



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

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| Name and date of Committee  | <b>Economic and Social Overview and Scrutiny Committee:<br/>Thursday 17 September 2020</b>  |
| Report Number               | <b>Agenda Item No. 7</b>  |
| Subject                     | <b>Equality Policy</b>  |
| Wards affected              | All   |
| Accountable member          | Councillor Toby Morris, Deputy Leader of the Council<br>Email: <a href="mailto:toby.morris@westoxon.gov.uk">toby.morris@westoxon.gov.uk</a>   |
| Accountable officer         | Claire Hughes, Business Manager Corporate Responsibility<br>Email: <a href="mailto:claire.hughes@publicagroup.uk">claire.hughes@publicagroup.uk</a>   |
| Summary/Purpose             | This report provides detail on our legal obligations under the Equality Act 2010 and how we can comply as we continue to work in partnership. Adoption of an Equality Policy is a good foundation to facilitate this. |
| Annexes                     | <a href="#">Annex A</a> - Equality Policy 2020 - 2024<br><a href="#">Annex B</a> - Action Plan<br><a href="#">Annex C</a> - Equal Opportunities and Dignity at Work Guide   |
| Recommendation              | That the Committee considers the recommendation to Cabinet to approve the Equality Policy 2020-2024 attached at <a href="#">Annex A</a> and Action Plan at <a href="#">Annex B</a> and comments as appropriate.       |
| Corporate priorities        | Ensure that all services delivered by the Council are delivered to the highest standard<br><br>Help residents, businesses and communities access the support they need to achieve their ambitions                     |
| Key Decision                | No  |
| Exempt                      | No  |
| Consultees/<br>Consultation | None  |

## **1. BACKGROUND**

- 1.1. The Equality Act came into force from October 2010 and imposes a duty on public authorities. The duty requires all public bodies and private bodies that deliver a public function, to consider the needs of protected groups when designing and delivering services. It ensures that public bodies consider the needs of all individuals in their day to day work, in shaping policy, in delivering services and in relation to their own employees.
- 1.2. The Equality Duty is also supported by specific duties, set out in regulations which came into force on 10 September 2011. The specific duties require public bodies to publish relevant, proportionate information demonstrating their compliance with the Equality Duty; and to set themselves specific, measurable equality objectives.

## **2. MAIN POINTS**

- 2.1. The aim of this policy is to reduce any inequality and to ensure equality of opportunity both in providing services and as an employer. It aims to provide clear outcomes that intend to improve our approach to equality and diversity and aid in meeting our legal requirements and overall be a great place to live, work and visit.
- 2.2. The policy covers both the Council and Publica as to provide a comprehensive overview and action plan it needs to cover both the service provider and employer elements. As such it seeks to clarify Publica and the council's responsibilities in relation to the general Equality duty and the specific duty, specifically members will note that Publica's position on dignity in the workplace is included at [Annex C](#) of this report.
- 2.3. In order for the council and Publica to comply with its legal obligations a number of practices have been introduced or emphasised, this includes the use of equality impact assessments which should be used to inform decision making at all levels.
- 2.4. To enable us to record, monitor and track our progress three equality objectives were introduced within the 2017 policy. In reviewing the objectives it was suggested that these remain the same but that we provide updated detailed actions to support each objective ([Annex B](#)).
- 2.5. The non-legally binding working definition of antisemitism has been adopted and incorporated into the Policy.
- 2.6. The report and attachments are due to be considered by Cabinet at its meeting on 23 September, and the Committee is invited to make comments, which will be reported at that meeting.

## **3. FINANCIAL IMPLICATIONS**

- 3.1. None

## **4. LEGAL IMPLICATIONS**

- 4.1. The Council has a duty to comply with the Equality Act 2010 and Public Sector Equality Duty.

## **5. RISK ASSESSMENT**

- 5.1. If the Council does not comply with the Act they could be subject to legal challenge.

