DIVERSITY AND EQUALITY OF OPPORTUNITY POLICY

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<td>Human Resources &amp; Organisational Development Committee</td>
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<td>Owner</td>
<td>Jacqui Bate</td>
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<tr>
<td>Owner Job Title</td>
<td>Director of Human Resources, OD &amp; Communications</td>
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Chair: Kate Gordon  Chief Executive: Nerissa Vaughan
Patron: Her Majesty The Queen

The Preferred Hospital for Local People
DIVERSITY AND EQUALITY OF OPPORTUNITY POLICY

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1 STATEMENT OF INTENT

1.1 HOW WE DETERMINE DIVERSITY

Diversity in our workplace is an understanding that there are both seen and unseen differences among our employees and that these differences can assist in raising the quality of our work resulting in greater efficiency and effectiveness. At The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust we respect and value these differences in our workforce so that each person is treated and valued as a unique individual.

Diversity includes virtually all ways in which people differ, not just the more obvious ones of sex (gender), race, religion or belief, sexual orientation, age, disability, gender reassignment, marriage or civil partnership and pregnancy and maternity. These are referred to as the 9 ‘protected characteristics’.

In valuing diversity we promote and respect differences that are not amongst the protected characteristics as outlined by the Equality Act 2010 and listed above. These differences may include personality, grade, job title, methods of working, sensitivity and so on. Instead of concentrating on issues as they affect groups of people, diversity is all about valuing the differences between people within the organisation. We recognise the increasing need for more flexible working practices and we are committed to continuously explore new ways of working which will give us access to the widest range of talent as possible.

1.2 HOW WE DETERMINE EQUAL OPPORTUNITY

Equal opportunity is the provision of equal rights for people from recruitment and selection to termination of employment and everything in between. All employment matters are affected by equal opportunities issues. At The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust recruitment, selection, induction training, other opportunities for training, pay, appraisals, promotion, disciplinary action, selection for redundancy and retirement, dismissal, organisational communication and working practices take account of equal opportunities.

In addition, there are powerful and sound business reasons and legal imperatives for taking an equal opportunity approach to the community in which we exist including our patients and their carers, our suppliers, members of other organisations, and all people who receive our services in any of its many forms. In achieving our business objectives we intend to do so by centralising the importance we place on diversity and equal opportunity in all of our business activities.

1.3 OUR BUSINESS OBJECTIVES

The core commitment of the NHS is to provide fair, accessible services for all. In order to do this we must:

• Always put the needs and care of patients first
• Expand our market share and develop current and new services
• Consolidate our position through investment in order to improve efficiencies
• Implement new technologies and systems that will improve patient care more efficiently and effectively
• Ensure and monitor compliance with regulatory performance and quality indicators
• Further develop the Trust strategic position as a community asset for west Norfolk and beyond

1.4 OUR EQUALITY AND DIVERSITY COMMITMENTS

At The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust we aim to promote and continuously develop our commitment to diversity and equal opportunity. In providing this we commit to:

• Carry out all of the legal requirements which is incumbent on all organisations that provide a service to the public with particular emphasis on carrying out Equality Impact Assessments on all our decisions, policies, systems, processes and plans
• Promoting equality of opportunity for all persons
• Promoting a good and harmonious working and learning environment in which all men and women are treated with respect and dignity and in which no form of intimidation or harassment is tolerated
• Preventing occurrences of unlawful discrimination either direct, indirect, by association, by perception, harassment (including third party harassment) and victimisation
• Fulfilling all our legal obligations under the Equality Act 2010 and other associated employment legislation and codes of practice
• Ensuring full compliance with our own diversity and equal opportunities policy and associated policies
• Training all our employees and managers in carrying out the requirements of great diversity and equal opportunity practices
• Communicating the responsibilities for all under diversity and equal opportunities to all members of staff
• Removing any barriers to equality of opportunity
• Taking lawful affirmative or positive action, where appropriate

We also commit to continuously review how our diversity and equal opportunity policy and practices are expressed in action.

