



Roselands & Stafford
Federation

East Sussex County Council Promoting Diversity and Equality of Opportunity in Employment Policy

Document control:

Adopted by the full Governing Body on:			
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Promoting diversity and equality of opportunity in employment



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Document summary

This policy ensures equal access to opportunities in employment and promotes diversity in our workforce.

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About this document:

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<p>Accessibility help</p> <p>Zoom in or out by holding down the CTRL key and turning the mouse wheel.</p> <p>CTRL and click on the table of contents to navigate.</p> <p>Press CTRL and Home key to return to the top of the document</p> <p>Press Alt-left arrow to return to your previous location.</p> <p>References shown in blue text are available on the Intranet and/or Webshop.</p> <p>References shown in underlined blue text are hyperlinks to other parts of this document.</p>	

Promoting diversity and equality of opportunity in employment

Key points

There is a duty on all County Council employees and members to:

- Eliminate unlawful discrimination, harassment and victimisation.
- Promote equality of opportunity.
- Promote good relations between people who share a protected characteristic and those who do not;

1. Why must we promote equality and diversity?

- 1.1. Our staff are the County Council's most significant and valuable asset. Underlying everything we do is the expectation that we will deliver a high quality service to the diverse community of East Sussex. That aim is best achieved by actively supporting a workforce drawn from all sectors of that community.
- 1.2. The County Council opposes all forms of discrimination on the grounds of race, colour, nationality, ethnic or national origin, religion or belief, gender reassignment, marital and civil partnership status, sex, sexual orientation, medical conditions (including people living with HIV or AIDS), disability and age.
- 1.3. The County Council will not accept unlawful discrimination or harassment. Discrimination and harassment undermine the personal dignity of individuals. Such behaviour is unprofessional, unacceptable, and may well be unlawful.

2. Should I treat everyone the same?

- 2.1. No: working towards equality of opportunity means understanding and respecting that we all have different needs. There are greater opportunities to gain from a more diverse workforce by seeking to understand the needs and aspirations of our staff and colleagues

3. What are the duties?

- 3.1. We have legal duties, both within the County Council and across the County, to:
 - eliminate unlawful discrimination, harassment and victimisation;
 - promote equality of opportunity; and
 - promote good relations between all people;
- 3.2. The duties require an active and positive approach - they are statutory requirements and not optional. They come with a commitment to remove institutional discrimination and to treat direct discrimination as a disciplinary matter.

4. Who does the policy apply to?

- 4.1. This policy sets out the County Council's general approach to diversity and equality in employment, and seeks to ensure that all employees, contractors, temporary workers and job applicants receive benefit from equality of opportunity.
- 4.2. Anti-discrimination law covers discrimination and harassment against all people. In employment it applies to:
 - gender reassignment;
 - race, colour, ethnicity or national origin;
 - disability, including people living with long term medical conditions such as HIV and AIDS;
 - sex;
 - sexual orientation;
 - religion or belief
 - age;
 - marriage and civil partnership;
 - pregnancy and maternity.
- 4.3. The duties for public bodies originate from The Equality Act 2010.
- 4.4. The law also provides support and protection for new parents, including adopting parents, and people who want to work flexibly for childcare reasons.
- 4.5. In terms of the scope of the policy however, the above should not be considered an exhaustive list. The policy expects all employees to support the full, diverse range of personal circumstances that exist in the community. Accordingly, we expect, subject to our reasonable business and service requirements a positive, supportive and flexible approach to staff that have:
 - childcare or other caring responsibilities – such as caring for an adult with chronic illness or disability;
 - a medical condition,
 - interests that support the community - such as voluntary or charity work;
 - interests that support society generally - such as magistrates or members of public bodies;
 - other personal interests - such as personal study.
 - any particular political view or affiliation, including trade union membership

5. How is the impact of this, and other personnel policies, assessed?

- 5.1. All policies that have an impact on staff are subject to Equality Impact Assessment (EqIAs). We will use EqIAs to assist us with meeting the duties - in other words to look for opportunities to support diversity in our workforce. EqIAs are also used to identify relevant policies, and procedures that may be having a negative effect on any group. EqIAs, and the relevant policies, will be published and consulted upon with staff and members of the local community. Further advice on the process of EqIA in relation to personnel policies is available from Personnel and Training.

6. What is discrimination?

- 6.1. Discrimination may be direct or indirect.
- 6.2. Direct discrimination occurs where someone is denied an opportunity, or offered special treatment because, for example, they are a woman, or they are white, or they are disabled.
- 6.3. Indirect or “institutional” discrimination occurs where policies, practices and procedures tend to lead a particular group of people to be either at a disadvantage or an advantage.

