

Equality, Diversity and Inclusion Policy



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1.0 Introduction

- 1.1 The Council is fully committed to the elimination of unlawful and unfair discrimination and values the differences that a diverse workforce brings to the organisation. The Council aims to create a work environment where everyone is treated with dignity and respect.
- 1.2 The Council will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (which includes colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation. It will not discriminate because of any other irrelevant factor and will build a culture that values meritocracy, openness, fairness and transparency.
- 1.3 All employees are responsible for the promotion and advancement of this policy. Behaviour, actions or words that transgress the policy will not be tolerated and will be dealt with in line with the Council's disciplinary policy, bullying and harassment policy and Code of Conduct.
- 1.4 The Council seeks the commitment to equality, diversity and inclusion from any supplier of Council

2.0 Scope

- 2.1 The policy is applicable to all employees, workers, clients, communities, suppliers and contractors, whether permanent or temporary. The policy applies to all processes relating to employment and training and to any dealings with customers and clients. Decisions relating to customers and communities will be based on business-related criteria only and any irrelevant information will not form part of the process.

3.0 Discrimination, harassment and victimisation

3.1 Types of discrimination

Under the Equality Act, there are four main types of discrimination:

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation.

No minimum length of continuous employment is necessary for a discrimination claim to be made to an employment tribunal. Protection starts from when a role is advertised through to the last day of employment and beyond to include references.

3.2 Direct discrimination

Direct discrimination occurs where someone is treated less favourably directly because of:

- a protected characteristic they possess – this is direct discrimination; and/or
- a protected characteristic of someone they are associated with, such as a friend, family member or colleague – this is direct discrimination by association; and/or
- a protected characteristic they are thought to have, regardless of whether this perception by others is actually correct or not – this is direct discrimination by perception.

Direct discrimination in all its forms could involve a decision not to employ someone, to dismiss them, withhold promotion or training, offer poorer terms and conditions or deny contractual benefits because of a protected characteristic.

3.3 Indirect discrimination

This type of discrimination is usually less obvious than direct discrimination and can often be unintended. In law, it is where a provision, criterion or practice is applied equally to a group of employees/job applicants, but has (or will have) the effect of putting those who share a certain protected characteristic at a particular disadvantage when compared to others in the group, and the employer is unable to justify it.

An employee or job applicant claiming indirect discrimination must show how they have been personally disadvantaged, as well as how the discrimination has, or would, disadvantage other employees or job candidates with the same protected characteristic.

The Equality Act does not define a 'provision, criterion or practice'. However, in the workplace, the term is most likely to include an employer's policies, procedures, rules and requirements, whether written down or not. Examples might include recruitment selection criteria, contractual benefits, a redundancy scoring matrix or any other work practice.

In some limited circumstances, indirect discrimination may be justified if it is 'a proportionate means of achieving a legitimate aim'.

3.4 Harassment

Harassment is defined as 'unwanted conduct' and must be related to a relevant protected characteristic or be 'of a sexual nature'. It must also have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Generally, harassment:

- includes bullying, nicknames, threats, jokes, 'banter', gossip, inappropriate questions, excluding an employee (for example - ignoring them or not inviting them to meetings), insults or unwanted physical contact

- can be verbal, written or physical
- is based on the victim's perception of the unwanted behaviour rather than that of the harasser, and whether it is reasonable for the victim to feel that way
- can also apply to an employee who is harassed because they are perceived to have a protected characteristic, whether they actually have it or not
- can also apply to an employee who is harassed because they are associated with someone with a protected characteristic
- can also apply to an employee who witnesses harassment because of a protected characteristic and which has a negative impact on their dignity at work or the working environment, irrespective of whether they share the protected characteristic of the employee who is being harassed.

While the Equality Act 2010 protects against harassment related to most protected characteristics, other legislation such as the Protection from Harassment Act 1997 may also apply. This legislation is not limited to circumstances where harassment relates to a protected characteristic. For example, it may apply where a protected characteristic is not specifically covered for harassment in the Equality Act (Marriage and civil partnership, and Pregnancy and maternity). Harassment under the Protection from Harassment Act must amount to conduct which is criminal.

