



HEREFORDSHIRE
COUNCIL

Equal Opportunities Policy

“The Herefordshire Council believes that it is a fundamental right for everyone to be treated equally, with respect and dignity; it will act directly and use its influence to ensure that this right is promoted and upheld.”

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Some definitions...

Direct Discrimination	Treating a person, on grounds of race, gender, disability etc, less favourably than others are, or would be treated, in the same circumstances
Indirect Discrimination	Applying requirements or conditions, intentionally or not, which adversely affect a considerably larger proportion of one group than another, which cannot be justified
Victimisation	When a person is treated less favourably than others for having made, or supported, a complaint of discrimination
Prejudice	Literally, to prejudge; to have views about a group of people or an individual that is based on assumptions about them.
Institutional Racism	Situations where discriminatory policies or practices have become incorporated and absorbed into an organisation's structures, processes and procedures.
Equal opportunities	The promotion of policies and practices aimed at ensuring everyone in an organisation has the same chances and prospects. Equal opportunities promotes equal access to employment and services for everyone

Statement of Intent

The Herefordshire Council believes that it is a fundamental right for everyone to be treated equally, with respect and dignity; it will act directly and use its influence to ensure that this right is promoted and upheld

As an organisation, the Council recognises and accepts that when it is

- ❖ providing services,
- ❖ purchasing services,
- ❖ employing staff; or
- ❖ working in partnership with other organisations,

it has a responsibility to promote and implement equality of opportunity.

People can be discriminated against on a number of grounds, including (but not exclusively):

- ❖ race;
- ❖ gender;
- ❖ disability;
- ❖ religious belief;
- ❖ age;
- ❖ marital status;
- ❖ a lesbian or gay lifestyle;
- ❖ HIV status; or
- ❖ any personal characteristic or circumstance

The Council has, therefore, adopted this equal opportunities policy to let its staff, customers, contractors and partners know about its aims and its commitment to act directly and use its influence to ensure that everyone is treated equally.

Service Delivery Objectives

The Council is committed to equality of opportunity in allocating resources and providing services.

In carrying out this equal opportunities policy, the Council will actively seek to:-

- Ensure that all customers and users of the Council's services are aware of their right to be treated equally, with respect and dignity, and of their right to complain when they believe they have been unfairly treated.
- Understand customers' needs by reflecting the diversity of the local community (such as ethnic origin, gender, age, disability, etc) in the workforce.
- Eliminate barriers for anyone who needs or wishes to access services delivered by the Council, including barriers relating to affordability, language, accessibility, culture and attitude.
- Consult with the community, including its own employees, to ensure that people take part in identifying needs and allocating resources to meet those needs.
- Ensure that all Councillors, Council employees and those working with or for the Council are aware of its equal opportunities policy; that all understand their responsibility for implementing the policy, the standards of behaviour required by the Council and the consequences of unacceptable behaviour.

- Use whatever opportunities are allowed by law to ensure that those providing a service to, or on behalf of, the Council accept a commitment to equal opportunities and monitor their performance in this area.
- Ensure that all community groups are given fair and equal access to the information, advice and other forms of assistance they receive from the Council.
- Ensure that fair and equal consideration is given to the provision of Council grants and services to the voluntary and community sector.

The Council will achieve these objectives by:

- Providing clear and accessible information on the services provided by the Council
- Implementing and monitoring its formal comments and complaints procedure to ensure that it is effective and is fully accessible to all members of the community
- Training all employees having direct contact with the public, and their supervisors, so that they can deliver services consistent with the Council's equal opportunity policy.
- Investigate thoroughly, promptly and confidentially complaints of discrimination, victimisation or harassment by users of Council services.
- Monitoring the services it provides and which are provided on its behalf to measure progress toward full implementation of the equal opportunities policy, with corrective action being taken where targets are not being achieved.
- Include within each service's annual business plan its priorities in relation to equal opportunities and the actions which will be implemented to address those priorities.
- Developing and implementing a consultation strategy which makes creative use of all available means to enable people to provide

Employment and Training Objectives

The Council is committed to fair and equal opportunity in all aspects of employment, including recruitment, retention, supervision, training, development, welfare and promotion of all its employees.

As part of its strategy of becoming an equal opportunity employer, the Council will:

- Ensure that everyone is treated fairly in recruitment to, and employment with, the Council.
- Promote awareness of, and monitor the effectiveness of, the Council's family friendly policies
- Eliminate barriers for anyone who wishes to access employment with the Council, including barriers relating to language, accessibility, culture and attitude.
- Ensure that all applicants for posts are aware of the policy and of their right to be treated equally.
- Ensure that all those involved in the recruitment and selection decision making receive training in the Council's recruitment and selection process.
- Ensure that all members of all recruitment and selection panels are fully trained in the Council's recruitment and selection process

- Give all employees the opportunity to acquire the skills, knowledge and understanding necessary to implement successfully the Council's equal opportunities policy across all its services.
- Ensure that all training delivered by, or on behalf of, the Council supports the aims of the equal opportunities policy in both delivery and content.

