



## Exeter City Council

### Equality and Diversity Policy

This policy should be read with the Exeter City Council Guides for Managers and Employees

This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.

#### Policy development and Version details

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## 1. Introduction

Exeter City Council bases all of its work on the fundamental principles of the Universal Declaration of Human Rights 1948<sup>1</sup> and welcomes the diversity of the community living, working and learning in the city. As a service provider, community leader and employer the council is committed to being an exemplar in promoting equality and tackling social exclusion.

This document sets out our aims for the city and what we need to do to achieve those aims. It provides an overarching direction for our work and other policies and activities will be developed and reviewed to ensure that we can achieve our aims.

## 2. Devon Joint Declaration for Equality

Exeter City Council is a signatory to the Devon Joint Declaration for Equality. This states that we will work to achieve:

- a city where people achieve their own potential and a good quality of life.
- a city where everyone can access our services, facilities or information.
- a city where there is public involvement and influence over decision making, planning, policy and service delivery.
- a city that is a strong, safe and inclusive community.
- a city where people have trust and confidence to report incidents of abuse or discrimination.
- a workforce, at all levels, that is supported and broadly reflects the diversity of the community.

## 3. How will we achieve this?

### 3.1 As a provider of services

3.2 We will make our services easier to use and more accessible for everyone in Exeter. To do this we will:

- make information about our services more widely available and more accessible
- make our buildings more accessible to customers
- make contacting the council easier and more accessible to all customers

### 3.3 As an employer

3.4 We believe that having a workforce that reflects the diversity of the local population that feels it is treated equally and fairly and has the opportunity to grow and develop at work will help us to provide the best possible service to the people of Exeter. Our aim is to be an equal opportunities employer. To do this we need to:

- increase the degree by which workforce diversity reflects the local population
- ensure all staff are paid equally for work of equal value
- ensure that staff are treated fairly and have equal opportunities at work regardless of their background or status

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<sup>1</sup> <http://www.un.org/en/universal-declaration-human-rights/>

- ensure that all staff can work in an environment and culture free from harassment, bullying and discrimination
- ensure that all staff have the skills and understanding they need to meet the diverse needs of a diverse population

3.5 When helping to build successful communities:

3.6 The council has an important role to play in helping to build and support successful cohesive communities that have an active role in shaping their services and local neighbourhoods. To do this we need to:

- develop policies that promote community cohesion and resilience
- increase the engagement of people from diverse communities with the council's decision making process
- support services in the private and voluntary sector that meet the diverse needs of the community

#### 4. Scope of the policy

4.1 This policy is intended to reflect the impact of The Equality Act 2010. The act brings together and harmonises previous equality legislation covering service delivery and employment practice and introduces the Public Sector Equality Duty:

A public authority must, in the exercise of its functions, have due regard to the need to -

(a) **eliminate discrimination, harassment, victimisation and any other conduct that is prohibited** by or under this Act;

(b) **advance equality of opportunity** between persons who share a relevant protected characteristic and persons who do not share it;

(c) **foster good relations** between persons who share a relevant protected characteristic and persons who do not share it.

4.2 Due regard to the duty should occur when making decisions and in other day to day activities. The duty must be exercised in substance, with rigour, and with an open mind, and in such a way that it influences the final decision.

4.3 Case law states that a record of decision making is vital to demonstrate that thought has been given to the duty<sup>2</sup>.

4.4 The duty applies to nine 'protected characteristics': age, disability, sex, gender reassignment, marriage and civil partnership (in relation to point a. at work), pregnancy and maternity, race, religion and belief, sexual orientation.

4.5 The council extends this protection under the policy to socio economic background, class, caste, political or other opinion, national origin, locality, or association with these characteristics.

<sup>2</sup> <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 4.6 Everyone who uses services, facilities and information provided by the council should be treated in line with this policy. This includes customers, members of the public, partners, contractors, employees, volunteers and elected members.
- 4.7 The Equality Act 2010 is built on the principles of the Human Rights Act. The council supports the purpose and articles of the Act and specifically Article 14 which provides that 'the rights and freedoms set forth in (the Human Rights Act) shall be secured without discrimination on any ground'.

