

**TRUST CORPORATE POLICY :
HUMAN RIGHTS, EQUALITY AND DIVERSITY POLICY**

APPROVING COMMITTEE(S)	Trust Policies Committee – Chair’s Action	Date approved:	9/5/13
EFFECTIVE FROM	Date of approval		
DISTRIBUTION	All Managers in CAGs via Trust Bulletin, Corporate Services and non-clinical Services via Trust Bulletin and all staff via Trust internet		
RELATED DOCUMENTS	Barts Health Vision, Values and Behaviours; Disciplinary Policy; Grievance and Employee Complaints Procedures; Dignity at Work: Tackling Bullying and Harassment in the Workplace		
OWNER	Director of Organisational Development		
AUTHOR/FURTHER INFORMATION	Director of Organisational Development		
EXTERNAL REFERENCES		Refer to:	
SUPERCEDED DOCUMENTS	Human Rights, Equality & Diversity in Employment Policy (Barts and the London NHS Trust); Equality and Diversity Policy (Newham University Hospital NHS Trust); Equal Opportunities Policy (Whipps Cross University Hospital NHS Trust)		
REVIEW DUE	Three years from the date of approval shown or earlier subject to legislative changes or organisational need.		
KEYWORDS	Human Rights, Equality and Diversity		
INTRANET LOCATION(S)	http://bartshealthintranet/Policies/Policies.aspx		

CONSULTATION	<i>Barts Health Working Groups</i>	HR Policy Development Working Group; Interim Partnership Board
	<i>Legacy Barts and the London NHS Trust (BLT)</i>	Human Rights, Equality & Diversity Manager BLT ; Interim HR Director
	<i>Legacy Newham University Hospitals NHS Trust (NUHT)</i>	Equality and Diversity Lead – Workforce; Head of Equality, Diversity and Customer Care
	<i>Legacy Whipps Cross University Hospital NHS Trust (WXUH)</i>	Assistant Director for HR; Equalities and Human Rights Manager
	<i>External Partners</i>	Stonewall

SCOPE OF APPLICATION and EXEMPTIONS	All Trust staff, working in whatever capacity
	Other staff, students and contractors working within the Trust
	Staff employed or contracted within Trust Premises by Partner Organisations
	<i>For the groups listed, compliance with this policy is a contractual requirement and failure to follow the policy may result in investigation and management action which may include formal action in line with the Trust's disciplinary or capability procedures for Trust employees, and other action in relation to organisations contracted to the Trust, which may result in the termination of a contract, assignment, placement, secondment or honorary arrangement.</i>
	No staff groups working within the Trust are exempt from this policy.

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Please note that where words/phrases are inside square brackets [], this indicates that you can click on the word/phrase when and it will send you to the relevant area of the policy or (if you are using a Trust PC) the relevant supporting document/template.

This Policy is available in Braille, large print, Easy-Read and alternative languages by request. It is a manager's responsibility to ensure employees are aware of these options.

Vision, Values & Behaviours

Our vision is to change lives.

Our values define what is important in the way we deliver this vision. Our core behaviours set out how all of us will work regardless of the role we hold in the organisation. These behaviours consistently carried out will help embed the Barts Health values in our everyday working lives. Individual decisions to do the right thing ultimately change an organisation's culture. Every time it happens it makes it easier for others to follow the example.

At Barts Health we champion dignity, compassion and respect, putting the individual at the heart of all decisions, striving to get it right for every person, every time. Managers must ensure the principals held by the values & behaviours in order to support the achievement of our vision to 'Change Lives' are upheld when implementing this policy.

Our Values:

- Caring and compassionate with patients, each other and our partners
- Actively listening, understanding and responding to patients, staff and our partners
 - Relentlessly improving and innovating for patient safety
 - Achieving ambitious results by working together
- Valuing every member of staff and their contribution to the care of our patients.

HUMAN RIGHTS, EQUALITY AND DIVERSITY POLICY AND PROCEDURES

1 INTRODUCTION AND AIM OF THE POLICY

1.1 This Policy sets out Barts Health’s commitment to tackle discrimination, promote human rights, equality and diversity for both staff and service users in all areas of employment practice and service delivery.

