



Overgate Policy O-PL19

Equality, Diversity and Inclusion Policy

Version 2

Important: *This document can only be considered valid when viewed on the Hospice's Intranet. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.*



Overgate Hospice Support Ltd

The Trading Subsidiary of Overgate Hospice Charity Number 511619

Number	O-PL19
Review Date	May 2024
Lead Author	Director of Clinical Services

Document Summary Table	
Status	Ratified
Version	2
Implementation Date	January 2019
Last Review Date	May 2024
Next Formal Review due	May 2025
Lead Author	Director of Clinical Services
Where Available	Hospice Intranet
Target Audience	All Staff
Reviewing Forum(s)	Senior Leadership Team
Ratifying Forum	HR Sub-Committee
Document Version Control	
Version No.	Brief details of revision
1	Aims of the policy now include the Hospice’s ‘Commitment to’. Language throughout strengthening from “aim to” (aspirational) to “commit to” Paragraph 8 Freedom to Speak Up Guardian added, paragraphs re-ordered

This policy relates to both Overgate Hospice and Overgate Hospice Support Limited employees.

Hospice Equality Statement

Overgate Hospice aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. We therefore aim to ensure that in both employment and services no individual is discriminated against by reason of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

AIMS OF THE POLICY

This policy sets out the Hospice's commitment to:

- a Hospice that is free from discrimination and prejudice.
- treat all people, regardless of their background, with dignity and respect – this includes: our people, those with whom we interact (e.g. service users and customers) and other stakeholders.
- comply with all equality, diversity and inclusion legislation and our other external obligations including equality standards set by contracts, regulatory requirements, accreditations and good practice schemes.
- make our employees and volunteers aware of their responsibilities and ensure that they know how and where to seek support to actively uphold and champion equality, diversity and inclusion.
- ensure that we attract and retain employees and volunteers from the widest possible diversity of backgrounds and experiences to and at all levels in the Hospice.
- actively promote our services and opportunities to a wide range of diverse communities from all backgrounds to ensure we can reach as many people as we reasonably can who may need our services.
- ensure robust diversity-related data collection to better understand our people and audiences.

Overgate Hospice believes in providing equity, diversity and inclusion in all its services and in treating people fairly, with respect and dignity and in valuing diversity.

Our equality, diversity and inclusion aims are to embed our equality, diversity and inclusion values into all our policies, guidelines, procedures and everyday practice and to eliminate all forms of discrimination on the grounds of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Under the Equality Act 2010, these are called “protected characteristics”.

THE POLICY

1. INTRODUCTION

- 1.1 Overgate Hospice recognises that discrimination is both unlawful and unacceptable. The Hospice is an equal opportunity employer and is fully committed to a policy of treating all its employees, volunteers, job applicants and service users equally.
- 1.2 No unlawful discrimination shall occur in the support and management of our employees and delivery of our services. All decisions including recruitment and selection, promotion, opportunities for training, pay and benefits, other terms of employment, discipline, and selection for redundancy and dismissal will be objective and fair with individual circumstances considered.
- 1.3 The Hospice is also committed to ensuring equality of opportunities for all volunteers. We encourage people from all sections of the community to volunteer for us, to reflect the diverse population we serve within Calderdale. We take all reasonable steps to recruit and train volunteers based on their experience, abilities and qualifications and expect all our employees and volunteers to respect and value this diversity.

- 1.4 The Hospice will take all reasonable steps, including provision of training, to provide an environment in which everyone is treated with respect and dignity and that is free of harassment based upon an individual's protected characteristics. We expect all our employees and volunteers to use appropriately inclusive language and behave in a way that will uphold the dignity of all those they come into contact with.
- 1.5 The Hospice will not condone any form of discrimination or harassment, whether engaged in by employees, volunteers or by outside third parties who do business with the Hospice, such as clients, customers, contractors and suppliers. We commit to providing and supporting channels for our employees and volunteers to have their voices heard. This includes opportunities to network with one another and feedback to Hospice proposals, via, for example, the Staff Survey, the Volunteer Survey and 'Ask Tracey'.
- 1.6 The Hospice aims to create a working environment that values diversity and is free from discrimination, victimisation, bullying or harassment. Anyone who experiences or witnesses discrimination or harassment is encouraged to report it. All complaints will be taken seriously. They will be promptly and thoroughly investigated and dealt with in a sensitive manner (see section 6 below). The Hospice has a separate Bullying and Harassment Policy which deals with these issues and sets out how complaints of this type will be dealt with.
- 1.7 There will be no victimisation or retaliation against an employee or volunteer who makes an allegation or complaint of discrimination or who has provided information about such discrimination. Any such behaviour will be treated as potential gross misconduct in accordance with the Hospice's Disciplinary Procedure.
- 1.8 Employees have a duty to co-operate with the Hospice to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination. Action will be taken under the Hospice's Disciplinary Policy against any employee who is found to have committed an act of improper or unlawful discrimination. Serious breaches will be treated as potential gross misconduct and could render the employee liable to summary dismissal. Employees should also bear in mind that they can also be held personally liable for any act of unlawful discrimination.

