



COMPREHENSIVE EQUALITY POLICY

DRAFT TO EXECUTIVE

16 MARCH 2004

STATEMENT OF COMMITMENT TO PROMOTING EQUALITY

A RIGHTS BASED APPROACH TO EQUALITY

Oxfordshire County Council recognises that all individuals have fundamental human rights and therefore adopts a rights based approach to equality.

We shall develop practices that promote the right for everyone to participate in all aspects of life by promoting initiatives that remove barriers to participation and by actively promoting equality and social inclusion.

PROMOTING EQUALITY

When carrying out our functions, Oxfordshire County Council shall have due regard to the need to eliminate unlawful discrimination, to promote equality of opportunity and to promote good relations between persons identified with respect to their:

Disability, sex, race, religion or belief, sexual orientation, trans gender status or gender reassignment, age, marital status and responsibility for dependants.

We recognise that individuals may experience discrimination within society as a result of one or more of these or other factors.

As a provider of services, Oxfordshire County Council shall:

Seek to develop and provide relevant, appropriate and accessible services that meet the needs of our diverse population.

Eliminate unlawful or otherwise unjustifiable discrimination and promote equality in the provision of our services.

Operate monitoring and evaluation systems that ensure that the impact of our services and the needs and requirements of our customers are identified and addressed appropriately.

As an employer, Oxfordshire County Council shall:

Value the contribution that every employee makes and respect individual differences, utilising the diversity of our workforce as a positive benefit.

Eliminate unlawful or otherwise unjustifiable discrimination and promote equality in employment, including access to employee benefits and services.

Operate monitoring and evaluation systems that ensure that the impact of our employment policies and the needs and requirements of our employees are identified and addressed appropriately.

As a partner, influencer and enabler, Oxfordshire County Council shall:

Highlight the needs and requirements of people facing discrimination.

Take a strategic lead in challenging discriminatory policies and practices.

Enter into agreements and partnerships that actively promote equality and social inclusion.

PROVIDING QUALITY SERVICES FOR ALL **POLICY FRAMEWORK**

Policy objectives

Oxfordshire County Council is committed to developing and providing relevant, appropriate and accessible services that meet the needs of our diverse population. We will eliminate any unlawful or otherwise unjustifiable discrimination and promote equality in the provision of our services.

We believe that this approach will contribute to continuous improvement in the quality of the services we provide for all.

We recognise that these objectives can only be achieved with the support of a diverse and representative workforce that is well informed and committed to implementing our Comprehensive Equality Policy.

Statement of intent

Oxfordshire County Council will ensure that in planning, delivering, monitoring and evaluating our work, equality and diversity issues are appropriately considered from the outset. We will develop policies, practices and initiatives to ensure that the objectives of this policy are met. A performance framework for equality will be established through the Council's Corporate Equality Plan, Race Equality Scheme and Best Value Performance Plan (the Oxfordshire Plan).

We aim to ensure that promoting equality is central to all officers' work, including the development and implementation of policies, strategies, partnerships, projects and working arrangements. All Directorates will ensure that actions to promote equality in service provision are included in their business plans, including developing equal access to services plans, and carrying out equality action planning, target setting and equality monitoring.

Legislative framework

Oxfordshire County Council is committed to eliminating all forms of unlawful or otherwise unjustifiable discrimination in the provision of our services, whether due to direct or indirect discrimination, victimisation, harassment or otherwise.

We shall fulfil our obligations in law, including complying with the legislation set out in the Legislative Framework section of this Comprehensive Equality Policy.

Responsibilities for operating this service delivery policy framework

The Executive of Oxfordshire County Council is ultimately responsible for setting the performance framework for equality and for ensuring the delivery of services that meet the needs of our diverse population.

The Chief Executive has overall responsibility for ensuring that this policy is operated effectively throughout the Council.

Directors and Heads of Service have day-to-day responsibility for disseminating and championing this policy and ensuring that it is mainstreamed within their Directorates and carried out in practice.

Managers must ensure that all employees are aware of their responsibilities under this policy and must lead their teams in a manner that promotes equality.

Every employee must ensure that she/he does not practise unlawful or otherwise unjustifiable discrimination in carrying out her/his duties and in her/his dealings with customers. All employees are expected to be sensitive to the needs of our diverse population. Employees will be encouraged to use the Council's procedure for Raising Concerns at Work to report any breaches of this policy.

