

# **Nursing and Midwifery Council Equality and diversity strategy**

## **Introduction**

We are the nursing and midwifery regulator for England, Wales, Scotland, Northern Ireland and the Islands. We exist to safeguard the health and wellbeing of the public. We set standards of education, training, conduct and performance for nurses and midwives, and hold the register of those who have qualified and meet those standards. We provide guidance and advice to help nurses and midwives keep their skills and knowledge up to date and uphold our professional standards. We have clear and transparent processes to investigate and deal with nurses and midwives who fall short of our standards.

Our remit is set out in the Nursing and Midwifery Order 2001 and our work is governed by this and other associated legislation. Our vision is to safeguard the public by ensuring nurses and midwives consistently deliver high quality healthcare.

## **About this strategy**

As a public body, as a regulator and as an employer we have an important role to play in promoting equality and diversity throughout the UK. This strategy is based on our values of accountability, fairness, professionalism, progressiveness and inclusiveness, and sets out our commitment to embedding equality and diversity at the heart of our activities.

We are proud to contribute to creating a society in which people are treated fairly and are valued for their diversity, irrespective of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. We aspire to move above and beyond legislation to become an example of good practice within healthcare regulation by eliminating discrimination and advancing equality and diversity in our work.

## **The Equality Act 2010**

The Equality Act came into operation on 1 October 2010. The equality duty was created by the Equality Act and replaces the race, disability and gender equality duties. The duty came into force in April 2011 and covers age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. These are referred to as protected characteristics.

The Equality Act only applies in England, Scotland and in Wales and not in Northern Ireland and the Islands. We will show due regard to equalities in Northern Ireland and the Islands in the delivery of our diversity strategy.

Further information and guidance about the Equality Act can be found from the Government Equalities Office at: [www.equalities.gov.uk](http://www.equalities.gov.uk) or the Equalities and Human Rights Commission [www.equalityhumanrights.com](http://www.equalityhumanrights.com).

The equality duty requires us, as a public body, in the exercise of our functions, to have due regard to the need to:

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

Due regard for advancing equality involves:

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

## **Our commitment to equality, diversity and inclusion**

We are fully and wholly committed to promoting equality, diversity and inclusion in carrying out all our functions and in delivering our services as a public body, as a regulator and as an employer.

Below we set out our commitment to equality and diversity.

- We will value and embrace differences and individuality in our stakeholders – that is, our staff, our Council members, our partners who work on our behalf, nurses and midwives, and the public we serve. Our aim is to ensure that all of our stakeholders receive a high level of service from us, and that everyone is treated fairly.
- We will understand how our activities, services and functions impact on diverse groups, enabling us to eliminate unlawful discrimination related to the protected characteristics.
- We will ensure that equality and diversity is embedded throughout our work, and that our staff and partners who work on our behalf are aware of their accountabilities and responsibilities in relation to the Equality Act.

- We will take a decisive leadership role in ensuring that equality, diversity and inclusion are at the forefront of our agenda, and within our scope of work, influence and expertise.
- We will ensure that dedicated resources are available to promote and facilitate the delivery of our equality and diversity objectives.

## **What we are required to do**

### **Publish information that demonstrates our compliance with the Equality Act**

As a public body, we are required to publish information that demonstrates our compliance with the Equality Act. This information must show the effects that our policies and practices have had on people who share protected characteristics. It must also show the extent to which our policies and practices have furthered the aims of the Equality Act for our stakeholders.

We must publish information about:

- Analysis that has been undertaken to establish whether our policies and practices have furthered, or have the potential to further, the aims of the Equality Act.
- Information that has been considered during the analysis.
- Engagement that has been undertaken with people who have an interest in furthering the aims of the Equality Act.

### **Publish equality objectives**

By April 2012 we must prepare and publish equality objectives that outline how we will meet the requirements of the Equality Act for the year(s) ahead. Equality objectives will help us to improve the focus and transparency of our activity in meeting the Equality Act. When choosing our priorities, we have considered issues of harassment, discrimination, equality and good relations across all of our policy, service delivery and employment functions.

It is important to demonstrate the progress that is being made towards achieving our equality objectives. Our objectives must be specific and measurable and set out how progress will be measured. They will be measured and reported against, in order to increase transparency and accountability.

We will also publish information about any engagement we have undertaken to develop our objectives.

### **Business planning and reporting**

The purpose of the Equality Act is to bring about positive change in the work of the organisation. It is, therefore, good practice to integrate the requirements of the Equality Act into all business planning processes and important to focus on equality outcomes

during these processes. This means that we need to have clear equality objectives in our corporate plan and in NMC directorates' plans.

