

TRUST POLICY

In the case of hard copies of this policy the content can only be assured to be accurate on the date of issue marked on the document.

The Policy framework requires that the policy is fully reviewed on the date shown, but it is also possible that significant changes may have occurred in the meantime.

The most up to date policy will always be available on the Intranet Policy web site and staff are reminded that assurance that the most up to date policy is being used can only be achieved by reference to the Policy web site.

24 March 2010

GENDER EQUALITY SCHEME

Keywords: Gender Equality Duty, Action Plan

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Date of Issue... January 2010

Review Date... January 2013

DISABILITY EQUALITY SCHEME

- 1 INTRODUCTION**
- 2 PURPOSE**
- 3. ROLES AND RESPONSIBILITIES**
- 4. DEFINITIONS**
- 5. THE GENDER EQUALITY DUTY**
- 6. THE GENDER EQUALITY SCHEME – OUTCOMES**
- 7. POLICY DEVELOPMENT**
- 8. DISCLOSURES IN THE PUBLIC INTEREST**
- 9. SCHEME MANAGEMENT**
- 10. GENDER EQUALITY SCHEME ACTION PLAN**
- 11. TRAINING**
- 12. DISSEMINATION**
- 13. MONITORING COMPLIANCE**
- 14. REVIEW**

- | | |
|-------------------|-------------------------------------|
| Appendix A | Trust Vision and Aspirations |
| Appendix B | Supporting Legislation |
| Appendix C | Action Plan (2010 – 2013) |

GENDER EQUALITY SCHEME

1. INTRODUCTION

The race, disability and gender duties are known as public sector duties. They are statutory duties, meaning that they are legally enforceable. All public bodies that are subject to the duties are legally obliged to pay 'due regard' to the need to take action on race, disability and gender equality.

This means that the weight given, in this instance, to gender equality, needs to be in proportion to its relevance. In practice this means that in order to meet its duties, the Trust will need to prioritise action to address the most significant areas of gender inequality within its remit and to focus efforts where they can have most impact.

In July 2008 the Government announced plans to introduce a new equality duty. This will cover all seven equality strands, namely race, disability, gender, gender identity, religion/belief, age, and sexual orientation. The duty will not come into force until 2011 so it is important that the Trust continues to meet its legal obligations under the gender duties until this time.

2. PURPOSE

The purpose of this Gender Equality Scheme is to communicate the Trust's commitment and intention to promote Gender equality to its service users, the population it serves, its partners, the wider community and its staff.

The Gender Equality Scheme (GES) is intended to be a 'Living document', which is used on a daily basis to support:

- policy and decision making;
- the delivery of services;
- fair employment procedures;
- the design of the physical environment

The Trust is committed to ensuring gender equality in its service provision and its responsibility as an employer. This Gender Equality Scheme sets out how we intend to reinforce this commitment.

3. ROLES AND RESPONSIBILITIES

The Trust has overall responsibility for the Gender Equality Scheme.

The Chief Executive and Directors are responsible for ensuring that the Scheme is put into action across the Trust.

Board Members, employees, managers of the Trust and our stakeholders all have a role to play in helping us to meet our duty to promote equality for all staff regardless of their gender. This will include taking necessary action to report any issues/concerns to the Single Equality Scheme Committee.

4. DEFINITIONS

The Equality Act 2006 places a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need:

- To eliminate unlawful discrimination and harassment
- To promote equality of opportunity between men and women

This is known as the Gender Equality Duty (GED). It has been introduced in recognition of the need for a radical new approach to equality – one that places more responsibility with service providers to think strategically about gender equality, rather than leaving it to individuals to challenge poor practice

4. THE GENDER EQUALITY DUTY

The GED applies to policy-making, service provision, employment matters, and in relation to enforcement or any statutory discretion and decision-making. It also applies to services and functions that are contracted out.

The duty also applies to the need to eliminate unlawful discrimination and harassment in employment and vocational training (including further and higher education), for people who intend to undergo, are undergoing or have undergone gender reassignment.

