

Agenda Item No:	<b>5</b>	
Committee:	<b>Staff Committee</b>	
Date:	<b>14th December 2015</b>	
Report Title:	<b>Comprehensive Equalities Policy</b>	

## **1 Purpose / Summary**

The purpose of this report is to inform and make recommendation for the adoption of a Comprehensive Equalities Policy for the Council.

## **2 Key issues**

- Since the Equality Act 2010 became law there has been a drip feed of guidance and information with regard to the practical implementation of the Act.
- As a result there is a need to refresh the Council's Comprehensive Equality Policy to remain compliant in relation to the Act.
- An updated policy is needed to reflect:
  - Changes in the equality traits e.g. protected characteristic additions such as maternity, marriage and civil partnership.
  - Changes in discrimination guidance and case law.
- In addition, by refreshing the policy it provides further evidence regarding our compliance in relation to the statutory equality duties that we have to report on through our Annual Equality Report.
- The Policy is attached at Appendix A. Once approved the document will be designed into the corporate style for policy documents.
- The Council consulted staff on the proposed new policy in the autumn.
- A consultation response was received and Appendix B details those comments and how the Council responded to the points made.

## **3 Recommendations**

- Members are asked to approve the recommended policy as detailed in Appendix A

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	
<b>Portfolio Holder(s)</b>	Councillor Simon King

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<b>Background Paper(s)</b>	



**APPENDIX A**

**COMPREHENSIVE**

**EQUAL**

**OPPORTUNITIES**

**POLICY**

**2015**



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Minicom number 01354 622213.

Information about this policy and the Council's approach to equal opportunities is also available on our website [http// www.fenland.gov.uk](http://www.fenland.gov.uk).

# EQUAL OPPORTUNITIES POLICY

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## Equal Opportunities

### STATEMENT OF COMMITMENT

We are committed to creating accessible communities in the district of Fenland where all people are valued, can live in harmony and have access to what they need in order to play an active and inclusive part in society, free from fear of discrimination.

To that end we will work as a provider of services, an employer and community leader to promote social inclusion, respect for others, promote equal opportunities for all and look for all to reach their maximum potential.

As an organisation we recognise equality of opportunity/ outcomes and fairness for all as part of our core values. We want everyone in the organisation to be aware of this and to be skilled and trained to work in accordance with these values. We expect employees and elected Members to subscribe to these values and to behave in accordance with them.

This document sets out in detail our policy on Equal Opportunities as a single equalities scheme for the Council.

Leader of Fenland District Council Councillor John Clark & Paul Medd Chief Executive.

## 2. INTRODUCTION

**The purpose of this policy is to eliminate discrimination and improve the quality of life for all.**

The law says that Councils are responsible for ensuring that no unlawful discrimination on grounds of disability, gender reassignment, pregnancy and maternity, race, religion and or belief, age, gender, sexual orientation and marriage and civil partnerships takes place in the provision of services, or against applicants seeking a job with them.. Local authorities also have a responsibility to ensure equality of opportunity for job applicants, employees and others contracted to work for their authority.

**The Council will not discriminate directly or indirectly by applying conditions or requirements that cannot be justified. We will strive to ensure that no one is disadvantaged by virtue of negative attitudes toward any of the protected characteristics (highlighted above) along with Human Rights and Socio Economic factors.**

To help us continually improve our approach to equality we will regularly review our policies and practices at a corporate and service level. We will undertake measures to help us achieve this in that we will take such actions required as a result of a completed Customer Impact Assessment which identifies issues to consider and address.

In accordance with the Equality Act 2010, we publish our equality objectives at least every four years and these will be reviewed regularly to ensure that they are still appropriate.

We will try to treat all people equally and fairly whether they are:

- seeking employment with the Council or already employees of the Council;
- users of, or potential users of the Council's services;
- contracting to supply services or goods to or on behalf of the Council.

The Council also acknowledges that, as a public authority for the purpose of the Human Rights Act 1998, it has statutory responsibilities 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 regardless of their socio economic circumstances.



This policy sets out the Council's commitment to its customers – both internally and externally regarding equality of opportunity and diversity. The overall driver for this policy is customer access and customer care.

**It includes;**

How the Council will seek to eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Equality Act 2010.

The Equality Act 2010 brings together, harmonises and in some respects extends the current equality law, by making it more consistent, clearer and easier to follow in order to make society fairer. As a public sector organisation, our responsibilities remain largely the same as those prior to the Act, but there are some differences around harmonisation of legislation that we need to be aware of.

The Equality Duty is a duty on public bodies and others carrying out public functions. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, in delivering services, and in relation to their own employees.

The new Equality Duty supports good decision-making – it encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and will meet different people's needs.

