

Race Equality Scheme

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1. Document Definition

1.1 Revision History

Version	Status	CR No. or Reason For Change	Date	Author
0.0	Draft	New document	19/12/2006	Human Resources
0.1	Draft	Incorporated Initial review comments		
1.0	Issued	After Final Review		

1.2 Review and Approval History

For the avoidance of doubt, the latest approved version of a document remains valid until it is superseded or withdrawn, regardless of whether the date for the next review has passed.

Version	Reviewer / Approver	R / A	Scope	Date
0.0			New Document	
0.1		R	Context, completeness and accuracy	
1.0		A	Current and compliant	

1.3 References & Further Reading

Ref. No.	Document Title	Document Location
1	Delivering the HR in the NHS Plan – ‘Pillar One’ Making the NHS a Model Employer. Department of Health (2004)	
2	Draft Race Equality Scheme 2005-2008, Avon Gloucestershire and Wiltshire Strategic Health Authority. April 2005	www.agwsha.nhs.uk
3	National Census 2001	www.statistics.gov.uk/census2001
	A Guide for Public Authorities, Statutory Code of Practice on the Duty to Promote Race Equality - Commission for Racial Equality	www.cre.gov.uk
	The New Positive Duty – Commission for Racial Equality	www.cre.gov.uk
	The NHS Confederation Briefing: “Promoting Race Equality – New Duties for all NHS Organisations”. February 2002 – Issue 55.	www.nhsconfed.org
	The Race Relations (Amendment) Act 2000. Report of the Inquiry in to the Death of Steven Lawrence 1999.	www.archive.official-documents.co.uk

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Ref. No.	Document Title	Document Location
	"Respecting Individual Differences" the Management of Equality and Diversity Policy 2002-Swindon & Marlborough NHS Trust.	www.swindon-marlborough.nhs.uk

1.4 Glossary/Definitions

The following acronyms are used within the document:

Action Plan

A practical and realistic plan, with an agreed timetable, showing how the Trust is planning to meet its duties.

Assessing impact

A systematic way of finding out whether a policy (or proposed policy) affects different racial groups differently. This may include obtaining and analysing data, and consulting people, including staff, on the policy.

Direct discrimination

Treating one person less favourably than another on racial grounds. Direct discrimination is unlawful under the Race Relations Act.

Disciplinary procedures

The arrangements and procedures used to discipline staff. These may include informal and formal disciplinary measures.

Duty to promote race equality

The general duty, unless the context suggests otherwise.

Ethnic monitoring

The process you use to collect, store and analyse data about people's ethnic background.

Functions

The full range of a public authority's duties and powers.

General duty

The duty as given in section 71(1) of the Race Relations Act.

Grievance procedures

Arrangements or procedures for dealing with grievances, such as complaints about bullying, harassment or discrimination; or appeals against decisions on promotion or appraisal.

Health Improvement

Describes plans and activities to ensure the health needs of all the population are met appropriately and inequalities are reduced.

Improving Working Lives

Part of a framework for all NHS organisations to achieve "model employer" status.

Indirect racial discrimination

Occurs when a rule or condition which is applied equally to everyone:

Can be met by a considerably small proportion of people from a particular racial group

Is to the disadvantage of that group; and

Cannot be justified on non-racial grounds

All three conditions must apply.

Mainstreaming

To build into core or routine practice and functioning.

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Monitoring

The process of collecting, analysing and evaluating information, to measure performance, progress or change.

Obligatory

This refers to the fact that public authorities are legally bound to meet the general duty, and must make race equality a central part of their functions.

Policies

The formal and informal decisions about how a public authority carries out its duties and uses its powers.

Promoting race equality

Public authorities should have "due regard to the need", in carrying out their functions, to:

Tackle unlawful racial discrimination;

Promote equality of opportunity; and

Promote good relations between people from different racial groups

Proportionate

This refers to the fact that the weight given to race equality should be proportionate to its relevance to a particular function. This approach may mean giving greater consideration and resources to functions or policies that have most effect on the public, or on employees.