The Trust has a legal requirement to comply with the GED. The specific duties are:

- To prepare and publish a gender equality scheme
- To address gender inequalities when formulating its objectives
- To gather and use information
- To consult with stakeholders
- To assess the impact of current and proposed policies and practices on gender equality
- To implement the actions set out in its scheme within three years, unless it is unreasonable or impracticable to do so.
- To report against the scheme each year and review the scheme every three years

The Equality and Human Rights Commission [EHRC] is responsible for enforcing the Duty and can take legal action against the Trust should it fail to carry out its responsibilities through the issue of compliance notices or through judicial review.

5. THE GENDER EQUALITY SCHEMES – OUTCOMES

There are three specific outcomes from implementing a gender equality scheme (GES):

5.1 Eliminating unlawful discrimination

Unlawful discrimination includes discrimination as defined by the Sex Discrimination Act (SDA), and discrimination that is unlawful under the Equal Pay Act (EPA). Unlawful discrimination is defined as:

- Direct and indirect discrimination on grounds of sex
- Discrimination in the grounds of pregnancy and maternity leave
- Discrimination on the grounds of gender reassignment
- Direct and indirect discrimination against married persons and civil partners
- Victimisation
- Harassment and sexual harassment

Harassment and sexual harassment are unlawful under the SDA. The Trust's GES will work towards eliminating these and similarly to promote equality of opportunity between men and women to ensure that harassment is prevented before it occurs.

The Equal Pay Act gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, or where the man and woman are doing:

- The same or broadly similar work

- Work which has been rated as equivalent under an analytical job evaluation study
- Work that is of equal value

By adopting the Agenda for Change job evaluation system the Trust is committed to ensure that unlawful discrimination in employment is eliminated.

5.2 Eliminating harassment and sexual harassment

The SDA prohibits discrimination against individuals in the areas of:

- Employment
- Education
- The provision of goods, facilities or services
- The disposal or management of premises
- The exercise of public functions

The SDA also prohibits discrimination in employment and vocational training against married people and civil partners, and people who have undergone, or who are undergoing or are intending to undergo, gender reassignment. The Trust will ensure that all policies and processes support the elimination of any harassment and sexual harassment within the areas set out in the SDA.

5.3 Promoting equality of opportunity between men and women

The scheme will set out how the Trust will promote equality of opportunity between men and women. To achieve equality of opportunity, it may be necessary to recognise that in certain circumstances women and men, because of their sex or gender roles, are not in the same position. In some circumstances it may therefore be appropriate to treat women and men differently, if that action is aimed at overcoming a previous disadvantage.

In addition to the three specific outcomes of a GES the GED requires public authorities to work towards eliminating unlawful discrimination and harassment against transsexual people with regards to employment and training. The duty covers people who intend to undergo, and are undergoing or have undergone gender reassignment. The Trust will work towards eliminating unlawful discrimination and harassment against transsexual people.

6. SCHEME MANAGEMENT

Gloucestershire Hospitals NHS Foundation Trust has an established Single Equality Scheme Committee to oversee and continuously review its Gender Equality Action Plan.

The membership of this Committee is:

Director of HR & OD [Chair]
 Associate Director Workforce & OD
 Recruitment Manager
 Head of Patient Experience
 Staff Side Chair
 Occupational Health Physician
 Employee Representation

The Committee's responsibilities shall be to develop, maintain and oversee a contemporary Gender Equality Scheme Action Plan [see Appendix c]

The Committee will meet bi-monthly to review progress against the Plan. The Committee will report to, and provide an Annual Report to the Trust Board.

7. POLICY DEVELOPMENT

The Single Equality Scheme Committee will oversee the development and assessment of policies relevant to Gender Equality.

Furthermore, this committee will establish arrangements for gathering information on the effects of its policies and procedures in order to ensure equality of opportunity between men and women.

