

EQUALITY AND DIVERSITY POLICY

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INTRODUCTION

1.1 Policy Statement

The organisation values the rich diversity, skills and abilities that people from differing backgrounds and experiences bring to the workplace. Implementing and abiding by a policy that provides for diversity and equal opportunities and deters unlawful discrimination is therefore important to this organisation.

'Equality' requires the organisation, and those who work for it, to treat everyone equally and fairly, with equal opportunities and rights.

'Diversity' recognises that this world is full of differences. These differences should be noted, valued and positively embraced. It is important for differences to be recognised but it is equally important that, while recognising them, each and every person does so positively, with the importance of equality at the forefront of their minds.

The purpose of this policy is to set out the aims of the organisation to create an inclusive working environment, where access to work is based on fair and objective criteria, and where there is zero tolerance of unlawful discrimination in respect of the workforce, patients, visitors and others involved in providing or receiving the organisation's services. This organisation aims to implement clear processes in terms of how it supports and works towards its aims. Every person working for or on behalf of this organisation plays a vital role in implementing these aims.

The organisation also intends to be clear about how it will deal with actions that adversely impact on its stated aims.

The organisation will ensure that its working practices demonstrate its commitment to fairness and equity, equality of opportunity and that it is free from any bias that is founded in unlawful discrimination including how such aspects as the following are addressed:

- Recruitment and selection
- Learning and development opportunities
- Appraisals
- Promotion opportunities
- Pay
- Benefits and terms of employment
- Redundancy and dismissal
- Disciplinary and grievance matters

The key legislation that this policy relates to is the [Equality Act 2010](#). However, reference is also made to other legislation such as that which sets out the rights of part-time and fixed term workers.

Acts of discrimination, harassment, prejudice, bullying or victimisation by patients or visitors against staff will be managed in accordance with the organisation's Dealing with Unreasonable, Violent and Abusive Patients Policy.

1.2 Status

In accordance with the [Equality Act 2010](#), we have considered how provisions within this policy might impact on different groups and individuals. This document and any procedures contained within it are non-contractual, which means they may be modified or withdrawn at any time. They apply to all employees and contractors working for the organisation.

TERMS USED WITH THE EQUALITY ACT 2010

2.1 Protected characteristics

These are the nine characteristics protected under the [Equality Act 2010](#):

- Age
- Disability
- Gender reassignment – including trans and non-binary status
- Marriage and civil partnership
- Pregnancy and maternity
- Race – including colour, nationality, ethnic or national origins
- Religion or belief
- Sex – referring to biological sex
- Sexual orientation

2.2 Direct discrimination

This occurs when a person is treated less favourably because of a protected characteristic as listed above

2.3 Indirect Discrimination

This occurs when the employer, for example in its role as a service provider, applies a practice, requirement or condition that applies equally to all individuals, but which puts someone with a protected characteristic at an unfair disadvantage, unless this can be justified

This involves treating someone unfairly because they have made a complaint about discrimination or harassment

This refers to unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them

The Equality Act 2010 also recognises sexual harassment as something separate to sex, i.e., female or male, harassment. Sexual harassment occurs when someone is subjected to unwanted conduct of a sexual nature or when a person is treated less favourably because they have accepted or rejected unwanted conduct of a sexual nature.

2.5 Victimisation

This involves treating someone unfairly because they have made a complaint about discrimination or harassment

GUIDANCE

3.1 The Law

It is unlawful to discriminate directly or indirectly in recruitment or employment, or in the provision of public services, because of age, disability, sex, gender reassignment (including trans, gender fluid, third gender, gender non-conforming and non-binary), pregnancy and maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief (which can include philosophical beliefs such as ethical veganism or being gender-critical) or because someone is married or in a civil partnership. These are known as protected characteristics.

It can also be unlawful to discriminate unfairly on the grounds of being a fixed term or part-time worker, trade union membership and activity or non-membership, political belief and in relation to criminal convictions.

Discrimination after employment can also be unlawful, e.g., refusing to give a reference for a reason related to one of the protected characteristics.

It is generally unlawful to discriminate directly or indirectly, harass or victimise an employee or member of the public based on any of the protected characteristics in relation to their employment or the provision of services or goods. It is unlawful to fail to make reasonable adjustments that could overcome disability-related barriers to work or to access services.

