



Gay and Lesbian Association of Doctors and Dentists

NHS Trust Equal Opportunities in 2004 – a web-based survey

Introduction

Since December 2003, the Employment Equality (Sexual Orientation) Regulations has meant that it is unlawful to discriminate in employment or training on grounds of sexual orientation. In the week when Stonewall will be publishing it's first *corporate equality index*, and a year after the enactment of the legislation, how is the NHS performing on the equality and diversity agenda?

The NHS is important as it is the largest employer in Europe and the second largest employer in the world. A large employer should be setting an example to others, part of the point made by Stonewall's *Corporate Equality Index*. It is accepted that organisations which have robust equality and diversity policies perform better than those who do not.

GLADD carried out a survey of its members in 2004 which specifically asked about homophobia at work and also about whether members felt able to be 'out' at work. When asked if they were 'Out' at work? Only 18% said No. However out of those who said yes, only 1% were out to their superiors and 39% were out to close work colleagues only. Despite this 76% of respondents felt it was important to be out at work. Therefore there is still a lot of fear of prejudice and LGB Doctors usually need to feel safe before they come-out. To most it feels like a calculated risk, weighing up the potential advantages over the disadvantages each time. An appropriate work environment and attitudes of colleagues are important in this process. If a Doctor doesn't come-out to colleagues then it makes it harder to join in the normal banter about what you were up to outside work, or with your partner. The doctor may then appear secretive or 'different', and be less able to relax and enjoy their work. This may lead to poor performance, stress or depression.

Unfortunately GLADD is also aware of many cases of direct and indirect discrimination carried out against lesbian and gay staff within the NHS. In the recent membership survey, 29% stated that they had experienced homophobia at work and 13% felt that their sexual orientation had impeded their career. GLADD has been trying to work with the Department of Health and other organisations for several years now to improve equality and diversity within the NHS. Until there is true equality for lesbian and gay staff, it is unlikely that lesbian and gay patients will be treated fairly and equitably by the NHS. There is now a wealth of UK-based research that demonstrates the lesbian and gay patients are not treated equitably by the NHS and that their health suffers as a result. In addition, as the UK's largest employer, the NHS is potentially at greatest risk of legislation brought by an lesbian or gay employee who feels they have been discriminated against.

NHS Trust web sites were reviewed for this study as they are considered to provide a 'snap shot' of the policies of the trust. Corporate web sites (NHS Trusts included) are used as a 'sales pitch' to attract potential employees. Anyone seriously considering

applying for a job in the NHS will not just rely on the information provided in *BMJ Careers* about the job and NHS Trust. Looking at the NHS Trust's web site will be part of an information-gathering exercise and, as the internet is readily accessible, it is likely to feature as an early part of that exercise. It may be particularly important for lesbian and gay potential employees that web-browsing is usually an anonymous business and would not require them to declare their sexual orientation to a potentially homophobic employer in order to try to gain access to relevant information. The information provided in an NHS Trust's publicly accessible web site may therefore be regarded as a proxy representation of its approach to supporting its employees and its commitment to equality and diversity issues; although some people may argue this not to be the case, how do they then explain that a few NHS Trust web sites contain a wealth of information on Equality and Diversity issues and seem to be positively welcoming to lesbian and gay staff?

The results of this survey are disappointing. Less than a third had easily-accessible information about equality and diversity issues; more than half had no information on these issues available at all. 57% of trusts with some information on equality and diversity issues included sexual orientation as a key theme; this may sound good, but it compares to 89% featuring racial equality as a key theme. Only one trust featured any reference to the December 2003 legislation.

Although we are repeatedly assured by the Department of Health that Equality and Diversity issues are high up their agenda, these results strongly suggest that the agenda has yet to be enacted by the majority of NHS employers. The DH has appeared reluctant to undertake any leadership in these important areas of personnel management. Anecdotally, GLADD's informal discussions with HR Directors and Chief Executives of NHS Trusts has demonstrated that many are not even aware of the changes in legislation which took place over a year ago.

It is, in our view, totally unacceptable that the NHS, which is supposed to be 'the caring profession' has, so far, failed to care adequately for its own staff in the respect of equality and diversity issues. Recruitment, retention and performance problems, and therefore care of patients, would all be greatly assisted by greater attention to these important areas of personnel management. GLADD has produced guidance of good practise in these important areas, as have many other organisations; we remain willing to try to assist but this requires sufficient interest and commitment to be made from within the upper echelons of NHS management.

Notes on methodology

Selection of trusts

The BMJ Carrers (<http://www.bmjcareers.com>) web site was used to randomly select 100 different NHS Trusts. A good cross-section of NHS Trusts was covered from England, Wales and Scotland, covering teaching hospitals, district general hospitals and NHS foundation trusts. If the trust web site was listed in the BMJ careers advertisement, then that URL was used, otherwise the trust was searched for using *Google* (<http://www.google.co.uk>).

Assessment of information provided on NHS trust web site

A. Access to information about equality

1. Three clicks to equalities statement or pages

It is well-known in web design that three clicks of the mouse is supposed to be the maximum number required to obtain the information you want; the fourth click leads you to another provider's web site. If it was possible to get to a page on the web site in around three mouse clicks this was regarded as highly satisfactory. The intention was to find a statement from the trust broadly in support of equal opportunities although in some circumstances this led to much more detailed information. These pages were often found through the 'working for us', 'recruitment' or 'policies' links. Very occasionally there was a direct 'equal opportunities' or 'equality' link. Search for 'Equality', 'Diversity' or 'Equal Opportunities'

If there was not a 'three click' facility then the search engine built-into the site (if present) was used to search for the three terms above. If this revealed a positive statement then this was noted. If there was no search facility then a score of '0' was given.

B. The quality of information provided on the web site

1. Equal opportunities policy included the words 'sexual orientation' and/or 'race'

If a statement about equal opportunities, or full equal opportunities policy was available, it was checked to see whether it included the term 'sexual orientation' and/or 'race'. A vague statement such as 'we value the diversity of staff who work for us' was not regarded as acceptable. We were specifically examining to see whether their statement of intent specifically included 'sexual orientation' or just referred to the traditional equality issues (race and gender)

2. Reference to December 2003 legislation

If a statement or policy about equal opportunities was found and did include the term 'sexual orientation' it was checked to see if there was any reference to the latest legislation.

3. More detailed equal opportunities policy rather than just statement of intention

Many web sites simply included a simple statement of intent. Some web sites (to be regarded of higher quality) included more detailed information about the policy including, sometimes, how it would work, who was responsible for overseeing it, educational programmes for staff, 'user groups'. If this was the case, this was noted.

Results

31% of trusts had a '3 Click' (i.e. easy to find) link to some sort of equality information on their web site.

16% of trusts did not have a '3 Click' facility on their web site, but we were able to identify some sort of information about equality and diversity by using the search terms 'Equality', 'Diversity' and 'Equal Opportunities'.

Thus just 47% of all trusts had some sort of readily identifiable information about equality and diversity on their web site and 53% had no information.

57% of trusts with some sort of information on E&D issues included the term 'sexual orientation' within their documentation – 27% of all trusts. Whereas 89% of trusts included the term 'race' in their documentation – 42% of all trusts.

42% of trusts gave easy access to a more detailed Equality and Diversity policy rather than a simple statement of intent – 20% of all trusts.

Just one trust web site contained any reference to the December 2003 legislation change.