The Public Sector Equality Duty was introduced in 2011 and applies to all protected characteristics apart from marriage and civil partnership (which only applies in respect of eliminating unlawful discrimination).

**It also requires the Council to consider how it will:**

- Advance equality of opportunity between persons who share a protected characteristic and those who do not.
- Foster good relations between persons who share a protected characteristic and those who do not.
- Consider how different people will be affected by the activities of public bodies, helping them to deliver policies and services which are effective, that are accessible to all and meet different people's needs.

This Policy applies where the Council engages with its customers where we:

- provide services (directly or through a third party).
- buy goods and services.
- employ people.
- act as a 'community leader'.
- Externalise a Council service.

### **Local authorities must:**

- Ensure that individuals are not discriminated against on the grounds of their age, disability, gender reassignment, marriage/civil partnership, pregnancy and maternity, race, religion/belief, gender and/or sexual orientation. These protected characteristics are laid down in the Equality Act 2010.
- Ensure that the organisation's procedures, policies and actions are not unlawfully discriminatory and comply with the Equality Act 2010 and other relevant legislation.
- Provide a safe working environment to promote Equal Opportunities and good relations between all people.
- Comply with the Equality Act 2010 and the Public Sector Equality Duty which has three aims:
  - to eliminate unlawful discrimination;
  - to advance equality of opportunity;
  - and foster good relations.

### **Suppliers and Contractors will be expected to**

- Comply with all their statutory obligations under existing and any new revisions of the law including those required under The Human Rights Act and this Council's Procurement Strategy.

### **Definitions of Discrimination**

There are different types of discrimination – associative, direct, indirect, perceptive, harassment, third party harassment, victimisation and institutional. The definitions of discrimination we have used within this policy are detailed below.

## **Types of discrimination**

The new Act also extends some of these protections to characteristics that previously were not covered by equality legislation. There are **seven different types of discrimination** under the new legislation, we have used these within the policy.

These are:

**Direct discrimination** - where someone is treated less favourably than another person because of a protected characteristic.

**Associative discrimination** - this is direct discrimination against someone because they are associated with another person who possesses a protected characteristic.

**Discrimination by perception** - this is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to.

**Indirect discrimination** - this can occur when you have a rule or policy that applies to everyone but disadvantages a person with a particular protected characteristic.

**Harassment** - this is behaviour that is deemed offensive by the recipient. Employees can now complain of the behaviour they find offensive even if it is not directed at them.

**Harassment by a third party** - employers are potentially liable for the harassment of their staff or customers by people they don't themselves employ, i.e. a contractor.

**Victimisation** - this occurs when someone is treated badly because they have made or supported a complaint or grievance under this legislation.

## **Age**

The Act protects employees of all ages but remains the only protected characteristic that allows employers to justify direct discrimination i.e. if an employer can demonstrate that to apply different treatment because of someone's age constitutes a proportionate means of meeting a legitimate aim, then no discrimination will be justified.

## **Disability**

The Act has made it easier for a person to show that they are disabled. Under the Act, 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 their normal day-to-day activities, and now states that it is unfair to treat a disabled person unfavourably because of something connected with a disability. An example of this would be a tendency to make spelling mistakes arising from dyslexia. Also, indirect discrimination now covers a disabled person, which means that a job applicant could claim that a particular rule or requirement disadvantages people with that disability.

The Act includes a new provision which makes it unlawful, with limited exceptions, for employers to ask about a candidate's health before offering them work.

## **Gender reassignment**

The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed the process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live as a man but does not undergo any medical procedures would be covered.

## **Marriage and Civil Partnership**

The Act protects employees who are married or in a civil partnership. Single people are not protected by the legislation against discrimination.

## **Pregnancy and maternity**

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity, discrimination cannot be treated as sex discrimination.

## **Race**

The need for an active approach towards anti-discrimination is underlined by the findings of the Stephen Lawrence Inquiry Report (Macpherson 1999) which defined Institutional Racism and provided guidance on what is defined as a racist incident.

Fenland District Council is committed to fighting racism and recognises the following definitions from Macpherson:

- Institutional Racism: “The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture and ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people”.

Macpherson , 1999

- Racist Incident: “a racist incident is any incident which is perceived to be racist by the victim or any other person”.

Macpherson, 1999

For the purposes of this Act “race” includes colour, nationality and ethnic or national origins.

## **Religion or belief**

In the Equality Act, 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 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.

## **Gender (Sex)**

Both men and women are protected under the Act.

## **Sexual Orientation**

The Act protects bisexual, gay, heterosexual and lesbian people.

