



Council
14 May 2015
Refreshing our Equality and Diversity Policy

Classification	Private
Purpose	For decision
Issue	An updated equality and diversity policy for Council's approval.
Recommendation	To agree the approach set out in the policy at the Annex to this paper.
Financial and resourcing implications	None at present
Equality and diversity implications	Contained in the report
Communications implications	None at present
Annex	Draft Equality and Diversity Policy 2015
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Background

1. The GOsC's Equality and Diversity Policy was last updated in March 2012 and is overdue for review. A copy of the current policy can be found at: <http://www.osteopathy.org.uk/news-and-resources/document-library/our-work/equality-and-diversity-policy-action-plan/>
2. In addition, discussions within the SMT have highlighted the fact that insufficient attention is paid to implementation of the policy and that we need to invest more energy in meeting its requirements.
3. This paper seeks to refresh our current approach and sets out how we might improve our performance in this area through the adoption of a revised policy and approach to implementation.

Discussion

4. As set out in Paragraph 2 of both the current policy and the proposed policy, the GOsC is subject to the Equality Duty under the Equality Act 2010. While the Duty requires public bodies to think about the effect of their activities on different people and how those different needs can be met, there is considerable flexibility in how we apply the Duty and the activities that might flow from this.
5. In preparation of this paper, the equality and diversity strategies/policies of our organisational peer group were reviewed and this identified a wide variation in approach. It was also apparent that there is, equally, some inconsistency in the extent to which the policies appear to be embedded in management or governance processes.
6. Our current approach has been to have a policy covering a range of activity areas, supported by an annual action plan for 'ongoing activities' and 'major activities'.
7. One of the problems that has arisen from this approach is a lack of a clear distinction between the main policy and the action plan, many of the actions being routine matters that should not need to be part of a separate action plan.
8. In addition, for some of the 'major projects' listed in the action plan, the description of the work relates to fairly low-level activity that should be embedded in the projects rather than stand alone, i.e. it is the projects that are major not the equality and diversity aspects of those.
9. In the new policy we have sought to include all of our main equality and diversity activities as a matter of routine. Any projects should be limited to major one-off equality and diversity related initiatives (for example, planned work around diversity and non-executive recruitment).
10. Taking the thematic approach adopted by a number of other regulators, we have tried here to develop a simpler but more coherent structure which sets out key activities under a number of equality and diversity themes:

- a. Service provision
 - b. Policy development and implementation
 - c. Data collection and analysis
 - d. Partnerships and promotion/implementation of standards
 - e. Employment and governance.
11. Rather than having a separate action plan, most of the work would be ongoing within this overall framework.
 12. It is recommended that the overall objectives (Paragraph 1) remain unchanged. However, a weakness in the current policy is that some of these objectives are not addressed. We have sought to correct this with the inclusion of a theme on partnerships and promotion.
 13. With this new approach it would also be easier to report overall progress across our work on equality and diversity, rather than trying to identify whether the component parts of specific projects had been completed or not (in many cases they are actually overtaken by events and/or are difficult to articulate).
 14. There should also be room within our overall programme of equality and diversity work for a few specific projects, for example in the coming year that might include:
 - a. Improving the diversity of applicants for non-executive posts (the subject of a PSA seminar in June)
 - b. Including an equality and diversity analysis in any retrospective study of fitness to practise cases.

Improving compliance

15. A critical weakness at the moment is in compliance with our existing policy. Our suggestions for improving this are:
 - a. Adopting a clearer statement of the requirements on the whole organisation (non-executive and executive) through the commitment statement (Paragraphs 4-5 of the proposed policy).
 - b. The allocation of each activity area within the policy to a senior responsible owner or owners.
 - c. Instead of the responsibility for the policy sitting within a department (i.e. with the Head of Regulation), it should sit with the Chief Executive. The advantage of this is that the Chief Executive is routinely involved in the early stages of project initiation and policy development, and is in a better position to enforce a requirement for early and routine consideration of

equality and diversity matters. In addition it has the added advantage of making it clear that equality and diversity is considered important throughout the organisation rather than simply a regulatory compliance matter.

Recommendation: to agree the approach set out in the policy at the Annex to this paper.

Draft Equality and Diversity Policy 2015

Objectives

1. The GOsC's objectives in respect of equality and diversity are to:
 - Ensure our regulatory framework is fair and free from discrimination
 - Promote professional values that protect a diverse public
 - Promote equality of opportunity and access to the osteopathy profession
 - Ensure a system of governance for the GOsC that supports equality and diversity
 - Ensure high standards in the recruitment and employment of our staff.

Legal duties

2. The General Osteopathic Council, as a body that exercises public functions, is subject to the equality duty under the Equality Act 2010.

