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| Equality, Diversity and Inclusion |
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**EQUALITY, DIVERSITY AND INCLUSION TRAINING**

Reading these course notes will help you to understand what equality, diversity and inclusion really means and how it may affect you.

This module has been written to help you to understand both people’s rights and responsibilities and anti-discrimination legislation and policy implementation

**Learning Outcomes:**

By the end of this module you will:

* Understand the meaning of diversity, equality, inclusion and discrimination
* Identify the ways to reduce discrimination
* List the benefits of diversity
* Know the key areas of legislation
* Identify the 9 protected characteristics
* Understand how stereotypes, assumptions and bias can lead to unfair treatment
* Know how to provide inclusive support
* Know how and where you will be able to gain further information about equality, diversity and inclusion
* Identify who to ask for advice and support about equality, diversity and inclusion



**The Benefits of Diversity**

Social/cultural, eg the arts, diet, education, language, cultural enrichment, tolerance, social cohesion; economic, eg employment, expertise

**Equality**

Quite simply means treating people fairly. Equality is the current term for “equal opportunities”. It is based on our legal obligation to abide and comply with anti-discrimination legislation. Equality protects people from being discriminated against on the grounds of group membership e.g. sex, race, disability, religion, belief, age or sexual orientation

**“Equality of Opportunity”** is based on the legal obligation of all of us to comply with anti-discrimination legislation. Equality protects people from being discriminated against because of their sex, race, disability, sexual orientation, religion, belief or age. The important thing g to remember with equality of opportunity is that it is to treat someone unfairly is not only immoral but is also unlawful

Equality of opportunity applies to everyone

We will look at the current equality legislation and protected characteristics later in this module.

**Diversity**

 Diversity simply means “difference”

Diversity is all about recognising and understanding that we are all different. Each of us is unique and diversity is about valuing the differences we have. In terms of organisations it is all about valuing and benefiting from the benefits of a varied workforce. Diversity encompasses visible and non- visible differences. It can be witnessed in the workforce in terms of gender, ethnic minorities, disabled individuals etc. It can also be seen in where these people are in terms of management positions, job opportunities and terms and conditions in the workplace.

**Visible and non- visible differences**

Diversity covers visible and non-visible differences.

**Visible difference** – these are generally the things that we cannot change e.g. our age, our race, our gender and physical attributes. These are the things that others can see by looking at us.

**Non- visible difference –** These are the things that others could not necessarily know by looking at us. E.g. Our sexual orientation, our marital status, our religious beliefs, our political beliefs, our educational background, our socioeconomic status and some disabilities. This is often referred to by the term “personal” diversity

There is no single way of treating people as everyone has their own personal needs, values and beliefs.

Organisations both public and private sector need to be both flexible and creative in the way that they manage and deliver their service, including employment practices. Organisations have to accept that there are differences and support that difference in the way they run their organisation. E.g. providing a prayer room to accommodate users of their service

**Inclusion:**

**Inclusion simply means ‘the state of being included’ but it is a bit more complicated than that.**

In a work setting all Healthcare Professionals will be working with a wide variety of people from different cultures, differing backgrounds, lifestyles, beliefs and physical characteristics. Therefore all healthcare professionals are expected to promote equality, diversity and inclusion. This includes the responsibility to foster a positive environment where everyone is given the same rights to benefit and also to experience the same things as everyone else. Healthcare Professionals have a duty of care to challenge any form of discrimination and have a legal obligation to report this immediately to the manager or supervisor. If it is the manager or supervisor who is suspected of carrying out any form of discrimination, a senior or different manager should be informed. If you feel that you are being discriminated against, you should report this to manager or supervisor immediately.

The bottom line is that all Healthcare Professionals are responsible for reducing the risk of discrimination and promoting equality, diversity and inclusion.

**The requirements are:**

* Protect the rights and promote the interests of service users, other members of staff and other individuals who they are in contact with on a professional basis
* Strive to establish and maintain the trust and confidence of service users and other individuals
* Promote the independence of service users while protecting them as far as possible from harm/ danger
* Respect the rights of service users whilst seeking to ensure that their behaviour does not harm themselves or other people
* Uphold public trust and confidence in the services provided
* Be accountable for the quality of their work and take responsibility for maintaining and improving their own knowledge and skills

**All Healthcare workers must not:**

 **X** Neglect, harm or abuse service users in any way

 **X** Abuse the trust of service users including with the use of their personal

 information

  **X** Exploit service users

 **X** Unlawfully discriminate against service users

 **X** “turn a blind eye” to discrimination by service users or colleagues

  **X** ever put themselves at risk

Working under these requirements means that you must be aware of how you can ensure that the work that you undertake is inclusive, respects the person’s beliefs, culture, values and preferences.

