

Equality, Diversity, and Inclusion Policy

1. Introduction

The purpose of this policy is to provide a clear statement on the council's commitment and approach to equality, diversity, and inclusion, in the areas of employment, service delivery and procurement.

The policy supports the council's vision to become the 'best council' and to provide a safe environment for staff to work in free from discrimination, bullying, harassment and victimisation with a clear focus on delivery of high quality services to residents of the borough.

2. Policy Statement

Hammersmith & Fulham Council is committed to equal opportunities in employment and service delivery. The policies and practices of the council aim to promote an environment that is inclusive and free from all forms of unlawful discrimination and values the diversity of all people. At the heart of our policy, we seek to treat people equally, fairly and with dignity and respect. The council will take every reasonable and practical step to ensure that no person working for the council, all job applicants, former employees, or any member of the public using the council's premises or services will receive less favourable treatment (direct discrimination) or will be disadvantaged by requirements or conditions that cannot be shown to be justifiable (indirect discrimination) because of; are perceived to be; or, are associated to any of the following:

We recognise that the provision of equal opportunities and inclusion in the workplace is not only good management practice; it also makes sound business sense. The council recognises that staff are our most important resource. Affording staff full dignity at work promotes good employee relations and satisfaction, and results in a motivated, productive, and creative workforce, that leads to service improvements.

Our Equality, Diversity and Inclusion Policy will help all those who work for us to develop their full potential so that the talents and resources of the workforce are utilised fully to create a borough of opportunity for all.

We will take proactive steps to ensure that the policy is known to all employees, potential employees, and organisations that we work with. We will also ensure that equal opportunity, diversity, and inclusion is embedded in all our policies, procedures, day to day practices and external relationships.

3. Scope

This policy applies to all service users, employees and potential employees of Hammersmith & Fulham Council together with anyone else working on council premises including, agency workers, contractors, consultants, and suppliers.

4. Key Principles – Legal Framework

This policy has been developed and will be implemented within the framework of the Equality Act 2010. Under this Act, the council is required to show due regard in all its functions, including employment, service delivery and procurement, 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
- Foster good relations between people who share a protected characteristic and those who do not.

These requirements are known as the Public Sector Equality Duty.

The council is also required to:

- Publish information annually which demonstrates compliance with the Public Sector Equality Duty
- Prepare and publish one or more equality objectives at least every four years

5. Equality Objectives

Our Equality Objectives

Under the Equality Act 2010, the council is required to set one or more equality objectives that will help meet its obligations to eliminate discrimination, advance equality of opportunity and foster good relations between people of different protected characteristics. Protected characteristics under the Equality Act are based on:

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

Our objectives, published in December 2016 for review in 2018 are:

- Work closely with our partners to ensure that we have a workforce that is trained, skilled and ready for work.
- Increase the proportion of disabled residents in employment and ensure that disabled staff and residents are considered in future workforce planning.
- Increase the opportunity for all council employees to fulfil their potential, and ensure equality of representation at all levels of the organisation.
- Work to eradicate any discrimination within our recruitment processes and start recruiting for attitude and training to skill.

6. Implementing equality, diversity, and inclusion

6.1. Recruitment, Selection, and Promotion

Aim: Encourage the highest quality candidates from all backgrounds to apply and ensure equal and fair treatment throughout the recruitment process.

The council will strive to ensure that:

- Through recruitment and promotion, our workforce reflects the diverse community we serve.
- All posts including secondment and promotion opportunities are advertised widely in order to provide an equal opportunity for all people interested to apply unless a restructuring, reorganisation or redeployment situation exists when advertising will not apply.
- All job applicants who report a disability and who meet the minimum employee specification will be guaranteed an interview in accordance with the Two Tick Symbol accreditation. All such candidates will then be considered on their merit and abilities.
- We will identify and where appropriate ask candidates whether reasonable adjustments are required prior to the interview and take this into consideration when arranging the interview.

