

National IDT Team Equality Review 2015

The National IDT team undertakes an annual equality review. We are committed to ensuring that the process we run is fair, equitable and free from any discrimination. We take this aim seriously and carefully listen to stakeholder feedback to achieve this. Part of our review is to carefully balance equality issues with the primary purpose of the transfer process (described below). It may occasionally be the case that, on balance, the primary purpose of the process conflicts with a particular equality issue. In cases where we have to prioritise the purpose of the process in order to maintain its integrity, we will check our position with appropriate legal authority and action will be taken as advised. In cases where the integrity of the process is not jeopardised we will review our processes and criteria to ensure that the equality issue is positively redressed.

Primary Purpose 1

To facilitate the transfer of as many trainees as possible from one UK region to another in accordance with published criteria and eligibility rules. The National IDT team will promote as many transfers as possible by ensuring accuracy in eligibility checks, making as many trainees as possible eligible for the transfer process.

Primary Purpose 2

To provide employers and training regions, in which a specialty vacancy has been declared, with a trainee at a suitable level that can fill that gap immediately, in line with the published timelines of each application window.

Further secondary aims of the NIDT process:

Aim 3

To ensure that the process, criteria and eligibility rules remain in accordance with current legislation and the NHS constitution such that it can be promoted on these grounds.

Aim 4

To review the process, timelines and criteria, ensuring that it remains fit for purpose in the changing culture of the NHS and as far as possible with the views of COPMeD and the BMA, with whom any changes must be agreed.

Aim 5

To ensure that the process allows for as many national vacancies as possible to be found by the training regions of the UK and filled by the National IDT team. This will be a consideration during any process review.

| Protected Group | Findings |
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| Age | <p>Any parameters concerning when trainees can apply for an IDT are based on length of time on programme or time remaining on programme; these parameters are not directly linked to the age of the individual. There may however be an indirect link between the age of the individual and the amount of time spent in training or left in training; however, the available statistical evidence suggests that trainees fall into a wide age bracket of between 20 and 65 years and therefore a strong correlation between age and time spent or left in training (and therefore IDT eligibility) cannot be shown. More specific data relating to age is not collected.</p> <p>Additionally, data relating to an individual applicant's age are not collected as part of E&D statistics from users of the application process and therefore do not inform the decision making process.</p> |
| Disability | <p>94% of applicants have no disability with 4% reporting they are limited a little and 2% limited a lot. Trainees applying under the disability category accounts for 5% of all applications. Looking at success rates and information requested, the NIDT process does not discriminate, directly or indirectly, against applicants with a disability but does collect information in order to make reasonable adjustments in line with the Equality Act 2010. An applicant must get a GP to sign a declaration to evidence disability under the Act's definition. Those trainees applying for a transfer with a disability are automatically allocated to a declared vacancy in their chosen region and specialty. If more than one applicant with a disability is applying for a single post, a validated randomisation algorithm is used to determine who will get the post. Trainees applying under this category are the most likely to get posts, with an average of 51% of eligible trainees over 6 transfer windows successful in securing a transfer.</p> |
| Gender | <p>There are more applications from women than men overall – 71% female, 29% male, 1% did not specify (workforce figures stand at 57% female, 43% male). Information is collected for E&D purposes but has no bearing on the eligibility of an application or the outcome of a transfer. Women are more likely to work on a less than full time basis (in London, as of June 2014, 91.5% of less than full time trainees were female) but the IDT process recognises this time pro-rata which gives the added benefit of having a window of opportunity for a move during Core Training time, when trainees normally do not have time to apply for IDT. While trainees have to have been on programme for 9 months in order to be eligible, this nine months can include time out of programme or maternity leave. While the process of allocating vacancies is blind to less than full time training (LTFT) status, it is sometimes the case that a declared vacancy may be unsuitable for LTFT trainees due to capacity issues in the receiving deanery. This is a concern and could indirectly impact on female trainees more than male trainees but such capacity issues are outside the NIDT process. At the vacancy declaration stage, we do ask local teams to inform us if declared vacancies are suitable for LTFT trainees. Suitability for an individual post is decided between the trainee and receiving region after the allocation process has taken place. The completion of the transfer process involves negotiation between trainee and prospective region regarding professional and personal issues, if these can be met on both sides, the transfer will be completed, if not, the trainee application may be withdrawn.</p> <p>Female applicants are sent 70% of all offers made, which matches the breakdown of applications received.</p> |
| Gender reassignment | <p>Data is not collected regarding trans gender status and such status has no bearing in relation to eligibility or decision making. We recognise that there could be situations in which a trans male or female could request a transfer in order to change work environments - 23% of trans women and 15% of trans men seek to change employment because of transition¹. We also recognise that work is the main sphere in which discrimination during transition is most likely to occur (ibid.)</p> <p>We do ask trainees to declare any convictions and would take into consideration and discount any convictions relating to transgenderism in countries where it is illegal.</p> |

