

Arun District Council

Equality & Diversity Policy

July 2014

1. Introduction

“I fully agree with the principle of equality for all. This is fundamental to an open society and clearly there is more to be done, especially in the area of education, as prejudice still exists and can result in great personal hurt and artificial limitations on careers.”

Council Leader Gill Brown, December 2013

Arun is a diverse district, containing a wide mix of ages, abilities, ethnicities and people with many other differential characteristics. Arun District Council is determined to create an inclusive environment and to positively address any issues brought about by this diversity, both as an employer and as a service provider. We are committed to creating an environment where equality of treatment and of opportunity is both accepted and expected for all employees, potential employees, and users of Council services. This builds on our work, using a technique called Systems Thinking, to design services that deliver “what matters to our customers and residents”.

This policy was endorsed by Full Council on 16/07/2014.

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2 Legislation and Compliance

[The Equality Act](#) came into force from October 2010, combining and replacing a number of previous legislative measures and aims to provide an up to date, single legal framework that more effectively tackles disadvantage and discrimination. The Act covers diversity in all its forms, however, there are 9 characteristics which it specifically protects, these are; age, gender, disability, race, religion or belief, sexual orientation, gender reassignment, marriage & civil partnership and pregnancy & maternity.

[The Public Sector Equality Duty](#) (PSED) came into force on 5 April 2011 and consists of a General Equality Duty (set out in section 149 of the Equality Act 2010 itself), plus some specific duties which came into law in England on the 10 September 2011. The PSED should be implemented appropriately given the Council's size and the nature of its functions. It includes "everything that we are required to do, as well as everything that we are allowed to do". The duty requires Arun District Council to eliminate unlawful conduct such as discrimination, or harassment, advance equality of opportunity for all and foster good relations between people who share a protected characteristic and those who do not. Arun's equality policy includes the recommendations of an Independent Steering Group's October 2013 [review](#) of the PSED.

Compliance with the general equality duty is a legal obligation, but it also makes good business sense. An organisation that is able to provide services to meet the diverse needs of its users should find that it carries out its core business more efficiently, or effectively. A workforce that has a supportive working environment is more productive and we expect to find it beneficial if we draw on a broader range of talent and, therefore, better represent the community we serve. Compliance with the duty should result in better informed decision-making and policy development, as well as better policy outcomes. As a result, we expect that services will become more appropriate to the user, more effective and more cost-effective, leading to increased customer satisfaction.

All Councillors and employees are responsible for equality & diversity (E&D) and maintaining the provisions of the act, however, the [Service Development Manager](#) in the Council's Customer Services Directorate has specific responsibilities to deliver and manage E&D across all areas of the Council, including policy maintenance, communication and training. An Equalities Team, led by the Service Development Manager and featuring representatives from Human Resources, UNISON and Council services, meets quarterly to review this work and to provide a focus for future policy development.

Complaints from members of the public about discrimination or unfair treatment will be dealt with through the Council's Corporate [Complaints Procedure](#).

3. Corporate Governance

The principles of good equality and diversity management, as defined by the 2010 Act, are supported and championed by council members and senior management as well as the responsible officer. We believe that wherever possible, adherence to E&D guidelines should be a non-bureaucratic exercise that is contained within normal day to day working practices. We monitor Census data and other available information about our district's diverse population and we strive to forge links with groups or bodies who are representative of the characteristics protected by the act. These relationships, along with the other information collected, are used to ensure that all policies and strategies are developed and written with regard to the diverse needs of our community. Wherever possible, service users and stakeholders should be involved in determining priorities and reviewing policies. This approach is also encouraged through our application of Systems Thinking methodology, which encourages viewing of transactions from the customer's perspective. This is a key strategy for the Council.

From a practical perspective we are also concerned with the legal ramifications of the Equality Act 2010 and consequently we have given consideration to the Brown Principles. [R. \(Brown\) v. Secretary of State for Work and Pensions \[2008\] EWHC 3158](#), is a case where a disabled person challenged the local authority over the closure of a local post office. The court considered what a relevant body has to do to fulfil its obligation to have due regard to the aims set out in the general equality duty. Despite the case pre-dating the Equality Act 2010 and the current PSED, the six principles it set out have been accepted by courts in later cases. They are that:

- Decision makers must be made aware of their duty to have 'due regard' to the identified goals.
- The due regard duty must be fulfilled before and at the time that a particular policy is being considered by the public authority in question.
- The duty must be exercised in substance, with rigour and with an open mind.
- The duty imposed on public authorities ... is a non-delegable duty.
- The duty is a continuing one.
- It is good practice for those exercising public functions in public authorities to keep an adequate record showing that they had actually considered their ... duties and pondered relevant questions.

