



# **Equality Policy**

**Month & year policy was adopted**

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## **Executive Summary**

West Norfolk has a strong sense of place. This council has a track record of standing up for the needs of west Norfolk's residents and businesses. We work to drive economic growth and a prosperous future for the people that live and work here, whilst ensuring that the quality of life and natural assets of the area are preserved.

As part of this vision, the council is committed to ensuring equality for all residents of and visitors to west Norfolk, and to its employees. We will achieve this through:

- The delivery of accessible, fair services
- Treating our employees and service users with fairness and respect
- Ensuring all contractors and other third party organisations we work with share our commitment to equalities

Our legal responsibilities are set out in the Equality Act 2010 which seeks to protect the rights of individuals and advance equality of opportunity for all. The Equality Act also places a requirement on all Local Authorities to comply with the Public Sector Equality Duty (PSED).

This policy outlines the arrangements the council has put in place to ensure we comply with the requirements of the Equality Act and fulfil our roles with regards equalities as a community leader, service provider and employer in west Norfolk.

## **1. Introduction**

- 1.1 The council has a long standing commitment to equalities, having first adopted an Equality Policy in the early 1990's. Since then our policies and procedures have evolved in line with legislative changes to ensure we continue to comply with the equalities legislation and recommended practice.
- 1.2 The sections contained within this policy provide an overview of the current legal framework for equalities issues, how the council ensures compliance with the requirements of the Equality Act 2010 and the roles/responsibilities of our staff and elected members, covering all aspects of the council's operations.

## **2. Definition of Equality**

- 2.1 Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents, and believing that no one should have poorer life chances because of where, what or whom they were born, what they believe, or whether they have a disability. Equality recognises that historically, certain groups of people with particular characteristics e.g. race, disability, sex and sexuality, have experienced discrimination<sup>1</sup>.
- 2.2 In summary, equality is not about treating everyone the same. It is about fairness and respect; giving people an equal and fair chance of opportunities, access to services and to fulfil their potential.

## **3. Policy Statement**

- 3.1 The council is committed to equality of opportunity for residents, visitors and employees and will take all necessary and appropriate steps to ensure it complies with equalities legislation.
- 3.2 The council also recognises that it has a role in promoting equality of opportunity and challenging discrimination. Our role as a community leader, service provider and employer places us in a unique position to work actively towards eliminating unlawful discrimination and ensuring residents and employees maximise their contribution within west Norfolk.

<sup>1</sup>Equality and Human Rights Commission

## **4. Scope**

- 4.1 This policy is for all staff, elected members, contractors and volunteers of the Borough Council of King's Lynn & West Norfolk and applies to all council activity, including that of Alive Management Limited and functions/services delivered by the joint employees of Alive Management Limited and Alive Leisure, whether functions are directly provided or commissioned from a third party.
- 4.2 It sets out the corporate arrangements made by the council to meet its responsibilities. It remains the responsibility of Executive Directors and Service Managers to ensure they meet the requirements of this policy.
- 4.3 Authority to amend/update this policy to ensure it remains compliant with legislation has been delegated to the Executive Director of Central and Community Services in consultation with the relevant portfolio holder. The policy will be reviewed on a rolling two year basis.

## **5. Aims**

- 5.1 Through this policy the council seeks to ensure equality for all of our residents, visitors and our employees. The council aims to do this through the delivery of accessible and fair services, by treating our employees and service users with fairness and respect, and ensuring all contractors and other third party organisations we work with share our commitment to equalities.