Involvement and consultation

Oxfordshire County Council recognises the crucial role that customers, community groups and others play in helping to shape services. Involvement by these groups and individuals is essential in ensuring that services remain responsive and are accessible by all.

We will be responsive to the needs and concerns of our diverse population when planning and delivering services and shall involve service users, through consultation, in decision-making and monitoring arrangements. The requirements of this Comprehensive Equality Policy will be one of the essential criteria against which all services are assessed when Best Value and all other service reviews are carried out.

Effective consultation is key to promoting equality in the provision of our services. We will use a variety of appropriate consultation methods to ensure that the needs and requirements of service users who may be disadvantaged due to discrimination or social exclusion are properly represented.

We recognise that some groups of people are under-represented within decision-making bodies and in senior management positions, including within the Council, and that their views and concerns may not be fairly or adequately represented unless appropriate action is taken.

Accessible communications

Accessible communications are also important in promoting equality in the provision of our services.

We will ensure that alternative formats of written documents are available. This will include other languages, large print, Braille, audiocassette, computer disk or email, as appropriate.

We will ensure that public meetings and events are accessible. This will include providing hearing enhancement systems and level access (including toilets) with adequate emergency exits and departure procedures. Interpreters and sign language interpreters will be provided where we have received prior notification that these are required. Invitations and publicity for all such events should clearly state the facilities available and provide details of appropriate booking systems to request any facilities or services required.

Oxfordshire County Council will prominently display diverse images and appropriate welcome messages in the most commonly spoken community languages in addition to English in public facing reception areas, via notices or display screens, as appropriate.

Comments and complaints

We will positively encourage customer comments regarding our services and maintain clear, transparent, fair and sensitive procedures for dealing with complaints.

The Council's complaints procedure may be used by members of the public who are dissatisfied with the behaviour or actions of Council staff, the extent or non-provision of a service, or the manner in which it is provided.

We will undertake comprehensive equality monitoring of comments and complaints received and ensure equal access to the Council's complaints procedure.

Monitoring and evaluation

We will examine and regularly review service delivery policies, practices, procedures and decision-making criteria to assess their impact and to ensure that they do not discriminate unlawfully or otherwise unjustifiably, either in principle or in their operation, utilising an Equality Impact Assessment process. When a new policy or function is planned an Equality Impact Assessment will be undertaken, which we will use to determine how we can best promote equality through the new initiative.

Promoting equality through learning and development

Oxfordshire County Council recognises the importance of learning and development in promoting equality in the provision of our services. Appropriate training will be provided for all those involved in service provision to ensure that they fully understand their responsibilities under the law and under this policy.

Harassment and bullying

Everyone has the right to access our services free from harassment or bullying and to be treated with dignity. All allegations of harassment or bullying will be taken seriously and dealt with promptly and sympathetically, utilising multi-agency arrangements where appropriate.

Procurement

Oxfordshire County Council will ensure that the procurement of goods, services and facilities is undertaken in line with the commitments set out in this Comprehensive Equality Policy. We will ensure that relevant guidance is provided to Directorates in our Procurement Manual and establish procedures to ensure that providers from diverse communities have a fair and equal opportunity of competing for Council contracts.

Reviewing policies

We will regularly review our policies and practices to ensure that they continue to reflect our objectives and current legislation. This policy framework will be reviewed by the Executive at least every three years or as otherwise required.

EQUALITY AND DIVERSITY IN EMPLOYMENT **POLICY FRAMEWORK**

Statement of intent

In operating Human Resources management, Oxfordshire County Council is committed to the elimination of all forms of unlawful or otherwise unjustifiable discrimination, to the promotion of equality, to managing diversity and to working towards a diverse workforce that reflects our community. We will recognise the contribution that every employee makes, value individual differences and foster a climate of respect for all. We will develop policies, practices and initiatives to ensure these objectives are met. A performance framework for equality will be established through the Council's Corporate Equality Plan, Race Equality Scheme and Best Value Performance Plan (the Oxfordshire Plan).