These principles are regularly considered as part of our commitment to equality and diversity.

A consideration of any existing, or potential equality issues is a starting point for all Council policies and reports and, in some cases, an Equality Impact Assessment can also be utilised. It is important that all individuals employed by the Council appreciate that they have a role to play in addressing issues of equality and that compliance involves 'a conscious approach and state of mind'. For this reason all employees are subject to satisfactory completion of an introductory training session at induction, as well as regular refresher sessions during their employment.

Decision-makers are given further information and training to make them fully aware of the implications of the duty when making changes to their policies and practices, as well as, the need to advance equality when a policy is implemented and reviewed. The duty must be complied with **before and at the time** that a particular policy is under consideration or a decision is taken, as a public authority cannot satisfy the duty by justifying a decision after it has been taken. Consideration of the need to advance equality will form an integral part of our decision-making process, exercising the duty in such a way that it influences the final decision.

The Council will publish sufficient information annually to demonstrate the effect that our policies and practices have had on people who share a relevant protected characteristic, as well as, the extent to which we furthered the aims of the duty for our employees and others. We will include evidence of analysis, information considered in carrying out this analysis and details of engagements undertaken with people who have an interest in furthering the aims of the duty. This will also allow us to develop relevant, smart and reasonably achievable equality objectives, which we will publish on our web site, along with details of progress made against them.

4. Human Resources

The HR Department at Arun District Council is committed to equality of opportunity for all employees and is committed to employment practices, policies and procedures which ensure that no employee or potential employee receives less favourable treatment on the protected grounds under the Equality Act. The Council's recruitment and selection policies have been written with regard to equality legislation and good practice, from advertising to exit interviews.

Recruitment and selection guidance is available on our internet, and guidelines for staff involved in the recruitment process are published on our intranet. When interviewing, at least one interviewer must have attended the HR recruitment training course. This course includes an understanding of equality legislation and good practice and requires participants to update their knowledge periodically.

Job vacancies are published on the Council's internet site, as well as being advertised with the Job Centre, with alternative formats available on request and wherever possible. Details of vacancies will also be sent to specialist groups for advertising, for example, DisabledGo, Age UK, etc. We display the Positive About Disabled People "2 ticks symbol" on all newspaper adverts and application forms and we are committed to interviewing people with any form of disability by guaranteeing an interview to any disabled person who meets the essential criteria for the job. The potential for positive action is always under active review.

All recruitment paperwork, such as job adverts, must be proofed by HR before use and managers will be challenged over specific requirements, e.g.. age requirements, ability to drive, etc. Interviewees will be asked if they require any reasonable adjustments to attend their interview and any recruitment tests can be adjusted to

allow for disabilities. Post interview paperwork is also monitored by HR, before candidates are informed of the outcomes, to ensure that selections are fair.

We monitor and publish data on the profile of all applicants (i.e. age, gender, ethnicity and disability) and encourage all applicants to complete the Equal Opportunities questionnaire on our job application form. The questionnaire forms no part of the recruitment and selection process.

In addition to the induction training and updates for all staff, managers will be given regular detailed guidance on equality legislation and in order to improve their understanding about Equality and Diversity, the Council is able to offer employees the opportunity to study for a NCFE qualification in Equality & Diversity. Currently over 30 staff have achieved this external qualification, and by 2014 all HR staff will have completed the course.

All employees are assigned an HR officer, with whom they can discuss issues confidentially and an Employee Assistance Programme gives access to external help, support and advice. The Council's grievance policy covers discrimination and harassment and contains the possibility of disciplinary action where it is an appropriate outcome, followed by the right of appeal. Our employee appraisal scheme covers all performance, with guidelines, frequently asked questions and training in place, to ensure that outcomes remain free from bias and objective in their application.

The Council operates a [Dignity at Work](#) policy, which states that all staff have the right to be treated with dignity and respect in the workplace. We take this very seriously and any behaviour by a member of staff which leaves a colleague feeling disrespected, threatened or isolated will not be tolerated. The Council is committed to creating a positive and safe working environment, which means protecting employees from unwanted behaviour, harassment and bullying. The policy sets out a variety of methods of support for staff who suffer harassment, as well as several means of conflict resolution. It is the responsibility of all employees to ensure that bullying and harassment has no place in the workplace.