8. DISCLOSURES IN THE PUBLIC INTEREST

NHS Foundation Trusts are public benefit corporations. It is considered to be best practice to report public interest disclosures on the Trusts activities and policies in certain areas, including the Trust's policies in relation to equality of opportunity. The responsible officer in this case is the Deputy CEO.

It is the Trusts commitment to publish annually relevant employment statistics concerned with gender equality as follows:

- Monitor (Regulatory Body)
- Trust Internet
- Trust Board

9. GENDER EQUALITY SCHEME ACTION PLAN

The Single Equality Scheme Committee will be responsible for the management of this plan. Each aspect of the plan has undergone a risk assessment in relation to any potential adverse impact, injury or legal claim using the Trust's standard risk evaluation methodology.

10. TRAINING

The Trust will make the following training provisions:

- New staff will be made aware of the scheme during induction programmes.
- Information about this scheme and other equality schemes will be provided to existing staff and managers through the Trust intranet, staff newsletter and Team Brief.
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11. DISSEMINATION

Whilst it is the intention to publish the Gender Equality Scheme on the Trust website, it is recognised that not all people have access or would be able to use this method to get information. Information will therefore be provided in a range of formats and languages upon request. Information relating to this scheme will also be published in the Staff newsletter and through the Trust intranet.

12. MONITORING COMPLIANCE

The operation of this scheme will be monitored on a regular basis by the Human Resources Department in conjunction with the Single Equality Scheme Committee who will report and review annually on progress of the Gender Equality Scheme and action plan. It is intended that the Gender Equality outcomes will be included in an encompassing Single Equality Scheme in the future. If anyone has any concerns regarding any aspect of this scheme they should raise this initially with the Associate Director of Workforce and Organisational Development.

13. REVIEW

This Gender Equality Scheme will undergo continuous review with the next formal review scheduled to take place in January 2013.

Trust Vision and Aspirations

Detailed below are five principles which summarise the Trust's vision and aspirations in relation to gender equality:

- To build and safeguard fair, open and compassionate healthcare for the Gloucestershire community and surrounding areas
- To provide a high quality service which is effective, efficient and responsive to the needs of the people we serve
- Challenge all prejudice and discrimination
- Improve the quality of life for staff, patients and service users
- Strengthen public involvement through freedom of information and the PALS and PPI Fora

Each aspect of the plan will be developed and managed according to these principles.

APPENDIX B

Supporting Legislation

The legislative framework for implementing the Gender Equality Duty includes the following:

- The Equality Act 2006
- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Gender Recognition Act 2004

Appendix 3

Action Plan 2010 – 2013 (subject to review)

