



Equality, Diversity and Human Rights

Level 1 - All staff, including unpaid and voluntary staff

EDH L1 eLearning Ver4 March2016 UED01-01K

Menu

Welcome to this e-Learning Lite package on **Equality, Diversity and Human Rights**. It has been designed to meet the relevant learning outcomes in the **UK Core Skills Training Framework**.

The package is made up of 3 elements; a **Presentation**, a **Workbook** and an **Assessment**. The presentation covers the key points relating to the subject, while the workbook is more in-depth, providing further detail. You can choose to do any or all of the 3 elements dependent on your personal preference, learning style and existing knowledge. To complete the package you will need to pass the Assessment.

What you will learn in this session

1. Principles of Equality, Diversity and Human Rights
2. Relevant legislation, Trust policies and processes
3. Individual roles and responsibilities
4. The purpose and benefits of monitoring equalities and health inequalities
5. How to challenge behaviours that undermine equality, diversity and human rights
6. What the equality duties mean for you at work
7. The importance of valuing people as individuals and treating everyone with dignity, courtesy and respect
8. What to do if there are concerns about equality and diversity practices

Why is this important?

- Equality is about creating a fairer society where everyone has the opportunity to fulfil their potential. Diversity is about recognising and valuing difference in its broadest sense
- Equality, diversity and inclusion is at the heart of the NHS strategy
- As the largest employer in Europe the NHS has a responsibility to remain at the forefront of the equality agenda - for patients and for its workforce
- Investing in a diverse NHS workforce enables us to deliver a more inclusive service and improve patient care (NHS Employers)



Equality and Diversity

Equality is not treating everyone the same, but:

- Making sure people are treated fairly
- Meeting individuals' needs appropriately
- Challenging the factors that limit individuals' opportunity

Diversity is:

- Recognising and valuing individual and group differences
- Ensuring many different types of people contribute to society



Equality and Diversity in the Health Sector

1. Personalised patient care
2. Equal access to health care services for all
3. Provide "reasonable adjustments" for people with disabilities e.g. removing physical barriers to accessing services
4. Interpreting services and accessible communication
5. Equal access to jobs
6. Equal access to promotion and training opportunities for existing staff



Equality Act (2010)

- Replaces:
 - 9 pieces of legislation (e.g. Equal Pay Act of 1970, the Sex Discrimination Act (1975), the Race Relations Act (1976))
 - 100 statutory instruments
 - Over 2,500 pages of guidance and statutory codes of practice
- Harmonises and simplifies Equality and Diversity law
- Encourages to do what's right, as well as what's legal



General Duties of the Equality Act

- Under the Equality Act the following duties are expected of all public organisations:
 - To eliminate discrimination, harassment and victimisation
 - To advance equality of opportunity for all
 - To foster good relations between people who share a protected characteristic and those who do not

- It gives the NHS the opportunity to work towards reducing inequalities in care



Protected Characteristics

Under the Equality Act the following characteristics are now classed as protected

Religion
or Belief

Sexual
Orientation

Gender
Reassignment

Marriage &
Civil Partnership

Race

Disability

Age

Sex

Pregnancy &
Maternity

Fairness and Equality

- Respect for all
- Equality of opportunity
- Treat people according to needs
- The duty to make reasonable adjustments i.e. The duty to take steps to remove or reduce or prevent the barriers for disabled people to ensure they are afforded access to services to a standard that is as close as it is reasonably possible to the one offered to people who do not have a disability. In employment it also means that an employer is under a positive and proactive duty to take steps to remove or reduce or prevent the obstacles a disabled worker or job applicant faces.
- Positive Action: The steps that an employer can take to encourage people from groups with different needs or with a past track record of disadvantage or low participation to apply for jobs. This should not be confused with 'positive discrimination' which equality law does not allow. (Equality and Human Rights Commission)

How is 'Reasonable' Judged?

- Whether adjustment will prevent the problem
- How practicable it is
- Financial and other costs
 - Employer's financial cost and other resources
 - Availability of financial support or other assistance



How can Organisations Promote an Inclusive Approach?

- Patient and Public Involvement to engage with their community and understand their needs in order to tackle local health inequalities
- Develop an equality policy and action plan
- Review complaints
- Equality Data Collection and monitoring
- Improve services through consultation and involvement
- Equality Impact Assessments
- Promote equality and good employment practice

Human Rights

- 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood'

(U.N. Declaration of Human Rights, 1948)



Human Rights Act (1998)

- "The Human Rights Act offers a practical tool to help support NHS organisations to put the individual at the heart of the decision making process and make decisions that better protect the interests of service users, staff and carers"
(DH, 2008)
- "It came into force in the United Kingdom in October 2000 and it gives effect to the rights set out in the European Convention on Human Rights. All public and other bodies carrying out public functions have to comply with the Convention rights"



Our Human Rights under the Human Rights Act (1998)

The Act sets out the fundamental rights and freedoms that individuals in the UK have access to. They include:

- Right to life
- Freedom from torture and inhuman or degrading treatment
- Right to liberty and security
- Freedom from slavery and forced labour
- Right to a fair trial
- No punishment without law
- Respect for your private and family life, home and correspondence
- Right to participate in free elections
- Freedom of thought, belief and religion
- Freedom of expression
- Freedom of assembly and association
- Right to marry and start a family
- Protection from discrimination in respect of these rights and freedoms
- Right to peaceful enjoyment of your property
- Right to education



Absolute and Non-Absolute Rights

A variance in some rights:

Absolute rights: They must never be limited or restricted in any way e.g. the right to life

Non-absolute rights :

a) **Limited:** They can be limited in specific and finite circumstances i.e. the right to liberty

b) **Qualified:** They can be balanced against the rights of others or the interests of the wider community i.e. the right to freedom of expression



Human Rights Based Approach

- Goes beyond the 9 protected characteristics to outlaw discrimination on all grounds
- Improves patient, service user and staff experiences through person-centred decision making
- Improves compliance with the Human Rights Act and reduces complaints/litigation
- 'Human rights are not an "add on", they are an inherent part of care... Healthcare that isn't sensitive to human rights probably doesn't deliver its goals'

British Medical Association

F.R.E.D.A.

- A human rights-based approach to clinical practice
- **F**airness
- **R**espect
- **E**quality
- **D**ignity
- **A**utonomy



NHS Constitution makes clear that healthcare and human rights go hand in hand

- The Darzi Report (2008) states that healthcare organisations must ensure patients receive personalised care and are treated with 'compassion, dignity and respect
- This is in line with FREDA principles

Forms of Discrimination

Direct

- Someone is treated less favourably than another person because of a protected characteristic

Indirect

- A rule or policy that applies to everyone but disadvantages a particular individual or group

Associative

- Treating someone less favourably as a result of their association with a person who holds a protected characteristic

Perceived discrimination

- Unlawfully discriminating against someone on the mistaken assumption they hold a protected characteristic

Is it ever Lawful to Discriminate?

- It is possible for employers to discriminate during recruitment or promotion in limited circumstances where there is a Genuine Occupational Requirement
- If an employer can show that a job requires a person of a specific gender, race, religion or sexual orientation in order to effectively perform the role, and it is proportionate for the employer to apply the requirement they can discriminate against candidates who do not fulfil the criteria

Bullying and Harassment

The effect on an individual is more important than the intention of the bully / bullies

Can involve:

- Verbal abuse, taunting, nasty comments or jokes
- Physical force
- Deliberately isolating/ignoring someone
- Unfair allocation of work
- Display or circulation of offensive materials
- Inappropriate sexual comments



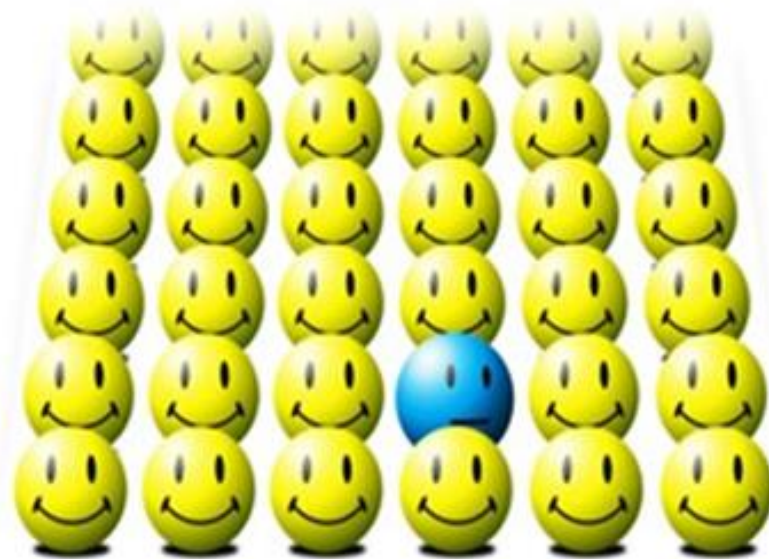
The Basis of Discrimination

Stereotype

- To make assumptions about a person on the basis of their age, sex, race, nationality, sexuality etc.

Prejudice

- Favouring or disfavouring an individual because of preconceived ideas relating to their age, sex, race, nationality, sexuality and so on



The Ladder of Prejudice



- Killing
- Physical Attack
- Discrimination
- Avoidance
- Speech

How to Challenge Prejudice & Discrimination?

- Avoid blame - say what would be better
- Think about the impact of your role and relationship with the individual
- If you don't feel confident challenging a discriminatory behaviour seek confidential advice from your line manager, HR, staff side representative or staff support service. Consider when and where is best to challenge
- Think about the effect on others

Remember - NOT challenging is not a neutral act, it can be seen as collusion



Reporting Discrimination and Harassment

- Take action as quickly as possible to try and stop it and prevent it from escalating any further
- Refer to specific policies and procedures in your organisation but the following steps are a good guideline:
- Tell your manager what is happening
- Talk to your Personnel / HR Department or Trade Union
- Get independent advice
- Collect evidence

Drivers of monitoring equalities and health inequalities

- Health care services should be built around the diverse, individual needs of patients and service users, rather than those individuals fitting into the services on offer. NHS organisations should therefore - within reason and within the law - be prepared to make adjustments to their services, and how people access them, depending on the needs, circumstances and protected characteristics of individual patients and service users.

