***Organisational Development, Human Resources and Performance***

***Equality and Diversity Policy***

Version 2

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*Policy Development Unit, OD & HR & Performance*

Inverclyde Council

Municipal Buildings

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1 INTRODUCTION

* 1. EXECUTIVE SUMMARY

Inverclyde Council is committed to ensuring that the ethos and principles of equality of opportunity and valuing diversity are embedded in all aspects of service delivery and are a guiding principle for all its activities.

The Council strives to embrace a positive attitude towards the promotion of equality and diversity and to create a working environment which is inclusive of everyone regardless of ethnic origin, religion or belief, disability, age, sex, gender reassignment, sexual orientation, marriage and civil partnership, pregnancy and maternity, carer responsibility, race nationality, social or economic status, trade union membership or activity.

This policy is consistent and in accordance with the current legislative requirements and the Equality Act 2010 and it is the responsibility of all employees to comply with this policy and be familiar with its contents and principles.

* 1. BACKGROUND

The purpose of this policy is to set out the Council’s vision and commitment to equality and diversity in the workplace. It aims to promote equality and diversity in all aspects of the Council’s work and encourages a working environment which is free from all forms of discrimination and harassment, where all employees can fulfil their full potential.

The Council is committed to ensuring that equality and diversity is embedded in all aspects of service delivery, and strives to ensure that all employees, customers and partners are treated fairly and with respect at all times.

The Council is positively and actively committed to ensuring that:

* Employees are educated on equality and diversity;
* Policies, procedures and practices support the Council’s equality and diversity responsibilities;
* The services provided by the Council are relevant to the needs of the diverse community;
* The Council’s workforce represents the community;
* A safe and inclusive environment is provided which is free from any form of bullying, harassment discrimination, violence/abuse (including violence against women) victimisation;
* Unacceptable behaviour will be challenged, including racist, homophobic, sexist and misogynistic language and behaviour;
* Equality and diversity practices in the Council are measured regularly and are compliant.
  1. STRATEGIC CONTEXT

This policy supports the Council in the delivery of the Council Plan 2023/28 in relation to the following outcomes:

* Our most vulnerable families and residents are safeguarded and supported
* High quality and innovative services are provided, giving value for money
* Our employees are supported and developed

The policy should be read in conjunction with other relevant council policies, procedures and training materials as appropriate, including:

• Recruitment and Selection Procedures

• Respect at Work Policy

• Learning and Development

• Grievance Procedures

• Disciplinary Procedures

• Code of Conduct for Employees

• Corporate Equalities Framework

• Equality and Diversity training

• Induction

• Domestic Abuse

• Violence Against Women

• Sexual Harassment

1.4 LINKS TO LEGISLATION

The Council is committed to meeting the requirements of the Equality Act 2010 which simplifies, streamlines and strengthens existing equality legislation. The Equality Act 2010 protects people from discrimination on the basis of ‘protected characteristics’. The protected characteristics are:

• age

• disability

• gender reassignment

• marriage and civil partnership

• pregnancy and maternity

• race (including ethnic or national origins, colour and nationality)

• religion and belief

• sex

• sexual orientation

As well as the above mentioned protected characteristics, the policy also covers actions and behaviour motivated by homophobia and/or transphobia this includes:

• Verbal abuse including taunting, name-calling (including sexualised name calling) or threats (e.g. to kill, physical violence/abuse, sexual assault)

• Threats of ‘outing’ i.e. disclosing that a person is, or is perceived to be, lesbian, gay, bisexual or transgender, without their freely-given consent)

• Threatening behaviours by individuals or (more commonly) groups, including closing in on,

• following, chasing and/or surrounding a targeted individual or individuals (stalking & harassment)

• Physical or sexual aggression and violence/abuse

• Social marginalising or ostracizing

* 1. AIM

This policy aims to support equality and diversity within the Council.

Equality is about making sure people are treated fairly and given fair chances. It is about giving people an equality of opportunity to access all services available and to fulfil their potential.

