
ARGYLL AND BUTE COUNCIL

Policy and Resources Committee

Customer Services (Improvement and HR)

14 February 2019

EQUALITY AND DIVERSITY POLICY

1.0 EXECUTIVE SUMMARY

This report presents a revised and updated version of the council's Equality and Diversity Policy.

There are no financial implications arising from this policy.

The recommendation of this report is that the Policy and Resources Committee endorses the revised and updated Equality and Diversity Policy, and recommends it to the Council for approval.

EQUALITY AND DIVERSITY POLICY

2.0 INTRODUCTION

- 2.1 This report relates to the council's Equality and Diversity Policy. The current policy, which was written in 2012, has been reviewed and revised. A draft of the updated policy is appended to this report.

3.0 RECOMMENDATIONS

- 3.1 That the Policy and Resources Committee endorses the revised and updated Equality and Diversity Policy, and recommends it to the Council for approval.

4.0 DETAIL

- 4.1 The council's current Equality and Diversity Policy was approved in 2012.
- 4.2 The Equality and Diversity Policy from 2012 has now been reviewed. The appended document has been drafted with a view to its being endorsed by the Policy and Resources Committee, and forward to Council for approval.
- 4.3 The purpose of the Equality and Diversity Policy is to make sure that the organisation, employees and elected Members do not unlawfully discriminate against the Equality Act 2010 protected characteristics of: disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race (including colour, nationality, and ethnic or national origin); religion or belief; sex; sexual orientation. It also ensures that we oppose and avoid all forms of unlawful discrimination, and ensures equality, fairness and respect for all in the council's employment.
- 4.4 The draft policy is shorter than the previous version. However, there are no gaps in policy content. Much of what has been removed was extraneous information. This included an introduction containing background information about the

organisation that is now out of date, and lengthier descriptions about people's roles and responsibilities.

- 4.5 The draft policy has been based around an ACAS exemplar, which has been tailored to the specific needs of Argyll and Bute Council. Tailoring has included making sure that, as well as referring to employees, the policy refers to elected Members.
- 4.6 As part of the revision process, the draft policy has been considered by the Council's Equality Forum (6 November 2018) and the Trades Union Liaison Meeting (29 November 2018). In addition, comments were sought from HROD, with particular regard to sections referring to employees, and from Governance and Law, with regard to the sections of the policy relating to Elected Members. Wording was amended to reflect suggestions made by Governance and Law. Both HROD and Governance and Law were helpful in assisting with checking and updating the list of documents relevant to the policy. No changes were suggested by either the Equality Forum or the Trades Unions.

5.0 CONCLUSION

- 5.1 This report has presented a revised Equality and Diversity Policy. This is intended to replace the current policy, which was written in 2012.
- 5.2 The Policy and Resources Committee is asked to endorse the revised and updated Equality and Diversity Policy, and recommend it to the Council for approval.

6.0 IMPLICATIONS

- 6.1 Policy: This report relates to the review and revision of the Council's Equality and Diversity Policy.
- 6.2 Financial: None arising from this report.
- 6.3 Legal: The revised policy is designed to help make sure that we meet our duties under the relevant equalities legislation.
- 6.4 HR: The policy provides a framework in which HR activities are delivered, ensuring that they meet with our Equalities duties.
- 6.5 Fairer Scotland Duty:
 - 6.5.1 Equalities - protected characteristics: The policy helps us to comply with our equalities duties.
 - 6.5.2 Socio-economic Duty: None arising directly from this report.
 - 6.5.3 Islands: None arising directly from this report.

- 6.6. Risk: Compliance with this policy will ensure that the risk of us not meeting our equalities duties is reduced.
- 6.7 Customer Service: None arising directly from this report.

Douglas Hendry

Executive Director of Customer Services

Rory Colville

Policy Lead for Corporate Services

Report prepared: 13 December 2018

For further information contact:

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Performance and Improvement Officer

APPENDICES

Appendix 1: Argyll and Bute: Equality and Diversity Policy (Draft)

Appendix 2: EqSEIA for Equality and Diversity Policy

Appendix 1: Argyll and Bute Council: Equality and Diversity Policy

Argyll and Bute Council—in providing goods, services and facilities—is committed to preventing unlawful discrimination of customers or the public.

