

# EQUALITIES STATEMENT

**The Council will treat everybody fairly in accordance with his or her diverse needs.**

## EQUAL OPPORTUNITIES POLICY

### *Introduction*

Equality of opportunity is something that we need to strive for constantly. We recognise that, in our society, groups and individuals continue to be discriminated against. We acknowledge our responsibility, as an employer and provider of services to the community, to promote equality and combat unfair treatment and unlawful discrimination and good relations between everyone.

We are committed to openness and fairness in our service to the public and our dealings with each other. Each individual is entitled to dignity and respect. Care for our customers must go hand-in-hand with care for our employees. The Council acknowledges that the experience of discrimination is a reality for people in Devon. Because of race, gender, age disability, sexual orientation and other issues, people are denied life opportunities, find access to services more difficult, and suffer inequalities as a consequence. This results in injustice that must be addressed.

Details of current legislation and regulations relating to equality, together with definitions of direct and indirect discrimination, harassment and victimisation are set out at annex 1 to this policy.

### *Our Aims*

Our Equal Opportunities Policy will help us to fulfil the following aims:

#### **As an Employer we will:**

- Be fair and reasonable and take all necessary steps to ensure that job applicants are selected, promoted and treated solely on the basis of their relevant merits and abilities. This includes ensuring a positive climate in the workplace where individual differences are respected and valued, employees work productively with one another, are given every opportunity to fulfil their personal and professional potential, and balance the needs of their families, consistent with service needs.

- Provide training and support to ensure that these responsibilities are fully understood.
- Invoke the disciplinary procedure against staff who breach this policy.
- Comply with all relevant legislation in the field of equal opportunities and aim to match best practice.
- Recruit and value a workforce that reflects the make-up of the community of Mid Devon.
- Include a statement in recruitment advertisements to show that Mid Devon District Council has a positive commitment to recruiting groups who are under-represented in the workforce.
- Support groups currently under-represented within the workforce.
- Make clear the action an employee may take if he/she feels unfairly treated.
- Provide all employees with a working environment which is free from harassment and victimisation.
- Monitor recruitment, promotion and training opportunities and take up, staff absence, harassment, pay, grievances and exit from employment.

**As a Provider of Services we will:**

- Continuously improve services to ensure that they are accessible and provided fairly to everyone in our community.
- Take action to identify groups in Mid Devon with specific needs and requirements in accessing our services.
- Integrate equality considerations into everything we do, through the development of service specific equality action plans and targets.
- Monitor the effectiveness of our services in promoting equality of opportunity and address any particular obstacles or difficulties identified.
- Ensure that our complaints procedure is accessible to all service users, and that complaints about unfairness and discrimination are treated in a way that does not promote fear of victimisation and/or recrimination.

**As a Purchaser of Goods and Services we will:**

- Communicate our Equality Policy to contractors delivering services on our behalf, and include equality factors in the awarding and monitoring of contracts.

### **As an Elected Leader in the Community we will:**

- Promote good relations within the community and seek to eliminate discrimination, harassment and abuse of any group or individual.
- Raise awareness and promote the Council's equality commitments among staff, Members, partner agencies and the wider community.
- Develop robust methods to ensure that consultation exercises carried out by the Council are accessible to all groups within our community.

### **IMPLEMENTING THE EQUALITY POLICY**

#### **To support the implementation of this Policy, the Council will:**

- Develop a detailed Corporate Equality Plan (CEP), which translates commitments into specific actions, with targets and timescales for moving through the levels of the Equality Standard for Local Government. The CEP will also include procedures for self-assessment, audit and scrutiny using national and local performance indicators.
- Monitor progress and revise targets in all areas of action - reporting on a regular basis to elected Members and senior management.
- Deliver and keep under regular review the Council's statutory Race Equality Scheme and other equality related strategies and plans.
- Allocate specific resources to improve equality practice as appropriate.

The following individuals and groups will implement our aims:

#### **Council Members:**

Will, through the Council's corporate planning process, set a constructive framework for equality within the Council and ensure performance targets are met.

Will undertake equality training as part of their duties as Councillors.

#### **Chief Executive and Management Team:**

Will ensure, through its strategies and business plans, that the Policy is implemented and performance monitored.

#### **Managers:**

Will take positive measures to address inequality and promote equality for all.

Have responsibility for implementing, monitoring and actively promoting this policy.

