



Equal Opportunities

Equality Diversity and Human Rights Policy

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POL036 - Equal Opportunities

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Equality Analysis	Completed
Linked procedural documents	See paragraph 5.2 below
Dissemination requirements	All managers and staff, via staff bulletins and the intranet
Part of Trust's publication scheme	Yes

The East of England Ambulance Service NHS Trust has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, gender, sexual orientation, marriage/civil partnership, pregnancy/maternity. The Trust will not tolerate unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity between people from different groups and foster good relations between people from different groups. This policy applies to all individuals working at all levels and grades for the Trust, including senior managers, officers, directors, non-executive directors, employees (whether permanent, fixed-term or temporary), consultants, governors, contractors, trainees, seconded staff, homeworkers, casual workers and agency staff, volunteers, interns, agents, sponsors, or any other person associated with the Trust.

All Trust policies can be provided in alternative formats.

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1. Policy Statement

- 1.1 This document outlines the Equality Diversity and Human Rights Policy and procedure for The East of England Ambulance Service NHS Trust (the Trust).
- 1.2 This policy has been written in partnership by management and staff side.
- 1.3 This document outlines the Equality, Diversity and Human Rights Policy for the East of England Ambulance Service NHS Trust (the "Trust") and is consistent with the principles outlined in part 5 of Agenda for Change NHS terms and conditions of service handbook.
- 1.4 The Trust is pro-active in its work towards making diversity an integral part of the core business. It incorporates the principles of equality, diversity and human rights in employment; encouraging, valuing and actively promoting diversity, recognising the talent and potential across the population. Promoting equality of opportunity is in the best interests of the Trust, including recruitment and development of the best people for our jobs, and providing appropriate services meeting the diverse needs of our community.
- 1.5 The Trust is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination. In line with the Equality Act 2010 the nine protected characteristics are afforded due regard. These include; age, marital status, disability, race, nationality, gender, religion, sexual orientation, gender reassignment, ethnic or national origin, beliefs. In addition to this, to protect human rights we take into consideration equality and respect difference in relation to domestic circumstances, social and employment status, political affiliation or trade union membership, HIV status or other condition relevant to requirements of the post.
- 1.6 The Trust is committed to becoming an organisation that applies human rights based approaches and making diversity integral to the core business to ensure that it is pro-diversity and anti-discriminatory.
- 1.7 Attracting, employing and developing individuals to meet the needs of its diverse communities is central to staff retention. It underpins the aspirations to provide a comprehensive service for all ensuring equal access, dignity and respect for the community in contact with the Trust either; as patients, those who care for others, other health and social care partners and volunteers and staff.
- 1.8 The Trust's aim is that our workforce will be truly representative of all sections of society and each employee feels respected, supported and able to give their best. This will enable the Trust to be more sensitive to the needs of the community which it serves.

2. The Equality Act 2010

- 2.1 "Provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous

legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.”¹

3. The Public Sector Equality Duty

The aim of the general equality duty is to integrate considerations of the advancement of equality into the day-to-day business of public authorities. In summary, those subject to the equality duty, must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act.
- Advance equality of opportunity between people who share a characteristic and those who don't.
- Foster good relations between people who share a characteristic and those who don't.

These are referred to as the three aims of the general duty. The Act helpfully explains that having due regard for advancing equality involves:

- 3.1 Removing or minimising disadvantages suffered by people due to their protected characteristics.
- 3.2 Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- 3.3 Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

3.4 Key dates for the Equality Duty:

6 April 2011	General (GED) and specific duties came into force
31 July 2011	NHS Trusts (and others except schools) published equality information
6 April 2012	NHS Trusts published objectives
2012	Age discrimination in relation to goods and services becomes unlawful

3.5 This policy recognises the Equality Act 2010 which affords additional protection for people who are discriminated against because of the following protected characteristics.²

Age	Disability	Gender Reassignment (Transsexual)
Pregnancy and maternity	Race	Religion or belief
Gender (Sex)	Sexual Orientation	Marriage and civil partnership

¹ http://www.equalities.gov.uk/equality_act_2010.aspx

² <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/protected-characteristics-definitions/>

For further information and definitions of the characteristics please refer to the EDHR guidance.³

