



PEOPLE MATTER

The Organisational Development Plan



Equalities and Diversity in Employment Policy



EQUALITIES & DIVERSITY IN EMPLOYMENT POLICY

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Equalities & Diversity in Employment - Introduction

The Council has a clear commitment to Equalities and Diversity. This is reflected in one of our community priorities which is:

“Promoting Equal Opportunities and Celebrating Diversity”.

This document sets out the Council’s intentions, aims and standards in relation to Equalities and Diversity in Employment.

It flows from the Council’s overall vision statement for equalities and diversity and the Corporate Equalities and Diversity Policy Framework, which identifies employment as one of the key areas for the Council.

The Council has adopted equalities and diversity as it’s approach. This allows us to build on recognised approaches to equal opportunities and the legal framework that ensures equality of opportunity and the elimination of discrimination. It allows for the individuality and difference of people to be positively recognised and celebrated, to the advantage of all staff, the organisation and the community.

Equalities and Diversity is a major aspect of the Council’s Organisational Development Plan – People Matter. This sets out how the Council intends to develop it’s culture and support the development of the people who work for it, to enable the organisation to modernise, learn and develop further. The Organisational Development Plan requires that the whole organisation captures the equalities and diversity agenda and prioritises the changes necessary to ensure that the Council operates in a way that supports all parts of the community, including under-represented groups, in service delivery. In employment, the Council must actively champion equalities and diversity.

Equalities and Diversity is integral to all employment areas. The Council has various policies covering these specific areas, they under-pin this Policy.

These specific employment areas are re-emphasised in this document as standards, along with areas that purely relate to equalities and diversity in employment, e.g. discrimination.

The policies that under-pin the Equalities and Diversity in Employment Policy will be periodically reviewed. Where changes are made, the standards in the Equalities and Diversity in Employment Policy will be up-dated accordingly.

The following diagram details the Council’s approach to equalities and diversity and how the various policies and strategies contribute.

**Corporate Equalities
& Diversity Policy
Framework**

**The Council's
Vision Statement**

**Corporate Equalities
& Diversity Policy
Statement
(Appendix 1)**

**Equalities & Diversity In
Employment
Policy**

"A modernised Local Authority, that through its Equalities and Diversity strategy:

- Maintains a discrimination free work environment;
- Values and develops its staff's skills and abilities regardless of gender, race, disability, age or sexuality;
- Delivers relevant, culturally sensitive and fully accessible services to all sections of the local community;
- Monitors and tackles inequality in service delivery via the targeting of services to excluded social groups;
- Consults, engages and is aware of the views of the whole of the community;
- Celebrates cultural and other forms of diversity and recognises how this enriches the life of the borough;
- Has open and transparent contracting and procurement processes based upon equality of opportunity and provision;
- Uses the energies and creativity of the voluntary/community sector to provide culturally specific services and makes equalities a fundamental condition of grant-aid and service level agreements for all funded organisations; and
- Provides strong community leadership in the pursuit of equality and diversity objectives in the borough as a whole and uses multi-agency and partnership working to secure those objectives"

Recruitment & Selection Policy and Standards
Equalities & Diversity in Employment Strategy
Redeployment Policy
Staff Development & Training Policy
Exit Procedure
Dealing with Harassment & Bullying At Work Policy
Secondment Policy
Employment of Ex-Offenders Policy
Disciplinary Provisions
People Charter – Equalities & Diversity (Appendix 2)

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Equalities & Diversity in Employment - Policy Statement

The Council aims to provide quality, accessible and relevant services for the local community. The success of this aim is dependent upon all our staff. Accordingly the Council has an Equalities and Diversity in Employment Policy statement that states :-

“This Council is an equal opportunity employer and wholeheartedly supports the principle of equalities and diversity in employment. The aim of this policy is to ensure that no job applicant or member of staff receives less favorable treatment and that they are given the assistance needed to attain their full potential. Our employment processes and conditions will be free from discrimination and every effort will be made to remove any unnecessary and unjustifiable barriers to employment, training and promotion. We believe that it is in the Council’s best interests and all those who work for it, to value and respect the diversity of every individual and to give equal opportunity to progress within the organisation.”

This Policy applies to all staff employed by the Council. All staff have a responsibility to ensure that the principles of equality & diversity are at the heart of everything they do and that their practices are within the spirit and intent of this policy statement.