### 3. EQUAL OPPORTUNITIES IN EMPLOYMENT

*We are committed to developing a well-trained workforce that is diverse and socially inclusive to ensure that we provide effective, responsible and appropriate services to all service users. The Council is committed to ensuring that all employees can contribute effectively to the Council's overall aims and objectives. Our aim is to ensure that all employees are valued and have access to opportunities to realise their own potential.*

#### **As an employer we will:**

- set out the Council's aims and commitment to its workforce and the roles and responsibilities of employees through written policies. These policies will be looked at and examined via Customer Impact Assessments (Equality Impact Assessments) for a new policy or procedure or a Customer Impact Review on an annual refresh on existing policy initiative.
- aim for fair and Equal Opportunities in all areas of employment, including recruitment and selection, terms and conditions, appraisal, retention, learning, promotion and career development.
- ensure job descriptions and selection criteria are clear and consistent with the relevant Codes of Practice (*as detailed at the end of this document*).
- make all reasonable adjustments to facilitate continued employment within the Council for a disabled employee or one who becomes disabled during their employment with the Council.
- support everyone's right to safety and dignity at work and we will provide learning opportunities for councillors and employees to make them aware of their role and responsibility to promote and maintain a safe, fair and equitable working environment.
- build on our previous good practice by regularly reviewing our employment policies and documentation by listening to feedback from employees and making adjustments where applicable.
- publicise employment opportunities, monitor responses and take action to encourage applications from all sections of the community to help us develop and maintain a workforce that is representative of the local population.

- ensure that all selection panels wherever possible will be from diverse backgrounds and representative of the community. We will ensure that all staff involved in recruitment and selection:
  - are competent in terms of good equal opportunities practice in recruitment and selection, retain selection notes for a period of six months and provide constructive feedback to applicants when requested;
  - ensure that job and person specifications relate to job requirements only.
  
- ensure that people who work here receive regular appraisals, are judged according to their skills and abilities at work and have equal access to learning and promotion opportunities.
  
- aim to be a family friendly employer by offering:
  - Flexible working hours
  - Shift working
  - Home working
  - Part time working
  - Job share
  - Dependency leave
  - Paternity leave
  - Maternity leave
  - Adoption/fostering leave
  
- ensure workers with flexible working arrangements receive no less favourable treatment than other workers.
  
- promote age diversity within the workforce by valuing the contributions of employees whatever their age or stage of working life.
  
- acknowledge the rights under European Law (Equal Treatment Directive) of employees and applicants. We will make available appropriate training and support to our employees as managers, supervisors, teams or individuals upon request. Where gender is a genuine occupational requirement the council will state this and will explain why this is the case.
  
- give sympathetic consideration to requests to adapt working practices to enable the cultural and religious needs of an employee to be met.



- In order to ensure that these promises are kept we will provide a number of employment policies and procedures (listed below) to do this. Each document will be readily accessible to all staff and Councillors and available in alternative formats and languages upon request
  
- Dignity at Work Policy
- Code of Conduct for Employees
- Code of Conduct for Councillors
- Employee Handbook
- Disciplinary Policy
- Capability Policy
- Appraisal Process
- Grievance and Appeals Policy
- New Employee Integration (induction and probation)
- Health and Safety Policy
- Maternity, Adoption and Paternity Leave and other Family Friendly Policies
- Flexible Working Policy
- Recruitment and Selection Policy
- Learning & Development Framework
- Violence and Aggression at Work Policy
- Whistleblowing Policy

## 4. EQUAL OPPORTUNITIES IN SERVICE PROVISION

We recognise that quality cannot be achieved without equality.

We will strive to provide quality services to all of our customers equally and fairly and ensure that our policies and procedures do not discriminate intentionally or unintentionally against any group or individual on the grounds of their Age, Disability, Marriage or Civil Partnership status, Gender, Gender Reassignment, Pregnancy and Maternity, Race, Religious and/ or belief, and Sexual Orientation (these are also defined in law as “protected characteristics”) and consider all Human Rights and Socio-Economic issues.

As a provider of services we will:

- ensure that staff delivering services are competent to provide an appropriate and informed response to all service users without unlawful discrimination.
- make information on key services available in a variety of formats and languages and provide translation and interpreting facilities upon request to ensure our services are accessible to all.
- consult service users to identify needs and levels of satisfaction with service delivery and use feedback to better inform service planning.
- undertake periodic monitoring to establish the take up and provision of our services and regularly review our policies and procedures to ensure continuous improvement.
- raise awareness of our “Compliments, Comments and Complaints” policy, investigate and respond to all complaints in accordance with the agreed policy and procedures and publish monitoring statistics in an annual report.
- build equality and anti-discrimination measures into long term service planning.
- comply with our statutory obligations under the Human Rights Act 1998.