- 3.6 The Equality Act 2010 extends the application of direct discrimination to include association and perception.
- 3.7 Discrimination or harassment of an individual because they have an association with someone who has a protected characteristic is unlawful and is classed as direct discrimination.
- 3.8 Discrimination or harassment of an individual perceived to have a protected characteristic is unlawful and is classed as direct discrimination whether they have the characteristic or not.
- 3.9 The Equality duty requires NHS organisations:
- To consider how they could positively contribute to the three aims (see section 2.3) and evidence how equality considerations are reflected in the design of policies and delivery of services including internal policies and for these issues to be kept under review.
 - To publish sufficient information to demonstrate compliance, which must include:
 - Information on the effect its policies and practices have had on people who share a relevant protected characteristic.
 - Demonstration of the extent to which it furthered the aims of the duty for its employees and others with an interest in the way it performs its functions.
 - Evidence of analysis that they have undertaken to establish whether their policies and practices have (or would) further the aims of the General Equality Duty (GED) aims.
 - Details of the information that they considered.
 - Details of engagement that they undertook with people whom they consider to have an interest in furthering the aims of the GED.
 - To prepare and publish:
 - Objectives to meet one or more aims of the GED.
 - Details of the engagement that it undertook in developing its objectives.
- 3.10 In addition the Trust must set out how progress will be measured and the published documents must be presented in a manner that makes it reasonable accessible to the public:
- To publish sufficient information to demonstrate compliance, (by 6 April 2012 (change date) which must include:
 - Information on the effect its policies and practices have had on people who share relevant protected characteristic.
 - Demonstration of the extent to which it furthered the aims of the duty for its employees and others with an interest in the way it performs its functions.

³ http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/essential_guide_guidance.pdf

- Evidence of analysis that they have undertaken to establish whether their policies and practices have (or would) further the aims of the General Equality Duty (GED) aims.
- Details of the information that they considered.
- Details of engagement that they undertook with people whom they consider to have an interest in furthering the aims of the GED.

3.11 Achieving compliance requires that the Trust:

- Collect, analyse and publish data about how those groups are representative of the staff and patients, which will indicate the ethnicity, gender, disability, pregnancy and maternity, religion or belief, age and sexual orientation. There is a duty to consider whether or how the Trust might demonstrate fairness and evidence of consultation with regard to gender reassignment.
- Eliminate discrimination in relation to marriage and civil partnerships.

3.12 The Department of Health requires NHS organisations to deliver against the Equality Delivery System (EDS).

3.13 Equality Delivery System (EDS) is a framework to:

- Improve the equality performance of the NHS, embedding equality into the mainstream business of NHS organisations, both commissioners and providers.
- Help NHS organisations to meet the evidential requirements of the statutory public sector equality duty, contained within the Equality Act (2010) and the statutory duty to consult and involve patients (NHS Act 2006).

3.14 NHS organisations analyse their equality performance against 12 outcomes grouped under the following four objectives:

1. Better health outcomes for all
2. Improved patient access and experience
3. Empowered, engaged and inclusive staff
4. Inclusive leadership

The Department of Health requires NHS organisations to deliver against the Workforce Race Equality Standard which came into force April 2015 (WFRES)

3.15 Workforce Race Equality Standards (WFRES)

The WFRES is a tool to identify gaps between BME and white staff experiences in the workplace which is measured through a set of metrics. In closing the gaps this will achieve:

- Tangible process in tackling discrimination
- The promotion of a positive culture
- All staff being valued for their contribution to the NHS

This will provide an environment in the Trust where all staff are valued and supported across its entire diverse workforce, leading to more high quality patient care and improved health outcomes for all.

4. Scope

- 4.1 This policy applies to all Trust employees, workers, apprentices, contractors and temporary workers, together with any applicants, service users and/or any other external persons who have a connection with the business of the Trust.

5. Access to Procedure

- 5.1 All employees are entitled to access this policy which is located in the HR Policies and Procedures Folders and/or the Trust's Intranet. Should you require this policy in any other format please seek guidance from the Human Resources Department, your line management or trade union representative.
- 5.2 Employees and managers may also consult the following related Trust documentation and/or policies: Communication Strategy, Patient and Public Involvement Strategy, Recruitment & Selection, Dignity at Work, Flexible Working Arrangements, Annual Leave, Learning & Development, Personal Development Review, Special Leave, Sickness Absence Management and Disciplinary Policy (Managing Conduct and Performance). However, this is not an exhaustive list and all policies and procedures will have some element of equality, diversity and human rights impact. The outcomes of any equality analysis of policies, procedures and strategic documents will be published on the Trust website.