## **6. ALTERNATIVE OPTIONS**

- 6.1. Cabinet may decide not to implement the Policy but in doing so could put the Council at risk

## **7. BACKGROUND PAPERS**

- 7.1. None



# Equality Policy

## 2020

|                             |  |
|-----------------------------|--|
| <b>Version Control:</b>     |  |
| <b>Document Name:</b>       | <b>Equality Policy</b>                             |
| <b>Version:</b>             | <b>Version 1</b>                                   |
| <b>Responsible Officer:</b> | <b>Business Manager - Corporate Responsibility</b> |
| <b>Portfolio Holder:</b>    | <b>Leader of the Council</b>                       |
| <b>Approved by:</b>         | <b>Cabinet</b>                                     |
| <b>Date First Approved:</b> | <b>23 September 2020</b>                           |
| <b>Next Review Date</b>     | <b>September 2022</b>                              |
| <b>Retention</b>            | <b>6 months after policy review or replacement</b> |

## **Introduction**

The Council is committed to ensuring that we, and Publica as the employer of many of our staff, treat everyone who lives, works and visits our districts with dignity and respect. We understand and respect that people are unique and have individual differences, we celebrate this diversity and encourage positive relationships between people with differing needs. The aim of this policy is to reduce any inequality and to ensure equality of opportunity both in providing services and as an employer. It aims to provide clear outcomes that intend to improve our approach to equality and diversity and aid in meeting our legal requirements.

The policy is intended to apply to both the Council and Publica. Where the words “we” or “us” appear, where the context permits this should be deemed to include both the Council and Publica.

Equality is the responsibility of every Councillor, employee and any other person or organisation employed or engaged by us. To ensure that we all understand our responsibilities all staff and Councillors are required to complete equality training and as part of any procurement or commissioning process we ensure that anyone who is engaged to provide services either has its own legally compliant equality and diversity policy/policies or commits to adhere to the policies that we have in place.

## **Our Legal Responsibilities - Public Sector Equality Duty (PSED)**

We acknowledge and welcome our legal duties as set out within the Equality Act 2010 and will ensure that all legal duties are adhered to by using the legislation and national guidance as a framework to improve standards and be accountable to the people we serve. However, we are not only driven by legislation, our policy and the work we do goes further. We also make sure that no other group or individual is treated unfairly for any other reason, such as their social class, political beliefs, income levels, responsibility for dependants, appearance, geographical area (rural location) or criminal record. We are committed to ensuring that hate crime or domestic violence are not tolerated within our communities.

The Equality Act 2010 states that public authorities must comply with the Public Sector Equality Duty. The Equality Duty requires all public bodies and private bodies that deliver a public function, to consider the needs of protected groups when designing and delivering services. It ensures that public bodies consider the needs of all individuals in their day to day work, in shaping policy, in delivering services and in relation to their own employees.

The Equality Duty protects people from discrimination on the basis of the following nine protected characteristics;

- Race
- Disability
- Gender
- Gender reassignment
- Sexual orientation
- Marriage and civil partnership

- Age
- Religion and belief
- Pregnancy and maternity

Under the act we must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between different groups including those who share a protected characteristic and those who do not.

Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to protected characteristics
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
- Tackling prejudice and promoting understanding between different communities

## **Specific Duties**

The Equality Duty is supported by specific duties which came into force in September 2011 and requires public bodies to;

- Set and publish specific, measurable equality objectives and review them at least every 4 years;
- Publish relevant, proportionate information demonstrating our compliance with the Equality Duty at least annually;

Public bodies must publish information to show that they consciously thought about the three aims of the Equality Duty as part of the process of decision-making.

## **Equality objectives and actions**

To enable us to record, monitor and track our progress we have developed three equality objectives. Our equality objectives have been developed using evidence and information collected from various national, county and local sources; including Office of National Statistics data; county council data and local knowledge. The objectives as introduced in 2017 and reviewed in June 2020 are:

- Ensuring our employment practices are equal and fair.
- Improving access to our services.

- Understanding our communities and customers' needs.

These objectives form the basis of equality action plans.<sup>1</sup> These plans identify specific tasks that will support the achievement of the objectives. We will monitor, review and report on the progress against these plans at least quarterly.

### **Equality Impact Assessment (EIA)**

An equality impact assessment involves assessing the likely or actual effects of policies or services on people with protected characteristics. It helps us to make sure the needs of the community are taken into account when we develop and implement a new policy or service, or when we make a change to a current policy or service. We constantly strive to deliver services that are easily accessible by all who need them, and to support people to participate in public life. The EIA will look at the overall policy or service and decide if it has a positive or negative impact on any particular group

An impact assessment will be carried out at the earliest opportunity and ideally before the service, policy or strategy is developed. This ensures that any impacts are clearly identified at the outset and provides an opportunity to mitigate any negative impacts. Depending on the extent of the policy or service it may be necessary to undertake a further assessment as the change is implemented so that any areas of concern can be identified and addressed quickly.

