MANAGING DIVERSITY AND INCLUSION

A Practical Approach for the NHS

Busy NHS staff, managers, support staff and front-line workers need more than equality, diversity and inclusion awareness training. They need to be able to promote and foster equality and diversity rather than just having good intentions to comply with the laws, and to respond professionally to diversity.

They need to be equipped with knowledge, skills and practical approaches to delivering on this agenda.

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About the resource

Context

Equality and diversity are fundamental principles that underpin much of what the NHS is tasked to do.

The NHS Constitution 2012 has equality at its heart, requiring National Health Service organisations to provide a comprehensive service, available to all irrespective of gender, race, disability, age, sexual orientation, religion or belief, gender reassignment, pregnancy or maternity or marital or civil partnership status.

In order to achieve this, the NHS aims to attract, retain and develop the best talent from all sections of the communities it serves. The NHS Knowledge and Skills Framework (NHS KSF) defines and describes the knowledge and skills that staff need to apply in their work to deliver quality services. Every post to which the KSF applies must contain the six core dimensions at the correct level for the role. Core Dimension 6 is equality and diversity.

This resource aims to helps NHS staff to turn these guiding principles into tangible action.

About the pack

This pack provides an induction and refresher package for staff working in a range of capacities in healthcare settings. It can be used to form the basis either of formal induction training or guided self study for new and existing staff, including temporary staff, volunteers and people on work placement. In addition, it can be used flexibly to support delivery of equality and diversity training sessions for those working directly with patients, their carers and families, members of the public, volunteers or staff.

The pack has been developed as a practical toolkit to help staff meet their legal and professional obligations and follow a twin-track approach to equality and diversity: that of tackling inequalities and fostering good relations between different groups.

It aims to:

- remove any mystery and misconceptions and clearly explain the concepts of equality, diversity, inclusion and discrimination

- suggest simple strategies for supporting equality and diversity in everyday situations that staff at all levels can put into practice straight away

- offer practical advice on dealing with challenging situations in an effective way

- demonstrate how embracing equality and diversity creates a better working and healthcare environment for everyone

- improve understanding and social awareness of why people behave differently and thus reduce the incidence of unwitting and unintentional discriminatory behaviour in the workplace and healthcare settings.

The information in the pack is supplemented by a range of activities to help you test your understanding and apply your learning to your own situation. Many of the activities will kick start the preliminary thinking, planning and awareness raising processes you will need to embed equality and diversity into your area of work.

The following icons help to guide you around the pack.

Signposts you to another section of the pack where you can find out more on the topic

Signposts you to an activity to help you develop skills or plan your next move for promoting equality and diversity

Signposts you to the **Further information** appendix for ideas on where to find out more about the topic

1 Why is equality and diversity important?

What do we mean by equality and diversity?

Equality

Equality does not mean treating everyone in the same way. It is about recognising that everybody is different, yet treating everyone with an equal level of respect and ensuring they have an equal opportunity to access and benefit from things like healthcare services. It involves removing the barriers which prevent some people from getting as much from these things as everyone else.

Equality is about:

- treating people with dignity, respect and fairness

- ensuring that bullying, harassment, unfair discrimination and unacceptable behaviour are not tolerated

- providing a working and healthcare culture that includes everyone and encourages and enables people to achieve their potential

- delivering a healthcare service with equality of access, equality of impact and equality of outcome for all.

Diversity

Diversity takes things a step further. It is about recognising, respecting, valuing and drawing on the positive aspects of differences – not just the more obvious ones of gender, ethnicity, disability and age, but also the less visible differences such as background, beliefs, sexual orientation, personality and learning or work style.

Diversity fosters an environment that recognises the contribution each person makes or can make. It promotes dignity and respect. Embracing diversity offers a winning strategy – it benefits the organisation, colleagues, the community, people who use or may need to use the service and the individual.

In the past we have assumed the 'golden rule' for interacting with people successfully to be 'Treat others in the way you would like to be treated'. This assumes that all people are the same – like you. By embracing diversity we should now aspire to a 'platinum rule' whereby we 'Treat others in the way they would like to be treated'.

2 What does the law say?

Who does the law protect?

The Equality Act 2010 drew together, simplified, strengthened and replaced the 116 different acts of parliament, regulations, codes of practice and guidance which previously expressed similar concepts in different words and applied different tests to what might be thought of as similar situations.

Protected characteristics

The law identifies nine protected characteristics, previously known as 'equality strands' or 'grounds' for discrimination.