6. Roles and Responsibilities

- 6.1 Everyone, in accordance with their human rights, who works within the NHS, should be able to achieve their full potential in an environment characterised by dignity and mutual respect. It is everyone's responsibility to ensure that this environment exists within the Trust.
- 6.2 The Board of Directors have overall responsibility for equality, diversity and human rights, including its promotion within the Trust. The Chief Executive is responsible for overseeing the policy and ensuring that lead roles are delegated within the Executive Management Team.
- 6.3 The Human Resources Department is responsible for keeping the provisions within this policy in line with employment legislation.
- 6.4 Managers are required to make clear to employees the implications of the Trust's policy on equality, diversity and human rights. They will also be expected to promote equality of opportunity for all and assist with eliminating discrimination.
- 6.5 Managers, HR staff and trade union representatives are responsible for providing advice and guidance to employees on the application of this policy and procedure.

- 6.6 Decision-makers must be fully aware of the implications of the duty when making decisions about their strategies policies, practices, and development projects in relation to the publication of the report evidencing the equality analysis.
- 6.7 All employees are personally responsible for the practical application of this policy, and must support the Trust in creating and maintaining an environment that promotes equality, diversity and human rights based approaches. It is therefore the duty of all employees to co-operate with the measures introduced by the Trust to achieve compliance, and behave in a manner which promotes the three aims of the General Equality Duties.
- 6.8 Acts of direct or indirect discrimination in respect of people with the specified protected characteristics may be unlawful. The Trust has a duty to ensure that the law is upheld through application of the policy and relevant procedures.
- 6.9 Individuals must bring any concerns of matters contrary to this policy to the attention of a manager. All comments and complaints will be considered in context and where appropriate, will be dealt with through the relevant Trust policies and procedures.
- 6.10 The Trust structure for directing and developing Equality, Diversity & Human Rights is through the Equality, Diversity and Human Rights Steering Group which reports to the Quality & Risk Assurance Committee (formerly IGC) reporting directly to the Trust Board.

7. Equality Analysis

- 7.1 The Trust requires strategies, policies and procedures to be assessed for the impact they may have upon equality, diversity and human rights; specifically considering due regard for the nine protected characteristics.
- 7.2 The procedure for Equality Analysis is supported through guidance that is available on the Trust intranet.
- 7.3 Key managers and decision makers are to ensure that they have sufficient training and knowledge to comply with the legislative requirements that the equality analysis poses.
- 7.4 The outcomes of the equality analysis must accompany any document that is relevant and likely to have an impact upon people, both internally and externally. Evidence about the people must be presented to support the outcomes and decisions made.

8. Reduce and Eliminate Equalities in Health ⁴

- 8.1 The Trust endeavours to challenge unfair boundaries and work in partnership with staff, voluntary and community bodies and service users. Actions detailed in the Implementation Plan (April 2012) amend date will aim to improve access to services for disadvantaged communities and to maximise opportunities for employment.

⁴ *Tackling Health Inequalities: A Programme for Action DH 2003*

9. Patient and Public Engagement

- 9.1 The Trust must actively engage with the local population and those groups that represent all those in the community. This is to ensure that everyone counts and specific attention must be paid to gain views from those groups that are seldom heard.
- 9.2 The feedback from the engagement must be used to inform and develop the Annual Implementation Plan in line with the Equality Delivery System (EDS).
- 9.3 The overall aims of the engagement is to achieve the objectives of the EDS to attain the required outcomes of the EDS.
- 9.4 Objectives:
 - 1. Better health outcomes for all
 - 2. Improved patient access and experience
 - 3. Empowered, engaged and inclusive staff
 - 4. Inclusive leadership

10. Communications

- 10.1 The Trust will ensure that the use of media to communicate messages will be accessible, giving due regard to the diversity of the audience, including other languages, easy read and other formats.
- 10.2 The Trust is required to take reasonable steps to overcome barriers to communication that may impede people with different kinds of disability in the way in which it communicates with people and how they access the services.⁵
- 10.3 The Trust will endeavour to portray positive and diverse images of their staff in all literature, publicity material and public documents, and actively seek to illustrate their successes with regard to proactive diversity and anti-discriminatory practices.

