

Tendring
District Council



EQUALITY AND DIVERSITY POLICY

(Employment)

Approved at HR Committee on 21st July 2008

Human Resources & Customer Services



INVESTOR IN PEOPLE

EQUALITY AND DIVERSITY POLICY

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Equality and Diversity Policy Statement

Tendring District Council is committed to a policy of equality of opportunity and to encourage diversity among its workforce.

The Council takes positive steps to ensure that all current and prospective employees and service users are not discriminated against, either directly or indirectly, on the grounds of gender, age, disability, marital status, sexual orientation, creed/religion, ethnic or national origin. We value the differences, needs and contributions a diverse workforce represents.

The Council extends this positive attitude in respect of equality and diversity to our contractors, service users and the community. We are aware that in order to retain the confidence of the community it is important to reflect the make-up of our community within our workforce.

Application of the Procedure

All records relating to equality and diversity will be treated as confidential and kept in accordance with the Data Protection Act 1998, which gives individuals the right to request and have access to certain personal information.

In the application of this policy and in accordance with the Disability Discrimination Act 1995, Tendring District Council will make any reasonable adjustments to cater for employees who have a disability.

The Aim of our Policy

- To ensure all staff are afforded equality of opportunity.
- To provide a fair structure of Council Policies and Procedures including Recruitment and Selection, Training, Disciplinary Policy Rules and Procedures and Harassment.
- To ensure all employees have equality of access to promotion and equal pay.
- To attract a diverse workforce and utilise the skills, knowledge and abilities available.
- To create a positive image as an employer and local authority.
- Reduce costs as a result of lower staff turnover, increased performance and efficiency, and prevent disciplinary and grievance cases.

- Zero tolerance of breaches of the Council's Equality and Diversity Policy. All instances of alleged misbehaviour will be investigated under the Council's Disciplinary Policy, Rules and Procedures.
- To recognise the diversity of the residents of Tendring and their diverse backgrounds, culture and needs and ensure that services are delivered appropriately to maximise participation by all.
- To provide a fair structure of Council Policies and Procedures which allow the full participation of all residents of Tendring.
- To create a positive image as a local authority to encourage all residents to use our services, and endeavour to remove any barriers to access the services we provide.

Responsibility for the Policy

While the Chief Executive has the overall responsibility for putting this policy into practice, Management Board, Heads of Service, *Members and all other Council employees* have delegated responsibility for implementing the policy in the workplace.

Human Resources & Customer Services will provide assistance regarding policy implementation, training, guidance, and advice on employment law and legislation. They will also undertake monitoring of the current and potential workforce and submit regular reports to *the Human Resources Committee* and Management Board.

Each employee of Tendring District Council has a responsibility to treat all colleagues, service users and the local community with dignity and respect, and without discrimination, harassment or victimisation.

The Council's Race Equality Scheme identifies the commitment of each individual service to equality through its functions and policies. A copy of the Race Equality Scheme can be obtained from Tendring District Council Community Services and is available on the intranet.

Service Delivery

Equality of opportunity extends to all our service users, those contracted on behalf of the Council and the local community.

The Council's Race Equality Scheme identifies each individual Services commitment to equality through its functions and policies. A copy of this Scheme can be obtained from the *Community Operations Manager* on www.equality&diversity@tendringdc.gov.uk or on the Council Internet and Intranet sites.

The Council also operates a separate Disability Equality Scheme and a Gender Equality Scheme. Copies of both of these schemes can be found on the Council's Internet and Intranet sites.

The Disability Equality Scheme seeks to promote disability equality and tackle disadvantages experienced by disabled people living and working in the Tendring area.

The Gender Equality Scheme aims to eliminate unlawful discrimination and harassment on the grounds of sex and also promote equality of opportunity between women and men.

The Council has also introduced an Age policy (April 2007) which stipulates that the Council requires employees with the abilities, potential and experience to do jobs, regardless of age.

Disability

The Council is a user of the Employment Services 'two ticks' Disability Symbol. This means that we are committed to employing people with disabilities and will:

- Guarantee an interview to people with disabilities who meet the minimum criteria for a job vacancy.
- Consult disabled employees about how they can develop and use their abilities at work.
- Make all reasonable effort when employees become disabled to keep them in employment.
- Develop key employees' awareness of disability and employment.
- Each year, review achievements in meeting these commitments and let all employees know about progress and future plans.