2. DISCRIMINATION

- 2.1 Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic. In terms of employment, the treatment will still amount to direct discrimination even if it is based on the protected characteristics of a third party with whom the employee or volunteer is associated and not on the employee or volunteer's own protected characteristics. In addition, it can include cases where it is perceived that an employee or volunteer has a particular protected characteristic when in fact they do not.
- 2.2 Indirect discrimination occurs when there's a practice, policy or rule which applies to everyone in the same way, but adversely affects some people more than others, because it puts them at a disadvantage because of their protected characteristic. In terms of employment, indirect discrimination can occur when employment policies, practices or rules would be applied to all employees whether or not they have a protected characteristic and in doing so would put employees who have that protected characteristic at a particular disadvantage, compared to those who do not have that protected characteristic unless it can be shown by the Hospice that this is a proportionate means of achieving a legitimate aim

3. ACCOUNTABILITIES AND RESPONSIBILITIES

- 3.1 Everyone (staff, volunteers and trustees) has the responsibility to:
- treat everyone with dignity and respect.
 - understand and practice equal opportunities.
 - value everyone as an individual
 - bring any unfair treatment or discriminatory behaviour to the attention of their line manager or HR.
 - Complete mandatory EDI training.

- 3.2 The HR Sub-Committee has responsibility for ratifying this policy and ensuring that it is consistent with the fundamental principles of Equality, Diversity and Inclusion.
- 3.3 The Chief Executive has overall responsibility for ensuring that the Hospice complies with Equality, Diversity and Inclusion legislation and that resources, support and leadership are provided to ensure this policy can be meaningfully implemented.
- 3.4 The Senior Leadership Team are responsible for championing this policy on behalf of the Board of Trustees, and ensuring compliance with, and the effective development, implementation and monitoring of equality and diversity objectives and related action, including role modelling inclusive behaviour.
- 3.5 Line managers/OLT members have direct responsibility for implementing the policy, role modelling inclusive behaviour and providing support to their staff and volunteers.
- 3.6 All employees are responsible for championing equality, diversity and inclusion, understanding how the policy relates to their role, and how to report cases of discrimination, harassment, and unfair treatment as well as for ensuring that they work in line with the policy.
- 3.7 Failure to comply with this Equality, Diversity and Inclusion Policy could lead to disciplinary action which applies equally across all employee groups.
- 3.8 Volunteers have responsibility for ensuring that they have read and understood the section on Equality, Diversity and Inclusion in the Statutory Training Booklet for Overgate Hospice Volunteers and that they conduct themselves in line with this.

4. RECRUITMENT

- 4.1 The Hospice's recruitment process is conducted with the aim of selecting the most suitable person for the job in terms of relevant abilities and qualifications. The Hospice's Recruitment Policy covers the process to be followed to ensure consistency, openness and transparency and to ensure that all job applicants are treated appropriately and fairly.
- 4.2 We commit to all our recruitment, selection and promotion processes being open, transparent, merit-based and fair. We provide Blue Stream training to all employees involved in the recruitment process, including training on selection, equal opportunities and unconscious bias, to support this commitment.
- 4.3 Recruitment publicity will aim to positively encourage applications from all suitably qualified candidates. When advertising vacancies, to attract applications from all sections of the community, the Hospice will, as far as reasonably practicable:
- ensure job adverts are not confined to platforms which would exclude, or disproportionately reduce, the numbers of applicants of a particular characteristic.
 - avoid setting any unnecessary provisions or criteria which would exclude candidates with protected characteristics.
 - where vacancies may be filled by promotion or transfer, publish these to all eligible employees in such a way that they do not restrict applications from employees with protected characteristics.