## **6. Objectives**

- 6.1 The objectives of this policy are to:
- Ensure appropriate consideration is given to equality issues in the design and delivery of services/functions
  - Ensure all staff, elected members and volunteers and are aware of their responsibilities in relation to equalities
  - Ensure that the council and the services we contract out do not discriminate against someone because of a perceived difference
  - Remove identified barriers to participation and ensure access for all members of the community
  - Ensure that the council remains committed to meeting the requirements of the Equality Act 2010 and any future amendments to legislation

## 7. Legal Framework and Relevant Legislation

### 7.1 The Equality Act 2010

7.1.1 The Equality Act 2010 came into effect on 1<sup>st</sup> October 2010, simplifying, strengthening and harmonising the previous anti-discrimination legislation and providing a framework to protect the rights of individuals and advance equality of opportunity for all. The Act sets out the personal characteristics (known as “Protected Characteristics”) that are protected by law and the behaviour that is unlawful.

7.1.2 The nine protected characteristics are:

1. Age  
A person belonging to a particular age or range of ages
2. Disability  
A physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities
3. Gender reassignment  
The process of transitioning from one gender to another
4. Marriage and civil partnership  
A union between a man and a woman or between a same-sex couple
5. Pregnancy and maternity  
Being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding
6. Race  
Refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins
7. Religion and belief  
Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (such as Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition

8. Sex

A man or a woman

9. Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

7.2 Unlawful Discrimination

7.2.1 Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics. There are different types of discrimination, which are summarised below:

- Direct discrimination – treating someone less favourably than someone else because of a protected characteristic
- Indirect discrimination – where a provision, criteria or practice, which applies to everyone particularly disadvantages people who share a particular protected characteristic and where that provision, criteria or practice is a proportionate means of achieving a legitimate aim
- Direct discrimination by perception – treating one person less favourably than someone else because you incorrectly think they have a protected characteristic
- Discrimination arising from disability – treating a disabled person unfavourably because of something connected with their disability when this cannot be objectively justified
- Direct discrimination by association – treating someone less favourably than another person because they are associated with a person who has a protected characteristic
- Victimisation – treating someone unfavourably because they have taken or are taking some form of action relating to the Equality Act, or supporting someone else who is doing so
- Harassment – unwanted behaviour related to a protected characteristic which has the purpose or effect of violating someone's dignity or which creates a hostile, degrading, humiliating or offensive environment

### 7.3 The Public Sector Equality Duty

7.3.1 The Equality Act 2010 also placed a requirement on all Local Authorities to comply with the Public Sector Equality Duty (PSED). The Equality Duty aims to promote and protect the dignity of all persons in society, and covers all nine protected characteristics.

### 7.4 The General Equality Duty

7.4.1 The PSED requires public authorities, in the exercise of their functions, to have due regard for 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
- Foster good relations between people who share a protected characteristic and those who do not

### 7.5 Due regard

7.5.1 Under the equality duty, having due regard means:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

### 7.6 Equality Impact Assessments (EIA's)

7.6.1 The council aims to ensure that it provides services which do not discriminate and that it considers issues relating to equality when making decisions. In order to demonstrate its commitment to this aim, and ensure compliance with the requirements of the Equality Act, the council uses Equality Impact Assessments (EIA's).

7.6.2 An EIA is a process for systematically identifying the potential impact of the council's policies, services and functions on different groups within the community. In particular, an EIA will help with anticipating and identifying any potential discriminatory or negative impacts on groups with protected characteristics. Having done this, the process enables actions to be taken to



eliminate, or minimise, these adverse impacts during the development of the policy/service/function.

7.6.3 The council has developed a toolkit to assist Managers undertaking EIA's providing guidance and advice at each step of the process. Managers are required to conduct an EIA as soon as a relevant new policy, function or service is considered. It should also be an integral part of policy development. In addition to satisfying the legal requirement, an EIA will help to improve policies, strategies, procedures, functions and reviews for the whole community and not just minority groups.

7.6.4 There are two stages to equality impact assessments. The first is a pre-screening process. If potential adverse impacts are identified during the pre-screening process then a full equality impact assessment will be required. We have developed guidance for managers on completing pre-screening forms and full assessments.

