas should detail the requirements the Trust has with regards to the way staff and patients/visitors should behave towards each other.

Individual Employees

Should ensure they have read the Equal Opportunities Policy, understand it and follow it.

Should adhere to the requirements and standards contained within the policy.

Trade Unions

Support any action taken to create fair employment opportunities for all.

Work in partnership with the Trust in contributing to the development implementation and review of this policy

OTHER POLICIES WHICH SUPPORT AND PROMOTE EQUAL OPPORTUNITIES WITHIN THE TRUST

Staff within each directorate and division should be made aware of and have access to the follow policies:

- **Disability Discrimination**

- **Harassment**

- **Job Sharing**

- **Career Breaks and Temporary 'Care' Leave**

- **Maternity Leave**

- **Paternity Leave**

- **Adoption Leave**

COMPLAINTS

The Trust will deal fairly, consistently, promptly and thoroughly with all complaints of discrimination. Complaints or grievances from employees will be dealt with through existing policies such as the grievance/disciplinary procedures. Complaints from non employees or potential employees will be dealt with by the Chief Executive

WHERE TO GET HELP AND HOW TO COMPLAIN

Investigation Procedures

Complaining about discrimination and unacceptable behaviour can often be difficult and distressing. In view of this the Trust has adopted the following practical guidance for those who wish to deal with it at their own pace and without recourse to the formal disciplinary procedure. However, in circumstances where it would clearly be unwise to challenge an individual informally, then the formal grievance and disciplinary procedures should be followed. It is important that throughout all stages of the procedure, members of each party connected with the allegations are treated fairly and that however well founded the allegations may initially appear, the complaint is investigated thoroughly and factually.

- **Initially, an approach by the complainant or one of their colleagues may be all that is needed and in such circumstances, it should be made clear to the alleged offender they believe that their behaviour or action is discriminatory or unacceptable and they should be asked to stop.**
- **They should be told that, if the identified issue is repeated or continued, the individual will make a formal complaint or will put their challenge in writing.**
- **The employee should write down what happened, where and when. This is important because memories can often be unreliable when recollection of an incident is required at a later date.**
- **They should also make a brief note of:**
 - **their name and department;**
 - **the name and department of the person who has allegedly caused offence;**
 - **the nature of the complaint;**
 - **the date the challenge took place;**
 - **the name of any person accompanying them.**

- **If the individual decides to put their challenge in writing to the alleged offender, they should keep a photocopy, which they may lodge for safekeeping in a confidential file in the Personnel Department if they wish.**
- **If an employee finds it too difficult or embarrassing to approach the individual themselves or they need help in diagnosing the problem, they may ask a colleague, confidential counsellor, line manager, trade union representative, occupational health or personnel manager to take the matter up for them on their behalf. They may also refer to the Trust's confidential counselling telephone service.**
- **In many instances, an initial approach by the employee, or someone acting on their behalf, will resolve the problem. If it persists, however, they may resort to a more formal approach and take the matter up with the appropriate manager. They may also seek advice from the sources detailed in the above paragraph.**
- **In cases where a manager or supervisor is allegedly guilty of offensive behaviour, advice may be sought from a more senior manager, personnel manager, and confidential counsellor or employee representative. Reference should be made to the Harassment Policy.**
- **If the person to whom a complaint is made is not the manager of the alleged offender, then that individual's manager by mutual consent should be informed that a complaint has been lodged.**
- **-The aim of any meeting or discussion arranged by managers involved will be to solve the problem satisfactorily at an informal stage.**
- **At an informal stage, both the person making the complaint and the individual against whom the complaint is made will have the right to representation by a colleague or representative.**
- **It is important that the complainant should keep a written record of any incident. Colleagues, who are being victimised, harassed or discriminated by the same person or persons, should also keep records. Parties to any discussions should keep a confidential note recording the details of any informal discussion.**
- **If, for any reason, it is not possible to resolve the matter informally, either party will have the option of taking it to a more formal stage.**
- **It should be emphasised that individuals have the right to choose whether or not they wish to use the formal procedure. It should not be regarded as compulsory.**

Formal Procedures

- Recourse to formal procedures, i.e. the grievance and disciplinary procedures, will be necessary in instances where an informal approach has proved ineffective, when the incident is of a serious nature, or if the individual feels that this would be a more appropriate way of handling a particular situation.
- Action will be taken involving staff who have been proven not to adhere to the requirements of the policy and this may, depending on the circumstances, result in formal disciplinary action. Complaints, which are found, to be deliberately untrue and malicious, will also be considered unacceptable and may also be regarded as a disciplinary matter.
- The Director of Personnel will undertake a quarterly review of complaints.
- The Head of Personnel will report regularly to the Trust Board and to the Joint Consultative/Negotiating Committee on the number and type of complaints received and the outcome.