## 5. EQUAL OPPORTUNITIES IN THE COMMUNITY

***We recognise our special role and responsibility in our district to challenge discrimination and promote equality of opportunity as part of our wider leadership role***

***As a community Leader we will:***

- aim to be a model of good practice in our approach to Equal Opportunities and encourage others to do likewise in order to see equality of opportunity as a core element of a healthy and harmonious community.
- use our powers under the Local Government Act 2000 to promote equality in our district.
- consult widely and work with others to promote equality of opportunity in all elements of life in the communities that make up our district.
- value the contribution of voluntary and community groups and consult and support local organisations who represent the views of Fenland citizens.
- support and work with organisations such as the Citizens Advice Bureau, One Voice4 Travellers, National Romani Rights Association, Peterborough Race Equality Council, Cambridge Human Rights & Equality Support Service, Rosmini Centre, Ferry Project, KLARS and Wisbech Interfaith Forum and other local groups to promote equality and challenge discrimination.
- challenge negative stereotyping and the use of discriminatory and insulting language and behaviour by promoting positive images in all our publications.
- encourage voluntary and community organisations to adopt the principles of this Equal Opportunities Policy so far as appropriate in each individual case; assist voluntary and community groups in receipt of financial or other support from the Council, to develop policies and practices to ensure that the statutory requirements are met.

- work to enhance local democracy and accountability to ensure the needs of our local population are met and that they are actively encouraged to engage in the democratic process.
- continue to work to achieve the recommendations of the Macpherson Report and build into our equality action plan targets for implementation. In particular we will:
  - tackle the special problems and discrimination that may be experienced by ethnic groups locally;
  - promote awareness that Hate Crime e.g. racism is a crime and encourage people to report racist incidents to the Police or at a Community Reporting Centre;
  - record and investigate all racist incidents reported to us in accordance with an agreed procedure;
  - work to implement the equality standards for local government by setting and achieving targets in our action plans (linked to our Service plans).
- take up external funding opportunities to pursue equality objectives in regeneration, community support and social inclusion.
- take prompt action to remove offensive, obscene or racist graffiti.
- acknowledge that racist, homophobic and other hate crime based on discrimination, prejudice or stereotyping is a community safety issue.
- ensure that community safety issues are fully considered in all our functions in accordance with the Crime and Disorder Act 1998.

## **6. BULLYING AND HARASSMENT**

We have in place a separate Dignity at Work Policy and procedure, which supports the aims of our Equal Opportunities Policy and sets out further information in this area.

Bullying can be defined as persistent offensive, abusive, intimidating, malicious or insulting behaviour and physical harassment, which may include touching, petting and assault or abuse of power with unfair penal sanctions.

Harassment occurs when a person is subjected to unwelcome or inappropriate behaviour that undermines, demeans, offends, insults or injures them.

All of our employees are entitled to a fair and reasonable working environment, free from bullying and harassment. Equally, all employees have a responsibility to ensure that their own behaviour and the working environment is free of harassment and bullying and that they are sensitive to other people's perceptions of their and others behaviour.

Employees are protected by the Protection from Harassment Act 1997 and are encouraged to report all such incidents.

Bullying and harassment of any type will not be tolerated. Any allegations of bullying and harassment will be investigated. Perpetrators will be dealt with in accordance with the disciplinary or capability procedures for employees, or by such other sanctions as maybe available in the circumstances. Victims and those reporting any form of bullying and harassment will be dealt with sensitively in accordance with an agreed policy and procedures. The Council will not tolerate any form of abuse or threats of violence towards its staff whilst they are performing their duties, or outside of work if this is due to them being employed by the Council. Any reports of this occurring will be treated seriously and the Police may be called to investigate or intervene.

## **7.0 The protected Characteristics of the Equality Act 2010**

### **7.1 Racial Harassment**

Racial Harassment is defined as racial discrimination if a person "on racial grounds treats another person less favourably than they would treat other persons".

The Equality & Human Rights Commission has defined racial harassment as "offensive or hostile behaviour which causes discomfort, distress, exclusion or withdrawal". Racial Harassment may consist of racist jokes, abuse, language, graffiti, posters, literature, shunning an ethnic minority employee, and violence or threats of violence.

We have adopted the following definition of a racist incident from the Macpherson report:

**7.2 A racist incident is "any incident considered by the victim or any other person to be racially motivated".**

## **We will:**

- raise awareness of racist incident reporting mechanisms;
- encourage people to report racist incidents to the Police and other relevant agencies;
- record and investigate all racial incidents reported to is in accordance with **the True Vision Reporting Scheme** developed by the Hate Crime Reporting Partnership adopted;
- provide information on support agencies for victims and those reporting racial incidents.

## **7.2 Sexual Orientation**

**Sexual harassment is defined as unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of women and men at work. This can include unwelcome physical, verbal or non-verbal conduct.**

### **Sexism**

Gender discrimination stems from the false belief that one gender is superior to the other.