The Council will achieve these objectives by:

- Developing guidance which set out the Council procedures for recruitment, employment and training as required to implement the equal opportunities policy and comply with the Commission for Racial Equality, Equal Opportunities Commission and Disability Codes of Practice.
- Monitoring and reviewing employment levels throughout the Council.
- Monitoring the recruitment process.
- Supporting the development of all employees through appropriate training, counselling and guidance to enable them to achieve the highest level of employment consistent with their abilities and needs.
- Investigate thoroughly, promptly and confidentially complaints of discrimination, victimisation or harassment by employees on colleagues, other employees and users of Council services.
- Taking steps to address any under-representation within the workforce in order to reflect the diversity of the local community
- Formally monitoring the satisfaction, attitudes and opinions of its staff on a Council-wide basis on an annual basis.
- Seeking employees' views on their training needs at least annually through the Staff Review and Development discussion before training and development priorities and programmes are decided.

Consultation

The Council needs to access a very wide range of opinions and views in order to plan and make decisions appropriately. Its consultation arrangements will ensure that people's different needs and requirements are properly represented before policies or specific proposals and actions are decided.

The Council recognises the need to have in place an appropriate, relevant and effective communications strategy to enable it to consult with its employees and ensure the full value of this consultation is reflected in its subsequent decision making. It will undertake a formal survey of employee satisfaction, opinion and attitudes on an annual basis.

The Council will develop a full range of consultation methods, including direct consultation with organisations, groups and particular sections of the community. It will use market surveys to find out what people feel and think about the Council and its services in order to improve those services. It will also use all available means to identify the opinions and needs of people in the community who are disadvantaged.

The Council will continue to encourage its employees to develop their relationship with customers and potential customers in order to make services as sensitive, accessible and relevant to local needs as possible.

The Council will help community groups, particularly those groups from disadvantaged sections of the community, to develop their knowledge of Council procedures and how they are able to influence the Council through the consultation process.

Responsibility for the Policy

The Herefordshire Council accepts that it is accountable to the whole of the County's population for delivering equality of opportunity in all it does.

The Leader of the Council is responsible for providing overall direction and control of this policy. Each Executive Member is responsible for the direction and control of the policy in relation to services within his/her programme area.

The Chief Executive's Management Team and Heads of Service are responsible for implementing the policy and any action plans adopted by each programme area. An overview of the way in which the Council is meeting its obligations under this policy and the relevant equal opportunities legislation will be provided in the annual Performance Plan (required under Best Value legislation). Individual business plans will set out details of how these responsibilities will be carried out in relation to individual services over a given period. Each plan will include a number of targets to be reached covering both service delivery and employment. Achievement of these targets should change the way services are provided to meet the objectives of the equal opportunities policy and subsequent business plans will include an assessment of whether these targets have been reached.

Each Council employee is responsible for ensuring that his or her own behaviour is consistent with the policy and should:

- Co-operate fully with all measures introduced by the Council with regard to equal opportunities.
- Treat people equally.
- Not encourage or attempt to encourage other employees or trade union representatives or officers to practice unlawful discrimination.
- Not harass, abuse or intimidate individuals or incite others to do so.
- Not victimise or attempt to victimise individuals or incite others to do so.
- Use words or act in a way which may be offensive and which may result in victimisation
- Draw to the attention of line managers, Heads of Service or Directors any suspected acts or practices of discrimination, harassment or victimisation.

Line managers in particular should be aware of their obligation and responsibility to deal with complaints promptly and sensitively and, above all, confidentially.

Enforcing the Policy

This policy is the Council's statement of its own objectives and expectations on equal opportunities. Its purpose is to lead to real changes in the content and style of Council services.

The Council-wide Performance Plan and individual service business plans will describe the positive and constructive ways in which the policy will be turned into action (by Councillors and employees).

The policy will be most effectively implemented by gaining the understanding and commitment of all the people involved in carrying it out; it will therefore be promoted and supported by every available means, including:

- providing training for Councillors and employees;
- adopting procedures that are effective and efficient but which are also equal opportunities based;
- publicising the policy and the part people can play in making it successful;
- consulting systematically with the people affected by services.

There will undoubtedly be occasions when the Council will have to take action to correct behaviour and reinforce its expectations of both its users and employees in supporting the policy. It will take necessary action within agreed procedures where the policy is being ignored or abused.

Equal Opportunities and the Law

The main laws encompassing equality of opportunity are as follows.

Equal Pay Act 1970 (amended 1983)

The purpose of this Act is to remove discrimination between men and women in pay and other terms of their contracts of employment such as holidays, sick leave, hours of work.

An individual must always compare their job to that done by a member of the opposite sex. The Act was amended to provide grounds on which an individual can ask an Industrial Tribunal to award equal pay. These are:

- an individual is doing the same or broadly similar work to that of another (this is called "like work");
- an individual's job has been rated the same under a proper job evaluation study;
- an individual's work is of "equal value" to that of another's in terms of effort, skill, decision-making and other demands it makes but it has not been assessed under a job evaluation study.

