



**Health Research Authority**

# EQUALITY AND DIVERSITY POLICY

**Author:** Corporate Secretary  
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**Owner:** Corporate Secretary  
**Scope of Policy:** HRA

## Background

The purpose of this policy is to ensure that all practices within the Health Research Authority (HRA) are carried out in a fair, reasonable and consistent manner. The HRA is committed to providing a service that promotes human rights, equality and diversity and does not discriminate against any directly employed staff, secondees, agency workers, contractors, potential staff, volunteer members, partners, service users or anyone that deals with the HRA in any way.

This policy is at the heart of enabling the HRA to deliver its core values. Through the implementation of this policy, the HRA will ensure that commitment to fairness and equality is evident at every level throughout the organisation and that everyone is treated fairly, reasonably and consistently regardless of background or personal characteristics.

This document sets out the HRA's policy on Equality and Diversity (E&D).

## Policy

### 1. Scope

This policy applies to:

- Our directly employed staff, secondees, agency workers, contractors and volunteers including Research Ethics Committee (REC), Social Care REC, Confidentiality Advisory Group (CAG) and National Research Ethics Advisory Panel (NREAP) Members, wherever they are working;
- Potential new recruits, from the moment a job description is drafted and the job advertised; and
- Former HRA employees, e.g. the provision of work references to new employers.

This is not an exhaustive list. The policy applies to anyone that has dealings with the HRA.

### 2. Principles

As a public sector organisation, the HRA recognises its general and specific public duty identified in section 149(1) of the Equality Act 2010 towards people with characteristics protected by the Act and its legal and moral responsibility for ensuring equality of opportunity and respect for diversity. This Policy introduces the HRA's principles in relation to ensuring equality and respecting diversity.

The HRA will promote equality and integrate an anti-discriminatory approach into all areas of its work. It will ensure that barriers to accessing services and employment are identified and removed, and that no person is treated less favourably on the grounds of their age, disability, gender reassignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation.

The HRA recognises the importance of this policy in both the employment relationship and service provision, and will reflect these commitments in all HRA policies.

HRA directly employed staff, secondees, agency workers, contractors, volunteers and service users have the right to be treated in a fair, reasonable and consistent way with dignity and respect and without the fear of discrimination, harassment or victimisation.

Anyone that deals with the HRA will receive equitable treatment whether they are receiving a service, providing a service, applying for a job, tendering for a contract or any other relationship.

The HRA will uphold the Human Rights of all service users, directly employed staff, secondees, agency workers, contractors and volunteers and anyone else with a relationship to the HRA. These include practices that reflect the principles of the right to a fair trial, respect for private and family life and freedom of thought, conscience and religion.

The HRA is committed to the on-going development of awareness of E&D issues throughout an individual's relationship with the HRA.

The HRA is committed to monitoring, evaluating and reporting on issues of E&D in services and the workforce.

The HRA recognises the benefits that can arise from implementation of the E&D policy:

- Flexible provision of service(s) ensuring high levels of satisfaction with those services;
- Engaging people from different cultural backgrounds allows a better understanding of need and creates a diverse workforce which reflects the wider community;
- A diverse workforce provides different viewpoints and will help the HRA to find innovative ways to improve both working conditions and service provision;
- A diverse workforce helps to provide greater flexibility within working practices e.g. different religions have festivals on different dates thereby supporting different attendance patterns that respect the individual as well as providing continuous service provision; and
- Valuing staff and ensuring they feel they have been treated fairly improves morale, motivation, job satisfaction and reduces staff turnover.

The HRA will aim to work to best practice standards of E&D, and not merely comply with legislation.

The HRA takes very seriously any breaches of policy. Victimisation, harassment or discrimination (or an attempt to do so) will not be tolerated. This may lead to disciplinary action. It is recognised that should an investigation be warranted from any of these occurrences, confidentiality will be maintained at all times.

The policy will extend outside the workplace if it is deemed that the event has an impact on working relationships within the HRA e.g. a worker harassing a colleague outside of working time and away from HRA premises will still affect their working relationship.

### **3. The Public Duty**

This covers:

- Eliminating unlawful discrimination (both direct and indirect), harassment and victimisation;
- Advancing equality of opportunity between different groups;
- Fostering good relations between different groups.

