

Equality Policy

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1. Purpose

- 1.1 The purpose of this Policy is to set out West Berkshire Council's vision and commitment to equality of opportunity and respect for diversity. This is in relation to our role as a provider of quality services to the people who live, work and visit West Berkshire, as a significant employer in the local economy and in our community leadership role.
- 1.2 This Policy provides a broad statement of the Council's expectations and responsibilities in relation to equality, and is a reflection of our requirements under current equalities legislation.
- 1.3 The overall aims of this Policy are to:-
- Eliminate unlawful discrimination;
 - Promote equality of opportunity;
 - Promote equality of access;
 - Demonstrate that we value diversity; and
 - Promote good relations between diverse communities.
- 1.4 These aims will be achieved by promoting and demonstrating fairness and equality of opportunity in:
- 1.4.1 The provision of services, which relates to:
- Access to services;
 - Treatment while accessing and receiving services;
 - Equal quality of service offered;
 - Outcomes for all service users.
- 1.4.2 The employment of staff, which relates to:
- Fair Access to jobs;
 - Fair treatment in employment;
 - Fair access to training and development opportunities.
 - The right of every employee:-
 - Not to be discriminated against, harassed, victimised or bullied;
 - Not to discriminate, harass, victimise or bully another employee;
 - To make a complaint when they feel they have been unfairly treated, harassed or bullied and to have their complaints acted upon;
 - To challenge and bring discriminator acts and behaviour to the attention of an appropriate person for action;
 - To be respected and valued for who they are and for what they contribute.
- 1.4.3 Promote equality and diversity through community leadership including procurement and commissioning systems and processes that are:
- Fair
 - Accessible to all
 - Transparent
 - Consistent with our public sector equality duty.
- 1.4.4 Achieving progress against our equality objectives, which are based around addressing any inequality in the:

- Provision of services.
- Employment of staff.
- Procurement and commissioning processes.

2. Applicability

2.1 This Policy applies to:

2.1.1 Services provided to local residents and visitors to West Berkshire and all those who use council services.

2.1.2 All non-school based employees working for the Council, including those working from home or at non-Council locations. Policies relating to school based employees are the responsibility of the Governing Body and will have been put in place accordingly.

2.1.3 Other persons including elected members, consultants, agency staff, contractor and contractors' staff working for the Council, and external organisations working with the Council, whilst engaged on Council business

2.2 It is the responsibility of each employee and other persons mentioned in Section 2.1 to familiarise themselves with and adhere to this Policy.

2.3 This Policy has undergone internal and external consultation including with Heads of Service and trade unions and has been ratified by the Executive Member for Equalities.

3. Policy

3.1 West Berkshire Council recognises that the needs of our service users and employees are diverse and that we must consider these differences when developing our activities. We understand that one size does not fit all, and we strive to develop services and practices that will be suitable for all.

3.2 We are committed to ensuring that equality and diversity lie at the heart of our services and employment practices and will work to remove the barriers that limit access and opportunity. We welcome and embrace the strength and resilience that diversity brings to the district.

3.3 We endeavour to treat our service users, employees, and contractors with respect and dignity and according to the framework set out in legislation. We recognise that there are groups and individuals in society who are disadvantaged and discriminated against. We will ensure that no one is treated less fairly on the grounds of age, disability, gender, gender identity, marriage/civil partnership, pregnancy/maternity, race, religion/ belief, sexual orientation, or on any other grounds, as set out in legislation, which cannot be justified.

3.4 In order to meet our aims, West Berkshire Council will:

- 3.4.1 Ensure a continuing strategic lead for equalities supported by appropriate policies and guidance;
- 3.4.2 Have regard to our obligations under relevant legislation, particularly the Equality Act 2010;
- 3.4.3 Place residents and service users at the heart of policies and strategies in all our activities
- 3.4.4 In the formation of our policies and services, have due regard to the need to consider people from all communities and promote equality and good relations between people who share a relevant protected characteristic and people who do not share it;
- 3.4.5 Engage with and listen to all sections of the community in identifying needs and in decisions on the way services are designed, planned and delivered;
- 3.4.6 Ensure that Members and staff at every level of the organisation understand what equality in service provision means and apply it in their roles;
- 3.4.7 Promote an environment free from discrimination, victimisation, bullying and harassment, and tackle behaviour in contravention of this;
- 3.4.8 Recognise and value the differences and individual contributions that people make.
- 3.4.9 Formally adopt the following International Holocaust Remembrance Alliance working definition of anti-Semitism: “Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