7. What is harassment?

- 7.1. Harassment is unwanted or unjustified behaviour which affects the dignity of anyone in the workplace, and which the recipient finds threatening, demeaning or offensive, even if this is not the intention. Harassment is specifically covered by all strands of equality legislation and is unlawful.

8. What is victimisation?

- 8.1. Victimisation is subjecting an individual or a group to detrimental treatment or unjustified behaviour because they have done or may do a ‘protected act’ as defined by the Equality Act 2010. Protected acts are:
 - bring proceedings under the Act;
 - giving evidence of information in connection with proceedings under the Act;
 - doing anything for the purposes of or in connection with the Act;
 - making an allegation that another person has contravened the Act.

9. How will the County Council deal with discrimination, harassment or victimisation?

- 9.1. The County Council takes all complaints about discrimination very seriously. There are occasions however, when staff will want to discuss an issue informally before bringing a formal complaint or grievance. In the first instance, staff should seek to raise their concerns informally with their line manager, who can seek advice from the HR Advisory Team as appropriate.
- 9.2. Direct discrimination is never acceptable. It is unlawful and, for complaints upheld against staff, will be considered either to be “serious” or “gross” misconduct and may lead to dismissal and to legal action. A complaint that a Councillor is discriminating unlawfully against any person should be referred to the County Council’s Monitoring Officer. Complaints will be considered either by the Standards Committee or the Standards Board for England. Complaints that are upheld may lead to disqualification from office.

- 9.3. Indirect discrimination is unlawful. All staff have a duty to report instances of indirect discrimination through their manager to their Director/Headteacher as appropriate. There may be instances in which staff do not feel able to report the matter through their manager. If so, they may discuss the matter formally or informally with the HR Advisory Team. Where appropriate, staff may also use the [Whistleblowing – Raising Concerns policy](#)
- 9.4. The Council provides a Counselling and Employee assistance programme, which can provide employees emotional support for a wide variety of personal problems, including experience of discrimination or harassment.
- 9.5. The County Council, and all staff, have a duty to seek to identify indirect discrimination and either to remove it or to reduce its effects. All policies that have a direct effect on people are subject to an Equality Impact Assessment (EqIA). EqIAs consider the effectiveness of policies and, in particular, how effective they are at meeting the requirements of the duties.
- 9.6. Where EqIA's identify that indirect discrimination, as it affects staff, is likely to be occurring the County Council has a duty to act. The policy will be amended to remove, or reduce as far as possible, the effects of the discrimination.
- 9.7. Where indirect discrimination exists it is, by its very nature, built into the way that staff and members currently work. Action following the identification of indirect discrimination may range from simply amending the policy or procedure, provision of general awareness raising, to dismissal and legal action if, for example, the County Council has knowingly, or negligently, been exposed to a breach of the law.
- 9.8. Failure to act to remove discrimination, where it is identified, could be treated either as "serious", or "gross", misconduct and may be unlawful, and action may be taken against the County Council as a whole and against staff responsible. Failure on behalf of members to act to remove indirect discrimination affecting staff will be treated as described for direct discrimination.
- 9.9. Harassment or victimisation in relation to any of the groups covered by equality legislation is unlawful. Harassment or victimisation may either be intentional or unintentional and action against individuals will range from awareness raising to dismissal and possibly to legal action. Where harassment or victimisation is intentional it will be treated as "gross" misconduct. Complaints of harassment or victimisation of staff by elected members may be considered as described for direct discrimination.
- 9.10. The [Code of Conduct for Employees](#) requires staff to report instances of harassment or victimisation. Failure to report harassment or victimisation occurring to others could be treated as "serious" or "gross" misconduct.

10. Are there any circumstances where discrimination may be appropriate?

- 10.1. It is never appropriate to discriminate on any of the grounds covered by this policy unless there are "genuine occupational requirements". Genuine occupational requirements can allow employers to request that an employee possesses a certain characteristic in order to carry out a job role, even though this would normally be discriminatory. For example, a job advert for a role in a women's refuge might specifically request that only female applicants apply. However, these reasons will be absolutely exceptional and must be agreed at Head of Service/Headteacher level following discussion with Personnel and Training and legal advisors.

11. How do I promote equality in employment?

11.1. Recruitment is covered by our [Recruitment and Selection Policy](#). You are required always to select the person best suited for the job.