In cases where (having regard to the nature and context of the work) having a particular protected characteristic is an occupational requirement and that occupational requirement is a proportionate means of achieving a legitimate aim, the Hospice will apply that requirement to the job role. In such cases this will be specified in the advertisement.

- 4.4 The selection process will be carried out consistently for all jobs at all levels and all applications will be processed in the same way. Employees responsible for shortlisting, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application of these. Person specification and job descriptions will be limited to those requirements that are necessary for the

effective performance of the job only and the selection of new employees will be based on job requirements and the individual's suitability and ability to do, or to train for, the job in question. Candidates for promotion or transfer will also be assessed objectively against the requirements of the job.

4.5 Candidates will be asked if they need an adjustment to the recruitment process to allow them to be considered for the job, and these will be made if they are reasonable, for example:

- Ensuring wheelchair users have their interview in an accessible room.
- organising a BSL or appropriate signer for hearing impaired candidates if required

4.6 All candidates will be interviewed by at least two people. All questions that are put to the applicants will relate to the requirements of the job and a written record made of the questions asked and the responses given. Following recruitment, these notes will be passed to HR in case the selection is challenged, as a candidate who thinks they have been discriminated against at interview stage is able to serve upon the Hospice a discrimination questionnaire under the Equality Act 2010, which allows them to question the Hospice about their treatment. This questionnaire includes standard questions (such as to what extent the Hospice agrees with the individual's version of events; what the Hospice's own version of events is and if the Hospice accepts that the treatment of the individual was unlawful and if not, why not). It also has a section for the individual to ask additional questions, for example, about the selection criteria used; exactly how candidates were scored on those criteria; why they were rejected and the reasons the successful candidate was appointed. They are also able to ask for relevant statistical information, such as a breakdown of the workforce or other job applicants by their ethnic profile. The Hospice has up to eight weeks to respond to this, and, although not legally obliged to do so, if we decline to or give incomplete or evasive answers, then should the complaint be taken to a Tribunal, they may in draw the inference that the Hospice has discriminated against the individual.

4.7 If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about any of the protected characteristics. Successful candidates will be asked what adjustments they'll need to do the job once the job offer has been made.

4.8 Recruitment publicity for volunteers will aim to positively encourage applications from all suitable people. The recruitment of new volunteers will be based the individual's suitability and ability to do, or to train for, volunteer roles at the Hospice.

5. TRAINING

5.1 The Hospice will ensure that all line managers are familiar with this policy so that they are able to identify discriminatory acts or practices and promote equality and inclusion within the departments for which they are responsible. Training will be provided to all employees and volunteers to help them understand their rights and responsibilities under this policy and what they can do to create and maintain a work environment that is free of discrimination.

6. EQUAL PAY and EQUALITY OF TERMS and CONDITIONS

6.1 The Hospice is committed to equal pay and conditions of employment. It believes its employees should receive equal pay for like work, i.e. work rated as equivalent or work of equal value. To achieve this, the Hospice will ensure that this policy is followed with respect to recruitment to roles at all levels. The Hospice reviews its rates of pay and terms and conditions of employment on an annual basis. As part of any review, consideration will be given to any possible indirect discriminatory effects this may contain. If changes are required, the Hospice will implement them.

6.2 Under the terms of its equality duty, the Hospice will work towards meeting its responsibilities under the Equality Act. It will do this by reviewing policies and practices to identify possible barriers for disabled people so that these can be minimised and/or reasonable adjustments made. When assessing what is considered 'reasonable adjustment' the following will be considered:

- the extent to which the reasonable adjustment will prevent discrimination.
- the extent to which it is practical for the Hospice to make the adjustment.
- the cost and availability of resources, including access to funding.

The Hospice will monitor the effectiveness of the reasonable adjustment measures it puts in place to ensure that they are effective and prevent discrimination.