1.5 UNDERSTANDING WHAT DISCRIMINATION IS ABOUT

In order to understand the nature of our commitments under this policy it is necessary to understand the definitions of some key terms relating to discrimination:

**DISCRIMINATION**

A person discriminates against another if they treat that person less favourably on the grounds of:
• Race
• Sex (gender)
• Marriage or civil partnership
• Pregnancy and maternity
• Religion or belief
• Gender reassignment
• Sexual orientation
• Age
• Disability

There are a number of types of discrimination which can take place. These are:

• **DIRECT DISCRIMINATION**
  This occurs when someone is treated less favourably than another person because of a protected characteristic

• **INDIRECT DISCRIMINATION**
  This occurs when a company has a rule, policy or practice which applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it is a ‘proportionate means of achieving a legitimate aim’

• **HARASSMENT**
  This is ‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’

• **THIRD PART HARASSMENT**
  Employers can potentially be liable for harassment of employees by people (third parties) who are not employees of the company (i.e. anyone who comes into contact with the organisation). Liability arises when harassment has occurred on at least two previous occasions, the employer is aware that it has taken place and has not taken reasonable steps to prevent it from happening again

• **VICTIMISATION**
  Victimisation occurs when someone is treated badly because they have made a complaint or raised a grievance under the Equality Act 2010.

• **PERCEPTION**
  Discrimination can occur against an individual because others think that they possess a protected characteristic. It applies even if the person does not actually possess that characteristic

• **ASSOCIATION**
  Direct discrimination against someone because they associate with another person who possesses a protected characteristic
2 THE SCOPE OF THE POLICY

2.1 The Queen Elizabeth Hospital Hospital King’s Lynn NHS Foundation Trust Diversity and Equal Opportunity policy applies to:

- Patients and all who receive our services
- All those who work for our organisation at all levels
- Job applicants and potential applicants
- Consultants and any contracted associate workers
- Any agency workers
- Any trainee workers and students on work experience or placements
- Volunteer workers
- Former employees

2.2 The policy applies in the following areas (this list is not exhaustive):

- All policies, systems and processes which impact on patient care and wellbeing
- Advertising for staff vacancies
- All other recruitment activities
- Section methods used for new starters
- Terms and conditions
- Working conditions
- Employee transfers
- Training opportunities
- Staff development
- Selection methods for promotion
- Grievance
- Discipline
- Marketing material
- Delivering the patient centred service

2.3 Other policies and procedures which support the Diversity and Equal Opportunity policy can be referred to for more detail. In particular the following policies are important in promoting the intent of this policy. These policies are:

- Single Equality Scheme
- Appraisal & IPDR
- Recruitment & Selection Policy
- Mutual Respect Policy
- Developing our Staff
- Grievance Policy
- Disciplinary Policy
- Special Leave Policy
- Flexible Working Policy
- Managing Attendance
- Induction Policy
- Whistle blowing Policy
3.0 GENERAL RESPONSIBILITIES OF THE QUEEN ELIZABETH HOSPITAL KINGS LYNN NHS FOUNDATION TRUST

3.1 THE TRUST BOARD

The Trust Board will analyse the annual progress report on all equality & diversity work.

3.2 CHIEF EXECUTIVE

- Overall responsibility is assigned to the Chief Executive who will additionally have responsibility for monitoring and auditing the operation of the policy
- The Chief Executive has specific responsibility for the effective implementation of this policy
- The Chief Executive will ensure effective operational delegation of duties and responsibilities within the organisation.