Ensuring the dignity of, and maintaining respect for patients and staff is a core principle of Barts Health NHS Trust. As a major employer and healthcare provider with a large, diverse workforce and patient population, the Trust recognises that promoting human rights, equality and diversity whilst tackling inequality, discrimination and harassment are central to the achievement of our [vision and values](#).

1.2 The Policy outlines rights and responsibilities of the Trust (as an employer and service provider), staff (as employees) and patients (as users of services) to ensure the development and enhancement of a culture of inclusion in the organisation where dignity, respect, fairness and equality for all based upon the protected characteristics defined by the Equality Act 2010 and other status covered by the Human Rights Act 1998 is promoted.

It is the aim of the Trust to ensure that there is no unlawful or undesirable discrimination, whether direct, indirect or by way of victimisation, against its service users, carers, visitors, existing employees or those wishing to seek employment with the Trust. The purpose of this policy is to set out the steps that the Trust will take to achieve this.

This policy seeks to ensure that all decisions are fair and based on valid and relevant criteria and not based on prejudice or bias. The policy also sets out the steps for individuals to raise concerns, if they feel that they have not been treated fairly.

Definitions

1.3 The following definitions are used in this policy

Bullying	<p>Is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.</p> <p>It can also be described as the unwanted behaviour, one to another, which is based upon the unwarranted use of authority or power.</p> <p>See appendix 1 of the Trust “Dignity at Work: Tackling Workplace Bullying and Harassment” policy for examples of bullying behaviour.</p>
Discrimination (Discrimination can be Direct or Indirect)	<p>Direct Discrimination is where a person or a group of people are treated less favourably than another on the grounds of their protected characteristic.</p> <p>Indirect Discrimination is when conditions or requirements are set out that exclude or disadvantage people of a particular protected characteristic unless it can be justified as a means of achieving a legitimate aim.</p>

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<p>Equality Act 2010</p>	<p>Replaces previous discrimination law (e.g. Disability Discrimination Act 1995) and includes the following:</p> <ul style="list-style-type: none"> • Extends the groups protected (protected characteristics) • Removal of health questionnaires • Bans discrimination by association • Bans direct and indirect discrimination • Bans harassment, victimisation and failure to make reasonable adjustments • Replaces all previous discrimination law • Introduces harassment by third parties <p>Also relates to provision of services to patients, not just employment</p>
<p>Equality Analysis</p>	<p>Equality Analysis is the process of systematically analysing a policy or service function to identify what effect or likely effect will follow from the implementation and/or operation of the policy or service function on the people from the different protected characteristic.</p>
<p>Equality Delivery System</p>	<p>The Equality Delivery System (EDS) is a tool that supports the NHS to deliver better outcomes for patients and communities and better working environments for staff, which are personal, fair and diverse.</p>
<p>Harassment</p>	<p>Unwanted conduct related to any of the 9 [protected characteristics] or other characteristic such as political belief, trade union membership or other belief, social origin, association with a minority, domestic circumstances, property, birth or other status, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.</p> <p>The key is that the actions or comments are reasonably viewed as demeaning, hostile and unacceptable to the recipient. The conduct is unreciprocated or unwanted and affects the dignity of employees at work.</p> <p>Note that an employee can claim harassment even if the harassment was not actually directed at them, e.g. where an employee overhears a colleague being verbally harassed by another colleague and they feel that it violates their own dignity.</p>
<p>Monitoring</p>	<p>Equality Monitoring is the process by which we ask for and gather personal information from our patients, service users and staff.</p>
<p>Protected Characteristics (part of the Equality Act 2010)</p>	<ul style="list-style-type: none"> • Age • Disability • Gender Reassignment • Marriage and Civil Partnership • Race • Religion or Belief • Sex • Sexual Orientation <p>(Pregnancy and Maternity – only some elements apply)</p>
<p>Reasonable Adjustments (part of the Equality Act)</p>	<p>An 'adjustment' is a change. This can be a physical change or a change in the way something is done.</p> <p>'Reasonable' will depend on a number of circumstances but the tests include:</p>

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2010)	<ul style="list-style-type: none"> • How much will a reasonable adjustment reduce the disadvantage? • The practicality of the change. • The financial (and other costs) and the extent of any disruption caused. • The extent of the Trust's financial & other resources. <p>Although the Trust must consider reasonable adjustments for employees who have a disability or are pregnant, it is best practice for them to be considered for all employees to facilitate attendance and implemented where service delivery allows.</p>
Victimisation	Victimisation is when an individual is treated less favourably because they have complained about discrimination or have supported someone else to make a complaint.