Confidentiality

- It is essential that anyone involved in making or dealing with a complaint recognises and respects its confidential nature. Any breach of confidentiality will be treated as a serious disciplinary offence.
- staff should be aware, however, that, under certain circumstances, it may be necessary to bring an incident to the attention of others, but that this will not be done without prior consultation with them.

Professional Organisations

- Where a member of the medical staff, qualified nursing staff or other professional staff is found to have committed an act(s) of discrimination or harassment, this may be reported to the relevant professional organisation.

Dealing with Discrimination/Harassment from Patients/Visitors

- Trust staff have the right to be treated with respect and dignity at all times. The staff charter, which should be displayed in prominent places, informs patients and other members of the public of these rights. As part of this, this Trust recognises that it is unacceptable for patients or other members of the public, to harass staff.
- The Trust's position on equal opportunities and the standards it expects from patients and visitors should be communicated in all aspects of patient information.

- **An employee who is being harassed by a patient or other member of the public is encouraged to bring it to the attention of their line manager immediately. The Trust expects line managers to actively attempt to resolve the situation locally. The matter should be discussed sensitively with the employee who has been harassed/discriminated against and agreement reached on the course of action to be taken. For example, where a patient is harassing a nurse, it would not be acceptable to simply provide the patient with a different nurse unless specifically requested to do so by the nurse experiencing harassment. However, it may be appropriate if possible to move the patient into a side ward/cubicle where the presence of an "audience" is a factor in the harassment.**
- **The employee and/or line manager should consider an informal approach in the first instance. In many cases, pointing out to the harasser that the behaviour is unacceptable should be sufficient to stop the problem without the need for further action.**
- **Any employee who witnesses an incident of harassment/discrimination has a duty to report it to their supervisor or manager and should support any colleagues suffering harassment/ discrimination.**
- **Where a situation cannot be resolved informally or is of a serious nature, a more senior manager should be involved. If a serious incident happens out of hours, and requires urgent action, the on-call manager should be involved. The patient or member of the public, should be written to officially informing them that their behaviour is unacceptable and that any further incidents will not be tolerated.**

In addition the appropriate manager should inform the patient or service user that the service provided by the member of staff being harassed or discriminated against are the only services available. It should therefore be made clear that if they refuse services on discriminatory grounds, then they are effectively refusing services altogether.

- **Should further incidents occur, nursing, paramedical and medical staff should be involved in drawing up a contract with the patient. The ward manager in conjunction with their general manager who will seek specialist advice where necessary should lead this. This contract should outline the services that will be provided to the patient, the behaviour expected of the patient and the consequences of breaking the contract. The patient should be requested to sign the contract and copies given to the patient as well as placed in the notes.**
- **Full documentation, including statements from those involved and witnesses should be kept at all times.**

- **If an employee is unhappy with the way the situation has been dealt with, they are advised to refer the matter to a more senior manager, their trade union representative or personnel manager. It is important that the member of staff is given full support throughout the process of dealing with the complaint.**

Signed: **Dated:**2001

Chair of Staff Side.

Signed: Dated:2001

Chair of Management Side.

EQUAL OPPORTUNITIES FORUM

It is intended that a Trust Forum will be created with:

- 1 chairperson.
- 1 non-executive director.
- 1 medical representative.
- 3 management representatives (minimum of 1 personnel manager).
- 4 elected members of staff side of the **Partnership Forum.**
- 3 elected directorate/division equal opportunities representatives who will collectively represent all other Trust equal opportunities representatives. (these representatives may attend on a rotational basis).
- Additional co-opted members as agreed by the Forum.

