



**Melton  
Borough  
Council**

## **Equality, Diversity and Inclusion Policy**

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<b>Version No</b>	<b>Version Date</b>	<b>Author</b>	<b>Summary of Changes</b>
1.0	March 2004	Head of HR	New Policy
2.0	October 2011	Head of HR	Review and update in line with statutory legislation and best practice
3.0	February 2018	Equalities Officer/Snr HR Officer	Review and update in line with statutory legislation and best practice
3.1	Sept 2024	Equality Diversity and Inclusion Officer (NWLC)	Review and update in line with statutory legislation and best practice. Bring together internal and outward focus into one policy.

## **Equality, Diversity and Inclusion Policy**

### **1. Introduction**

Melton Borough Council is committed to achieving equality of opportunity in service delivery and employment. All people who access services, job seekers and employees will be treated fairly and without discrimination.

Melton Borough Council aims to promote Equality, Diversity and Inclusion (EDI) and fulfils the requirements of the Public Sector Equality Duty. We want to promote good relationships and challenge discrimination and harassment so that the council can be a place where people get along with one another and treat each other with fairness, dignity and respect. We want people to feel happy living in the local area. The population of our district is becoming more diverse, and we know that people have very different backgrounds and life experiences.

Fairness is essential to delivering both our public services and employment practices. It is important that we provide services, facilities and policies which meet community and employee needs by designing and delivering them in a way that is appropriate and accessible for all.

- **Equality & Equity:** Equality focuses on providing equal rights and opportunities to all. Equity recognises that treating everyone equally has shortcomings when the playing field is not level. An equity approach emphasises that everyone should not be treated the same, but according to their own needs.
- **Diversity:** Diversity refers to the demographic differences of a group in a community, or at team or organisational level.
- **Inclusion:** Inclusion is ensuring that everyone, regardless of their identity, background or circumstance feels valued, welcomed, respected, included, represented, and heard so they feel that they fully belong and have a voice.

The Equality Diversity and Inclusion Policy outlines the Council's obligations under existing equalities legislation and its intention to abide by and comply, not only with the requirements, but also the spirit of the legislation. The policy is also underpinned and supported by Melton Borough Council's equalities action plan, and equality statement and objectives.

## 2. Equality Act 2010 and Public Sector Equality Duty

The Policy applies to all those who are employed by the Council, and it is noted that Elected members will be expected to act in accordance with the Councils EDI Policy. In addition, the Council will seek to ensure that individuals, voluntary organisations, firms and institutions, acting on behalf of or as agents of the Council do not practice unlawful and unfair acts of discrimination. This is in line with the Public Sector Equality Duty (PSED) that sits with the Equality Act 2010, and extends an overarching responsibility on public organisations to:

- ***Eliminate discrimination, harassment, and victimisation.*** This means the Council must stop people from being treated unfairly or differently because of one of the 'protected characteristics,' listed in the Equality Act 2010. The council also has a duty under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, to also publish our Gender Pay Gap report annually.
- ***Advance equality of opportunity between people who share a protected characteristic and those who do not.*** This means the Council must do its best to meet the needs of people with protected characteristics and stop any unfair treatment suffered by people because of their protected characteristic(s).
- ***Foster good relations between people who share a protected characteristic and those who do not.*** This means the Council must help people who share a protected characteristic and those who do not share it, to get on together.

Having 'due regard' means consciously thinking about the aim of the equality duty as part of decision-making processes. This means consideration of equality issues must influence the decisions reached by public bodies at all levels of the decision-making process.

The Equality Act 2010 protects people from unfair discrimination on the grounds of the nine protected characteristics: -

- **Age:** The Act makes discrimination on the grounds of age in employment and education provision unlawful.
- **Disability:** defined as having a physical or mental impairment that has a 'substantial' and 'long term' negative impact on your ability to do normal daily activities.
- **Sex/Gender:** The Act makes discrimination on the grounds of sex/gender in employment and education provision unlawful.
- **Gender Reassignment:** a person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or attributes of sex. Therefore, the individual does not have to be going through with the process but may in fact identify with a particular gender.
- **Marriage and Civil Partnership:** The Equality Act 2010 prohibits employers from discriminating against employees because they are legally married or in a civil

partnership. Marriage and civil partnership can be between a man and a woman or between partners of the same sex.

- **Pregnancy and Maternity:** pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth and this includes treating a woman unfavourably because she is breastfeeding.
- **Race/Ethnicity/Nationality:** refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.
- **Religion or Belief:** religion refers to any religion or lack of religion and belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
- **Sexual Orientation:** whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

It is against the law to discriminate against anyone because of any of these nine 'protected characteristics'.

