

Corporate Policy and Strategy Committee

10.00am, Tuesday, 8 August 2017

Equality and Diversity Policy

Item number 7.4

Report number

Executive/routine

Wards

Executive Summary

The Equality and Diversity Policy updates and replaces the current Equality and Diversity in Employment Policy, which was approved by Committee on 14 September 2006.

The Policy has been completely reworked and sets out how the Council will deal with equality issues internally but it also sets out the expectations on how we will treat equality issues arising amongst service users.

The Policy has been written in line with ACAS guidance and is considered to be fit for purpose.

Links

Coalition Pledges

Council Priorities

[CO24; CO26; CO27](#)

Single Outcome Agreement

Report

Equality and Diversity Policy

1. Recommendations

- 1.1 To approve the new Equality and Diversity Policy; and
- 1.2 To recommend to Committee that this policy should as part of the Annual Policy Assurance Statement or if there is an organisational need or a change in legislation.

2. Background

- 2.1 The current Equality and Diversity in Employment Policy was approved by Committee previously but required updating against a backdrop of cultural change within the organisation and our aspirations relating to diversity and inclusion.
- 2.2 The new Policy sets out broad expectations in relation to equalities, diversity and inclusion issues for our employees and service users.
- 2.3 This new policy has been agreed with our recognised Trade Unions and has been written in line with advice from ACAS.

3. Main report

- 3.1 The Policy covers how we treat both employees and service users. It sets out the responsibilities of all employees, managers, directors and elected members in terms of equalities. It also sets out the recourse to action individuals have, if they feel they have been discriminated against.
- 3.2 The title of the previous Policy was felt to be narrow in focus, dealing only with employees. It was felt that the policy needs to set out how we deal with equality and diversity on a strategic level, including how we deal with service users.
- 3.3 The new policy sets out how we will deal with complaints about discrimination, the training we will provide for employees, how we monitor and evaluate equalities issues and what we expect to be done in relation to making reasonable adjustments to support employees to continue to do their job to the best of their abilities or to facilitate a return to work from sickness absence.

4. Measures of success

- 4.1 Fewer complaints about discrimination on any basis.
- 4.2 Earlier resolution of complaints about resolutions.
- 4.3 Fewer grievances relating to reasonable adjustments.
- 4.4 Increased productivity due to all employees feeling they are treated equally, fairly and respectfully at work.

5. Financial impact

- 5.1 No increased financial impact.

6. Risk, policy, compliance and governance impact

- 6.1 This policy has been written in line with guidance from ACAS and sets out what we need to do in line with the Public Sector Equality Duty. It is therefore in line with current legislation and it is not expected that there will be any risk in relation to compliance.

7. Equalities impact

- 7.1 The policy applies to all employees and service users. Its purpose is to set out how we as a public body deal with equality, diversity and inclusion. It is therefore hoped that any equalities impact will be positive.
- 7.2 An equality and rights impact assessment has been completed and will be available online.

8. Sustainability impact

- 8.1 None.

9. Consultation and engagement

- 9.1 The Trades Unions have been consulted as part of the review and they are supporting of this policy.
- 9.2 Further consultation has taken place with equality officers in the Council. A recommendation did come back asking us to share the policy with equalities forums and we will take this on board and seek comments from them when the policy is next reviewed.

10. Background reading/external references

- 10.1 [ACAS – Equality and Diversity Guidance](#)
- 10.2 Current [Equality and Diversity in Employment Policy](#)
- 10.3 Previous [Committee Report](#) as approved on 14 September 2006.

Stephen S. Moir

Executive Director of Resources

Contact: Katy Miller, Head of Human Resources

E-mail: katy.miller@edinburgh.gov.uk | Tel: 0131 469 5522

11. Links

Coalition Pledges	
Council Priorities	CO24 - The Council communicates effectively and internally and externally and has an excellent reputation for customer care CO26 - The Council engages with stakeholders and works in partnership to improve services and deliver on agreed objectives. CO27 - The Council supports, invests in and develops our people
Single Outcome Agreement	SO1 – Edinburgh’s economy delivers increased investment, jobs and opportunities for all
Appendices	None