## **5. Our supporting policies, structures and processes**

- 5.1 The council has a number of supporting policies, structures and processes in place, in addition to this policy. These include:
- an Equality Impact Assessment toolkit to analyse the effects our policies and services have on people
  - policies on recruitment and selection and learning and development opportunities for employees
  - policies and codes of conduct covering employee, member and customer behaviour
  - policy and procedures for reporting incidents of bullying, discrimination and Hate Crime
  - communication standards including policies and guidance for translations, interpreting and alternative formats, and use of Social Media
  - disability access improvement plans for buildings
  - procurement/commissioning standards and clauses
  - supporting guidance and information, including information about community needs, views and profiles although we are aware that we need to make improvements in this area
  - a member and officers who have designated responsibility for leading on equality, raising awareness and building capacity within the organisation
  - external consultation arrangements commissioned with voluntary and community sector organisations
  - partnership meetings such as the Community Safety Partnership which provide governance to how we work with other agencies on issues we cannot tackle in isolation
  - the Equality Framework for Local Government will be used as a framework to improve or maintain standards and be accountable to the people it serves. However we are not only driven by legislation - our policy and work programmes are also in response to local needs.

## **6. Responsibilities**

### **6.1 Ultimate responsibility**

The ultimate responsibility for the provision of equal opportunities lies with the council. The Public Sector Equality Duty cannot be delegated. This means that the duty will always remain the responsibility of the organisation subject to the duty, in this case Exeter City Council. In practice, this may mean that the council will need to ask suppliers to take certain steps (such as monitoring service users), in order to enable the public authority to meet their continuing legal obligation to comply with the Public Sector Equality Duty.

### **6.2 Individual responsibility**

### 6.3 Members

Each Exeter City Councillor has the personal responsibility to comply with the policy. The Portfolio Holder for Communities and Culture has lead responsibility for equality in service delivery supported by the Member Champion for Equality and Diversity. The Leader of the Council has responsibility for equality in employment.

### 6.4 Officers

#### 6.5 Strategic Management Board

The Chief Executive and Growth Director has been delegated overall responsibility for ensuring that this policy and the processes underpinning it are developed, implemented effectively, monitored and updated.

The Strategic Management Board is required to ensure good governance of the organisation and has overall responsibility to make sure this policy is consistently applied and taken into account when setting strategic direction and reviewing performance.

The Director Transformation has the strategic lead for equality and diversity and the implementation of this policy.

Individual directors are responsible for checking that reports to committee include Equality Impact Assessments where necessary.

#### 6.6 Service Leads and Corporate Managers (Tier 3 Managers) are required to:

- manage equality within their services
- ensure that equality is clearly incorporated in to policy, design and delivery of services and functions, where relevant and that Equality Impact Assessments are carried out where appropriate.
- ensure that all employees within their services are aware of the policy and have received training in the implementation of the policy
- ensure that all employees within their services who are involved in recruitment and selection have received training on equal opportunities

#### 6.7 Employees in general are required to:

- ensure they understand and comply with the letter and spirit of the policy
- actively participate in measures introduced by the council to promote equality and diversity and ensure that there is no discrimination
- report to management any discriminatory practices or behaviours
- support the proper investigation of complaints.

Employees and others working on behalf of an employer can be held personally liable for acts of unlawful discrimination where an employer has taken all reasonable steps to prevent such an act.

#### 6.8 Human Resources are required to:

- ensure that the council's recruitment, training and development and other working practices and procedures are non-discriminatory and promote equality of opportunity
- carry out corporate monitoring of employment policies and practices and publish results annually

- ensure that managers and members are aware of the content of the policy relating to employment matters and the legislative framework underpinning it

6.9 Trade Unions are encouraged to:

- work with management in monitoring equality and diversity
- ensure that their elected officials are conversant with the council's policy and its application

6.10 Contractors, suppliers and consultants

A requirement to comply with equality legislation will be included in all contracts, service level/delivery agreements and licences. Failure to comply may lead to the termination of contracts. Organisations doing business with us are welcome to adopt our equality policy for their own use.