Our aims for equalities and diversity in employment are :

- To create an environment which, through all our staff and their individual behaviours and actions, values diversity in the broadest sense. This will include individuals:
 - Culture
 - Age
 - Race
 - Gender
 - Ability
 - Sexuality
 - Gender realignment
 - Class
 - HIV status
 - Religious beliefs or faiths
 - Caring responsibilities for dependants
 - Unrelated criminal convictions
 - Marital status
 - Trade Union membership
- To create an environment where all staff will seek out and express differing opinions and experiences to bring about new solutions, creative ideas and added value for our customers.

- To have a workforce that reflects, at all levels and in all occupations, the diversity of the community and customers we serve by achieving year on year improvements in the make up of diversity in our workforce.
- To have a discrimination-free working environment that treats people with fairness, dignity and respect and where the talents and resources of all staff are fully used.
- That our working practice remains in line with all legal requirements.
- To provide greater opportunity for everyone to apply for and obtain jobs and promotion, and for individuals in under-represented groups to compete on equal terms.
- To increase opportunity for all staff to develop and progress within the organisation.
- To increase motivation, commitment, and in turn productivity of all staff, and the retention of skilled and experienced staff in a competitive market place.
- For our practice to continue to be in line with the accreditation standards for “Positive About Disabled People” (Two Tick Symbol).
- To achieve level 5 of the Equalities Standard for Local Government in respect of employment and training.
- To develop the Council’s reputation as a progressive and fair employer and as a result reduce the likelihood of any legal action against the Council.

and

- To promote equal opportunities and celebrate diversity.

This Equalities & Diversity in Employment Policy details the Council’s standards. The application of the standards is assisted by the specific policies, procedures and guidance relating to employment practice.

The Council requires everyone involved in the employment process to follow the standards in this document; failure to do so may result in disciplinary action.

Equalities and Diversity in Employment – Standards

Specific Employment Areas

Equalities and Diversity is integral to every aspect of employment practice. The diverse needs of people will be actively considered in all employment processes.

The following sections detail the Councils equalities & diversity in employment standards for specific employment processes.

1. Recruitment & Selection

The Council's Recruitment and Selection Policy states that it is essential that the "right" people are recruited, selected and join the Council's workforce. It also states that all recruitment and selection processes and decisions will be undertaken in accordance with the standards in the Council's Equalities and Diversity in Employment Policy. These standards are:

- Job specifications (including the competency profile) and person specifications will relate specifically to the job and will not contain any unnecessary or unjustifiable criteria or discriminate against any groups of people. Criteria relating to qualifications and experience will be realistic and within the remit of the job requirements.
- All vacant posts will be advertised externally to ensure the widest range of potential applicants have access to Council vacancies.
- Everyone responsible for recruitment will actively consider the diversity of the present workforce when selecting the appropriate advertising media.
- Where any groups are under-represented in the existing workforce, advertisements will positively encourage applications from those groups.
- The diversity of those involved on the selection interview panel will (where possible) be balanced so that applicants from different backgrounds are able to perform at interview to the best of their ability.
- Recruitment and selection decisions will be made on the basis of clear and justifiable job related criteria.
- Everyone involved in the recruitment and selection process will have undertaken specific equalities and diversity training.

2. Flexible Working

The Council will assist staff and potential staff to manage their work-life balance, providing this does not impact on the quality of service provision. Consideration will therefore be given to flexible working when:

- a vacancy arises, so details can be included in the advertisement
- an existing member of staff requests it

3. Development & Training

- Access to Development and Training

The Council has a Staff Development and Training Policy. This states that:

“The Council is committed to equal access to development.”

Accordingly, all staff will have:

- an annual appraisal and 6 monthly reviews where performance objectives and a personal development plan are agreed.
- on-going supervision.
- monthly Team Briefings.
- access to training opportunities.
- access to development opportunities, i.e. shadowing, secondments (see below), mentoring and coaching.

The Council has made a commitment to achieving the Investors in People (IIP) Award. One of the IIP indicators is:

“The organisation is committed to ensuring equality of opportunity in the development of its people”.

- Training Courses

All training courses will mainstream equalities and diversity within them and support the aims of the Council’s approach to equalities & diversity.

Specific courses on equalities and diversity will be available, and for some groups of staff, i.e. Managers and front line staff, will be mandatory.

All training courses will be held in fully accessible venues and every effort will be made to meet any specific needs of course participants.