Diversity is about recognising, respecting and valuing differences. It is not about treating everyone exactly the same, but treating people as individuals and creating a working culture and practices that harness and appreciate differences.

We will work with employees to tackle attitudes and behaviours that lead to discrimination for example ageism, sexism and misogyny, racism, homophobia and transphobia; disablism, violence against women, domestic abuse and sexual harassment etc. In addition we understand that people’s experiences of discrimination can vary due to intersectional characteristics, for example older and black and minority ethnic women’s experiences may be affected by not only sexism but also ageism and racism.

* 1. LINKS TO CORPORATE GROUPS

This policy links to the Trade Union Liaison Group, which is a mechanism for local trade union representatives to meet with Human Resources and Organisational Development teams. It also relates to the cross Service Corporate Equalities Group.

1. Scope

This policy applies to all employees of the Council and Elected Members. External agencies, partners and contractors who work in partnership with the Council also have a responsibility to comply with this policy.

1. **POLICY CONTENT**

3.1 RIGHTS OF EMPLOYEES

All employees of the Council have the right:

* Not to be discriminated against;
* To receive equality of opportunity;
* To challenge any unfair treatment or discrimination;
* To make a complaint when they feel they have been unfairly treated.

The Equality Act 2010 provides protection from discrimination on the basis of ‘protected characteristics’. The protected characteristics are:

* Age;
* Disability;
* Gender Reassignment;
* Marriage and Civil Partnership;
* Pregnancy and Maternity;
* Race;
* Religion and Belief;
* Sex;
* Sexual Orientation.

More information about the protected characteristics is provided in Appendix 1.

3.2 PUBLIC SECTOR EQUALITY DUTY

The Equality Act 2010 introduced a public sector equality duty (PSED) which has two parts - the general duty and the specific duties.

The general duty requires the Council to have due regard to the need to:

* To eliminate unlawful discrimination, harassment, victimisation, violence/abuse and other prohibited conduct;
* To advance equality of opportunity between people who share a relevant protected characteristic and those who do not;
* To foster good relations between people who share a protected characteristic and those who do not.

The specific duties help the Council to meet the three needs of the general equality duty. These duties are:

* mainstreaming equality;
* equality outcomes;
* assessing impact;
* employee information;
* equal pay policy ;
* procurement;
* involvement;
* accessibility

More information about the specific duties is provided in Appendix 2.

The specific duties ensure the Council takes effective action on equality, makes the right decisions, develops better policies and practices based on evidence, is more transparent, is accessible and accountable and delivers improved outcomes for all.

3.3 FAILURE TO COMPLY

Concerns or complaints from employees, partners/external agencies, contractors and agency workers will be investigated in line with the appropriate Council policy/procedures, for example, Grievance Procedures, Disciplinary Procedures and Recruitment and Selection Complaint Procedures. Any breaches or failure to comply may lead to further action being taken by the Council.

If an employee of a partner / external agency or contractor is found to be in breach of this policy, this will be reported to the relevant employer for the matter to be progressed through their own disciplinary procedure. Any breach in this respect could result in no further involvement with the Council.

**4 ROLES AND RESPONSIBILITIES**

The Council, Elected M,mbers, managers, employees, Human Resources and Organisational Development, employee representatives and partners/external agencies have specific equality and diversity responsibilities which are outlined below:

* 1. COUNCIL’S RESPONSIBILITIES:

The Council is committed to the implementation of this policy and in particular has a responsibility to:

* Foster a culture which embraces and values equality and diversity and encourages equal opportunities best practice;
* Establish systems for monitoring the application of the policy and take action to rectify any inequalities or deficiencies;
* Provide training and guidance to managers and other employees as appropriate on the content of this policy and also raise awareness of equality and diversity issues;.
* Ensure that all policies/procedures of the Council reflect the guiding principles of equality and diversity;
* Take necessary steps to eliminate such behaviours and ensure an inclusive working environment.

