



Equality and Diversity Policy
(Ambulance and Training Section)

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1. Purpose:

1.1 All Wales Ambulance Services Limited is committed to promoting equality and diversity and promoting a culture that actively values difference and recognises that people from different backgrounds and experiences can bring valuable insights to the workplace and enhance the way we work. AWAS aims to be an inclusive organisation, where diversity is valued, respected and built upon, with ability to recruit and retain a diverse workforce that reflects the communities it serves. Within this framework, AWAS specifically refers to measures it has in place to provide equality of opportunity and the facilities that it can provide to its diverse workforce and job applicants.

1.2 AWAS is also committed to compliance with relevant equality legislation, the Equality Act 2010, Codes of Practice and relevant best practice guidance. This policy pursues and builds on the statutory position to ensure effective policies and practice of promoting equality.

1.3 AWAS aims to pro-actively tackle discrimination or disadvantage and aims to ensure that no individual or group is directly or indirectly discriminated against for any reason with regard to employment or accessing its services.

1.4 However, AWAS is also mindful of the provision in discrimination law for the rare circumstances when an organisation may need to justify discrimination rather than have a disproportionate effect. This could be, for instance, where there is a conflict with other legislation that AWAS has to comply with or between service needs. In such circumstances AWAS is committed to following the required proper assessment and objective justification of any decision in order to demonstrate that the provision, criterion or practice is a proportionate means of achieving a legitimate aim.

1.5 Issues regarding harassment and bullying are covered in the Harassment, Bullying and Discrimination Policy. For issues regarding recruitment refer also to the Recruitment policy.

2. The Definition of Equality and Diversity:

2.1 Equality can be described as breaking down barriers, eliminating discrimination and ensuring equal opportunity and access for all groups both in employment, and to goods and services; the basis of which is supported and protected by legislation.

2.2 Diversity can be described as celebrating differences and valuing everyone. Each person is an individual with visible and non-visible differences and by respecting this everyone can feel valued for their contributions which is beneficial not only for the individual but for the Company.

2.3 Equality and Diversity are not inter-changeable but inter-dependent. There can be no equality of opportunity if difference is not valued and harnessed and taken account of.

3. Scope:

3.1 This policy applies to direct employees of All Wales Ambulance Services Limited, workers (engaged through, or by, an employment agency or bureau and supplied to AWAS on a temporary basis), and all job applicants regarding recruitment

3.2 Where the Company's services are provided by external contractors or third parties on the basis of a specification set by AWAS, these contractors or third parties are responsible for adhering to the Company's Equality and Diversity Policy whilst providing services on behalf of the Company.

3.3 This policy applies also to sub-contractors - AWAS will monitor the performance of contractors and/or third parties and take all necessary steps to ensure good performance and compliance with appropriate behaviors. However, if any issues become apparent with regards to diversity or equality in relation to any contractor or third party, these will be taken very seriously by the Company and raised in the strongest possible terms with the contractor or third party.

4. Policy statement:

4.1 All Wales Ambulance Services Limited is committed to ensuring:

- ✚ that existing members of staff, job applicants, or workers are treated fairly in an environment which is free from any form of discrimination
- ✚ with regard to nine of the protected characteristics as outlined by the Equality Act 2010 which are:

age;
disability;
gender reassignment;
marriage and civil partnership;
pregnancy and maternity;
race (includes colour, nationality and ethnic origins);
religion and or belief;
sex;
sexual orientation;

In addition, existing members of staff, job applicants, or workers are treated fairly in an environment which is free from any form of discrimination with regard to: caring responsibilities, part-time employment, membership or non-membership of a trade union or spent convictions.

- ✚ all employment-related policies, practices and procedures are applied impartially and objectively;
- ✚ equality of opportunity to all and to provide staff with the opportunity to develop and realise their full potential;
- ✚ that the Company works towards achieving a diverse workforce at all levels
- ✚ that employees of the Company can work in an atmosphere of dignity and respect.

4.2 The Equality and Diversity policy provides a clear framework for translating our policy into action. It outlines the responsibilities of the Board, CEO, Executive Team, managers and individuals to comply with the Equality Act 2010. Both management and Trade Union Side are strongly committed to its full and active implementation.

