

Equality, Diversity and Inclusion Policy



The Council is committed to promoting equality, celebrating diversity, improving social inclusion and ensuring fairness for everyone. The Council aim to provide services fairly to all sections of the community, and that all colleagues and future colleagues have equal opportunities.

The Council pays particular attention to colleagues' working conditions, especially the respect for individuals, the absence of discrimination, freedom of association, as well as the protection of our health and safety. No form of harassment is tolerated.

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Introduction

Our organisation is made up of brilliant people. Each of us is unique, whether in terms of our background, personal characteristics, experience, skills or motivations. We value our people for the differences they bring to the table. These differences - this diversity - is powerful.

Fostering an inclusive culture helps each of us to benefit from a wider range of these different perspectives, experiences and skills. We believe that this creates a happier, more productive working environment for us all.

To support this inclusive culture, this policy:

- outlines our commitment throughout the employment lifecycle to equality, diversity and inclusion and sets out how we put this commitment into practice;
- explains the behaviours we expect of our people in support of this commitment; and
- sets out the key steps we take to make our culture as inclusive as possible, including our diversity and inclusion framework and how we ensure equality of opportunity throughout the employment lifecycle.

Contents

Scope of the Policy	3
Understanding Equality, Diversity and Inclusion	3
1. Our Commitment to You	4
2. What we expect from you	4
3. Discrimination	7
4. Disability confident scheme	10
5. Age friendly	11
6. Race, religion or belief.....	11
7. Trans equality	11
8. Raising an issue	12
9. Data Protection	13

Scope of the Policy

The Equality, Diversity and Inclusion policy applies to all colleagues. Suppliers, contractors, and external partners of the Council are expected to apply standards of performance and behaviours that are equivalent to the Councils Policy. The policy also relates to job applicants and is relevant to all stages of the employment relationship.

The Policy advises on how our colleagues are required to assist the Council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. The policy adheres to statutory UK legislation and ACAS best practice. The Council ensures it is a fair, equitable and transparent policy with the needs of colleagues at heart. The Council ensures compliance with equality & diversity making sure consideration is given to the needs of its colleagues, balancing these with the needs of the business.

Understanding Equality, Diversity and Inclusion

Equality

Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents. It is also the belief that no one should have poorer life chances because of the way they were born, where they came from, what they believe, or whether they have a disability. (Equality and Human Rights Commission)

Diversity

Diversity means recognising, valuing and encouraging the different perspectives and life experiences which individuals bring to a community or organisation.

Inclusion

Inclusion means that everyone feels part of a community or organisation and that they are all respected for what they bring to that community or organisation.

1. Our Commitment to You

The Council is committed to ensuring equality, fairness, inclusion and good relations are at the heart of everything we do - be it policy-making, service delivery or employment practice.

The Council is committed to promoting a working environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.

The Council, as an employer and service provider, will meet all legal duties in respect of equality and diversity. The key piece of legislation is the Equality Act 2010, which protects people from discrimination on the basis of the following nine protected characteristics:

- Age;
- Disability;
- Gender reassignment
- Marital or civil partnership status;
- Sex
- Pregnancy or maternity;
- Race, racial group, ethnic or national origin, or nationality;
- Religion or belief;
- Sexual orientation;

The Act contains an integrated Public Sector Equality Duty, which requires all public bodies and private bodies that deliver a public function, to consider the needs of protected groups when designing and delivering services.

Under the Act, 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.

The Council will also comply with the Conventions contained within the Human Rights Act 1998, which sets out the fundamental rights and freedoms that individuals in the UK have access to.

2. What we expect from you

It is the responsibility of every employee of the Council, and any other person or organisation employed by the Council to work or to deliver services on its behalf, including those employed through contractual, commissioning or grant-aided arrangements, to observe, uphold, promote and apply this policy. Our culture is made in the day-to-day working

interactions between us, so creating the right environment is a responsibility that we all share.

Cultivating this culture does not happen by accident but requires ongoing commitment and nurturing. The reality is that we live in a world where areas of difference often translate to biases, challenges and barriers that may not be faced by others. And the more areas of difference a person brings, the more this effect can be compounded.

The Council expect all colleagues and third parties (including customers, suppliers, contractors, agency staff and consultants) to treat one another fairly and with dignity, trust and respect. Sometimes, this may mean allowing for different views and viewpoints and making space for others to contribute.

By embedding the shared values and behaviours and constructively challenging inappropriate comments or ways of working, colleagues can help the Council achieve and maintain a truly inclusive workplace culture. Colleagues should refer to the Council's shared values and behaviours.

All colleagues are responsible for ensuring that the Equality, Diversity and Inclusion Policy is followed at all times.

A breach of the Policy may lead to disciplinary action. Please refer to the Council's agreed Disciplinary Policy for further information.

Anyone who discriminates against someone at work is responsible for their own actions. Discrimination complaints and employment tribunal claims can be made against individuals as well as employers.