7.6.5 Further guidance on completing a pre-screening form or completing a full assessment can be found here: [http://insite.west-norfolk.gov.uk/corporate\\_documents/Equality%20Impact%20Assessments/Fo rms/AllItems.aspx](http://insite.west-norfolk.gov.uk/corporate_documents/Equality%20Impact%20Assessments/Fo rms/AllItems.aspx)

## 7.7 Specific Equalities Duties

7.7.1 The Public Sector Equality Duty legislation is supported by Equality Act 2010 (Specific Duties) Regulations which came into force in September 2011 and which are designed to help authorities meet the general duty. The Specific Duties regulations place a requirement for public bodies to:

- publish information to demonstrate their compliance with the general equality duty, including information relating to people who share a protected characteristic who have been affected by its policies and practices, who are:
  - employees
  - affected by its policies and practices

The council produces an annual monitoring report reviewing its policies and practices with regards to employees. This report is published on our website at: [https://www.west-norfolk.gov.uk/info/20006/council\\_and\\_democracy/304/equality](https://www.west-norfolk.gov.uk/info/20006/council_and_democracy/304/equality)

- Set specific, measurable equality objectives. These objectives must be published in a manner which is accessible to the public

The council's current equality objectives are detailed in Appendix C

## 7.8 Hate Crime

- 7.8.1 **Note: Norfolk Community Safety Partnership has a role in eliminating hate crime - this section may require further amendment prior to consideration by Cabinet in line with their new policy, due to be released in early November.**
- 7.8.2 Hate crime is any crime that is motivated by hostility on the grounds of race (such as anti-Semitism), religion, sexual orientation, disability or transgender identity. There are three categories of hate crime in legislation: incitement to hatred offences on the grounds of race, religion or sexual orientation; specific racially and religiously motivated criminal offences (such as common assault); and provisions for enhanced sentencing where a crime is motivated by race, religion, sexual orientation, disability or transgender identity. Hate incidents can include: name calling, physical attack, vandalism, hate mail and texts and theft.
- 7.8.3 Hate crime can be perpetrated online or offline, or there can be a pattern of behaviour that includes both. The internet, and social media in particular, have provided new platforms for offending behaviour. Hate crime via social media remains a criminal offence and may be expressed through the sharing of hate material and communications in response to a recent tragic event. The Crown Prosecution Service state that online complaints should be taken as seriously as offline complaints and encourage all to be reported to the police.

## 7.9 Human Rights Act

- 7.9.1 The council must 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.
- 7.9.2 We have statutory responsibilities under the Human Rights Act 1998 and will act as far as possible and at all times in accordance with the spirit of the Act, respecting the appropriate fundamental human rights of all employees, customers and members of the public.

## **8. Roles and Responsibilities**

- 8.01 The council has a range of roles and responsibilities with regards to equalities as a service provider and as an employer. In addition, our employees, elected members and contractors who we work with also have a role to play in ensuring the aims of this policy are achieved. The responsibilities for each of these groups are set out below.

8.02 As a community leader, service provider and employer the council has an active role in removing barriers to participation and ensuring access to services for all members of the community. We will do this by:

- Ensuring fair and reasonable treatment and opportunities for all our residents, visitors, and employees
- Collaborating with others and promoting equality of opportunity
- Working with voluntary and community groups

## 8.1 As A Service Provider

8.1.1 Our priority for the way the council does business is to operate within our means – providing important local services within our available resources. As a result, we continuously look closely at what really matters to the citizens of west Norfolk and focus our resources accordingly. Our Corporate Business Plan outlines our current key priorities, many of which are focussed on improving the quality of life for people in west Norfolk.

