

Richmondshire District Council

Equality Policy

1. Aims

The Equality Act 2010 ensures everyone has the right to be treated fairly at work or when using our services. The Act protects people from discrimination on the basis of the following protected characteristics:

- Age
- Disability
- Sex (gender)
- Gender reassignment
- Marriage or civil partnership
- Pregnancy or maternity
- Race (ethnicity)
- Religion or belief
- Sexual orientation

The Equality Act 2010 introduced a single Public Sector Equality Duty (PSED) on Richmondshire District Council, which came into effect in April 2011. To fulfil this duty, when carrying out its functions, the Council must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not

Due regard requires the Council to consciously and demonstrably address the Equality Duty's three aims, by:

- integrating the duty into all of the Council's activities
- considering equality issues throughout policy making and decision taking processes
- regularly consider best practice, through evaluating the Council against the Equality Framework for Local Government (EFLG)
- understanding the implications of decisions, policies and actions on people with particular protected characteristics; and
- routinely managing the Council's performance against the duty

2. Responsibilities

The **Senior Management Team** is responsible for overseeing implementation of this policy, delivering its supporting Action Plan and managing the Council's performance in pursuit of its objectives.

The **Corporate Equalities & Diversity Group (CEDG)**, through SMT, has overall responsibility for the development and implementation of an effective corporate strategy that ensures Richmondshire District Council complies with its responsibilities. It will:

- draft equality and diversity policy, strategy, objectives & action plan
- review progress & performance, implementing changes required
- develop & implement communications and training plans
- identify & consider new requirements

Managers are responsible for ensuring that their services comply with the Policy and informing all employees of their responsibility towards the promotion of equalities. They should complete Equality Impact Assessments when: reviewing how Council functions are delivered; developing and reviewing Council policies or strategies; and when making decisions that may have an impact on people with protected characteristics. They should also ensure that appropriate adjustments arising from Equality Impact assessments are implemented.

All employees must ensure fairness towards colleagues, service users and other members of the community in carrying out their duties. All employees should deliver the Policy in the workplace, in all aspects of service delivery and work towards the elimination of discrimination. All employees should report instances of discrimination to their manager at the earliest opportunity so that appropriate action can be taken to remedy the situation.

The Council's agents (i.e. organisations and people) who provide services on behalf of the Council or are funded by the council should ensure their service provision and employment practises are consistent with this Policy.

All elected Members - must ensure fairness towards fellow councillors, employees, service users and other members of the community in carrying out their duties. All Members should promote the Policy through Council business and work towards the elimination of discrimination. All Members should report instances of discrimination to the Monitoring Officer at the earliest opportunity so that appropriate action can be taken to remedy the situation.

Full Council – Approval of Policy & Objectives.

Corporate Board – Recommendation of policy & objectives, Approval of Strategy / Action Plan, Monitoring of progress & performance, including consideration of the Equalities Annual Report.

Audit, Governance & Standards Committee – Monitoring of overall action plan to address EIA concerns.

Overview & Scrutiny 1 / External Consultation Groups –To consult on policy, strategy & action plans, and to periodically review performance.

3. Communication

The Council will regularly:

- Inform, consult and involve the relevant people including elected Members, employees and stakeholders about decisions which affect them so that they have the opportunity to influence policies and practices;
- Ensure that people from different backgrounds and protected characteristics are able to participate in consultation and involvement activities;
- Give people a voice by promoting involvement in decision-making and review such structures so that any proposed changes are considered and adopted where appropriate.
- Ensure all employees and Members are aware of their duties under the Equality Act 2010 outlined in this Policy; and
- Promote and support all training and development relating to Equalities and Diversity.

4. Implementation

The Council will prepare and publish its Equality Objectives and supporting Action Plan designed to meet section 149 of the Equality Act 2010. The Action Plan will identify the equality objective, the part of the Equality Act it will help meet, the actions that are required to achieve it, who is responsible and when the actions should be completed. Specifically, the Council will:

- Publish equality information on an annual basis to demonstrate compliance with the duty imposed by section 149(1) of the Equality Act 2010;
- Set specific and measurable equality objectives, monitor their progress and review them at least every four years;
- Consider the equal opportunities implications of any changes to policies, functions, strategies or projects and undertake Equality Impact Assessments before implementation;
- Identify barriers that prevent fair access to its services and take reasonable measures to address them within available resources; and
- Monitor the composition of its workforce and the take-up of its services and take action to address any identified inequalities.

Whenever the Council seeks personal information for equality monitoring it will:-:

- Only ask for the necessary information;
- Explain why the information is needed and how it will be used;
- Take care to ensure that individuals cannot be identified from the information collected, especially where the results of monitoring are made public or shared; and
- Act legally in relation to confidentiality, data protection and freedom of information.