The Council works closely with the Disability Employment Advisors based at Clacton Employment Services, to ensure there are no barriers for disabled employees or applicants to be employed by this authority.

Monitoring

It is essential that the Council monitors its workforce and applicants based on their ethnic groups, age, gender and disability. The data gained and monitored is anonymous and allows us to ensure that our workforce represents the local community. Applicants are invited to complete a monitoring questionnaire, which is detached from the application form before the form is used as part of the recruitment and selection process.

Equal Opportunities in Employment monitoring reports are submitted to the *Human Resources Committee* on an annual basis, as are Termination of Employment reports. This allows us to establish the reasons why our employees choose to leave the Council and address any issues that arise from their comments. Statistics gathered as part of the monitoring process

are also provided as Best Value Performance Indicators. The performance indicators introduced by the *Audit Commission* include several indicators relating to equality issues. Councils have a legal duty to collect this information and make it available to the public.

Monitoring is also used to establish the gender of senior management to ensure that promotion and progression opportunities are available equally to either sex. We also monitor the male to female ratio of employees and their age range. This allows us to ensure we are offering equality of opportunity across the board, and are attracting a diverse workforce reflected by our community.

The monitoring process also provides us with other equal opportunity statistics, for example, number of disciplinary and grievances relating to discrimination, maternity leave return rates, number of part time/job share posts.

Service users are also invited to complete a monitoring questionnaire, the results of which will be used to set targets to increase service users where a lack of representation is apparent.

Equality and diversity reports will be submitted to the Management Board at regular intervals but at least annually. This allows us to establish the reasons why discrepancies may be occurring and address any issues that arise. Statistics gathered as part of the monitoring process are also provided as Best Value Performance Indicators. The performance indicators introduced by the *Audit Commission* include several indicators relating to equality issues and the Equality Standard. Councils have a legal duty to collect this information and make it available to the public.

The Council currently does not collate data on religion or belief or sexual orientation .In accordance with the Part 2 of the Equality Act 2006 the regulations do not require the Council to collect such data at the present time.

Council Policies

There are other Council Policies and Procedures which form part of an employee's terms and conditions of employment and are closely linked to this policy. These include:

Harassment Policy

This policy works toward eradicating harassment of any kind in the workplace or toward the local community. It provides guidelines for employees on what is considered acceptable and unacceptable practices, and what steps to take if they feel they are the subjects of harassment in the workplace.

Disciplinary Policy Rules and Procedures

This policy outlines the standard of performance and behaviour expected from our employees and provides a clear structure for addressing breaches of discipline. Any form of discrimination or harassment among our workforce is classed as a breach of discipline. Where cases are reported a full disciplinary investigation will follow, and where there is a case to answer, the employee in question will attend a disciplinary hearing and be disciplined accordingly by the panel.

Grievance Procedure

The purpose of this procedure is to help promote fairness and order in relationships between the Council and its employees. The main objective is to settle grievances, individual or collective, speedily and as close as possible to the point of origin. All employees of the Council are entitled to use the grievance procedure and it provides guidance as to how the grievance will be dealt with.

Guide to Recruitment and Selection

It is important that we attract and retain quality applicants from a diverse labour market and select the best candidate for the job every time. This means recruiting in such a way as to produce the best possible range of candidates to choose from and using a fair and objective process and criteria for selection.

Good selection practice helps people work effectively and happily in jobs to which they are suited and improves the quality of service to our customers.

These guidelines and procedures are to encourage consistent good practice across the Council. Recruitment and selection processes will be monitored to ensure that good practice is adhered to, and the guidelines will be reviewed and updated regularly.

Training

All staff will be treated fairly in respect of training and development opportunities being determined by and related to skills and skill levels. The Council operates a performance management review and personal development planning system known as 'Managing and Developing Personal Performance' (MDPP). The MDPP gives every individual the opportunity to discuss their past performance and agree their future goals and development activities for the forthcoming period.

Whistleblowing Policy

The Council is committed to the high standards of openness, probity and accountability in the provision of quality services for the benefit of the local community and to being fully accountable for those services.