EQUALITY AND DIVERSITY POLICY

1. POLICY STATEMENT

- 1.1 We value the diversity and inclusion of all people and communities in Edinburgh and in our workforce and we are committed to meeting the needs of all our residents and our employees.
- 1.2 When we talk about diversity, inclusion and the equality legislation, it's useful to set out what we mean by those terms. We've set that out in the following table:

Diversity	The collective mixture of differences and similarities that include, for example, individual and organizational characteristics, values, beliefs, experiences, backgrounds, preferences, and behaviours.
Inclusion	The achievement of an environment, in our workplace and city, in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully to the success of our organisation and Edinburgh.
Equality Act 2010	This is the legal requirements to ensure we don't discriminate against individuals, but not only do we need to meet these requirements but we want to exceed them.

- 1.3 Ultimately, this is about creating a fairer workplace and society where all forms of deprivation and inequality are reduced, where everyone can participate and has the same opportunity to fulfil their potential.
- 1.4 We recognise that to achieve our vision, where Edinburgh is a thriving, sustainable capital city in which all forms of deprivation and inequality are reduced, we need to provide services that are tailored to people's needs, by treating people differently where necessary to ensure fairness. We also recognise, respect and value the diversity of our workforce as an asset and key resource in enhancing and maximising performance to effectively meet the diverse needs of our service users. We are committed to eliminating discrimination and encouraging a culture that values and promotes equality and diversity across the organisation
- 1.5 Under the Equality Act 2010 we need to have in place policies which ensure we don't discriminate against groups with protected characteristics. These characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 1.6 But as you'd hope and expect from us, we want our employees to be truly representative of all sections of Edinburgh society and for all our colleagues to feel respected and to be able to give their best.
- 1.7 We are committed to protecting our customers and citizens of Edinburgh from discrimination, whether they are using our facilities or receiving our services.

1.8 We are also committed to supporting equal pay and a culture where work of equal value gets paid equally.

2. PURPOSE

2.1 The purpose of this policy is to:

- ensure that all our employees are treated fairly, equally and with respect. This includes all aspects of working life including:
 - pay and benefits and terms and conditions of employment;
 - dealing with grievances and disciplinary issues, dismissal, redundancy;
 - leave for parents and requests for flexible working;
 - selection for employment, promotion, training and other developmental opportunities;
- make sure that we do not discriminate against employees on any basis;
- to ensure that our recruitment and development policies give equal access to job opportunities, professional development, and promotion to under-represented groups;
- to ensure positive action is used appropriately to advance equality e.g. to address under representation in particular professions; and
- to oppose and avoid all forms of unlawful discrimination.

3. SCOPE

3.1. All colleagues and all those applying for jobs with us are covered by the contents of this policy.

3.2. All customers receiving a service from the Council are covered by the contents of this policy.

4. OUR COMMITMENT

4.1. We commit to:

- creating a working environment free of bullying, harassment, victimisation and unlawful discrimination;
- promoting dignity and respect for all our colleagues;
- encouraging diversity and inclusion, recognising individual differences between all colleagues and recognising everyone's contribution;
- advancing equality in the workplace, not just because it's the law but because it makes sound business sense and improves colleagues' lives;
- training all colleagues about their rights and responsibilities under this policy;
- supporting and upholding equal pay for equal value of work;
- Protecting all customers from unlawful discrimination, harassment or victimisation in their experience of receiving a service from the Council;
- Supporting staff and customers by investigating thoroughly any relevant issues raised and addressing appropriately;
- Investing in reasonable adjustments that need to be made.

5. WHAT WE WILL DO

5.1. Handling Complaints

- 5.1.1. We will take all complaints of bullying, harassment, victimisation and unlawful discrimination seriously irrespective of whether they have been made by colleagues, service users, suppliers, visitors or members of the public.
- 5.1.2. We view all complaints as potential misconduct, which means that they will be dealt with under our grievance and disciplinary procedures. This means we will take appropriate action as set out in those procedures. If it is found that gross misconduct has taken place, then this could lead to dismissal.
- 5.1.3. Complaints about sexual harassment may be treated as both an employment rights matter and a criminal matter, such as in sexual assault allegations.
- 5.1.4. We want all our colleagues to be aware that they are protected from harassment under the Protection from Harassment Act 1997, not just those with a protected characteristic. Harassment in these circumstances is a criminal offence.

