

Comprehensive Equal Opportunities Policy

2019



Documents prepared by Fenland District Council can be made available in alternative formats and/or translated upon request. For more information please contact the Council's Traveller & Diversity Manager:

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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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1. Introduction

Fenland is a diverse, multicultural district. The Council recognises and values the diversity of its workforce as well as all people and communities in the district. It is committed to meeting the reasonable and appropriate needs of all of our residents and employees.

Building equality is more than simply identifying the different communities that are represented in Fenland. It is about ensuring we understand the needs of residents from a range of diverse backgrounds and enable our diverse community to thrive. In doing this we will not only meet our legal equalities requirements; we will also meet our inclusive vision for the district:

“To improve quality of life for people living in Fenland”

The Council wants to be a district of opportunity, where people enjoy living in clean, green and cohesive neighbourhoods being part of a community where they are able to reach their maximum potential in a safe, healthy and prosperous environment.

The Council recognises that to achieve this vision it needs to provide services that are tailored to people’s actual needs, by treating people differently where necessary to ensure fairness, equity, and equality of outcomes.

The Council also recognises respects and values diversity within its workforce as a key asset and resource in enhancing and maximising our performance to effectively understand and meet the diverse needs of its service users.

The objectives that the Council and local partner organisations aim to achieve are:

- Eliminate unlawful discrimination, harassment and victimisation;
- 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;
- Ensure we have a robust and accurate evidence base of equality information relating to our workforce and the community;
- Ensure equality related evidence is embedded into the decision-making process and forms an integral part of the evidence base for strategy and project development and delivery.

2. Purpose

The purpose of this Comprehensive Equality policy is to ensure that we have clearly outlined to our customers, employees and partners:

- How Fenland Council will realise its vision;
- Individual roles and responsibilities;
- What we understand by equality and diversity in Fenland Council;
- The standards the Council seeks to achieve and by when;
- Mechanisms for demonstrating progress and achievements;
- Mechanisms for feedback, learning and involvement.

3. Statement of Commitment

The Council believes that valuing diversity means actively recognising the strengths, talents and needs of individuals and all communities. This requires our nurturing the potential of our employees and maximising opportunities for all our customers by working with partners in order that they can make their unique contribution to quality of life across the district. As a major employer and key service delivery agency, the Council is uniquely placed to realise its vision and goals for people who live and work in Fenland.

The Council aims to ensure that promoting equality is central to all its officers' work, including the development and implementation of policies, strategies, partnerships, projects and all working arrangements. Members have an overview and scrutiny role over this via reports to Cabinet, Staff and Overview & Scrutiny Committees as well as meetings with the Councils Corporate Management Team.

All Services will ensure that actions to promote equality in service provision are included in their business planning, including developing equal access to services, and carrying out equality action planning, target setting and equality monitoring.

The Council realises that to achieve its vision, it is essential that it recognises the reality of discrimination experienced by many communities, groups and individuals.

We will ensure that our own organisation is accessible and productive for its customers, employees and partners, generating an environment where all contributions are valued.

4. The Legal Framework

In formulating this Policy, the Council recognises and values the important role it has to play in complying with legislation and supporting associated Codes of Practice, in defining discrimination to help develop mechanisms to prevent and stop inappropriate practices. The Council embraces existing and scheduled legislation (examples listed below) as presenting opportunities for realising its vision of making positive difference to our customers, employees and partners.

The relevant legislation includes:

- The Human Rights Act 1998;
- The Equality Act 2010.

The Equality Act 2010 encompasses the following protected characteristics:

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race;
- Religion or belief;
- Sex/ Gender;
- Sexual Orientation.

4.1 Public Sector Equality Duty (Section 149 of the Equality Act 2010)

This duty applies to all public bodies and others carrying out public functions. It supports good decision making by ensuring public bodies consider how different people will be affected by their activities, helping them to deliver policies and services which are efficient and effective; accessible to all; and which meet different people's needs.

The Equality Duty is supported by general and specific duties; these require public bodies to publish annually relevant, proportionate information demonstrating their compliance with the Equality Duty; and to set themselves specific, measurable equality objectives.