4.3 AWAS will not tolerate processes, attitudes and behavior that amounts to direct discrimination, associative discrimination, discrimination by perception indirect discrimination including harassment (harassment by a third party), victimisation and bullying through prejudice, ignorance, thoughtlessness and stereotyping. See Section 11 and Appendix I below for further explanation of these concepts.

4.4 AWAS recognises the importance of monitoring, reviewing and reporting on its equality and diversity policy and practice and to measure progress in meeting our policy statement. (see Section 8).

5. Practical support for a diverse workforce:

5.1 As an employer committed to diversity and equality, AWAS recognises that its success depends on creating a working environment which supports the diverse make-up of its staff with supporting policies and procedures to create a framework of assistance. (See Appendix II for sources of assistance for disabled employees).

5.2 The Company's Equality Impact Assessment policy also sets out the process for ensuring the Company takes account of equality considerations which affect its staff and try to minimise or remove disadvantage.

6. Work/life balance:

6.1 AWAS is committed to employees who have commitments outside work, irrespective of whether they have caring responsibilities. The Company is committed to helping its employees fulfil their potential at work whilst finding the right work/life balance by offering a Flexible Working Hours Scheme and opportunities to job share where appropriate.

7. Library Policies:

7.1 All AWAS policies are designed to promote equal opportunity and protection against discrimination for all employees.

8. Review and monitoring:

8.1 The Company undertakes monitoring that not only meets statutory requirements but also aims for best practice. This is used to inform and improve our employment practices. If through monitoring any discrimination is identified, AWAS will take corrective action to eliminate it.

8.2 The Company may also be required to report the progress on equality and human rights to the Equality and Human Rights Commission.

9. Training:

9.1 AWAS is committed to ensuring its staff and managers are trained in equality and diversity and aims to ensure that adequate training is provided so that managers are able to operate this policy. Examples include specific training on race, gender, gender identity, disability, sexuality, age and religion or belief, in accordance with the requirements of the law and good practice.

9.2 Diversity and equality forms an integral part of AWAS's induction package. Managers are to ensure that all new entrants are made aware of our Equality and Diversity Policy and Harassment, Bullying and Discrimination policy.

10. Communication:

10.1 The Equality and Diversity policy is available on the Company's external website. Please contact HR Administration if you require a copy in an alternative format.

10.2 The details of this policy will be proactively communicated and promoted to all current staff and new starters.

11. Discrimination (see Appendix 1 - Glossary):

11.1 Discrimination may take seven main forms and is defined in law along with the protective characteristics associated with each provision as listed below:

-  **Direct Discrimination:** occurs when someone is treated less favourably than another person because of a protected characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage & civil partnership, pregnancy and maternity. For example, a manager does not select a pregnant woman for promotion even though they meet all of the competencies because they are pregnant. This is probably direct discrimination and cannot be justified.
-  **Associative discrimination:** occurs when someone discriminates against someone because they associate with another person who possesses a protected characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation. An example of this is when a manager does not give a job-applicant the role, even though they have met all of the competencies for the role, just because the applicant tells the employer they have a disabled partner. This is probably associative discrimination because of disability by association.
-  **Discrimination by perception:** occurs when someone discriminates against an individual because they think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion

or belief, sex, sexual orientation. An example of this is when a manager selects a person for redundancy because they incorrectly think they have a progressive condition (i.e. that they are a disabled person). This is probably discrimination by perception because they believe the individual is disabled.

- ✚ **Indirect discrimination:** occurs when a seemingly neutral provision, criterion or practice that applies to everyone places a group who share a characteristic e.g. type of disability at a particular disadvantage. Indirect discrimination may be justified if it can be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate aim. An example of this is when an employer decides to apply a “no hats or headgear” rule to staff. If this rule is applied in exactly the same way to every member of staff, then staff who may cover their heads as part of their religion or cultural background (such as Sikhs, Jews, Muslims and Rastafarians) will not be able to meet this requirement of the dress code and may face disciplinary action as a result. Unless the employer can objectively justify using the rule, this will be indirect discrimination. Relevant protected characteristics include age, marriage and civil partnership, race, religion or belief, sex and sexual orientation. In addition, the Act extends protection against unjustified indirect discrimination to gender reassignment and disability.
- ✚ **Dual Discrimination:** occurs when someone is treated less favourably because of a combination of two relevant protected characteristics. This means that it will be possible for an applicant to claim that they have been treated less favourably not just because of their race but also because of their gender. For example, because the individual is an Asian woman. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. (At present this new concept has not been implemented).
- ✚ **Detriment arising from a disability arises when you treat a disabled person unfavourably because of something connected with their disability:** This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person had a disability. This type of discrimination is only lawful if the action can be justified and the employer can show that it is a proportionate means of achieving a legitimate aim. An example of this is when an employer imposes a “no beards” rule as a part of a dress code and tells staff they will be disciplined if they do not comply. The employee is a disabled person who has a skin condition which makes shaving very painful. They have been treated unfavourably (threat of disciplinary action) because of something arising from their disability (their inability to shave). Unless the employer can objectively justify the requirement, this may be a detriment arising from a disability. It may also be a failure to make a reasonable adjustment.
- ✚ **Victimisation:** occurs when an employee is treated unfavourably, disadvantaged or subjected to a detriment because they have made or supported a complaint of discrimination or raised a grievance under the Equality Act, this policy or the