The purpose of the committee will be to advise the Trust Board, Chief Executive and Head of Personnel in the strategic/operational development and implementation of the equal opportunities policy. This will include evaluating the effectiveness of the policy, updating, monitoring and reviewing all equal opportunity issues identifying good employment practice and defining specific standards against which practice will be assessed.

The Equal Opportunities Forum will meet at least quarterly with an agreed agenda and strategy for action. The Forum will report to the JCNC.

Whilst the Equal Opportunities Forum will be expected to regulate and develop the policy on an agenda basis, the policy will be subject to a formal and structured review after two years on unless otherwise dictated by legislation.

MONITORING AND EVALUATION

Ongoing monitoring and evaluation of the policy will be provided through:

- **Equal Opportunities Forum**
- **Regular refresher training/EO bulletins**
- **(in the case of recruitment and selection this will be 3 years)**
- **Periodic surveys**
- **Staff appraisal**
- **Statistical analysis**
- **Recruitment/interview forms**
- **Reporting mechanism to Trust Board**
- **Equal Opportunities Register**
- **Audit of defined standards**
- **Complaints Procedure**
- **Random sampling of recruitment and selection procedures**
- **Publicising standards and evaluating whether these have been met**
- **Equal opportunities evaluation forms for job applicants whether or not appointed.**

FUTURE

It is hoped the Equal Opportunities Forum will consolidate existing work and promulgate concepts for extending established good practice and achieving specific targets agreed by the Trust.

The Trust recognises the value of enabling staff to develop and contribute to the organisation as individuals and on an equal basis.

This policy sets out the framework and intention of the Trust to work towards being a truly equal opportunities employer. The policy is a living document, which will be continually developed and refined through monitoring, evaluation, legislation and mechanisms such as the Equal Opportunities Forum. It is recognised that the different abilities, views and experiences of all our staff are vital to the ongoing success of the Trust.

DOCUMENTS/REFERENCE WHICH HELPED TO STRUCTURE POLICY

- **Guidelines for Equal Opportunities Employers
Equal Opportunities Commission**
- **Fair and Efficient Selection**
- **Equal Opportunities Commission**
- **Littlewoods, Equal Opportunities Code of
Practice**
- **Equal Pay**
- **Department of Employment**
- **IPD Key Facts (Harassment At Work)**
- **IPD Position Paper (Managing Diversity)**
- **European Commission Code of Practice**
- **UNISON's guidelines for handling racial
harassment by patients and service users.**

Acts: -

Sex Discrimination Act 1975 & 1986

**Equal Pay Act 1970 and amendment to Equal Pay
Act 1983**

**Rehabilitation of Offenders Act 1974 (Exceptions)
(Amendment) Orders 1986**

Race Relations Act 1976

Disability Discrimination Act 1995

Protection from Harassment Act 1997

Karen Wadman

Head of Personnel

July 1998

wpdata\policy&procedures\equalopp

APPENDIX A

MEMBERSHIP OF FORUM

Karen Wadman	-	Chair of Forum
Kay Wilcox	-	Non Executive Representative
Mike Green	-	Management Representative
Jackie Stamp	-	Management/Trust HQ Division Representative
Fiona Gibson	-	Therapy Division Representative
Sam Sheridan	-	Anaesthetics Directorate Representative
Matthew Sharpe	-	Orthopaedics/A&E Representative
Vanessa Read	-	Medicine/Special Surgery Directorate Representative
Harriet Wright/ Clare Jaques	-	General Surgery/Urology Directorate Representative
Alun Morris	-	Diagnostic Imaging Directorate Representative
Pat Taylor	-	Support Services Division Representative
Wendy Davies	-	Medical Records Representative
Andrew Baker	-	Pathology Directorate Representative
Jessica Fetherstonhaugh/ Dr Rob Williams	-	Medical Staff Representative
Jenny Price	-	Staff Side/Maternal & Child Health Directorate Representative
Glynis Legg	-	Staff Side Representative
Gerry Graham	-	Staff Side Representative
Stella Tampin	-	Staff Side Representative
Guest Membership:		
Nigel Clemson	-	ACAS
Jeannie Evans	-	Regional Women's Officer UNISON
Helen Rogers	-	FTO RCM
Barbara Shepherd	-	Industrial Relations Manager RCM
Terry Edwards	-	MSF
John Pestle	-	FTO CSP