5. Policies and Procedures

In order to ensure that the Council maintains regard for this legislation and duty, all policies, procedures and practices will be subject to review in order to assess their impact on achieving and contributing to equality and diversity objectives.

To ensure that equality and diversity matters are considered as part of mainstream service development, all reports include a formal consideration of Equalities and

Community Cohesion implications. The findings of the equality analysis are considered and evaluated before any policy or procedure is adopted.

5.1 Reviewing policies

Priority will be given to new policies and procedures. We will regularly review our policies and practices to ensure that they continue to reflect our objectives and current legislation. This policy framework will be reviewed annually or as otherwise required..

6. Employment and Recruitment of Staff

6.1 Employees Role and Responsibilities

The contribution and conduct of the Council's workforce is critical to achieving the aims of this policy. The actions and behaviours of all employees determine equality of access and outcome to its services and this results in how our customers perceive the Council.

The Council is committed to maintaining equality and fairness of treatment in all their dealings with both employees and the public. The Council's code of conduct sets out expected standards of behaviour for its workforce. Any deliberate act of discrimination or serious breach of the Comprehensive Equality Policy by employees will be considered as an act of gross misconduct and will result in disciplinary action, which if upheld can lead to possible dismissal.

To enable employees to project the appropriate attitudes, behaviours and actions the Council has developed values and behaviours (core competencies) that apply to all employees. All employees are given guidance on these and must adhere to them at all times.

In addition the Intranet and website pages have been updated to reflect latest guidance for employees.

Every employee has the right to be treated with dignity whilst at work. The council does not tolerate harassment or bullying. An employee who believes that their dignity at work has been breached has the right to make a complaint to the Council's Human Resources team.

This includes the reporting of racist incidents. The council takes all such complaints seriously and will carry out an investigation. And if appropriate refer any identified Hate Crime to the Police to investigate and take further action

Each employee is responsible for ensuring their actions and decisions comply with the requirements of equality legislation. Equality and diversity forms a mandatory part of the council's induction programme. Training and e-learning is available to provide further information on acceptable and unacceptable behaviour to ensure this. Where employees are conducting formal assessments of equality impacts for their services' proposals and decisions, advice and guidance and coaching is available.

6.2 Recruitment and selection

When recruiting and selecting employees, we will seek to ensure that there is the widest possible response to advertised vacancies. To this end, we will take appropriate actions to ensure that members of underrepresented groups are aware that the Council is an employer that welcomes their application and is one that values and respects diversity. Accordingly, recruitment sources will be made aware of this and the Council's job advertisements will make it clear that the Council is an equal opportunities employer. We will also take reasonable steps to bring advertisements to the attention of under-represented groups.

Recruitment and selection processes are of crucial importance to the promotion of equality and diversity and these processes must be carried out according to objective, job-related criteria which are based on ability to do the job and result in appointments which enable the Council to perform our duties.

We will ensure that the Council's commitments within this Policy will be undertaken during appraisals and the management of performance, commensurate with the responsibilities of the post.

The Council aims to:

- Nurture and build a diverse and representative workforce, which at all levels broadly represents the community it serves, enabling it to better meet the service needs of all our communities;
- Treat all employees and applicants for employment fairly and ensure they are not discriminated against because of their age, disability, gender reassignment, marriage and civil partnership, salary level, pregnancy and maternity, race, nationality, ethnic origins, religion or belief, gender, sexual orientation and social background;
- Regularly review its recruitment and selection procedure to ensure fair access to all jobs. People will be selected on merit, based only on their skills, abilities, experience and qualifications to carry out the duties and responsibilities of the post for which they have applied;
- Be positive about disability and regularly review our commitment. We guarantee to interview any candidate with a disability who on the basis of their application appears able to meet the essential requirements of the role/ job that they are applying for;
- Provide fair access to training and development opportunities;
- Have due regard to equal pay legislation;
- Support employees who wish to use a mode of dress dictated by ethnic/ cultural background and religious beliefs. However, where corporate clothing is used or provided or where the wearing of any apparel may conflict with health and safety regulations or this policy, the relevant Head of Service may need to impose justifiable restrictions;
- Consider and reasonably adapt organisational requirements or existing practices where they are contrary to employees' cultural and religious

needs/or where these can be reasonably adjusted to meet the needs of employees with disability;

- Provide a range of equality and diversity training and development to support staff deliver the Council's services to all parts of the community;
- The Council's People & Development Strategy addresses specific areas for development around workforce equality outcomes and awareness.