3.3 THE EXECUTIVE TEAM

The Executive Team will:

- Overall responsibility for the organisation’s Diversity and Equality policy rests with the Executive Team
- Ensure the Trust has appropriate policies and procedures in place to comply with legislation
- Ensure overall accountability at Board level for effective development and implementation of equality and diversity.
- Ensure that adequate resources are made available to fulfil the intent of the Diversity and Equal Opportunity policy.
- Ensure that an inclusive approach is adopted with service users and patient and public representatives.
- Ensure the Trust Board is kept informed of progress on the delivery of the Single Equality Scheme action plan.
- Ensure each division and department within the Trust carries out Equality Impact Assessments in relation to its function and policies.
- Ensure service development plans are appropriately impact assessed
- Ensure the implementation, review, monitoring arrangements and assessment of the success of the Diversity and Equal Opportunity Policy
- Be responsible for providing training on equal opportunity and diversity matters during induction training and management training.
- Each member of the Executive Team and all managers and leaders of people have specific responsibilities to prevent unlawful discrimination from taking place

3.4 THE EQUALITY AND DIVERSITY GROUP

- Will review the report and break down all recommendations into high, medium and low priority in consultation with relevant stakeholders.
- Develop a costed plan of which recommendations will be implemented and when
- Provide specialist help and advice and engage in consultations as necessary
3.5 **LEADERS OF PEOPLE**

- Appropriate personnel, at all levels of management will be responsible for communicating the policy to job applicants, existing members of staff and relevant others.
- Appropriate personnel will be responsible for incorporating diversity and equal opportunity requirements into all job descriptions and work objectives.
- Appropriate personnel will ensure that those responsible for recruitment, selection, induction training, other training, pay, appraisals, promotion, disciplinary action, selection for redundancy and retirement, dismissal, organisational communication and working practices are fully trained to avoid discrimination in all its forms.
- Ensure that the necessary internal arrangements and resources are in place to enable the organisation to meet its statutory duties and promote equality and diversity.
- Promote the learning and best practice arising from the work of front line clinical and support staff in delivering care that accords with equality and diversity principles.

3.6 **OUR EMPLOYEES**

Every staff member, at every level within the Trust:

- Will be expected to take full, personal responsibility for the practical application of the Diversity and Equal Opportunity policy within their scope of activity.
- Are responsible for ensuring that their behaviour at work is consistent with the strategic outcomes and working principles set out in this policy and in the Single Equality Scheme and associated Trust policies and guidance.
- Are required to co-operate with measures introduced to ensure equal opportunity and non-discrimination.
- Must not themselves unlawfully discriminate against other employees or induce others to do so.
- Must not victimise others on the grounds that they have made complaints or provided information on discrimination.
- Must not harass or intimidate others in pursuance of unlawful Discrimination.
- Should inform management if they suspect any form of discrimination is taking place.

3.7 **HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT COMMITTEE (HRODC)**

- The Human Resource function will review work practices, facilities and work environments regularly to determine negative impact on those seeking work or continuing to work for the organisation.
- Review all equal opportunities monitoring and determine action to be taken if required.
- Oversee and monitor the work of the Trust’s Valuing People Group.
- Agree actions as identified in the Single Equality Scheme.
• Agree actions arising from reports, strategies and policies, which impact on the workforce and service delivery.
• Consider and support the development of new roles and new ways of working
• Support risk management within the Trust and identify issues for the Trust's risk register.
• Gather and publish equality and diversity data across all of the protected characteristics in line with the requirements of the General Duty
• Publish information relating to Equality Impact Assessments undertaken on relevant policies and decisions
• Prepare and publish specific and measurable equality objectives and set out how progress towards achieving objectives will be measured
• Provide a specialist advice service to all levels of staff in the area of equality and diversity
• Ensure transparency in the area of diversity and equal opportunity

3.8 PEOPLE FROM OTHER ORGANISATIONS

• People from other organisations will have the responsibility to comply with The Queen Elizabeth Hospital King's Lynn NHS Foundation Trust's Diversity and Equal Opportunity policy in matters which impact on our employed staff and the service we provide

• Any contracted business consultants or associates will take full, personal responsibility for actions that may fall short of the high expectations of The Queen Elizabeth Hospital King's Lynn NHS Foundation Trust in the area of diversity and equal opportunity.

• All trainers from other organisations and business consultants who undertake work for the organisation are known as associates of The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust. These associates become so through a process of rigorous selection and vetting. Associates must comply with all the policy requirements, rules and regulations which operate within the organisation. The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust therefore accepts full responsibility for all individuals working within the organisation at all levels and in all areas of the Trust.