5. Managing the Duty

CEDG will ensure the performance of this Policy and supporting action plan are managed effectively by:

- Reviewing this Policy and supporting action plan at least every four years and undertaking a light touch review each year to ensure it is consistent with current legislation and codes of practice;
- Developing and monitoring progress on the Equality Objectives as set out in the supporting Action Plan;
- Ensuring the Equality Objectives are specific and measurable to enable the council to monitor progress;
- Ensuring consultation and engagement reviews take into account the views of elected members, employees, community and voluntary groups, and trade unions;
- Carrying out progress reviews and reports of Equal Impact Assessments.
- Reporting the performance of this policy to SMT through the adopted performance management structures

6. Dissemination

- The Policy and supporting Action Plan will be public documents and made available on the Council's website;
- All consultation on the Policy and Action Plan will comply with the Council's standards and take place through the local press; by writing directly to local voluntary and community groups and other representative organisations; and by inviting partners to comment;
- On request, the Policy will be made available in a range of formats and languages;
- Managers and CEDG representatives will be asked to brief their teams, partners and agents on the Policy;
- The Policy will be available to all employees via the intranet and employees without computer access will be given copies of the Policy and Action Plan;
- Applicants for Council posts will be made aware of the Policy and it will form part of the induction programme for new employees.

7. Action and Information

This Policy aims to ensure fair and equitable treatment of people who come into contact with, work for or on behalf of the Council. The Council will take seriously any breaches of this Policy by employees, Members, contractors and partners. Any breaches will be investigated and appropriate action will be taken.

Sometimes problems occur that need to be investigated. These can be raised in the following ways:

Employee Support

The Council takes any equality concerns raised by employees seriously and look to address these through the appropriate channels. We usually become aware of concerns via direct approaches from employees; the Council's Joint Consultative Forum (JCF – the Council's corporate consultation forum with UNISON), the Council's Staff Panel; or via practical implementation of the relevant policies.

The Council has a Grievance Procedure, which provides a specific mechanism for an employee to raise concerns relating to potential discrimination issues, and has a Dignity at Work policy to provide a mechanism for employees to raise concerns relating to bullying and harassment. Furthermore, if employees have a concern over a policy, procedure, a

practice or the culture within a service or work area, and where they feel unable to raise the concerns with senior officers, then they should refer to the Whistle Blowing policy.

Whistle Blowing Policy - should be referred to when an employee has concerns over a policy, procedure, a practice or the culture within a service or work area, and where they feel unable to raise concerns with senior officers.

Complaints and Comments Procedure – should be referred to by people with concerns about discrimination, harassment or victimisation in the way the Council conducts its business.

Equality Report and Action Plan

The Council's annual Equalities Report and action plan are published on the Council's website.

Lead Officer

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Appendix 1: Defining Equality and Diversity

'Equality' is about 'creating a fairer society, where everyone can participate and has the opportunity to fulfil their potential'. This means:

- providing everyone with equal and fair access to council services, no matter where they live and whatever their background;
- ensuring equality of opportunity so that everyone has the same chance to fulfil their potential and removing the barriers that stop people from getting on in life; and
- helping to tackle the root causes of inequality – the things like poor housing or low educational attainment that can mean some people have poorer life chances than others.

It does not mean political correctness or trying to treat everyone the same. It is about treating people as individuals and ensuring that we try to do the right thing to help people based on their own particular circumstances and needs. But we know that some groups of people may need more help than others. For example, we know that children who grow up in poverty are less likely to gain qualifications or to go on to higher education. So we know that in some circumstances we have to help people to ensure they have the same opportunities in life to succeed.

'Diversity' literally means difference. When it is used as a contrast or addition to equality, it is about recognising individual as well as group differences, treating people as individuals, and placing positive value on diversity in the community and in the workforce. For us as a council, it is about providing services which respect, value and cater for the differences in the way people would like/need to have them delivered.

Department of Health, 2008.

Appendix 2: Forms of Discrimination

The legal definitions vary, but broadly speaking discrimination can occur either directly or indirectly:

Direct Discrimination occurs when a person is treated less favourably than others would be treated in the same circumstances on the grounds of having a protected characteristic, as referred to on page 2 (Aims of this Policy) of this document.

Indirect Discrimination occurs when applying a provision, criterion or practice which puts someone from a protected characteristic at a particular disadvantage. Indirect discrimination may only be justified in exceptional circumstances if it can be shown that the action was reasonable in managing the business or organisation, i.e. that it is 'a proportionate means of achieving a legitimate aim.' A legitimate aim might be any lawful decision made in running the business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate in this context means being fair and reasonable, including showing that 'less discriminatory' alternatives to any decision made have been considered.

Discrimination by Association is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example, disability discrimination against someone who is a carer of a disabled person.

Discrimination Linked to a Perceived Characteristic is direct discrimination against an individual because of a belief that they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic, for example, discrimination against someone because they are thought to be gay but are not.

Harassment is defined as being *"unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual"*. Harassment applies to all protected characteristics.

Employees are able to complain of behaviour that they find offensive, even if it is not directed at them and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association and from harassment by third parties.

Victimisation takes place where one person treats another less favourably because he or she has asserted their legal rights in line with the Equality Act 2010 or helped someone else to do so. This includes making a complaint, taking legal action, providing evidence related to proceedings or alleging that discrimination has taken place. There is no legal requirement to compare treatment of a complainant with that of a person who has not made or supported a complaint.

An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Genuine occupational requirements – Under current legislation, any job may be restricted to a particular characteristic if the characteristic is a genuine occupational requirement (GOR) for the job, or for the context within which it is carried out. However, the circumstances in which this applies are very limited.