6.3 Disciplinary procedures and raising concerns at work

In monitoring employment practices, the Council will look at how the disciplinary procedures and raising concerns at work procedures are applied. In matters of discipline, due account will be taken of cultural background and any specific needs employees might have in relation to ensuring effective communications as appropriate.

If an employee considers that she/he has been discriminated against in relation to recruitment, selection, training, promotion or the application of conditions of service, he/she should raise the issue using the Council's grievance procedure. The individual may still have the right to refer her/his case to an Employment Tribunal.

All forms of unlawful or otherwise unjustifiable discrimination by employees will not be tolerated. An employee who discriminates against job applicants, employees or service users unlawfully or otherwise unjustifiably will be committing an offence under the disciplinary procedure. In such cases, the matter will be referred to the Council's Disciplinary Policy. In addition, employees need to be aware that they may be held personally responsible by the victim, under the law, civil liability, for any such discriminatory acts.

If any employee has a concern relating to the operation of this policy they should discuss the issue with a member of the Human Resources team. If this does not informally resolve the matter this does not preclude them from instigating the Council's grievance procedure if this does not resolve all.

It is a condition of employment that all employees adhere to this policy.

7. Service Delivery

The Council provides direct services, provides grants, and regulates funds and commission's services. In all these roles and activities the Council is committed to fair and equitable access to service whether they are delivered directly by Council employees, in partnership with other agencies or indirectly through external contractors, and/ or commissioning arrangements. All services of the Council will take steps to ensure that its functions and policies are carried out in a way that complies with statutory requirements, minimises adverse impact on any section of the community and meets the needs of all local people (as appropriately as possible).

The Council aims to:

- Ensure equal access, fair treatment and appropriate provision to the whole community regardless of age, disability, gender reassignment, marriage and civil partnership, salary level, pregnancy and maternity, race, nationality, ethnic origins, religion or belief, sex, sexual orientation, social background and any other reason not connected to entitlement and availability;
- Provide quality services designed to meet a wide range of different needs in the community and regularly review them to ensure that we do not/have not disadvantaged our customers;
- Provide appropriate services, adapting these to meet the needs of the whole community promoting equal access to services, including producing clear information about how to access our services (for example, in different languages and large print) to ensure equality of outcome;
- Provide and publicise clear information on how customers can comment, compliment or complain about the services they have received and respond efficiently to complaints received;
- Ensure that wherever practicable, all services and buildings are accessible.

In addition the Council will:

- Assess organisational, services and individual requirements to achieve compliance with legislation;
- Respond to reports of victimisation, discrimination and/or harassment in accordance with its Dignity at Work Policy;
- Ensure that all Council functions and policies are carried out in a way that complies with statutory requirements, minimises adverse impact on any section of the community and meets (as appropriately as possible) the needs of all local people.

8. Procurement

The Council will ensure that the procurement of goods, services and facilities is undertaken in line with the commitments set out in this Policy.

We will ensure that relevant guidance is embedded in our Procurement Guidance and establish procedures to ensure that providers from diverse communities have a fair and equal opportunity of competing for Council contracts.

All contracts awarded will be made to companies/organisations that can demonstrate that they comply with the ethos and legislative requirements of this policy.

9. Consultation

As part of the Council's Corporate Business Plan commitment the Council will consult with and actively listen to our customers, partners, community groups and stakeholders (including employees) responses on all aspects of developing policies and strategies including this Comprehensive Equality Policy.

10. Community Leadership

10.1 Work with partners in the statutory, third and faith sectors.

Development of the Fenland Diverse Communities Forum is intended to provide a single source of research and intelligence, across the district, to support people in undertaking analysis of local equalities needs and potential impact of decisions and services across the district.