The following are examples of factors that will not be taken into account in employment decisions, except in cases where the nature of the work makes this essential and legislation permits:

Disability, sex, race, colour, nationality, ethnic or national origin, religion or belief, sexual orientation, trans gender status or gender reassignment, HIV status age (except in relation to retirement), marital status, responsibility for dependants, membership or non-membership of or activity in a trade union and spent offences. This list is not exhaustive.

In managing diversity, we will value people as individuals, using factors such as those listed above to create a productive environment that utilises everyone's talents fully to achieve the Council's goals.

We will disregard assumptions or preferences that are not job-related and objective, whether in selection for appointment, promotion or transfer, or in the application of conditions of service. In pursuit of this, we will comply with statutory and non-statutory Codes of Practice issued by the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission and will seek to follow any additional guidance issued.

Legislative framework

Oxfordshire County Council is committed to eliminating all forms of unlawful or otherwise unjustifiable discrimination in employment, whether due to direct or indirect discrimination, victimisation or harassment.

We shall fulfil our obligations in law, including complying with the legislation set out in the Legislative Framework section of this Comprehensive Equality Policy.

Responsibilities for operating this employment policy framework

The Executive of Oxfordshire County Council is ultimately responsible for setting the performance framework for equality and for ensuring the delivery of services that meet the needs of our diverse population.

The Chief Executive has overall responsibility for ensuring that this policy is operated effectively throughout the Council.

Directors and Heads of Service have day-to-day responsibility for disseminating and championing this policy and ensuring that it is mainstreamed within their Directorates and carried out in practice.

Managers must ensure that all employees are aware of their responsibilities under this policy and must lead their teams in a manner that promotes equality.

Every employee must ensure that she/he does not practise unlawful or otherwise unjustifiable discrimination in carrying out her/his duties and in her/his dealings with customers and other employees. Employees will be encouraged to use the Council's procedure for raising concerns at work to report any breaches of this policy.

Consultation

We welcome the support for equality and diversity in employment from the trade unions and recognise the important role the unions can play in achieving the objectives of this policy. We will therefore consult with the unions at every stage of introducing measures to implement this policy, including the procedures for the regular monitoring and review of its operation. In addition to consulting our own employees, we will also consult members of our diverse community to establish how we are judged externally as an employer.

Monitoring and evaluation

We will examine and regularly review employment policies, practices, procedures and decision-making criteria to assess their impact and to ensure that they do not discriminate unlawfully or otherwise unjustifiably, either in principle or in their operation, utilising an Equality Impact Assessment process. In undertaking this, regular monitoring of the workforce, applicants for employment and retention rates will be carried out in order to establish baseline data and gain evidence as to whether the policies work effectively. We aim to achieve full representation relative to the local population at all grades and in all areas of employment. When a new policy or initiative is planned an Equality Impact Assessment will be undertaken, which we will use to determine how we can best promote equality through the new policy/initiative.

Recruitment and selection

When recruiting and selecting employees, we will seek to ensure that there is the widest possible response to advertised vacancies. To this end, we will take appropriate steps to ensure that members of under-represented groups are aware that the Council is an employer that welcomes their application and that values diversity. Accordingly, recruitment sources will be made aware of this and the Council's job advertisements will make clear that it is an equal opportunities employer. We will take reasonable steps to bring advertisements to the attention of under-represented groups. We will ensure that applications can be submitted in alternative formats.

Recruitment and selection processes are of crucial importance to the promotion of equality and diversity and these processes must be carried out according to objective, job-related criteria which are based on ability to do the job and result in appointments

which enable the Council to perform our duties successfully with due regard to our commitments within this Comprehensive Equality Policy.

Induction and performance management

All employees, as part of their induction, will be made fully aware of this policy. Due regard to the Council's commitments within this Comprehensive Equality Policy will be made during appraisals and the management of performance, commensurate with the responsibilities of the post.

Communication

We will ensure that proper account is taken of factors that can prevent effective communication with employees. Care will be taken to ensure that information is clearly understood by all. Translation and interpreting services and English language training will be provided where appropriate.

Learning and development and career development

We recognise the importance of training as a key element in promoting equality. Accordingly, training and guidance will be given to managers and other employees to ensure that they fully understand their responsibilities under the law and under this policy. All employees involved in selection and promotion decisions will be trained in these areas.

