



Equal Opportunities Policy

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Equal Opportunities Policy Statement

Dover District Council is committed to providing relevant and accessible services to all the people who live and work in Dover District.

The Council is committed to:

- ◆ Opposing all forms of discrimination – direct and indirect. It will actively oppose discrimination carried out on the grounds of race, gender, gender reassignment, colour, ethnicity or national origin, nationality (including citizenship), religion, disability, social background, HIV status, responsibilities as a carer, age, marital status, sexual orientation, part-time working or job-share, trade union membership, people with spent convictions or any other disadvantaged groups.
- ◆ Promoting equality of opportunity and good relations between persons of different racial and other groups.

Equal Opportunities Checklist for Officers

It is the responsibility of Corporate Management Team, Managers and Officers to ensure that:

1. All staff are aware of the Equal Opportunities Policy and that their actions are in accord with it.
2. All staff have access to appropriate training and developmental opportunities.
3. Monitoring of breaches of the Equal Opportunities Policy, either by staff, external contractors or service users, is carried out and where appropriate remedial action taken.

Monitoring will be through the Council's Complaints Procedure for external complaints, by the Human Resources Division for internal issues and by Management for contract supervision issues.

4. The Equal Opportunities policy is taken into account in designing policy and service delivery options. Officers will need to address the following:

Is what you want to do:

- (a) Lawful, ie, which law, enables you to do it?
- (b) Conditional on authorisation from a more senior officer?
- (c) Regulated by procedures that need to be followed? If so, they must be complied with.
- (d) Necessary for that person or service, what alternatives are there to be considered?
- (e) Reasonable in the circumstances, i.e. what are your reasons for doing it.
- (f) Proportionate to what needs to be achieved?
- (g) Justifiable to an independent auditor?
- (h) Documented?

5. A copy of Equal Opportunities Policy is provided as part of procurement specifications, and ensuring that any contractor is specifically aware of its responsibilities under the Race Relations (Amendment) Act 2000.

Remember that indirect discrimination and institutional discrimination is often the result of not thinking about the effect of words or actions in advance of saying or doing.

Rationale for an Equal Opportunities Policy

1. Legal

A variety of laws require the Council not to discriminate and to provide equal opportunities for all with regard to employment and service delivery. There is specified anti-discrimination legislation such as the Sex Discrimination Act 1975 and 1986, the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.

The Race Relations Act (Section 71) also places a general obligation on local authorities to promote good race relations. The Race Relations (Amendment) Act 2000 amends the Race Relations Act 1976 and strengthens its application to public authorities in several ways:

- ◆ it extends the scope of the 1976 Act to cover areas that were previously excluded, and makes it unlawful for public authorities to discriminate on racial grounds in carrying out any of their functions,
- ◆ it places a general statutory duty on a wide range of public authorities to promote racial equality and prevent racial discrimination.

In addition to these specific obligations, public authorities are generally obliged to provide services to the whole community.

There are a number of Acts that relate specifically to disabled people, the most significant being the Disability Discrimination Act 1995.

2. Corporate

The Council will ensure that the information required under the Best Value Performance Indicators in respect of equality is recorded and provided in accordance with these Indicators.

The Council's corporate processes will have regard to legislation, relevant Codes of Practice, Commission for Racial Equality Standards, the IDeA review etc in addressing equality issues.

3. Civic

The Council recognises its responsibilities to all sections of the community through its provision of public services, and will set an example of good practice for others to emulate. As resources are scarce it is essential that services are targeted at those people who most need them and provided in a way that is appropriate and effective.

4. Managerial

The Council believes that it is essential to employ the best people to run its services. It must therefore ensure that prejudice, stereotypes and irrelevant factors are not used to exclude potential candidates for jobs or to stop individuals doing their jobs to the best of their ability. The Council believes that it cannot meet its obligations by piecemeal activity. It needs equal opportunities policies put into practice across all services.

Scope of the Policy

There is the potential for inequality of opportunity to be reflected in all areas of life. The Council is able to influence many, particularly in areas of:

1. Policy making
2. Service delivery
3. Employment practices
4. Partnership with the public, private and voluntary sectors

1. **Policy Making**

The Council recognises that the provision of relevant accessible services requires everyone's involvement. That is to say, service users (current and potential) and those providing the service, need to be involved in service design and delivery. Accordingly, the Council will ensure that appropriate measures are in place to enable and empower local people and employees to be involved in decision making.