6.2. Learning and Development

Aim: All employees are encouraged to reach their full potential through appropriate fair access to learning, development, and career progression opportunities

The council will strive to ensure:

- A corporate approach to equality, diversity and inclusion training and learning activities
- Relevant issues of equality, diversity and inclusion are included in learning opportunities
- All employees are encouraged to invest in their development and consider opportunities to develop their competencies and skills, taking into account a broad range of learning and development options in the council.
- Learning and development programmes, where possible, are planned with the needs of part time staff considered as well as those of full time staff.

6.3. Procurement and Supply Chain Diversity

Contractors and suppliers are required to comply with Hammersmith & Fulham's Equality, Diversity, and Inclusion Policy and to provide evidence in annual equality, diversity and inclusion reports to the council.

6.4. Terms and Conditions

Aim: All policies covering pay, benefits, grades and terms and conditions are formulated and implemented regarding equality, diversity, and inclusion.

The council will strive to ensure:

- Terms and conditions are non-discriminatory and are applied fairly and consistently to all staff.
- The use of flexible working arrangements are promoted wherever possible, to try to balance individual staff circumstances with organisation or operational requirements.
- Accesses to work requirements (reasonable adjustments) for those with a disability are considered in a fair and open manner.
- The appropriate use and application of the council's policy for 'Special Leave' is promoted to assist staff who may require time off work for personal or domestic reasons; to ensure the council meets its statutory obligations.

6.5. Discipline and Grievance

Aim: A working environment that is inclusive and where no form of discrimination is tolerated.

The council will strive to ensure:

- Discrimination, bullying, harassment or victimisation of employees or service users are treated as disciplinary offences and dealt with under the grievance procedure.
- All employees have the right to raise any complaint relating to equality, diversity, or inclusion through the council's grievance procedure. This will not affect their right to take a case subsequently to an Employment Tribunal and will not prejudice the individual's current employment or future career prospects.
- Complaints of discrimination, victimisation or harassment are dealt with sensitively and seriously by managers, are investigated and dealt with in a fair and transparent manner.
- Support is provided to any employee who is the victim of harassment or bullying during their employment.
- Disciplinary rules and standards are applied consistently to all employees within the council's employment.
- Service users are entitled to raise their concerns through the corporate complaints procedure.

6.6. Monitoring and Evaluation

Aim: Regular monitoring and review so that the effectiveness of this policy can be measured and information used to support informed decision making.

The council will strive to ensure:

- All policies and procedures which impact on employees and residents are regularly analysed for equality, diversity and inclusion to ensure they are free from discrimination.
- Confidential records of employees and applicants are maintained to monitor the progress of equality of opportunity within the council.
- Data collected for equal opportunities monitoring is examined as a minimum on an annual basis so that information on the effectiveness of this policy can be considered.
- Reports will be published on council web pages annually in line with legislation.
- Continuous review of our equality, diversity and inclusion policy to comply with changes in legislation.

7. Roles and responsibilities

The council has established clear governance arrangements to ensure that this policy, our equality objectives and *'Everything we do – delivering social inclusion'* Delivery Plan 2017/2018, are delivered on time and to a high standard.

7.1. Cabinet and elected members

Cabinet and elected members are responsible for providing clear and visible leadership on equality, diversity and inclusion.

7.2. H&F Business Delivery Team (BDT)

The H&F Business Delivery Team has overall responsibility for the council's Equality, Diversity and Inclusion Policy and will ensure that it is properly implemented, promoted, monitored, and reviewed where necessary. In particular, they will be accountable for:

- Delivering the policy through business planning and performance management arrangements.
- Ensuring that everyone in the organisation understands what the policy means for them and provide practical learning and positive support to help managers meet their obligations in turning policy into practice.

