



Blood and Transplant

Human Resources Policies and Procedures

**Equal Opportunities Statement
& Code of Practice**

UCD/HRO/E0PPS/010

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Equal Opportunities Statement of Intent

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EQUAL OPPORTUNITIES STATEMENT OF INTENT

1. Introduction

As a significant employer, NHSBT needs to attract and retain a workforce with a variety of skills, backgrounds and experience, and therefore seeks to ensure that all job applicants and employees are considered solely on their merits and suitability.

No job applicant or employee will be discriminated against or treated less favourably on grounds of gender, race, colour or ethnic origin, marital status, disability, religion or belief, nationality, national origin, sexual orientation, age (taking into account the Authority's provisions for retirement) or their status as a fixed-term or part-time worker. Such behaviour will normally constitute gross misconduct under the Authority's Disciplinary Procedure and Code of Conduct.

NHSBT also recognises that, as an employer, there is a need to comply with legislation, which renders unlawful certain types of discrimination. These include: -

- q Equal Pay Act 1970
- q Sex Discrimination Act 1975 and 1986
- q Race Relations Act 1976
- q Disability Discrimination Act 1995
- q The Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- q The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- q The Employment Equality (Religion or Belief) Regulations 2003
- q The Employment Equality (Sexual Orientation) Regulations 2003
- q The Employment Equality (Age) Regulations 2006

NHSBT also recognises the relevance of guidance provided in codes of practice, which relate to diversity, equality of treatment and the prevention of discrimination. Key Codes of Practice include:

- q The Equal Opportunities Commission Code of Practice on Sex Discrimination, Equality Opportunity policies, Procedures and Practices on Employment.
- q Equal Opportunities Commission Code of Practice on Equal Pay
- q Commission for Racial Equality Code of Practice for the Elimination of Racial Discrimination and Promotion of Equality of Opportunity in Employment
- q The Disability Rights Commission Code of Practice: Employment and Occupation.

2. Responsibilities

Full overall responsibility for the development and implementation of equal opportunities initiatives consistent with this Statement of Intent shall rest with the Chief Executive of NHSBT, with delegated operational responsibility to the Group Services Human Resources Director of NHSBT.

It shall be the responsibility of each Group Director to ensure that associated policies and procedures are published, following consultation with local Staff Side Representatives, and communicated to all staff within their area of responsibility. It shall also be the responsibility of each Group Director to ensure that effective monitoring arrangements are in place, involving both Managers and Staff Side Representatives.

It shall be the responsibility of every member of staff to ensure that their actions adhere to the terms of the Statement of Intent and associated policies and procedures that apply in their place of work. Failure to do so could lead to disciplinary action, including dismissal.

3. Aim

The aim of this Statement of Intent is to ensure that supporting Human Resources Policies and Procedures reflect and support the aims of NHSBT with regard to Equality of Opportunity, and that all staff are made aware of their responsibilities. In order to achieve this, the following principles must apply: -

No job applicant or employee will be: -

- Directly discriminated against or treated less favourably on grounds of gender, race, colour or ethnic origin, marital status, disability, religion or belief, nationality, national origin, sexual orientation, age (taking into account the Authority's provisions for retirement) or their status as a fixed-term or part-time worker, than other groups would be treated in the same circumstances;
- Indirectly discriminated against or treated less favourably, whether intentionally or not, through the application of a provision, criterion or practice, which adversely affects one group more than another, on grounds which cannot be shown to be justified against the requirements of the job or work environment.
- Victimised by other staff, or treated less favourably, for having reported an incident of discrimination or harassment on grounds of gender, race, colour or ethnic origin, marital status, disability, religion or belief, nationality, national origin, sexual orientation, age (taking into account NHSBT's provisions for retirement) or their status as a fixed-term or part-time worker.
- Harassed or bullied by other staff, involving unwelcome or offensive behaviour affecting the dignity or health of that employee or job applicant because of their gender, race, colour or ethnic origin, marital status, disability, religion or belief, nationality, national origin, sexual orientation, age (taking into account NHSBT's provisions for retirement), physical appearance or their status as a fixed-term or part-time worker.