- Secondments

Secondments are a way of meeting a business need by providing staff with a learning opportunity. They will be offered to all staff, through an internal advertisement (unless there are exceptional circumstances). The Council has a Secondment Policy that must be adhered to for all secondment opportunities.

All staff will be able to apply for secondment opportunities, provided that they meet the requirements in the Secondment Policy.

The Council's Recruitment and Selection Policy and Standards will be applied. Secondment decisions will be made on the basis of clear and justifiable job related criteria.

4. Employee Relations

- Grievance

The Council has a procedure for dealing with staff grievances that is accessible to all.

The Council will not tolerate individuals or groups of staff who make unfounded grievances against colleagues because of that colleagues difference, e.g. race.

Staff grievances will be viewed as an indicator of the level of equity and cohesion in the workforce and will be monitored accordingly. If necessary, further action will be taken.

- Disciplinary

The Council has a Disciplinary procedure that will be applied fairly regardless of staff's diversity. Action under this procedure will only be taken when there is a breach of the Council's disciplinary rules and will not be based on any other factor.

Discrimination is a breach of the Council's disciplinary rules and action will be taken against those who discriminate.

- Redundancy

When declaring a post redundant only fair and justifiable criteria will be used. The criteria will not discriminate directly or indirectly against any particular group of people.

Where there is a choice between staff members, selection will be based on objective criteria.

The “Last in – first out” selection method will not be used, as this method has the potential to discriminate against specific groups.

The Council is committed to retaining staff who are potentially redundant, by redeploying them.

The above will help to mitigate any adverse impact of restructuring or reorganisation proposals on the diversity of the workforce.

- **Redeployment**

Redeployment is a non-competitive recruitment and selection process for existing staff who are unable to remain in their current post due to redundancy or when, because of ill health, they are unable to undertake the duties of that post. Staff seeking redeployment will not compete against other applicants apart from other staff eligible for redeployment. Therefore staff in a position of redeployment will be considered for any vacant post prior to advertising a post externally. The Council has a Redeployment Policy and Procedure that must be adhered to for all redeployments.

The Council’s Recruitment and Selection Policy and Standards will be applied. Redeployment decisions will be made on the basis of clear and justifiable job related criteria.

5. Health & Safety

Health and Safety is an inclusive responsibility and will be managed within the context of having a diverse range of staff.

Risk assessments will be carried out having regard to the diversity of staff. Response to an individual’s specific needs will be taken account of in providing suitable and sufficient control measures to negate any hazards or risks they may encounter.

6. Reward

- Equal Pay

The Council will ensure equal pay for all staff in accordance with the principles of equal pay and relevant legislation.

- Job Evaluation

Every effort will be made to ensure that the Council's current job evaluation scheme is anti-discriminatory. The same will apply of any future job evaluation schemes adopted by the Council.

To avoid potential for bias or discrimination, jobs will be evaluated by more than one trained evaluator.

In the case of job evaluation appeals, proper consideration will be given to the diversity of the Appeal Panel.

- Acting-Up

In the event of a member of staff being absent, existing members of staff in the same section will be given the opportunity to temporarily 'act-up' into the post. Details of any acting-up opportunity will be distributed to all staff within the same section and any that express an interest will be interviewed. The level of pay will be determined by the grade of the post being covered.

Acting-up arrangements should be reviewed periodically. If the position later becomes permanently available, a recruitment & selection process will be undertaken to fill the post.

- Link Grades

Some posts within the Council are linked to more than one grade. The factors that determine which of the grades should be paid must not discriminate, either directly or indirectly.

Individuals' progression through the link grades must be based on a comprehensive assessment and evidence.

- Honorariums

When selecting an individual to undertake additional/other duties where the payment of an honorarium would be applicable, selection must be based on the individuals ability, and no other factors.

7. Staff Turnover

All members of staff will be given the opportunity to take part in an exit process before they leave the organisation, so that the Council can develop its employment practice, by learning from staff who are leaving our employment.

The Council will analyse the statistics gathered from staff who chose to leave the organisation to identify any disproportionate patterns, etc. Appropriate corrective action will be taken.

Equalities and Diversity in Employment Areas

This section details the Councils Equalities & Diversity in Employment Standards for the areas that need to be addressed to eliminate discrimination, overcome the effects of past and institutional discrimination and to ensure equality of opportunity for all staff, now and in future.