The nine protected characteristics are:

- Age including specific ages and age groups;
- Disability including cancer, HIV, multiple sclerosis, and physical or mental impairment where the impairment has a substantial and long-term adverse effect on the ability to carry out day-to-day activities;
- Gender re-assignment where people are proposing to undergo, are undergoing or have undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attribute of sex;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race including colour, nationality and ethnic or national origins;
- Religion or belief, including a lack of religion or belief, and where belief includes any religious or philosophical belief;
- Sex;
- Sexual orientation, meaning a person's sexual orientation towards persons of the same sex, persons of the opposite sex and persons of either sex.

## **4. Application**

### The commitment of senior management

The HRA acknowledges the critical role our senior managers will play in providing the leadership and resources to meet our public duty and taking forward an annual action plan, integrated into the Business Plan, which is produced in order to identify and achieve expectations in relation to this policy.

### The behaviour of staff and members

The HRA acknowledges it has a major role in how staff and members behave. The HRA recognises it has an essential role in ensuring staff and members are made aware of the HRA's approach and as a consequence staff and members will be supported through the provision of training and access to advice.

E&D training is mandatory for directly employed staff, secondees, agency workers, contractors and volunteer members. Training undertaken by directly employed staff, secondees, agency workers, contractors and volunteer members through employment in the NHS or other organisations can be recognised as sufficient to meet HRA requirements to avoid duplication.

### The service to our users

The HRA is committed to a high quality of service and to working collaboratively with all users. The HRA currently seeks feedback from users with views being collated and reviewed and appropriate action(s) taken to address concerns expressed.

### Approach to our business and integrating responsibilities towards protected groups

The HRA acknowledges it has a responsibility to take forward plans to foster equality and to integrate these requirements into our business planning in the future so that an annual cycle of improvement is achieved along with the development of objectives at least every four years.

In addition an Equality Impact Analysis (EIA) will be undertaken when taking forward any policy (*defined by the Equality and Human Rights Commission (EHRC) as a function, strategy, procedure, practice, project, or decision*) so that the needs of protected groups are integrated into our business activity.

### HRA offices, meetings (including REC/CAG/NREAP Meetings) and training venues

The HRA undertakes to make reasonable adjustments to enable the HRA workforce, its volunteer members or members of the public to enter or work within our offices, any meeting rooms or training venues.

The needs of participants should be checked when training is booked and venues are selected with appropriate disabled access, special diets catered for and days selected for training to avoid religious days where possible.

### Secondees, Contractors and Agency workers

The HRA acknowledges its responsibility to ensure any of these individuals working on behalf of the HRA meet the requirements of equality legislation and do not behave in a discriminatory way.

### Recruitment

The HRA through its SLA with the BSA HR service is committed to equality of opportunity for all employees and is committed to employment practices, policies and procedures that ensure that no

employee, or potential employee, receives less favourable treatment on the grounds of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background, domestic circumstances, social and employment status, HIV status, gender reassignment, political affiliation or any other personal characteristic.

Diversity is viewed positively and, in recognising that everyone is different, the unique contribution that each individual's experience, knowledge and skills can make is valued equally.

### Written material

The HRA will publish relevant written material (in the annual report and on its website if appropriate) so it can be accessed easily.

### Our approach to dealing with discrimination

The HRA acknowledges that discrimination can come in different forms and recognises it is important to be aware of the definitions of discrimination within the Act and by doing so wishes to avoid discrimination where possible and act upon any discrimination found or reported effectively and quickly.

## **Definitions of Discrimination within the Act**

### **Direct discrimination**

Direct discrimination occurs when you treat an individual less favourably than you treat (or would treat) another because of a protected characteristic. For example, racial segregation is deliberately separating people by race or colour or ethnic or national origin and is unlawful direct discrimination as is dismissing a female employee because she is pregnant.

### Direct discrimination can also occur as: **Discrimination based on association**

Direct discrimination also occurs when you treat a person less favourably because of their association with another person who has a protected characteristic (other than pregnancy and maternity).

### **Discrimination based on perception**

Direct discrimination also occurs when you treat a person less favourably because you mistakenly think that they have a protected characteristic (other than pregnancy and maternity).

**Indirect discrimination** occurs when an unjustifiable condition, requirement, provision, criteria or practice is applied which has a discriminatory effect by putting an individual sharing a protected characteristic within a group at a particular disadvantage, 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 employees on training courses (as more female employees than male are likely to be part-time).