5.2. Training and Development

- 5.2.1. We will make opportunities for training, development and progress available to all colleagues, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation.
- 5.2.2. We will ensure Equality training is available to all staff and that all managers receive Equality training.
- 5.2.3. All decisions concerning our colleagues will be based on merit (apart from the few exemptions allowed under the Equality Act).
- 5.2.4. We will review our employment practices and procedures when necessary to ensure fairness and to take account of changes in the law.

5.3. Monitoring and Information

- 5.3.1. We will continue to monitor the make-up of the workforce in terms of age, gender, ethnic background, sexual orientation, religion or belief, and disability. This will inform the work we need to do regarding equality and diversity.
- 5.3.2. Monitoring will inform the contents of this policy when it is reviewed and we will ensure that any issues raised are addressed.
- 5.3.3. Outcomes from analysis of the data will inform actions to further advance equality. These actions will be embedded in strategic plans such as the Council's People Plan.

- 5.3.4. We will communicate our actions as a result of equality data analysis to help build trust between staff, potential recruits and the Council as an employer.
- 5.3.5. We will actively encourage more staff to share more personal equality monitoring data so that we can be better informed.
- 5.3.6. We will use the positive action duty where appropriate to address under-representation in particular service areas or levels of post.
- 5.3.7. We will continue to monitor all our salaries to ensure that we continue to support equal pay for equal value.

5.4. Reasonable Adjustments

- 5.4.1. We will consider any reasonable change to the workplace or to working practices to help disabled colleagues continue in their role or help them return to work.
- 5.4.2. We understand that cost is not an issue but only whether the adjustment is reasonable or not - with any costs coming from a corporate budget, not the budget for the service area where the adjustment is being made.
- 5.4.3. We will make sure our managers have the best advice they can get when it comes to making decisions on adjustments, including advice from [Access to Work](#) and [Remploy](#), who may be able to help with costs.

6. ROLES AND RESPONSIBILITIES

6.1. All Colleagues

- 6.1.1. We are all responsible for making sure that our actions at work support the duty to advance equality and eliminate discrimination in employment and service delivery, in line with legislation and this policy. We are all responsible for preventing bullying, harassment and victimisation.
- 6.1.2. We all need to be aware that we can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination that take place at work against fellow employees, customers, suppliers and the public;
- 6.1.3. We must not induce other colleagues to act in a way that is discriminatory or offensive;
- 6.1.4. If we feel that we are being discriminated against or harassed or bullied, or that a colleague is being discriminated against or harassed or bullied, then we should report that in line with the Avoidance of Bullying and Harassment at Work policy;
- 6.1.5. If we feel we cannot raise an issue under the Avoidance of Bullying and Harassment at Work Policy, then we also have access to the Whistleblowing Policy, where we can make complaints in a protected way to an independent telephone line;
- 6.1.6. We must not victimise anyone who has made a complaint or helped an investigation into discrimination or harassment;

6.2. Managers

- 6.2.1. Our managers are responsible for taking steps to advance equality in their service areas. They are also responsible for taking action when equalities issues are brought to their attention.
- 6.2.2. Our managers are responsible for ensuring that their team is able to access appropriate equality training and development opportunities.
- 6.2.3. Managers should ensure due diligence is given to equalities in any decision made regarding a service, policy, criterion or practice.
- 6.2.4. To do this they must ensure they are well versed in this policy and The Equality Act 2010.
- 6.2.5. They have a role to play in demonstrating sound equality practice in their leadership.
- 6.2.6. In particular, they have a duty to ensure reasonable adjustments are made for any disabled member of staff they manage.

6.3. Corporate Leadership Team

- 6.3.1. The Corporate Leadership Team has overall responsibility for ensuring that this statement is implemented and for ensuring that monitoring takes place to check its effectiveness.
- 6.3.2. Executive Directors have a specific responsibility for the implementation of equal opportunities issues in their own service areas. They are also responsible for managing any operational or financial impact arising from implementing the contents of this statement.
- 6.3.3. The Corporate Leadership Team have a role to play in demonstrating the due weight and priority that equality is given in the Council through active leadership in this area.