## **7. Actions to ensure the council meets its duties**

7.1 Awareness raising with employees

7.2 The council will provide appropriate training to staff to help them to understand their rights and responsibilities and to increase awareness of the council's legal duties, obligations, practices and procedures.

7.3 The corporate induction processes will include a basic introduction to the council's policies on equality and directorate induction should cover issues specific to that area of work.

7.4 Reasonable adjustments will be considered and where appropriate made to enable employees with a disability to take advantage of training opportunities and events.

7.5 Assessing the impact of policies and services

7.6 An Equality Impact Assessment should be carried out when:

- Recommending a decision to committee
- Planning a consultation to help identify focused work on hard to hear groups
- Developing the business case for a project and throughout the project lifecycle
- Developing policies, strategies, tenders/contracts or plans.
- Deciding on alterations to a service, including the closure of a service.
- Reviewing a service, policy or practice, including commissioned service even if an EQIA was carried out when the work was first developed.
- There is a concern about an existing policy or practice e.g. complaints, feedback or monitoring indicates disadvantage or gaps in service, economic disadvantage or damage to the environment. This can include concerns raised at a regional or national level.

And where it directly affects people and has the potential for different treatment, access, outcomes or levels of satisfaction.

The assessment should be used to aid development and produce recommendations for decision makers.

- 7.7 Assessing the impact on equality helps us to understand need by looking at the effect or possible effect our work may have on different groups of people. By anticipating the consequences of our work we can make sure that, as far as possible, any negative consequences are eliminated, minimised or counterbalanced by other measures, and opportunities for promoting equality are maximised. This also improves efficiency because we can identify where to target our resources most effectively.
- 7.8 All project leaders are responsible for incorporating equality into their projects or strategies starting at the very beginning of the project and maintain this focus so that it is a continuous process. An Equality Impact Assessment Toolkit is available on the Council's intranet to assist with this work. Any project or policy team can use the this toolkit to help them assess the potential impact of their project, regardless of whether it has been identified by the directorate as requiring an assessment. The complexity of the impact assessment will vary dependent on the nature of the issue being assessed.
- 7.9 We will work to increase the number of services that involve people from diverse communities in their equality impact assessments and service planning processes.
- 7.10 Completed impact assessments will be submitted with relevant committee papers and are published on the council's website.
- 7.11 Community engagement
- 7.12 The council recognises the specialist role that the community and voluntary sector plays in tackling inequality through its strong roots in service user involvement, community engagement and social justice.
- 7.13 We will work with members of the public, diverse communities and community organisations to develop our priorities and challenge our equality performance.
- 7.14 We will ensure that all sections of the community have equal opportunity to successfully bid for council contracts and are informed about other opportunities such as asset transfer.
- 7.16 Accessible services and information
- 7.17 The council will consider the needs of potential and existing customers (whether internal or external) and take steps to make information as accessible and easy to read as possible. We will use plain English and follow good practice guidance on font size, contrast, typeface and use of the 'alternative format statement'.
- 7.18 When publishing content on intranet and internet sites, we will follow web-accessibility legislation<sup>3</sup> and where possible, provide information in a way that people can change the typeface and colours to suit their own needs.
- 7.19 We will provide translations, face to face or telephone interpreting, and alternative formats in line with good practice guidelines. In particular, we will provide information in a different format on request if someone is unable to access information they need in its original format (this can include providing information in large print, Easy Read words and symbols, Braille, audio, British Sign Language video and in other languages). The Council reserves the right to provide the most cost effective alternative which serves as a reasonable adjustment but does not compromise quality and professionalism.
- 7.20 The Council also has a legal duty to anticipate reasonable adjustments for disabled people and make information readily available in alternative formats where there is anticipated need.