**Note: 'Disadvantage' is not defined in the Act but a rule of thumb is that a reasonable person would consider that disadvantage had occurred. It can take many different forms, such as denial of an opportunity or choice, deterrence, rejection or exclusion.**

It doesn't matter that you did not intend to disadvantage the person with a particular protected characteristic in this way. What does matter is whether your action does or would disadvantage such a person compared with people who do not share that characteristic. Indirect discrimination applies to all the protected groups other than pregnancy and maternity, although something that disadvantages someone who is pregnant or new mothers may be indirect sex discrimination. It may be not discriminatory if the aim of the provision, criteria or practice is legal and non-discriminatory and represents a real objective consideration but even if the aim is legitimate, the

means of achieving it must be proportionate. Proportionate means 'appropriate and necessary', but 'necessary' does not mean that the provision, criterion or practice is the only possible way of achieving the legitimate aim.

**Vicarious Liability** means that the HRA can be held responsible for the discriminatory actions of its workers, even if they are carried out without the HRA's knowledge or approval, if due care is not provided in upholding this policy within working practices and raising staff awareness of the HRAs position on equality and human rights.

**Burden of Proof** now falls on the respondent, once the applicant has proven facts that could be interpreted as discriminatory.

## 5. Accountability

The general accountability framework for E&D is as follows:

| What  | Who  |
|---|--|
| Overall responsibility for E&D  | Chief Executive  |
| Policy owner  | Corporate Secretary  |
| Operation of the E&D policy including monitoring effectiveness                                      | Corporate Secretary<br>Executive Management Team (EMT)   |
| Development of processes, procedures and coordination of E&D activities                             | Corporate Secretary<br>EMT   |
| Sign off of E&D policies and procedures   | EMT  |
| The procurement of advice on E&D legislation, HRA policies, procedures and external sources of help | Director of Finance<br>Corporate Secretary   |
| Responsibility for undertaking EIAs   | Primarily Directors and Line Managers but applies to all senior managers where the situation arises. |

## 6. Responsibilities

The HRA acknowledges it is responsible for how staff and members behave when working on behalf of or representing the HRA. The HRA recognises it has an essential role in ensuring staff and members are aware of its approach.

The Board is collectively responsible for creating a culture that integrates equality practices into established way of working and are accountable for ensuring arrangements are in place to obtain assurance about the effectiveness of E&D policy and procedures

The overall responsibility for E&D lies with the Chief Executive.

The Corporate Secretary has the responsibility for the operation of the policy and will provide such assistance as is necessary to enable the HRA to meet its responsibilities by ensuring that:

- The HRA complies with legislation;
- The HRA is aware of the latest developments in E&D law and best practice;
- That there are systems for monitoring, evaluating and initiating appropriate action to treat, tolerate, terminate or transfer E&D risks; and

- E&D training is delivered within the overall mandatory training requirement.

Directors and line managers:

- are aware of and promote HRA values on E&D and must address any issues that they may become aware of in the course of their work ;
- should ensure those they are responsible for are aware of this policy, the nine protected groups and how to support the needs of these groups through the functions taken forward by each directorate;
- Should ensure EIAs are conducted as required particularly when developing new policies (see definition above) so that the needs of protected groups are integrated into new developments;
- must be accessible to those reporting issues of discrimination or concern and must ensure these are addressed appropriately and quickly: and
- ensure all persons reporting to them have received appropriate E&D mandatory training.

Directly employed staff, secondees, agency workers, contractors and volunteers including Research Ethics Committee (REC), Social Care REC, Confidentiality Advisory Group (CAG) and National Research Ethics Advisory Panel (NREAP) members are responsible:

- for making themselves aware of and supporting the HRA approach to E&D and undertaking mandatory training as required;
- recognising they have a duty to conduct themselves lawfully, and co-operate with all measures introduced by the HRA to ensure equality, fairness and a culture of non-discrimination;
- should not attempt to induce others into the practice of discrimination; and
- notify their line manager (or the Corporate Secretary) of any concerns they may have in the course of their work if they suspect that discrimination, harassment or victimisation is taking place, anywhere within the HRA.

## 7. Monitoring

The HRA acknowledges it has a responsibility for the collection, publication of data and analysis alongside improvement targets. Through its SLA with BSA HR services it will collect appropriate E&D data.