Procurement

The contractual or other arrangements that a public authority makes to obtain goods, works or services from an outside organisation.

Publish

Making publicly available; for example by producing a written document for distribution.

Race equality scheme

A timetabled and realistic plan, setting out an authority's arrangements for meeting the general and specific duties.

Race Relations Act

The Race Relations Act 1976, as amended by the Race Relations Act 2000.

Racial Group

A group of people defined by their race, colour, nationality (including citizenship), ethnic or national origins.

Racial grounds

Reasons of race, colour, nationality (including citizenship), ethnic or national origins.

Relevance

This refers to the fact that race equality will be more relevant to some public functions than others. Relevance is about how far a function or policy affects people, as members of the public, and as employees of the authority.

Specific duty

A duty imposed by the Race Relations Act 1976 (Statutory Duties) Order 2001.

Statutory duties

Duties, either general or specific, which an authority is legally bound to meet.

1.5 Purpose

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1.6 Scope

1.7 Regulatory Position

1.8 Special Cases

1.9 Equality Impact Statement

Great Western Hospitals NHS Foundation Trust aims to design and implement services, policies and measures that meet the diverse needs of its service, population and workforce, ensuring that none are placed at a disadvantage over others.

This document has been assessed against the Trust's Equality Impact Assessment Tool. This document has been assessed as relevant to the duty.

1.10 Comments

Any comments on this document should, in the first instance, be addressed to the author.

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2. Policy Details

2.1 Forward

The Great Western Hospitals NHS Foundation Trust (the Trust) is a major local employer with around 3,300 staff; provides acute health services to a population of about 300,000 people; and is committed to addressing issues relating to diversity. In this review of the Race Equality Scheme, first published in 2002, we welcome the opportunity to set out how the Trust is working towards race equality as a key part of the wider diversity agenda. We believe in setting the highest standards, and ensuring fair and equitable access to our services; in particular during the significant change programme to modernise and reform the National Health Service (NHS). We acknowledge that promoting race equality is integral to the management of change; and that our actions and duties as a public sector organisation must embrace policy and service delivery, as well as our role as an employer of choice. Through the Improving Working Lives Practice Plus Standard we aim to become a 'Model Employer' ¹ by improving the working lives of all our staff.

The Race Relations (Amendment) Act 2000 placed a requirement on a wide range of public authorities, including all NHS organisations, to publish a Race Equality Scheme. The Trust's first Scheme was published in 2002 in context with our diversity policy 'Respecting Individual Differences', the Management of Equality and Diversity. More recently, the Trust has published its 'Values' which set the foundations for a culture in which openness and diversity may flourish. These values translate into provision of excellence in service delivery, and in supporting equality of opportunity to all those who work within the Trust, seek work, or who provide our volunteer service. We acknowledge that that race equality should be mainstreamed into, and therefore become integral to every policy, procedure and function we undertake with our staff, service users and partner organizations. To realize this aim, Trust managers will be expected to lead by example, and all staff will be expected to carry out their work activities within the spirit of Trust's Aims, Values and Objectives.

This second version of the Trust's Race Equality Scheme sets out our strategic aims in relation to valuing racial equality and diversity, both as a provider of healthcare and as an employer. It is written with reference to the Avon Gloucestershire and Wiltshire Strategic Health Authority Race Equality Scheme 2005-2008² and is an iteration of the Trust's first Scheme. The action plan outlines priorities and proposed outcomes, with progress reviewed through monitoring and reporting systems. It is essential that the Trusts' Race Equality Scheme should continue to be a living document, and by 2008 we aim to demonstrate, through the actions of all our stakeholders, our commitment to promoting race equality within the organisation. Through regular review and feedback, we will strive to continually improve our response to race equality, and will demonstrate to the Trust Board, staff and stakeholders that we have made significant progress against the Scheme.