If the assessment identifies a negative impact on a particular group or sector of the community, where possible this should be eliminated, minimised or counterbalanced by other measures. An action plan to minimise, reduce or eliminate negative impact should be developed and kept under review. Help and advice will be provided by the manager responsible for corporate equality and diversity and where appropriate will have input from our legal and human resources departments. We will publish completed assessments on our website.

### **Antisemitism**

We have also adopted the non-legally binding working definition of antisemitism: demonstrating our clear intention that no one should be treated unfairly.

*“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities”*

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<sup>1</sup> Actions plans can be accessed via the Council website

## **Employing, supporting and developing our workforce**

We are committed to being a fair and supportive employer, developing the skills and talent within our workforce so that employees are able to deliver high quality services to everyone. To achieve this we will:

- Carry out recruitment fairly
- Provide training to employees so that they can implement this policy
- Treat all employees fairly, with dignity and respect at all times
- Tackle unacceptable behaviour in the workplace
- Provide employees with opportunities to influence the development of our policies and practice
- Reward all employees fairly and provide employment conditions which support them to do a good job
- Promote a good work-life balance and opportunities to work flexibly
- Support disabled employees by making reasonable adjustments

Our employment practice is guided by the principles of equality and fairness. This includes recruitment, terms and conditions, appraisals, learning and development, promotion and when ending employment.

As stated in our specific commitments, all employees and elected members should be treated with respect and dignity in the workplace. The Council will not tolerate unacceptable behaviour in any form.

### **Equality Information**

The Equality Duty requires public bodies with over 150 employees to record information relating to employees who share protected characteristics. As the Council itself has less than 150 employees we are unable to publish this data without the possibility of compromising individuals anonymity. The Council will uphold its duty to protect an individual's right to privacy, and will not publish information that could identify an individual. Nor will the information be used to identify an individual or make a decision about them purely on the grounds of the information that has been provided in relation to their protected characteristics. All personal data will be processed in accordance with GDPR. However, the Council acknowledges the importance of the accessibility of workforce data and will therefore work with Publica to ensure that Publica records and publishes this data.

### **Gender Pay Gap**

The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 require all organisations with 250 or more employees to publish data on the gender pay gap within each organisation. Like the workforce data the Council itself does not meet this threshold however, this data will be published by Publica.

## **Conclusion**

This policy clearly sets out our legal duties and how we comply with the requirements. However, a policy is a very small part of embedding equality and diversity and we are committed to ensuring that everyone who lives, works or visits our district is treated fairly and with dignity and respect, by our actions as both a service provider and employer.

## West Oxfordshire District Council Equality Action Plan 2020 - 2021

### Outcome 1 - Ensuring employment practices are equal and fair

| Number | Action   | Due Date       | Responsible Team        | Progress Updates  |
|--------|--|----------------|-------------------------|---|
| 1      | Refresh equality and diversity policy to include further information regarding equality in practise.   | September 2020 | Corporate               | Going to cabinet for approval in September                    |
| 2      | Work with recruitment team to introduce mandatory training for all staff   | August 2020    | Corporate / Recruitment | Rolled out - to date 63% of staff have completed the training |
| 3      | Work with corporate responsibility business manager to ensure equalities training is included in the member induction programme.   | October 2020   | Corporate               |   |
| 4      | Enhance communication and involvement with Cabinet Member by ensuring that there is regular opportunity to comment and provide feedback on the equality policy and procedures including the review of the action plan. | Ongoing        | Corporate               |   |
| 5      | Ensure all relevant staff are aware of the requirements of when and how to complete an Equality Impact Assessments.  | June 2020      | Corporate               | Completed - published on portal                               |

Outcome 2 – Improving access to our services

| Number | Action   | Due Date       | Responsible Team                |           |
|--------|--|----------------|---------------------------------|-----------|
| 1      | Implement the new regulations regarding virtual councils, ensuring that the public have access to ensure transparency in decision making                           | July 2020      | Democratic services / Corporate | Completed |
| 2      | Continue to provide alternatives to self-serve, including sign posting to organisations which may be able to provide further support such as befriending services. | Ongoing        | Client support officer          |           |
| 3      | Continue to provide support from particular groups, e.g. use of translation services including British Sign Language.  | Ongoing        | All departments                 |           |
| 4      | Implement a new system for complaints which ensures that any which relate to equalities can be easily identified and actioned .                                    | September 2020 | Corporate                       | Completed |