2 POLICY STATEMENT

Barts Health NHS Trust is committed to the principles of human rights and equality of opportunity for all in employment and service delivery. We take pride in our increasingly diverse community. The Trust is committed to ensuring the delivery of positive outcomes for and no disproportionate impact on any of the protected characteristic groups as defined by the Equality Act 2010.

This statement also outlines our commitment to the Equality Delivery System as it sets out our intention to create a service that meets the needs of all irrespective of their protected characteristic. A service that delivers better outcomes for patients, communities and better working environments for staff, which are personal, fair and diverse.

Our vision is for Barts Health to become a leader in the field of promoting equality, valuing diversity and tackling Health Inequality whilst building strong and sustainable partnerships. The Trust recognises that certain groups have historically been disadvantaged in regards to their experiences as a service user, carer or employee in the NHS on the basis of their age, disability, gender reassignment, maternity and pregnancy, marriage or civil partnership, religion or belief, sex or sexual orientation.

Our commitment is supported by a legal duty to provide all services and employment opportunities fairly, without unlawful discrimination. We are committed to providing high quality services that everyone can access and findings from the equality analysis conducted on the merger will support us in achieving this goal. Where appropriate we will work with our partners to provide services which promote equal opportunities to all by:

- Building on good practice
- Consulting with and involving our service users and staff
- Providing avenues for people to provide feedback on our services
- Carrying out the equality analysis of new and existing policies and practices, any proposed changes and service area reorganisation, in order to make sure that **no protected characteristic group has a negative impact.**
- Delivering services which are relevant to the needs of the communities
- Removing barriers which deny people access to employment or to our services
- Using our powers to make sure that organisations providing services on our behalf work in line with this statement
- Take steps to tackle Health Inequality in the area

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With the help of feedback from our service users, employees and community groups, we will continue to develop arrangements to monitor, review and evaluate the effectiveness of our employment and service delivery policies.

2.2 Scope of the policy

This policy covers all aspects of human rights, equality and diversity in employment and service delivery.

- This policy applies to all Trust employees.
- The policy applies to service users, their families and their carers, throughout their relationship with the Trust.
- This policy applies to volunteer staff on all sites and contractors
- This policy applies to all areas of the Trust's operations in particular the following: application of all Trust Policies and procedures, managing performance, managing health issues and attitudes and practices among all employees.
- This is not an exhaustive list as the policy applies to anyone that has dealings with the Trust.

2.3 General principles

All new policies, strategies and service restructuring will undergo an equality analysis to ensure that no protected characteristic group is impacted negatively and if so, monitored to ensure adequate mitigation against adverse impact.

All staff will receive equality, diversity and human rights training through induction, mandatory refresher training, face to face and e-learning training.

Service users, including patients and staff will be involved in the development of new policies, services and the monitoring of progress to achieve actions plans.

Trust employees will receive equitable treatment in all relevant aspects of the employment relationship including: Job Descriptions, Recruitment and Selection, Terms and Conditions, Induction, Maternity and Paternity provision, Secondment/Acting Up, Appraisal, Training & Development, Flexible Working, Annual Leave, Special Leave, Promotion, Sickness Absence, Retirement, Discipline, Grievance, Redundancy and Pension Provision.

Breaches of this policy will be regarded as misconduct and could lead to disciplinary proceedings