Argyll and Bute Council is committed to encouraging equality and diversity among our workforce, and eliminating unlawful discrimination.

Argyll and Bute council aims for our workforce to be truly representative of all sections of society and our customers, and for each employee to feel respected and able to give their best.

The policy's purpose is to:

- make sure that we do not unlawfully discriminate against the Equality Act 2010 protected characteristics of: disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race (including colour, nationality, and ethnic or national origin); religion or belief; sex; sexual orientation
- oppose and avoid **all** forms of unlawful discrimination. This includes in pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities
- ensure equality, fairness and respect for all in our employment, whether temporary, part-time or full-time.

Argyll and Bute Council commits to:

- encouraging equality and diversity in the workplace as they are good practice and make business sense
- creating a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued
- taking seriously complaints of bullying, harassment, victimisation and unlawful discrimination by employees, customers, suppliers, visitors, the public and any others in the course of the organisation's work activities.
- making opportunities for training, development and progress available to all staff, who will be helped and encouraged to develop to their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation
- making decisions about staff based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act)
- reviewing employment practices and procedures when necessary to ensure fairness, and also update them and the policy to take account of changes in the law
- monitoring the make-up of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality and diversity, and in meeting the aims and commitments set out in the equality policy

These commitments include training Elected Members, managers and all other employees about their rights and responsibilities under the Equality and Diversity Policy. Responsibilities include Elected Members and staff conducting themselves in a way that helps Argyll and Bute Council to provide equal opportunities in employment, and to prevent bullying, harassment, victimisation and unlawful discrimination.

All staff should understand that they, as well as the Council, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public.

Bullying, harassment, victimisation and unlawful discrimination by employees will be dealt with as misconduct under the Council's grievance and/or disciplinary procedures, and any appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.

Sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence.

Elected Members are expected to comply with the requirements of the Councillors' Code of Conduct, which has a specific provision that states bullying or harassment is completely unacceptable. Any breach will be dealt with by the Standards Commission. Where a hearing held by the Standards Commission finds that a councillor has breached the Code of Conduct, the hearing will impose one of the sanctions set out in Appendix A of that document.

Equalities monitoring will include assessing how the Equality and Diversity Policy works in practice, considering and taking action to address any issues.

The policy will be reviewed every four years.

The Equality and Diversity Policy is fully supported by senior management and Council, and has been the subject of consultation with trade unions.

Details of the following, related, policies and procedures, can be found on The Hub or internet:

- Manager's Guide to Recruitment and Selection: <http://intranet.argyll-bute.gov.uk/content/talentlink-vacancy-management-system>
- Dignity at Work Policy: Eliminating Workplace Bullying and Harassment Policy and Procedure: <http://intranet.argyll-bute.gov.uk/my-hr/equality-and-diversity>
- Disciplinary Procedures and Code of Practice: <http://intranet.argyll-bute.gov.uk/my-hr/discipline>
- Grievance Procedure: <http://intranet.argyll-bute.gov.uk/my-hr/grievance>
- Employee Code of Conduct: <http://intranet.argyll-bute.gov.uk/my-hr/employee-code-conduct>
- Code of Conduct for Councillors: <https://beta.gov.scot/publications/code-conduct-councillors-9781787810778/>
- Guidance on the Councillors' Code of Conduct: http://intranet/sites/default/files/180709_cfcouncillorsguidance_july2018final.pdf

- Advice Note for Councillors on Bullying and Harassment:
<http://www.standardscommissionscotland.org.uk/uploads/files/1531127677180709AdviceNoteBullyingandHarassment.pdf>
- Equality and Socio-Economic Impact Assessment - <http://intranet.argyll-bute.gov.uk/equality-and-socio-economic-impact-assessment-egseia>
- Complaints – <https://www.argyll-bute.gov.uk/do-it-online/comments-and-complaints>
- Phased Return to Work and Other Reasonable Adjustments: Manager's Guide - <http://intranet.argyll-bute.gov.uk/content/phased-return-work-and-other-reasonable-adjustments-managers-guide>