Equality Duty

The Council will meet its obligations under the Equality Act 2010. The Act says people should not be treated differently or unfairly because of the following 'protected characteristics':

- Age;
- Disability;
- Gender reassignment
- Marital or civil partnership status;
- Sex
- Pregnancy or maternity;
- Race, racial group, ethnic or national origin, or nationality;
- Religion or belief;
- Sexual orientation;

In its actions and when taking decisions or planning policies, we will consider the need to:

- Stop unlawful discrimination;
- Improve equality of opportunity;
- Encourage good relationships between those with protected characteristic and those without.

By law, in carrying out our public functions, The Council must take positive steps to:

- Eliminate discrimination, harassment and victimisation;
- Advance equality of opportunities;
- Foster good relations between those who share a protected characteristic and those who do not.

The Council is required to publish information to demonstrate our compliance with the general equality duty. This includes information about those who share a protected characteristic who are:

- Colleagues;
- People affected by our policies or practices.

Everyone who is part of the Council will make sure the equality duty is met in their day-to-day work and when they make decisions. We do this through the following actions.

Equality Impact Assessment

All decisions taken by the council should include consideration of the equality duty and the need to:

- Eliminate unlawful discrimination, harassment, and victimisation;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it;
- Foster good relations between people who share a protected characteristic and people who do not share it.

Decision reports include an assessment of the equalities implications of proposals and how, if necessary, these will be mitigated for people with characteristics whose interests are protected by law.

3. Discrimination

Discrimination can be intentional or unintentional and may occur directly, indirectly, by association or by perception. Discrimination is not always obvious and can be subtle and unconscious. This stems from a person's general assumptions about the abilities, interests and characteristics of a particular group that influences how they treat those people (known as "unconscious bias"). Such assumptions or prejudices may cause them to apply requirements or conditions that put those in particular groups at a disadvantage.

Direct Discrimination

Where a person is treated less favourably than another because of a protected characteristic compared with someone who doesn't have that characteristic. For example, to not promote a pregnant employee because she is about to go on maternity leave. This would be direct discrimination on the protected characteristic of the employee's sex and maternity.

Indirect Discrimination

Where a policy, procedure or way of working that applies to everyone puts people with a particular protected characteristic at a disadvantage, compared with people who do not have that characteristic, unless there is a good reason to justify it.

Associative Discrimination

Where someone is directly discriminated against or harassed for association with another person who has a protected characteristic. For example, because their partner is transgender.

Discrimination by perception

Treating someone less favourably because you perceive them to have a protected characteristic even if they do not, for example choosing not to promote someone because you mistakenly perceive them to be gay.

Justification of Discrimination

Sometimes direct discrimination may be justified where there is an occupational requirement. The occupational requirement must be:

- Crucial to the post
- A proportionate means of achieving a legitimate aim

Indirect discrimination may be justified if it is proportionate and has a legitimate aim.

There are strict conditions that these defences must meet. The Council would have the burden of proving the justification.

Line Managers must discuss with HR if they are considering these justifications. HR will advise on whether or not it is appropriate.

Harassment and sexual harassment

The legislation is set out in section 26 of the Equality Act. Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of:

- Violating someone else's dignity; or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

Sexual harassment is defined as;

- Unwanted conduct specifically of a sexual nature or related to gender reassignment and has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant or violating their dignity, and;
- Less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

The person does not have to be the direct recipient of the unwanted conduct. They could simply be witness to someone else's harassment. If the environment at work is degrading, humiliating, hostile, threatening, or offensive it can be felt by all those working in it, even those who are not specifically the targets of the conduct, and the law allows such people to bring an action even if the direct victim chooses not to do so themselves.

The conduct does not have to be directed at anyone in particular; for example, if an employer displays any material of a sexual nature, such as a topless calendar. This could amount to harassment of the employees if it makes the workplace an offensive place to work for any employee, regardless of gender.

The law also protects someone who has previously rejected conduct of a sexual nature and because of this is treated worse than someone else; for example, they are then refused a promotion because of it.

All employees are encouraged to play their part in making the Council's policy a reality and be prepared to challenge inappropriate behaviour and take action if they observe or have evidence that someone is being harassed. The Council will treat any form of alleged harassment seriously and take a firm stance on a zero tolerance policy and would be managed under the Council's Disciplinary Policy.

Bullying

Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either:

- Offensive, intimidating, malicious or insulting
- An abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

Bullying can be physical, verbal, or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.

It's possible someone might not know their behaviour is bullying. It can still be bullying even if they do not realise it or do not intend to bully someone.

Examples of bullying at work could include:

- Constantly criticising someone's work;
- Spreading malicious rumours about someone;
- Constantly putting someone down in meetings;
- Deliberately giving someone a heavier workload than everyone else;
- Excluding someone from team social events;
- Putting humiliating, offensive or threatening comments or photos on social media.

Victimisation

Victimisation is treating another person detrimentally either because that person has made a complaint of discrimination or harassment, or because they have supported someone else who has made such a complaint, for example by giving a witness statement that supports the allegations.