A person does not need to have a protected characteristic in order to be able to claim they have been discriminated against because of it. The law protects individuals from being treated less favourably because of a protected characteristic they are thought

to have (discrimination by perception) or because of the characteristic of someone they are associated with (discrimination by association).

An example would be, should an employee who is straight be subjected to verbal homophobic abuse in the mistaken belief that they are gay, that employee could still claim discrimination on grounds of sexual orientation. Likewise, if an employee who is straight is treated unfairly because they have been seen socialising with someone who is gay, then that employee could potentially claim discrimination on grounds of sexual orientation as they are being discriminated against by association.

3.2 Dealing with discrimination

Acts of discrimination (direct or indirect), whether intentional or unintentional, undermine the organisation's aim of creating an inclusive working environment. Therefore, the organisation will take steps to promote diversity and to ensure that its work processes, activities and environment do not foster any unfair bias or discrimination. The organisation will also ensure that it acts promptly to deal positively with acts that are discriminatory.

The organisation will not tolerate any form of bullying, harassment, victimisation or other behaviour that is founded in discrimination. Refer to the organisation's Bullying and Harassment Policy for further information.

The organisation will fully investigate any complaint of discrimination, harassment, or victimisation. The organisation will ensure that the matter is properly dealt through its formal procedures. Behaviour that amounts to an act of discrimination, directly or indirectly, on the part of an employee may lead to disciplinary action being taken, up to and including dismissal for gross misconduct. A person working as a contractor within the organisation who commits such an act may have their contract for services terminated.

If an employee believes they have been subjected to any form of discrimination or harassment, or victimisation, they should advise their line manager or another senior manager and discuss the matter with them. Their role is to help the employee and to determine an appropriate means of dealing with the issue, which may include making a complaint through the organisation's grievance procedure.

When the organisation becomes aware of any indication of the existence of discrimination, or its potential existence, it will act promptly and robustly to establish the true nature of the situation and take appropriate action in line with its commitment to this policy.

3.3 Equality in recruitment, selection and career development

The organisation will endeavour, through appropriate training, to ensure that employees making selection and recruitment decisions do not discriminate, whether consciously or unconsciously, in making those decisions.

- Promotion and advancement will be made on merit and all decisions relating to this will be made within the overall framework and principles of this policy
- Job requirements will be reflected accurately in job descriptions and person specifications.
- The organisation will adopt a consistent, non-discriminatory approach to the advertising of vacancies
- The organisation will not confine its recruitment to areas or media sources that provide only, or mainly, applicants of a particular group
- All applicants who apply for jobs with the organisation will receive fair treatment and will be considered solely for their ability to do the job
- All employees involved in the recruitment process will periodically review their selection criteria to ensure that they are related to the job requirements and do not unlawfully discriminate
- Shortlisting and interviewing will be carried out by more than one person when possible
- Interview questions will be related to the requirements of the job and will not be of a discriminatory nature
- Applicants will not be asked about protected characteristics or whether they are married, single or in a civil partnership, or if they have, or plan to have, children
- Applicants will not ordinarily be asked about health or disability unless there are necessary requirements of the job that cannot be met with reasonable adjustments, or the organisation is finding out if an applicant needs help to take part in a selection test or interview
- The organisation will not disqualify any applicant because he/she is unable to complete an application form unassisted unless personal completion of the form is a valid test of the standard of English required for the safe and effective performance of the job
- Selection decisions will not be influenced by any perceived prejudices of other staff

3.4 Monitoring

The handling of personal data is controlled by the UK General Data Protection Regulation (UK GDPR) that is within Part 2 of the [Data Protection Act 2018](#). UK GDPR requires the organisation to comply with a number of principles regarding privacy and disclosure when handling equality data, i.e., 'special categories of data', including

ensuring such data is processed, stored and used for limited purposes and always in accordance with Article 9 of the UK GDPR.

The UK GDPR includes measures to ensure that information is processed fairly and seeks to protect individuals' rights to confidentiality.

Documents including such data will be processed in accordance with the UK GDPR and data protection legislation and individuals have, on written request, the right of access to personal data held about them.

The organisation will maintain and review the employment records of all employees in order to monitor the progress of this policy.

