



# **EQUALITY OF OPPORTUNITY POLICY**

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Version 2.1

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## 1. Introduction or Background

### 1.1. Purpose and aim of policy

This Equality of Opportunity Policy is a statement of how Cornwall Council intends to promote equality, and tackle discrimination and harassment. It is necessary for the Council to have an Equality of Opportunity Policy for the following reasons:

- Oppression, disadvantage and discrimination exists in society;
- Some people are unfairly denied equal access to services or employment (or both);
- Discrimination and disadvantage have undermined the quality of life for many people in Cornwall; and
- People often experience multiple-discrimination.

This Equality of Opportunity Policy demonstrates our commitment to put this imbalance right. It will help us to make sure that everyone has equal access to services and employment and to raise the quality of life of everyone who lives and works in Cornwall.

Cornwall Council will ensure that it meets its legal duties and will assess how its policies, procedures and services can meet the needs of disadvantaged groups in the community.

Councillors, managers and employees will help to change the way we work so that equality is at the heart of all our activities. We will improve equality practice at a corporate and service level and will meet our legal obligations and statutory duties to promote Equality of Opportunity.

### 1.2. Scope

This Equality of Opportunity Policy is a statement of how we intend to promote equality and tackle discrimination and harassment. We will work towards ending discrimination, including stopping victimisation and harassment on the grounds of someone's

- Age
- Sex (formally known as gender)
- Sexual Orientation
- Disability
- Race
- Ethnic Background (including Cornish)
- Colour
- Religion or Belief (and those with none)
- Economic or Social Background
- Political Belief
- Gender Reassignment Status
- Marital or Civil Partnership Status
- Pregnancy and Maternity Status
- Trade Union Activities
- Caring responsibilities for children or someone who is disabled or elderly

This policy applies to all employees and Councillors of the Council and adheres to their Codes of Conduct. We will also be working with our stakeholders, contractors and partners, to influence their policies and ensure their practices reflect the objectives set out in this policy.

## **2. Policy Statement**

Cornwall Council is committed to promoting equality and diversity and tackling social exclusion in all operations of the organisation and the services it provides.

Cornwall Council recognises its statutory equality duties under legislation in terms of service provision and employment and is committed to meet them by complying with this policy.

### **2.1. Equality in the delivery of services**

Cornwall Council is committed to equality of opportunity in the provision of services and aims to create the best possible quality of life for people who live or work in Cornwall.

We will achieve this by:

- recognising and accepting that particular individuals or groups are denied equality through intentional and unintentional discrimination;
- providing regular mandatory training for all employees and training for Councillors on customer care and equalities, so that they have a good understanding of the diverse needs of different people;
- ensuring that people have the opportunity to engage with and participate in the planning and delivery of services;
- delivering services which are relevant, of the highest possible quality and accessible;
- providing clear information about our services and where necessary, in a variety of formats;
- supporting the Voluntary and Community Sector (VCS) and equality groups to enable them to meet their objectives;
- ensuring that our complaints and feedback procedures are accessible and effective;
- assessing the impact of and monitoring our services to ensure that they do not discriminate and identify where improvements can be made;
- ensuring that all employees understand what their roles and responsibilities are in relation to equality in service provision and in the workplace;
- encouraging our partnership agencies and commissioned service providers to contribute to the implementation of this policy.

## 2.2. Equality in Employment

Cornwall Council is committed to ensuring that we provide equality of opportunity to all in employment. We need a workforce which reflects the community we serve to make sure that we provide appropriate services to all our diverse communities. We will work to ensure that we do not unfairly discriminate against any job applicant or employee for any reason. The Council will use positive action to put right past inequalities in the workplace and in how we provide services. All managers who will be recruiting employees must go on to the recruitment and selection training.