Harassment, Bullying and Discrimination policy or because they are suspected of doing so. (However, an employee is not protected from victimisation if they have maliciously made or supported an untrue complaint). An example, of this is when an employee requests to work flexibly and their manager refuses their request because they supported a colleague in a complaint of discrimination.

 **Third party harassment:** occurs when an employee is harassed by someone who does not work for the employing organisation such as a customer, visitors, client, contractor or visitors from another organisation. The employer will become legally responsible if they know an employee has been harassed on two or more occasions by someone and it may also be different individuals each time and fails to take reasonable steps to protect the employee from further harassment.

11.2 For definitions of ‘disability’, ‘harassment’, ‘bullying’, ‘positive action’, and ‘vicarious liability’ see Appendix I.

12.Complaints of Discrimination:

12.1 AWAS takes all claims of discrimination very seriously and will take appropriate action against those concerned. Discrimination occurs when someone directly or indirectly treats a person or a group of people unfavourably because of a protected characteristic of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. This covers all behaviour including remarks and insinuation, both verbal and non-verbal, which cause offence.

12.2 Any member of staff who is subject to harassment, bullying or discrimination is encouraged to refer to the Company’s policy on Harassment, Bullying and Discrimination. This provides details of the steps that can be taken to deal with such an issue.

12.3 If a worker (engaged through, or by, an employment agency or bureau) considers they have been discriminated against they should raise their complaint directly with their employer.

13.People Strategy and Corporate Social Responsibility:

13.1 AWAS aims to be an employer of choice and through its People Strategy aims to ensure its workforce are able to make a valuable contribution to the work of the Company, whilst ensuring we support our workforce’s health and well-being at all times.

13.2 Where appropriate, AWAS actively encourages its employees to participate in local voluntary initiatives and may provide further support to initiatives, which encourage social inclusion in the Company's local communities. This may involve, for example, participation in the local Community First Responder Scheme in which AWAS is actively involved.

14. Responsibility:

14.1 All staff have a responsibility to guard against any form of discrimination and avoid any action which goes against the spirit of this policy. Thus staff at all levels must ensure that there is no discrimination in any of their decisions or behaviour. This includes the provision that all staff must:

- ✚ report any suspected discriminatory acts or practices;
- ✚ not induce or attempt to induce others to practice unlawful discrimination;
- ✚ co-operate with any measures introduced to ensure equality of opportunity;
- ✚ not victimise anyone as a result of them having complained about, reported or provided evidence of discrimination;
- ✚ not harass, abuse or intimidate others.

14.2 However, whilst all staff have a collective responsibility to ensure this policy is successfully implemented, there are also specific responsibilities within this.

The Board, Chief Executive and the Executive Team are responsible for:

- ✚ Providing leadership on the equality and diversity strategy and policy, acting as overall champions to ensure the policy is implemented;
- ✚ Communicating the strategy and policy, internally and externally;
- ✚ Strategic engagement with and accountable to the DCMS and the public.

Managers at all levels are responsible for:

- ✚ Implementing the policy as part of their day-to day management of staff and in applying employment policies and practices in a fair and equitable way
- ✚ Ensuring equality and diversity issues are addressed in performance.
- ✚ Ensuring all staff act in accordance with the equality and diversity policy providing necessary support and direction;
- ✚ Effectively manage and deal promptly when investigating issues relating to potential discrimination, including those matters concerning members of the general public who come into contact with AWAS;
- ✚ Ensuring all policy or service decisions that will change provisions, practices or policies and affect the workforce are Equality Impact Assessed as required. For further information refer to the Equality Impact assessment policy.