6.4. Elected Members

- 6.4.1. Elected Members share the overall responsibility for ensuring the full implementation and monitoring of this policy with the Corporate Leadership Team, as part of the scrutiny process at Committee, as well as ensuring that colleagues, service users and members of the public who raise equalities issues with them are directed to the most appropriate process of resolution.
- 6.4.2. Elected Members must ensure they are familiar with The Equality Act 2010 to take on this responsibility.
- 6.4.3. Elected Members must scrutinize all recommendations that they are asked to approve ensuring that robust equality impact assessments are used to inform any decision to approve.

7. EVALUATION AND REVIEW

- 7.1. This Policy has been developed involving staff and other stakeholders who share an interest in equality e.g. Unions, BME Staff Forum, EaRN.
- 7.2. This Policy is communicated to all staff (existing, new and prospective) via The Council's website and recruitment process, induction for new recruits, managers' news, and team updates;
- 7.3. This policy will be reviewed in April 2020 and every 3 years thereafter (or earlier if legislative changes require) and is included in the Council's calendar for reviewing employment policies. The Head of HR is responsible for ensuring this is done.

8. SUPPORTING THIS POLICY

- 8.1. This statement is fully supported by elected members and the Corporate Leadership Team.
- 8.2. In addition, this statement is also fully supported by the recognised trades unions and is a local collective agreement between the Council and them. Both parties have agreed to work together to make sure that this statement continues as a local collective agreement. Any changes to this statement will be made by mutual agreement. If we cannot reach agreement on changes, then both parties reserve the right to end this local collective agreement by giving four months' notice in writing. If this happens, then the terms of the local agreement will cease to apply to existing and future employees.

9. Definitions

Equality	This is about ensuring that every individual has an equal opportunity to make the most of their lives and talents. It is about understanding that no one should have poorer life chances because of where, what or whom they were born, what they believe, or whether they have a disability. Equality recognises that historically, certain groups of people with particular characteristics e.g. race, disability, sex and sexuality, have experienced discrimination.
Diversity	This is about recognising, respecting and valuing differences between individuals and groups. It is not about treating everyone in exactly the same way, but treating people as individuals and creating a working culture and practices that harness and appreciate differences.
Protected Characteristic	The Equality Act 2010 refers to the 9 groups who are protected from discrimination because of a characteristic they share i.e. age, sex, race, sexual orientation etc. This is a protected characteristic.
Discrimination	This is where you treat a person or a group differently or unequally in comparison with other people or groups, based on a characteristic they have or that you think they have.
Unlawful discrimination	This is discrimination based on the protected characteristics listed in the Equality Act 2010. It includes: direct discrimination, indirect discrimination, discrimination arising from a disability and discrimination by perception or by association.
Direct Discrimination	This where someone is treated unfairly or unequally because of their protected characteristic. This could be not employing someone because they are black or because they are disabled.
Indirect Discrimination	This is where organisation's practices, policies or procedures have the unintentional effect of disadvantaging people who share certain protected characteristics.
Discrimination by Perception	This is where someone thinks you have a characteristic and treats you less favourably, for example where an employer believes an employee is gay, or is of a particular race, and treats him or her less favourably as a result.
Discrimination by Association	This is where you're treated less favourably because a colleague, associate, family member or friend has a protected characteristic.
Harassment	Unwanted behaviour related to a protected characteristic which has the purpose or effect of violating someone's dignity or which creates a hostile, degrading, humiliating or offensive environment.
Victimisation	This is treating someone unfavourably because they have taken some form of action relating to the Equality Act, e.g. made a complaint under

	the Act or supported somebody who is doing so, such as appearing as a witness.
Reasonable Adjustment	This is any change that we can make to the workplace or to working practices that could help prevent a disabled colleague being at a disadvantage. This could be equipment, a change to working hours, a change of office or anything else that the Council could reasonable do to help the employee continue in their post or help them return to work.

10. FURTHER INFORMATION

- 10.1. If you want more information about any of the policies mentioned above, then please ask your manager for a copy or click on the link below:

[Link to Grievance page;](#)

[Link to Avoidance of Bullying and Harassment at Work page;](#)

[Link to Disciplinary page.](#)