We will achieve this by:

- ensuring that our recruitment and selection policies and procedures are equitable and fair so that the best people are appointed to deliver our services
- only considering applicants for jobs on the basis of their relevant experience, skills and abilities unless a 'Genuine Occupational Requirement' (GOR) exists for specific posts
- considering disabled applicants for employment within the 'Two Ticks – Positive about Disabled people' commitment
- offering an interview to a disabled applicant who has "partially demonstrated" all the required behaviours, competencies or qualifications/ training (and any other requirements) at the application form stage
- ensuring that disabled people are provided with all reasonable support, equipment and facilities in their employment
- making reasonable adjustments to working arrangements and/or physical features of premises where they cause a disadvantage to an employee with a disability
- ensuring that disability or any other protected characteristic is not used as a criterion for redundancy
- annually reviewing the duties and working conditions of disabled employees under the Personal Development Scheme (PDS)
- using appropriate lawful methods, including positive action, to address the under-representation of any group which the council identifies as being under-represented in particular types of jobs;
- supporting the development and running of employee forums and networks for protected characteristic groups (e.g. disability, race, carers, lesbian/gay/bisexual and transgender)
- ensuring that all employees receive fair and equal treatment in relation to their employment, regardless of whether they are part-time, full-time or employed on a temporary basis;
- ensuring that employment policies and opportunities are of the highest possible quality, therefore equality, equity and consistency are embedded in practices, pay and conditions;
- making sure that we give equal consideration to people's needs and develop flexible and responsive employment opportunities to tackle those needs;
- encouraging and supporting employees to reach their full potential within the resources we have available to us;

- taking appropriate action against incidents of harassment, bullying or discrimination, and offering support and advice to victims or witnesses to incidents; and
- taking disciplinary action against employees who discriminate against people who work for the council or who seek employment with the council – we will take action (including legal action if appropriate) against employees who are found guilty of harassment.

### **2.3. Employee Monitoring**

The Council has recognised that equality monitoring is an important way of assessing our services. Monitoring is an essential part of tackling inequality and discrimination and, if done effectively, will help us check whether our policies, services and organisational culture are meeting the needs of our employees and community.

Any data collected will be analysed and reported on and can be used within the Council for:

- setting targets
- reviewing our service delivery by comparing our performance over time
- developing services and assisting with making changes

The Council will monitor employees on the basis of their age, sex, gender identity, sexual orientation, disability, caring status, religion and belief and race, Cornish identity in the following areas:

- training and development
- promotion and career development
- outcome of performance and competency assessments
- disciplinary procedures and grievances
- those leaving the council's employment

Equality monitoring data is subject to the Data Protection Act.

### **2.4. Procurement and Contractors**

The Equality & Diversity Procurement Guide commits us to making sure that contractors, suppliers and funded service providers promote Equality and Diversity. We will ensure that our commissioners and contractors specify that our services must be delivered so as to provide an effective and appropriate service to all communities. We will ensure that:

- contractors and providers have Equality & Diversity policy, procedures and practices that do not discriminate;
- we or those acting on our behalf will develop and deliver services, goods and facilities that are appropriate and accessible;
- we will provide opportunities for people from diverse groups to be in a position to bid for and win council contracts from an equal basis; and
- we will monitor whether contracts and commissioning arrangements do meet these Equality & Diversity commitments.

### 3. Policy Details

#### 3.1. Relationships with other corporate strategies and policies.

The Equality of Opportunity Policy is one of the Council's most important policies. It underpins all other corporate policies, procedures and strategies therefore providing a strong foundation for Equality of Opportunity in the Council and the services it provides.

The implementation of this policy links to the following corporate policies:

- Comments and Complaints Policy and Procedures
- Grievance Policy
- Code of Conduct for Councillors
- Disciplinary Procedures
- Disability Employment Policy
- Interpreting and Translation Policy and Procedures
- Whistle Blowing Policy
- Flexible Working Policies and procedures
- Corporate Equality and Diversity Framework

#### 3.2. Management and Supervision of this Policy

Strong leadership is essential to ensure that this policy is embedded at strategic and service levels of the Council. The Leader of Council has cabinet responsibility for Equality and Diversity and is Member Equality Champion. A senior management member has responsibility as Officer Equality Champion.

#### Corporate Leadership Team

The Chief Executive with the Corporate Directors are responsible for providing leadership in the implementation of this policy and for ensuring that service planning and performance management systems incorporate the specific equality objectives in terms of employment and service provision

#### Councillors

All Councillors have overall responsibility for the direction and scrutiny of this policy and will ensure that the principles of fairness and equality guide the decision making process. Each year, the Executive of the Council will identify which Portfolio Holder has responsibility for Equality.

