

Appendix 1.



DRAFT

Comprehensive Equality Policy

“The Herefordshire Council believes that it is a fundamental right for everyone to be treated with respect and dignity.”

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Some definitions for the purposes of this Policy

Racism (as defined in the Steven Lawrence enquiry)

"Racism in general terms consists of conduct or words or practices which disadvantage or advantage people because of their colour, culture or origin."

"Institutional Racism

"The collective failure of an organisation to provide an effective and professional service to people because of their race. It can be seen or detected in process, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping which disadvantages people".

Discrimination

"Discrimination consists of conduct or words or practices which disadvantages or advantages people because of their colour, culture or ethnic origin, nationality, religious belief, gender, disability, sexuality, age, geographical location or other status".

The Council's definition of discrimination includes direct and indirect forms of discrimination.

Direct Discrimination - occurs when a person is treated less favourably or more favourably than others would be, on grounds that are not justifiable, such as race, gender, disability or other status, In employment this can be when an individual is denied access to a position or a promotion or staff development opportunities on the basis of race, gender, marital status, or disability.

Indirect Discrimination - occurs when treatment appears to be fair (e.g. requirement is applied to everybody equally), but that results in an unjustifiable adverse impact upon an individual/group. In employment this can mean criteria for access to jobs and/or training are set in a way that discourages or prevents suitable applicants and/or participants.

Victimisation which occurs when an employer treats an employee less favourably than other employees because he or she has brought proceedings or given evidence or information under the Sex Discrimination or Race Relations Acts or invoked the Grievance Procedure in relation to an incident of discrimination or harassment.

Racist Incident

"An incident which is perceived to be racist by a victim or any other person".

Discriminatory Incident

"An incident of discrimination is any incident which is perceived to be discriminatory by the victim or any other person".

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”.

Harassment and bullying

Can be verbal/non-verbal, physical or psychological and can be experienced by both men and women. Harassment includes acts of unfair discrimination on grounds of age, religion, disability, gender, marital status, sexual orientation, race, colour, nationality, ethnic or national origins. What appears acceptable to one person might not be so to another. People experiencing such incidents are often far more adversely affected than the harasser/bully thinks. Their work and health may suffer. The effect is the key consideration rather than the intention.

Equal Opportunities and the Law

We will endeavour to eliminate all discrimination, both direct and indirect, against everyone regardless of individual circumstances, in the promotion of our services and in the employment of our local community.

This policy has been developed within a framework of existing legislation and codes of practice.

The relevant Acts of Parliament relating to equal opportunities policy are (this list is not exhaustive):

- Equal Pay Act 1970
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Act 1975 (and 1979 and 1986)
- Race Relations Act 1976 and Race Relations (Amendment) Act 2000
- Employment Act 1989
- Disability Discrimination Act 1995
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Data Protection Act 1998
- Working Time Regulations 1998
- Human Rights Act 1998
- Employment Relations Act 1999
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003

In addition, the Council will comply with the following organisations and their codes of practice relating to equal opportunities:

- Equal Opportunities Commission;
- Commission for Racial Equality;
- Disability Rights Commission;
- Disability Rights Code of Practice;
- Age Discrimination Code of Practice.

All managers and employees should be aware of the details and implications of other Council policies and ensure that the policies are adhered to in a non-discriminatory manner to all employees and potential employees.

Introduction

Herefordshire Council is committed to promoting equality of opportunity, good community relations and to tackling all forms of discrimination.

As an organisation, the Council has a responsibility to promote and implement equality when it is:

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

Herefordshire Council is committed to meeting all our current statutory and other duties with regard to equalities.

The Council recognises that people might suffer discrimination and be disadvantaged for many reasons, including:

- ❖ race or ethnic origin
- ❖ religion or belief
- ❖ disability
- ❖ age
- ❖ gender and sexuality

The Equality Standard

In 2002 Herefordshire Council adopted the Equality Standard framework for Local Government. The Standard is designed to enable local authorities to mainstream equalities into service delivery and employment, ensuring that discriminatory barriers preventing equal access to services are identified and removed.

There are 5 levels to this standard:

- ❖ Level 1: commitment to a Comprehensive Equality Policy
- ❖ Level 2: assessment and consultation
- ❖ Level 3: setting equality objectives and targets
- ❖ Level 4: information system and monitoring against targets
- ❖ Level 5: achieving and reviewing outcomes

This Comprehensive Equality Policy forms the basis of our commitment to equality in service provision, employment and community leadership.

This Comprehensive Equality Policy is an up-to-date version of the Council's Equal Opportunities Policy. It provides more focus in order to ensure that the detailed requirements of the Equality Standard are met fully.