8.1.2 To support the aims of this policy we will:

- Ensure that all of the services we are responsible for are accessible
- Ensure that all service users are treated with fairness, dignity and respect
- Ensure Equality Impact Assessments are undertaken on all key council policies and policy decisions
- Actively promote services and when necessary, targeting particular individuals and groups, where appropriate
- Actively challenge prejudice and discrimination

8.1.3 Key ways in which we facilitate access to our services for all our customers are:

- Providing high quality interpreting and translation services by subscribing to the INTRAN Partnership in Norfolk. Through INTRAN, we can deliver equality of access to information and services. This improves safety and safeguards individual rights of access
- Providing digital services that are accessible to the widest possible audience, regardless of technology or ability
- Actively working to increase the accessibility of our services
- Aiming to ensure all our digital services meet the Double-A standard of the [Web Content Accessibility Guidelines 2.0](#). which are guidelines explaining how to make web content more accessible for disabled people

## 8.2 As An Employer

8.2.1 The council, as a major employer in west Norfolk, wholeheartedly supports the principle of equal opportunity in employment and opposes all forms of

unlawful or unfair discrimination. Our aim is to create a working environment which is supportive, prejudice free and which reflects the diversity of our local population.

8.2.2 To support the aims of this policy we will:

- Develop open, fair and consistent arrangements for the recruitment, selection and appointment of employees
- Work towards the employment of a workforce which represents the community it serves
- Provide access to learning, training and development opportunities for all staff
- Enforce our belief that all employees have a right to be treated with dignity and respect, and taking steps to ensure this right is protected
- Tackle unacceptable behaviour in the workplace
- Maintain a work environment free from discrimination, harassment and bullying
- Develop initiatives/procedures to enable employees to balance the demands of their home and work lives
- Monitor our workforce profile against our local community profile to work towards a workforce which is reflective of the community we serve

8.2.3 Further details of our commitment to equality in employment, and the actions we will take to achieve this, are outlined in our 'Equality in Employment' policy which is shown in Appendix A.

### 8.3 Our Employees

8.3.1 All of our employees have an integral role to play in both ensuring they work within the principles of this policy and promoting equality through their work. The council believes that all employees have a right to be treated with dignity and respect and the council will take steps to ensure this right is protected. In addition, employees have a responsibility to treat their colleagues with respect. Where employees believe that unfair discrimination has taken place, they should report it (as set out in section 10)

8.3.2 Specific Roles/Responsibilities of employees:

Chief Executive and Executive Directors	Ensuring that the policy is communicated to all their Employees. Ensuring its implementation into all personnel and management practices.
Executive Director, Central and Community	Overseeing the implementation of the Equality Policy. Providing advice to services on equality matters, including best personnel and management practices

Services	<p>Collating and analysing equality monitoring information, initiating corporate/service responses to the outcomes, where necessary.</p> <p>Ensuring that complaints of discrimination are investigated and dealt with effectively.</p>
Policy, Performance and Personnel Manager	<p>Providing advice and guidance on implementation of equality policy, including Equality impact assessments, consultation, monitoring &amp; reporting to Members.</p> <p>Ensuring the council complies with all relevant equalities legislation and preparing policies and initiatives which reflect good practice with regards to equality issues.</p> <p>Ensuring all employment policies and practices are consistent with the Equality Policy.</p> <p>Conducting annual employment monitoring and reporting the findings to the Corporate Performance Panel.</p> <p>Chairing Corporate Equality Working Group, including acting as the link between Management Team and the group.</p>
Communications Officer	<p>Ensuring that the council's corporate image, media and communications activities support and further the Equality Policy.</p>
Service Accountant	<p>Ensuring that corporate procurement standards and monitoring arrangements reflect the council's commitment to equality and fairness.</p>
Service Managers	<p>Promoting equal opportunities policies as an employer and service provider and adhere to the council's requirements regarding equalities.</p> <p>Ensuring that the policy is communicated to all their employees.</p> <p>Ensuring implementation of the policy into all personnel and management practices.</p>
Line Managers and Supervisors	<p>Ensuring managers comply with the policy at a practical level through their actions in recruitment and selection, service delivery, contract procurement, training and development and general management.</p> <p>Encouraging good practice by their staff and dealing where appropriate with breaches of this policy.</p>
All Employees	<p>Ensuring all employees act within the Equality Act.</p> <p>Ensuring all employees comply with the contractual duty to comply with this policy as a whole and thereby ensure its consistent application on a day to day basis.</p> <p>Treating all colleagues with respect.</p>
Corporate Equality Group	<p>Consists of representatives from all service areas.</p> <p>Leads and drives forward equalities issues within the council, working towards the requirements of the council's Equality Policy, legislation and best practice.</p> <p>Responsible for disseminating information within their service area and acting as a point of contact/reference for colleagues within that service.</p>
Disability Complaint	<p>Responsible for investigating corporate complaints of</p>