If necessary Executive Directors and managers will be swift to use a range of robust interventions to remedy any inappropriate behaviours that may have been identified after a thorough investigation

4.0 OUR COMMITMENT TO OUR PATIENTS IN DELIVERING OUR SERVICE

4.1 The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust commits to deliver its service to patients with a high regard to valuing diversity. This means:

• Providing an environment in which there is equality of access and where patients are enabled to achieve maximum recovery and optimum independence in an environment within which their dignity and individuality are respected
• Producing literature, documents and signage in a language (languages) appropriate to patient need and written in language which is respectful to members of diverse groups

• Identifying special needs including dietary, cultural, religious, language, gender, age and taking appropriate action

• Committing both our medical and administrative staff to uphold the highest standards of conduct in relation to the promotion of respect for diversity. We ask patients to inform us promptly should there appear to be an alleged departure from such standards

• Ensure access and egress from all our buildings with due regard to disability

• Giving the best possible care to all patients regardless of differences

• Inform patients prior to arrival of support services and facilities e.g. disabled parking, lifts, availability of interpreters.

4.2 Carrying out Equality Impact Assessments on relevant policies, processes, systems, plans and decisions that impact on patient care and wellbeing

4.3 Service users across the protected characteristics are recruited and trained as volunteer trainers so they can be involved in delivering equality and diversity training e.g. PPI Forum members and other voluntary groups.

4.4 Monitor satisfaction with services by through patient satisfaction survey

4.5 Ensuring that ethnic monitoring is undertaken for all patients on waiting lists and in hospital

5.0 TRANSLATING THE POLICY INTO ACTION

5.1 IN GENERAL

The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust will undertake to:

• Be transparent in its commitment to and action taken in relation to Diversity and Equal Opportunity matters

• Eliminate discrimination, harassment and victimisation in line with the General Duty of the Equality Duty placed on Public Bodies and those discharging public functions

• Advance equality of opportunity in line with the General Duty of the Equality Duty placed on Public Bodies and those discharging public functions

• Foster good relations in line with the General Duty of the Equality Duty placed on Public Bodies and those discharging public functions
• Incorporate equal opportunities information into general communications practices (e.g. staff newsletters, intranet)

• Collect and utilise, in accordance with relevant legislation, information relating to diversity and equal opportunities in order to monitor the success of the policy in action

• Make decisions relating to recruitment, selection and appointment, identifying people for training opportunities and selecting individuals for promotion will be based on knowledge, understanding, competence, ability, skill and relevant experience.

• Communicate the diversity and equal opportunity policy at induction and make sure that each staff member will possess a copy of the diversity and equal opportunity policy

• Ensure that any Trust imagery contains positive representations of people across the range of people with protected characteristics.

• Ensure, as far as possible, flexible working arrangements

• All staff are made aware of interpreting and communication services that exist, including access to British Sign Language Interpreters and procedures for booking interpreters

• Ensure career break options are available and promoted to staff with caring responsibilities

• HR Intranet page is in operation to give advice and support for carers

• Regularly monitor all complaints and grievances to identify any Equality and Diversity issues or problems

• Regularly monitor investigations and the outcome of disciplinaries to identify any Equality and Diversity issues or problems

• In procurement documentation the Trust expresses its commitment by promoting its Diversity and Equal Opportunities policies. With any potential or actual supplier to the Trust, the Trust’s will determine the level of commitment to Diversity and Equal Opportunity by supplier

5.2 IN TRAINING AND DEVELOPMENT

The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust will undertake to:

• Place an important emphasis on diversity and equality to be included in induction training for every employee so that each employee understands both their rights and responsibilities under the policy
• Ensure equal opportunity of access to, and benefit from, all forms of learning and development activity necessary to carry out the work of the Trust to the required standard

• Train all those who deliver internal training events in diversity and equal opportunity matters