3 DUTIES AND RESPONSIBILITIES

Trust	<ul style="list-style-type: none"> • Barts Health has a moral and legal responsibility for promoting human rights, equality, valuing diversity and tackling discrimination. • Ensuring that adequate resources are allocated in order to achieve the aims of this policy. • Ultimate responsibility lies with the Trust's Chief Executive devolved to the Director of Human Resources, with the day to day responsibility carried out by the Director of Organisational Development • The Director of Organisational Development is responsible for the effective operation of this policy and for providing advice and assistance on its
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	<p>implementation with the support of both the Human Resources Team and the Inclusion Team.</p> <ul style="list-style-type: none"> • The Trust's Public Health and Equality Committee will guide and oversee the Trust's approach to equalities, diversity and human rights and the effective implementation of the Trust's Human Rights, Equality and Diversity policy. • The Trust will ensure quality of access and provision of services which meets the needs of its service users. • As a provider of Health care in a diverse community, Barts Health will seek to work in partnership with a diverse group of stakeholders in order to achieve better health outcomes for all irrespective of their protected characteristic.
<p>Employees</p>	<p>Compliance with and promotion of equal opportunities, together with a clear understanding of what this means, is the responsibility of each and every employee of the Trust.</p> <p>All employees are responsible for the following:</p> <ul style="list-style-type: none"> • If appropriate and if able to, to challenge the unwanted behaviour at the first instance • Line Manager, HR or the Inclusion lead is informed if they suspect or are aware that discrimination of any kind is taking place. • Treating all individuals with respect and dignity • Not victimising or attempting to victimise individuals on the grounds that they have made complaints or provided information on discriminatory practice. • Not harassing, bullying or intimidating other employees, including their peers, subordinates or seniors. This includes homophobic, racial or sexual harassment.
<p>Managers</p>	<p>Managers are responsible for ensuring that:</p> <ul style="list-style-type: none"> • all employees are aware of this policy and their responsibilities within it • this policy is implemented in all areas of employment including: <ul style="list-style-type: none"> a) recruiting and selecting staff utilising positive action when necessary and adhering to the limitations upon pre-employment health questions as outlined by the Equality Act 2010. b) Undertaking an equality analysis of all change programmes prior to implementation to measure impacts, benefits and mitigate against negative disproportionate impacts found.

	<ul style="list-style-type: none"> c) making transparent, fair and equitable decisions on promotion, pay rise or incremental pay increases and staff development. d) applying Trust policies and procedures with an understanding of the application of human rights, equality and diversity in this context. e) Allocating training and benefits using positive action when necessary to target training for under-represented groups of staff in line with the protected characteristics and fair practices in employment. f) Conducting fair and transparent appraisals. g) Dealing fairly and transparently with requests for flexible working. h) Ensure staff involvement and implementation of staff consultation exercises making reasonable adjustments when necessary. i) Making fair and equitable selection for transfer, redundancy and retirement. j) Dealing assertively with harassment, bullying and victimisation – ensuring appropriate responses to the types of harassment and bullying behaviour which occurs in reference to each respective protected characteristic e.g. an appropriate response to homophobic bullying or harassment may differ from the response required for sexist bullying or harassment. k) Dealing assertively with reported incidents of harassment, bullying or discrimination by patients, service users or their relatives towards a member of staff – ensuring that staff are supported and the matter is dealt with fairly and transparently. <ul style="list-style-type: none"> • complaints made under this policy are dealt with in a fair and consistent manner • contractors working within the Trust adhere to the principles of this Policy • they demonstrate the elimination of discrimination and promotion of equality, diversity human rights within their service area and in service delivery to patients and their families.
Contractors	<ul style="list-style-type: none"> • All contractors working within the Trust must adhere to the principles of this Policy

4 MONITORING THE EFFECTIVENESS OF THIS POLICY

The success of the policy depends upon the degree of commitment of all employees. Therefore, the Trust will monitor its equality and diversity policy as a means of measuring its success, impact and progress.

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The monitoring process will allow both quantitative and qualitative analysis of the Trust's employment practices and service delivery on a regular basis.

For employment practices, the analysis will include:

- Analysis of employees within each Directorate by post and grade, indicating race, disability, sex, age, and sexual orientation.
- Data concerning the employment of disabled people
- Recording and monitoring of all aspects of the employment process by race, disability, sex, age, and sexual orientation, including training and development.
- Recording numbers of reported incidents of bullying and harassment by race, sex, age, sexual orientation, disability and religion/belief.
- Utilising the NHS staff survey results to action plan
- Identifying groups of employees who are over or under represented in certain jobs or pay grades; amongst applicants and those selected; and exits from the Trust. The Trust will assess the reasons for this and where appropriate, make use of current legislation to take positive action.
- The results of this monitoring will be published on an annual basis and will be analysed to facilitate the investigation of any of the processes that have resulted in any identified differences and to allow action to be taken to remove barriers or failings and promote equal opportunities.