Characteristic	This protects:
Age	People of a particular age or in a particular age range
Disability	People with a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities or, from the time it is diagnosed, people with HIV/AIDS, multiple sclerosis or cancer
Gender reassignment	People undergoing the process of transitioning from one gender to another
Marriage and civil partnership	Couples who are registered as married or in a civil partnership (same sex)
Pregnancy and maternity	Women who are expecting a baby (pregnant) or on maternity leave (in the context of employment) or 26 weeks after giving birth (in a non-work context), and includes unfavourable treatment because a woman is breastfeeding
Race	People of any race, colour, nationality (including citizenship), ethnic or national origin
Religion or belief	People of any religion or religious or philosophical belief that affects their life choices or the way they live, or lack of belief
Sex	Men and women
Sexual orientation	People whose sexual attraction is towards their own sex, the opposite sex or to both sexes

3 What does it all mean for you?

The importance of complying with the law

If you break the law in the course of your work there can be serious consequences both for your employer and for you.

Employer liability

Organisations, as employers, are liable for an act of an employee which is done 'in the course of employment', even if the employer did not know about it or approve of it. This includes work-related events outside the workplace, such as work-related social events. The employer may not be liable if they can show that they took steps to prevent the employee doing the act, or doing anything of that description.

Personal liability

What many people do not realise is that individual employees are also personally liable for any acts of discrimination, harassment or victimisation that they carry out during the course of their employment, even if they did not know their actions and behaviours were against the law.

People making a claim may choose to bring proceedings against the employee(s) involved as well as the employer, for example in case the employer manages to avoid liability by demonstrating that it took such steps as were reasonably practicable to prevent the discrimination from occurring. In some cases a tribunal may even award larger compensation against the liable individual than against the employer.

Your employer's responsibilities

Responsibilities towards employees

Although not actually required by law, most organisations have one or more policies setting out the organisation's responsibilities, expectations, complaints procedure and actions it will take in order to ensure dignity, respect and fair treatment at work.

4 Making yourself more 'equality and diversity aware'

Recognising your own prejudices

As much as listening to the message you are trying to put over, the people you are attempting to reach also listen to what you say in unguarded moments and observe how you behave towards others.

In order for you to convince others that your respect for equality, diversity and treating other people fairly is genuine, you need to be a role model for respecting and protecting the rights of others and valuing their contribution to the workplace and society.

We all have them

You need to be aware of your own biases and do regular 'reality checks' on your perceptions to ensure that you continue to behave fairly and professionally. There will be occasions when you don't warm to someone – you may even actively dislike them – but this should not prevent you from treating them with the same level of respect and degree of professionalism as you do to everyone else you come into contact with.

Making assumptions about people leads to:

- **prejudice** – making your mind up about someone before getting to know them
- **stereotyping** – assuming that everyone with similar characteristics is the same
- **discrimination** – treating people differently because of your beliefs

Overcoming them

This means that you need to work on 'equality-proofing' yourself by:

- admitting you make assumptions and have prejudices – we all do
- being honest about what your prejudices are

5 Good practice ideas to help you meet your responsibilities

Being more inclusive in what you say

The problems with language

Making sure the words and phrases you use are acceptable to everybody can be tricky. The problems with language are that:

- **language evolves over time**
  What was once acceptable may no longer be so as new preferred and offensive terms are introduced. Many of the words and terms used by our parents and grandparents – and maybe even words that we used to use – are no longer acceptable! We have to be sensitive to the way words change their meaning over time and place, and be prepared to change the terminology we use as a response.

- **language is personal**
  Someone may find a term offensive even though it is quite acceptable to most people who share that characteristic.

- **what is acceptable depends on who is saying it**
  People may use words to describe themselves and people with whom they share a characteristic using terms that would be unacceptable if used by someone who did not share the same characteristic

In general, if it is necessary to use a term to describe someone with a particular characteristic, use the term as an adjective rather than a noun, for example 'he is bisexual' or 'she is diabetic' rather than 'he is a bisexual' or 'she is a diabetic'.

The following pages describe some of the terms you may come across in relation to the protected characteristics, but they are by no means comprehensive.

Language related to age

Where it is necessary to make reference to age, it is better to use neutral terms such as **older people** or **older workers** or **elders** (this term is often used amongst minority ethnic communities), and **young people** or **younger workers**.

Language related to disability

Many terms in common used are not acceptable to people with disabilities.

Appendix: Further information

Resources

Legislation

Equality Act 2010

http://www.legislation.gov.uk/ukpga/2010/15/contents

Acas (2011) *The Equality Act: What's new for employers?*

http://www.acas.org.uk/media/pdf/n/8/Equality_Act_2010_guide_for_employers-accessible-version-Nov-2011.pdf

This guide explains the key changes to equality legislation that came into effect on 1 October 2010 and which employers need to be aware of – what stays the same, what's changed and what's new.