Must ensure that those they manage are fully aware of this policy and their responsibilities in relation to the policy and ensure that it is brought to the attention of all new staff who join the Council as part of the staff induction process.

Will treat their staff fairly and with respect and take action to help staff achieve their full potential.

Will ensure that those services for which they are responsible are accessible to all, for taking an active role in developing their service's Equality Action Plan, and for ensuring service users are made aware of this policy.

Every service has the following framework for action:

- Production of Service Business Plans which set clear targets for ensuring the Council's equality objectives are fulfilled.
- Training for all staff, including managers throughout the Council, to ensure they understand the importance of all aspects of equal opportunities and have the knowledge and skills required to carry out the general and specific duties.
- Additional training for staff who recruit, select and interview.
- Reviewing recruitment, selection, promotion and training procedures regularly.
- Reviewing and drawing up clear and justifiable job descriptions and person specifications, which are job related, objective and free from unjustifiable requirements, which would constitute indirect discrimination.
- Where appropriate, external support and advice will be sought to resolve differences.
- Identifying clear methods of consultation, monitoring and review.
- Managers will investigate all incidents of direct and indirect discrimination and victimisation and will ensure that appropriate action is taken in line with the outcome of the investigation.

### **Employees:**

Every employee plays an integral part in making this policy effective and must seek to put it into practice in all aspects of their work. If they see unfair discrimination occurring, they have a duty to report it to a relevant manager so that appropriate action can be taken to remedy the situation.

The following actions by individual employees would be unlawful:

- Discrimination in the course of their employment against fellow employees or job applicants on racial, sex, sexual orientation, disability, religion, age or belief grounds, for example, in selection decisions for recruitment, promotion, transfer and training.

- Victimising individuals who have made allegations or complaints of discrimination on the grounds of race, colour, ethnic or national origin, sexuality, gender, marital status, family commitments, hours worked, disability, religious/beliefs discrimination or provided information about such discrimination.

To assist in preventing discrimination of any of the above and promoting Equal Opportunities, individual employees should:

- Co-operate in measures introduced by management designed to ensure equal opportunities and non-discrimination.
- Draw the attention of management and, where appropriate, their trade unions to suspected discriminatory acts or practices.
- Refrain from harassment or intimidation of other employees due to their race, colour, ethnic or national origin, sexuality, gender, marital status, family commitments, hours worked, disability, age religious/beliefs or political beliefs, social class or trade union activity grounds, for example, by attempting to discourage them from continuing employment. We will not tolerate the use of inappropriate or offensive language or behaviour either to staff or service users.

### **Equalities Champions:**

The Council has established a framework to ensure that equality is integrated in all that we do. Specifically, the Management Team ensures that our equality commitments are delivered. The Director of Community Services acts as equalities 'champion', working with senior management to ensure that active steps are taken across all services to implement this Policy.

At elected Member level, specific responsibility for overseeing this Policy rests with the Council's Resources Committee which shall appoint a Councillor to champion the specific objectives of this Policy.

### **Trade Unions:**

Trade Unions should encourage and press for equal opportunity policies so that measures to prevent discrimination at the workplace can be introduced with the clear commitment of both management and unions.

Disciplining members who discriminate – It is recommended that acts of unlawful discrimination by union members are treated as disciplinary offences.

Positive action – Although they are not legally required, positive action measures are allowed by the law to encourage and provide training for members of particular groups which have been under-represented in trade union membership or in trade union posts. Discrimination at the point of selection, however, is not permissible in these circumstances.

Over recent years, Parliament has passed a number of important anti-discrimination and Equal Opportunity Acts. We aim to ensure that all our policies and practices are in line with relevant legislation and other good practice guides.

The key relevant Acts (present and future)

- Race Relations Act 1976 & Race Relations Amendment Act 2000
- Sex Discrimination Act 1975
- Rehabilitation of Offenders Act 1974
- Equal Pay Act 1970
- The Disability Discrimination Act 1995
- Human Rights Act 1998
- The Protection from Harassment Act 1997
- Sex Discrimination (Gender Re-Assignment) Regulations 1999
- Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- The Employment Equality (Religion or Belief) Regulations 2003
- Sexual Orientation Regulations 2003
- Race Relations (Amendment) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Age Discrimination Act

Legislation defines two types of discrimination - 'Direct' and 'Indirect'.

Direct Discrimination: This results from treating a person less favourably on the grounds of race, colour, ethnic or national origin, sexual orientation, gender (including Gender Reassignment), marital status, hours worked, disability, age, religious/beliefs.