Lyn Hill-Tout, Chief Executive

Bruce Laurie, Chair

¹ Delivering the HR in the NHS Plan – 'Pillar One' Making the NHS a Model Employer. Department of Health (2004)

² www.agwsha.nhs.uk

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3. Introduction

The Steven Lawrence Inquiry identified the need to tackle institutional discrimination, which is defined as:

“The collective failure of an organisation to provide an appropriate and professional service to people because of the colour, culture or ethnic origin”. It can be seen or detected in processes, attitudes and behaviour, which amount to discrimination, through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping, which disadvantages minority ethnic people.”

The Race Relations (Amendment) Act (the Act) 2000, amended the 1976 legislation, and places a duty on all public authorities to promote race equality. The Act requires organisations to develop a Race Equality Scheme (RES). This duty means that the Great Western Hospitals NHS Foundation Trust (the Trust) should consider the need to:

- Eliminate unlawful racial discrimination
- Promote the equality of opportunity
- Promote good race relations between people in different groups

The Commission for Racial Equality (CRE) Code of Practice outlines the duties and actions required of NHS organisations. This is a statutory code, which may be accepted in litigation cases against the Trust for failing to meet the obligations under the general and specific duties; the CRE has the power to enforce these duties.

4. The General Duty

The General Duty set out in Section 71 (1) of the Race Relations Act 1976 states four guiding principles:

- 4.1.1 Promoting race equality is obligatory for relevant public bodies.
- 4.1.2 Race equality must be a central part of the Trusts functions i.e. policy making, planning service delivery, regulation enforcement and employment.
- 4.1.3 Public Authorities must meet the duty to promote race equality in all relevant functions
The Trust must assess whether and how race equality is relevant to each function.
- 4.1.4 The weight given to race equality should be proportionate to its relevance. This does not mean that race equality is less important where the ethnic minority is small. It is not acceptable for the Trust to claim that it does not have enough resources to meet the duty.
- 4.1.5 The elements of the duty are complementary. The Trust must consider each element of the duty. The three parts of the duty support each other; however success with one element may not lead to the success of all three parts. There are a number of steps to assess the relevance of functions including employment. The following questions will be applied to assess the effects of a Trust policy or a way in which a function is being carried out:
 1. Could the policy have an adverse impact on equality of opportunity for some racial groups?
 2. Could the policy have adverse impact on relations between different racial groups?
 3. If there is an adverse impact, is it avoidable; is there justification; and could it be considered unlawful racial discrimination?
 4. Can the adverse impact be reduced by taking particular measures?

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5. Specific Duties

The Trust produced a Race Equality Scheme in May 2002, with an outline action plan which summarised the specific duties, and how the Trust planned to meet each part. A revised and detailed action plan (Appendix 3) lists the functions, actions and desired outcomes in line with the requirements for fulfilling the Specific Duty to produce a Race Equality Scheme. The Scheme should state:

- Functions or policies or proposed policies relevant to meeting the general duty
- Assessing and consulting on likely impact of proposed policies
- Monitoring policies for any adverse impact
- Publishing the results of the assessments and consultation and monitoring
- Ensuring public access to information and services
- Training staff in respect to the duties imposed in the general duty

This is a public document, which the Trust will publish in accordance with the Freedom of Information Act (2000) Publication Scheme.

Employment Duties

Under the specific duties on employment the Trust undertakes to monitor by racial group:

- Numbers of staff in post
- Applicants for employment
- Training and employment from each racial group

In addition the Trust will monitor by racial group and publish annually results for those employees who:

- Receive training
- Suffer detriment as a result of the performance management procedures
- Are involved in grievance procedures
- Are the subject of disciplinary procedures
- Cease employment

Elements of the Race Equality Scheme Action Plan

Section 1. Identification of the relevant functions and policies

Functions and policies are listed that are relevant to meeting the general duty. The list will be updated and iterated as part of this living document.

