



Norfolk and Waveney
Integrated Care Board

Norfolk and Waveney ICB

Equality, Diversity and Inclusion Policy

Document Control Sheet

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Approved documents are valid for use after their approval date and remain in force beyond any expiry of their review date until a new version is available.

Name of document:	Equality, Diversity and Inclusion Policy
Ref Number:	HR08
Version:	3
Date of this version:	May 2023
Produced by:	This Policy has been prepared and reviewed by the ICB HR Team.
What is it for?	This document is an amended version of the Business Service Authority Equality, Diversity & Inclusion Policy. The policy aims to encourage colleagues to achieve and maintain the required standards of conduct. It ensures fairness and consistency in the treatment of individuals. In cases where a colleague fails to attain the required standard the disciplinary policy will be instigated, this may result in disciplinary action.
Evidence base:	Not applicable.
Who is it aimed at and which settings?	The Policy is for use by all ICB colleagues.
Impact Assessment:	Completed
Other relevant approved documents	Dignity and Respect at Work Policy Freedom to Speak Up Policy
References:	Equality Act 2010
Monitoring and Evaluation	This policy will be monitored and reviewed for effectiveness by the Corporate Affairs team on a regular basis.
Training and competences	Not applicable.
Consultation	This is an internal document that does not need further engagement or involvement at this time.
Reviewed by:	Policy Review Group
Approved by:	Remuneration, People and Culture Committee
Date approved:	17 th May 2023
Signed:	
Dissemination:	Intranet
Date disseminated:	17 th May 2023
Review Date:	17 th May 2025 or if statutory change is required.
Contact for Review:	HR Team

Version Control

Revision History	Summary of changes	Author(s)	Version Number
March 2020	Reviewed by HR as a single policy	Rebecca Richards	1
June 2022	Policy updated to reflect change from CCG to ICB.	Corporate Governance Manager	2
May 2023	Bi annual review with PRG and EDI	HR Team	3

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1. POLICY STATEMENT

- 1.1 Norfolk and Waveney Integrated Care Board (hereafter referred to as the ICB) recognises the importance of having a diverse and engaged workforce and is committed to ensuring all our employees and workers (referred to as colleagues in this policy) have the opportunity to succeed. The established employment practices, policies and procedures ensure that no colleague, or potential colleague, receives less favourable treatment on the grounds of sex, race, , , sexual orientation, marriage or civil partnership, religion or belief, age, trade union membership, disability (covers long term physical and mental health conditions), offending background, domestic circumstances, social and employment status, , gender reassignment, political affiliation or any other personal characteristic. Ensuring our workforce is diverse and developing an inclusive culture ensures that we are best placed to deliver services to our diverse stakeholders and reflect the populations we serve.
- 1.2 Diversity is viewed positively, we recognise that everyone is different and value the unique contribution that everyone's experience, knowledge and skills can make. Equality and inclusion are stated objectives.
- 1.3 The promotion of equality, diversity and inclusion is pursued through policies that ensure colleagues receive fair, equitable and consistent treatment and existing and potential colleagues are not subject to any form of discrimination. Enabling colleagues to work in an environment where they can thrive.
- 1.4 The ICB's Equality, Diversity and Inclusion Policy seeks to meet and exceed our responsibilities as a public-sector employer under the [Equality Act 2010](#)
- 1.5 This policy is complementary to the NHS Staff Council Equality and Diversity and Dignity at Work agreements and the ICB's Dignity and Respect at Work Policy.
- 1.6 It is a condition of employment that all colleagues respect and act in accordance with the Equality, Diversity and Inclusion Policy. Failure to do so may result in the Disciplinary procedure being instigated, which could result in dismissal.

2. PRINCIPLES

- 2.1 The ICB will promote, through the provision of training and guidance, the impartial application of all employment policies and procedures, and will take action to deal with all inappropriate behaviour.
- 2.2 The ICB mandatory training includes an equality and diversity module to ensure that all colleagues are aware of their responsibilities under the [Equality Act 2010](#) and that role appropriate training is provided for colleagues involved in selection for recruitment or training. The responsibilities of the employer and colleague for equality and diversity will be positively incorporated into colleague training at all levels from induction courses to senior management workshops.