11. Monitoring

- 11.1 The Trust will monitor in line with the contents of the table in appendix B.
- 11.2 The Human Resources department will monitor the composition of its workforce by collecting relevant statistics relating to; ethnicity, gender, age, disability, sexual orientation, religion or belief, marriage and civil partnerships, pregnancy and maternity throughout the employment cycle.

12. Policy Review

- 12.1 This policy will be reviewed every three years or amended in the light of new employment/equality legislation.

⁵ Equality Act 2010 Code of Practice

Appendix A

Further Information and Contacts

Human Rights based approach principles from “Human Rights in Healthcare – A framework for local action”, DH October 2008

1. “Human rights are a set of recognisable principles on which NHS organisations can base their everyday work”
2. These principles are based upon fairness, respect, equality, dignity and autonomy.
3. This approach supports the overall “NHS vision of implementing personalised care a quality based on “safe care effective care and patient experience. “⁶ These factors are considered critical to core business and should apply to all aspects of the organisation business.
4. Compliance is a minimum expectation and will not adequately meet the NHS Vision. The core business key points are:
 - Positive (or negative if not applied) impact upon the corporate reputation as an employer of choice.
 - Establishment and maintenance of a diverse workforce that meets the capacity a service delivery needs
 - Increase productivity though maximising individual contributions to provide better patient care
 - Protect trusts from financial detriment or corporate embarrassment as a result of litigation.

⁶ NHS Employers Briefing 60 April 2009 Managing Diversity: making it core business. (AMEND FOOTNOTE)
http://www.nhsemployers.org/Aboutus/Publications/Documents/Briefing_60_Managing_diversity_making_it_core_business.pdf

Appendix B

EDS OBJECTIVES AND OUTCOMES			
The analysis of the outcomes must cover each protected group, and be based on comprehensive engagement, using reliable evidence			
Objective	Narrative	Outcome	
1. Better health outcomes for all	The NHS should achieve improvements in patient health, public health and patient safety for all, based on comprehensive evidence of needs and results	1.1 Services are commissioned, designed and procured to meet the health needs of local communities, promote well-being, and reduce health inequalities	1.
		1.2 Patients' health needs are assessed, and resulting services provided, in appropriate and effective ways	2.
		1.3 Changes across services are discussed with patients, and transitions are made smoothly	3.
		1.4 The safety of patients is prioritised and assured	4.
		1.5 Public health, vaccination and screening programmes reach and benefit all local communities and groups	5.
2. Improved patient access and experience	The NHS should improve accessibility and information, and deliver the right services that are targeted, useful, useable and used in order to improve patient experience	2.1 Patients, carers and communities can readily access services, and should not be denied access on unreasonable grounds	6.
		2.2 Patients are informed and supported so that they can understand their diagnoses, consent to their treatments, and choose their places of treatment	7.
		2.3 Patients and carers report positive experiences of the NHS, where they are listened to and respected and their privacy and dignity is prioritised	8.
		2.4 Patients' and carers' complaints about services, and subsequent claims for redress, should be handled respectfully and efficiently	9.
3. Empowered, engaged and well-supported staff	The NHS should Increase the diversity and quality of the working lives of the paid and non-paid workforce, supporting all staff to better respond to patients' and communities' needs	3.1 Recruitment and selection processes are fair, inclusive and transparent so that the workforce becomes as diverse as it can be within all occupations and grades	10.
		3.2 Levels of pay and related terms and conditions are fairly determined for all posts, with staff doing the same work in the same job being remunerated equally	11.
		3.3 Through support, training, personal development and performance appraisal, staff are confident and competent to do their work, so that services are commissioned or provided appropriately	12.
		3.4 Staff are free from abuse, harassment, bullying, violence from both patients and their relatives and colleagues, with redress being open and fair to all	13.
		3.5 Flexible working options are made available to all staff, consistent with the needs of patients, and the way that people lead their lives	14.
		3.6 The workforce is supported to remain healthy, with a focus on addressing major health and lifestyle issues that affect individual staff and the wider population	15.
4. Inclusive leadership at all levels	NHS organisations should ensure that equality is everyone's business, and everyone is expected to take an active part, supported by the work of specialist	4.1 Boards and senior leaders conduct and plan their business so that equality is advanced, and good relations fostered, within their organisations and beyond	16.
		4.2 Middle managers and other line managers support and motivate their staff to work in culturally competent ways within a work environment free from discrimination	17.