10.2 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, community and faith 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, ACCESS, 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 Comprehensive Equal Opportunities Policy so far as appropriate in each individual case; assist voluntary and community groups in seeking grant funding or other practical 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 both unacceptable and a crime and encourage people to report hate crimes or incidents to the Police or via a Third Party Community Reporting Centre;
- record and investigate all racist incidents reported to us in accordance with an agreed procedure;
- work to implement equality standards 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;

10.3 The measurement will be aided by:

- Using the census as a data base line, develop a profile of the community containing district facts and figures. This document will be further informed by information from the Cambridgeshire County Council's Research and Analytical Service;
- Joint Strategic Needs Assessment is an analysis of the health and social care needs of the district. Where the data is available, this is broken down into analysis of needs by protected characteristics and ethnic groups;
- Interviews with a representative sample of Fenland residents and seek their views on living in Fenland. This data can be broken down by protected characteristics to tell us how people from different equalities groups feel about their neighbourhood and the services provided by partner services;
- The data collected being used to better inform the development of key strategies and plans;
- The Councils People & Development Strategy's, which contains key equalities information relating to the people employed by the council. A principle aim of the strategy's is for the council's workforce to reflect the diversity of the local community of which it serves;
- Monitoring recruitment and selection, training and other personnel procedures, and measuring change in the composition of the workforce.
- Collecting and analysing information to check that the Council's employment policies and practices are fair and prevent discrimination;
- Reporting the results of employment monitoring, including the Gender Pay Gap report on an annual basis;
- Developing the use of efficient and confidential monitoring systems to analyse and evaluate how effectively services meet the needs of the district's diverse community. This will include monitoring information about use and non-use of services together with reviewing allocations of service ensuring equal access.

11 Who has responsibility?

The Council takes its responsibilities for equality of opportunity and diversity very seriously and recognises that discrimination can only be effectively eliminated in partnership with employees, service users and our external partners.

- The Council's Chief Executive has overall responsibility for ensuring this policy is carried out;
- The Corporate Management Team is responsible for coordinating a strategic approach to the management of equality and diversity and will nominate a lead officer;
- Directors are responsible for ensuring that equality and diversity issues are mainstreamed within business plans and delivery of the services for which they have executive responsibility;
- Heads of Service are responsible for ensuring that arrangements are in place to ensure effective day-to-day delivery of services and management of employees with due regard to the council's equality and diversity objectives;
- All employees have a responsibility to carry out their duties in accordance with this Policy, associated core competencies and statutory requirements;
- The Cabinet, Staff Committee and elected Members of the Council will promote, support and uphold this policy in all their dealings with employees, partners and our external customers.

12 Standards and Monitoring

12.1 Monitoring and evaluation

We will examine and regularly review employment policies, practices, procedures and decision-making criteria to assess their impact and to ensure that they do not discriminate unlawfully or otherwise unjustifiably, either in principle or in their operation, utilising the Council's Customer (Equality) Impact Assessment process. This will be done via undertaking, regular monitoring of the workforce, applicants for employment and retention rates in order to establish baseline data and gain evidence as to whether the policies work effectively. We aim to achieve full representation, relative to the local population, at all grades and in all areas of employment. When a new policy or initiative is planned a Customer (Equality) Impact Assessment will be undertaken, which will be used to determine how we can best promote equality through the new policy/initiative.

We will need to continue to show due regard has been given to equalities consideration in our decision making, service provision and employment practices as per wider Equalities legislation.

Corporate guidance has been developed to ensure that the Council meets its requirements under the Equality Act and Public Sector Equality Duty, and positions itself as effectively as possible to meet the needs of groups with protected characteristics in our communities wherever feasible, and progress against this undertaking is reviewed quarterly by the Equality Service Champions Group.

The Council's Human Resource & Organisational Development team will review our workforce monitoring data to ensure it is as up to date and comprehensive as

possible, by raising awareness through publicity to encourage all employees to make sure information recorded on the councils computerised HR system is full and accurate.

A Equality performance framework for equality is established through the Council's Service Champions Equality Network and covers all aspects of the Council's work.

12.2 Monitoring and evaluation

We will examine and regularly review service delivery policies, practices, procedures and decision-making criteria to assess their impact and to ensure that they do not discriminate unlawfully or otherwise unjustifiably, either in principle or in their operation. When a new policy or function is planned an Assessment will be undertaken, which we will use to determine how we can best promote equality through the new initiative.