11.2. The County Council wants to make the most of the skills and experience available in the community, and many people who may be the best person for a job are not working with us yet. Recruiting managers can promote equality of opportunity by:

- identifying whether any people covered by this policy are currently underrepresented and, if they are;
- considering how to make posts more attractive to people with diverse needs;
- stating clearly that hours and working patterns are flexible and can be adapted, subject to the needs of the service, to the needs of applicants;
- actively challenging their own preconceptions of candidates.

All recruiting managers must complete the [online Recruitment & Selection Training](#).

11.3. Job descriptions and essential criteria for posts must be written carefully to allow for as wide a diversity of the local population to apply as possible. It is particularly important not to require an attribute that would tend, unnecessarily, to prevent a group of people applying. For example, if the travel needs of the post can be met by a variety of means, then specifically requiring the candidate to drive might unnecessarily discourage some disabled applicants from applying.

11.4. Development and training are covered by the People Strategy. Appropriate opportunities should be offered to all staff depending on needs identified through our Maximising Performance process. It is possible that people from disadvantaged groups may have had fewer formal developmental or education opportunities. It is not acceptable to apply that assumption to all staff from a particular group.

11.5. The County Council's policy is to provide development and training opportunities to staff that match the business needs of the County Council. For example, raising awareness of the duties to promote equality within the County Council and countywide through management of staff, working relations and service delivery is appropriate through many development activities.

11.6. All staff can expect access to training in a way that is appropriate to their needs and those of the County Council. The needs of individual staff may mean that they require additional support, such as one-to-one training or training materials provided in different formats. These will be considered as "reasonable adjustments" as appropriate.

11.7. Complaints and grievances are covered under the [Complaints Procedure](#) and [Grievance and Workplace Conflict policy](#) respectively. These procedures help the County Council to address discrimination and harassment where they have occurred.

11.8. They are though a last resort and should follow discussion and active attempts to work to a positive solution. Action on the basis of the procedures will be proportionate to the act or issue, the effects and the level of intention. Action is likely to range from awareness raising to dismissal and legal action.

12. Am I accountable for promoting equality of opportunity in employment?

12.1. Yes, we are accountable individually, and as an organisation, to meet the duties. Further details can be found in the County Council's [Council Plan](#).

12.2. As a County Council we collect workforce data across a range of protected characteristics. Our aim is to have a workforce which is representative of the local community of East Sussex.

13. What resources are available to support equality in the workplace?

13.1. Specific resources are available to support colleagues who may have particular needs, as detailed below.

13.2. Caring responsibilities

13.3. Caring responsibilities are an essential aspect of life in the County and staff who have these responsibilities bring valuable skills and experiences into the work place. Accordingly, we can encourage more carers to apply for work with us, and to remain in work once they have taken on these responsibilities, by offering support and flexibility to staff with caring responsibilities. The County Council's [Flexible Working pages offer](#) a range of flexible working and flexible leave options available to all staff, which may help carers in particular to accommodate their responsibilities at home and at work. Our 'Support for staff with Caring Responsibilities' guidance provides specific advice for managers on the additional pressures carers face in managing work and their caring responsibilities, and how these might be overcome.

13.4. In addition, a private Carer's Forum is accessible via Yammer, the Council's social media site.

14. Ethnic Origin

14.1. Details of the Council's Black and Minority Ethnic (BME) staff forum can be found on the intranet. The aims of the forum are to:

- Oppose inequality and discrimination, particularly on the grounds of race and ethnicity
- Work towards improving the quality of life for BME staff and service users
- Promote consultation on BME issues
- Represent the interests of BME staff throughout the Council
- Provide networking opportunities for BME staff

14.2. The forum welcomes new to help influence council business and attend physical meetings as appropriate. We encourage ideas on how we can promote our work and raise the forum's profile. Please see the intranet for contact details.

15. Disability

15.1. The County Council requires all staff to follow good practice in the recruitment and management of disabled people in line with the Disability Confident Scheme. The County Council is an accredited Disability Confident Employer, and is committed to following the core employer actions identified under the scheme. These include:

- Actively looking to recruit and attract disabled people
- Providing a fully inclusive and accessible recruitment process
- Flexibility when assessing people so disabled people have the best opportunity to demonstrate they can do the job
- Proactively offering and making reasonable adjustments as required
- Encouraging our suppliers and partner firms to be Disability Confident

- Ensuring employees have appropriate disability equality awareness, and promoting a culture of being Disability Confident
- Supporting employees to manage their disabilities or health conditions
- Ensuring there are no barriers to the development and progression of disabled staff
- Ensuring managers are aware of how they can support staff who are sick or absent from work
- Valuing and listening to feedback from disabled staff
- Reviewing the Disability Confident employer self-assessment regularly

15.2. As indicated above, there are specific duties we must follow to ensure that Recruitment and Selection processes do not discriminate against people with disabilities. The Recruitment and Selection toolkit, available on the intranet, provides managers with guidance on how to ensure a fair recruitment process for all employees. Managers should ensure they understand they are familiar with this guidance before undertaking any recruitment activity.