**Summary:**

* Always refer to the Care Plan. This will give you guidance on considerations you need to consider with that patient
* Be aware of how you carry out your tasks and ensure they are both inclusive and respectful to the individual
* Be flexible in your approach, adapt your style for that individual, whether a patient or a colleague of many differences
* Confirm with the service user if they are happy with what you are doing and how you are doing it
* Give the service user a choice and right to dress, eat and practice by their own personal, cultural, religious preferences and values
* Never make assumptions based on what you think are the individuals beliefs, religious or cultural practices
* Never behave differently with different people, even if the individual is mentally disabled

**Discrimination:**

Discrimination simply put means the less favourable treatment of a person/ persons compared with others because of one or more of the protected characteristics. Discrimination can be the result of prejudice, misconception and stereotyping. Whether intentional or not, there is no excuse, it is the perception of the person discriminated against that matters. Less favourable treatment can take one of four forms:

1. **Direct Discrimination**- this can occur when a person or a group of people are treated less favourably than others would be in when in the same position. E.g. A Company refusing to employ someone because of their colour, race, marital status or disability.
2. **Indirect Discrimination**- This is where a condition or practice is imposed in employment which cannot be justified. E.g. providing a training course where full-time workers had priority over part-time workers
3. **Harassment** – This is when unwanted conduct violates a person’s dignity or creates an intimidating, hostile degrading or offensive environment. E.g. teasing, banter etc.
4. **Victimisation**- This is where a person, who has complained, supported a complaint or intends to support a complaint regarding an equality issue.

Under the legal framework, all NHS Professionals must comply on unlawful discrimination:

**Practices that support equality, inclusion and reducing the likelihood of discrimination**

The responsibility of preventing and challenging discrimination is the responsibility of us all. To do this, we all need to be aware of the practices that support equality and inclusion. We also need to understand what actions will reduce the likelihood of discrimination.

All employers are legally bound to implement equality, diversity and inclusion into all their policies. To reduce and prevent the likelihood of discrimination an employment policy must ensure that:

* Staff recruited are assessed and employed based on their ability only
* They are encouraging a diverse workforce by employing a variety of different people (if capable)
* Training and support are given to create awareness and tolerance of difference
* Complaints of discrimination are taken serious to deter others from discrimination
* action to deal with of discrimination is taken promptly

Employees and employees have a duty to treat everyone equally and fairly.

**What actions can individuals take to reduce and prevent discrimination?**

* Get to know others to learn and understand the differences
* Be tolerant of differences
* Encourage people with differences to integrate and feel included
* Be aware of how others may be feeling excluded, ensuring nobody isolates or intimidates them
* Challenge anyone who you observe discriminating against others
* Be aware of how your own beliefs may impact on how your behaviour

**Bias, Stereotypes, Assumptions and Prejudice**

**Definitions:**

 **Bias** - A tendency to favour or disfavour; a preference Can lead to prejudice and discrimination

**Stereotype**- a belief about a personal attribute about a group of people

The difference between bias and stereotype is that a **bias** is a personal preference, like or dislike, especially when the tendency interferes with the ability to be impartial, unprejudiced, or objective. On the other hand, a **stereotype** is a preconceived idea that attributes certain characteristics (in general) to all the members of class or set.

If you think that all Asians are smart, or white men can't dance, that is a stereotype. But if you hire an Asian for a job that also has an equally qualified black applicant because you think blacks are not as smart as Asians, you are biased.

**Assumption**

An **assumption** is something that you assume to be the case, even without proof. For example, people might make the **assumption** that you're a nerd if you wear glasses, even though that's not true

To reduce or eliminate stereotypes and prejudice:

* be self- aware – understand your own stereotypes and prejudices and how they may affect your own behaviour with people
* see everyone as an individual
* take opportunities to challenge stereotypes and prejudice
* Recognise we are all part of many groups none of which truly define who we are

**Prejudice**

The word “prejudice” can literally be broken down into “pre-” and “judgment.” Aptly, much of prejudice stems from our pre-judging other people’s habits, customs, clothes, ways of speaking, and values. We often do this with no basis for the judgment other than the fact that they (the customs, values, food, etc) are different from our own.