4. Supporting Policies and Procedures

NHSBT's Statement of Intent shall be supported by nationally or locally agreed Policies, Procedures and Guidelines, as follows: -

- Job Share - Advertising
- Special Leave - Recruitment and Selection
- Harassment (including bullying) - Training and Development

5. Definitions

Where discrimination is referred to, it shall mean treating an individual or group less favourably than other individuals or groups (whether it be direct, indirect, victimisation or harassment) in any or all aspects of employment, including pay, hours of work, holiday entitlement, overtime, work allocation, sick pay, maternity pay and leave, pensions, recruitment, training, promotion and redundancy or redeployment, where this treatment is as a result of gender, race, colour or ethnic origin, marital status, disability, religion or belief, nationality, national origin, sexual orientation, age (taking into account NHSBT's provisions for retirement) or their status as a fixed-term or part-time worker.

CODE OF PRACTICE IN EQUALITY OF OPPORTUNITY

1. Introduction – Statement of Intent

NHSBT aims to adopt positive practices, which promote equality of opportunity in employment. The Authority needs to attract and retain a workforce with a variety of skills, backgrounds and experience, and therefore seeks to ensure that all job applicants and employees are considered solely on their merits and suitability. No job applicant or employee will be discriminated against or treated less favourably on grounds of gender, race, colour or ethnic origin, marital status, disability, religion or belief, nationality, national origin, sexual orientation, age (taking into account the Authority's provisions for retirement) or their status as a fixed-term or part-time worker.

In order to help to meet this aim, NHSBT has issued the following Code of Practice to all Group Directors to ensure that the principles contained within the Authority's Statement of Intent are reflected in local policies, procedures and monitoring covering the following areas:

- Responsibilities
- Recruitment and Selection
- Training, Promotion and Career Development
- Cultural and Religious Needs
- Monitoring and Analysis

2. Responsibilities

Managers

Overall responsibility for ensuring that there is no discrimination rests with the Chief Executive of NHSBT. This responsibility is delegated to each Group Director and Manager who holds responsibilities or staff management.

Managers, in particular, will be required to make clear to employees both the law and the Authority's Statement of Intent on Equal Opportunities. Managers will also be required to ensure that grievances are dealt with in a fair and consistent manner, and that members of staff raising concerns about the application of the Authority's Statement of Intent are protected from victimisation or harassment.

Attendance by managers on relevant training courses will be essential to underpin these requirements. Relevant training courses on equality of opportunity and diversity are provided by the NHSBT Learning and Development service.

Employees

It is also expected that individual employees at all levels will accept personal responsibility for the practical application of the Code of Practice and will be required to comply with all associated Policies and Procedures. In particular, individual employees will be required to: -

- Co-operate with measures introduced by management to ensure equality of opportunity and non-discrimination.
- Not themselves discriminate e.g. as supervisors or managers or as persons responsible for selection decisions in recruitment, promotion, transfers, training etc.

- Not induce or attempt to induce other employees or unions or management to practice unlawful discrimination.
- Not victimise or attempt to victimise individuals on the grounds that they have made complaints or provided information on discrimination.
- Not harass, bully, abuse or intimidate other employees on account of their gender, race, colour or ethnic origin, marital status, disability, religion or belief, nationality, national origin, sexual orientation, age (taking into account the Authority's provisions for retirement), physical appearance or their status as a fixed-term or part-time worker, (for example, in attempts to discourage them from continuing their employment).
- Inform management if they suspect that discrimination is taking place in employment decisions.

3. Recruitment and Selection

- All Directors are expected to issue Recruitment and Selection guidelines, which should be followed by all staff and by Recruitment Consultants undertaking recruitment/selection on behalf of the Authority.
- Supervisors and managers involved in recruitment should be trained in recruitment and selection practice and procedure within six months of their appointment.
- All job descriptions should be reviewed before advertisement to ensure that the job requirements are stated accurately in a person specification and that they are in line with the Authority's Policy and Code of Practice.
- Job descriptions and person specifications should accompany all advertisement requests. Posts should not be advertised until these have been completed.
- Person specifications should consist of measurable and justifiable criteria: - Requirements about gender, marital status, age, domestic arrangements, or marital plans should not be included. Requirements about qualifications, length or nature of experience should be included only if specifically required for the post.
- Recruitment should normally be by advertisement and open competition.
- Some exceptions to this principle may include short, fixed term appointments and secondments, redeployment or in the event of organisational change where internal matching or slotting in is appropriate.
- Enquiries for vacancies via unsolicited letters, telephone calls informal visits and enquiries should be responded to by inviting the enquirer to apply as part of the normal process for any vacancies that may exist. Recruitment should NOT be by word of mouth.
- All supervisors and managers who are involved in the recruitment process should, before commencing the recruitment process, review their selection criteria and tests to ensure that they are related to job requirements and do not discriminate. Tests used in the selection process should be validated to confirm that the test used is a good indicator of job performance.