EDS OBJECTIVES AND OUTCOMES

The analysis of the outcomes must cover each protected group, and be based on comprehensive engagement, using reliable evidence

Objective	Narrative	Outcome	
	equality leaders and champions	4.3 The organisation uses the NHS Equality & Diversity Competency Framework to recruit, develop and support strategic leaders to advance equality outcomes	18.



Appendix C

Workforce Race Equality Standard indicators

Workforce indicators

For each of these four workforce indicators, the Standard compares the metrics for White and BME staff.

1. Percentage of BME staff in Bands 8-9, VSM (including executive Board members and senior medical staff) compared with the percentage of BME staff in the overall workforce
2. Relative likelihood of BME staff being appointed from shortlisting compared to that of White staff being appointed from shortlisting across all posts.
3. Relative likelihood of BME staff entering the formal disciplinary process, compared to that of White staff entering the formal disciplinary process, as measured by entry into a formal disciplinary investigation
Note. This indicator will be based on data from a two year rolling average of the current year and the previous year.
4. Relative likelihood of BME staff accessing non mandatory training and CPD as compared to White staff

National NHS Staff Survey findings

For each of these four staff survey indicators, the Standard compares the metrics for the responses for White and BME staff for each survey question

5. KF 18. Percentage of staff experiencing harassment, bullying or abuse from patients, relatives or the public in last 12 months
6. KF 19. Percentage of staff experiencing harassment, bullying or abuse from staff in last 12 months
7. KF 27. Percentage believing that trust provides equal opportunities for career progression or promotion
8. Q23. In the last 12 months have you personally experienced discrimination at work from any of the following?
b) Manager/team leader or other colleagues

Boards.

Does the Board meet the requirement on Board membership in 9

9.

Boards are expected to be broadly representative of the population they serve.



Appendix D

Useful Links and Further Reading Legislation

The Trust will meet its duties under the current and anticipated legislation, which particularly (though not exclusively) includes:

- **The Equality Act 2010⁷**
- **The Autism Act 2009⁸**

Organisation	Overview	Contact details
ACAS Equality Direct Helpline	Equality Direct is a confidential equality advice service	http://www.acas.org.uk/equality 08456003444
British Institute of Human Rights	British Institute of Human Rights - Vision is to bring human rights to life by producing and shaping human rights tools, public policy and practices that empower people to improve their own lives and the lives of others	http://www.bihhr.org.uk/
	Human Rights Act: What the articles say	http://news.bbc.co.uk/1/hi/uk/946400.stm
Equality and Human Rights Commission	The Equality and Human Rights Commission was launched in October 2007, taking over the role and functions of the Commission for Racial Equality (CRE), the Disability Rights Commission (DR) and the Equal Opportunities Commission (EOC) and assuming new responsibilities for sexual orientation, age, religion and belief and human rights.	Helpline 0845 6046610 http://www.equalityhumanrights.com
Information Commissioner	Human Rights (Right to Privacy)	Tel: 01625 545700 http://www.informationcommissioner.gov.uk
Department for Business Innovation and Skills	Advice for business' and organisations about a range of best practice and legislation including diversity and employment law	http://www.berr.gov.uk

