

DRAFT

**RMBC Equality and
Diversity Policy**

Why do we have this policy?

Reason

Rotherham Metropolitan Borough Council (RMBC) is committed to working on behalf of, and for, all of its customers, residents, partners and visitors. By better understanding the diversity of communities and their specific needs, the Council is able to provide the most appropriate and responsive services; an approach that supports the Council's priorities of providing services that are customer-focused, effective, efficient and of a high quality.

The Council has set five Equality and Diversity Objectives which address key local equality and diversity priorities. The objectives will be published in the Council's equality and diversity strategy, 'Equality for All' [in development], and are informed through the analysis of diversity monitoring data.

The Council's commitment to Equality and Diversity is underpinned by the legal requirements set down in the Equality Act 2010. This requires the Council to promote fairness and equality through community leadership, in employment practice and by the delivery and commissioning of services, where relevant.

Accordingly, in law, the Council must to have 'due regard' to the need to:

- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the act;
- advance equality of opportunity; and
- foster good relations between those who share a protected characteristic (as defined in the Equality Act 2010) as well as those who do not.

Purpose

This Policy demonstrates how the Council values diversity, how it meets its legal responsibilities and how it has due regard to equality in the delivery of all its functions.

All customers, councillors and staff have the right to be treated fairly, with dignity and with respect. In particular, the Equality Act 2010 specifically covers nine 'protected characteristics':

- Age;
- Disability;
- Gender Reassignment;
- Marriage and Civil Partnership;
- Pregnancy and Maternity;
- Race (ethnic origin, nationality, skin colour);
- Religion and Belief;
- Sex/gender;
- Sexual orientation; as well as
- any other status as identified within the European Convention of Human rights and any other domestic or relevant UK or EU law.

This policy is in place to ensure, as far as possible, that these rights are respected and observed across all of the Council's activities both as an employer and a service provider/commissioner.

2. Who must comply with the policy?

- All Council employees
- Councillors
- Anyone delivering services on behalf of the Council such as contractors, partner organisations and people who volunteer or do a work placement with the Council.

NOTE: Schools and Academies in Rotherham have their own arrangements and are provided with guidance by the Council to help them fulfil their legal obligations.

3. Who needs to be aware of this policy?

This policy will be published on the Council's website, alongside other supporting material, so that the public and local businesses/organisations, including the voluntary sector, are aware of it. Specific groups that need to be aware of this Policy include:

- All Council employees
- All Councillors
- Members of the public
- Voluntary organisations
- Union representatives
- The partners the Council works with
- Anyone delivering services on behalf of the Council such as contractors, volunteers, partner organisations and people on work placement.

The Council undertakes to ensure that all its employees, potential employees and contractors are made aware of this Policy. Any acceptance of an offer of employment or contract will automatically be taken as an individual's commitment to support the principles of this Policy and a pledge to demonstrate that commitment in their role on behalf of the Council. The Policy will be key part of the induction programme for new employees - and newly elected members - and will be reinforced as a minimum through the annual Personal and Development (PDR) process and the PDR review meetings.

4. What does the Policy mean?

The purpose of the Council's Equality and Diversity Policy is to encourage respect for diversity and eliminate discrimination in both its role as an employer and as a provider/commissioner of services. The Council wants to create a culture that respects and values difference, that promotes fairness, dignity and respect, and that encourages individuals to develop and maximise their true potential.

The Council is also committed, wherever practicable, to achieving and maintaining a workforce that broadly reflects the Rotherham community.

The Council's Diversity Promise

The Council will:

- *treat everyone fairly;*

- *give fair access to services;*
- *be socially inclusive - i.e. work in ways that make people feel valued and respected;*
- *be transparent in all that it does; and*
- *value customers and staff and contractors*

The Council will not tolerate homophobic, racist, sexist behaviours or any other unjust or unfair unlawful discrimination, harassment or victimisation by any of its councillors, employees, volunteers, contractors or partners, including those who deliver services on its behalf or on behalf of its customers. If any unacceptable comments, behaviours or actions are witnessed or complaints are received action will be taken in line with the relevant Council policies and procedures listed below.

This principle applies to all employees, including people who have temporary, casual and interim contracts.

This also applies to the provision of, and access to services, whether supplied directly by the Council, or by organisations on the Council's behalf. In providing services, the Council, or those organisations acting on its behalf, must be able to demonstrate that they have taken into account the needs and characteristics of service users, and in view of these, have considered the appropriateness and accessibility of the services being offered. These partners/contractors must also have appropriate policies in place for managing any complaints made about its services or employees.

This Policy both supports and is underpinned by the ***Council's Equality Strategy - 'Equality for All' [in development]*** and its objectives, which are delivered at service level through targeted action/service plans.