7.3. Social Inclusion Board Members

Responsibility for implementation and scrutiny of the ***‘Everything we do – delivering social inclusion’*** Delivery **Plan** 2016/18

7.4. Departmental Management heads and teams

It is the responsibility of all managers from directors and departmental heads to junior supervisors to:

- Ensure that strategies, policies and projects within their area of responsibility are designed giving due regard to this policy and the council’s Equality Objectives.
- Be proactive in promoting equality, diversity and inclusion and in preventing and eliminating all forms of discrimination.
- Treat complaints of discrimination, victimisation, or harassment sensitively and seriously.

7.5. Council staff, contractors, and voluntary sector partnerships

All staff, contractors and those in voluntary sector partnerships are expected to ensure that there is no discrimination, bullying, harassment and victimisation and accept personal responsibility for the practical application of this Equality, Diversity and Inclusion Policy.

Every employee is required to:

- Promote equality, diversity and inclusion and treat everyone with fairness, equity, dignity and respect.
- Recognise and value the diversity of staff and residents, considering diverse needs when providing services.
- Ensure their behaviour and/or actions do not amount to discrimination or harassment in any way.
- Report any discriminatory, bullying or harassment acts or practices.

8. Measuring performance

The council will measure its performance on equality, diversity and inclusion through its various partnerships and internal committee and management structures. In addition, the council will measure its performance using the:

- Stonewall Workplace Index
- Business Disability Forum ‘Disability Standard’
- Hammersmith and Fulham Staff Equality Networks
- Disability Confident Scheme (Level 1)

9. Breaches

The council is opposed to all forms of discrimination and will treat any breaches of this seriously. Breaches of the **Equality, Diversity and Inclusion Policy** will be investigated and may be regarded as gross misconduct under the council’s Disciplinary Policy. Employees who believe that they have suffered any form of discrimination, harassment or victimisation are entitled to raise the matter through the grievance procedures.

Significant breaches of the Equality, Diversity and Inclusion Policy can also be raised through the Whistle Blowing Policy.

All complaints of discrimination will be dealt with seriously, promptly and confidentially and the council will aim to ensure that no employee is victimised as a result exercising their right to raise a complaint or for supporting someone who has raised a complaint under the Equality Diversity and Inclusion Policy.

For more information, see related policies which can be found in section 9 of this policy.

10. Review

This policy will be reviewed annually

11. Appendices

Appendix 1 – Protected Characteristics

Appendix 2 – Definitions of Terms

Appendix 3 – Equality Legislation – a summary

Appendix 4 – Other related policies

Protected characteristic	Definition
Age	Age is defined by the Equality Act by reference to a person's age group. An age group can mean people of the same age or people of a range of ages.
Disability	A person has a disability if they have a physical or mental impairment which has a long term and substantial adverse effect on their ability to carry out day to day activities. Long term means that it has last or is likely to last for at least a year or for the rest of the affected person's life. Carers of disabled people are also protected from less favourable treatment that they receive because of that disability.
Gender Reassignment	People who are proposing to undergo, are undergoing, or have undergone a process to reassign their sex by changing physiological or other attributes of sex. Under the Equality Act, Gender Reassignment is a personal process rather than a medicalised process thus it may be proposed; or the process may have happened previously. It may include undergoing the medical procedures involved, or may simply include choosing to dress in a different way as part of a person's desire to live in the opposite gender.
Marriage and Civil Partnership	<p>Civil Partnership Under the Civil Partnership Act 2004 same-sex couples can register a civil partnership, which has almost the same legal effects, rights and obligations as marriage.</p> <p>Marriage A union between a man and women or same sex couple which is legally recognised in the UK as a marriage. The marriage (Same Sex Couples) Act 2013 makes the marriage of same sex couples lawful in England and Wales, whilst protecting religious freedom.</p>
Pregnancy and Maternity	A woman who is pregnant or is on maternity leave including one who is breastfeeding.
Race	Race includes colour, nationality (including citizenship) and ethnic or national origin.
Religion or belief	Religion means any religion and includes a lack of religion. Belief means any religious or philosophical belief and includes a lack of belief.
Sex	Refers to a man or woman
Sexual Orientation	<p>A person's sexual orientation towards:</p> <ul style="list-style-type: none"> • persons of the same sex; • persons of the opposite sex and • persons of either sex

Appendix 2 – Definition of Terms

Because of

“Because of” has the same meaning as the phrase “on the grounds of”. It means that the protected characteristic is an effective cause of the less favourable treatment-but it need not be the only or even the main cause.