- Overseas qualifications, which are comparable with UK qualifications, will be acceptable as equivalents. Guidance should be made available from the Human Resources Department.
- All applicants should be given equal consideration for appointments. Criteria used for shortlisting, interviewing and selection should be clearly established and equally applied to all candidates. Shortlisting, interviewing and selection should be carried out by more than one person, and by all panel members. Interview questions must relate to the requirements and circumstances of the job.
- Managers should maintain clear records of all decisions made throughout the recruitment and selection process and record clearly the reasons for not appointing candidates against the job criteria and person specification.
- Selection decisions must not be influenced by gender, race, colour or ethnic origin, marital status, disability, religion or belief, nationality, national origin, sexual orientation, age (taking into account the Authority's provisions for retirement), physical appearance or their status as a fixed-terms or part-time worker, or by the traditional profile of the postholder unless for genuine occupational reasons. Genuine occupational qualification will apply only in very limited circumstances. Selection decisions must not be influenced by perceived prejudices of other staff. Each individual should be assessed according to his/her personal capability to carry out a given job.
- References should be taken up before interview, but the interviewing panel should see only references of the selected candidates after the interview. References should be treated as confirmation or otherwise that the interview panel's selection is suitable. Unsolicited references which may be provided in support of candidates should be disregarded.
- Managers should refuse to participate in any recruitment or selection process where they believe that discriminatory practices are evident, and should immediately report the matter to a more senior manager and the appropriate Human Resources Manager.

4. Training, Promotion and Career Development

Investment in peoples' skills brings long term benefits, and NHSBT aims to ensure that training is provided in areas which will assist promotion and career development within the Authority.

- All Group Directors should ensure that managers have regular access to appropriate training courses, which should include:-
 - Training and guidance in the law
 - The effects, which generalised assumptions and prejudices, can have on selection decisions
 - Direct and indirect discrimination
 - Training in appropriate recruitment and selection techniques
 - Training on the application of local policies and procedures and the Authority's Policy and Code of Practice
- All managers must ensure that employees are provided with appropriate information, training and development to be able to perform their duties effectively, efficiently and safely. This should include information on assumptions and prejudices that can affect

their behaviour with other work colleagues, as well as ensuring knowledge of the Authority's Policies and Procedures, which support equality of opportunity.

- Direct or indirect discrimination at the point of selection for training and promotion will not be supported, and Group Directors will be expected to include the monitoring of training and development opportunities as part of overall monitoring of equality of opportunity. Positive action should take place by way of training for particular groups where such groups are shown to be under-represented.
- Age limits for training shall not be unnecessarily restrictive so as to exclude certain groups of staff. There is often no justification for ignoring a pool of talent and experience on the grounds of age.
- So far as is reasonably practicable, internal training programmes should be provided at times that are accessible to all groups of staff working a variety of different shift patterns, and responding to different domestic responsibilities.

5. Cultural and Religious Needs

- Where an employee has particular cultural and religious needs which may conflict with existing work requirements, consideration should be given to vary or adapt work requirements to enable such needs to be met. Under normal circumstances, an employee should not be refused permission to attend to these cultural and religious needs. Exceptions would normally be where there could be a detrimental effect on health and safety of other members of staff, donors or customers, or to the effectiveness or efficiency of the operation of the service. Where an employee is refused permission to attend to cultural and religious needs, the manager should confirm the reason in writing to the employee and maintain a record of the decision.

6. Monitoring

- Human Resources Departments will be required to maintain records of employees and applicants in order to monitor the progress of equality of opportunity within NHSBT. This will be a key performance indicator for monitoring by the Authority, and reports will be required on a regular basis that provide detailed information on employees and applicants to enable accurate and meaningful equal opportunities analysis to be carried out.
- Group Directors will be required to ensure that effective monitoring arrangements are in place, involving both Managers and Staff Side Representatives, ensuring availability of relevant information. Group Directors should investigate and take appropriate action where it is found that individuals from particular groups:-
 - Do not apply for employment or promotion, or that fewer than expected apply.
 - Are not recruited or promoted at all, or are appointed in a significantly lower proportion than their rate of applications.
 - Are under-represented in certain jobs, grades or departments.
 - Are under represented with regard to opportunities for training and development.
 - Are concentrated in certain jobs, grades or departments and there appears to be a point beyond which they do not rise.