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<sup>3</sup> Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018

- 7.21 When organising meetings or events we will ask if delegates have any specific requirements such as diet, access or communication support. Accessible venues will be used where possible and must be used if someone has this need. Reasonable adjustments must be made for disabled people (sometimes this can be achieved through an individual's Access to Work Funding). You may need to factor in the cost of supported transport.
- 7.22 Recruitment and selection
- 7.23 The council is committed to applying its equality policy at all stages of recruitment and selection. Short listing, interviewing and selection will always be carried out without regard to sex, gender, gender reassignment, sexual orientation, marital or civil partnership status, race, nationality, ethnic or national origins, religion or belief, age, disability, pregnancy or maternity leave or trade union membership.
- 7.24 Where a service has identified underrepresentation of a particular group with protected characteristics, the advert may include a statement to encourage applicants from such a specified group(s).
- 7.25 All disabled applicants who meet the minimum requirements of the job as set out in the job description and employee specification will be guaranteed an interview. Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of his/her disability.
- 7.26 Learning and development
- 7.27 Development and training is essential to the achievement of the council's core values. Exeter City Council will treat its employees fairly and offer them the appropriate training and development, to not only help them do their current jobs but also help them develop further within their area of work.
- 7.28 Any training highlighted on an employee's Growth & Development Review Form will be included in the Service Learning & Development Plan.
- 7.29 Positive action may be taken in providing training and development to minority groups to ensure that members of the group have equal access to training and development and promotion opportunities.
- 7.30 Employees will not be denied access to training and development on any basis and in particular any reason associated with a protected characteristic.
- 7.31 Flexible working
- 7.32 The council believes that flexible working can increase employee motivation, promote work-life balance, reduce employee stress and improve performance and productivity and support equality.
- 7.33 All employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered seriously by the council.
- 7.34 The council's flexible working arrangements may take account of religious requirements. Although there is no entitlement for a person to work particular days or hours because of religious commitments, any requests to do so will be considered positively and balanced with the needs of the service. Religious requirements for certain dress codes will also be

considered positively and balanced with the requirements to wear a corporate uniform or Personal Protective Equipment.

7.35 Assisting employees who are disabled or who become disabled

7.36 The council will seek and consider advice with regard to reasonable adjustments to working arrangements, equipment, furniture etc to assist employees who are disabled or who, in the course of their employment, become disabled.

7.37 Employees who become disabled will be given opportunities to train within their present job to continue with that job or to re-train and be re-deployed to a job more suitable to their level of abilities.

7.38 Equality monitoring

7.39 The Council recognises that equality monitoring of service delivery is essential for effective planning of the services that it provides. Monitoring can tell us which groups are using services and how satisfied they are with them. This data, in conjunction with impact assessments can then be used to highlight possible inequalities, investigate their underlying causes and remove any unfairness or disadvantage.

7.40 The council will ensure that the impact of its employment policies and practices are also regularly monitored so that the success of the council's aims and objectives can be measured and continuous improvements made. A report on employment equality monitoring will be made to the Strategic Management Board and to the relevant Scrutiny Committee annually.

7.41 Data will be obtained from the Equal Opportunities Monitoring form included with the application form and will be retained on the Resource Link System.

7.42 An Equality Monitoring Toolkit providing advice and guidance to staff is available on the intranet.

7.43 Responding to discrimination, bullying and harassment

7.44 Employees who feel that they are victims of discrimination should immediately draw the issue to the attention of their line manager who should, if possible, resolve the issue informally. If the issue cannot be resolved in this way a complaint should be made in accordance with the Council's Dignity at Work Policy.

7.45 The council's Dignity at Work Policy covers bullying and harassment of all kinds and across all protected characteristics. It makes it clear that the council believes all employees have the right to seek and hold employment without discrimination, harassment or bullying. It aims to create a working environment that is free from all harassment and intimidation.