The discrimination takes forms of prejudiced attitudes suggesting that one gender, lack certain desirable abilities and characteristics that the other gender posses.

Sexism can be embedded in institutional power structures, systems and practices used to oppress one gender, often women.

Victims and those reporting sexual harassment will have access to same sex support and advocacy upon request.

### **Heterosexism**

The belief that heterosexuality is the absolute norm and therefore any other forms of sexuality is abnormal.

**Homophobia** Negative attitudes and prejudices leading to discrimination against transvestism, lesbians, gay men, bisexuals and people who have undergone or propose to undergo gender reassignment.

Heterosexism and homophobia are embedded in institutional power structures, systems and practices used to discriminate against lesbians, gay men, bisexuals and people who have undergone gender reassignment.

Negative attitudes and prejudices lead to harassment and discrimination. Expected stereotypical conventions of relationship status and domestic arrangements reinforce collective acts of discrimination.

Discrimination can take place both in service delivery and employment.

In service delivery, the Council will recognise through direct consultation and monitoring the needs of lesbians, gay men, bisexuals and people who have undergone gender reassignment, and address any barriers to service delivery that are identified. The Council will respect the right of individuals to be open about their sexuality.

In employment, the Council recognises that all staff must feel free in “coming out” as this is their choice.

### **7.3 Disability Harassment**

Under the Equality Act 2010 discrimination occurs when:

- a person with disabilities is treated less favourably than someone else;
- the treatment is for a reason relating to a person’s disability and;
- this treatment cannot be justified.

Disability harassment is defined as unwanted conduct based on disability affecting the dignity of women and men at work. This can include unwelcome physical, verbal or non-verbal conduct.

The Act includes a new protection arising from disability and now states that it is unfair to treat a disabled person unfavourably because of something connected with a disability.

#### **7.3.1 Disabled people.**

Disability applies to a person who has a physical or mental health impairment that has a substantial and long term adverse effect on their ability to carry out normal day to day activities.

To qualify for protection from discrimination, a disabled person no longer has to show that their impairment affects a particular “capacity”, such as mobility, speech, hearing or eyesight.

Victims and people reporting disability discrimination will have access to appropriate advocacy and support upon request.

### **7.3.2 Ableism**

Ableism is discrimination in favour of able-bodied people. People are disabled by physical barriers in the environment and attitudinal barriers in society rather than by their impairment.

Discrimination against disabled people can be embedded in institutional power structures, systems and practices used to oppress disabled people.

### **7.4 Ageism**

Negative assumptions leading to prejudice and discrimination are ascribed to people because of their age. This can intensify the older people become. It is often assumed that young people lack maturity or are unable to take responsibility and that older people are less flexible and lack the ability to learn.

Ageism can be embedded in policies, practices and procedures, used to discriminate on grounds of age, belief or faith.

Ageism, or age discrimination, can be defined “...as the practice of excluding applicants or employees from all types of types employment decisions based solely on the calendar age of the individual” (Gibson et al, 2010). As an employer we will ensure that this does not occur.

### **7.5 Religion and Faith**

Each person’s religious belief is a basic human right, which must be treated with tolerance and respect. Taking someone else’s god’s name in vain (blasphemy) or unwontedly promoting one’s own faith can be offensive. People must have the right to object to carry out certain duties if this would offend the beliefs of their religion.



Creating awareness and understanding of the different religions in the workplace is essential in combating discrimination and harassment. We will see that current Human Resources practices and procedures ensure they do not cause concerns for staff.

## **7.6 Gender Reassignment**

Gender reassignment applies to a person who is proposing to undergo, is undergoing or has undergone a process to change their sex.

To qualify from discrimination a transgender person no longer has to show that they are under medical supervision. For instance, a man who decides to live permanently as a woman would be protected even if they do not undergo any operations.

We will ensure that no one is discriminated against on the grounds of their sexual orientation or by gender reassignment.

## **7.7 Pregnancy and Maternity**

The Act protects women against discrimination because they are pregnant or have recently given birth.

## **7.8 Marriage and Civil Partnership**

(1) A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner.

(2) In relation to the protected characteristic of marriage and civil partnership:

(a) a reference to a person who has a particular protected characteristic is a reference to a person who is married or is a civil partner;

(b) a reference to persons who share a protected characteristic is a reference to persons who are married or are civil partners.

## **7.9 Gender**

Although the provisions relating to sex discrimination are worded in terms of sex discrimination against women, they apply equally to the treatment of men (with the exception of the special treatment afforded to women in connection with pregnancy or childbirth).