It should be noted that as well as the nine protected characteristics enshrined in law, Council passed a motion to adopt Care Leavers as a protected characteristic.

The Council also pay due regard when conducting Equality Impact Assessments to other socially excluded and priority groups e.g. veterans.

### **3. Equal opportunities for EDI**

Melton Borough Council positively supports the principle of equal opportunities in the provision of services and employment. It opposes all forms of unlawful or unfair discrimination.

Equality of opportunity means that service users, job seekers, contractors, suppliers and employees will be treated fairly regardless of their protected characteristic.

The Council welcomes and values the diversity of its workforce, the people and the communities in the Borough, and everyone who use our services. The Council is seeking to ensure that through its policies, service delivery, employment, contracting and funding practices, we achieve the highest possible equality standards.

### **4. Different types of discrimination**

All employees must be aware of their legal obligations under existing legislation and that unlawful acts of discrimination could render the Council and employees liable to legal proceedings. However, it should be emphasised that employees may be held solely liable in civil proceedings for unlawful acts of discrimination if the Council can

establish that it has taken such steps as are reasonably practicable to prevent acts of discrimination.

Discrimination can be intentional or unintentional and may occur directly, indirectly, by association, or by perception. There are also two specific types of discrimination that apply only to disability: "discrimination arising from disability" and "failing to make reasonable adjustments".

Discrimination is not always obvious and can be subtle and unconscious. This stems from a person's general assumptions about the abilities, interests and characteristics of a particular group that influences how they treat those people (known as "unconscious bias"). Such assumptions or prejudices may cause them to apply requirements or conditions that put those groups at a disadvantage. Examples include: steering employees into particular types of work on the basis of stereotypical assumptions without considering the particular attributes and abilities of individuals; recruiting or promoting individuals into particular roles because of assumptions about the reactions or preferences of other employees or clients; and using different standards for different groups of employees to judge performance.

- **Direct discrimination**

Direct discrimination happens when a person is treated less favourably than another person because of a protected characteristic. For example, treating a colleague differently to others because of their age.

- **Indirect discrimination**

Indirect discrimination can occur when a condition, rule, policy or even a practice in an organisation applies to everyone but particularly disadvantages people who share a protected characteristic. An example of this might be a rule that everyone should apply for something via the internet. This could exclude the older generation who may not have internet access or computer skills.

- **Associative discrimination**

This is direct discrimination against someone because they are associated with someone who has a protected characteristic e.g. a carer of a person with a disability.

- **Perceptive discrimination**

This refers to discrimination because you believe a person has a protected characteristic. It applies even if the person does not actually have that characteristic.

- **Positive discrimination**

This is the opposite end of the scale as this is where you treat someone more favourably because of their protected characteristics. For example, If two employees apply for a promotion (one with no protected characteristic and one with a physical disability). If the manager chooses to promote the worker with the disability over the

other employee even if that employee has effectively shown that they are more suitable for the job, this could constitute positive discrimination. Despite the fact it is called “positive” and may look like it is a step in the right direction, it is not and is unfair and unlawful.

## **Other definitions**

- **Harassment**

Harassment occurs when someone engages in unwanted behaviour which is related to a relevant protected characteristic and which has the purpose or effect of:

- ▶ violating a person’s dignity or
- ▶ creating an intimidating, hostile, degrading, humiliating or offensive environment for the person
- ▶ The word ‘unwanted’ means ‘unwelcome’ or ‘uninvited’. It is not necessary for the person to say that they object to the behaviour for it to be unwanted.

- **Victimisation**

Victimisation is less favourable treatment as a result of making or supporting someone in making a claim of harassment or discrimination (or they are suspected of doing so)

- **Bullying**

There is no legal definition of bullying. However, Melton Borough Council regards it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating, or injuring the recipient.

Bullying can be physical, verbal, or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful. Please refer to the [Council's Anti bullying and anti harassment policy](#)

## **5. Dignity at work**

The Council is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Some harassment is unlawful discrimination and serious harassment may be a criminal offence. A single incident can be harassment if it is sufficiently serious.

All complaints relating to harassment will be investigated promptly in line with the Council's Anti bullying and anti harassment policy. Melton Borough Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.

Employees have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that is known to be untrue may lead to disciplinary action being taken against the complainant.

## **6. Partnership working**

The Council collaborates closely with many partners and agencies in the delivery of its functions and services. We are a member of the Leicestershire Equalities Forum (LSEF), which is a group consisting of equality officers from all statutory organisations in Leicestershire. The Forum meets regularly and focuses on tackling issues shared by all members. We are also accredited under the 'Disability Confident Employer' scheme, and currently are awarded Disability Confident Leader status, which is valid up to October 2025.

## **7. Programme of action**

The following section outline the steps which the Council will take to develop and implement good employment and human resource practices in pursuit of its Equalities Policy.

### **• Positive action**

This refers to any action or measures we may lawfully wish to take to attempt to put right an imbalance in the makeup of a workforce or deal with existing stereotypes/problems. For example, we may use this in recruitment processes to help us build a workforce which reflects a rich diversity and complexities of our communities. We do not seek to remove competition but rather to allow everyone the same level of opportunity where final selection for a post is always on the merit of the applicant.

### **Recruitment**

- The Council will take reasonable and appropriate steps to encourage job applicants from as diverse a range of people as possible.
- Anyone making a decision about recruitment must not discriminate in any way and must have attended appropriate diversity and inclusion training
- The criteria for selection are determined solely on the basis of the requirements of the job.
- People are selected and appointed on the basis of their relevant, assessable experience and abilities. Every decision-maker should challenge themselves, and other members of the recruitment selection panel, to make sure that any stereotypes, unconscious bias or prejudice do not play any part in recruitment decisions.
- We offer a guaranteed interview scheme for all applicants with a disability, experience of care or reservists or Veterans.

### **Career development**

- Any decision made relating to a persons career development will be free from discrimination.

- The selection criteria and processes for career development will be reviewed on a regular basis so that there is no discriminatory impact of a certain group.
- We continue to improve the diversity of our workforce for example by supporting career workshops and events with local schools and offering work placements to students.

### **Disability inclusion**

- Applicants will be asked at the outset if they require any reasonable adjustments to be made for the recruitment process.
- Recruiting officers will not ask job applicants about their health or disability without prior approval from HR or in exceptional circumstances where there are legal grounds for doing so,
- We do not tolerate language which is negative inappropriate or offensive towards people with a disability.
- People are encouraged to let their managers know about a disability so that reasonable adjustments to our premises or working practices can be made if required and appropriate.
- A return to work/phased return programme is in place for colleagues returning from long term or disability related absence,

### **Training**

- All new starters must complete Equality e-learning/training as part of their induction programme.
- Every current employee is required to update and refresh their training every three years.
- We expect all our people to proactively support any EDI incentives, events or workshops organised so they can learn about the challenges faced by others and how to alleviate these in the workplace and improve delivery of services.

### **The working environment**

The Health and Safety at Work Act 1974, Section 2 (2), imposes on an employer the duty of the provision and maintenance of a working environment for employees that is, so far as is reasonably practicable, safe, without risk to health and adequate with regards to facilities and arrangements for their welfare at work.

The Council will take steps to ensure that:

- it will provide a safe and accessible working environment for existing and potential employees
- it will provide equipment and facilities, including adaptations to the workplace to enable people with disabilities to develop their full potential
- action will be taken to protect employees who are at risk of violence while carrying out their duties.



## **8.0 Equality Impact Assessments**

The Equality Impact Assessment (EIA) process reflects best practice in the sector and is in place to support any new/amended proposal, policy, service, or function. An EIA is a way of making sure that equality considerations are embedded into decision-making processes and that equality is considered when developing key policies.

This shall be achieved by:

- Team Leaders and Managers will all be trained in completing Equality Impact Assessments
- EIA's are reviewed and monitored closely by the Equality, Diversity and Inclusion Officer, and advice given.
- EIA's are consulted on by the Check and Challenge Group members, who provide comprehensive feedback.

The Council will review and undertake an Equality Impact Assessment (EIA) on existing locally determined terms and conditions of service and policies to ensure that they do not discriminate and will amend and develop where necessary to bring them into line with the EDI policy.

As well as assessing the impact against the nine protected characteristics and care leavers, the council also pays due regard to other socially excluded groups when conducting EIA's.

## **10.0 Implementation of the policy**

The Council will ensure that its EDI Policy is implemented at all levels and locations within the Council.

The responsibility for day to day operation of the policy rests with Strategic Leadership Team, Assistant Directors and Line Managers.

Line Managers must ensure that all employees in their service area are aware of the policy and understand their role in its implementation.

All colleagues are required to assist the Council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the Council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

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. Conduct of this type will often be gross misconduct which can lead to dismissal.