Monitoring may involve:

- The collection and classification of information regarding certain protected characteristics, e.g., race, ethnic/national origin, sex, etc., of all applicants and current employees
- The examination of this information with regard to the distribution of employees and the success rate of the applicants
- Recording recruitment, training and promotional records of all employees, the decisions reached and the reason for those decisions

The results of any monitoring procedure will be reviewed at regular intervals to assess the effectiveness of the implementation of this policy. Consideration will be given, if necessary, to adjusting this policy to afford greater equality of opportunities to all applicants and staff.

NHS SEXUAL SAFETY CHARTER

4.1 Charter purpose

The NHS Sexual Safety Charter is about ensuring that the workplace is a safe place for all staff and that patients are adequately protected. In instances of sexual misconduct, staff should know how to report such instances and to whom, and line managers are to know how to support those who report it.

All instances of sexual misconduct will be investigated and appropriate action(s) taken.

4.2 NHS Sexual Safety Charter Principles

[NHS England](#) explains that as a signatory to the Charter, this organisation is committed to the principles of the [NHS Sexual Safety Charter](#) which are:

- We will actively work to eradicate sexual harassment and abuse in the workplace.
- We will promote a culture that fosters openness and transparency and does not tolerate unwanted, harmful and/or inappropriate sexual behaviours.
- We will take an intersectional approach to the sexual safety of our workforce, recognising certain groups will experience sexual harassment and abuse as a disproportionate rate.
- We will provide appropriate support for those in our workforce who experience unwanted, inappropriate and/or harmful sexual behaviours.
- We will clearly communicate standards of behaviour. This includes expected action for those who witness inappropriate, unwanted and/or harmful sexual behaviour.
- We will ensure appropriate, specific, and clear policies are in place. They will include appropriate and timely action against alleged perpetrators.
- We will ensure appropriate, specific, and clear training is in place.
- We will ensure appropriate reporting mechanisms are in place for those experiencing these behaviours.
- We will take all reports seriously and appropriate and timely action will be taken in all cases.
- We will capture and share data on prevalence and staff experience transparently.

Further information about how the organisation applies these principles in the workplace can be found in the organisation's Bullying and Harassment Policy.

4.3 Assurance

To demonstrate the organisation has fully committed and applied the principles to everyday practice, the [Sexual Safety Charter – self-assurance checklist for primary care providers](#) has been completed. This provides assurance that the organisation is committed to its legal duty to prevent sexual harassment in the workplace.

4.4 Training

All staff have completed the online learning module. This is part of the induction policy for new members of staff to complete during their induction and training.

HIV CONFIDENT CHARTER

5.1 The charter and the practice

The Practice is committed to ensuring that all patients, staff, contractors, students and visitors are treated with dignity, fairness and respect regardless of their HIV status, whether actual or perceived.

We recognise that people living with HIV are protected under the Equality Act 2010 from the point of diagnosis. The Practice will not tolerate discrimination, harassment, victimisation or unfair treatment related to HIV status in any aspect of employment, patient care or service delivery.

The Practice is committed to:

- Providing an inclusive, respectful and stigma-free environment for patients and staff living with HIV.
- Ensuring that HIV status does not affect access to healthcare, employment opportunities, training, promotion or workplace support.
- Maintaining strict confidentiality regarding a person's HIV status in accordance with UK GDPR, the Data Protection Act 2018, professional standards and NHS confidentiality requirements.
- Ensuring that any disclosure of HIV status is handled sensitively and only shared on a legitimate need-to-know basis and with appropriate consent or legal justification.
- Challenging myths, stigma and discrimination associated with HIV through staff awareness, education and professional conduct.
- Supporting staff members living with HIV in line with occupational health guidance and reasonable adjustment principles where appropriate.
- Ensuring that infection prevention and control procedures are based on universal precautions and clinical evidence, and not on assumptions about any individual's HIV status.
- Promoting equality, diversity and human rights in all areas of practice activity.

Any concerns or incidents relating to discrimination, bullying or breaches of confidentiality linked to HIV status will be taken seriously and managed through the Practice's disciplinary, grievance or complaints procedures.

We are proud to be part of the charter and to reduce the stigma for those living with HIV.