7.46 Where customers believe they have been discriminated against they should be directed to the Council's complaints procedure. Such complaints will be investigated in the normal way however these will also be reported to and monitored by the Corporate Equality and Diversity Officer.

7.47 Customers who are council housing tenants and have been victims of harassment will be supported by their neighbourhood officer. Council housing tenants who perpetrate harassment will be challenged and are at risk of sanctions and eviction. As a landlord the city council has a specific duty not to discriminate in regard to the allocation of accommodation or in regard to subjecting its tenants to detriment. Specific procedures have been developed to ensure compliance with this requirement.

- 7.48 Other customers will be offered advice and supported to report their complaint to the appropriate agency.
- 7.49 The council has signed up to the Zero Tolerance to Hate Crime pledge, led by Devon and Cornwall Police.
- 7.50 Identifying improvements
- 7.51 The council will produce an annual action plan to address gaps in work to achieve the vision. The actions contained in it will be specific, measurable, achievable, resourced and have timescales (SMART).
- 7.52 A report against this action plan will be made to the Corporate Equality and Diversity Group quarterly.

## **8. Access Statement**

- 8.1 The Council undertakes to make reasonable adjustments/provisions to enable employees and their representatives with protected characteristics to effectively access and engage with this policy/procedure. This may include actions such as the provision of communication in a different format (e.g. brail, foreign or sign language interpreter) and ensuring accessibility of office locations and meeting rooms, and/or provision of equipment.
- 8.2 However, in order to fulfil this function, the employee must make Human Resources aware of their or their representative's access needs.

## **9. Related Policies**

- 9.1 Other policies and guidance which support this policy include:
- Dignity at Work
  - Flexible Working Hours Scheme
  - Family Friendly policies
  - Grievance Procedure
  - Complaints and Feedback Procedure
  - Unacceptable Behaviour policy
  - Safeguarding Policy and procedures
  - Accessible, Inclusive Events planning guide
  - Taxi Policy

### Forms of Discrimination

**Direct Discrimination** occurs when a person is treated less favourably than another person on the grounds of gender, sexual orientation, race, disability, religion or belief, age etc. In many cases direct discrimination is made unlawful through legislation such as the Sex Discrimination, Race Relations, Disability Discrimination Acts and The Employment Equality (Age) Regulations 2006.

**Discrimination by Association** is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

**Perception Discrimination** is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. Perception discrimination already applies to age, race, religion, or belief and sexual orientation. It has now been extended to cover disability, gender reassignment and sex.

**Indirect Discrimination** occurs when a condition or requirement, formal or informal, although applied equally to all groups has the effect of excluding, penalising or treating any of those groups less favourably and cannot be shown to be justified and may be to the detriment of those who cannot comply with it.

**Positive Discrimination** is illegal. For example it is illegal to employ someone purely on the basis of their race, gender etc. (see Positive Action below). **Positive Action** is not illegal if it reasonably appears that it prevents or compensates for disadvantage suffered by specific groups in work or who are likely to take up that work. Thus, if it can be shown that specific groups are currently underrepresented in certain areas and levels of the workforce then positive action can be taken to redress the situation. For example, courses and events can be run for specific groups and positive action can include positively seeking to attract applicants from underrepresented groups.

**By Way of Victimisation** when a person is treated less favourably than others because it is known that they are taking proceedings or acting as a witness under a particular Act e.g. Sex Discrimination Act, The Employment Equality (Age) Regulations 2006.

**In Recruitment** when the choice of candidates for interview or appointment is influenced solely by discriminatory factors

**In Treatment of Employees** when deciding which employees have access to promotion, training, allowances or services and including consideration for reasonable adjustments: between colleagues where harassment takes place : by the discriminatory abuse of procedures e.g the disciplinary procedures

**Circumstances when Discrimination can legally take place** In certain occupations where there is a genuine occupation qualification for reasons of decency and privacy, welfare provision, religion or belief, or single sex establishments.