Indirect Discrimination: This arises where a condition or requirement, although applied equally to men, women and all ethnic groups, has the effect of excluding, penalising or treating less favourably any of these groups, and cannot be shown to be justifiable and will be to the detriment of those who cannot comply with it.

### Victimisation, Harassment and the Law

Victimisation:

This is where a person is treated less favourably than another because he/she brought proceedings, gave evidence or complained (under the terms of the Disability Discrimination Act, Race Relations or Sex Discrimination Acts, The Employment Equality [religion or belief] Regulations and Sexual Orientation Regulations) about the behaviour of someone who has been harassing or discriminating against them or others, or for supporting such actions by others.

## Harassment:

Certain types of harassment are regarded as unfair discrimination and are covered by statute. Harassment and workplace bullying takes many forms, occurs on a variety of grounds and may be directed at one person or many people. Whatever the form, Mid Devon District Council will deal with complaints seriously and, when found, harassment will be treated as a disciplinary offence.

## The Race Relations Amendment Act & Institutional Racism:

The Race Relations Amendment Act arose out of the findings of the McPherson Enquiry. McPherson defined the term "Institutional Racism" and the Race Relations Act puts a statutory duty on public authorities to take specified actions to eradicate institutional racism from its organisation and practices.

P Hancock  
Director of Community Services  
February 2007

## Mid Devon Corporate Equality Plan 2007/8

The following Plan sets targets against the Council's intention to achieving STAGE 2 of the National Equality Standards by April 2008

Part 1 – The table below sets out the results of an audit carried out in November 2006 identifying the work required by April 2007 to secure achievement of STAGE 1 standards

Task	Further Work Identified	Responsibility
<b>Leadership &amp; Corporate Commitment</b>		
Review of Equalities Statement & Policy	Updated policy to be endorsed by 31 March 2007	D Com
Ensure Councils key Policies are in line with current legislation	All Key Policies being reviewed by 31 March 2007	Heads of Service
Initiate Needs equalities assessment	Membership of the Citizens panel currently being reviewed to reflect minority resident's views. Minority groups to be included in all consultations carried out by Council	Consultation Officer
Adopt Action Plans for implementing standard with time scales for each department	Currently being included in Service Business Plans, to be completed by March 2007	Management Team
Create organisational structure for monitoring adopted Plans	Performance Management 'structure' endorsed by Joint Meeting 4.12.06	Management Team
<b>Consultation &amp; Community Development Scrutiny</b>		
Develop a Consultation and Scrutiny Equalities Action Plan	Plan being drafted	D Com
Establish consultation machinery. to assess needs, satisfaction with services and target review amongst users by ethnic minority, disability and gender	Machinery being drafted.	D Com
Incorporate Equality Policy as a key theme within Community Strategy	Equalities is a key theme of the Devon Strategic Partnership. Issue to be the subject of a planned review May 2007 in Local Community Plan	D Com
Consult departments on equality objectives	Staff being consulted Jan – Mar 2007	Management Team
Establish mechanism for responding to harassment	Housing mechanism in place. Corporate model to be devised by 31 March 2007	D Com
<b>Service Delivery &amp; Customer care</b>		
Demonstrate commitment in service areas to policy and needs assessments	All Service Business Plans to incorporate Council equality objectives within current reviews by March 2007	Management Team
Develop clear objectives and plans for each service area	To be developed with Heads of Service by 31 March 2007.	Heads of Service

<b>Task</b>	<b>Further Work Identified</b>	<b>Responsibility</b>
Audit policy and practice	Revised Plan to be put to Resources Committee in June 2007	D Com
Establish Planning Groups for monitoring systems	Pledge groups in place	D Com
<b>Employment &amp; Training</b>		
Adopt non-discriminatory recruitment procedures	In place but not audited. Timetable for audit to be agreed by Resources Scrutiny Panel in March 07	D Com
Commitment to an employment equality assessment of Local Labour Market	To be included in Head of Human Resources Action Plan	Head of Human Resources
Establish Equal Employment action plan	To be included in Head of Human Resources Action Plan	Head of Human Resources
Adopt procedures to ensure that publicity for vacancies does not unfairly restrict the range of applicants	In place	Head of Human Resources
Produce a standard range of applications forms and job descriptions	In place	Head of Human Resources
Review Personnel information system for monitoring suitability	Current IT systems produce limited information. Commissioning of new Payroll / Human Resource system in hand	Head of Human Resources
Make procedures consistent with Employment Codes of Practice	In place	Head of Human Resources
Equality policies and procedures are in staff handbook	Not handbook, but information pack handed to all new staff includes equality policies	Head of Human Resources
Training for all recruitment staff on equality standard and plan	In place. Interview panels to exclude untrained personnel by June 2007.	Head of Human Resources
Build equalities objectives into staff appraisals	Not in place. Will be for 2007/8	Management Team