⁷ <http://www.legislation.gov.uk/uksi/2011/96/contents/made>

⁸ <http://www.legislation.gov.uk/ukpga/2009/15>

Government Equalities Office	GEO has responsibility within Government for equality strategy and legislation and take the lead on issues relating to women, sexual orientation and transgender equality matters	http://www.equalities.gov.uk
	For information about employing people	http://www.businesslink.gov.uk/bdotg/action/home
The British Council of Disabled People	Their vision is of a world where disabled adults and children can enjoy their full human rights and civil liberties; a world where disabled people can fulfil their life ambitions without discrimination, isolation and institutionalisation.	http://www.ukdpc.net/
Mental Health Foundation	Helps people survive, recover from and prevent mental health problems	http://www.mentalhealth.org.uk/
MIND	Leading mental health charity for England and Wales	http://www.mind.org.uk/
Mencap	Mencap is the voice of learning disability. It seeks to value and support people with a learning disability and their families and carers	http://www.mencap.org.uk/
Employers' Forum on Age	An independent network of leading employers who recognise the value of an age diverse workforce	www.efa.org.uk
Employers' Forum on Disability	Employers' organisation focused on disability - mission is to enable companies to become disability confident by making it easier to recruit and retain disabled employees and to serve disabled customers.	http://www.efd.org.uk/
Direct.gov.uk (Access to Work)	'Access to Work' can help you if your health or disability affects the way you do your job	http://www.direct.gov.uk
Forum Against Islamophobia and Racism (FAIR)	The Forum Against Islamophobia & Racism (FAIR) was founded in 2001 as an independent charitable organization – their aim is to work towards establishing a	http://www.fairuk.org/introduction.htm

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	Safe, Just and Tolerant Britain in which Islamophobia and racism have no place.	
Stonewall	Promotes equality and justice for lesbians, gay men and bisexuals	www.stonewall.org.uk
Working Families	Includes information and advice for employers on all work-life aspects, such as flexible working	www.workingfamilies.org.uk



Appendix E

Relevant Definitions

EQUALITY	is about creating a fairer society in which everyone has the opportunity to fulfil their potential. ⁹
DIVERSITY	is about recognising and valuing difference in its broadest sense. ¹
HUMAN RIGHTS	are about our basic needs as human beings. These are the core rights we are all entitled to so that we may develop our potential and live our lives with dignity and respect. ¹⁰
DISCRIMINATION	represents a denial of opportunity for individual fulfilment.

Direct Discrimination - treating a person less favourably than you would treat others in the same or similar circumstances.

Direct discrimination within the Equality Act 2010 now covers discrimination by association or perception and it is described as follows:

- Direct discrimination by **association** – this occurs when a person is treated less favourably because they are linked or associated with a protected characteristic
- Direct Discrimination by **perception** happens when a person is discriminated against because they are thought to have a particular protected characteristic when in fact they do not.

Indirect Discrimination - applying a condition or requirement which, whether intentionally or not, adversely affects one group or person with a protected characteristic considerably more than another¹.

Institutional Discrimination – takes place when established policies, provisions, practices and procedures within an organisation have discriminatory effects whether intentional or not, 'the collective failure of an organisation to provide appropriate and professional services to people because of their colour, culture and ethnic origin'.¹¹ This principle is not limited to race and applies all protected characteristics and human rights.

Positive Action

The Act permits employers to take positive action measures to improve equality for people who share a protected characteristic. The employer may take any action which is proportionate to meet the aims stated in the Act. Positive Action is taken to benefit those from one particular protected group that

⁹ NHS Employers
¹⁰ Human Rights in Healthcare - A Framework for Local Action 2nd edition
¹¹ Stephen Lawrence Enquiry Report Feb 1999

does not involve less favourable treatment of those from another protected group or to eradicate discriminatory policies or practices.¹²

Positive Measures - is a range of lawful actions that seeks to address an imbalance in employment opportunities among targeted groups that have previously experienced disadvantage or that have been subject to discriminatory policies and practices or that are underrepresented in the workforce¹³

The duty to make reasonable adjustments is a cornerstone of the Act and requires employers to take positive steps to ensure that disabled people can access and progress in employment. This goes beyond simply avoiding treating disabled workers, job applicants and potential job applicants unfavourably and means taking additional steps to which non-disabled workers and applicants are not entitled.

Positive Discrimination - refers to a situation which involves preferential treatment to benefit members of a disadvantaged or under-represented group who share a protected characteristic, in order to address inequality. However, these actions do not meet the statutory requirements for positive action, and will be unlawful unless a statutory exception applies. It is important to note that it is not unlawful for an employer to treat a disabled person more favourably compared to a non-disabled person.

¹² Chapter 12 Equality Act 2010 Statutory Code of Practice - Employment