1. Discrimination

The Council is committed to eliminating discrimination and to this end, no member of staff or potential member of staff will receive less favourable treatment in respect of any of the following;

- Culture
- Age
- Race
- Gender
- Disability
- Sexuality
- Gender realignment
- Class
- HIV status
- Religious beliefs or faiths
- Caring responsibilities for dependants
- Unrelated criminal convictions
- Marital status
- Trade Union membership

Discrimination can be direct, indirect, intentional or unintentional.

Direct discrimination is to unjustly distinguish one person from another, from any of the groups detailed above.

Indirect discrimination is applying a requirement or condition which can not be justified and, whether intentional or not, adversely effects a considerably larger proportion of one of the groups detailed above.

Perception of discrimination is more important than the intention. Each person is the best judge of their own experience of discrimination and must be taken seriously.

Discrimination can be brought about by individuals, groups or institutions.

The Council will not tolerate discrimination and aims to eliminate it by:

- having appropriate employment policies and procedures in place to ensure that discrimination does not occur,
- reviewing all employment policies, procedures and practices to ensure that indirect / institutional discrimination is not present,
- viewing it as gross misconduct,
- including its unacceptability in the “Code of Conduct (Covering all employment groups)” and the “Standards for Everyone who Works for or on Behalf of the Council”
- developing a culture that re-enforces the principles of the Equalities and Diversity in Employment Policy.
- Developing a culture and avenues where discriminatory behaviour or processes can be reported so they can be addressed.

The Council has adopted the following definitions provided by the Lawrence Inquiry (1999). Whilst these definitions were made in relation to race, the Council has adopted them in respect of all groups that are/were discriminated against in society and in employment.

A discriminatory (racist) incident:

‘Any incident which is perceived to be racist by the victim or other persons.’

Institutional discrimination (racism):

‘The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amounts to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping that disadvantage ethnic minority people. It persists because of the failure of the organisation openly and adequately to recognise and address its existence and causes by policy, example and leadership. Without recognition and action to eliminate such racism it can prevail as part of the ethos or culture of the organisation.’

By adopting the definition of institutional discrimination, the Council recognises that the organisation is not necessarily free of unintended institutional discrimination and undertakes to take effective action to remedy the situation.

2. Harassment

The Council is committed to preventing, eradicating and dealing appropriately with harassment at work. The Council has a Policy and Procedure to deal with Harassment.

The Dealing with Harassment at Work Policy Statement is:

“The London Borough of Barking & Dagenham is committed to ensuring that its workplaces are an environment free from physical or verbal abuse, bullying and harassment and where staff with different backgrounds can feel welcome, comfortable and valued.

All members of staff have the right not to be harassed or bullied at work and the Council will not tolerate this unacceptable behaviour.”

The Harassment at Work Policy and Procedure must be adhered to. The Policy and Procedure is supported by the Councils Disciplinary provisions.

3. Religious and Cultural Beliefs

Each person’s religious belief is a basic human right, which must be treated with respect.

The Council will, on request, provide facilities to pray and allow (through annual leave or unpaid special leave) time off for religious festivals which are part of peoples’ faith.

The Council will welcome appropriate dress according to people’s cultural and religious beliefs.

4. Communication and Interpretation

In cases where speaking english is not a pre-requisite the Council will communicate with all staff in their preferred language / format, so that no member of staff or potential member of staff receives any detriment.

The Council will, on request, take all reasonable steps to provide systems and equipment to ensure that spoken and written communication meets the needs of all staff and potential staff.

5. Ex -Offenders

The Council has a Policy on the employment of ex-offenders. This Policy aims to ensure that any applicant with a previous criminal conviction does not suffer any unfair treatment on the basis of unjustifiable criteria.

The Employment of Ex-Offenders Policy must be adhered to.

6. Positive Action

The Council will lawfully seek to overcome the effects of past and institutional discrimination against disadvantaged groups in its employment practices through positive action initiatives.

Positive action is not the same as positive discrimination, which is unlawful and will not be practiced by the Council. Positive discrimination, in employment terms, is where, for example, an individual is recruited, promoted, etc because they are from an under-represented group. All recruitment decisions made by the Council will be made in accordance with our commitment to recruit the best person for the job, based on job related criteria. Positive action however, gives candidates from under-represented groups better access to our recruitment opportunities and better equips them apply successfully.

Positive action initiatives will be considered in respect of the following areas to ensure equality of access:

- Pre-employment training
- Recruitment and Selection
- Development and Training
- Support Mechanisms

All staff will be aware of the reasons for and the value of positive action.