EIAs will be undertaken and monitored by the Corporate Secretary when taking forward any new activities or initiatives so that the needs of protected groups are integrated into business activities.

Compliance will also be monitored through HRA Quality Management System (QMS) audits.

In order to assess the effectiveness of its E&D policy the HRA will seek to publish the following information (records maintained by HR):

- a. Relevant statistical information on:
  - Job applicants
  - Short-listed candidates
  - Existing and new staff and their deployment
  - REC/CAG/NREAP Membership
- b. Details of selection decisions for recruitment, redeployment, promotion, transfer and training and reasons for these decisions.
- c. Statistical information about the composition of the workforce.

## 8. Lessons Learnt

This policy will be assessed and monitored in the light of engagement with interested groups, data collected and through the general assessment of the delivery of our duty of care.

## Equality and Diversity: Related Policy, Procedure and Guidance Documents

| Supporting Documents  | Confidentiality Issues |
|---|------------------------|
| Equality Act 2010   | None                   |
| HRA Initial Equality Analysis and Initial Privacy Impact Assessment Templates | None                   |
| HRA Guidance on Conducting Equality Impact Analysis (+ 3 example policies)    | None                   |
| HRA Full Equality Impact Analysis Template                                    | None                   |

### Dissemination and publication of the Policy

The HRA Quality Assurance Department is responsible for logging the approved version of the policies, procedures and associated documents onto the Document Control System and the subsequent publication on the intranet/website.

**All versions are logged onto the Document Control System and published on the intranet/ and HRA website.**

**No other copies are stored on the Shared drive or on personal drives.**

**If changes are required to the document a copy can be obtained from the HRA Quality Assurance Business Manager.**



| <b>EQUALITY AND PRIVACY SCREENING QUESTIONS</b>  |  |                 |  |
|--|--|-----------------|--|
| FOR EVERY HRA POLICY ( <i>defined by the Equality and Human Rights Commission (EHRC) as a function, strategy, procedure, practice, project, or decision</i> ) PLEASE ANSWER THE QUESTIONS BELOW TO DETERMINE WHETHER FURTHER ANALYSIS IS REQUIRED. |  | <b>YES / NO</b> | If yes, please copy and complete either the HRA Initial Equality Analysis and / or Initial Privacy Impact Assessment Template below. This one document can be found on the Intranet. |
| <b>Equality</b>  | With due regard to our Equality Duty, could this policy have the potential to have a detrimental impact on anyone with a protected characteristic? | <b>NO</b>       |  |
| <b>Privacy</b>   | With due regard to the Data Protection Act, does this policy involve the use of Personal Information?  | <b>NO</b>       |  |

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|--|--|
| <p>Author to type in name and date to verify analysis.</p> <p>(If further analysis is required, the Corporate Secretary must be informed).</p> | <p>NAME: Stephen Robinson</p> <p>DATE: 27<sup>th</sup> July 2015</p> |
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# Document Control

## Change Record

| Version Status    | Date of Change    | Reason for Change  |
|-------------------|-------------------|--|
| <i>V1.0 Draft</i> | <i>25/08/2011</i> |  |
| <i>V1.0 Final</i> | <i>01/12/2011</i> |  |
| <i>V1.1</i>       | <i>09/02/2012</i> | <i>To update information on discrimination</i>   |
|                   |                   | <i>Note: versions in grey font are obsolete versions of the previous document called "Equality Policy" which was written by Sandra Holley. New versions below refer to the document "Equality &amp; Diversity Policy".</i> |
| V0.2 Draft        |                   | SR Amendments to improve policy  |
| V0.3 Draft        | 11th March 2013   | Comments from Policy Harmonisation project   |
| V1.0 Final        | July 2013         | Approval by Board  |
| V1.1 Final        | 08/09/2015        | Updated for ISO 9001   |
|                   |                   |  |
|                   |                   |  |

## Reviewers

| Name (name of reviewer and/or management group reviewing) | Date       | Version Reviewed |
|---|------------|------------------|
| EMT   | 05/08/2015 | 1.1              |
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## Distribution of Approved Versions

| Platform (e.g.HRA intranet or website) | Date of Publication | Version Released |
|--|---------------------|------------------|
| HRA Intranet                           | 08/09/2015          | V1.1 Final       |
|  |                     |                  |
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