Investigators	discrimination as allocated by the Executive Director, Central and Community Services.
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#### 8.4 Elected Members

8.4.1 Elected members are responsible for ensuring that equality is incorporated within all council activity. Using Equality Impact Assessments elected Members will consider equality throughout the policy and decision making process. Elected members should ensure that they work within the principles of this policy and where they believe that unfair discrimination has taken place, they should report it.

#### 8.4.2 Specific Roles/Responsibilities of Elected Members:

Elected Members	To comply with the principles of this policy. Promoting equality. Ensuring adequate resources are made available to enable the council to meet its legal responsibilities.
Portfolio Holder / Cabinet	To adopt the corporate equality policy and ensure it is implemented.
Corporate Performance Panel	To receive monitoring reports on equality matters.

One Elected Member will be given the role of 'Disability Champion' to respond to queries from members of the public and external bodies. The role of the Disability Champion will be promoted via the council's website and the postholder will report to the Environment and Community Panel on an annual basis.

#### 8.5 Third Party Organisations and Contractors

8.5.1 We procure a wide range of goods and services from third parties and contractors. We aim to ensure that all relevant third parties and contractors who work with us have the information they need to ensure equality of opportunity for their employees and service users. The procurement and grants process require all relevant third parties and contractors to have an equality policy and we will seek sufficient information and evidence that compliance with equality legislation is taking place. This will follow the procedure set out on contract management, monitoring and evaluation in our contract standing order policy.

## **9. Equality Monitoring**

- 9.1 Some services may ask users for personal information as part of their processes. When we ask employees or members of the public for personal information for our equality monitoring we will only ask for the information we need. We will state why we need the information and we will take care not to identify individuals through the information we collect, especially where it is shared or published. We will ensure that in doing so we comply with the law in relation to confidentiality, data protection and freedom of information.

## **10. Complaints Procedures**

### **10.1 External Complaints**

- 10.1.1 If a customer feels they have been discriminated against in relation to council activity they should fill out the council's Discrimination Complaints Form, which is available here: [https://www.west-norfolk.gov.uk/downloads/download/187/complaints\\_comments\\_and\\_complaints\\_documents](https://www.west-norfolk.gov.uk/downloads/download/187/complaints_comments_and_complaints_documents)

- 10.1.2 This form covers discrimination related to any of the protected characteristics under the Equality Act: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. This form should also be used if a complaint relates to a hate incident.

### **10.2 Internal Complaints**

- 10.2.1 If a member of our staff feels they have been discriminated against they should use the relevant procedures as outlined in the Employee Handbook. Complaints of harassment will be handled in accordance with the council's 'Harassment at Work' procedure.

## **11. Implementation**

- 11.1 This policy will be published on the council website and will be available on Insite. All staff will be made aware of the policy as part of their induction training.

## **12. Reference Documents**

12.1 Equality Act 2010 <https://www.legislation.gov.uk/ukpga/2010/15/contents>

12.2 Equality and Human Rights Commission  
<https://www.equalityhumanrights.com/en>

12.3 Human Rights Act 1998  
<https://www.legislation.gov.uk/ukpga/1998/42/contents>

## **13. Date approved by Full Council**

[to be inserted]

## **14. Responsible Officer**

Policy, Performance and Personnel Manager

## **15. Review Date**

January 2019

## **16. Appendices**

Appendix A Employment Policy

Appendix B Glossary of Terms

Appendix C Equality Objectives



## **Appendix A: Equality in Employment Policy**

The council, as a major employer in west Norfolk, wholeheartedly supports the principle of equal opportunity in employment and opposes all forms of unlawful or unfair discrimination. The employment related sections of this policy therefore concern all matters directly or indirectly related to employment affecting individuals or groups whether they are actual or potential employees.