7. Under-Represented Staff Support Groups

The Council is committed to developing and supporting a culture that encourages the development of support groups and networks for under-represented staff that historically have experienced discrimination.

Staff support groups and networks give individuals the opportunity to share their experiences with and give advice to other individuals from the same group. They offer a safe learning environment where individuals can increase their confidence within the workplace.

The Council will allow members of staff who are involved in a support group time away from their normal duties if necessary to attend. The Council will consult with the support groups on matters and issues relating to employment practice.

The role of and organisational support for these groups will be developed further.

8. Employing Disabled People

The Council acknowledges disabled staff's rights to a full and fair consideration in all aspects of employment. The Council strives to create an environment which encourages disabled people to seek and maintain employment with us. To help us achieve this, the following objectives have been identified:

“The Council will:

- Recognise that disabled people have a valuable contribution to make and valuable skills to offer as members of staff.
- Give ample opportunity for disabled people to be recruited and retained within the workforce.
- Treat staff, who become disabled whilst working with us, with dignity.
- Work positively to support disabled people to remain in employment.
- Challenge inequalities, wherever they arise, both within the Council and the community.”

The Council is accredited with the “Two Tick” status, awarded by the Department for Work and Pensions, which demonstrates the Council's good practice in employing disabled people.

The standards required to achieve this award will be continuously achieved, they are detailed in Appendix 3.

The Council is committed to working towards the social model of disability. Appendix 4 provides details of this model.

9. Reasonable Adjustments

The Council has a statutory duty to make reasonable adjustments to the workplace and to work practices that would otherwise place a disabled person at a substantial disadvantage.

Reasonable adjustments will be made, where necessary, for disabled staff, potential staff, or staff who become disabled during:

- Recruitment and Selection
- Development and Training
- Retention
- Redeployment
- Work Locations, Equipment, etc

10. Targets

The Council is committed to employing a workforce that reflects, at all levels and in all occupations, the community it serves.

To help achieve this aim, numerical targets for equalities & diversity in employment will be established as a positive means to deal with under-representation of groups within the workforce. The Council will set realistic targets around its employment of under-represented groups, in respect of recruitment, progression and retention within the organisation.

Equality & Diversity in Employment targets will not impact on the Council's commitment and statutory obligation to recruit the best person for the job, based on job related criteria.

11. Links with Local Community Groups

The Council will continue to maintain links with local Community Groups, and will consult with these groups regarding developments in its employment practice as appropriate.

12. Monitoring

The Council will continue to review its employment policies, procedures and practices to ensure that they conform with the standards in this document.

The Council will monitor the diversity of its workforce and the equalities and diversity aspects of its employment processes, including:

- Recruitment and Selection
- Development and Training
- Internal progressions
- Disciplinary action
- Grievances
- Retention
- Redundancies

The results of the monitoring will be reported to the Council's Executive and, where necessary, further action will be recommended.

Equalities and Diversity in Employment - Roles and Responsibilities

Members

Members have responsibility for setting the standards for effective equalities and diversity in employment practice, and for ensuring that equalities and diversity in employment is maintained at the heart of our activities.

Members shall be conversant with the requirements and implications of the Council's Equalities & Diversity in Employment Policy and therefore their behaviour should reflect their responsibility for effective equalities and diversity in employment practice.

Where Members are actively involved in employment processes they will uphold the standards set by the Equalities and Diversity in Employment Policy and Standards document.

The Management Team

The Management Team have a responsibility to provide strategic leadership and to lead by example. They should actively consider the diversity in their own management teams and develop the promotion of their own differences and those present within their management teams.

The Management Team shall be conversant with the requirements of the Council's Equalities & Diversity in Employment Policy and ensure its application in their department.

They shall ensure that the Council's Equalities & Diversity in Employment Policy is communicated to all staff within their departments.

Managers

Managers are responsible for setting the highest example in commitment, attitude and actions consistent with effective equalities and diversity in employment practice. Managers should think innovatively in terms of how they can support and promote diversity in their team. Managers shall work in partnership with the Human Resource Service to ensure the achievement of the aims of this policy.

Managers are responsible for ensuring that the Council's standards for Equalities & Diversity in Employment as detailed in this document are applied to all of their employment practices and staff.

Managers are responsible for ensuring that the Council's Equalities & Diversity in Employment Policy is communicated to all staff within their area.