We will provide opportunities for learning and development, and appropriate career development, for all our employees. Managers responsible for appraising the performance and potential of employees, identifying training and development needs and career development opportunities will ensure that their decisions are based on objective job-related criteria which do not give rise to unlawful or otherwise unjustifiable discrimination.

In applying career development schemes and succession planning, the Council will carry out equality monitoring and ensure that criteria for selection are fairly applied and that diversity is encouraged.

Positive Action and Genuine Occupational Requirements

Sections 47 and 48 of the Sex Discrimination Act allow for encouragement and training where few or no members of one sex have been doing particular work in the preceding 12 months. Sections 37 and 38 of the Race Relations Act allow for similar measures where a racial group has been under-represented in particular work during the previous 12 months. Where appropriate, we will utilise these provisions.

In addition, any job may be restricted to people of one sex or a particular race or ethnic or national origin, if one of these characteristics is a Genuine Occupational Requirement for the job or the context within which it is carried out and it is proportionate to apply the Genuine Occupational Requirement to the job. Where appropriate, we will utilise these provisions.

Conditions of service

We will ensure that national and local conditions of service are applied fairly to all employees and do not in themselves discriminate unlawfully or unjustifiably. We will seek to resolve any problems about conditions of service directly with an individual

employee or group of employees, or with the appropriate trade union. We will develop policies, practices and procedures that enable employees to achieve a good work/life balance and support those with responsibilities as carers.

Disciplinary procedures and raising concerns at work

In monitoring employment practices, the Council will look at how the Disciplinary Procedures and Raising Concerns at Work procedures are applied. In matters of discipline, due account will be taken of cultural background and any specific needs employees might have in relation to ensuring effective communications, as appropriate.

If an employee considers that she/he has been discriminated against in relation to recruitment, selection, training, promotion or the application of conditions of service, she/he should make use of the Raising Concerns at Work procedure. The individual may still have the right to refer her/his case to an Employment Tribunal.

All forms of unlawful or otherwise unjustifiable discrimination by employees will not be tolerated. An employee who discriminates against job applicants, other employees or service users unlawfully or otherwise unjustifiably will be committing an offence under the disciplinary procedure. In such cases, disciplinary action may be taken. In addition, employees need to be aware that they may be held personally responsible by the victim, under civil liability, for any discriminatory acts that they perpetrate.

If any employee has a concern relating to the operation of this policy they should use the Raising Concerns at Work Procedure or discuss the issue with their Directorate Human Resources Officer or a member of the County Human Resources Team.

Harassment and bullying

Everyone has the right to be treated with dignity at work. There are separate policies covering Harassment and Bullying at Work and Racial and Sexual Harassment. All allegations of harassment or bullying will be taken seriously and dealt with promptly and sympathetically.

Procurement of Human Resources services

We will ensure that the procurement of Human Resources services is undertaken in line with the commitments set out in this Comprehensive Equality Policy and the Council's Procurement Manual.

Leavers

We will ensure that we monitor leavers, offer exit interviews and take appropriate action where needed to ensure that we retain a diverse workforce.

Data Protection

We undertake to ensure that information derived from monitoring will be treated in confidence, in accordance with the provisions of the Data Protection Act 1998.

Reviewing policies

We will regularly review our policies and practices to ensure that they continue to reflect our objectives and current legislation. This policy framework will be reviewed by the Executive at least every three years or as otherwise required.

LEGISLATIVE FRAMEWORK AND DEFINITIONS

Codes of Practice

Oxfordshire County Council shall comply with statutory and non-statutory Codes of Practice issued by the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission and shall seek to follow any additional guidance issued. (A single Commission for Equality and Human Rights is proposed).

Direct and indirect discrimination, victimisation and harassment

We recognise that until such time as a single equalities Act is introduced, differing definitions in law pose problems in operating consistent definitions of legal concepts across all equality areas. Nonetheless, we accept the following fundamental concepts:

Direct discrimination consists of treating a person less favourably on the grounds of their sex, race (etc), than others are or would be treated in the same or similar circumstances.

Indirect discrimination consists of applying a provision, criterion or practice, which although applied equally to both sexes or all racial groups (etc) has the effect of excluding, penalising or treating less favourably a particular group, causing a detriment to those unable to comply and which cannot be justified.