3. DEFINITIONS

- 3.1 Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents and believing that no one should have poorer life chances because of where, what or whom they were born, what they believe, or whether they have a disability. Equality recognises that certain groups of people with particular characteristics may experience discrimination. The nine protected characteristics as defined by the Equality Act (2010) are:

- Age
 - Disability
 - Race
 - Gender reassignment
 - Marriage or civil partnership (in employment only)
 - Pregnancy and maternity
 -
 - Religion or belief
 - Sex
 - Sexual orientation
- 3.2 Diversity aims to recognise, respect and value people's differences to contribute and realise their full potential by promoting an inclusive culture for all.
- 3.3 Inclusion is a sense of belonging. Inclusive cultures make people feel respected and valued for who they are as an individual or group. People feel a level of supportive energy and commitment from others so that they can do their best at work. As an ICB we aspire to ensure our culture is inclusive. Inclusive behaviour includes ensuring that people from all groups are included when decisions are made that impact colleagues within the organisation
- 3.4 The Equality Duty has three aims. It requires public bodies to have **due regard** to the need to:
- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act
 - **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it
 - **Foster good relations** between people who share a protected characteristic and people who do not share it.
- 3.5 Having **due regard** means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.
- 3.6 Having due regard to the need to **advance equality of opportunity** involves considering the need to:
- Remove or minimise disadvantages suffered by people due to their protected characteristics;
 - Meet the needs of people with protected characteristics; and
 - Encourage people with protected characteristics to participate in public life or in other activities where their participation is low.
- 3.7 **Direct discrimination** occurs when an individual is treated less favourably because of their sex, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, disability, pregnancy or maternity. An example of direct discrimination would be dismissing a female colleague because she is pregnant
- 3.8 **Indirect discrimination** occurs when an unjustifiable condition or requirement is applied which has a discriminatory effect, as the number of people who can comply with the condition or requirement is smaller among a particular group. An example of indirect discrimination would be only sending full-time colleagues on training courses (as more female colleagues than male are likely to be part-time).

- 3.9 **Associative discrimination** occurs when an individual is discriminated against based on an individual's association with another person belonging to a relevant protected group. The relevant protected groups are Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex and Sexual Orientation. An example of associative discrimination would be overlooking an individual for promotion because they care for an elderly relative.
- 3.10 **Perceptive discrimination** occurs when an individual is treated less favourably due to a belief or perception that an individual is a member of a relevant protected group. Perceptive discrimination would occur if an employee was excluded from team events and away days due to perceptions about their religion or belief.
- 3.11 **Harassment** is unwanted conduct on the grounds of any of the protected characteristics which has the purpose or effect of either violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. The impact does not have to have been intended or deliberate to be defined as harassment.

Examples of unwanted behaviour include but are not limited to:

- Spoken or written words or abuse
- Offensive emails, tweets or comments on social networking sites
- Images and graffiti
- Physical gestures
- Facial expressions
- Jokes

3.12 **Victimisation** occurs when an individual is treated less favourably because he or she has raised a complaint or supported a colleague who has made a complaint. For example, a senior member of colleagues starts to behave in a hostile manner to another member of colleagues, who previously supported a colleague, in submitting a formal complaint against the senior manager for sexist behaviour. A hostile manner can include actions such as, excluding team members from social events after they have made a formal complaint.

3.13 **Micro aggressions** are subtle comments and behaviours that indicate to someone that the person speaking thinks they don't belong.

Examples of unwanted behaviour include but are not limited to:

- Telling someone how good their English is – this suggests thinking the person would not have good English based on how they look or where they're from
- Telling someone their name is too hard to say – this implies it's not worth taking the time to learn their name and suggests they do not fit in
- Asking "where are you really from?" when someone says they're British – this suggests thinking they're not really British and do not belong here

For further information click [here](#).

3.14 Employees are entitled to complain if they feel they have been treated less favourably because of their trade union membership, offending background or any other personal characteristic.

4. **RESPONSIBILITIES**

4.1 **Director Level Responsibility**

Within the ICB a member of the Executive Management Team will have ultimate responsibility for monitoring the operation and implementation of the Equality, Diversity and Inclusion Policy and for ensuring that monitoring records are maintained, Public

Sector Equality Duty requirements are met and an Equality, Diversity and Inclusion strategy is in place.

4.2 [Responsibilities of Senior Leaders and Directors](#)

Senior leaders and directors will adopt appropriate strategies to support and value equality, diversity and inclusion within the organisation. These may include networking groups, organisation wide events in celebration of diversity and inclusion and local action plans focused on addressing underrepresentation.

4.3 [Responsibilities of Managers](#)

Managers are required to exercise leadership in this field by discouraging prejudice and by modelling appropriate and inclusive behaviour. They must ensure that the policy is clearly communicated to their team along with sources of available support. They must also take speedy and appropriate action to deal with any breaches of the policy, or behaviour that could lead to a breach of the policy.

4.4 When changes are being considered an Equality Impact Assessment (EIA) should be completed (see [appendix 1](#)) to help ensure that ICB policies, practices, events and decision-making processes are fair and do not present barriers to participation or disadvantage any protected groups.

4.5 Any identified breaches of the Equality, Diversity and Inclusion Policy may be dealt with using the Disciplinary, Grievance or Dignity and Respect at Work Policies.