## **8. MONITORING**

**Equal Opportunities Policies by themselves will not bring about equality. A system for checking whether the policies are effective will be introduced, with regard to the workforce, job applicants, and the take up of services.**

We will use monitoring to establish the nature or extent of inequality and the areas where action is needed, and whether measures aimed at reducing inequality are succeeding.

We value people's diversity and seek to encourage positive action where appropriate for example within the parameters of the Equality Act.

In line with good practice and to enable statistical population comparisons, all racial monitoring will be undertaken using the 2011 Census categories with local adjustments to cover our Black Minority Ethnic population. The Council will undertake equal opportunities monitoring in the following areas:

### **8.1 Employment**

- recruitment and selection: by grounds of their Age, Disability, Marriage and Civil Partnership, Gender, Gender Reassignment, Pregnancy and maternity, Race, Religion and/ or belief, and/or Sexual Orientation these are also defined in law as "protected characteristics" and pay scale.
- the profile of our existing workforce: by protected characteristics and pay scale.
- people leaving the organisation.
- reports of bullying and harassment, including disability, sexual and racial harassment.
- capabilities, disciplinary, appraisal ratings, appeals, complaints and grievances.

### **8.2 Service Provision**

- complaints; by protected characteristics .
- periodically we will monitor the take up of key services: by protected characteristics.

### **8.3 Confidentiality**

The Council will treat information supplied to us for the purposes of Equal Opportunities monitoring as confidential and will not share or permit access to personal information relating to an individual in accordance with the Data Protection Act 1998 and the Electronic Communications Act 2000. We will use equality monitoring statistics to:

- assess compliance with this policy and achievement of overall aims;
- assess progress of agreed actions (to ensure continuous improvement);
- identify areas where further action is required.

## **9. REPORTING MECHANISMS**

**If you wish to report on any of the issues covered in this policy the following procedures are in place.**

### **9.1 Employment Issues**

If your concern relates to recruitment and selection or is related to your employment here you should speak to your Line Manager or the Head of Service in the first instance, alternatively the Head of Human Resources & Organisational Development will look into the issues for you. If you are a member of a Trade Union they may also be a valuable source of help and advice. In addition there is a list of useful contacts at the end of this policy.

Employees are able to make disclosures about wrongdoing so that problems can be identified and resolved quickly within the council and we have internal procedures for facilitating disclosures. The Public Interest Disclosure Act 1998 protects those who make qualifying disclosures of wrongdoing or malpractice in the workplace.

Unfair discrimination and instances of harassment, bullying or abuse will not be tolerated and will be considered a very serious offence that may result in formal action being taken. Such an offence could lead to summary dismissal after fair investigation and hearing.

***Refer to the following documents for further information:***

- Dignity at Work Policy (which includes racial, sexual and disability harassment)
- Racial Incident Reporting Scheme
- Grievance Policy and Procedure
- Disciplinary Policy and Procedure
- Capability Policy and Procedure
- Whistleblowing Policy

## **9.2 Service and Non-Employment Issues**

If you feel you have been unfairly treated, or have experienced difficulty in accessing or using the services we provide then please let us know.

We are always pleased to receive feedback, which plays an important part in the future development of our services. The Council has its own “Compliments, Comments and Complaints” policy to promote consistency and fairness in our approach.

*Refer to the “Compliments, Comments and Complaints” policy for more information.*

Your local Councillor may also take up a complaint on your behalf.

## **9.3 Annual Report**

We will publish annually a public report on the outcome of our Equal Opportunities monitoring which forms part of the Annual Equality Report.

We will review the arrangements for the collection and publication of monitoring data in accordance with Codes of Practice and guidelines.

# **10. LEGISLATION, CODES OF PRACTICE AND USEFUL CONTACTS**

## **9.1 Key Legislation**

- **Equality Act 2010**
- **Human Rights Act 1998**

## **9.2 Current Codes of Practice**

- The Elimination of Discrimination in the Field of Employment Against Disabled Persons or Persons who have a Disability (1999)
- Duties of Trade Organisations to their Members and Applicants (1999)
- Rights of Access, Goods, Facilities, Services and Premises (1999)
- Access to Goods, Facilities and Services: Regulatory Impact Assessment (1999)
- Duty of Reasonable Adjustment on Trade Organisations to make Reasonable Adjustments: Regulatory Impact Assessment (1999)
- The Code of Practice on Age Diversity in Employment

## Human Rights Commission formerly the Commission for Racial Equality

- The Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment (1984)
- The Elimination of Racial Discrimination in Education, England and Wales (1989)
- Rented Housing (1991)
- Non-Rented (Owner Occupied) Housing (1992)
- Primary Health Care Services (1992)
- Maternity Services (1994)
- The Equality Duty - Statutory Codes of Practice
- The Equality Duty
- A Guide for Schools
- A Guide for Institutions of Further and Higher Education
- A Guide for Public Authorities
- Ethnic monitoring - A Guide for Public Authorities