2. **Service Delivery**

The Council is determined that the principles of equality of opportunity will underpin all service provision. Services will be accessible to those who need or want them, within the constraints of available and potential resources. What we will do is set clear targets and commit to achieving them.

3. **Employment**

The Council will ensure equal opportunities, by the elimination of direct and indirect discrimination in all aspects of employment policy and practice, this includes: recruitment and selection, training and development, employment procedures, consultation and participation, appraisal, promotion, redundancy and retirement.

The Council undertakes recruitment and workforce monitoring to assess the effectiveness of its employment policies and seeks to provide equality of opportunity.

The Council will ensure that all staff concerned with the provision and delivery of services do so in accordance with the Council's equal opportunities policies and the law.

4. **External Change and Partnership**

The Council works with many organisations and institutions, statutory, voluntary and private, and will encourage all the agencies that it works with to promote and implement the principles underpinning the equal opportunities policy. The Council will lead by example.

Where the Council has contracted out a service or provides a service via an agent or third party, the Council will ensure, as far as possible within its powers, the service is provided in accord with the Council's equal opportunities policy. For example, under the Race Relations (Amendment) Act 2000, if public functions are carried out by a private or voluntary organisation, such as under a contract or a service level agreement, it is also unlawful for that organisation to discriminate on racial grounds when carrying out those functions.

To achieve our aim, the Council will:

- ◆ Promote its equal opportunities policies and ensure that they are integrated throughout the organisation.
- ◆ Design its services to meet the needs of all of its communities.
- ◆ Combat discrimination if it occurs within the Council or in the delivery of the Council's services.
- ◆ Provide training and guidance to all employees to ensure the Council's commitment to equal opportunities is known and understood.
- ◆ Monitor performance, evaluate and review all systems and procedures used in the provision of services, against equal opportunity objectives.
- ◆ Give support to the community to enable involvement in service development and decision making.
- ◆ Work in partnership with other statutory and public bodies, the voluntary and private sector to develop good practice.
- ◆ Value all of its staff, provide them with the skills and training to do their job well and provide them with the opportunities to progress within the Council.

Implementation

As a minimum the Council will be complying with the Commission for Racial Equality Standards Level 1 and working towards achieving higher levels where appropriate.

Responsibilities and Rights

The Council has allocated responsibility for implementation of the Equal Opportunities Policy as follows:

Members

All Members of the Council are responsible for implementing this policy when carrying out their duties and for leading by example through their actions when working with residents, other Councillors, employees and the Council's partner organisations.

The Portfolio Holder for Staffing and Performance has lead responsibility for ensuring that the Council's overall direction is in accordance with equal opportunity policies. This will be applied to all corporate policy formulation.

Managing Director

The Managing Director is responsible for ensuring that the Equal Opportunities Policy is implemented and for its review at regular intervals.

Strategic Directors

Strategic Directors are responsible to the Managing Director for ensuring that the Equal Opportunities Policy is implemented within their Directorates and that issues of particular importance to their departments are addressed.

Managers

Managers are responsible to Strategic Directors and the Managing Director for the implementation and monitoring of the Equal Opportunities Policy within their service areas. Managers are responsible for making the equal opportunities policy and strategy known within their service area; making sure that all employees understand their responsibilities; ensuring that no discrimination takes place within their area and dealing appropriately with any breaches. The policy should be properly reflected in any service development plans and in the objectives and development of individual employees.

Employees

All employees of the Council, at every level, have an individual responsibility for ensuring equal opportunities. Employees are also responsible for their behaviour towards colleagues and users of the Council's services, and are expected to meet appropriate standards. To achieve this, employees must understand the policy and be clear about its implications. The terms and conditions under which Council employees work apply, eg the Disciplinary Procedure, Code of Practice to Combat Harassment at Work, and Code of Conduct. The Council will support its employees by making sure they know what the Policy is, involving them in service planning, providing supportive management, arranging training and other activities to improve understanding and knowledge, and by making sure they understand their responsibilities under the law.

