

APPENDIX A

EQUALITY AND DIVERSITY POLICY

1. Purpose and scope

The commitment made in this policy is delivered through the City Council's Single Equality Scheme, which brings together all the City Council's equalities activities in one place. The policy is designed to ensure that there is a consistent approach across the authority to all areas of equalities work and will be reviewed in three years.

- 1.1 Peterborough City Council believes that:
 - everybody should have an equal opportunity to contribute to and benefit from society and
 - a diverse integrated and cohesive community is a positive asset to the City which allows greater opportunities for a wider society to influence and contribute to Council strategy
- 1.2 Peterborough City Council recognises that people still experience inequality in society because of their background. The City Council will therefore not tolerate discrimination directly or indirectly in recruitment or employment or against customers on the grounds of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "**protected characteristics**."
- 1.3 The Council will lead by example. It will take active steps to challenge prejudice, discrimination and harassment and will identify equality objectives to promote equality of opportunity as well as equality of outcomes.
- 1.4 This Policy will underpin all decisions taken by the Council and all actions by its employees.
- 1.5 Employees who feel they have been unlawfully discriminated against may use the Council's Grievance Policy and Procedure or the Council's Dignity at Work Policy as appropriate.
- 1.6 Service users who wish to raise any concerns can do so through the Council's Complaints Procedure.
- 1.7 Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Council's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

2 The law

Types of unlawful discrimination

- 2.1 **Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

- 2.2 **Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

- 2.3 **Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

- 2.4 **Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

- 2.5 **Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

- 2.6 **Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

- 2.7 **Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.
- 2.8 **Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

3 Employment

3.1 As one of the largest employers in the City, the Council will:

- Demonstrate its commitment to equality in all aspects of employment, including recruitment, career development, pay and benefits, opportunities for training, promotion, discipline, selection for redundancy and welfare
- Monitor and report on its workforce and take positive action with a view to ensuring that its workforce at all levels reflects the communities it serves. In particular the Council will monitor the ethnic, disability and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities.
- Inform all employees of this Policy and of their rights to protection from discrimination, harassment or victimisation
- Ensure managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise are provided with training in equal opportunities.
- Inform all existing and new employees to help them understand their rights and responsibilities under this policy and the dignity at work policy.
- Promote flexible working policies and practices to increase opportunities for those with, in particular, caring responsibilities or health issues.
- Ensure person and job specifications are limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability.

4 Service Delivery

4.1 The Council provides services both directly and by working with other organisations. It will promote equality of opportunity for local people by:

- Providing accessible information about the services available to them
- Undertaking assessments to determine if there is any adverse impact for equalities on its policies and activities
- Delivering services in ways which are appropriate, relevant and sensitive to service user needs and, whenever possible, removing barriers which may deny access
- Using its powers to ensure that organisations providing services on its behalf operate in accordance with the aims of this Policy and have a good track record in handling equality issues, covering both employment as well as service issues.
- Ensuring, wherever possible, out sourced services are provided by local organisations or those with close connections with the city.
- Promoting widely the availability of the Council's Complaints system to ensure people know how to raise issues about services.
- Ensuring staff do not discriminate against or harass a member of the public in the provision of services or goods.
- Ensuring that reasonable adjustments are made to remove barriers and enable those with a disability to access services.
- Discussing the importance of equality policies with all its partners and will encourage service providers to use the same or similar formats for evaluation purposes such as equality monitoring categories, equality impact assessments templates, etc.

4.1.1 Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action. Service users who wish to raise any concerns of this nature can do so through the Council's Complaints Procedure.

5 Information, Consultation and Involvement

5.1 Effective information, consultation and involvement are essential to the success of this Policy. The Council will therefore:

- Inform, consult and involve a wide range of people including employees and stakeholders about decisions which affect them so that they can influence policies and practices
- Ensure that people from different backgrounds are able to fully participate in consultation and involvement activities
- Give people a voice by promoting involvement in decision making and review such structures so that any proposed changes are considered and adopted where appropriate.

6 Implementation

- 6.1 To ensure the effectiveness of this Policy, the Council will:
- Set equality outcomes and monitor progress against them
 - Consider the equal opportunities implications of any changes to policies, functions, strategies or projects and undertake equality impact assessments before implementation.
 - Identify barriers that prevent equal access to services and take measures to address them
 - Monitor the composition of its workforce and the take-up of its services and take positive action to redress inequalities

7 Accountability

- 7.1 The Cabinet Member whose portfolio covers equalities issues will be responsible for monitoring the effectiveness of the policy and for recommending changes and improvements necessary to the Cabinet.
- 7.2 The Chief Executive will hold Directors accountable for taking steps to ensure that this Policy is promoted, understood and implemented by Council employees. The Council's Management Board will take overall responsibility for maximising progress towards a more inclusive society.
- 7.3 All employees of Peterborough City Council are accountable and responsible for taking steps to promote equal opportunities in their day to day work and avoid unlawful discrimination.

8 Review Date

This policy will be reviewed in line with the City Council's Single Equality Scheme and whenever changes to legislation occur.

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