 Key Legislation

**Equality Act 2010-** The Equality Act replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to comply with it.

The Equality Act 2010 makes discrimination illegal under the grounds of:

-Discrimination

-The nine protected characteristics

-Race Relations

-Disability

-Anyone who cares for the disabled

**The nine main pieces of legislation that have merged are:**

* the Equal Pay Act 1970
* the Sex Discrimination Act 1975
* the Race Relations Act 1976
* the Disability Discrimination Act 1995
* the Employment Equality (Religion or Belief) Regulations 2003
* the Employment Equality (Sexual Orientation) Regulations 2003
* the Employment Equality (Age) Regulations 2006
* the Equality Act 2006, Part 2
* the Equality Act (Sexual Orientation) Regulations 2007

**Protected Characteristics**

1. **Age**- discrimination can be against either older or younger people.
2. **Disability**-can be physical or mental impairment. You are required to make “reasonable adjustments” which may include improving access to buildings, flexibility in working hours, additional training, providing instructions/ manuals in an accessible way, changing practices, providing specialist equipment
3. **Gender Reassignment**- the process of transitioning from one sex to another.
4. **Pregnancy and maternity-** The condition of being pregnant or expecting a baby. Context. Maternity is the period after the birth and is linked to maternity leave in the employment. A woman returning from maternity leave is legally entitled to the same terms as before her pregnancy. Any change would be unlawful
5. **Race** -including ethnic or national origins, colour or nationality under Equality act 2010, travellers, refugees and asylum seekers or others from less visible

minorities would also be included within this definition

1. **Religion or Belief** (including lack of belief, atheism) There is no specific list that sets out what religion or belief discrimination is. The law defines it as any religion, religious or philosophical belief. This includes all major religions, as well as less widely practised ones.

To be protected under the Equality Act, a philosophical belief must:

* be genuinely held
* be a belief and not an opinion or viewpoint, based on the present state of information available
* be a belief as to a weighty and substantial aspect of human life and behaviour
* attain a certain level of cogency, seriousness, cohesion and importance
* be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others.

Humanism and atheism are examples of philosophical beliefs. Workers are also protected against discrimination if they do not hold a particular (or any) religion or belief.

1. **Sex-** refers to the sex of a person, male or female
2. **Sexual orientation-** defined by who we are attracted to. A person may have a sexual attraction to their own sex (gay or lesbian) the opposite sex (heterosexual) or both sexes (bisexual)
3. **Marriage and Civil Partnership-** Same sex couples who marry or register as civil partners have the same rights as other married couples in respect of employment rights. The Equality Act protects employees who are in a civil partnership or marriage against discrimination. The Equality Act also gives protection from discrimination because of an employee's sexual orientation. Recruitment and selection policies must not discriminate on the grounds of civil partnerships, marriage or sexual orientation. Same sex couples can now marry in a civil ceremony or religious ceremony where the religious organisation allows it in England, Scotland and Wales

**Summary:**

**Sexual Discrimination Act**

It is illegal for employers to discriminate against another person on the grounds of

* Gender
* Marital status
* Gender reassignment

**Equal Pay Act 1970**

Employers must give men and women equal treatment in the terms and conditions of their employment contract if they are employed to do:

* 'like work' - work that is the same or broadly similar
* work rated as equivalent under a job evaluation study
* work found to be of equal value in terms of effort, skill or decision making.

The equal terms can cover all aspects of pay and benefits, including:

* basic pay
* overtime rates
* performance related benefits
* hours of work
* access to pension schemes
* non monetary terms
* annual leave entitlements.

**Race Discrimination:**

There are four types of race discrimination.

* **Direct discrimination:** treating someone less favourably because of their actual or perceived race, or because of the race of someone with whom they associate. An example of this could be refusing to employ someone solely because they are a particular race
* **Indirect discrimination:** can occur where there is a policy, practice or procedure which applies to all workers, but particularly disadvantages people of a particular race. An example could be a requirement for all job applicants to have GCSE Maths and English: people educated in countries which don't have GCSEs would be discriminated against if equivalent qualifications were not accepted.
* **Harassment:** when unwanted conduct related to race has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual
* **Victimisation:** unfair treatment of an employee who has made or supported a complaint about racial discrimination.