4. Roles and Responsibilities

- 4.1 The Members of Council accept that they are accountable to all sections of West Berkshire’s population for delivering equality of opportunity in all its activities. As decision makers they are responsible for discharging the Council’s Public Sector Equalities Duty.
- 4.2 The Chief Executive is responsible for providing leadership in the implementation of this Policy and for ensuring that service planning and performance management systems incorporate specific equality objectives in terms of service delivery and employment.
- 4.3 All Corporate Directors and Heads of Service are responsible for implementing the Policy in their service areas, allocating specific resources to ensure the delivery of equality objectives.
- 4.4 All Managers are responsible for implementing the Policy and for addressing equalities issues in the business planning and performance management arrangements for their area of activity. They are also responsible for ensuring their staff act in accordance with the provision of this Policy, providing all necessary

support and direction for their staff. In addition, when working with Volunteers, Managers are responsible for ensuring they are aware of the requirement to comply with the Policy and that they take action if it becomes evident that they are not complying.

- 4.5 All employees are responsible for ensuring that they play their part in implementing this Policy. This includes taking into consideration the impact on service users, and consulting effectively with them when designing new policies or services, evidenced through an Equality Impact Assessment where appropriate. They are also responsible for treating customers and colleagues fairly and with respect and promoting equality of opportunity within the Council, and externally with Customers, Communities and Partners.
- 4.6 The Council will promote its shared principles around equality and diversity when working with Contractors, Suppliers and Partners. This is to ensure they are clear about their obligations to provide services that are free from discrimination, harassment and victimisation. The Council will routinely check their policies to ensure they comply and they will take action if it becomes evident that they are not complying. However, its Contractors, Suppliers and Partners' will remain accountable for their own practice.
- 4.7 The Including Everyone Board is responsible for:
 - Being aware of new legislation, new national initiatives together with any policy changes and sharing these with the colleagues in the Council;
 - Prioritising equality activity and focus in light of internal and external drivers, reprioritising when necessary;
 - Reviewing corporate progress against West Berkshire Council's equality objectives;
 - Holding directorates to account for completion of allocated activity;
 - Consulting with and seeking feedback from relevant local groups on the Council's approach to equality;
 - Providing a forum for the discussion of activity and sharing information and good practice between directorates.

5. Failure to comply with the Equality Policy

- 5.1 Any cases of harassment, discrimination, bullying or victimisation will be taken very seriously by the Council.
- 5.2 Job applicants and service users who feel they have been subject to unfair discrimination can make a complaint under the Council's Complaints Procedure. This can be located on the West Berkshire Council website under the following link <http://info.westberks.gov.uk/index.aspx?articleid=27928>.
- 5.3 Employees who feel they have been subject to unfair discrimination can raise the issue informally with their line manager, or formally under the terms of the Council's Grievance Procedure.
- 5.4 Employees who are alleged to have committed an act of unfair discrimination or harassment may be liable to disciplinary action in accordance with the Council's Disciplinary Procedure.

- 5.5 Any individual or organisation working for the Council who commits an act of unjustified or unlawful discrimination, or allows discrimination to occur without taking appropriate action, may have their contract terminated.
- 5.6 Anyone to whom this Policy applies, who commits an act of unjustified or unlawful discrimination, or allows discrimination to occur without taking appropriate action, may be liable to a claim being brought against them by the victim in the Tribunal and/or Civil Court.

6. Review

- 6.1 This Policy will be reviewed to respond to any changes at least every 3 years.
- 6.2 The Including Everyone Board is responsible for reviewing and maintaining this Policy.