5. Access to Services and Service User Involvement

Wherever possible, communication with service users and volunteers should be conducted in a manner which meets their needs. We provide training for all staff in equal opportunities awareness and customer care, emphasising that no member of the public should be disadvantaged, or treated less favourably than others while accessing Council services. The Council has a Data Protection Policy which ensures that sensitive personal information remains confidential and challenges the absolute need for retaining personal information in any circumstances.

Where our practice, policy or procedures are found to make access to Council services impossible or unreasonably difficult, we will take such steps as are reasonable in the circumstances to change and improve that access. We also strive to forge links with representative groups from all the protected categories and as many others as we can, such as [DisabledGo](#) and [Connecting Communities](#). We link our websites, take note of the organisation's comments and provide them with the opportunity to validate or suggest changes to our policies, or any other aspect of Arun performance.

The Customer Access Strategy, which was developed and approved in 2013, explains the need for up to date information about the needs of different service users. The strategy sets out a plan for regular customer insight to be gained through Customer Service Forums, as well as regular customer surveys and other opportunities for feedback. This reflects our commitment to systems thinking, which means that we are constantly considering 'what the customer wants' as part of our day to day and on-going reviews of services. This work will encourage the views of specific & minority groups and monitor the diversity of those who take part to inform an understanding of whether, or not they are truly representative. Future groups and forums will then be adjusted to reflect any inequalities.

The Council uses a wide range of communication methods and its services are accessible through three core channels; click, call and come in, as well as written media and the developing social media sector. We operate face to face reception areas at the Civic Centre in Littlehampton and at Bognor Regis Town Hall and several council services also engage with their customers in their homes, or the wider community. Wherever practical, all public buildings and premises owned or managed by the Council are accessible to all. Where this is impractical in the short-term, we will provide reasonable alternative methods of access so that no member of the public is disadvantaged by physical barriers. The Council's contact centre, Arun Direct, handles nearly 200,000 telephone calls and 5000 emails every year and nearly half a million customers visit our websites annually; [arun.gov.uk](#) and [sussexbythesea.gov.uk](#), or read our Twitter and FaceBook feeds.

We recognise the importance of communication in attaining equity and we strive to deliver quality services, which are responsive to the needs of all local people, particularly those who are vulnerable, or have specific needs. To this end we employ a variety of facilities such as induction loops, Text Talk, Minicom, Type Talk and translation across all channels, as well as making large print available for publications and letters.

6. Partnerships and Contractors

The council provides a wide range of services to residents, visitors and businesses. In most cases, services are provided directly by council employees, but often services are provided by our business partners. Any third parties exercising public functions on the Council's behalf are required to comply with the PSED and the duty also requires the Council to ensure that those third parties do so in practice. This is because the duty rests with us, even if we have delegated our functions to the third party.

We ensure that any company wanting to bid for Council services is a practitioner of good equality and diversity in both their employment and service delivery. We do this by asking equalities questions during the tender or bid process and if responses do not satisfy the Council's criteria, the firm may not be shortlisted or awarded a contract. We also ensure compliance after the award, by including equality-based conditions in all contracts. As a minimum, suppliers or contractors must have an equal opportunities policy and keep it in force for the duration of the contract to comply with statutory obligations. We will also ensure that all contractors directly supplying goods and services or executing works for, or on behalf of, the Council comply with the terms of equality policy. We require that any findings of unlawful discrimination against the third party, during the three years prior to the commencement of the contract, must be reported to us, together with details of the steps taken to avoid repetition. We then monitor a contractor's performance and compliance with those conditions throughout the life of the contract.

We will, wherever appropriate, work in partnership with other agencies in the area, including the County, Town and Parish Councils, voluntary groups and community organisations to promote equality and diversity. The duty also applies to the allocation (or withdrawal) of funding or grants to the voluntary sector. The general equality duty also applies to other organisations who exercise public functions, including private bodies or voluntary organisations which are carrying out public functions on behalf of a public authority. In any situation where the Council partners with another organisation, we will ensure that they comply with current equality legislation by asking relevant questions and recording the responses in, or with, the terms of our partnership agreement.

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