#### Corporate Equality and Diversity Steering Group

The Corporate Equality and Diversity Steering Group have responsibility for monitoring performance against all the key priorities of the Council and receive regular performance reports. The Group is chaired by the Equality Officer Champion and membership includes the Member Equality Champion, Directorate Equality Action Group Chairs together with Human Resources and Trade Union representation

#### Directorate Equality Action Groups (DEAGs)

DEAGs have responsibility for ensuring that the policy is adopted, communicated and monitored at a Directorate level

### 3.3. Implementation

All employees have a responsibility to implement this policy in service provision and employment. Heads of Service will determine what resources will be required to co-ordinate and support departmental activities which contribute to promoting this policy and delivering on equality priorities and objectives.

All employees will receive a summary of this Equality of Opportunity Policy when they start working for the Council. Managers have a duty to pass on information on Equality of Opportunity, equality training and complaints procedures to employees and to include equality in all employee induction and appraisal processes.

The Council will ensure that employees and Councillors have appropriate training and awareness of equality and diversity, ensuring that individual behaviours and performance are appropriate and don't adversely impact on individuals or groups.

To comply with this policy, all employees and Councillors must:

- co-operate with any measures introduced to ensure equal opportunity;
- report any suspected discriminatory incidents or behaviours
- not influence or attempt to persuade others to practice unlawful discrimination or harassment;
- not victimise or harass anyone as a result of them having reported or provided evidence of discrimination, harassment or bullying;
- not harass, abuse or intimidate others on account of any of the characteristics detailed in section 1.2.
- not lobby job applicants in an attempt to discourage them from applying or taking up a post; and
- when developing new or changing existing plans, policies or procedures, must carry out Comprehensive Impact Assessments (CIA). The outcomes of these CIA's must be published.

## 4. Consultation and Engagement

Consultation and engagement enables an assessment to be made of the views of those who are affected by this policy. It does not mean just a general advertising of intended changes and a request for comments, but includes positive efforts to identify and engage in dialogue with those people/groups within the "Protected Characteristics" who are potentially affected. It helps the Council to become aware of issues and problems that various groups face (both in the community and our internal staff) which the organisation might not otherwise discover. Consultation and engagement with communities and staff provides an important means of enabling those who may be adversely affected by the policy to participate in the process.

The Equality Act (2010) requires:

- Consultation on the impact of policies. The public authority must engage in consultation about the likely impact (on the promotion of equality of opportunity) of its existing and proposed policies, and in making decisions about such policies, it must take the consultation into account.

Minor revisions have been made to this policy from April 2009. The following stakeholders were consulted during the original development of this policy and have been consulted with again regarding the minor changes made:

- The Diversity Network for Cornwall (DNfC)
- Corporate Equality and Diversity Steering Group and all DEAG members
- Disability Cornwall and Cornwall Council's internal employee forums following minor additions made in August 2012

## **5. Responsibilities**

All employees are responsible for the Equality of Opportunity Policy. All Council Members are individually and personally bound by the Policy. This means that employees and Council Members must not discriminate, harass or intimidate people because of any of the characteristics set out in section 1.2.

Every employee is required to assist the Council to meet its commitment to provide Equality of Opportunity in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, the Council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence. Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Council's disciplinary procedures. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

## **6. Monitoring arrangements**

The Council will establish appropriate information and monitoring systems to assist the effective implementation of our Equality of Opportunity policy. The effectiveness of our Equality of Opportunity policy will be reviewed regularly in consultation with stakeholders including employees (via employee forums for example) and the recognised trade union(s) if appropriate. Action will be taken as necessary. For example, where monitoring identifies an under-representation of a particular group or groups, we shall develop an action plan to address the imbalance.

## **7. Breaches of Policy**

Breaches of this Policy will be handled through the Council's Complaint Policy and Employee Disciplinary Procedures depending on the nature of breach. Legal action may be taken forward where appropriate.

## 8. Information and training

Employees will be provided with appropriate training regardless of sex, race, Cornish identity, marital status, disability, age, part-time or fixed term contract status, sexual orientation, religion or belief, gender reassignment status, pregnancy or maternity.