The Council has set in place rules, regulations, quality standards and procedures to ensure that high standards of conduct and commitment to service are observed, but it recognises that malpractice can occur. This policy document makes it clear that employees can express their concerns without fear of victimisation, subsequent discrimination or disadvantage.

Disclosure Policy

The Criminal Records Bureau (CRB) has been set up under the Police Act 1997 to administer Disclosure arrangements. These arrangements enable employers and other bodies to run criminal record checks` on people seeking to work with children, vulnerable adults and certain other professional posts.

We have a written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process. A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, our recruitment information will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Unless the nature of the position allows the Council to ask questions about entire criminal records, we will only ask about “unspent” convictions as defined in the Rehabilitation of Offenders Act 1974. Having a criminal record will not necessarily bar an applicant from working with us. This will depend on the nature of the position and the circumstances and background of the offence.

Work-Life Balance

The Council has adopted a series of policies and practices to make the balance between work and home life more manageable for our employees.

The Council has a Flexible Working Hours Scheme in operation which is at the discretion of Managers and may depend on the requirements of the service provided. In the main it is there to provide employees with an element of flexibility in the workplace with regard to start and end times of their working day and when breaks can be taken.

There is a Job Share Policy in place which allows an employee to make a request to alter their working pattern from full time to part time by implementing a job share in their role. This enables employees to adapt their working week to suit the needs of their home or family life.

The Council operates a Flexible Working Policy which allows employees with childcare or caring responsibilities to request a more flexible working pattern if they so wish.

The Council is formulating a Flexible Retirement Scheme which gives Council employees the opportunity to release their pension and continue working. NB

Employees should take financial advice before making an application for flexible retirement.

There are also certain leave provisions for example, maternity and paternity leave, parental leave and time off for dependants. Both parental leave and time off for dependants are unpaid forms of leave but enable working parents to take time out of the workplace in addition to their paid annual leave entitlement.

All other Council Policies relating to service delivery must address equality and diversity issues.

Copies of these policies and others can be obtained from Human Resources & Customer Services and are available on the intranet.

Legislation

The following legal framework is there to protect employees and the community as a whole against any inequality, particularly inequalities relating to race, gender and disability. It places a legal duty on employers, and in some cases specifically public bodies, to ensure the equality of opportunity and endeavour to eradicate discrimination.

The Race Relations (Amendment) Act 2000

The Race Relations (Amendment) Act 2000 strengthens the Race Relations Act 1976 in 2 main ways;

- i) It prohibits racial discrimination by public authorities in carrying out any of their functions, including those contracts to private and voluntary organisations.
- ii) It introduces new enforceable duty to promote racial equality within public authorities, including local authorities. This duty gives statutory force to the scrutiny of policies and procedures called for by the Stephen Lawrence Report.

The Act states that public bodies that are listed “shall, in carrying out its functions, have due regard to the need to:

- a) eliminate unlawful racial discrimination; and
- b) promote equality of opportunity and good relations between persons of different racial groups.”

The Human Rights Act 1998

The Human Rights Act 1998 came into effect on 2nd October 2000 and the European Convention of Human Rights became an integral part of UK law. Complainants are now able to take cases to domestic courts rather than the European Human Rights Court in Strasbourg.

The European Convention of Human Rights protects certain civil and political rights, and Article 14 prohibits unjustified discrimination by public authorities. The grounds on which discrimination is prohibited include race, colour, religion, language, and national or social origin.

There is a legal obligation for public authorities not to violate a person's Convention rights and also to protect their rights, e.g. have effective systems in place to safeguard them. The Act provides individuals with additional grounds on which to challenge discrimination.

The Disability Discrimination Act 1995 and Disability Discrimination Act 2005

This Act makes it unlawful to discriminate against a person on the grounds of disability (as defined by the Act) in employment practice and service delivery and places a duty on the Council to promote disability equality.

The Equal Pay Act 1970 (Amended 1984)

This Act makes it unlawful to pay somebody of one sex less than somebody of the other if the work being carried out by both employees is like work or work regarded as equivalent. Within the Council all jobs carry the nationally or locally determined rate of pay.