All employees have the right to be treated fairly. If an individual feels that they have not been treated fairly, they can contact:

- ◆ Their manager, or the next tier manager
- ◆ Human Resources
- ◆ Their Trade Union.

All the above are expected to take such complaints seriously, to treat information confidentially, to investigate as necessary, and to ensure that no victimisation of any of the parties takes place.

Individual responsibilities of employees under the law and the Council requirements include:

- ◆ Not to discriminate in any matter of employment or service delivery against: black and minority ethnic people, women, disabled people, lesbians and gay men, people who are HIV positive or who have AIDS. Not to discriminate because of age, marital status, employment status, and responsibility for others, unrelated criminal conviction, religion, travellers or social background
- ◆ Not to induce or attempt to induce any other employees to discriminate
- ◆ Not to harass, abuse, intimidate or victimise, other employees or members of the public
- ◆ To take appropriate action if there are apparent breaches of the policy

Breaches of this policy will be treated in the same way as any other misconduct eg through the existing disciplinary procedure and Code of Practice to Combat Harassment at Work.

Trade Unions

The Council recognises that the implementation of this policy requires the full participation of the recognised trade unions. Consultation with trade unions will take place in accordance with the recognised consultation process.

Service Users

All service users are expected not to discriminate or induce discrimination or to permit discrimination and to report any apparent instances to an appropriate person. The Council's policy will be made known to the public and wilful breaches of the policy could lead to further action being taken by the Council.

Contractors/Partners

Where the Council's services are provided by external contractors or third parties on the basis of a specification set by the Council, these Contractors or third parties are responsible for implementing the Equal Opportunities Policy when providing these services on the Council's behalf. This applies also to sub-contractors. The Council will monitor the performance of contractors and/or third parties and take all necessary steps to ensure good performance.

Reviewing the policy

The policy will be reviewed as and when required.

Whilst the Managing Director has overall responsibility for the implementation of the Equal Opportunities Policy, the Human Resources Division will be responsible for monitoring and ensuring the policy is reviewed at appropriate times.

Definitions

Discrimination

- ◆ **Prejudice** is the attitude, discrimination is the act.
- ◆ **Direct discrimination** occurs when a person (including a company or a public authority), on racial, sexuality, disability or gender grounds, treats someone less favourably than others in similar circumstances. For example:

Ignoring racial harassment of tenants or employees
- ◆ **Indirect discrimination** is a condition that applies to everyone but will negatively affect one sex or racial group more than another. For example:

The application of educational or language requirements which are unrelated to a job and which cannot be met by applicants from certain groups.
- ◆ **Institutional discrimination** is when the routine policies, ideas, practices, procedures or organisation of an institution, in practice exclude or marginalise particular groups.

Harassment

Harassment consists of words or actions which are repetitive and which cause mental or physical anxiety or hurt. A separate Code of Practice to Combat Harassment at Work exists and should be referred to for details or fuller explanations.

Race

Race can be taken to mean colour, nationality (including citizenship) or, ethnic or national origin. It is illegal to put people of a particular racial group at a disadvantage.

The 1976 Race Relations Act covers discrimination on the grounds of race, colour, nationality including citizenship or ethnic or national origins, and groups defined by reference to these grounds are referred to as racial groups, for example Jewish and Irish people and Travellers.

Victimisation

Occurs when a person is treated less favourably than others for having made, or supported, a complaint of harassment or discrimination.

Legislation and Codes of Practice

The Council abides by the current legislation and Codes of Practice as set out below:

Legislation

Equal Pay Act 1970
Rehabilitation of Offenders Act 1974
Sex Discrimination Act 1975 and 1986
Race Relations Act 1976
1984 Amendment to the Equal Pay Act 1970
Local Government Act 1988
Disability Discrimination Act 1995
Human Rights Act 1998
Sex Discrimination (Gender Reassignment) Regulations 1999
Race Relations (Amendment) Act 2000

Codes of Practice

Race Relations Code of Practice
Code of practice for the elimination of discrimination in the field of employment against disabled persons or persons who have had a disability
Equal Opportunities Commission
Institute of Personnel and Development Equal Opportunities Code of Practice

Reports

Macpherson report on the Stephen Lawrence Inquiry
- various internal Committee reports

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