We believe that it is in the council's best interests, and those of all who work for it or who live in the area, to ensure that the human resources, talents and skills available throughout the community are considered when employment opportunities arise. Every possible step will be taken to ensure that individuals are treated fairly and that all employment related decisions are based solely on objective, justifiable and job related criteria.

The council is committed not only to the legal obligations placed upon it by equalities legislation but also to the positive promotion of equal opportunities in all aspects of employment. With this in mind, the council will ensure that all its employment policies, procedures, guidelines and practices reflect and reinforce its commitment to equality

Our aim is to create a working environment which is supportive, prejudice free and which reflects the diversity of our local population. To achieve this aim we will undertake the actions in the following areas:

### **A. Recruitment, Selection and Appointment**

The council will:

1. Develop open, fair and consistent arrangements for the recruitment, selection and appointment of employees, including:
  - (i) Ensuring all advertised posts have a clear and up-to-date job description and a personal specification which outlines the skills, qualifications and experience required to undertake the job. Both the job description and personal specification will only include requirements that are necessary and justified for the effective performance of the job.
  - (ii) Ensuring advertisements for posts provide sufficient, clear and accurate information to enable potential applicants to assess their own suitability for the post in a manner which does not restrict its audience in terms of any potentially discriminatory factor.
  - (iii) Complying with the requirements outlined in the 'fluency duty' English language requirement for public sector workers (Part 7 of the Immigration Act 2016). Clearly outlining in the advertisement and

- relevant personal specification the standard necessary for applicable job roles.
- (iv) Producing recruitment literature which is clear and bias free, including making access to a copy of the Equality in Employment policy available to all job applicants.
  - (v) Requiring all job applicants to complete a standard job application form and requesting monitoring information via a separate part of the form which is held confidentially within Personnel.
  - (vi) Ensuring officers involved in recruitment and selection procedures have received appropriate training, including relevant equalities training.
  - (vii) Ensuring the selection criteria used to determine candidates shortlisted for interview, and the successful candidate for a post, is based only on the information contained within the job description and personal specification for the position.
  - (viii) Ensuring that reasonable adjustments are offered to all applicants to enable them to attend a job interview
2. Work towards the employment of a workforce which represents the community it serves by:
    - (i) Ensuring job opportunities are communicated to all sections of the community
    - (ii) Ensuring there are no barriers which discourage applications from any section of the community
  3. Comply with the requirements of the Disclosure and Barring Service for relevant posts with regards the employment of ex-Offenders.
  4. Comply with the requirements of the Asylum and Immigration Act with regards ensuring job applicants are eligible to work in the UK.
  5. Ensure that promotions are determined on the basis of ability and other relevant objective job related criteria.

## B. Learning, Training and Development

The council will:

1. Recognise the need to provide a range of learning, development and training opportunities to all employees and elected members, regardless of any protected characteristic, to ensure that their potential is harnessed with a view to achieving improvements in performance and service delivery.
2. Maintain our commitment to the principles that:
  - (i) The council is fully committed to developing its employees and elected members in order to achieve its aims and objectives
  - (ii) The council is clear about its aims and objectives and what employees and elected members need to do to achieve them
  - (iii) The council develops its employees and elected members in order to improve performance
  - (iv) The council understands the impact of its investment in people on its performance

3. Encourage all employees to discuss the training and development needs with their line manager at least annually as part of the council's performance appraisal process.
4. Develop training programmes to ensure employees are aware of their responsibilities with regards equalities, to include:
  - (i) training for new recruits via induction
  - (ii) training for managers as part of the annual corporate training programme
  - (iii) training on specific equalities issues as required to support this Policy.
5. Review training and development procedures to ensure there are no barriers which prevent employees from potentially disadvantaged groups accessing opportunities.