7. Further Documentation

- 7.1 Equality Act (2010)
- 7.2 Non-statutory guidance on the Equality Duty (Equality and Human Rights Commission)
- 7.3 Equality Impact Assessment Guidance (West Berkshire Council)
- 7.4 Equality Objectives 2015-19 (West Berkshire Council)
- 7.5 Consultation Policy (West Berkshire Council)

8. Appendices

Appendix A - Equality in Employment Policy (West Berkshire Council)

Equality in Employment Policy

Document Control

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1. Purpose

- 1.1 The purpose of this policy is to set out West Berkshire Council's approach to diversity and equality in employment.
- 1.2 The Chief Executive, the Equality & Diversity Portfolio Member and the Corporate Including Everyone Board have approved this policy.

2. Applicability

- 2.1 This policy applies to all employees of West Berkshire Council and all casual and volunteer workers.
- 2.2 The Equality in Employment policy supports the council's responsibilities in relation to the Public Sector Equality Duty under section 149 of the Equality Act 2010. The duty states that:

A public authority must, in the exercise of its functions, have due regard to the need to:

- (i) Eliminate discrimination, harassment, victimisation and other conduct that is prohibited by or under the Equality Act.
- (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- (iii) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3. Policy

- 3.1 West Berkshire Council is committed to promoting equality and diversity. The Equality in Employment policy supports the council's wider equality agenda through encouraging the development of a diverse workforce which reflects the community it services and its diversity profile; where employees understand and promote equality; and where equality is part of management culture.
- 3.2 The council recognises the unique contribution each employee can make and will promote a climate of respect for all, requiring all employees to treat each other with fairness, dignity and respect. (see Responding to Bullying and Harassment policy and Advice notes for further details – available at the following link <http://intranet/CHttpHandler.ashx?id=15455>).
- 3.3 The council will oppose any form of discrimination against job applicants or employees on the grounds of age, disability, gender reassignment, marriage or civil partnership status, pregnancy and maternity, race, religion or belief, sex, sexual orientation, trade union activity or responsibility for dependents.
- 3.4 The council will ensure all employment policies and practices, including recruitment and selection; learning and development, promotion and pay are non-discriminatory, in line with relevant employment legislation and best practice.

4. Roles and Responsibilities

4.1 The Chief Executive has overall responsibility for ensuring that equality in employment is managed appropriately in accordance with this agreed policy.

4.2 Managers are responsible for ensuring compliance with the policy and will ensure employment decisions are based on job related, objective criteria, particularly when:-

- [Recruiting staff](#).
- Making decisions about [work-related performance and appraisals](#).
- Allocating [training](#) opportunities to staff.
- Managing [pregnant employees and employees with dependent care responsibilities](#).
- [Managing change, including reorganisations and restructures](#).
- Managing requests for [flexible working](#) and [paid or unpaid leave](#).
- [Managing attendance and/or absence issues](#).

(NB: Managers should refer to the employment policy and/or procedure and advice notes relevant to each of the above activities for further details and guidance – these can be accessed via the links above).

4.3 Employees are responsible for ensuring compliance with this policy and must not:-

- Unfairly discriminate against other colleagues or job applicants.
- Encourage colleagues to treat others unfairly or to practice discrimination.
- Victimise people who have made allegations or complaints of discrimination or who have been witnesses in cases of discrimination.

4.4 Human Resources are responsible for:-

- Ensuring employment policies, procedures and practices reflect relevant employment legislation and best practice and are assessed for their equalities impact,
- Providing advice on the application of this policy to managers and employees.
- Monitoring equality in employment statistics and publishing workforce equality information in accordance with the Specific Public Sector Equality Duty.

4.5 Employees have the right not to be victimised or treated less favourably because they have made a complaint about discrimination during either present or previous employment or have assisted someone else's complaint by giving evidence.

5. Failure to comply with the WBC Equality in Employment Policy

- Job applicants who feel they have been subject to unfair discrimination can make a complaint under the council's Complaints Procedure.
- An employee who feels he/she has been subject to unfair discrimination can raise the issue informally and his/her line manager, or formally under the terms of the council's Grievance Procedure.
- Employees who are alleged to have committed an act of unfair discrimination may be liable to disciplinary action in accordance with the council's Disciplinary Procedure.
- Employees, who are alleged to have committed an act of unfair discrimination, or allow discrimination to occur without taking appropriate action, may also be liable to a claim being brought against them by the victim in the Civil Court.

6. Review

This policy will be reviewed every three years or whenever a change in employment legislation necessitates a review, whichever is sooner.