15.3. On occasion, it may also be necessary to make physical changes to the work environment, to overcome barriers for disabled employees. Please see the 'making reasonable adjustments' guidance on the Intranet for more information.

15.4. In addition, specific guidance is available for managers, on their general duties in supporting disabled colleagues at work. Please see the 'Disability Equality' pages of the Intranet for further information.

16. Sexual orientation

16.1. Details of the Lesbian, Gay, Bisexual and Transgender (LGBT) staff forum can be found on the intranet. The aims of the forum are to:

- Oppose inequality and discrimination, particularly on the grounds of sexual orientation and gender identity
- Work towards improving the quality of life for LGBT staff and service users
- Promote consultation on LGBT issues
- Represent the interests of LGBT staff throughout the Council
- Provide networking opportunities for LGBT staff

17. Religion or belief

17.1. We have begun to collect information on the religion or belief of staff. We do know that faith and religious observance are of significant importance to many of the County Council's staff.

17.2. In line with our policy of promoting diversity we expect managers to be flexible in allowing people to meet their cultural, religious and faith needs. Applications to take annual leave or flexi-leave for religious observance must be considered seriously and every reasonable effort made to comply with the request within the business needs of the County Council. We also aim to provide suitable spaces for staff prayer and contemplation at Council premises.

18. Age

18.1. The Council monitors the age profile of its workforce, and aims to provide appropriate support and development opportunities for all sections of the workforce.

- 18.2. The Council's approach to workforce planning helps services to identify the development needs of their staff. This could include actions to attract and retain colleagues just entering the workforce, who we are aware might have unique expectations about their career and working environment.
- 18.3. Since the abolition of the default retirement age, older workers are increasingly choosing to stay in work for longer. We are also aware that overall the Council has an ageing workforce, and that older colleagues in particular might face additional challenges related to health, disability and caring responsibilities. Services are therefore encouraged to identify ways of supporting older workers to remain in work for as long as they wish to – this might include further training, or flexible or agile working arrangements, and reasonable adjustments as required.

19. Gender reassignment

- 19.1. Gender reassignment is a choice permanently to change one's gender. It is no more appropriate to discriminate or harass a person who has undergone, or is undergoing, or considering, gender reassignment or chooses to live as a member of the opposite gender without undergoing any medical procedure, than anyone else. Discrimination is covered by the Equality Act 2010. Additionally, the Gender Recognition Act 2004 provides for people to have legal recognition, in the form of gender recognition certificates, in their acquired gender. For further information, please see the intranet guidance: [Supporting trans employees](#).

20. Medical conditions including HIV and AIDs

- 20.1. Medical conditions, including mental health matters, have been associated with stigma, discrimination and harassment. The County Council expects all staff to be supportive of colleagues living with any health condition, and to ensure that they have the same access to opportunities as anyone else. Some medical conditions may cause employees to be considered disabled under the Equality Act 2010 – this includes people with HIV and AIDs, from the point of diagnosis onwards.
- 20.2. Where a medical condition is having an adverse effect on an employee's ability to carry out their duties, managers should refer the employee to the Council's Occupational Health provider, so that appropriate support can be put in place.
- 20.3. A specific attendance management procedure exists to help ensure that sickness absence is managed in a fair, consistent and compassionate way. All managers should ensure they are familiar with the attendance management procedure, available on the Intranet.
- 20.4. In addition, a variety of resources are available on the intranet, to help staff maintain and improve their own wellbeing. These include the staff Counselling and Employee Assistance service.

21. Where can I find out more?

- 21.1. If you want to discuss a personal matter start with your manager or with colleagues. If you feel that you would like advice from someone else you should contact Personnel and Training, or your Trade Union representative. Formal complaints should follow the [Complaints](#) and [Grievances and Workplace Conflicts Procedures](#) as appropriate.

If you would like to discuss this policy, its general application or the associated legislation please contact the HR Strategy Team on 01273 481194.