Failing to make reasonable adjustments

By law, the Council must make reasonable adjustments. These ensure we do not disadvantage disabled people compared to those who are not disabled. They fall into three areas:

- Changing practices, policies, and procedures;
- Physical features, for example, a barrier;
- Providing extra equipment or getting someone to do something to assist you.

Where an employee requires an adjustment to their working arrangements, they should discuss this with their manager as soon as possible.

In considering if the adjustment is reasonable the Council will consider carefully if the adjustment:

- will remove or reduce the disadvantage – the manager will discuss this with the colleague and not make assumptions
- is practical to make
- is affordable
- could harm the health and safety of others

The Council does not have to change the basic nature of the job.

The Council does not have to make adjustments that are seen as unreasonable. However, the Council will seek to find other ways to support the disabled person. This could include making other adjustments that are reasonable.

4. Disability confident scheme

The Council is committed to the Disability Confident Scheme, and are accredited as a Disability Confident employer. As such, the Council agree to take action on the following commitments:

- Ensure the recruitment process is inclusive and accessible;
- Communicate and promote vacancies;
- Offer an interview to disabled people if they meet the minimum criteria for the post;
- Anticipate and provide reasonable adjustments as required.

The Council recognises and understand that some people find it hard to discuss their disabilities and that disability can be invisible.

Psychological safety, where people feel able to speak up about their experiences without fear of negative consequences, is paramount to ensuring disability inclusion.

However, this is only possible if we treat people with dignity, trust and respect and it is expected that everyone will uphold these values.

The council do not tolerate ableist language in our organisation. Ableist language is language that is negative, inappropriate or offensive towards people with a disability and may take the form of jokes or "banter". If you adopt such language, this will be considered a disciplinary offence and will be dealt with under the Disciplinary policy.

5. Age friendly

The Council is committed to being an age friendly employer and have signed up to the national age-friendly employer pledge. As such, we agree to take action on the following commitments:

- Be flexible about flexible working;
- Hire age positively;
- Ensure everyone has the health support they need;
- Encourage career development at all ages;
- Create an age positive culture.

6. Race, religion or belief

The Council will not tolerate racism of any form. We have adopted a declaration condemning extremism and racist behaviour in all its forms. That declaration is incorporated in this policy.

We will not tolerate any discrimination based on a person's religion or belief, including philosophical beliefs.

A philosophical belief must:

- Be genuinely held
- Be a belief and not just an opinion or viewpoint based on the present state of information available
- Be about a weighty and substantial aspect of human life and behaviour
- Attain a certain level of cogency (clear, logical and convincing), seriousness, cohesion and importance, and
- be worthy of respect in a democratic society, not incompatible with human dignity and not in conflict with fundamental rights of others

Any behaviour or use of language which incites racism, targets or intimidates members of ethnic or religious communities, including antisemitism or any other protected group, is unacceptable conduct.

7. Trans equality

The Council is committed to promoting a safe environment where people can be open about their identity. Individuals should be able to self-identify and to express their preferences.

Trans people have equal recruitment and employment opportunities. We will support colleagues through any transitioning process.

Colleagues who are seeking to transition are encouraged to discuss this openly with their manager. This will ensure they can put relevant support mechanisms in place.

'Trans' described people whose gender identity differs from their sex assigned at birth. They can be people who:

- Are planning or have had medical help such as hormones or surgery;
- Are not planning any medical intervention;
- May be intending to, in the process of, or have undergone gender reassignment;
- Are non-binary (not solely male or female). They:
 - may define themselves as both, neither or something different
 - may or may not have medical interventions to align their body with their non-binary gender identity

We recognise that terminology regarding trans people is evolving. Colleagues may self-identify and managers and colleagues will respect this.

Rather than assume, it is best to ask someone how they wish to be addressed. The Council encourage trans people to be open with us, and will arrange appropriate levels of support.

Gender reassignment is one of the nine protected characteristics covered by the Equality Act 2010. The Act protects a person from discrimination, harassment and victimisation if they are involved with gender reassignment.

There is no requirement for the person to be under medical supervision. It is not necessary to have any medical diagnosis or treatment to gain this protection.

People are also protected if they are discriminated against because:

- They are wrongly perceived to be trans;
- Or, of their association with trans people or issues.

8. Raising an issue

An employee may use our Grievance policy and procedure:

- If they consider they have been unlawfully discriminated against based on any of the protected characteristics;
- If they have a complaint involving alleged bullying or harassment.

Alternatively, colleagues may raise issues in confidence with PSPS HR services by emailing hr@pspsl.co.uk.

9. Data Protection

The Council processes personal data in accordance with its Data Protection policy. In particular, data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the recruitment exercise effectively to decide to whom to offer the job. Inappropriate access or disclosure of job applicant data constitutes a data breach and should be reported in accordance with the Council's Data Protection policy immediately.