Outcome 3 – Understanding our communities and customer needs

| Number | Action   | Due Date   | Responsible Team                  |  |
|--------|--|------------|-----------------------------------|--|
| 1      | Improve the use of customer survey information in relation to equality and diversity issues.   | Ongoing    |                                   |  |
| 2      | Explore the possibility of setting up local customer groups to understand the needs of different groups and developing a joint community consultations strategy. |            | All services                      |  |
| 3      | Analyse and publish the population profile to all staff in order to gain a better understanding of our communities.  | Annually   | Corporate                         |  |
| 4      | Work in partnership with GARAS to support Syrian refugees.   | Ongoing    | Customer enabling                 |  |
| 5      | Support people to live independently in their own home for longer through the use of disabled facility grants  | Ongoing    | Customer enabling                 |  |
| 6      | Enable 274 affordable homes to be delivered across the district  | April 2021 | Housing planning and regeneration |  |

# Equal opportunities and dignity at work guidelines

## Introduction

### Our commitment

Publica and its member Councils are committed to ensuring that we treat everyone who lives, works and visits our districts with dignity and respect. We understand and respect that people are unique and have individual differences, we celebrate this diversity and encourage positive relationships between people with differing needs. The aim of these Guidelines is to reduce any inequality and to ensure equality of opportunity both in providing services and as an employer. They aim to provide clear outcomes that intend to improve our approach to equality and diversity and aid in meeting our legal requirements

### The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because 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".

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

It is unlawful for an employer to fail to make reasonable adjustments to its requirements, working practices or the physical features of the workplace where these put a disabled job applicant or employee at a substantial disadvantage. It is also unlawful discrimination where a disabled employee is at a substantial disadvantage due to the employer's unreasonable failure to provide an auxiliary aid or service to the disabled employee.

It is generally unlawful to discriminate directly or indirectly, harass or victimise a member of the public based on any of the protected characteristics in the provision of services, goods or facilities. 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 make reasonable adjustments to address any barriers that may impede disabled people from accessing a service.

### Recruitment

We are committed to being fair and supportive employers, developing skills within our workforces so that employees are able to deliver high quality services to everyone. Equality and diversity is fundamental to both the recruitment process and the ongoing employment within the organisation. Publica and its member Councils are members of the National Disability Confident Scheme. As such we guarantee to interview all disabled applicants who meet the minimum criteria for any vacancy.

### **Dignity at work**

Publica and its member Councils are 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.

**Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end. Examples of bullying would include picking on someone or setting them up to fail or making threats or comments about someone's job security without good reason.

**Harassment** is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

Examples of harassment would include: physical conduct ranging from unwelcome touching to serious assault; unwelcome sexual advances; demeaning comments about a person's appearance; unwelcome jokes or comments of a sexual or racial nature or about an individual's age; excluding an individual because they are associated or connected with someone with a protected characteristic, e.g. their child is gay, spouse is black or parent is disabled; repeated name calling related to an individual's religion or belief, ignoring an individual because they are perceived to have a protected characteristic (whether or not they do, in fact, have that protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be transgender; the use of obscene gestures; and the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person or relating to their actual or perceived protected characteristic, e.g. magazines, calendars or pin-ups.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Everyone has

the right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour that any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct that unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them.

A single incident can be harassment if it is sufficiently serious.

If you think you are being bullied or harassed, you may be able to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. You may feel able to approach the person yourself, or with the help of someone else from either Publica or your respective Council. You should tell the person what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately.

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the Publica or respective Council's grievance procedure [Bullying and Harassment procedure]. In the case of grievances about bullying or harassment, the normal grievance procedure is modified so that you can choose whether to raise your grievance with your Line Manager or with another Manager if necessary. Alternatively you can seek advice and guidance from your respective HR Business Member Councils.

All complaints will be investigated promptly and thoroughly. If appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a fellow worker or trade union official of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and, subject to data protection requirements, the outcome of any disciplinary proceedings.

Publica and its member Councils will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.

You 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 you know to be untrue may lead to disciplinary action being taken against you.

### **Employees responsibilities**

Every employee is required to assist Publica or its member Councils to meet their commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, Publica or its member Councils 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 Publica's or its member Councils Disciplinary procedure. Conduct of this type will often be considered gross misconduct which can lead to dismissal without notice.