4.6 Managers are responsible for applying employment practices, policies and procedures fairly and consistently, and for highlighting and addressing any practices which could lead to discrimination.

4.7 Managers should seek to establish inclusive practices in the management and leadership of their teams. This includes ensuring that any reasonable adjustments are implemented effectively, encouraging an inclusive team culture and supporting colleagues who indicate an interest in equality, diversity and inclusion to become involved with the ICB activities including involvement in relevant networking groups, organising and attending diversity and inclusion events. The needs of the organisation and the services we provide to customers and ultimately patients will remain the highest priority.

4.8 Responsibility of Colleagues

All colleagues are responsible for familiarising themselves with the Equality, Diversity and Inclusion Policy and for complying with it. Colleagues should inform their manager if they know or suspect that discrimination including harassment has been or is taking place.

All colleagues have a responsibility for creating an inclusive culture and we are therefore required to consider the impact of our behaviour on our colleagues and those around us, even where there is no malicious intent. All colleagues, at all levels are required to complete mandatory equality and diversity training and colleagues are encouraged to become involved in internal ICB equality, diversity and inclusion activities and diversity working groups where these apply. Requests to attend any events or meetings should be shared in advance with the line manager. Colleagues should be released to attend such events whenever possible.

5. [MONITORING & REVIEW](#)

5.1 The Human Resources team will monitor demographic data for all colleagues and for internal and external job applicants. The ICB will report in line with our requirements under the Public-Sector Equality Duty. This information will be collected and stored in line with relevant data protection legislation and will only be used to monitor compliance to the Equality and Diversity Policy. The information will be analysed regularly.

- 5.2 The policy and procedure will be reviewed periodically (at least every two years) by Human Resources and trade unions and/or staff representatives giving due consideration to legislative changes.

Part 2

6. PROCEDURE FOR DEALING WITH COMPLAINTS OF DISCRIMINATION, VICTIMISATION OR HARASSMENT

- 6.1 Any colleague who feels that they have been discriminated against, victimised or harassed on any grounds set out in this policy should initially raise their concerns with their line manager. Colleagues may also refer to the Freedom to Speak Up Policy and the FTSU guardians who act as an independent and impartial source of advice. Where an colleague's concerns relate to their line manager, the colleague should raise their concern with the next most senior member of their reporting line. Alternatively, colleagues may wish to discuss their concern with a member of the Human Resources team.
- 6.2 Where resolution cannot be achieved through informal discussion, a colleague may put forward a grievance in line with the guidelines set down in the ICB's Grievance Procedure. Alternatively the ICB's Dignity and Respect at Work Policy may be followed. At all stages of the procedure, colleagues can be accompanied by a Trade Union representative or work colleague. ACAS provides advise for employees and employers see [here](#) for relevant resources.

APPENDIX 1: EQUALITY IMPACT ASSESSMENT

Step 1: Aims and purpose of the proposal / policy being assessed

(This should reflect what the policy is intending to achieve and how it seeks to achieve, it is this intention that the assessment seeks to measure, consider who benefits and how and who doesn't and why, also consider the impact of associated aims).

To prevent and remove unfair discrimination, harassment and victimisation wherever it is encountered in our work and to promote equality of opportunity and to value and respect differences

Step 2: Screening process for relevance to equality & diversity issues

Does this proposal / policy have any equality & diversity relevance in the following areas?

(This should be considered in relation to the formulation and application of the policy. As far as possible engagement with the relevant staff network groups should take place to identify any potential areas of relevance).

A Age	No
B Disability	No
C Gender reassignment	No
D Marriage and Civil Partnership	No
E Pregnancy and maternity	No
F Race	No
G Religion or belief	No
H Sex	No
I Sexual orientation	No
J Other issues	No

Step 3: If you have answered, "Yes", to any of the protected characteristic boxes in Step 2, a full impact assessment is required

Are any of the protected characteristic boxes in Step 2 marked "Yes"?

Step 4: Examination of available information (sources can include but are not restricted to – ESR data; MI relating to Recruitment /Employee Relations/Attrition; Industry best practice; legal overview; research articles; matters arising from judgements tested during consultation; consider four-fifths rule to assess difference).

Step 5: Full Impact Assessment Process			
Step 5a: Consultation Log			
Where are the consultation records stored?			
Step 5a: Consultation Log	Step 5a: Consultation Log	Step 5a: Consultation Log	Step 5a: Consultation Log
Step 5b: EIA Action Plan: Workforce Impacts (internal)			
Potential issues or impacts (positive and negative)			
Step 5c: EIA Action Plan: Service Delivery Impacts (external)			
Potential issues or impacts (positive and negative)			
Step 6: Monitoring and review arrangements			
How will the implementation of the proposal / policy be monitored, and by whom?			
What is the timetable for monitoring, with dates?			
Step 7: Public availability of reports / result			