13. Annual Equality 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.

14. Data Protection

We undertake to ensure that information derived from monitoring will be treated in confidence, in accordance with the provisions of the General Data Protection Act 2018.

15. Community (EQUALITY) Impact Assessments

The Council has developed guidance on the "Community (Equality) Assessment Process" and this is delivered by equality service champions who work across all areas of the Councils work.

The Council is committed to undertaking Community (Equality) Impact Assessment of all existing and proposed policies, procedures, practices and functions before they are adopted to highlight any possible disproportionate adverse impact on any particular sections of the community. If identified then the Council will then take any reasonable action required to eradicate or minimise this impact if unavoidable.

15.1 Screening and Community (Equality) Impact Assessments (EQIA)

All our policies and functions are screened for relevance to our commitment to promote equality and a timetable and corporate mechanism for carrying out Community (Equality) Impact Assessments is in place this includes annually updating all.

16. Comments Compliments and complaints

We will positively encourage customer comments regarding our services and maintain clear, transparent, fair and sensitive procedures for dealing with complaints.

The Council's complaints procedure may be used by members of the public who are dissatisfied with the behaviour or actions of Council staff, the extent or non-provision of a service, or the manner in which it is provided.

We will undertake comprehensive equality monitoring of comments and complaints received and ensure equal access to the Council's complaints procedure.

16.1 As a partner, influencer and enabler, The Council shall:

Highlight the needs and requirements of people facing discrimination. Take a strategic lead in challenging discriminatory policies and practices. Enter into agreements and partnerships that actively promote equality and social inclusion.

17. Discrimination

Types 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.

Direct discrimination consists of treating a person less favourably on the grounds of any protected characteristics, than others are or would be treated in the same or similar circumstances.

Indirect discrimination consists of applying a provision, criterion or practice, which although applied equally to e.g. both sexes or all racial groups etc. has the effect of excluding, penalising or treating less favourably a particular group, causing a detriment to those unable to comply and which cannot be justified.

Associative discrimination occurs when someone is directly discriminated against because they are associated with another person who possesses a protected characteristic.

Discrimination by perception occurs when someone is directly discriminated against because others think that they possess a particular protected characteristic.

They do not necessarily have to possess the characteristic, just be perceived to have the characteristic.

Victimisation is where a person is treated less favourably than another because she/he has brought proceedings, given evidence, or raised a complaint covered by the legislation.

Harassment is unwanted conduct which has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Everyone has the right to access our services free from harassment or bullying and to be treated with dignity. All allegations of harassment or bullying will be taken seriously and dealt with promptly and sympathetically, utilising multi-agency arrangements where appropriate.

18. Consultation

We welcome the support for promoting equality and diversity in employment from our staff, the trade unions, Staff Committee, residents and service users and recognise the important role that they can play in achieving the objectives of this policy.

We will therefore consult at every stage of introducing measures to implement this policy, including the procedures for the regular monitoring and review of its operation. In addition to consulting our own employees, we will also consult members of our community to establish how we are judged externally as an employer.

CONTACTING US

Traveller and Diversity Manager

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PE15 8NQ

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E-mail: 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

Police

⇔ Racial incident or hate crime reporting - dial 999
in an emergency

March: 01354 652561
Wisbech: 01945 474444
Whittlesey: 01733 202222
Chatteris: 01480 455186

Traveller & Diversity Manager ⇐ Advice on racial harassment and hate crime reporting
Fenland District Council
Fenland Hall
County Road
MARCH
Cambridgeshire
Tel 01354- 622451

Equality and Human Rights Commission ⇐ Information, publications and advice on equality and human rights issues
Correspondence Unit
Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX
by telephone or textphone via
our helplines:
England
Telephone: 0808 800 0082

Cambridge Ethnic Community ⇐ Advice, information, assistance to promote racial equality and good relations between different racial and ethnic groups
Forum
16- 18, Arbury Court
Cambridge
CB4 2JQ
Tel 01223- 655241

Citizens Advice Bureau
9 Church Mews
WISBECH
PE13 1HL
Telephone: 01945 475658

Fenland District Council Staff Employee Assistance Programme

www.advantageengagement.com/1667/login_company.php0800243458(Fenland Staff only) obtain access code from Human Resources and use the password and icy passcode that they provide.