• Ensure that diversity and equal opportunities issues are addressed fairly and equitable in all internal management-related courses such as selection interviewing, managing attendance, appraisal, performance management and handling grievances and managing conduct matters

• Provide training and development opportunities to accommodate staff members who work on flexible working patterns

• Provide training and development opportunities to accommodate religious or faith needs of staff members

• Be flexible in accommodating special needs by making reasonable adjustments to the training and development environment, design and materials used in training employees

• Monitor who takes part in training against the ‘protected characteristic’ criteria. Regularly review this information to ensure that there are no exclusions to training and development opportunities

• Ensure that external training providers understand The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust policy on Diversity and Equality

• Make sure that all training provided by the organisation will reflect an individual’s training and development needs identified through the course of their present or future work

• Include Diversity and Equal Opportunity training into existing programmes so that at any one time, at least one member of each staff team has attended equality and diversity training

5.3 IN RECRUITMENT AND SELECTION (INCLUDING PROMOTION)

The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust will undertake to:

• Avoid discriminate in advertising job vacancies. The Human Resource function is responsible for the coordination of all recruitment advertising and will review all advertisements in advance of publication to ensure compliance with relevant legislation and the Trust’s policy

• Use appropriate job related selection techniques, job descriptions and person specifications in making selection decisions
• Compile short lists using information supplied by the candidate, job
requirements as determined by the job description and requirements as
outlined in the person specification. Shortlisting and interviewing will be
carried out by more than one person.

• Regularly review and update job descriptions to reflect accurately the
requirements of the vacant position

• Create person specifications which will accurately reflect the knowledge,
skills, competencies and abilities which are necessary to carry out the job to
the required standard

• Ask only interview questions which relate to the circumstances and
requirements of the job. Questions which could be discriminatory will not be
allowed within the interview process

• No questions will be asked about health or disability before a conditional
employment offer has been made. This is in accordance with recent changes
to the equality legislation as outlined in the Equality Act 2010

• Invite candidates, as a matter of routine, to inform the organisation of any
special arrangements or reasonable adjustments which need to be made in
attending a job selection interview

• Ensure that people who are responsible for recruitment and selection and in
selecting appropriate persons for training and promotion will be trained in
diversity and equal opportunity matters, including equal pay legislation, so
that discrimination will not take place

• Ensure that selection criteria and reasons for the selection or rejection of
individual candidates are recorded

• Monitor the results of recruitment processes with particular regard for
decisions which appear to be inconsistent

5.4 IN APPRAISING THE PERFORMANCE OF STAFF

The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust will undertake
to:

• Appraise the performance of members of staff against objective criteria
which include previously agreed work objectives, diversity objectives and
behavioural standards

• Charge every member of staff with the achievement of diversity objectives as
part of their working relationship with the Trust

• Quality assure interim reviews and main reviews to ensure that performance
targets are fairly set and progress fairly assessed and there is no indication of
the use of stereotypical assumptions
• Monitor the annual main review assessments in relation to the 9 protected characteristics and take action to remedy any practice which appears to have a positive or negative impact on the diverse workforce of the Trust

• Act on learning and development needs identified in personal development plans

5.5 IN THE TERMINATION OF EMPLOYMENT

• Continue to use a robust system for undertaking exit interviews with any staff member, at all levels when employment terminates

• Exit interviews are in place to determine reasons for leaving. There will be a particular emphasis on establishing whether diversity or equal opportunity issues have contributed to the decision of a member of staff to leave the organisation

6.0 IN USING THE DISCIPLINARY AND GRIEVANCE PROCEDURES

6.1 The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust takes seriously their ethical, moral and legal obligations in maintaining high standards in the important area of diversity and equal opportunity.

The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust will undertake to:

• Create a climate where if any member of staff feels that they have suffered discrimination, they can feel confident enough to speak to their immediate line manager (or another manager if appropriate) so that the matter can be resolved swiftly and through positive informal channels

• Make available the grievance procedure so that members of staff can, if necessary, raise a formal grievance through the procedure with confidence

• Protect any member of staff who raises a complaint of discrimination from victimisation

• Discipline any member of staff using the formal disciplinary procedures if they discriminate against a candidate or a member of staff in the course of their employment with The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust

• Deal with complaints of harassment and bullying under The Queen Elizabeth Hospital Hospital King’s Lynn NHS Foundation Trust Mutual Respect Policy.