**Disability Discrimination:**

It is unlawful to discriminate against a disabled person in any terms including employment, training, access to goods or services, activities with property, public services and activities

**Race Relations Act:**

It is illegal to employ, promote or dismiss anyone purely on the grounds of the colour of their skin or cultural background

**Public Sector Equality Duty**

The public sector **Equality Duty**(section 149 of the Act) came into force on 5 April 2011. The Equality Duty applies to public bodies and others carrying out public functions. It supports good decision-making by ensuring public bodies consider how different people will be affected by their activities, helping them to deliver policies and services which are efficient and effective; accessible to all; and which meet different people's needs.

**There are 3 aims of this duty**

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

The Equality Act explains that the second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

* Remove or minimise disadvantages suffered by people due to their protected characteristics.
* Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
* Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

It states that meeting different needs includes (among other things) taking steps to take account of disabled people’s disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It explains that compliance with the general equality duty may involve treating some people more favourably than others.

This means that consideration must influence of the decisions reached by public bodies e.g. how they act, how they develop, evaluate and review policies, how they design and deliver services. How they evaluate services and how they procure from others.

**Positive Action:**

For all groups of people with characteristics protected under the Equality Act to benefit equally from the services provided by voluntary and community organisations, some groups may need more help or encouragement than others. This is because some groups are disadvantaged or under-represented, or have different needs from the population as a whole due to past or present discrimination or exclusion or particular experiences.

The Equality Act allows service providers to take action that may involve treating one group more favourably where this is a proportionate way to help members of that group overcome a disadvantage or participate more fully, or in order to meet needs they have that are different from the population as a whole.

This is called ‘positive action’. Positive action is always voluntary – not compulsory.

**When is positive action allowed?**

 You can take positive action when three conditions are met:

1. You must reasonably think that a group of people who share a protected characteristic and who are, or who could be, using your services:

• suffer a disadvantage linked to that characteristic

• have a disproportionately low level of participation in this type of service or activity, or

• need different things from this service from other groups. ‘Reasonably think’ means that you can see the disadvantage, low level of participation or different needs, but you do not have to show any detailed statistical or other evidence.

1. The action you take is intended to:

• meet the group’s different needs

• enable or encourage the group to overcome or minimise that disadvantage, or

• enable or encourage the group to participate in that activity.

1. The action you take is a proportionate way to increase participation, meet different needs or overcome disadvantage. This means that the action is appropriate to that aim and that other action would be less effective in achieving this aim or likely to cause greater disadvantage to other groups.

**Accessing more information on Equality, Diversity and inclusion in the Healthcare sector**

You can find more information from:

* Your placement
* Websites –

[www.nhs.uk](http://www.nhs.uk)

 [www.england.**nhs**.uk/ourwork/**gov**/**equality**-hub/edc](http://www.england.nhs.uk/ourwork/gov/equality-hub/edc)

[www.**nhs**professionals.**nhs**.uk](http://www.nhsprofessionals.nhs.uk)

You have now completed the equality, diversion and Inclusion module and can take the test

You will need to achieve 75% correct answers to achieve a pass and receive your certificate

Don’t worry if you do not pass first time, just go over your notes again and retake

**Test**

1.

The Equality Act 2010 replaced previous anti- discrimination laws with one single act

True

False

2.

How many protected characteristics are there under The Equality act 2010?

3

5

7

9

3.

Improving access to buildings would not be a way of demonstrating a “reasonable adjustment” for a disabled person

True

False

4.

Deciding not to employ a person because they are from an ethnic minority would be an example of

Direct Discrimination

Indirect Discrimination

5.

Which of these is not an example of stereotyping:

Ladies with red hair have fiery tempers

Black men have great dance rhythm

1 in 5 people in the UK have some form of disability

6

Age, race, gender and physical attributes are examples of what?

Visible difference

Non- visible difference

7

Inclusion simply means treating everyone the same

True

False

**8.**

Creating a difficult environment for someone who has made or supported someone who has made a complaint is

Victimisation

Bullying

**9.**

Spreading malicious rumours, unfair treatment, picking on someone, regularly undermining a competent worker are all examples of what?

Discrimination

Bullying and harassment

Assumptions

Sexual orientation refers to

The gender of the person

Their sexual preferences

11.

You have supported a colleagues complaint about an equality issue and now others are ignoring you. What is happening here?

Harassment

Discrimination

Victimisation

12.

Age discrimination can take place against only older people?

True

False