Corporate Equality Plan

Herefordshire Council is committed to the development of a Corporate Equality Plan (CEP), which will set out how the Equality Standard will be implemented across the

Council. The Plan will be consistent with the Council's Race Equality Scheme and Disability Scheme and will also include the performance indicators for other relevant categories, such as gender.

The Plan will set out the targets, actions, timescales and resources required.

The Council's service providers will set out the equality actions, including the duties of contractors and partners, in Directorate and Service Plans to meet our commitment to improving equal access to services.

The Corporate Diversity Team will provide a policy development, scrutiny and practical support role.

The Council's HR Department, through its Pay and Workforce Strategy, will work towards achieving the equality targets in order to meet our commitment to improving equal access to employment, training and development.

Equality Impact Assessments (EIAs)

The development of the CEP will include screening all our policies and functions for relevance to our commitment to promote equality.

EIAs will be carried out for all proposed policies and functions before they are adopted. The EIA process will incorporate needs/requirements assessments, including assessments of impact on categories, including race, religion or belief, disability, gender, sexuality, income and age.

Assessments will also be undertaken against our commitment to fair employment and equal pay, as appropriate.

We will operate monitoring and evaluation systems to ensure that the impact of our services, along with the needs and requirements of our customers, are identified and addressed appropriately, utilising consultation mechanisms as necessary. A cross-Directorate Diversity Group will help to ensure that this work is effectively progressed, driven and incorporated within business plans.

During 2005 we will identify our data requirements in respect of diversity and equalities, and, where appropriate, collect data (over and above that available from the Census), which will enable us to undertake the impact assessments more effectively. Such data will also assist the Council in setting future targets and monitoring the results.

Service delivery

The Council commits to working towards ensuring that all our customers have equal access to services they need.

In particular, service providers will:

- ❖ Ensure that Council services are accessible, and are delivered appropriately in order to facilitate equality of treatment.

- ❖ Ensure that equality considerations are integrated into all relevant areas of service planning, management and delivery.
- ❖ Ensure that information about services is offered in appropriate formats and languages.
- ❖ Ensure that the Council's commissioning, purchasing and grants provision policies and procedures promote equality of opportunity.
- ❖ Ensure that the Council's resources and subsidies are targeted to promote equality of access.
- ❖ Improve the monitoring of service take up and complaints.
- ❖ Assess the impact of proposed policies and changes to existing policies.
- ❖ Improve the Council's awareness and understanding of the needs of different groups in the county through effective community profiling, consultation and involvement.
- ❖ Train staff to ensure that they are aware of the Policy and are able to apply it to their own area of work.

Employment and training

The Council is committed to all aspects of equal opportunities in employment, including fair employment and equal pay policy.

In particular, the Council will:

- ❖ Promote opportunities to ensure that the Council's workforce is diverse and representative of the local community. There are a number of policies in place to enable the Council to promote equal opportunities effectively, including: Pay and Workforce Strategy, Equality in Employment Statement, Disability Symbol User Guidance, Grievance Policy, Dignity at Work Policy. These carry more detailed information. They are available to all employees via the Council's intranet, and can be provided externally on request.
- ❖ Ensure that Council jobs are accessible to people from all sections of the community.
- ❖ Ensure that all applicants for posts are aware of the policy and of their right to be treated with dignity and respect.
- ❖ Ensure that employees are treated equitably in all areas of employment, including career development, pay, training and promotion.
- ❖ Tackle harassment and bullying in the workplace.
- ❖ Improve consultation with staff from the groups covered by the policy.

- ❖ Continually review human resource policies to assess their impact on the groups covered by the policy.
- ❖ Monitor recruitment, promotion, training, grievances, disciplinary procedures and exit from employment.
- ❖ Assess the race equality impact of proposed new policies, and proposals to significantly change existing policies.
- ❖ Work with our Trade Union partners in addressing the Council's goals in equalities.

Consultation

Herefordshire Council recognises the crucial role that customers, community groups and others play in helping to shape our services. Involvement by these groups and individuals is essential in ensuring that services remain responsive and are accessible by all.

Effective consultation is key to promoting equality in the provision of our services. We will continue to use a variety of appropriate consultation methods, such as surveys, questionnaires, and focus groups, to ensure that the needs and requirements of service users who may be disadvantaged due to discrimination or social exclusion are properly represented.

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 continue to undertake a formal survey of employee satisfaction, opinion and attitudes on an annual basis.

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.

Accessible communications

Accessible communications are important in promoting equality in the provision of our services. We will ensure that, upon request, alternative formats of written documents are available. This will include other languages, large print, Braille, audiocassette, computer disk or email, as appropriate.

We will ensure that public meetings and events are accessible. This will include providing, upon request, an alternative format of any written documents, hearing enhancement systems and level access (including toilets) with adequate emergency exits and departure procedures.