The Sex Discrimination Act 1975 and 1986, the Gender Recognition Act 2004 and the Equality Act 2006

It is unlawful to discriminate against a person in relation to employment on grounds of sex, gender or marital status.

EU Employment Directive

The Directive lays down a general framework for combating discrimination on the grounds of religion or belief, disability, age and sexual orientation as regards employment and occupation. The UK's obligations under the directive are currently implemented through the Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Religion or Belief) Regulations 2003, both of which came into force in December 2003 and the Employment Equality (Age) Regulations 2006 came into force on 1st October 2006.

Additional Equality Legislation

In addition to legislation focusing on race, *gender and disability*, the Council has other responsibilities regarding equality and diversity deriving from the following:

- ACAS guidelines
- Employment Relations Act (1999)
- Employment Rights Act (1996)
- Part Time Workers (2000)

- *The Employment Equality (Sexual Orientation) Regulations 2003*
- *The Employment Equality(Religion/Belief) Regulations 2003*
- *All European Regulations and Directives*

The body which enforces this legislation in the United Kingdom is the Equality and Human Rights Commission (EHRC).

Future Legislation

The government has issued a consultation document to canvass views on its proposals for a Single Equality Bill and to streamline the discrimination framework to produce better outcomes for those that currently experience disadvantage on the grounds of sex, race, disability, age, religion or belief, sexual orientation and gender reassignment.

The consultation paper 'Discrimination law Review – A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain' provides an overview of the governments proposals and invites feedback from local authorities.

The Working Policy

In order to encompass current and future legislation it is important that this policy is continuously developed. The Council re-affirms its commitment to work towards the elimination of discrimination and achieve equality of opportunity and service in all its activities.

In order to achieve real progress the Council has developed a Corporate Equality Policy, which will encompass all areas of equality among our employees, services and the community we serve. Action plans and targets will be set within services, including consultation with our community. Our Race, Gender and Disability Equality Schemes will remain separately identifiable within the Corporate Equality Policy.

An *Equality and Diversity Champions Team* has been established with representation from all services, to ensure ongoing action is undertaken in all service areas, such as the development of an equal access to services plan. This will outline the accessibility needs of people with disabilities and compliance with the Disability Discrimination Act and the requirements of the 'Equality Standards for Local Government'. Services will be audited and more extensive monitoring will be conducted.

The policy builds on the Council's commitment to achieve equality of opportunity and to improve the quality of life for people who are employed by, or use its services.

Points of Contact

For further information you are invited to contact the following:

Within Tendring District Council:

- Amanda Cobb (Ms)
Community Operations Manager
www.equality&diversity@tendringdc.gov.uk
Telephone (01255) 686360
- Carol Schleip (Mrs)
Head of Human Resources & Customer Services
Ext. 6301
E mail: cschleip@tendringdc.gov.uk
- Stuart Brian
Workforce Development Manager
Ext. 6338
E mail: sbrian@tendringdc.gov.uk
- Marcia Fuller (Mrs)
Assistant Head of Human Resources & Customer Services
Ext. 6324
E mail: mfuller@tendringdc.gov.uk
- UNISON
Jenene Mackenzie
Branch Secretary
E mail: jmackenzie@tendringdc.gov.uk

External bodies:

- Commission for Racial Equality

St Dunstan's House
201-211 Borough High Street
LONDON
SE1 1G2

Tel: 0207 939 0000
Fax: 0207 939 0001
Website: www.cre.gov.uk
E mail: info@cre.gov.uk
- *Equality and Human Rights Commission (EHRC)*

EHRC Helpline

*Freepost MID 02164
Stratford-upon-Avon
CV37 9BR*

Tel: 08457 622 633
Textphone: 08457 622 644
Website: www.drc-gb.org

- Equal Opportunities Commission

Arndale House or *36 Broadway*
Arndale Centre *LONDON*
Manchester *SW1H 0BH*
M4 3EQ *Tel: 0207 222 1110*

Tel: 0845 601 5901
Website: www.eoc.org.uk
E mail: info@eoc.org.uk

- The Disclosure Bureau

CRB Customer Services
PO Box 110
Liverpool
L69 3EF

Tel: 0870 9090 811
Website: www.crb.gov.uk