Members of Staff

All staff must be committed and by their attitudes and actions create a working environment that is consistent with the Council's requirements for Equalities and Diversity in Employment.

All staff are responsible for:

- Knowing and understanding the standards of behaviour expected by the Council.
- Contributing to a culture that values diversity.
- Complying with the Equalities & Diversity in Employment Policy within their own workplace.
- Treating all colleagues fairly and with respect and dignity.

Contractors / Partners

Organisations contracted to carry out work on behalf of or with the Council will be required to comply with the principles outlined in this policy, as will the staff who work for them.

The Human Resource Service

The Human Resource Service has a responsibility to promote effective equalities and diversity in employment practice through the Policies and procedures they develop, their actions, and the way they support Managers in managing and developing their human resources. The Service will provide equalities and diversity in employment data to the organisation to assist its learning and its continuous improvement in this area. The Service will promote their diversity and model good equality practice. The Service will work in partnership with Managers to ensure that equalities and diversity in employment are integrated into all aspects of people management and that the aims of this policy are achieved.

Trade Unions

The Trade Unions are responsible for assisting the Council in meeting its strategic objectives in relation to equalities and diversity in employment. The Trade Unions and their representatives are also responsible for setting the highest example in commitment, attitude and actions consistent with effective equalities and diversity in employment practice. Trade Unions will take appropriate action if the Council fails to meet its commitments and will challenge Managers and staff who's attitudes and actions are not consistent with the Council's requirements.

Corporate Equalities and Diversity Policy Statement

One of Barking & Dagenham Council's seven community priorities is 'Promoting Equal Opportunities & Celebrating Diversity.' The Council has an unequivocal commitment to the principle and operation of equality in terms of the delivery of quality services to our customers and all of the people of the borough, contracting/procurement, public consultation/engagement and our employment practices. We also wish to encourage a positive approach to celebrating the diversity of people in the borough and the Council's workforce.

The Council has adopted the following statement to demonstrate its commitment to promoting equal opportunities & celebrating diversity:

'In the employment of staff, delivery/accessibility of all services, contracting/procurement strategies and public consultation/engagement, Barking & Dagenham Council will actively promote equality of opportunity and seek to celebrate diversity. The Council will treat all people equally and fairly whether they are:

- Seeking access to or using Council services or those provided on the Council's behalf
- Contracting to supply goods or services to the Council
- Applying for employment with the Council or already employed and seeking access to promotion and training/personal development opportunities
- Involved in public consultation/engagement with the Council regarding its services, community priorities or strategic plans

The Council will strive to eliminate both direct and indirect discrimination and will find ways of celebrating the diversity of our workforce and the local community that they serve. In particular, we are committed to eliminating discrimination on the specific grounds of class, age, race & ethnicity, gender, disability, sexuality, HIV status, health, marital status, nationality, religious belief, caring responsibilities for dependants, or unrelated criminal convictions.

We aim to ensure equal access to services for citizens on the basis of need and to deliver them in a manner that is sensitive to the individual. We will represent the needs of our increasingly diverse community to other agencies and make equal opportunities a guiding principle in our work with strategic partners. We will strive to ensure that our workforce reflects the community that it serves and we will adopt pro-active strategies, such as target setting, to achieve our objectives.

The Council has adopted a 'mainstreaming' approach to equality of opportunity. Under this It is the responsibility of every employee and member of the Council to uphold and implement this policy and the direct responsibility of managers to realise it by adopting sound practices, in employment, consultation, contracting/procurement and service delivery planning, in keeping with the Council's objectives. The emphasis is upon ensuring that fairness and equality of opportunity is a mainstream not a peripheral activity and that it is the responsibility of managers and service providers.

The Council will use monitoring data and proactive measures to eliminate discriminatory institutional practices within its own organisational culture & structures, procurement policies, service planning/delivery mechanisms and public consultation/engagement strategies. In this way we will create a discrimination free work environment, fair and transparent processes and practices, relevant & fully accessible services and active consultation/engagement with all sections of the community. In the course of doing so we are committed to developing equalities and diversity objectives and targets, consultation and need/impact assessment, monitoring, audit and scrutiny/overview.

We will celebrate diversity in the community and the Council workforce and recognise it as a strength. The Council anticipates the trend towards increasing diversity within the locality and the future implications of this in terms the composition of the Council's workforce, the way that we fulfil our many functions and deliver services. It is an approach that embraces and celebrates 'difference' in its very broadest sense, across age, disability, ethnicity/race, culture, gender and sexuality. In doing so, the Council prizes communal cohesion, social justice and the contribution of 'difference' to the life of the borough. Having a representative workforce makes us better equipped to respond to change and understand the needs of diverse populations and client groups. This, in turn, will make us a more adaptable and effective organisation.