Each employee is responsible for:

- ✚ Implementing the policy in their day-to-day work and their dealings with colleagues, service users and other staff;
- ✚ Ensuring their behaviour is appropriate to the policy and that they treat people with respect and dignity;
- ✚ Not discriminating against other employees or service users;
- ✚ Notifying their Operations manager of any concerns with regard to the conduct of other employees, service users, the public or third parties.

Human Resources are responsible for:

- ✚ Assisting the development of employment policy and strategy on equality and diversity;
- ✚ Providing guidance to Operations managers and staff;
- ✚ Supporting managers in investigating issues relating to potential discrimination, including those matters concerning members of the general public who come into contact with the Company;
- ✚ Monitoring employment policies and practices;
- ✚ Championing the issues, internally and externally;
- ✚ Facilitating training and development initiatives on equality and diversity, both at corporate and directorate level.

14.3 Non- Compliance with Policy - AWAS will not tolerate any behaviour from staff which breaches our equality and diversity policy. Any such breaches will be regarded as misconduct except for serious offences such as discrimination on protected grounds; serious offences including harassment, bullying, or victimisation will be treated as gross misconduct and may lead to disciplinary action including dismissal from employment without notice.

15. Policy Responsibility:

15.1 Human Resources have the responsibility for ensuring the maintenance, regular review and updating of this policy. Proposed changes to the policy will follow the process as described in Section A: Introduction: paragraph 1.1 of this Staff handbook

Glossary of terms

Definition of Disability

The Disability Discrimination Act 1995 defines a disabled person as someone with “a physical or mental impairment, which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities”

Harassment and Bullying

Harassment

Harassment is defined as someone who harasses a person

(1) A person (A) harasses another (B) if—

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(a) A engages in unwanted conduct related to a relevant protected characteristic, and

(b) the conduct has the purpose or effect of—

(i) violating B’s dignity, or

(ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

(2) A also harasses B if—

(a) A engages in unwanted conduct of a sexual nature, and

(b) the conduct has the purpose or effect referred to in subsection (1)(b).

(3) A also harasses B if—

(a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,

(b) the conduct has the purpose or effect referred to in subsection (1)(b), and

(c) because of B’s rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct. Harassment is unlawful under the grounds of race, ethnic or national origins, sex, marital status, disability, sexual orientation, gender reassignment status, religion or belief and age. This is behaviour of an intimidating or hostile nature. It can be directed at women and men, service users and staff. It is uninvited, unwelcome behaviour, which causes a degree of distress to the recipient. Particular actions or behaviour could be seen as harassment even if not aimed directly at the recipient and not intentionally offensive. It should be remembered that **the impact** of the behaviour determines harassment and not **the intent**.

Bullying

There is no legal definition but Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. This is behaviour which is not necessarily based on a difference of race or gender or any other equality strand. Bullying involves belittling or intimidation of an individual and may arise from the misuse of managerial status or as a result of certain physical and mental characteristics. Bullying may also constitute harassment under this policy and be unlawful under employment equality regulations.

Please refer to the Harassment and Bullying and Discrimination policy for further details.

Positive action

Positive action describes measures targeted at a particular group that are intended to redress past discrimination or to offset the disadvantages arising from existing attitudes, behaviours and structures. e.g. the provision of training/ targeted advertising and recruitment literature for people of a particular racial group, or either sex, who have been under-represented in certain occupations or grades Positive action should not be confused with positive discrimination (i.e. choosing people solely on the grounds of their gender or racial origin, regardless of their capabilities), which is illegal in the UK.

Vicarious Liability

This occurs when one person is liable for the negligent actions of another person, even though the first person was not directly responsible for the injury. For instance, an employer can be vicariously liable for the acts of a worker.

Sources of assistance for disabled employees

Access to Work

Access to Work is an Employment Service programme for disabled people that is managed by the Disability Employment Team in local Jobcentres plus offices. Access to Work provides practical help and advice, and financial assistance to enable employers to make the most of the talents and potential of disabled recruits and employees. Financial assistance may vary, but can be up to 80% of costs above, 300 for existing employees and up to 100% for recruits. Managers and disabled employees should liaise with their HR Business Partner or Advisor.