### C. Working Environment

The council will:

1. Enforce our belief that all employees have a right to be treated with dignity and respect and take steps to ensure this right is protected through our Harassment at Work Procedure.
2. Supply all employees with a copy of the Harassment at Work procedure which provides guidance to employees on what constitutes unacceptable behaviour and which includes definitions of harassment and bullying as follows:
  - (i) Harassment can take many forms, occur on a variety of grounds and may be directed at an individual or a group of individuals. Harassment may, however, be summarised as conduct which is unwanted, unreasonable and offensive to the recipient. It is not the intention of the perpetrator but the deed itself and the impact on the recipient which determine what constitutes harassment.
  - (ii) Bullying is defined as unreasonable, offensive, intimidating or insulting behaviour, which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines confidence and which may cause stress which is unconnected with race, sex or disability.
3. Ensure staff are aware that they are required to comply with the Harassment at Work Procedure and to treat all colleagues with respect.
4. Under no circumstances, condone harassment of any nature. We will undertake to investigate all complaints of harassment fully and as quickly as possible. Investigations will be totally confidential and, when a complaint is found to be justified, disciplinary action will be taken.
5. Provide a group of trained Harassment Advisers to provide employees with information concerning the options available to them through the Harassment at Work Procedure.
6. Provide employees with information relating to the Protection from Harassment Act 1997 as required.

7. Include responsibilities in relation to equalities in the job descriptions of senior managers.

#### D. Conditions of Employment

The council will:

1. Ensure all employees are aware of this Policy via the Employee Handbook and other communication channels as appropriate. Changes and updates to the policy will also be communicated to employees as and when required.
2. Ensure all employees are familiar with this Policy and the council's 'Code of Conduct' and conduct themselves in accordance with these requirements.
3. Ensure all employees receive regular performance appraisal in accordance with the council's performance management scheme. Assessments of performance will be based solely on job requirements and individual ability. Reviews of the scheme will be undertaken to ensure the removal of any barriers for employees from potentially disadvantaged groups.
4. Develop initiatives/procedures to enable employees to balance the demands of their home and work lives, including
  - (i) A caring package
  - (ii) A flexible working hours scheme
  - (iii) A homeworking policy
  - (iv) Procedures for dealing with flexible working requests
5. Give consideration to requests from employees to adjust working times or practices to accommodate religious needs.
6. Put in place any reasonable adjustment required by an employee who becomes disabled during employment, or for a new employee who has a disability.
7. Consider requests from employees for reduced or amended working hours to accommodate external requirements and when vacancies arise, consider part time working as an alternative method of filling the vacant post.
8. Ensure employees with flexible working arrangements receive no less favourable treatment than other employees.

#### E. Monitoring and Review

The council will:

1. Continue to monitor our workforce profile against our local community profile to work towards a workforce which is reflective of the community we serve.
2. Specifically monitor recruitment, promotion, training opportunities and training take up, performance assessments, grievance and disciplinary cases, leavers and sickness absence on an annual basis.
3. Undertake monitoring based on gender, disability and other equalities criteria as required to support this Policy.

4. Report to the relevant Council Panel and to Management Team on the results of employment monitoring on an annual basis.
5. Comply with the requirement to undertake, and publish, gender pay related information as required by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.
6. Regularly review our employment monitoring practices and information collecting systems to ensure these comply with legislation.
7. Obtain feedback from employees on the council's equality policies via the Employee Opinion Survey's/specific surveys as may be required from time to time.
8. Review the employment section of this policy regularly, updating the document in line with legislation as required.

## **Appendix B: Glossary of Terms**

**Anti-Semitism** - In December 2016, the Government formally adopted the International Holocaust Remembrance Alliance working definition of anti-Semitism; the first European Union country to do so: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

**Associative discrimination** - applies to race, religion or belief and sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

**Direct discrimination** - occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

**Disability** - a person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport. People who have had a disability in the past are also protected.