Section 2. Arrangements for assessing and consulting on the likely impact of proposed policies

Clear consultation methods are explained to both staff and the public in the assessment of a proposed policy, through a clear, inclusive and open process.

Section 3. Arrangements for monitoring policies for adverse impact

Arrangements are set out to monitor all functions and policies that are relevant to the general duty. Policies will be measured as to whether it is having an adverse impact on race equality by using relevant monitoring systems.

Section 4. Arrangements for publishing assessment, consultation and monitoring reports

Publication will take account of increased openness and will demonstrate a commitment to promoting race equality to the public and staff.

Section 5. Arrangements for making sure the public have access to information on public services

- Information will be accessible to everyone in accordance with the specific duty.
- Information will be available on request in a wide range of languages and formats.

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- Staff will be educated in the necessary skills, information and understanding to deal fairly and equally with all service users.

Section 6. Arrangements for training staff

The Trust sets out how it aims to train staff in line with the general and specific duties to promote good race relations and eliminate discrimination.

Section 7. Employment Duties

The Trust will describe how employment processes will be monitored by racial group and publish the results each year, with consideration to openness and fairness in the employment process.

Section 8. Procurement

The Trust will procure services to eliminate potential unlawful discrimination and to promote equal opportunities and good race relations with our partners and stakeholders.

Section 9. Partnerships

The Trust will ensure that any activity with partner organisation e.g. Carillion Services Ltd, will promote race equality when working jointly with other public, private, or voluntary organisations.

Section 10. Embedding race equality within systems and processes

The Trust will develop processes and communication plans to share and encourage best practice throughout the organisation.

6. Elements of the Race Equality Scheme Action Plan

The action plan is in accordance with the Commission for Racial Equality (CRE) requirements on fulfilling the Specific Duty to produce a Race Equality Scheme, and to review progress at least every three years.

7. Specific Duties on Employment

The specific duties are designed to provide a framework for measuring the progress for equality of opportunities. Workforce information will provide data against which we can benchmark against National Census data. The 2001 data confirms that the percentage white population is 95.2% against the England and Wales combined average of 91.3% (appendix 2). The Trust will take constructive steps to engage with black and minority ethnic groups within the local community and with employees. The link with patient and public involvement strategies will be integral to this aim.

To meet the specific duty in employment, the Human Resources Directorate will:

- Collect, monitor and analyse ethnic data by staff group on:
 - staff in post by racial group
 - applicants for employment, training and promotion
 - staff who receive training and appraisal
 - staff involved in grievance procedures
 - staff subject to disciplinary procedures
 - staff who leave employment
- Establish any patterns of inequality and take necessary action to remove barriers and promote equality
- Publish the results annually

The Director of Workforce and General Education will also recommend steps to address any cases of unlawful racial discrimination or adverse impact on equality of opportunity identified in the data analysis. Where data analysis highlights underrepresented racial groups, the Trust may consider

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“positive action” to target training and recruitment at these groups. Monitoring will be carried out in line with the classification system for the National 2001 Census³ data collection.

8. Sustaining the Trust’s approach to the Specific Duty

In this approach the Trust aims to increase performance in delivering this agenda, and acknowledge that perceptions in how we meet the challenge of eliminating institutional racism. We believe that with robust and transparent reporting structures and in being aware of the functions and policies that promote good race relations, we can manage the statutory duty and expectations of all staff and service users. Through the Trusts Values, Aims and Objectives we will strive to achieve and sustain best practice through a consistent and measured approach to our Race Equality Scheme over the next three years. During this period the Trust will inform the Trust Board annually on progress, to ensure confidence in this approach.