- ✚ This programme can provide a range of assistance to disabled people:
- ✚ a communicator for people who are deaf or have impaired hearing;
- ✚ a part-time reader or assistant at work for people who are blind or have a visual impairment;
- ✚ a support worker to help the disabled person either at work or in getting to/from work;
- ✚ alterations to premises or a working environment;
- ✚ adaptations to a car, or help towards taxi fares or other transport costs if the person cannot use public transport;
- ✚ supply of equipment or alterations to existing equipment, dependent on specific needs e.g.
 - ✓ for people who are blind or partially sighted - special computer equipment, closed circuit TV, large print output devices, tape recorders, pocket memos, talking calculators, braille measuring devices;
 - ✓ for people who are deaf or hard of hearing - amplifiers, loud-speaking telephone amplifiers, text terminals;
 - ✓ for people with walking, standing or sitting problems - electrically powered wheelchairs with riser seats, stand-up and kerb mounting facilities;
 - ✓ for people with other physical disabilities or communication difficulties - electronic writing systems, special computer equipment or software, page turners, special chairs.

Practical support for a diverse workforce **Job design**

AWAS recognises the need to consider flexible working patterns such as job share and part-time working where a member of staff has a desire to change his/her working hours. These methods of working will be fully considered by line managers, in consultation with HR where appropriate; business needs and/or resources will also be a relevant consideration. Appeals against a manager's decision can be made using the Company's grievance procedures.

Provisions for disabled employees during employment:

Where an employee becomes disabled, whether through accident, illness or injury, every reasonable and practicable consideration will be given to ensuring that he/she may remain in employment.

Examples of steps the Company may take are:

-  making reasonable adjustments to premises;
-  allocating some of the disabled employee's duties to another person;
-  transfer to an appropriate alternative position;
-  alteration of working hours;
-  transfer to a different location/place of work;
-  time off during working hours for rehabilitation, assessment or treatment;
-  training and/or re-skilling;
-  modification to instruction and/or reference manuals and literature;
-  modification to testing and/or assessment procedures;
-  provision of supervision and assistance.

If, after a full exploration of reasonable adjustments to the individual's current role, the adjustments have been unsuccessful, then consideration should be given to finding an alternative post. The redeployment process detailed in sections 3 to 8 only of Appendix 4 of the Restructuring, Redeployment & Redundancy Policy will be followed.

The individual for whom redeployment is being sought will be required to complete a Biographical Questionnaire. These staff will be considered alongside displaced staff for job matching. Provided, after any reasonable adjustments have been made, the individual has the required skills and is a suitable match for the role following paper matching and redeployment interview they will be offered a trial period in preference to other matched non-disabled staff.

Advice should be provided for the member of staff concerned. In addition, line managers should obtain guidance from the Human Resources Directorate and/or the Health and Safety Officer. Advice may also be sought from Occupational Health Advisors or other external specialist organisations as appropriate.

Appendix I gives guidance relating to the provisions that may be made.

Performance management and staff with a disability

Staff with disabilities should be appraised on the basis of their performance in the job in the same way as other staff. Managers should guard against making assumptions about the capabilities or potential of staff with disabilities. In particular they should not assume that a person with a disability, taking into account any adjustments which could be made, will be unable to make as effective a contribution as someone without a disability, or that they will be less interested in personal development.

Setting objectives:

Managers should take into account the effects of an individual's disability when agreeing objectives. For example, it might be a reasonable adjustment to allow someone slightly longer to complete a task than might otherwise be the case.

Interim reviews:

Managers should be aware that if the condition of a person with a disability is not stable, there may be a need for frequent review and revision of objectives. There are a variety of reasons why performance standards may not have been achieved. Managers should be aware that a change in performance may be due to an existing or newly developed disability and ascertain whether this is the case through sensitive questions during the review meeting. (Advice may be sought from Human Resources) When staff return from a period of extended absence, objectives should be adjusted to allow them to readjust to their working environment.

Overall assessments:

Managers need to exercise judgement in taking account of external factors which are outside the individual's control. These would include making a reasonable adjustment to take account of the impact of a disability in terms of the individual meeting the objectives and demonstrating the competencies required for a particular post.

For issues in connection with attendance see **Appendix 2**.