Discrimination

Discrimination includes direct discrimination, indirect discrimination, victimisation and harassment. Discrimination because of a person’s perceived characteristic (other than marital or civil partnership status) is also protected.

Direct Discrimination

Direct discrimination occurs when a person treats or would treat another less favourably than others and the treatment is because of a protected characteristic.

Example

Rejecting an application from a woman applying for a traditional male job, where the assumption is the woman would not fit into the exclusively male team because she is not a man.

Indirect Discrimination

This is where a provision, criterion or practice is applied to all individuals or groups equally, but which is such that:

- Puts or would put a person of a certain protected characteristic at a particular disadvantage when compared with people who do not have that characteristic
- Puts or would put people who shared a protected characteristic at a particular disadvantage when compared with people who do not have that characteristic and
- Cannot be shown to be a proportionate means of achieving a legitimate aim.

Example

During a review of its recruitment procedures a consultancy firm discovers that men score less well in their psychometric test than women. The test could be indirectly discriminatory regardless of the reason they scored less well.

Discrimination by association

This occurs when a person (A) treats another person (B) less favourably because of B’s association with another person who has a protected characteristic.

Discrimination by perception

This occurs when A treats B less favourably because A thinks that B has a protected characteristic even though in fact they do not.

Harassment

Unwanted conduct related to a protected characteristic which has the purpose or the effect of violating the dignity of another person or creating an intimidating, hostile, degrading, humiliating or offensive environment having regard to all the circumstances and the perception of the victim (see Dignity at Work Policy)

Legitimate Aim

This means the aim should be legal, should not be discriminatory in itself and must be capable of objective justification. The health, welfare and safety of individuals may qualify as a legitimate aim.

Less Favourable

A person treated “less favourably” if he or she is put a disadvantage compared with others.

Occupational Requirement

An occupational requirement (OR) provides a general exception to what would otherwise be unlawful direct discrimination in relation to work. In certain limited circumstances A is permitted to discriminate against B in relation to work if A can show that being of a protected characteristic is an occupational requirement. However, jobs may change over time and this requirement should be viewed periodically.

An employer can apply an OR if they can show that having regard to the nature or content of the work:

- The requirement of being a protected characteristic is an OR/
- The application of the requirement is a proportionate means of achieving a legitimate aim.
- An applicant does not meet the requirements and the employer has reasonable grounds of believing that the applicant does not meet the requirement.

Only in exceptional circumstances will an Occupational Requirement apply to a post with the council, and this should always be checked with Human Resources.

Proportionate

Treatment is proportionate if it is an appropriate and necessary means of achieving a legitimate aim.

Victimisation

Victimisation arises when a person (A) subjects another (B) to a detriment because B has done a protected act or because A believe that B has done or may do a protected act in the future. An individual need not have a protected characteristic to be protected against victimisation under the Act. But victimisation is only lawful if it is linked to a protected act. Each of the following is a protected act:

- Bringing proceedings under the Equality Act 2010;
- Giving evidence or information about proceedings under the Equality Act 2010;
- Doing any other thing for the purposes of or about the Equality Act 2010; and
- Making an allegation (whether express) that A or another person has contravened the Equality Act 2010

Appendix 3 – Equality Legislation – a summary

The following is only a guide to the legislation currently in place that impacts on Equal Opportunities issues, and is not a comprehensive list.

1994 Under the Criminal Justice and Public Order Act, it is a criminal offence to intend to cause harassment, alarm, or distress.