Victimisation is where a person is treated less favourably than another because she/he has brought proceedings, given evidence, or raised a complaint covered by the Disability Discrimination, Race Relations or Sex Discrimination Acts.

Harassment is unwanted conduct which has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Social model of disability

Oxfordshire County Council adopts the social model of disability in all our work and recognises that primarily it is the loss or limitation of opportunities, due to environmental and social barriers, that prevents people who have impairments from participating in society on an equal level with others.

Stephen Lawrence Inquiry Report

Oxfordshire County Council accepts the findings of the Stephen Lawrence Inquiry Report. We accept the Macpherson definition of institutional racism as:

“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 amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people.”

We accept the Macpherson definition of a racist incident as:

“Any incident which is perceived to be racist by the victim or any other person.”

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Oxfordshire County Council accepts our responsibilities set out in the following legislation (this list is not exhaustive):

Equal Pay Act 1970
Rehabilitation of Offenders Act 1974
Sex Discrimination Act 1975 (and 1979 and 1986)
Race Relations Act 1976 and Race Relations (Amendment) Act 2000
Employment Act 1989
Disability Discrimination Act 1995
Occupational Pension Schemes (Equal Treatment) Regulations 1995
Pensions Act 1995
Employment Rights Act 1996
Protection from Harassment Act 1997
Data Protection Act 1998
Working Time Regulations 1998
Human Rights Act 1998
Employment Relations Act 1999
Sex Discrimination (Gender Reassignment) Regulations 1999
Management of Health and Safety at Work Regulations 1999
Maternity and Parental Leave etc Regulations 1999
National Minimum Wage Regulations 1999
Freedom of Information Act 2000
Part-time Workers Regulations 2000
Employment Act (Flexible Working Regulations) 2002
Race Relations Act 1976 (Amendment) Regulations 2003
Employment Equality (Religion or Belief) Regulations 2003
Employment Equality (Sexual Orientation) Regulations 2003

The main Oxfordshire County Council procedures and policy documents that directly relate to the promotion of equality (this list is not exhaustive):

Agreement on Time Off and Other Facilities for Union Officials
Code of Conduct for Employees
Disciplinary Procedure
Employee Communications Policy
Equal Pay Statement
Flexiplace Scheme
Harassment and Bullying at Work
Job-Sharing Scheme
Maternity Scheme
Parental Leave Scheme
Paternity Scheme
Race Equality Scheme
Racial Harassment Policy Statement
Raising Concerns at Work
Recruitment Charter
Retirement Policy
Sexual Harassment
Training and Development Policy Statement
Working Time Regulations Policy Principles

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THE EQUALITY STANDARD FOR LOCAL GOVERNMENT ~

COMMITMENT TO A CORPORATE EQUALITY PLAN AND AN EQUALITY IMPACT ASSESSMENT PROCESS

Corporate Equality Plan

Oxfordshire County Council is committed to the development of a Corporate Equality Plan through expansion of the Race Equality Scheme process, including the development of consistent sex and disability equality equivalents.

As with the employment specific duties in the Race Equality Scheme, the Corporate Equality Plan will include distinct employment sections relating directly to the Council's corporate Human Resources equalities strategy and implementation plan.

Integrated approach

Our work on implementing the Equality Standard will be combined with related policy initiatives to ensure an integrated approach. This will include co-ordination and integration with our statutory Race Equality Scheme, community cohesion and social inclusion initiatives and strategies.

Screening and Equality Impact Assessments (EQIA)

The development of the Corporate Equality Plan will include screening all our policies and functions for relevance to our commitment to promote equality and a timetable and corporate mechanism for carrying out Equality Impact Assessments for those policies and functions that are relevant. Equality Impact Assessments will also be carried out for all proposed new policies and functions before they are adopted.

The EQIA process will incorporate needs/requirements assessments, including assessments of organisational and individual requirements necessary for compliance with the Disability Discrimination Act 1995 and the identification and provision of reasonable adjustments. Assessments will also be undertaken against our commitment to fair employment and equal pay, as appropriate.

We will operate monitoring and evaluation systems that ensure that the impact of our services and the needs and requirements of our customers are identified and addressed appropriately, utilising consultation mechanisms as necessary.

A cross-Directorate strategic equality standard implementation group of sufficient seniority and authority will ensure that this work is effectively progressed and driven and incorporated within business plans.