## 10. CONTACTING US

### Traveller and Diversity Manager

Fenland District Council  
Fenland Hall  
County Road  
MARCH  
Cambridgeshire  
PE15 8NQ

Telephone: 01354 622481  
Fax: 01354 622259  
Minicom: 01354 622213  
E-mail: [dbailey@fenland.gov.uk](mailto:dbailey@fenland.gov.uk)

## OTHER USEFUL CONTACTS

Cambridgeshire County Council Occupational Health Fenland Hall County Road MARCH Cambridgeshire Telephone: 01354 654321	⇐ Health promotion services to employees of Fenland District Council and Cambridgeshire County Council
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<b>Police</b> March: 01354 652561 Wisbech: 01945 474444 Whittlesey: 01733 202222 Chatteris: 01480 455186	⇨ Racial incident or hate crime reporting - dial 999 in an emergency
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Traveller & Diversity Manager Fenland District Council Fenland Hall County Road MARCH Cambridgeshire Tel 01354- 622451	⇨ Advice on racial harassment and hate crime reporting
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<b>Equality and Human Rights Commission</b> <b>FREEPOST RRLG-GHUX-CTR</b> <b>Arndale House, Arndale Centre</b> <b>Manchester, M4 3AQ</b>  <b>by telephone or textphone via our helplines:</b> <b>England</b> <b>Telephone: 08456 046 610</b> <b>Textphone: 08456 046 620</b>	⇨ Information, publications and advice on equality
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Peterborough Race Equality Council 34 Fitzwilliam Street Peterborough PE1 2RX Telephone: 01733- 554630	⇨ Advice, information, assistance to promote racial equality and good relations between different racial and ethnic groups
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<b>CHESS</b> 62-64 Victoria Street Cambridge CB3 3DU Tel 01223- 462615	⇨ Advice, information, assistance to promote racial equality and good relations between different racial and ethnic groups
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Citizens Advice Bureau  
9 Church Mews  
**WISBECH**  
PE13 1HL  
Telephone: 01945 475658

## Appendix B

### Staff consultation response to proposed Comprehensive Equalities Policy

Comment	Council Response
<p>The policy would be better titled Equality and Diversity Policy. The purpose of the policy is to show how the council is helping to create an inclusive community. There is a need to recognise the increasing diverse communities that make up the community as a whole.</p>	<p>Thank you for your comments. This document sets out the Council's policy on Equal Opportunities to reflect the 2010 Equality Act. This is an organisational document. Alongside this the Council (as noted in the Council's Corporate Plan) produces an Annual Equality Report. This is our outward facing document to celebrate the work we do to help promote cohesion and equality in the district.</p> <p>There is a need to recognise the increasing diverse communities that make up Fenland. This is addressed by the Fenland Strategic Partnership's Diverse Communities Forum. This is a cross cutting partnership made up of both the statutory and Third sector agencies e.g. Police, Fire Services etc. The partnership has developed a Fenland wide cohesion action plan which seeks to aid community cohesion and integration. These documents are reviewed by the partnership on an annual basis.</p>
<p>It does not promote equality or social inclusion and community cohesion which are key issues especially in areas like Wisbech which is a much more diverse community than 10 years ago and with significant cohesion issues.</p>	<p>Thank you for your comments. The proposed policy looks at the Council's duties with regard to the 2010 Equality Act. As a Council we also have another role to promote cohesion. This is separate to this policy and is delivered with partners through the Diverse Communities Forum. Partners include the Ferry Project, Oasis Centre, Community House, Rosmini Centre, Queen Marys Centre, Wisbech Schools Partnership, Locality teams, Richmond Fellowship, CAB, Health team, Wisbech Town Council as well as others within the statutory and third sector, Police and the Fire Service.</p> <p>This group of agencies, who work in Wisbech, recognise the significant cohesion issues within the town and their actions to address these are included in the Diverse Communities Forum action plan.</p>