1996 The Employment Rights Act (as amended by the Employment Relations Act 1999) covers many issues including an employee's entitlement to maternity leave, paternity leave, adoption leave, parental leave and the right to request flexible working arrangement. It also outlaws detriment in employment and affords employees a right not be unfairly dismissed and to receive a redundancy payment (providing qualifying criteria are met). Further Regulations elaborate on these.

1997 The Protection from Harassment Act makes harassment both a civil tort and criminal offence, and although originally drafted to provide protection from stalking, covers other forms of harassment, both in and out of the workplace.

1998 The Working Time Regulations (as amended) aim to improve health and safety by controlling working hours. The Regulations afford basic rights and protections to workers not just employees, including minimum paid annual leave entitlements, rights to rest periods at work and limits on weekly working time.

1998 The Human Rights Act gives effect to rights and freedoms guaranteed under the European Convention on Human Rights. The legislation makes it unlawful for a public authority to breach convention rights, unless an Act of Parliament prevents it from acting differently.

2000 The Part Time Working Regulations make it unlawful for employers to treat part-timers less favourably in their terms and conditions of employment than comparable full-timers (unless that treatment is objectively justified). The Regulations require an employer to apply a "pro-rata" principle to certain contractual entitlements such as remuneration and holiday so that part-time staff are not treated less favourably than full time staff.

2002 The Employment Act amongst other things makes provision for rights to paternity and adoption leave and pay: amended the law relating to statutory maternity leave and pay makes provision for the use of statutory procedures in relation to employment disputes; and covers the right to request flexible working.

2004 The Civil Partnership Act defines a new legal relationship, which can be registered by two people of the same sex. It gives same-sex couples the ability to obtain legal recognition

for their relationship and affords them equal treatment to married couples in a wide range of legal matters.

2004 The Gender Recognition Act provides for transgendered people to be legally recognised in their acquired gender. However, this Act also determines that where a person was married and changed gender, that marriage will then become void.

2006 The Employment Equality (Age) Regulations (Schedules 6 and 8). They introduce a duty on employers to respond to requests to work beyond retirement age; and remove the upper age limit for claiming a redundancy payment or unfair dismissal.

2006 The Equality Act makes provision for the establishment of the Equality and Human Rights Commission (EHRC) by merging the Equal Opportunities Commission, the Commission for Racial Equality and Disability Rights Commission. The EHRC is responsible for promoting equality and diversity and will work towards eliminating discrimination on the usual grounds (including religion and belief, sexual orientation, age, gender, disability, race and gender reassignment). It also creates a duty on public authorities to promote equality of opportunity between men and women by requiring public bodies to produce a Single Equality Scheme.

2010 The Equality Act harmonises discrimination legislation into a single Act. It also harmonises the definitions of discrimination and harassment previously found across the various strands. It sets out the protected characteristics which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation making nine discrimination strands in total. The Act introduces several new provisions. These include:-

- A restriction on pre-employment health enquiries unless they are made for prescribed reasons for example where it is intrinsically necessary for the role.
- In respect to “pay secrecy” or “gagging” clauses, the Act renders unenforceable a contractual term which restricts an employee from being involved in a discussion about whether there is discrimination in pay on grounds of a protected characteristic e.g. sex.
- Widening the scope of employment tribunals to make recommendations that will benefit the wider workforce and help prevent discrimination occurring in the future.
- Expanding the concept of positive action to employers to recruit or promote someone from an under-represented group where they have a choice between two or more equally qualified candidates.
- The power to require employers to publish information about gender pay if insufficient progress in reporting has been made on a voluntary basis for employers with 250 or more employees.

2011 The equality duty

The equality duty was developed to integrate consideration of equality and good relations into the day – to – day business of public authorities. It requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services, including internal policies and for these issues to be kept under review.

Appendix 4 - Other related policies

The following policies and procedures support this policy

- Recruitment Procedures Manual
- Dignity at Work Policy
- Corporate Complaints Procedure