For service delivery, the analysis will include:

- Collection and analysis of relevant patient data against indicators and targets set by the requirements of the Equality Act 2010
- NHS National Patient Satisfaction survey results
- Patient Experience feedback and Complaints
- Feedback from the consultation and engagement with representative community groups

To facilitate this process the Trust will maintain records of race, disability, sex, age, and sexual orientation of all employees and job applicants. Such records will be used solely for the purpose of monitoring equal opportunities and the provisions of the Data Protection Act will protect confidentiality. Monitoring statistics will be produced at least twice yearly.

Should the monitoring process identify groups of employees who are over or under represented in certain jobs or departments or among applicants, the Trust will assess the reasons for this and, where appropriate, make use of current legislation to take positive action.

Feedback on the effectiveness of this policy and its implementation will be made to the Trusts Interim Partnership Board and Public Health and Equality Committee with an annual report made available to staff, staff side and the wider public on the internet, through the Trust's Equality Information Report. The Policy will be reviewed every three years or sooner subject to any legislative or operational requirements.

Issue being monitored	Monitoring method	Responsibility	Frequency	Reviewed and followed up by
Compliance with duties required within The Equality Act 2010	Annual publication of Trust's Equality Information	Directors for Organisational Development and Human Resources	Annual	Director of Human Resources

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Patient Experience	Equality Analysis of National NHS Patient Satisfaction Survey results.	Deputy Chief Nurse Patient Experience and Engagement	Annual	Chief Nurse
Staff Experience	Employee Equality Information recorded on Electronic Staff Record. Equality Analysis of National NHS Staff Survey results.	Director of Human Resources	Annual	Director of Human Resources

5 IMPLEMENTATION OF POLICY

5.1 Employment Procedures and Practices

- **Recruitment and selection**

We want to create a working environment in which all people, including those with a disability, are able to give of their best and there is no bullying, harassment or discrimination. To this end, the Trust is committed to requiring all staff whose role includes recruitment and selection of staff to undertake specific human rights, equality and diversity training. We are also proactively committed to recruiting people from the local community as part of efforts to address Health inequalities in the area.

- **Data monitoring**

To ensure that this policy operates effectively (and for no other purpose) the Trust will maintain a record of employees' and applicants' sex, age, ethnicity, disability, religion or belief, marriage & civil partnership status, pregnancy and maternity status and sexual orientation. Ongoing monitoring and regular analysis of such records provide the basis for appropriate action to eliminate unlawful direct and indirect discrimination and promote human rights, equality and diversity.

- **Positive Action**

The result of the monitoring will be analysed and where there is evidence of under-representation, the Trust will produce an action plan. This may include strategies such as target advertising or management development programmes designed to meet specific needs. The Equality Act 2010 allows measures to be taken to encourage members of under-represented communities to take advantage of employment and or training and development opportunities. For example, where following a full and objective assessment of two candidates, they are found to be of equal merit, provisions allow for the appointment of the candidate from an under represented group. Positive Action is lawful and should not be confused with positive discrimination, which is unlawful.

- **Cultural and Religious Needs**

The Trust will accommodate cultural and religious needs of employees wherever they are compatible with the safe and efficient running of the service.

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- **Genuine Occupational Requirements (GOR)**

It is **ONLY** lawful to discriminate in recruitment in favour of certain protected characteristics in defined situations. Where the nature of employment means that being of a particular sex, having a particular racial, ethnic or national origin, or being disabled is a genuine and determining occupational requirement - it is lawful to discriminate in these circumstances. Evidence must be provided in all cases where such an occupational requirement is deemed to be applicable and this must be clearly stated in all recruitment activity.

- **Development and Training**

Every new member of staff will undergo an Induction programme which includes training in Human Rights, Equality and Diversity and will be required to undertake refresher training on this every three years. Training and guidance will be available to employees dealing with patients and those with responsibilities for managing staff.

- **Disability**

If a member of staff has a disability or a long-term health condition that places them at a disadvantage then 'Reasonable adjustments' can be made.