4.2 ELECTED MEMBERS RESPONSIBILITIES:

* To be aware of this policy and its content and promote equality and diversity throughout their work for the Council;
* To attend equality and diversity training;
* To consider claims of inequality or discrimination brought to their attention through other Council policies/procedures;

4.3 LINE MANAGER RESPONSIBILITIES:

* To be aware of this policy and implement it in their own work areas;
* To make their employees aware of their equalities responsibilities;
* To maintain an environment which actively promotes equality and diversity and is free from discrimination;
* To apply this policy fairly, consistently and without discrimination;
* To address instances of suspected discrimination, immediately, sensitively and confidentially and take appropriate action where necessary;
* To ensure employees take part in equality and diversity training.

4.4 EMPLOYEES’ RESPONSIBILITIES:

* To read this policy and understand their own equality responsibilities;
* To participate and co-operate in any measure introduced by the Council to implement this policy, promote equal opportunity and prevent discrimination;
* To ensure their own behaviour towards colleagues, partners, customers and members of the public is appropriate in terms of this policy;
* To challenge and report any suspected discriminatory practice to an appropriate manager;
* To treat other employees with respect;
* To take part in equality and diversity training as appropriate.

4.5 OD & HR SERVICE RESPONSIBILITIES:

* Promoting equality and diversity awareness;
* To ensure that all employment policies/procedures are reviewed and developed in line with relevant legislation and equality and diversity best practice;
* Regularly analyse equality and diversity and workforce statistical information;
* To ensure that equality and diversity is streamlined in all training courses and employment policies and procedures;
* To support managers and employees on the implementation of this policy;
* To support managers and employees in all equality and diversity related issues.

7.1.6 EMPLOYEE REPRESENTATIVES RESPONSIBILITIES:

* To be aware of the Council’s policy and its content;
* To promote the Council’s policy and participate in any joint activities to raise the profile of equality and diversity;
* To support and provide representation to employees who have raised issues about inequality, discrimination and unfair treatment.

7.1.7 PARTNERS/EXTERNAL AGENCIES, CONTRACTORS, AGENCY WORKERS RESPONSIBILITIES :

* To be aware of the Council’s policy and its content;
* To promote the Council’s policy and participate in any joint activities to raise the profile of equality and diversity;
* To support and provide representation to employees who have raised issues about inequality, discrimination and unfair treatment.

**5 IMPLEMENTATION**

5.1 TRAINING

The Council offers a range of learning and development opportunities in equality and diversity. Details of all e-learning and face-to-face courses are available via ICON and Brightwave.

5.2 COMMUNICATION OF THE POLICY

The policy will be available on ICON, the intranet, as well as publically via the Council website.

**6 RISK**

6.1 LEGISLATIVE RISK

This policy takes into account the requirements of the Equality Act 2010 which simplifies, streamlines and strengthens existing equality legislation. The Equality Act 2010 protects people from discrimination on the basis of ‘protected characteristics’.

6.2 WIDER RISKS

Without this policy there is a risk that the Council does not fulfill its equality and diversity duties.

**7 EQUALITIES**

7.1 CONSULTATION AND ENGAGEMENT

This policy was updated in consultation with the cross Service Workforce Development Group, the Trade Union Liaison Group and the Corporate Equalities Group.

7.2 EQUALITY IMPACT ASSESSMENT

This policy has been impact assessed in line with the Councils obligation to comply with the

**APPENDICES**

8.1 PROTECTED CHARACTERISTICS

Protected characteristics are the grounds upon which discrimination is unlawful. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Age

People of all ages are protected. From October 2011 the default retirement age of 65 was removed, making compulsory retirement at any age unlawful unless objectively justified.

Disability

Under the Act, a person is disabled if they “have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities. This may include the following:

* Learning disabilities (such a Down’s syndrome or dyslexia or cognitive impairment (such as autism or head injury)
* Long standing illness or health condition (such as cancer, HIV, diabetes, chronic heart disease or epilepsy)
* Mental health condition (such as depression or schizophrenia)
* Physical impairment (such as difficulty using your arms or mobility issues which means using a wheelchair or crutches)
* Sensory impairment (such as being blind, having a serious visual impairment or being deaf/having a serious hearing impairment).