Policy approved by: Argyll and Bute Council

Date: March 2019

Policy due for review: By March 2023

Appendix 2: EqSEIA

Argyll and Bute Council: Equality and Socio-Economic Impact Assessment

Section 1: About the proposal

Title of Proposal
Argyll and Bute: Equality and Diversity Policy

Intended outcome of proposal
Provide a policy statement that helps the organisation, elected Members and employees to meet equalities duties as set out in the Equality Act (2010).

Description of proposal
Policy designed to ensure that Argyll and Bute Council: does not unlawfully discriminate against people with protected characteristics as set out in the Equality Act 2010; opposes and avoids unlawful discrimination; ensures equality, fairness and respect for all in the council's employ.

Business Outcome(s) / Corporate Outcome(s) to which the proposal contributes
All.

Lead officer details:	
Name of lead officer	Chris Carr
Job title	Performance and Improvement Officer
Department	Customer Services
Appropriate officer details:	
Name of appropriate officer	Jane Fowler
Job title	Head of Improvement and HR
Department	Customer Services
Sign off of EqSEIA	Jane Fowler
Date of sign off	19 December 2018

Who will deliver the proposal?
All employees and elected Members.

Section 2: Evidence used in the course of carrying out EqSEIA

Consultation / engagement

This policy has been reviewed by:

- HROD
- Governance and Law
- Equality Forum (meeting of 6 November 2018)
- Trades Union Liaison Meeting (29 November 2018)

Data

No data has been consulted in the preparation of the policy document.

Other information

Other policies and relevant documents have been consulted to ensure that they are up to date and comply with the policy.

Gaps in evidence

N/A

Section 3: Impact of proposal

Impact on service users:

	Negative	No impact	Positive	Don't know
Protected characteristics:			✓	
Age			✓	
Disability			✓	
Ethnicity			✓	
Sex			✓	
Gender reassignment			✓	
Marriage and Civil Partnership			✓	
Pregnancy and Maternity			✓	
Religion			✓	
Sexual Orientation			✓	
Fairer Scotland Duty:				
Mainland rural population		✓		
Island populations		✓		
Low income		✓		
Low wealth		✓		
Material deprivation		✓		
Area deprivation		✓		
Socio-economic background		✓		
Communities of place?		✓		
Communities of interest?		✓		

Impact on service deliverers (including employees, volunteers etc):

	Negative	No impact	Positive	Don't know
Protected characteristics:				
Age			✓	
Disability			✓	
Ethnicity			✓	
Sex			✓	
Gender reassignment			✓	
Marriage and Civil Partnership			✓	
Pregnancy and Maternity			✓	
Religion			✓	
Sexual Orientation			✓	
Fairer Scotland Duty:				
Mainland rural population		✓		
Island populations		✓		
Low income		✓		
Low wealth		✓		
Material deprivation		✓		
Area deprivation		✓		
Socio-economic background		✓		
Communities of place?		✓		
Communities of interest?		✓		

If any 'don't know's have been identified, at what point will impacts on these groups become identifiable?

N/A

How has 'due regard' been given to any negative impacts that have been identified?

N/A

Section 4: Interdependencies

Is this proposal likely to have any knock-on effects for any other activities carried out by or on behalf of the council?

Yes

Details of knock-on effects identified

The Equality and Diversity Policy is a crosscutting policy which should be considered when carrying out any activity. The policy therefore needs to be communicated across the organisation.

Section 5: Monitoring and review

How will you monitor and evaluate the equality impacts of your proposal?

An assessment of how the Equality and Diversity Policy works in practice will be incorporated into the monitoring of equalities activities more widely. This will include taken action to address any issues that are identified.

In addition to any changes that are made in light of monitoring activity, the policy will be reviewed every four years.