³ <http://www.statistics.gov.uk/census2001>

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APPENDIX 1

List of policies relevant to the general duty assessed and prioritised

Employment policies

High	Medium	Low
Annual Leave Policy	Change Management Policy	Exit Interview Policy and Procedure
Appraisal Policy	CRB Disclosure Policy	Maternity Leave Policy
Bullying & Harassment Policy & Procedure	Flexible Retirement Policy	Medical Staffing Locum Policy
Disciplinary Policy	Management of Stress in the Workplace – minimising the risk	Recognition of Long Service and Retirement Policy and Procedures
Dress and Personal Appearance Code	Recognising Relevant Experience of Overseas Nurses	Registration Policy
Equality and Diversity Policy	Sickness Absence Management Policy (Long term and short term)	
Openness Policy	Special Leave Policy	
Grievance Policy and Procedure	Substance Misuse Policy	
Zero Tolerance Policy		
Staff Development Policy		

Employment procedures

High	Medium	Low
Flexible Working Procedure	Annual Leave Procedures for Medical Staff	
	Assessment Centre Procedure	

Employment Forms

High	Medium	Low
	Annual Appraisal Report Summary – Appraiser's Comments	
		Application form, Clinical Excellence Awards (ACCEA form)
	Appraisal Rating Form Appraisal Review Form Appraisal Sheets Appraisee Preparation Form, appraisal Assessment Objectives Form, appraisal	
		Change of Personal Details Form
		Consultant Job Description Template
		Departmental Induction Checklist
		Excess travel expense claim form
		Flexible Working Application
	Personal Development Plan, Appraisal Recruitment Requisition form	

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Employment Strategy

High	Medium	Low
Human Resources Strategy 2002-2006		

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APPENDIX 2

Ethnicity: percentage of resident population in each group, April 2001 - Swindon Local Authority
Source: 2001 Census www.neighbourhood.statistics.gov.uk

	Swindon	South West	England & Wales
Ethnic Group – Percentages; White	95.20	97.70	91.31
Ethnic Group – Percentages; White; British	91.48	95.40	87.49
Ethnic Group – Percentages; White; Irish	1.28	0.66	1.23
Ethnic Group – Percentages; White; Other White	2.44	1.65	2.59
Ethnic Group – Percentages; Mixed	1.14	0.76	1.27
Ethnic Group – Percentages; Mixed; White and Black Caribbean	0.45	0.27	0.46
Ethnic Group – Percentages; Mixed; White and Black African	0.11	0.08	0.15
Ethnic Group – Percentages; Mixed; White and Asian	0.37	0.23	0.36
Ethnic Group – Percentages; Mixed; Other Mixed	0.20	0.18	0.30
Ethnic Group – Percentages; Asian or Asian British	2.13	0.67	4.37
Ethnic Group – Percentages; Asian or Asian British; Indian	1.27	0.33	1.99
Ethnic Group – Percentages; Asian or Asian British; Pakistani	0.36	0.14	1.37
Ethnic Group – Percentages; Asian or Asian British; Bangladeshi	0.27	0.10	0.54
Ethnic Group – Percentages; Asian or Asian British; Other Asian	0.23	0.10	0.46
Ethnic Group – Percentages; Black or Black British	0.70	0.42	2.19
Ethnic Group – Percentages; Black or Black British; Caribbean	0.41	0.25	1.08
Ethnic Group – Percentages; Black or Black British; African	0.23	0.13	0.92
Ethnic Group – Percentages; Black or Black British; Other Black	0.06	0.05	0.18
Ethnic Group – Percentages; Chinese or Other Ethnic Group	0.83	0.45	0.86
Ethnic Group – Percentages; Chinese or Other Ethnic Group; Chinese	0.44	0.26	0.44