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Make procedures consistent with Employment Codes of Practice	In place	Head of Human Resources
Equality policies and procedures are in staff handbook	Not handbook, but information pack handed to all new staff includes equality policies	Head of Human Resources
Training for all recruitment staff on equality standard and plan	In place. Interview panels to exclude untrained personnel by June 2007.	Head of Human Resources
Build equalities objectives into staff appraisals	Not in place. Will be for 2007/8	Management Team

## Mid Devon Corporate Equality Plan 2007/8

**Part 2 – The table below sets out the targets identified in January 2007 and endorsed by the Council’s Resources Committee to secure achievement of STAGE 2 standards by April 2008**

<b>Task</b>	<b>Work Required</b>	<b>Responsibility</b>	<b>Time Scale</b>
<b>Leadership &amp; Corporate Commitment</b>			
Ensure that all service areas set targets based on equality objectives	Each Head of Service to report through relevant Policy Committees on action plans and monitoring arrangements	Management Team	September 2007
Ensure completion of equality action plans at service level including Performance Indicators	As Above	Heads of Service	September 2007
Adopt national targets / Performance Indicators as prescribed by Audit Commission	Performance Officer to research national targets and viability of adopting locally	Management Team	September 2007
Establish systems for reviewing progress and revising action plans	Performance Officer to include equality reporting within performance monitoring framework.	Management Team	May 2007
Members and Senior Officers to endorse action plans	All Action Plans to be put before Members	Management Team	December 2007
Link Action Planning to Best value Process	Equality objectives to be incorporated into service review process	Management Team	February 2007
<b>Consultation &amp; Community Development Scrutiny</b>			
Make all action plans public for consultation & Scrutiny	Action Plans to be scrutinised before consideration by the Policy	D Com	September – December 2007
Put in place appropriate language, translation and interpretation for consultation process	To be implemented as part of consultation process	D Com	September 2007
Fully consult designated groups on action plans	See above	D Com	September – December 2007
Consult on involving community and voluntary sector with scrutiny procedures	To be incorporated into LSP agenda	D Com	May 2007
<b>Service Delivery &amp; Customer care</b>			
Establish Equal Service Delivery Action Plans (ESDAP) and targets within each service area	As above	Management Team	September 2007

<b>Task</b>	<b>Work Required</b>	<b>Responsibility</b>	<b>Time Scale</b>
The ESDAP to address importance of barriers, accessibility and reasonable adjustment in the provision of services	As above	Heads of Service	September 2007
Allocation of appropriate resources for plan implementation	To be endorsed following costing of Pledges and incorporated into Medium Term Financial Plan	Management Team	March 2007
Establish structures of responsibility at service level to progress action plans	To be included in action plans	Heads of Service	September 2007
Set timetable within action plans for creating/adapting information and monitoring systems within service areas	As above	Heads of Service	September 2007
Make provision of language services appropriate to designated consultation & scrutiny groups	To be implemented as part of consultation process	D Com	September 2007
For agencies delivering services for Council to include within contract a requirement to deliver equality requirements	To be included in Procurement requirements	Head of IT Services	May 2007
<b>Employment &amp; Training</b>			
Set employment equality targets for recruitment and staff retention	To be included in Human Resources Action Plan	Head of Human Resources	September 2007
Ensure that staff are aware of action plans and the implications for services & employment	Action Plan development & production to be communicated offered for consultation with all staff	Heads of Service Communication Officer	May – September 2007
Provide information and appropriate training on action plans to support scrutiny process	To be included in annual training programmes	Head of Human Resources	Annually (February)
Establish a system of guidance and training on relevant equality issues to short listing panels, interviewers	Guidance sheets to be produced	Head of Human Resources	September 2007
Provide training for all staff on the detailed implementation of standard, including action plans and updates on legal and other developments	To be included in annual training programmes	Head of Human Resources	Twice Per Year (February & September)