Interpreters and sign language interpreters will be provided where we have received prior notification that these are required. Invitations and publicity for all such events should clearly state the facilities available and provide details of appropriate booking systems to request any facilities or services required.

Comments and complaints

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

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

We will undertake comprehensive equality monitoring of complaints and ensure that we have effective mechanisms for responding to complaints of discrimination and harassment.

Priorities

Within the broad heading of Diversity and Equality, priorities are needed in order to best target the Council's resources. Our key priority is to make sure that we meet our statutory duties under the Race Relations Amendment Act, Sex Discrimination Act, Equal Pay Act and Disability Discrimination Act. In addition, it is our duty to ensure that all our written policies are in line with current legislation.

Herefordshire Council also has moral and social duties regarding other equality categories, such as sexuality, income and age.

Responsibility for the Policy

The overall responsibility for equalities lies with the Leader of the Council. Within the Chief Executive's Management Team, responsibility for Diversity is vested in the Director of Policy and Community.

Each Director and Head of Department will have specific equality responsibilities to ensure the implementation of the Policy at Directorate, Departmental and Service level.

All managers are responsible for ensuring that all aspects of their services comply with the Policy.

All staff are required to ensure fairness towards colleagues, service users and other members of the community in carrying out their duties.

All staff should help to promote policy, and work towards the elimination of discrimination in the workplace in all aspects of service delivery.

All employees have a duty to report instances of discrimination to their managers at the earliest opportunity so that appropriate action can be taken to remedy a situation.

The Council requires that those who provide services on its behalf, or organisations which are funded by the Council, ensure that their service provision and employment practices are consistent with the Comprehensive Equality Policy.

Resources

Herefordshire Council is committed to mainstreaming the Equality Policy into service planning and budgetary allocation.

The Council will provide specialist resources devoted to developing and monitoring the Policy.

Reviewing and monitoring

The Corporate Diversity Team will review this Comprehensive Equality Policy at least every three years (or as otherwise required) to reflect the Council's objectives and current legislation. The next review will take place in March 2008.

The Corporate Diversity Team will also monitor progress on the corporate and departmental targets set out in the Corporate Equality Plan.

Performance indicators will be included in the CEP and the Council's Corporate Plan (which is the Council's strategic Best Value Performance Plan) and its Annual Operating Plan.

Reviews will take into account the views of elected Members, staff, community and voluntary groups, and trade unions.

The Corporate Equality Plan will include quarterly performance review reports to the Chief Executive's Management Team, Cabinet and Strategic Monitoring Committee.

Appendix 1.

The Equality Standard Levels

Level 1: Commitment to a comprehensive equality policy

To achieve Level 1 of the Standard an authority must have adopted a Comprehensive Equality Policy that commits it to achieving equality in race, language, gender and disability through:

- improving equality practice at both corporate and departmental level;
- earmarking specific resources for improving equality practice;

- equality action planning and equality target setting within all departments and service areas;
- systematic consultation;
- a fair employment and equal pay policy;
- an impact and needs / requirements assessment;
- progress monitoring;
- audit and scrutiny.

Level 2: Assessment and Consultation

To achieve Level 2 of the Standard an authority will need to demonstrate that:

- it has engaged in an impact and needs / requirements assessment;
- it has engaged in consultation with designated community, staff and stakeholder groups;
- it has engaged in the development of information and monitoring systems;
- it has engaged in an equality action planning process for employment, pay and service delivery;
- it is developing a system of self-assessment, scrutiny and audit.

Level 3: Setting Equality Objectives and Targets

To achieve Level 3 of the Standard an authority will have to demonstrate that:

- it has completed a full and systematic consultation process with designated community, staff and stakeholder groups;
- it has set equality objectives for employment, pay and service delivery based on impact and needs / requirements assessment and consultation;
- equality objectives have been translated into action plans with specific targets;
- it is developing information and monitoring systems that will allow it to assess progress in achieving targets;
- action on targets has started.

Level 4: Information systems and monitoring against targets

To achieve Level 4 of the Standard an authority will have to demonstrate that:

- it has developed information and monitoring systems that will allow it to assess progress in achieving targets;
- it is measuring progress against targets and effectively using its information and monitoring systems;
- monitoring reports are being produced at specified intervals and circulated to designated consultation and scrutiny groups;
- monitoring systems are providing useful information about progress towards specific targets.

Level 5: Achieving and reviewing outcomes

To achieve Level 5 of the Standard an authority will have to demonstrate that it has made considerable progress in achieving equal employment and service provision with regard to race, language, gender and disability. It will need to show that:

- it has achieved the targets that it set at Level 3;
- it has reviewed and revised targets, monitoring and consultation systems with designated community, staff and stakeholder groups;
- it has initiated a new round of action planning and target setting;
- through its achievements it can be seen as an example of good practice for other local authorities and agencies.