The Rehabilitation of Offenders Act 1974

This Act provides that if a convicted person completes a specified period without being convicted of further offences, the conviction can be regarded as "spent". These sentences then do not have to be revealed and may not be used as grounds for exclusion from employment. Certain occupations are exempt from this Act and applicants for these positions will have to declare all convictions, including those which may otherwise be regarded as "spent".

Sex Discrimination Act 1975 and Amendments 1986

The Sex Discrimination Act 1975 makes it unlawful to discriminate directly or indirectly on the grounds of sex.

Race Relations Act 1976/Race Relations (Amendment) Act 2000

The Race Relations Act 1976 makes it unlawful to discriminate against a person, directly or indirectly, on the grounds of race in employment and training, the provision of goods, facilities and services, education, housing and certain other specified activities.

The Race Relations (Amendment) Act 2000 outlaws race discrimination (direct, indirect or victimisation) in all public authority functions not already covered by the 1976 Act. It also places a general duty on listed public authorities to be proactive in promoting race equality. This requires them to work to avoid unlawful discrimination before it occurs and to promote equality of opportunity and good relations between persons of different racial groups

Criminal Justice and Public Order Act 1994

Section 154 of this Act created the new offence of "intentional harassment, alarm or distress". Any intentional harassment in the workplace may now be a criminal offence.

Disability Discrimination Act 1995

The Act gives people with a disability rights in the areas of employment, access to goods, facilities and services and buying or renting land or property

The Act defines disability as "a physical or mental impairment which has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities". People who have a disability or have had a disability but no longer have one are covered by the Act. It is unlawful for employers with 20 or more employees to discriminate against current or prospective employees with disabilities because of a reason relating to a disability.

Employers must not discriminate against a disabled person in recruitment and retention, promotion and transfers, training and development and the dismissal process

They must also make reasonable changes to their premises or employment arrangements if these substantially disadvantage a disabled employee or prospective employee, compared to a non-disabled person.

Human Rights Act

The Human Rights Act 1998 came into force on 2 October 2000. The key parts of the Act are called "convention rights" which guarantee a number of basic human rights, including the right to life (Article 2); torture or inhuman or degrading treatment or punishment (Article 3); slavery and forced labour (Article 4); liberty and security of person (Article 5); fair trial (Article 6); retrospective criminal laws (Article 7); respect for private and family life, home and correspondence (Article 8); freedom of thought, conscience and religion (Article 9); freedom of expression (Article 10); freedom of peaceful assembly and freedom of association, including the right to join a trade union (Article 11); the right to marry and to found a family (Article 12); and discrimination in the enjoyment of these rights and freedoms (Article 14).

As a result, the Council must not act in a way that is incompatible with a convention right .

Equal opportunities and other relevant Council policies and procedures

The Council has a number of policies and procedures which support the equal opportunities policy. A brief outline of the contents of each is set out below.

Job share

Job sharing is an arrangement where more than one person, normally two, share a single job between them. Each sharer does a proportion of the work and receives pay, holidays and other benefits of the job on a pro rata basis. The Council fully supports the principle of job sharing where it is an efficient and effective way of carrying out the work and has no detrimental effect on service provision

Career break scheme

A career break is an extended period of unpaid leave granted to an employee. The employee's contract of employment is maintained throughout the period of leave, with the guarantee that, at the end of the period, the employee will be able to return to work for the employer in the same, or similar, post. A career break can be taken for care of dependants or other domestic circumstances, or to undertake education, study or voluntary work.

Flexitime

The flexible working hours scheme is intended to enable staff to work hours suited to their personal circumstance. Flexible working hours are subject to meeting service needs and operate at the discretion of the Director concerned

Grievance Procedure

In this procedure, a grievance is defined as arising from any act or omission of the Council or its officers, associated with the employment of the aggrieved employee. The aim is to ensure that issues connected with an employee's work can be dealt with fairly, simply and quickly as near as possible to their point of origin. It applies to all Council employees with the exception of teachers and employees based in schools for whom there is a procedure held by the head teacher.

Harassment Procedure

All complaints of harassment will be taken seriously and investigated swiftly and all parties involved will be treated with respect. Victimisation resulting from a complaint will not be tolerated and will be treated as harassment and subject to disciplinary action. Similarly, employees will be protected from victimisation or discrimination arising from assistance given to an investigation.

Disciplinary Procedure

This procedure is intended to provide a fair and effective method of dealing with disciplinary matters arising from breaches of the Council's disciplinary rules or where an employee fails to achieve or maintain a satisfactory standard of performance. It is designed to help and encourage all employees to maintain good standards of conduct, attendance and job performance. It applies to all Council employees with the exception of teachers and employees based in schools for whom there is a procedure held by the head teacher.

Staff Review and Development Scheme

This is a formal annual review of staff development and performance for all employees (not employed in a teaching capacity in schools). The discussion will be conducted between an appropriate manager/supervisor and the individual job holder and will review performance in the previous year, set objectives for the coming year, and identify and agree training and development needs both for the coming year and in the longer term.

Comments and Complaints procedure

Most comments and complaints about Council services can be dealt with on the spot. The Council's comments and complaints procedure is designed to deal with issues which cannot be resolved to the customer's satisfaction and which require formal investigation. The procedure offers three stages of investigation.