5.2 Service Delivery

- The trust will ensure that its services are non-discriminatory, accessible and the Provision of these services meets the requirements of the Equality Act 2010. The Trust, through the Public Health and Equality Committee will ensure that there is a specific, focussed drive *and* a rigorous approach to mainstreaming the principles of Human Rights, Equality and Diversity across all work streams.
- The Trust will ensure that priorities are influenced and set by the health needs of all protected characteristic groups and health inequalities gaps are narrowed. Positive Action measures may be used to target services at particular communities where there is low usage of service compared to disease profile for those particular Communities.
- The Trust will ensure that improved patient experiences are reported by all protected characteristic groups.
- The Trust will actively involve and engage with the community ensuring that all protected characteristic groups have the opportunity to influence and shape services

6 SUPPORTING POLICIES

This policy must be read in conjunction with the following policies:

- [Barts Health Disciplinary Policy](#)
- [Barts Health Grievance and Employee Complaints Policy](#)
- Barts Health Dignity at Work: Tackling Bullying and Harassment in the Workplace

This is not an exhaustive list.

7 IMPACT AND EQUALITY ANALYSIS

The Equality Analysis on this policy concludes that there is a positive impact on particular protected characteristic groups as defined by the Equality Act 2010.

[Click here for the Barts Health Equality Analysis Template](#)

END

Appendix 1: Other linked Trust Policies and Guidelines

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	Title of existing policy at each legacy Trust		
	Barts and The London Hospital	Newham University Hospital	Whipps Cross University Hospital
Human Rights Equality & Diversity Policy	Human Rights, Equality & Diversity in Employment Policy	Equality and Diversity Policy	Equal Opportunities Policy

Appendix 2: Extra sources of information and support

Employee Assistance Programme <i>provided by CiC</i>	<p>A free service to all employees provided 24 hours 7 days a week which includes advice on debt, legal issues, caring and childcare and offers face to face counselling services.</p> <p>Tel. 0800 085 1376 ; 020 7938 0963</p> <p>Or access via www.well-online.co.uk</p>
ACAS	<p>The Acas Helpline is the place to go for both employers and employees who are involved in an employment dispute or are seeking information on employment rights and rules. The Helpline provides clear, confidential, independent and impartial advice to assist the caller in resolving issues in the workplace. ACAS also provides information on rights and responsibilities under the Equality Act 2010</p> <p>Call the Helpline on 08457 47 47 47. Monday to Friday, 8am-8pm and Saturday, 9am-1pm</p> <p>Or access via: www.acas.org.uk</p>
Trade Unions	<p>The Trust recognises a number of Trade Union organisations. For further information about these, please visit the Trade Union page on the Trust intranet: http://bartshealthintranet/People/Staff-side/Staff-side-representatives.aspx</p>
Stonewall's Information Service	<p>Stonewall runs a free info service for anyone looking for details about gay rights, including:</p> <ul style="list-style-type: none"> • Civil partnerships • Employment • Hate crime • Bullying • Parenting • Discrimination <p>Stonewall can't give legal advice or help you to pursue a case or complaint, but trained volunteers and staff aim to put you in touch with the people that can. Stonewall can point people towards local lesbian, gay and bisexual support groups and services.</p> <p>Call the Helpline on: 08000 50 20 20 Monday to Friday, 9.30am to 5.30pm</p> <p>Or access via: www.stonewall.org.uk</p>
Chaplaincy	<p>The local Chaplaincy service is there to support staff of all religions or beliefs including staff with no religion or belief.</p>

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	<ul style="list-style-type: none"> • The Royal London, The London Chest & Mile End – ext 14 42070 • Barts: ext 15 57220 • Newham: 0207363 8467 • Whipps Cross: ext 5005 or 5244
<p>Equality information, advice and support helpline</p>	<p>The helpline launched in October 2012 provides information, advice and support on discrimination by the new Equality Advisory and Support Service (EASS), commissioned by Government Equality Office.</p> <p>Call the Helpline on: 0800 444205 Textphone number: 0800 444206 Monday to Friday 9am - 8pm and Saturday 10am - 2pm Or access via: www.equalityadvisoryservice.com</p>
<p>Organisational Development Team</p>	<p>For support in building the capacity and capability of leadership and management teams to enable local embedding of the Trust vision and values and the creation of an inclusive culture for all staff and patients please email:</p> <p>organisationaldevelopment@bartshealth.nhs.uk</p>