Acas (2014) *Age and the workplace*

http://www.acas.org.uk/media/pdf/e/4/Age-and-the-workplace-guide.pdf

This guide explains equality legislation relating to age and describes some good practice measures that will help you avoid putting people at disadvantage in the workplace because of their age.

Acas (2016) *Disability discrimination: key points for the workplace*

http://www.acas.org.uk/media/pdf/o/t/Disability-discrimination-key-points-for-the-workplace.pdf

This guide explains how disability discrimination can occur in the workplace, how it can be dealt with and how to reduce the chance of future discrimination.

Acas (2015) *Discrimination: What to do if it happens*

http://www.acas.org.uk/media/pdf/o/l/Discrimination-what-to-do-if-it-happens.pdf

This guide covers the basics of dealing with discrimination, including handling complaints.

Acas (2015) *Equality and discrimination: Understand the basics*

http://www.acas.org.uk/media/pdf/d/8/Equality-and-discrimination-understand-the-basics.pdf

Activities

The following pages contain activities to help you:

- test your equality and diversity knowledge

- become more equality and diversity aware

- plan your approach to improving your own equality and diversity skills

- actively promote equality and diversity with colleagues and service users such as patients, their carers and families, and members of the public.

Activity 1:

The consequences of NOT embracing equality and diversity

Aim

This activity will help you to consider the costs of not embracing equality and diversity and the impact this would have on the organisation, its staff and the people it serves.

How to

Think about your service, its staff and the people it serves – both actual and potential service users and their families and carers. Consider what the consequences of not embracing equality and diversity might be for each of them.

Activity 2:

Inequalities quiz

Aim

This activity will make you more aware of how well your organisation reflects the community it serves.

How to

Go through the quiz and guess how well your service is performing, writing your answer in the **Guess** column.

View the equality data collected by your organisation on sex, ethnicity and age (if collected). This may be available on the organisation's website, intranet, newsletter or other publication or from your human resources team.

If the information is not easily available, use data from the following infographics produced by NHS Employer:

- Age in the NHS

  http://www.nhsemployers.org/~/media/Employers/Publications/Age%20in%20the%20NHS.PDF

- Ethnicity in the NHS

  http://www.nhsemployers.org/~/media/Employers/Publications/Ethnicity%20in%20the%20NHS.PDF

- Gender in the NHS

  http://www.nhsemployers.org/~/media/Employers/Publications/Gender%20in%20the%20NHS.PDF

Write the correct answer in the Actual column and compare it to your guess.

Compare the data for your organisation/sector to that for the general working population.

Complete the statement about how you think your organisation is performing.

Activity 3:

Does the law protect them?

Aim

This activity will help you to test your understanding of the law and your organisation's anti-discrimination policies.

How to

For each of the scenarios on the Activity Sheet, decide whether the victims are protected by equality law against the behaviour they are experiencing. If so:

- decide what type of discrimination is taking place and which protected characteristic is involved

- explain your reasoning

- drawing on your organisation's anti-discrimination policies, indicate what action you would take if you observed this behaviour.

Types of discrimination	Protected characteristics	
• direct discrimination	• race	• religion or belief
• indirect discrimination	• sex	• sexual orientation
• harassment	• disability	• age
• victimisation		• gender reassignment

Use Section 2 of this pack to refresh your memory if you need to.

Activity 4:

Equality legislation quiz

Aim

This activity will help you to test your understanding of equality law.

How to

Go through the quiz and tick the right answer(s) – there may be more than one correct answer to some questions. Use Section 2 of this pack to refresh your memory if you need to.

Activity 5:

Equality and diversity case studies

Aim

This activity will help you to apply your knowledge of equality law and your people management/interpersonal skills to resolve equality and diversity dilemmas.

How to

Think about the legal, moral and business issues raised by each of the case studies. Whilst proposing a solution that ensures compliance with the law, try to understand the viewpoints of all involved and propose solutions that attempt to meet the needs of all parties. (This does not mean agreeing with their viewpoint or to their request; needs may be met, for example, by training and development activities.)

Use Sections 2, 4 and 5 of this pack to refresh your memory if you need to.

Activity 6:

## How you contribute to EDS2 outcomes

Aim

This activity will help you to understand the part you play in achieving good equality and diversity outcomes in your organisation.

How to

Use the Your Contribution to Equality and Diversity Outcomes Activity Sheet to choose three EDS outcomes, preferably not all from the same goal, and note down how you contribute to those outcome in your job role.