Strong leadership from the Senior Management Group (SMG) is crucial to enabling us to work towards our equality objectives. SMG must take responsibility for complying with the Equality Act, and take account of the findings from Equality Impact Assessments (EQIA) when making policy decisions.

The following principles from case law will continue to apply. In order to comply with the General Equality Duty, we must ensure that:

- The Council, SMG and staff are aware of the Equality Act's requirements.
- We comply with the Equality Act before, and at the time that, a policy is under consideration and a decision is taken. The Equality Act cannot be satisfied by justifying a policy decision after it has been taken. We will use papers for Council and SMG to provide evidence that we have considered equality and diversity during decision making.
- The need to advance equality, forms an integral part of the decision-making process, and is able to influence the final decision.

SMG must inform staff of the Equality Act and of their role in implementing it within the organisation. In order to encourage staff to become part of this work we will set up a network of diversity champions. These are members of staff from each NMC directorate who will encourage and disseminate information about good practice relating to equality and diversity across the NMC. Advice around equality will also be available from the Governance department.

### **Record data on nurses and midwives**

We have collected equality and diversity data on nurses and midwives on our register and will continue to do so for new entries to the register. We will continue to encourage nurses and midwives to provide us with this data. We will also collect data in relation to the fitness to practice processes and outcomes. We will analyse this data, publish reports of the findings, and use them to inform the development of policies and standards.

We presently collect statistical data on ethnicity, gender, race and religion or belief. We will consider whether to collect data about the other protected characteristics to help us to understand factors that may act as barriers to gaining entry to the register, and maintaining registration. We will also consider whether collecting additional data will enable us to improve our services. For example, collecting statistical data from complainants and witnesses in fitness to practise cases and hearings may enable us to ensure that hearings are accessible.

Collecting information for nurses and midwives who have undergone a gender reassignment is a sensitive area. By law, we cannot ask nurses and midwives who have

undergone gender reassignment for proof of their previous identify. We will consider how we can address this challenge.

## **Engage with our stakeholders**

As a public body, we are required to publish information about engagement that we have undertaken with people who have an interest in our equality performance.

We are committed to consulting in an open, transparent and inclusive manner, and we will ensure that engagement takes place internally and externally. The SMG has agreed to the establishment of networks for staff that fall within the protected characteristics. A lesbian, gay, bisexual and transgender (LGBT) network has been set up, and setting up other networks will be encouraged.

We have established a diversity reference panel comprising representatives from organisations that advocate good practice around equality and diversity. The panel should contain people from a wide range of backgrounds and experiences, with representation from all of the protected characteristics (while recognising that experiences vary within each of the protected characteristics). The diversity reference panel will help us to ensure that all of our policies are inclusive and all equality issues have been properly addressed. The panel will work with us to:

- Identify, understand, and where possible address, particular needs, low participation rates, patterns of disadvantage and poor relations between groups.
- Identify opportunities to promote equality and foster good relations.
- Help to fill gaps in equality information.
- Determine our priorities..
- Analyse the impact of programmes, policies or proposals on the protected characteristics.
- Monitor and evaluate the impacts of initiatives, policies and programmes on the protected characteristics.
- Check the quality, relevance and comprehensiveness of our information.

## **Undertake equality analysis**

Case law has established that we should analyse the potential effects on equality when we start to develop or review a policy. We will continue to use EqIAs to demonstrate the potential effects of our policy and practice on the protected characteristics. This analysis will continue throughout the policy making process, and will inform our final decision. EQIAs will be undertaken by the people who are developing the policy, with the Head of Equality and Inclusion leading and advising as necessary.

In line with case law, we will keep an accurate, dated, written record of the steps taken to analyse the impact on equality. We will also publish the findings of EQIAs. Where we

decide that it is not necessary to carry out an EqIA we will keep a record of this decision.

### **Consider equality in procurement**

Under the Equality Act we are required to pay due regard to equality in all of our functions including those that are carried out by external suppliers. We need to ensure that as a minimum, our contract conditions:

- Prohibit contractors from unlawfully discriminating under the Equality Act.
- Require contractors to take all reasonable steps to ensure that their staff, suppliers and subcontractors meet their obligations under the Equality Act.

## **How we get there**

### **General**

- Conduct workshops with staff on the Equality Act and general duty requirements.
- Establish a diversity reference pane.
- Publish the diversity data we have on staff, Council members, our partners that work on our behalf and panelists.
- Analyse and publish diversity data on nurses and midwives.

### **Equality objectives**

- Consult widely on our equality objectives.
- Ensure equality objectives are built into business plans.
- Publish equality objectives.

### **Developing policies**

- Undertake equality impact assessment for all relevant policies.
- Publish EqlAs already undertaken on our website.

### **Staff**

- Encourage the establishment of internal diversity networks.
- Identify diversity champions and train them to support equality and diversity compliance.