Gender reassignment

Gender reassignment is the process of transitioning from one gender to another.

A person does not have to be under medical supervision to be protected, so a woman who decides to live permanently as a man but does not undergo any medical procedures would be covered.

Marriage and civil partnership

Previously marriage was defined as a 'union between a man and a woman'. However, marriage is now available to mixed sex and same sex couples. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. The Marriage and Civil Partnership (Scotland) Act 2014 was passed in the Scottish Parliament in February 2014 and from December 2014 existing civil partnerships can now be converted to a marriage and other same-sex couples can give notice of their intention to marry.

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth.

The protected period starts when a woman becomes pregnant and continues until the end of her maternity leave, or until she returns to work if that is earlier.

Race

It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

This includes colour, nationality and ethnic or national origins. The Act protects people of all races. Examples of national identity are Scottish, English, Welsh, Northern Irish and British. Examples of ethnic groups are:

* White – i.e. Scottish, Other British, Irish, Gypsy/Traveller, Eastern European (for example Polish);
* Mixed or Multiple Ethnic Groups;
* Asian, Asian Scottish or Asian British – i.e. Pakistani, Pakistani Scottish or Pakistani British, Indian, Indian Scottish or Indian British, Bangladeshi, Bangladeshi Scottish or Bangladeshi British, Chinese, Chinese Scottish or Chinese British;
* Caribbean or Black – i.e. Caribbean, Caribbean Scottish or Caribbean British, Black, Black Scottish or Black British;
* Arab – i.e. Arab, Arab Scottish, Arab British.

Religion and belief

Religion includes any religion. It also includes a lack of religion. A religion must have a clear structure and belief system. Belief means any religious or philosophical belief or lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects with a religion can be considered a protected religion or religious belief. Humanism is a protected philosophical belief but political beliefs would be protected. Examples of religion or beliefs are Buddhist, Church of Scotland, Hindu, Humanist, Jewish, Muslim, Other Christian, Sikh, Pagan and Roman Catholic.

Sex

Both men and women are protected.

Sexual orientation

This relates to a person's sexual attraction is towards their own sex, the opposite sex or to both sexes. This includes bisexual, gay, heterosexual and lesbian people. The Equality Act 2010 prohibits direct discrimination, associative discrimination, discrimination by perception, indirect discrimination, harassment and victimisation in relation to employment and training.

8.1 THE SPECIFIC DUTIES

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 came into force on 27 May 2012. The specific duties will help the Council to meet the three needs of the general equality duty. The specific duties are:

Mainstreaming equality

The Council is required to publish information about how it has integrated the equality duty into all of its functions. Equality considerations must feature adequately in all service improvement plans, board or other reports, financial, performance and equality frameworks and other policy documents.

Equality outcomes

The Council is required to publish a set of equality outcomes which will enable the Council to better perform the general equality duty.

Assessing impact

The Council is required to assess the impact of applying a proposed, new, revised or existing policy against the needs of the general equality duty so that any potential inequalities can be addressed before implementation.

Employee information

The Council is required to take steps to gather information on the composition of employees by protected characteristic. This information will be used by the Council to better perform in meeting the needs of the general equality duty.

Equal Pay Policy

The Council is required to publish a revised equal pay policy specifying the Council’s policy on equal pay between men and women, employees with and without disabilities and employees from minority racial groups.

Procurement

Where the Council is carrying out a public procurement exercise, due regard must be given to whether or not the award criteria should include equality considerations which will help the Council to better meet the needs of the general equality duty.

Involvement

The Council will take reasonable, practicable and proportionate steps to involve relevant equality groups and communities and use their evidence when decision making.

Accessibility

The Council is required to publish reports on mainstreaming the equality duty, equality outcomes and report on progress made to achieve these outcomes, gender pay gap information and its policy on equal pay and occupational segregation.