Objective	Action	Lead	Timescale
1. Services and Functions: Review the trust services and functions to:- <ul style="list-style-type: none"> • Eliminate discrimination that is unlawful under the SDA (1975) • Implement the Gender Equality Duty 2007 • Promote equality of appropriate access between men and women in the provision of services and functions 	Apply Equality Impact Assessments to identify and eliminate discrimination in the delivery and development of services and functions. Ensuring that assessment results are considered by appropriate stakeholder groups and that issues and actions are followed through.	Lead Directors, Managers and Clinicians	Ongoing
	Ensure the Single Sex Accommodation Policy is effectively implemented and regularly monitored.	Director of Nursing	Ongoing
	When an individual has undergone gender reassignment and wishes to take a new identity – The Trust must ensure that there are adequate systems in place to ensure relevant changes occur to patient records.	Head of Patient Experience	April 2011
2. Employment - Review the Trusts employment practices and policies in order to:- <ul style="list-style-type: none"> • Eliminate discrimination that is unlawful under the SDA (1975) • Eliminate discrimination that is unlawful under the Equal Pay Act (Amendment) Regulations 2003 • Eliminate discrimination as defined by Employment Equality (Sex Discrimination) Regulations 2005 • Implement the Gender Equality Duty 2007 • Promote equality of opportunity between men and women in employment 	Monitor and Review as follows: <ul style="list-style-type: none"> • Recruitment • Development / Training / Appraisal • Retention • Pay / Remuneration • During Pregnancy or on return from maternity leave • Carer Leave • Workforce Profile Ensure that the monitoring results are regularly considered by the Trust Board as appropriate. Identify issues, make recommendations on appropriate actions	Executive Director of HR & OD	Annually
3. Communication	Publish the Gender Equality Action Plan, and results of Equality Impact Assessments on the Trust's internet webpage and intranet Publish reviews off the Gender equality Action Plan annually. Publish the monitoring results on the Trust's internet site.	Associate Director of Human Resources	Annually
4. Consultation – The Trust will identify groups and networks with whom consultation will take place.	Consultation on the provision of services and functions will take place with relevant local groups as defined by the Head of Patient Experience .	Head of Patient Experience	Ongoing
	Consultation on employment issues will take place with the staff committee and the Trust's Single Equality Scheme Committee.	Executive Director of HR And OD	Ongoing
5. Gathering Information – As part of the Equality Impact Assessment process the trust will access national and or / local information and research	Review national and / or local data as appropriate.	Lead Directors, Managers and Clinicians	Ongoing
6. Review	The Action Plan will be reviewed in December 2010. (It is anticipated that this will form part of the review of the Trust Single Equality Scheme	Associate Director of Workforce Planning and JD	April 2010



TRUST POLICIES

Authorisation Form

DOCUMENT: DEPARTMENT/DIVISION – GENDER EQUALITY SCHEME

Authorisation	Name and Position	Date Approved
Responsible Author	Mike Seeley	January 2010
Policy Sponsor	Dave Smith	January 2010
Policy Assurers		

Consideration at authorised groups (e.g. Board, Board sub committees, Policy Group, Clinical Policies Sub Group, Departmental meetings etc.)

Name of Group	Minute Details	Date considered

EQUALITY IMPACT – GENDER EQUALITY SCHEME

INITIAL SCREENING

<p>1. Lead Name : Mike Seeley Job Title : Associate Director of HR</p>																															
<p>2. Is this a new or existing policy, service strategy, procedure or function?</p> <p style="text-align: center;">New Existing <input checked="" type="checkbox"/></p>																															
<p>3. Who is the policy/service strategy, procedure or function aimed at?</p> <p>Patients <input checked="" type="checkbox"/> Carers <input checked="" type="checkbox"/> Staff <input checked="" type="checkbox"/> Visitors <input checked="" type="checkbox"/></p> <p>Any other <input type="checkbox"/> Please specify:</p>																															
<p>4. Are any of the following groups adversely affected by this policy: If yes is this high, medium or low impact (see attached notes):</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Disabled people:</td> <td style="width: 10%;">No</td> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 10%;">Yes</td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Race, ethnicity & nationality:</td> <td>No</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Yes</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Male/Female/transgender:</td> <td>No</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Yes</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Age, young or older people:</td> <td>No</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Yes</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Sexual orientation:</td> <td>No</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Yes</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Religion, belief & faith:</td> <td>No</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Yes</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <p>If the answer is yes to any of these proceed to full assessment. If the answer is no to all categories, the assessment is now complete.</p>		Disabled people:	No	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	Race, ethnicity & nationality:	No	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	Male/Female/transgender:	No	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	Age, young or older people:	No	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	Sexual orientation:	No	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	Religion, belief & faith:	No	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>
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<p>Date of assessment: Jan 2010</p> <p>Signature:</p> <p>Director: Dave Smith</p>	<p>Completed by: Mike Seeley</p> <p>Job title: Associate Director of HR</p> <p>Signature:</p>																														

This EIA will be published on the Trust website. A completed EIA must accompany a new policy or a reviewed policy when it is confirmed by the relevant Trust Committee, Divisional Board, Trust Director or Trust Board. Executive Directors are responsible for ensuring that EIA's are completed in accordance with this procedure.