The council will:

- Seek to ensure that all employees are developed by the provision of appropriate and accessible learning opportunities in line with organisational needs.
- Provide training that complies with the Councils Equalities Policies.
- Include equalities training as part of its induction programme.
- Include equalities training as part of its management development programme.
- Provide equalities awareness training as part of its corporate learning and organisational development programme.
- Include equalities as part of its Member development programme.

## 9. Equality Impact Assessment (EIA)

This Policy has undergone an Equality Impact Assessment (EIA) in line with the council's requirements to EIA all new or revised policies. Details of the EIA can be obtained from the Corporate Equality and Diversity Team by e-mailing [equality@cornwall.gov.uk](mailto:equality@cornwall.gov.uk). A Comprehensive Impact Assessment will be completed if major changes to this policy are required.

## 10. Sustainability Implications

In line with the Council's Sustainable Community Strategy, it is envisaged that this policy will not have any impact or affect on the Councils activities and objectives for sustainable development.

## 11. Legal requirements

Over and above the provisions set out in its own policy and procedures, the Council is also bound by the legal responsibilities as detailed within the Equality Act (2010)

## 12. Authorisation, Approval and Review dates

This Policy will be subject to review every three years.

This Policy will also be reviewed in the instance of significant changes to equality legislation, local circumstances or national equality policy to ensure that it is current and compliant.

### **13. Alternative Formats**

We want to ensure that your needs are met.  
If you need this information in any other format or translated into a language other than English, please contact:

Cornwall Council  
County Hall  
Treyew Road  
Truro  
TR1 3AY  
Tel: 0300 1234 100  
[enquiries@cornwall.gov.uk](mailto:enquiries@cornwall.gov.uk)  
[www.cornwall.gov.uk](http://www.cornwall.gov.uk)

Appendix 1

<b>Glossary of Terms</b>	
Race	Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
Disability	A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
Sex	A man or a woman.
Age	Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
Religion & Belief	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
Sexual Orientation	Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.
Gender Reassignment	The process of transitioning or proposing to transition or having undergone a process of transition from one gender to another (e.g. from a man to a woman or woman to man). A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment under the Equality Act 2010.

Pregnancy and Maternity	Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
Marriage and Civil Partnership	A person is legally married if the union is recognised as a marriage under UK law. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.
Comprehensive Impact Assessment (CIA)	<p>We have a legal responsibility to assess all of our existing and new policies, procedures, strategies, functions, services and decisions, to ensure they are fair and offer everyone an equal opportunity.</p> <p>Comprehensive Impact Assessments (CIAs) is the process we use for carrying out these assessments covering the specific themes of Equality and Diversity, Safeguarding, Information Management, Community Safety and Health, Safety and Wellbeing. CIAs assess and record the actual, potential and likely impacts of policies, procedures, strategies, functions, services and decisions on our internal and external customers. Any consequences on particular groups, such as older people, those with physical disabilities, or anyone in the nine protected characteristics, are analysed and anticipated. This means, as far as possible, any negative consequences can be eliminated or minimised and opportunities for ensuring equality can be maximised</p>
Genuine Occupational Qualification (GOQ)	A GOQ applies where there is an exception under the relevant legislation, and can specify the recruitment, training, promotion or transfer of a person of a particular gender, race,

	ethnic group or religion by claiming that it amounts to a GOQ for the post in question.
Equality	Equality is about respect and not treating an individual or group of people unfairly. It is about giving people an equality of opportunity to goods and services and to fulfil their potential. Equality is therefore based on fairness while recognising that everyone is different.
Diversity	Diversity is about all the ways that people differ and recognising that those differences are a natural part of society. Diversity is about treating people as individuals and making them feel respected and valued.
Direct discrimination:	A person who has, or is associated with someone who has, or believed to have, a protected characteristic is treated less favourably than someone who does not.
Indirect discrimination	A policy applied in the same way for everyone that particularly disadvantages people with a protected characteristic.
Victimisation	<p>Victimisation is when a person is treated badly because they have made a complaint about discrimination or have given evidence in a discrimination case.</p> <p>This could include:</p> <ul style="list-style-type: none"> <li>• labelling the person a 'troublemaker'</li> <li>• denying them opportunities or services they would normally have (such as a promotion at work) ignoring them.</li> </ul>