¹ Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination" Whittle, Lewis, Al-Alami 2007 <http://www.pfc.org.uk/pdf/EngenderedPenalties.pdf>

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| Marriage and civil partnerships | <p>The IDT process does not differentiate between Marriage, Civil Partnership or being in a committed relationship though it does require evidence in the form of certificates or shared financial responsibility. Our only concern here is for those mentioned in the Religion/Belief category below.</p> <p>Our only other concern is the breakdown of a marriage or civil partnership for which people may think they need a transfer as a result – this is not mentioned in our guidance or catered for in the IDT process. We have begun talking with our working partners so that a reasonable approach can be defined in the Trainee Guide to IDT and this will be added by February 2016 transfer window.</p> |
| Pregnancy and maternity | <p>The legitimate aim of the National IDT process is to provide trainees who have experienced an unforeseen and significant change of circumstances since the start of their training programme with the means of changing regions. We ask those on maternity leave not to apply to the National IDT process until the window that will give them a start date in their new region that is closest to their estimated return to work date. We do not operate a waiting list system or allow deferred start dates as this interferes with helping other trainees who require immediate moves. This does create some uncertainty for trainees who feel they need to move to their new region prior to applying in the appropriate window for securing their placements. Because of the nature of vacancy declaration, the formal transfer of their training number cannot be guaranteed. On balance, the aims of the NIDT process should be upheld in this instance.</p> |
| Race/ethnicity | <p>Ethnicity data is collected as part of E&D statistics but these are not sent to receiving deaneries nor considered in any way as part of the eligibility or allocation stage in the transfer process. Those with Tier 2 visas can move freely around HEE regions but not across country borders into or out of Scotland and Northern Ireland without applying for a new visa sponsor, in line with Immigration law. This restriction may indirectly discriminate against overseas nationals who have a protected characteristic of race or ethnicity but can be justified as a proportionate means of achieving a legitimate aim; namely, complying with primary statutory UK legislation and complying with UKVI regulations (the “resident labour market test”).</p> |
| Religion and belief, including non-belief | <p>We do collect information on this and applicants are representative, broadly speaking, of the national statistics. It may be difficult for some to provide evidence under ‘Committed Relationship’ if their religion or belief system does not allow them to live together and share financial responsibility until they are married. The IDT process would consider other forms of evidence that could be provided in these cases.</p> |
| Sexual orientation | <p>Data is collected in this category for E&D statistics but not used to inform the eligibility or allocation stages of the NIDT process. Same sex civil partnership, marriage and committed relationships are all recognised equally in the eligibility criteria.</p> <p>1 in 5 LGB people report bullying or harassment in the workplace² and we recognise that some may require a move for this reason. These cases would be referred to their local Postgraduate Dean as a potential exceptional transfer as would any other bullying and harassment related transfer.</p> <p>We do ask trainees to declare any convictions and would take into consideration and discount any convictions relating to homosexuality in countries where it is illegal.</p> |

² “Gay in Britain” Stonewall 2012 http://www.stonewall.org.uk/documents/gay_in_britain.pdf