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APPENDIX 3

Race Equality Action Plan

Area	Issue to be addressed	Outcome	Priority
Data Quality	Review all information sources to establish where ethnicity data is held.	The Trust is clear about the data it can collect, analyse and report on.	1
Performance	Race equality strategies formally discussed and reviewed at least annually	Trust Board more fully engaged in Trust implementation	2
	Trust Board meeting will be used to brief Board members on <ul style="list-style-type: none"> • Their responsibilities in meeting the Race Relations (Amendment) Act duties • Understanding of risk in not meeting compliance with the Race Relations (Amendment) Act to include a clear understanding of the impact of institutional racism and health variations of BME groups. • Role of monitoring internally and externally. 	Trust Board members are aware of their responsibilities	2
	Information on how health plans address the needs of local populations published (LDP)	Trusts' delivery of health care benefits the whole population.	2
Procurement and Commissioning	Existing contracts and service level agreements to be reviewed and amended as appropriate to include clauses (including performance standards) that ensure that the Trust can meet the general duty and any specific duties.	Trust race equality scheme extends to all partners and stakeholders.	1
	Where a function of the Trust is to be carried out under contract or service level agreement by another organisation and the duty to promote race equality applies to that function, appropriate clauses (including performance standards) will be included	Trust race equality scheme extends to all partners and stakeholders	2
	The Trust will review its process for inviting businesses to tender for contracts and provide explicit guidance for both staff internally and businesses on the process	Removal of barriers to ensure that businesses have equal opportunities to tender for contracts.	1
Impact assessment	Services, functions and policies need to be screened for adverse impact on ethnic minority groups	Prioritised plan for impact assessments	1

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Area	Issue to be addressed	Outcome	Priority
	Work with stakeholders in order to consult on impact of proposed policies and strategies.	Increased confidence from stakeholders that the Trust is committed to promoting race equality and is implementing the change.	2
Education and Training	Training will be provided to staff at all levels on race equality and the impact of institutional racism	All staff are aware of their responsibilities and the values and objectives of the Trust regarding race equality.	2
	Developing process for systematically sharing good practice on race equality across the Trust.	Builds a positive culture based upon the Trusts Aims, and Objectives	2
Staff Involvement	Develop ways to encourage feedback from Ethnic minority groups of staff	Ethnic Minorities feel supported	2
Recruitment	Proactive encouragement of Ethnic minority applicants	Great Western Hospitals NHS Foundation Trust is regarded as providing good employment opportunities for people of all backgrounds	1
	Review application form and application process.	Great Western Hospitals NHS Foundation Trust is regarded as providing good employment opportunities for people of all backgrounds	1
Monitoring	Communication to public of progress on RES and outcomes of racial equality impact assessments to raise profile about the Trust's Race Equality Scheme and processes linked to delivery and consultation	Annual report to Board Publish summaries on web Co-work issues and review with other public sector bodies.	2
Communication	Review the Trust website, intranet and key public documents (e.g. Board papers) for use of appropriate language, content, style and images.	The Trust communicates with stakeholders in a way that increases access to information and services.	2

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Area	Issue to be addressed	Outcome	Priority
	Involve appropriate external "experts"/users in the review and make appropriate changes to these information sources.	The Trust communicates with stakeholders in a way that increases access to information and services	2
	Diversity awareness in relation to reception staff (meet and greet)	Improved service provision and perception of Trust	2
	Diversity awareness to help managers manage	Improve staff experience which improves quality of patient care	2
Services	Improve response in booking centres, inpatient accessibility	Improve quality of patient care	1
	Standardisation of information supplied and accessibility in different font, language etc.	Improve quality of patient care	1
	Improve internet access including availability of information in different format/language	Improve quality of patient care	1
	Review interpreter policy including suppliers and how accessed.	Improve quality of patient care	1
Complaints	Publicise PALS process ensuring accessibility by ethnic minority groups	Improve response to patients issues and concerns	1
Staff support	Ensure diversity awareness across all staff groups.	Improved awareness of colleagues' needs	2
	Encourage staff to disclose Ethnic background.	Improved awareness of colleagues' needs	1
	Ensure links into KSF and accessibility of ethnic minority groups to appraisal process.	Improved awareness of colleagues' needs	2

KEY : 1 – Immediate
2 – medium term
3 – Long term

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