3.5 Victimization

Victimization is when an employee is treated less favourably than others for:

- making an allegation of discrimination, and/or
- supporting a complaint of discrimination, and/or
- giving evidence relating to a complaint about discrimination, and/or
- raising a grievance concerning equality or discrimination, and/or
- doing anything else for the purposes of (or in connection to) the Equality Act 2010

Victimization may also occur because an employee is suspected of doing one or more of these things.

An employee is protected under the Equality Act if they make, or support, an allegation of victimisation in good faith – even if the information or evidence they give proves to be inaccurate. However, an employee is not protected if they give, or support, information or evidence in bad faith – in other words maliciously

4.0 Equality and Diversity Objectives

4.1 The objectives of the Council are as follows:

- Continually improve services to ensure equal access for all customers
- Work effectively with under-represented communities

- Promote equality and diversity through working practices
- Recruit and retain staff with the right skills and behaviours to work for the benefit of all sectors of our local community.

5.0 Responsibilities

5.1 Leadership

The Chief Executive, Nick Eveleigh, is the senior level champion for equality, diversity and inclusion.

5.2 Directorates

Directorates have champion roles within services. These roles have the aim to support the achievement of the Council's equality and diversity objectives and enable equality and diversity to be embedded within Directorate activity

5.3 All employees

All employees have the responsibility to treat each other with respect and dignity in accordance with the Council's code of conduct.

5.4 Human Resources

Human Resources have a responsibility to oversee the recruitment process for the Council to ensure equality of opportunity.

HR policy development will be impact assessed to identify the potential effect on protected characteristics

The Corporate lead for equality and diversity and inclusion has the responsibility for reviewing policy, developing and maintaining the action plan and ensuring learning and development opportunities are available to support equality, diversity and inclusion.

6.0 Review and reporting

6.1 The Council will:

- undertake a review in relation to policies and procedures, practice of policy and perception of policy and process;
- obtain workforce metrics and compare them with sector and best practice Councils
- the policy will be reviewed on an ongoing basis to reflect changes in the law, demographics and internal business requirements.

6.2 An annual report will be provided to the Senior Management Team to provide an update on issues related to equality, diversity and inclusion and to enable a review of progress against the Equality and Diversity Objectives of the Council.

7.0 Policy and strategy development

- 7.1 The Council will undertake impact assessments of all policy at an early stage to be able to influence policy and procedure development to ensure equality and diversity and inclusion in Council services and activity.

8.0 Training and education

- 8.1 The Council will:
- consult key stakeholders regarding learning requirements;
 - ensure learning and development programmes for staff will support the Council's behavioural framework and address awareness of equality and diversity issues ensuring that all staff can undertake their roles and responsibilities effectively.

9.0 Communication and consultation

- 9.1 The Council will:
- ensure that all communication imagery and graphics are inclusive, and reflect and reinforce the words within all communications;
 - undertake effective consultation processes at an early stage of policy or strategy development which will enable feedback to be captured and acted upon

10.0 Resources

- 10.1 The Council will:
- establish formal reporting lines for monitoring progress against targets and objectives;
 - establish a diversity steering group with representatives from across all parts of the Council;
 - secure appropriate budget to enable related activities to be undertaken (for example, communication and training programmes).

11.0 External profile

- 11.1 The Council will:
- engage with external organisations to seek guidance and support, network, exchange best practice and generally raise the Council's profile and learn from others;
 - organise and deliver events for the public in celebration and commemoration of equality, diversity and inclusiveness.

12.0 Links to other policies and codes

- Employee Code of Conduct
- Whistleblowing policy

- Grievance policy
- Bullying and Harassment policy
- Disciplinary policy

| Version Number | Changes Made | Date of Changes |
|----------------|--------------|-----------------|
| I | New policy | October 2017 |