Assessment of Application Criteria in relation to Protected Characteristics

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| <p>Category 1 – Own Disability</p> <p>The National IDT team recognises that a trainee who becomes disabled under the Equality Act 2010 may need to move for treatment or support. In applying the Equality Act, the team makes reasonable adjustments to ensure that applications under this category are considered first.</p> | Age | No bearing on eligibility or allocation decisions |
| | Disability | Reasonable adjustments made under the Equality Act 2010 |
| | Gender | No bearing on eligibility or allocation decisions |
| | Gender Reassignment | No bearing on eligibility or allocation decisions |
| | Marriage and Civil Partnerships | No bearing on eligibility or allocation decisions |
| | Pregnancy and Maternity | If on maternity leave or planning maternity leave, would be advised to apply in a window that allocates a post nearest their return date, consistent with primary considerations |
| | Race/Ethnicity | No bearing on eligibility or allocation decisions |
| | Religion/Belief/Non-belief | No bearing on eligibility or allocation decisions |
| | Sexual Orientation | No bearing on eligibility or allocation decisions |
| <p>Category 2 – Primary Carer</p> <p>The National IDT team recognises that becoming a Primary Carer for a parent or sibling may require them to move training regions in order to provide that care.</p> | Age | No bearing on eligibility or allocation decisions |
| | Disability | If a trainee with a disability applies under this category, their disability may not be considered and reasonable adjustments may not be made |
| | Gender | In the most recent window, this category was applied under exclusively by women but allocation is still made on the basis of availability of posts rather than gender |
| | Gender Reassignment | No bearing on eligibility or allocation decisions |
| | Marriage and Civil Partnerships | No bearing on eligibility or allocation decisions |
| | Pregnancy and Maternity | If on maternity leave or planning maternity leave, would be advised to apply in a window that allocates a post nearest their return date, consistent with primary considerations |
| | Race/Ethnicity | No bearing on eligibility or allocation decisions |
| | Religion/Belief/Non-belief | No bearing on eligibility or allocation decisions |
| | Sexual Orientation | No bearing on eligibility or allocation decisions |
| | Age | No bearing on eligibility or allocation decisions |
| | Disability | If a trainee with a disability applies |

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| <p>Category 3 – Parental/Guardian Responsibilities</p> <p>The National IDT team recognises that becoming a parent or experiencing an increase in parental/guardian responsibility may entail moving regions to fulfil that responsibility.</p> | | under this category, their disability may not be considered and reasonable adjustments may not be made |
| | Gender | No bearing on eligibility or allocation decisions |
| | Gender Reassignment | No bearing on eligibility or allocation decisions |
| | Marriage and Civil Partnerships | The IDT process recognises that those in any kind of committed relationship may have parental or guardian responsibilities. |
| | Pregnancy and Maternity | Cannot currently apply under this category if pregnant – change of circumstance has only occurred when child has been born. Those on maternity leave can apply. |
| | Race/Ethnicity | No bearing on eligibility or allocation decisions |
| | Religion/Belief/Non-belief | No bearing on eligibility or allocation decisions |
| | Sexual Orientation | No bearing on eligibility or allocation decisions |
| <p>Category 4 – Committed Relationship</p> <p>The National IDT team recognises that committed relationships can often only continue if partners are within the same region, so may necessitate moving training regions in order to continue that relationship. The team also recognises that if a partner has to move regions for work, their partner will want to move with them for the sake of their relationship.</p> | Age | No bearing on eligibility or allocation decisions |
| | Disability | If a trainee with a disability applies under this category, their disability may not be considered and reasonable adjustments may not be made. |
| | Gender | No bearing on eligibility or allocation decisions |
| | Gender Reassignment | No bearing on eligibility or allocation decisions |
| | Marriage and Civil Partnerships | The IDT process recognises any kind of committed relationship, regardless of marriage or civil partnership. |
| | Pregnancy and Maternity | If on maternity leave or planning maternity leave, would be advised to apply in a window that allocates a post nearest their return date, consistent with primary considerations |
| | Race/Ethnicity | No bearing on eligibility or allocation decisions |
| | Religion/Belief/Non-belief | The extension of forms of evidence that can be provided and viewing engagement as a sufficient change in circumstance will ensure we do not discriminate in relation to this characteristic. |
| Sexual Orientation | No bearing on eligibility or allocation decisions | |