7. COMPLAINTS

- 7.1 All allegations of discrimination will be dealt with seriously, confidentially and speedily. The Hospice will not ignore or treat lightly grievances or complaints of discrimination based on a complainant's protected characteristics. Any employee who is found to have discriminated against another employee, a volunteer, patient or visitor in violation of this policy will be subject to disciplinary action under the Hospice's Disciplinary Policy.
- 7.2 If an employee or volunteer feels that they have experienced discrimination or harassment, in the first instance, they should report this to their line manager. If they do not wish to speak to their line manager, they can instead speak to an alternative manager, a member of the Senior Leadership Team or a member of HR or Volunteer Services Team as appropriate. As part of the investigatory process, the complainant will be interviewed/asked to provide a written statement setting out the details of the incident.
- 7.3 Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, to effectively investigate an allegation, the Hospice must be able to determine the scope of the investigation and identify individuals who should be informed of, or interviewed about, the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the individual being investigated so that they are able to respond fairly to the allegation(s) against them. The Hospice reserves the right to arrange for another manager to conduct the investigation, other than the manager with whom the complaint was originally raised, if this is appropriate.
- 7.4 The Hospice will invite the individual being investigated to attend at least one meeting at a reasonable time and place at which the complaint can be discussed. They must take all reasonable steps to attend, and they have the right to be accompanied at this meeting by either a work colleague or trade union official.
- 7.5 Once the investigation has been completed, the individual being investigated will be informed in writing of the outcome as soon as possible. They will also be informed of their right of appeal against the decision if they are not satisfied with it.
- 7.6 Appeals must be made in writing to a more senior manager or to HR within five working days of the decision being given. On receipt of an appeal, a more senior manager or director (who may not be the person that the appeal was addressed to) will arrange to hear it. At that hearing the appellant may, if they wish, be accompanied by either a work colleague or a trade union official. Following the meeting, the appeal manager will inform the appellant in writing of the Hospice's decision. This decision is final.
- 7.7 The Hospice is committed to taking appropriate action with respect to all complaints of discrimination which are upheld. If a complaint is upheld and the individual remains in the Hospice's employment, all reasonable steps will be taken to ensure that the complainant does not have to continue working alongside them if they do not wish to.
- 7.8 If, during the investigation it is found that a line manager had knowledge that discrimination had occurred, but had taken no action to eliminate it, they may also be subject to disciplinary action.
- 7.8 Employees or volunteers will not be penalised for raising a complaint, even if it is not upheld, unless the complaint was both untrue and made in bad faith. If the complaint is not upheld, arrangements will be made for the complainant and the individual they complained about to continue or resume normal working and to repair working relationships.

8. FREEDOM TO SPEAK UP GUARDIAN

8.1 At Overgate, we are committed to the welfare and safety of our staff and volunteers. Freedom to Speak Up aims to encourage employees to speak up when they have concerns about the workplace culture. The Freedom to Speak Up Champion and Guardian are here to support workers and volunteers to raise concerns when they feel that they are unable to in other ways. Examples of concerns may include:

- Unsafe patient care
- Unsafe working conditions
- Inadequate induction/training for staff
- Lack of or poor response to a raised incident
- Suspicion of fraud, corruption, or bribery
- A bullying culture across a team

If an employee or a volunteer has a concern, the names and contact details of the Freedom to Speak Up Guardian and Champions can be found on posters across the Hospice and on the Intranet. Concern will be treated confidentially, wherever possible

RELEVANT LEGISLATION, GUIDANCE AND REFERENCES

Equality Act 2010
Modern Slavery Act 2015

IMPLEMENTATION PLAN		
Task	Responsibility	Timeline
Inform staff of new policy via Staff News and signpost to the Intranet.	Lead Author to inform the Head of Marketing and Comms when new policy agreed.	Once policy agreed to be placed in next issue of Staff News and put on the Intranet
Cascade information via OLT meetings.	OLT members to cascade to teams once policy is agreed	At OLT meeting.
Staff to access it on the Intranet.	Line Managers to take responsibility for ensuring staff know how to access the Intranet	On appointment to post.
Ensure minutes/action plans from meetings where policy discussed/agreed reflect this.	Relevant meeting secretariat to record	At meeting
Where required a training strategy will be agreed.	Line Managers to access training for staff.	As needed
Policy to be added to Blue Stream if required	Lead Author to inform the Head of HR	When signed off
To update the Board or Sub-Committee workplans with new review date	Executive Support	When signed off