The Council will demonstrate its community leadership role by working with strategic partners and the community to achieve agreed equalities and diversity objectives within the locality. In doing so the Council will emphasise both the importance of equality of opportunity and the value of the borough's increasing diversity and the benefits that this brings to the Council workforce and the overall life and vitality of the local area.'

People Charter – Equalities and Diversity

What the Council expects of Staff -

- Value people's diversity
- Respect different lifestyles, culture and religions
- Tell their manager / HR section of any discrimination or wrong doing
- Treat others as they would like to be treated themselves
- Be aware of the needs of disabled people

What Staff can expect from the Council –

- Value people's diversity
- Respect different lifestyles, culture and religions
- To carry out reasonable steps to make sure disabled people can work for the Council
- Be willing to learn
- Be firm in dealing with discrimination
- Be firm in dealing with workplace bullying and harassment in the workplace

Positive About Disabled People – Two Tick Employer Award

There are five criteria to be met by an employer, when they are applying for the “Two Tick Employer” Status, as follows:

- Interview all disabled applicants who meet the minimum criteria for the job.
- Ensure a mechanism is in place to discuss, at any time, but at least once a year, with disabled staff what can be done to ensure that they can develop and use their full abilities.
- Make every effort to ensure that when staff become disabled, they stay in employment.
- Take action to ensure that all staff develop the appropriate level of disability awareness needed to make these commitments work.
- Conduct an annual review on what has been achieved and plan ways to improve on them. This is reported to the Employment Service.

Social Model of Disability

(Extract from the Disability Language and Etiquette Booklet. Produced, through joint working between disabled people, Barking & Dagenham Centre for Independent, Integrated, Inclusive Living Consortium and the Council)

It was through the segregation, discrimination and exclusion of disabled people from community life, that led the disability movement to challenge the way in which people were treated and labelled by society and the medical profession in particular.

The **Medical Model of Disability** places the problem with the individual that only a cure will solve. It denies the individual their value, worth and individuality as they do not meet the accepted 'norms' of our society. This model is also known as the tragedy or charity model and perpetuates how disabled people are often viewed in society.

The definition given by the World Health Organisation (which perpetuates the Medical model):

“Disability is any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being.”

Medical labels are often misleading, as no two people are alike. Medical labels tend to reinforce stereotypes of disabled people as patients who are ill, powerless and wholly dependent on the medical profession.

However, the **Social Model of Disability** challenges the medical profession's definition and was classified by a group of disabled people who managed to 'escape' from institutional care in 1976 known as 'The Union of the Physically Impaired Against Segregation'. The definitions are:

- **Impairment** – Lacking part or all of a limb or having a defective limb, organ or mechanism of the body.
- **Disability** – The disadvantage or restriction of activity caused by a contemporary social organisation which takes little or no account of people who have physical impairments and thus excludes them from participation in the mainstream of social activities. Physical disability is therefore a particular form of social oppression.

Under this classification, people have impairments they do not have disabilities.

These classifications do not deny the problem of disability, but locate it within society. Individual limitations, of whatever kind, are perceived as only one factor.

Far more important, they say, is society's failure to ensure that the needs of disabled people are fully taken into account in its social organisation.

Therefore, according to the Social Model, disability is a social state and not a medical condition.

To take into account all forms of social oppression and all impairments, 'Disabled People's International' adopted and redefined the definition of disability in 1981 as:

“The loss or limitation of opportunities that prevents people who have impairments from taking part in the mainstream life of the community on an equal level with others due to physical and social barriers”.

Many organisations which are run and controlled by disabled people work within and promote the Social Model of Disability. Many Councils throughout the country have adopted a Social Model definition. Working in this way ensures equality of access and challenges discrimination at all levels within the organisation and the local and wider community.

Equal Opportunities in Employment Legislation

Local Government Act 1966 (Sec. 11)

Subject to the provisions of this section the Secretary of State may pay grants to local authorities (being expenditure in respect of employment of staff) to make special provisions in the exercise of any of their functions in consequence of substantial numbers of immigrants from the Commonwealth whose language or customs differ from those of the Community.