**Ethnic minority community** - is an ethnic group that is numerically smaller than the predominant white group in Britain. This includes groups distinguished by their skin colour, as well as those such as Irish, Turkish, Cypriot, Eastern European and Travelling people.

**Gender reassignment** – a transsexual person is someone who proposes to, starts or has completed a process to change his or her gender.

**Harassment** - is "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 except for pregnancy and maternity and marriage and civil partnership. Employees will now be 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.

**Hate Crime** - Hate crime is any crime that is motivated by hostility on the grounds of race, religion, sexual orientation, disability or transgender identity. There are three categories of hate crime in legislation: incitement to hatred offences on the grounds of race, religion or sexual orientation; specific racially and religiously motivated criminal offences (such as common assault); and provisions for enhanced

sentencing where a crime is motivated by race, religion, sexual orientation, disability or transgender identity.

Hate incidents can include: name calling, physical attack, vandalism, hate mail and texts, hate material on social media and theft.

**Indirect discrimination** - applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership, disability and gender reassignment. Indirect discrimination can occur when you have a condition, rule, policy or even a practice in an organisation that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make.

### **Inter-sex**

Sometimes a person's external genitals, their internal reproductive system or their chromosomes are inbetween what is considered clearly male or female. People born with these kinds of variations are often referred to as intersex people.

Inter-sex people are not explicitly protected from discrimination by the Act, but must not be discriminated against because of their gender or perceived gender.

For example, if a woman with an intersex condition is refused entry to a women-only swimming pool because the attendants think her to be a man, this could be sex discrimination or disability discrimination.

**Marriage and civil partnership** - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples in a wide range of circumstances, such as employment, education, service provision and housing. Failure to do so would amount to discrimination on grounds of sexual orientation.

**Perceptive discrimination** - applies to age, race, religion or belief, sexual orientation, disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

**Race** - the current legal definition of a racial group is a group of people defined by their race, colour, nationality (including citizenship), ethnic or national origins.

**Racial Incident** - in respect of race equality the council has adopted the Macpherson definition of a racial incident, i.e. 'a racial incident is any incident which is perceived to be racist by the victim or any other person'.

**Religion or belief** - religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure

and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Humanism is a protected philosophical belief but political beliefs would not be protected. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

**Sex** – is the biological difference between men and women.

**Sexual Orientation** - means an individual's sexual orientation towards:

- People of the same sex (gay or lesbian);
- People of the opposite sex (heterosexual);
- People of both sexes (bisexual)

**Stalking** – In 2012 the Coalition Government added two specific criminal offences of stalking to the 1997 Protection from Harassment Act. These are: stalking (section 2A) which is pursuing a course of conduct which amounts to harassment and which also amounts to stalking and stalking (section 4A) involving fear or violence or serious alarm or distress.

**Third party harassment** - applies to sex, age, disability, gender reassignment, race, religion or belief and sexual orientation. The Equality Act makes an employer potentially liable for harassment of your employees by people (third parties) who are not employees of their company, such as customers or clients. An organisation will only be liable when harassment has occurred on at least two previous occasions, they are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

**Victimisation** - occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.



## **Appendix C: Equality Objectives**

### **Equality Objectives 2017 – 2020**

The following equality objectives have been developed to support the Council's corporate business plan and the updated corporate equality policy.

#### **Equality Objectives – Services**

1. We will use fair and evidence based decision making when reviewing Council policies, services and functions, including ensuring equality implications are taken into consideration
2. We will improve the quality of life for people in West Norfolk through improved access to information and services
3. We will ensure the Council's approach to equalities issues are regularly reviewed and promoted

#### **Equality Objectives – Employment**

1. We will maintain a diverse workforce that reflects the community that we serve
2. We will maintain a working environment that is inclusive and where all staff are treated fairly
3. We will ensure all our employment policies, practices and procedures comply with equalities legislation