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<p>It is too long, too wordy and not relevant or interesting to the public. It doesn't give a feel as to what the community, and the differing communities within the district, is like, what the issues are, where we want to be and how we are going to get there. It is largely a long winded list of legal and administrative definitions of what discrimination is.</p>	<p>Thank you for your comments. It is not a document that is designed for marketing the work we do to support building a cohesive community. This is done through the work of Fenland Diverse Communities Forum. This is primarily an internal document and like other staff related policies comprehensively addresses the Council's legislative responsibilities and duties.</p>
<p>At the very beginning the introduction and commitment should be conveying that the council celebrates diversity and views difference as a benefit to the district. This is important for conveying to people within the 'protected characteristics' that the council is serious about promoting equality and inclusion.</p>	<p>Thank you for your comments. The Council and its partners celebrate the diversity of the district in numerous ways. The Fenland Strategic Partnership has identified as a priority the need to build community cohesion and integration. The Diverse Communities Forum work together to develop celebratory events and add value to those run by partners.</p>
<p>The policy shows a lack of equality awareness. It segregates the discrimination into that perpetrated against each 'protected characteristic' in isolation. This divorces discrimination from reality and the cross relationship between different characteristics and is contrary to our social make up. For example; women are not just women but have other characteristics, they may be muslim, disabled or gay. Those who discriminate rarely do against just one group.</p>	<p>Thank you for your comments. The policy makes a commitment to seek to eliminate discrimination, harassment and victimisation, together with conduct that is prohibited by legislation. The Council recognises that Equal Opportunities policies by themselves will not bring about equality. The Council has in place Customer (Equality) Impact Assessment process. These assessments look at all equality strands and cross cutting relationships between different characteristics in any policy, function or practice that is assessed. This enables the Council to address this.</p>
<p>Thinking about the relationship between these 'protected characteristics' helps explain the difficulties and opportunities arising from the diversity of the district. The document should show how the council has recognised the consequences of difference for the service user.</p>	<p>Thank you for your comments. This is why the Customer Impact Assessment process is in place to ensure that customers get equality of outcomes.</p> <p>This work is developed by our Equality Champions throughout the Council.</p>
<p>It is a good idea to set out the document under the headings or is at least clearly related to the five performance areas of the equality framework. This helps the reader get a feel for how well the council</p>	<p>This suggestion sets out a way a document can be written. Your feedback is noted.</p>

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<p>knows its communities and has gathered evidence to support its actions. The framework areas are;</p> <ul style="list-style-type: none"> <li>Knowing the local communities</li> <li>Leadership, partnership and organisational commitment</li> <li>Involving the local communities</li> <li>Responsive services and customer care</li> <li>A skilled and committed workforce</li> </ul>	
<p>There is no vision about what an inclusive and cohesive Fenland would look like. What are the shared values, hopes and aspirations of the community and how do the different communities fit into this. How does the council provide a strategic lead towards achieving this and what more can be done. There is no evidence the council has taken this into account.</p>	<p>Thank you for your comments. This work is developed through the work of the Diverse Communities Forum which the Council coordinates.</p>
<p>Where the policy talks about the 'protected groups' and discrimination this should be done in a way that overcomes ignorance and stereotyping and portrays how discrimination manifests itself. Using legal language and establishment speak is off putting and confusing. It needs to be expressed in plain English and in a way that any ordinary person can understand, that means think about your readership it is meant to be a public document.</p>	<p>Thank you for your comments. The legal language/ standards contained is what is expected of both staff and members of the Council. Customers are able to raise any concern that they may have through the 3C's process which is widely promoted to people in the district.</p>
<p>This policy should only be produced after there has been engagement with the communities. This clearly has not happened. The council needs to think how it is going to do that and which community organisations can help. An equalities policy can never just be a desktop/computer exercise, it must involve and be based around the experiences of local communities and members of the workforce who share these 'protected characteristics'.</p>	<p>Thank you for your comments. This policy is designed to show how the Council conforms with the Equality Act 2010</p> <p>Consultation is undertaken regularly primarily through the work of Customer Service Excellence and Customer Impact Assessments. The Council segments customers as part of this work to ensure all communities have equal access to everything we do. Where potential adverse impacts on particular communities are identified actions are taken to address accordingly.</p> <p>Through this updated policy and through</p>

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	<p>the Equality Champions work and the work of the Diverse Communities Forum we can evidence it is not a desktop exercise. The recent Customer Service Excellence feedback reaffirms this.</p>
<p>I have also attached the Social Model of Disability by Grant Carson which is written by disabled people. The council by adopting this and committing to ensure all its staff understand the model will have gone a long way to promoting equality and social inclusion. The model looks at the barriers to access and inclusion not the impairment and is the cornerstone for disabled people being able to fulfil their potential.</p>	<p>Thank you for your comments. The Social Model of Disability identifies systematic barriers, negative attitudes and exclusion by society that means that society is the main contributory factor in disabling people.</p> <p>Therefore we believe our approach to Customer Service Excellence and Customer Impact Assessments ensures we reduce the risk of adverse impacts on any protected characteristic.</p>
<p>2 separate emails were received with documents regarding:</p> <ul style="list-style-type: none"><li>• “Social Model of Disability” / “Disability Sexual Orientation , Gender Identity” and “on line catalogue” and “Gender Equality”</li></ul>	<p>Thank you for the documents. The comments above clarify the Council’s position to meeting its legal duty.</p>