Equal Pay Act (EqPA) 1970 (as amended)

This promoted equality between men and women by specifying that women are entitled to the same pay as men for work which is the same or equivalent.

Rehabilitation of Offenders Act (ROA) 1974

This Act intended to ensure that a person convicted of a criminal offence, which carried a sentence of up to 2½ years' imprisonment, who has subsequently not re-offended for a specified period of time related to the severity of the sentence, would thereafter be freed from the stigma of that conviction and treated as if the offence, conviction and sentence had never occurred. The conviction would be regarded as "spent", and the person would not then need to disclose this information when applying for a job, or if asked at interview, or subsequently.

The provisions relating to the non-disclosure of "spent" convictions do not apply to certain occupations (including those involving work with children and the disabled) and applicants for employment in these exempted occupations must disclose all convictions if asked on the application form or at interview. Failure to do so may result in elimination from the recruitment and selection process or, if appointed, dismissal.

Sex Discrimination Act (SDA) 1975 (as amended)

This extended the principle of equal treatment of men and women in matters such as recruitment and selection, and introduced the terms "Direct Discrimination", "Indirect Discrimination" and "Genuine Occupational Qualification" into the language of equal opportunities. These terms apply equally to racial matters and are covered at Section 3 of this Policy.

Equal Pay Directive (EqPD) 1975 (European Union)

This Directive echoed the intentions of the EqPA and confirmed that:

"The principle of equal pay for men and women means, for the same work or for work to which equal pay is attributed, the elimination of all

discrimination on grounds of sex with regards to all aspects and conditions of remuneration

Equal Treatment Directive (ETD) 1976 (European Union)

Declared its purpose as:-

“To put into effect in Member States the principle of equal treatment for men and women as regards access to employment including promotion, and to vocational training as regards working conditions”.

The ETD also states that, in general, there should be no discrimination whatsoever on the grounds of sex, whether directly or indirectly, by reference to marital or family status.

Disability Discrimination Act 1995

This Act was introduced to strengthen the rights of disabled people in the areas of employment; access to goods and services; transport; and education. It abolished the ineffective Quota system (under which registered disabled people must make up 3% of employees in organisations with at least 20 employees) and replaced it with a statutory right of non-discrimination against disabled people (in recruitment, promotion and transfers, training and development and dismissal process) - in effect, placing disabilities on a par with gender and race issues. The Act also requires employers to make a “reasonable adjustment” to the working environment to overcome the practical effects of an impairment, and failure to do so may be regarded as discriminatory.

Employment Rights Act 1996

- Right not to be unfairly dismissed for reasons connected with pregnancy
- The right to receive written reasons for dismissal during pregnancy or maternity leave
- the right to be paid time off work for ante-natal care
- the right to return to work following absence because of pregnancy or confinement

Race Relations Act 1976 ("the 1976 Act")

This act was introduced to ensure the fair treatment of applicants on grounds of colour, race nationality and ethnicity.

- Racial discrimination in relation to employment, training and education, the provision of goods, facilities and services, and some other specified activities were made unlawful.
- Employers were liable for acts of race discrimination committed by their

employees, unless they took steps to prevent the employee discriminating. Police officers are classified as office-holders however, thus did not come within this category- meaning Chief Officers of police were not liable under the 1976 Act for acts of race discrimination by police officers.

The Race Relations (Amendment) Act 2000

- The Commission for Racial Equality (CRE) proposed that the Race Relations Act should be extended to all public services and that vicarious liability should be extended to the police.

The 2000 Act (Main provisions into force on 2 April 2001)
Public bodies general legal duty to promote racial equality

- Act addresses collective/institutional racism and suggests the need to have organisational and cultural change in outlook.
- Requires Local Authorities to plan annually to promote race equality objectives.
- Commission for Racial Equality is to be consulted by the Secretary of State before Orders for secondary legislation are made which relate to setting out the duties of public authorities to promote racial harmony.
- The Commission for Racial Equality may issue Codes of Practice to help public authorities to perform the duties they are set by the Act. Should a public authority fail to carry out its duties, the Commission may issue a Compliance Notice giving 28 days for the Authority to comply with it, and if necessary, get a Court Order to enforce the Compliance Notice.
- All public sector employers must carry out ethnic monitoring of their workforce, job applications, promotion and training.
- Annual reports to be published outlining policies on equal opportunities, their actual effectiveness and objectives for the next year.
- Duties apply to all work contracted out by the public authorities too.