7.0 MONITORING THE POLICY

7.1 The success of this Diversity and Equal Opportunity policy is enhanced by the systematic monitoring of its implementation. Success will be regularly reviewed and the information collected by the Human Resource function and functions within Quality & Governance and presented to the Executive Team at regular intervals. In monitoring the policy as it applies to The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust, the following applies:
• The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust will review the policy immediately following legislative changes which necessitate change to policy statements

• Information relating to recruitment, selection, opportunities for training, opportunities for promotion, appraisal, terms and conditions, pay and reasons for leaving etc will be monitored against the requirements of the policy and the Single Equality Scheme to determine fairness

• The organisation may use one to one interviews, satisfaction surveys and other interventions to determine best practice, problems and morale across the protected characteristics within the organisation

• Should there be a need, an analysis of the number and nature of any complaints relating to a breach of the Diversity and Equality policy will be carried out whether the complaints are received from patients, candidates, employees, contracted business associates, suppliers and members of the public

• Managers and Leaders will collect information relating to the achievement of diversity objectives as previously agreed via the appraisal process

• The Human Resource Department will monitor and analyse recruitment, selection, training and promotion opportunities in order to create a current organisational equal opportunity profile

7.2 In addition to the monitoring process as detailed above The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust also has in place procedures to ensure that such additional monitoring is undertaken as is necessary to ensure that the organisation is able to identify any possible improvements in service delivery relating to diversity and equal opportunity issues.

8.0 OTHER RELEVANT INFORMATION

8.1 The Queen Elizabeth Hospital King’s Lynn NHS Foundation Trust has accreditation under the Employment Service Two Ticks Scheme

8.2 The nominated person with overall responsibility for Diversity and Equal Opportunity issues is Jacqui Bate, Director of Human Resources and Organisational Development

8.3 For further information please see The Queen Elizabeth Hospital NHS Foundation Trust King’s Lynn NHS Single Equality Scheme
# Equality Impact Assessment Tool

## STAGE 1 - SCREENING

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<tr>
<th>Name &amp; Job Title of Assessor: Claire Matthews Assistant Director of HR</th>
<th>Date of screening: March 2011</th>
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<td>Policy or Function to be assessed: Diversity and Equality of Opportunity Policy</td>
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<th>Yes/No</th>
<th>Comments</th>
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<td><strong>1.</strong> Does the policy, function, service or project affect one group more or less favourably than another on the basis of:</td>
<td>The policy applies to all staff</td>
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<tr>
<td>• Race &amp; Ethnic background</td>
<td>No</td>
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<td>• Gender including transgender</td>
<td>No</td>
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<td>• Disability</td>
<td>No</td>
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<td>• Religion or belief</td>
<td>No</td>
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<td>• Sexual orientation</td>
<td>No</td>
</tr>
<tr>
<td>• Age</td>
<td>No</td>
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<td><strong>2.</strong> Does the public have a perception/concern regarding the potential for discrimination?</td>
<td>There is no known reason for the public to have any concerns regarding this policy</td>
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If the answer to any of the questions above is yes, please complete a full Stage 2 Equality Impact Assessment.

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<tr>
<th>Signature of Assessor:</th>
<th>Claire Matthews, Assistant Director of HR</th>
<th>Date: March 2011</th>
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<tr>
<td>Signature of Line Manager:</td>
<td>Ian Vince, Deputy Director of HR &amp; OD</td>
<td>Date: March 2011</td>
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DIVERSITY AND EQUALITY OF OPPORTUNITY POLICY – KEY CHANGES

The policy has been amended to reflect changes in legislation – The Equality Act 2010

An Equality Impact Assessment has been completed and is attached