In the exercise of its functions it must have due regard to the need to:

- a. Eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act
- b. Advance equality of opportunity between people who share a protected characteristic¹ and those who do not
- c. Foster good relations between people who share a relevant protected characteristic and those who do not.

Having due regard means the GOsC must think consciously and carefully about these three aims in its day-to-day work, so that equality issues influence its decisions in developing policy, in delivering services, and in its role as an employer. It has to do this in a proportionate way, focusing more attention on functions that have the most impact on different groups of people. It has this duty even if a third party carries out the function on its behalf

Advancing equality of opportunity involves having due regard to the need to:

- a. Remove or minimise disadvantages suffered by people due to their protected characteristics

¹ The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. The protected characteristics of marriage and civil partnership are only relevant to (a) above.

- b. Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- c. Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

Complying with the duty may involve treating some people differently. The duty recognises that the needs of people who are disabled are different from the needs of others. This may mean making reasonable adjustments or treating people who are disabled better than people who aren't disabled – for example, through positive action to help them participate more fully

Having due regard to the need to foster good relations involves having due regard to the need to tackle prejudice and promote understanding.

3. In addition to its duties under the Equality Act, as a UK-wide body, the GOsC has legal duties under the Welsh Language Act 1993, set out in our Welsh Language Scheme, which can be found at <http://www.osteopathy.org.uk/about-us/our-work/welsh-language-scheme/>

Our commitment to equality and diversity

4. The GOsC believes that equality and diversity is integral to our work, and we recognise that taking account of different perspectives brings strength and opportunity to what we do. Our staff and non-executives are committed to promoting equality, valuing diversity, and meeting our equality duties and the objectives of this policy.
5. We will behave consistently and fairly towards everyone we work with, valuing and respecting their views and interests, and we will seek to eliminate any activities that may result in discrimination or exclusion based on individual characteristics.

How we will meet our duties

6. While the equality duty is relevant to all of our work, we have identified five key areas or 'themes' where we will focus our work on equality and diversity. These key themes and the associated activities are set out in the table below.

Monitoring and reporting

7. We will report annually to Council on equality and diversity matters, including on our performance against this policy and on specific equality and diversity projects undertaken within the previous twelve months.
8. We will ensure that our Annual Report to Parliament meets the requirement to report on the arrangements that the GOsC has put in place to ensure that it

applies good practice in relation to equality and diversity.

9. This policy will be reviewed by Council at least once in the period of each Corporate Plan.

Equality and diversity theme	Main activities	Senior responsible owner(s)
1. Service provision	A. We will ensure that information is available in accessible formats, whether in hard copy or online.	Head of Policy and Communications
	B. We will ensure that Osteopathy House and GOsC's external events are accessible.	Head of Policy and Communications and Head of Registration and Resources
	C. We will ensure that complainants and witnesses are effectively supported through the fitness to practise process.	Head of Regulation
	D. We will meet our duties under the Welsh Language Act.	Head of Communications
2. Policy development and implementation	A. We will assess the equality and diversity implications of all new work.	Chief Executive
	B. We will publish formal equality impact assessments on all major projects.	Chief Executive
	C. We will seek to ensure that our consultations, surveys and research projects address equality and diversity issues, and that there is an appropriate diversity of respondents.	Head of Policy and Communications
3. Data collection and analysis	A. We will collect and record relevant equality and diversity data systematically from new registrants in order to understand the profile of our registrants.	Head of Registration and Resources
	B. We will collect and record equality and diversity data from those we interact with including: respondents to consultations and research surveys; and complainants and others involved in fitness to practise proceedings.	Head of Policy and Communications and Head of Regulation

	C. We will collect and record equality and diversity data on all applicants and appointees to non-executive and executive posts.	Chief Executive and HR Manager
	D. We will analyse data collected through these processes and ensure that it is used to inform the equality and diversity aspects of our work.	All senior responsible owners
4. Partnerships and the implementation/ promotion of standards	A. We will seek to work in partnership with others to ensure best practice in equality and diversity (for example, with the osteopathic educational institutions and others in the implementation of the <i>Osteopathic Practice Standards</i>).	Head of Professional Standards
	B. We will seek to ensure that equality and diversity considerations are taken into account in any projects undertaken jointly with others (for example, with our Osteopathic Development Group partners on development projects).	Chief Executive
5. Employment and governance	A. We will ensure that our HR policies are up to date and represent best practice in equality and diversity, and we will monitor their effects on staff recruitment and retention.	Chief Executive and HR Manager
	B. We will ensure that all non-executives and executives receive appropriate and regular equality and diversity training.	Head of Regulation and HR Manager
	C. We will seek to improve the diversity of applicants and appointees to non-executive roles.	Chief Executive and HR Manager
	D. We will keep ourselves up to date and share best practice in equality and diversity through our participation in the joint regulators' equality and diversity forum.	Head of Regulation