Activity 7:

Familiarising yourself with your equality and diversity responsibilities

Aim
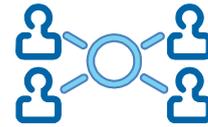
This activity will help you to identify your organisation's policies and procedures that relate directly to equality and diversity issues or which could have an equality and diversity element. You will be able to clarify the minimum standards of behaviour expected of you and others by the organisation and appreciate how equality and diversity issues permeate all areas of work.

How to

Go through the organisation's documented policies and procedures and identify your personal responsibilities in situations that might relate to equality and diversity issues. The Identifying Personal Responsibilities Activity Sheet provides a checklist of the sort of policies and procedures you might find it useful to check.

Even if your role does not include management or supervision of staff, direct contact with service users or human resources functions, you may witness unacceptable behaviour or become involved in grievance procedures, forming policy or developing practices that have a bearing on equality and diversity issues.

Use this data to produce a Personal Responsibilities Checklist of your own personal responsibilities and contribution in relation to equality and diversity.

Alternatively, go through the General and Job-related Responsibilities Activity Sheet and pick out those that apply to you and your role within the organisation.

Activity 8:

Raising your equality and diversity awareness

Aim

This activity will help you to develop an awareness of and sensitivity towards the use of non-inclusive language and images, and what alternatives could be employed instead.

How to

Spend a day being equality and diversity aware. Listen to the language used on the radio, TV and social media and by friends, family, colleagues, service users such as patients, their carers and families, and members of the public, and strangers. Look at the terms used in newspapers and magazines. Be aware of images and the messages they give.

In particular, be aware of 'jokes' that are passed around by people you know as well as those that you hear on the radio, TV and internet.

Make a note of examples of use of non-inclusive language and what terms could have been used instead. Use Section 5 of this pack to refresh your memory if you need to.

Reflect on how many of the protected groups were affected by what you observed and how much of this would have passed you by if you were not being equality aware.

Activity 9:

Is this an acceptable term?

Aim
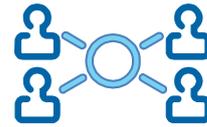
This activity will help you to think about the language you use, whether it might be offensive to some people and what terms and phrases you could use instead.
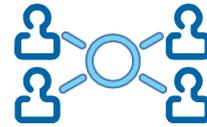
How to

For each of the terms and phrases listed on the Activity Sheet:

- indicate whether you think it is **acceptable** to, **disliked** by or **unacceptable** to the group concerned

- if it is disliked or unacceptable, suggest an acceptable alternative

- explain your answer

Use Section 5 of this pack to refresh your memory if you need to.

Activity 10:

Encouraging respect for diversity

Aim

This activity will help you to identify actions you can take to model equality and diversity good practice with colleagues, service users such as patients, their carers and families, and members of the public, and others.

How to

Make a note of some actions you can take with colleagues, service users such as patients, their carers and families, and members of the public, and others (such as stakeholders) to model respect for diversity so that others learn from your example. Add your own ideas too.

Use Section 5 of this pack to refresh your memory if you need to.

Activity 11:

Get better at challenging unacceptable behaviour

Aim

This activity will help you to identify how you could have handled challenging situations in a better way to send out clear messages about not condoning unacceptable behaviour.

How to

Think of examples of occasions when you might have tacitly condoned unacceptable behaviour by others by not speaking out and how you could have responded instead.

Identify strategies that you would feel comfortable employing in the future.

Use Section 5 of this pack to refresh your memory if you need to.

Activity 12:

Challenging in a non-confrontational way

Aim

This activity will help you to become familiar with using non-confrontational language when challenging discrimination by offering constructive criticism/feedback to others.

How to

Consider the scenario on the activity sheet.

Note down the constructive criticism/feedback you would give to the colleagues concerned at an appropriate time and place using non-confrontational language.

Use Section 5 of this pack to refresh your memory if you need to.

Activity 13:

Equality and diversity personal health check

Aim

This activity will help you to identify the areas in which you are performing well, where you can make 'quick and easy' improvements because you already have the confidence, knowledge and skills you need to make changes, and in which areas you need to develop further knowledge, new skills or greater confidence in order to fulfil the equality and diversity responsibilities that come with your job role.

How to

Go through the Equality and Diversity Personal Health Check questions and for each decide whether you:

- **do this already**

- **can and will do this**

- **need to work on this**

Use the 'Action required' column to note what actions (first steps) you will take to:

- maintain and improve existing good practice

- kick start new good practice

- gain the knowledge, skills and confidence you need to commit to other areas of good practice.