Monitoring Equality

Equality,
Diversity
& Human
Rights

At the heart of the Equality Act (2010) are provisions to outlaw direct and indirect discrimination, harassment and victimisation with regard to nine protected characteristics.

- Age
- Disability
- Race including ethnicity and national identity
- Sex
- Gender re-assignment
- Marriage and civil partnership
- Pregnancy and maternity
- Religion or belief, including lack of belief
- Sexual orientation

Monitoring Health inequalities

Equality,
Diversity
& Human
Rights

- Tackling health inequalities is core to the NHS Constitution and the values and purpose of the NHS.
- Reducing health inequalities can improve average life expectancy and reduce illness and disability across the social gradient.
- Monitoring health inequalities can be taken from three areas
 - Postcode of residence
 - Socio-economic factors
 - Educational attainment

Benefits of an Effective Approach



- Fair, moral and inclusive society
- Aids recruitment and retention of staff
- Less complaints
- High staff morale directly links to better patient care and service delivery, patient satisfaction is higher and mortality rates are lower
- Reduced bullying and harassment cases and associated sickness rates which result in improved productivity
- Enhances an organisation's reputation
- Ensures organisations are meeting their legal obligations
- More possible for patients/service users to use the Trust/their local services which is directly linked to the long-term sustainability of those organisations.

Your Responsibilities

- Co-operate with measures introduced to support equality
- Not to discriminate against others
- Not to encourage others to discriminate
- Not to harass, bully or abuse others
- To report evidence or suspicion of discrimination
- Not to victimise someone who has complained / provided information relating to discrimination
- Don't make assumptions (e.g. by asking what is your Christian name?)



In your Organisation

- Ensure you are aware of the following within your organisation:
 - The relevant Policies and Procedures
 - The contact details for the lead for Equality, Diversity and Human Rights
 - The relevant training and development required for your role
 - The process for reporting incidents

Thanks to

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Assessment

The assessment includes 10 questions. All questions must be answered correctly to pass.

Once you have started, tick the correct option or options for each question. When you have chosen your answer move onto the next question.

At the end of the assessment, there is a declaration to sign and date. This is to ensure you have read and understood the content of the presentation and answered all of the 10 questions.

The assessment and declaration needs to be sent to clinicalbank.mrt@dgh.nhs.uk or posted to; Bank Information Co-ordinator, Professional Development Team, 2nd Floor South Block, Russells Hall Hospital, Dudley, DY1 2HQ.



Assessment

A job description asks for "ten years' experience" rather than recent experience or listing essential skills. Which of the following best describes this scenario. (Select ONE of the following options)

- Directly discriminating
- Indirectly discriminating
- Victimising

If you overhear someone telling a joke about someone with a disability, what should you do?
(Select ONE of the following options)

- Take it for what it is, just a joke
- Understand it may be offensive but do nothing
- Appropriately challenge the person or report it

Assessment

What is equality? (Select TWO of the following options)

- Treating everyone in exactly the same way
- Treating people according to their individual needs
- Removing barriers faced by individuals so they can have equality of opportunity
- Understanding different cultures

Assessment

Why do NHS Trusts need to know the sexuality of their staff? (Select ONE of the following options)

- So that the information can be shared with managers and colleagues
- So that the Trust does not discriminate against people who are disabled
- So that the Trust can ensure that all their staff are being treated fairly and equitably



Assessment

Bullying is: (Select THREE of the following options)

- Abusing power in such a way that a person feels threatened
- Applying disciplinary procedures
- Humiliating staff or patients in a nasty and/or unacceptable way
- Marginalising a member of staff
- Giving constructive criticism on performance



In the Health Service, unlawful discrimination applies to: (select ONE of the following options)

- Employees only
- Patients only
- Patients and employees
- Neither patients nor employees

Assessment

Which of the following is the correct definition of Direct Discrimination?
(Select ONE of the following options)

- When one person is treated less favourably than another because of their protected characteristics
- Shouting or screaming at someone
- Unwanted conduct which affects another person's dignity

Where are your human rights set out? (Select ONE of the following options)

- Age Discrimination Legislation 2006
- Equality Act 2010
- Human Rights Act 1998
- Disability Discrimination Act 1995



Would you be justified in reporting harassment, even if the harassment was not directed at you?

(Select "Yes" or "No")

- Yes
- No

What is diversity? (Select TWO of the following options)

- Valuing and recognising difference
- Respecting and understanding that every person is unique and has different needs
- Treating everyone in the same way

Declaration – Equality, Diversity & Human Rights

- I confirm that I have read and understood the content of the Equality, Diversity & Human Rights
- I confirm that I have answered all 10 questions as part of the assessment.

NAME:

POSITION: Bank Only Clinical Support Worker/ Registered Nurse (cross off where appropriate)

SIGNATURE:

DATE:

