



**Melton
Borough
Council**

Equalities Policy

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Approvals

Name	Title	Date of Approval	Version No
Angela Tebbut	JSWG	March 2004	1.0
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Equalities 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.

The overall responsibility for achieving, promoting and providing equality of opportunity rests with the employer (the Council). However, employees at every level have a responsibility to own and promote the Policy. The active co-operation of Elected Members and all employees is, therefore, essential for the success of the Council's Equalities Policy.

The Equalities 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 supported by Melton Borough Council's Single Equality Scheme.

Scope

The Policy applies to all those who are employed by the Council.

Elected Members will be expected to act in accordance with the Council's Equalities 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.

Equal Opportunities and Diversity in Employment Policy Statement

- ✓ 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.

OUR COMMITMENT TO DIVERSITY

Diversity is about all of us. It recognises what we have in common and what makes us different and unique. Our differences and uniqueness may be visible or invisible, what matters is that we recognise, respect and value them.

Melton Borough Council:

- aims to attract, develop and retain a workforce which reflects the diverse community of Melton.
- will promote dignity and respect at work.
- will strive to make our services and to job opportunities accessible to everyone.
- will be proactive in eliminating discrimination as a result of a protected characteristic in the delivery of its services and in employment of its staff.
- will work towards creating a fairer community without discrimination and prejudice.
- will advance Equality of Opportunity.
- will respect the right of people to have a private and family life and to maximise their potential in all aspects of their lives.

2. Liabilities

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.

3. The Legislation

The Equality Act 2010 legally protects people from discrimination at work, when accessing services and in society in general.

The Act covers nine 'Protected Characteristics'. These are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

This policy document refers to five categories of discrimination which are defined as follows:

Direct Discrimination

Direct discrimination happens when a person is treated less favourably than another person because of a protected characteristic.

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 is also a form of direct discrimination against someone because it is believed they have a protected characteristic (whether this is true or not).

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.

There is another kind of discrimination which is called **discrimination arising from disability**. This is when someone is treated unfavourably because of something **arising** as a consequence of **disability** and it cannot be objectively justified.

In addition to these five areas of discrimination the act also covers:

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).

Note: It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

4. Programme of Action

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

Recruitment, Selection and Progression

The Council will take steps to ensure that:

- all sections of the community and the Council's workforce are fully informed of job opportunities within the Council and are encouraged to apply.
- we equality monitor the application process.

- the criteria for selection and progression are determined solely on the basis of the requirements of the job.
- people are selected and appointed solely on the basis of their relevant, assessable experience and abilities.
- we offer a guaranteed interview scheme for all applicants with a disability. Recruitment literature will include the following statement; “As users of the disability confident scheme, we guarantee to interview all disabled applicants who meet the minimum criteria for the vacancy/ies”. For further information see Disability Confident Scheme section.
- all members of selection and interviewing panels will be trained in and expected to demonstrate an understanding of the Council’s Equalities Policy.
- all job descriptions and person specifications will make reference to the Equalities policies.
- that a specific question to test the understanding of equalities is asked at interview or during the selection process.
- it is compulsory for all new employees complete equalities training as part of the induction process.

Training and Development

The Council will:

- provide the training required to implement this Equalities Policy.
- ensure that all employees will have equal and direct access to training and development opportunities regardless of their protected characteristic.
- evaluate all training provision, both internal and external, to ensure that it complies with this Equalities Policy.

The Council will develop and promote measures to increase the number of people with a disability at all levels within its workforce.

Retention and Retraining

As a Disability Confident employer, Melton Borough Council aims to support the employment of individuals with disabilities in the workplace.

The Council is committed to the Disability Confident Scheme which replaces the former two tick disability status. The aim of the scheme is to successfully employ and retain disabled people and those with ongoing health conditions. The scheme focuses on two key themes;

- Getting the right people for the organisation
- Keeping and developing people

As a disability confident employer, MBC pledges to support the employment of individuals with declared disabilities in a number of ways including;

1) Actively looking to attract and recruit disabled people

- By making a commitment to employ and retain disabled people ensuring that this is reflected in recruitment adverts
- Advertising vacancies and other opportunities through organisations and media aimed particularly at disabled people

2) Providing a fully inclusive and accessible recruitment process

- Making sure that all recruitment documentation is available in different formats if required
- Ensuring that hiring managers are disability confident and know how to support disabled applicants

3) Offering a guaranteed interview to disabled applicants who meet the minimum criteria for the post

- Ensuring that recruitment literature promotes the guaranteed interview scheme

4) Flexibility when assessing people to allow disabled applicants to have the best opportunity to demonstrate that they can do the job

- Making reasonable adjustments in order that individuals declaring a disability can attend and demonstrate their potential at interview

5) Supporting employees to manage their disabilities or health conditions

- Providing reasonable adjustments in the workplace, offering flexible working patterns including homeworking, adaptations to premises and equipment, and the provision of support services such as Occupational Health and supporting applications for Access to Work

6) Ensuring that employees have appropriate disability equality awareness

7) Providing an environment that is inclusive and accessible for staff, clients and customers

8) Promoting a culture of being Disability Confident

Terms and Conditions of Employment

Observance of the Council's Equalities Policy is a condition of employment.

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 its Equalities Policy.

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.

The Council will take whatever action is open to it, in the consultative and negotiating process, to ensure that nationally determined terms and conditions of service do not discriminate and are in line with its own Equal Opportunities Policy.

Dismissal and Redundancies

The Council will ensure that dismissal and redundancy decisions are not made on the basis of a protected characteristic.

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 Bullying and 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 it's known to be untrue may lead to disciplinary action being taken against the complainant.

Discipline

Acts of discrimination, victimisation and harassment as defined in this document, perpetrated by an employee of the Council against other employees, clients or members of the public will result in disciplinary action. This will also apply to employees who attempt to induce other employees to discriminate, victimise or harass.

Failure to comply with or adhere to the Council's Equalities Policy will be treated as a disciplinary offence.

Grievance

The Council will treat seriously and take prompt action on any employee grievance concerning discrimination, victimisation or harassment.

The Council will encourage the development of appropriate support systems and procedures for employees who wish to pursue such grievances.

In addition to the grounds covered by the existing grievance procedure, an employee who considers that she/he has been subjected to discrimination, victimisation or harassment by another employee will have recourse to the grievance procedure.

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.

Consultation

The Council will consult with all recognised Trade Unions representing its workforce to secure their support and co-operation in the promotion and implementation of its Equalities Policy.

5. Implementation of the policy

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

The responsibility for day to day operation of the policy rests with Corporate Management Team, Directors and Line Managers.

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

Every employee is 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 without notice.

Monitoring

Monitoring is an essential and integral element of the Council's Equalities Policy. The Council will develop a comprehensive monitoring system in order to examine the effective implementation of its policy and to assess whether it is achieving its aims and objectives, and to plan future priorities and strategies.

Reviewing this policy

No policy document is static and must be subject to changes. It is the Council's intention to keep this policy and its existing codes of practice, management guidelines, instructions, procedures, etc under review, to ensure that the Council's commitment to equality of opportunity as set out in its policy statement is adopted and implemented. All employment policies are subject to review as part of the equality impact assessment process.