This Policy is further supported by the following Council documents:

- 2016-17 RMBC Corporate Plan and Performance Management Framework
- RMBC Corporate "Fresh Start" Improvement Plan (2015-2017)
- Dignity at Work Policy
- Recruitment and Selection Policy
- Corporate Safeguarding Policy
- Whistleblowing Policy

5. How is this Policy implemented?

The Policy is implemented by adherence to the following objectives which guide the Council's commitment to equality and diversity:

- to create an environment in which individual differences and the contributions of all employees, Councillors and volunteers are recognised and valued;
- to create a working environment that promotes dignity and respect for all. No form of intimidation, bullying or harassment will be tolerated;
- to ensure training, development and progression opportunities are available to all;
- to promote equality in the workplace, which is good management practice and makes sound business sense;

- to regularly review all employment and volunteering practices and procedures to ensure that no applicants, employee, elected member, contractor or volunteer is treated less favourably than others;
- to regularly review services to ensure they are accessible and appropriate to all groups within society;
- to treat breaches of the equality duty seriously and to take appropriate (e.g. disciplinary) action when required;
- to provide information and training to all employees, Councillors and contractors and volunteers, to ensure that they are fully aware of the issues relevant to Equality and Diversity and their responsibilities relating to it;
- to develop supporting SMART Equality Action Plans, to ensure the Equality and Diversity Policy is fully implemented and adhered to;
- to ensure the Policy is fully supported by the Council, Cabinet and Senior Leadership Team and Commissioners;
- to monitor and review the Policy not less than every three years.

This Policy is also linked to the following Council procedures and guidance:

- Equality Impact Needs Assessments
- Equality Action Plans (within directorates/services)
- Workforce Strategy
- Recruitment and selection procedures
- Disciplinary procedure
- Grievance procedure
- Complaints procedures
- Training and development plans
- Code of Conduct

Roles and responsibilities

While all Council employees and elected councillors are required to be aware of this Policy, it is expected that the following roles will show particular leadership and commitment towards respecting and promoting this Policy at all times, in all aspects of the Council's work:

- the Chief Executive;
- Strategic Directors and Assistant Directors;
- the Leader of the Council & Cabinet Members;
- Other Political Group Leader(s);
- Cabinet Member with lead responsibility for Equality & Diversity;
- All Managers

These roles and responsibilities are expanded on further below.

Managers' responsibilities

Managers at all levels in the Council must demonstrate a commitment to the Equality and Diversity Policy and are responsible for encouraging staff, colleagues, partners

and contractors to incorporate the principles of this policy into everyday Council business.

Managers are responsible for monitoring individual behaviour and are expected to take immediate action where there is evidence of discrimination, harassment, bullying or any other inappropriate conduct. They will be responsible for raising awareness of the Council's values and behaviours and promoting these within their team/service areas.

Managers are also responsible for supporting and encouraging staff to reach their full potential and will do so by identifying any barriers to development and taking steps to minimise these so that all employees can take advantage of learning, development and promotion opportunities. Managers should treat all staff fairly and apply workforce policies fairly and consistently.

Councillors' responsibilities

All Councillors are expected to abide by the Local Code of Member Conduct and also ensure that their behaviour is consistent with the principles of this Policy and their role as publicly elected officials, representing the entire population of Rotherham.

Elected Members, in particular the Cabinet Member with lead responsibility for equalities issues, will also need to be provided with information from lead officers to support the oversight and monitoring of the impact of this policy.

Group Leaders' responsibilities

Group Leaders are responsible for informally monitoring the behaviour of Councillors in their political groups and should take immediate action if there is evidence of unfair discrimination, harassment or bullying. They are also responsible for raising awareness of this Policy within their political group and leading by example in adhering to it.

Individuals' responsibilities

All Council employees are individually responsible and accountable for their own behaviour. Any Council employee who causes offence or makes another individual feel unsafe or undignified, or unjustly, unfairly or unlawfully prevents them from developing within the Council, whether intentionally or not, may be subject to disciplinary action by the Council and may face legal action from any complainant.

Any Council employee who feels that he or she - or another Council employee - is suffering from unfair, unjust or unlawful treatment, should take action as detailed within Council Policies such as Dignity at Work, or if not dealt with, the Grievance Policy. Similarly, any Council employee who witnesses another individual being treated in such a way must be able to report the incident without fear of victimisation, as defined in the Council's Whistle Blowing policy.

Equality and Diversity Working Group

Rotherham Council will also work to further promote this Policy and its principles through cross-cutting, corporate working - including through a Corporate Equality and Diversity Working Group. This Group will work to ensure that equality and diversity is kept at the forefront of Council business across directorates and services so that it is embedded into routine Council business as far as possible.

This corporate working will be further supported by the Corporate Equality and Diversity Officer, through the provision of professional advice, training, monitoring

and updating Council employees & Councillors on changes to legislation, policy and legal requirements. The Corporate Equality and Diversity Officer, is also responsible for reviewing this Policy no less than every three years.

6. Sources of further and supporting information

- Government Equalities Office: www.equalities.gov.uk
- Equality and Human Rights Commission: www.equalityhumanrights.com
- Stonewall: www.stonewall.org.uk
- ACAS: www.acas.org.uk/index.aspx?articleid=1363
- Equality Framework for Local Government: www.local.gov.uk/home/-/journal_content/56/10180/3476575/ARTICLE

7. Further RMBC reference material and guidance

- RMBC Corporate Plan (2016-2017): [link to be inserted when published]
- RMBC Corporate “Fresh Start” Improvement Plan (2015-2017): www.rotherham.gov.uk/improvementplan
- RMBC Corporate Safeguarding Policy: [link to be inserted when published]
- RMBC Community Strategy: In development, due for publication early 2017
- RMBC Whistleblowing Policy:
<http://moderngov.rotherham.gov.uk/documents/s103331/Appendix%205%20-%20WHISTLEBLOWING%20AND%20SERIOUS%20MISCONDUCT%20POLICY%202015%200Sept%202015%20SC%20Working%20Group%20Final.pdf>