



# Equality And Diversity Policy

## Policy and Research

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## Version History

<b>Version Number</b>	<b>Date</b>	<b>Amendment</b>	<b>Officer</b>
V2	07/11/22	Three year review in line with agreed review date. Includes additions to local protected groups; changes to E&D governance arrangements; revised roles & responsibilities	Samuel Johnson

## 1 Purpose Statement

- 1.1 This policy is a commitment to everyone who uses BCP Council's (the Council) information, facilities, and services, including those that are provided by others on our behalf, that the Council recognises that people have the right to be treated fairly and with dignity and respect.
- 1.2 The Council and anyone acting on their behalf has a legal responsibility under the [Equality Act 2010](#) (the act) to comply with the Public Sector Equality Duty (the duty).

The legal duty is to:

- ❖ Eliminate (stop or prevent) unlawful discrimination
- ❖ Advance (keep working to improve and promote) equality of opportunity
- ❖ Foster (create and maintain) good relationships between people who share a protected characteristic and those who do not

- 1.3 The Council is required to treat people fairly.
- 1.4 The Council must not unlawfully discriminate against people who access our services, including in those circumstances where services are provided by third parties on our behalf.
- 1.5 The Council must not unlawfully discriminate against people who represent or are employed by the council in any capacity – Councillors, staff and those seeking employment by the Council.
- 1.6 Everyone who works for or represents the Council has a duty to challenge inappropriate language and behaviour towards others including members of the public should they come across it during their work.
- 1.7 The council is committed to the principles of equality and respects diversity and will provide quality responsive services, appropriate to need.
- 1.8 The Council will use this policy to ensure as far as possible that the rights set out above are upheld.
- 1.9 The Council will ensure that all councillors, employees, potential employees, volunteers and contractors are aware of this policy.
- 1.10 Any acceptance of an offer of employment or contract will automatically also be taken as a commitment of acceptance of the legal duty and policy and a pledge to demonstrate these commitments in their performance and in the provision of services, or when representing the Council.

## 2. Who the policy applies to

- 2.1 This policy is applicable to all who represent BCP Council in any capacity – councillors, officers, contractors, volunteers, partner organisations, people on work placements, visitors, and customers.
- 2.2 It applies to everyone:
  - ❖ in day-to-day interactions with customers
  - ❖ when considering changes to employment practice, services change or creating or reviewing a policy

## 3. This policy replaces

- 3.1 This policy repeals all previous equality and diversity policy documents for BCP Council.

## 4. Approval process

- 4.1 This policy requires Cabinet approval.

## 5. Links to Council Strategies

- 5.1 This policy supports the Council's Big Plan, Corporate Strategy and all other council policies, strategies, and plans.
- 5.2 The Council's commitments to equality and diversity are reinforced through the Equalities Footprint agreed by the Council's Cabinet in July 2021 - Appendix A which can be found under the headline priorities in the [Corporate Strategy](#):
  - ❖ Fulfilled Lives
  - ❖ Brighter Futures
  - ❖ Connected Communities
  - ❖ Dynamic Places
  - ❖ Sustainable Environment

## 6. The Policy

- 6.1 As a public sector organisation, the council follows the Public Sector Equality Duty (PSED) under the Equality Act 2010, to protect individuals from unlawful discrimination.
- 6.2 The Council will not tolerate unjust, unfair, or unlawful discrimination by or towards any of its staff, contractors or partners including those who deliver services on our behalf.
  - ❖ This applies to all conditions of employment including recruitment, selection, pay, hours of work, holiday pay, holiday entitlement, work allocation, sick pay,

pensions, training and development, annual appraisal, promotion, and retention.

- ❖ This also applies to the provision of all services, whether directly delivered by the Council, or by a third party on the Council's behalf.

6.3 In providing services the Council - or third parties providing services for the Council - must be able to demonstrate that they have considered the needs and protected characteristics defined by the Equality Act 2010 of service users and BCP Council's 'local characteristics' and in view of these considered potential impacts, appropriateness and accessibility of the services being offered.

6.4 Within all policy documents it must be clear that meaningful consideration has been given to the PSED. The following principles, drawn from case law, explain what the minimal requirements are to meet the Public Sector Equality Duty:

Knowledge	Officers must be aware of the requirements of the equality duty. Compliance with the equality duty demands a conscious approach and state of mind.
Timeliness	The equality duty must be complied when a policy is under consideration or a decision to proceed with an idea is taken – that is, in the development of policy options and before making a final decision. The Equality Duty cannot be satisfied by applying the duty afterwards to justify a decision after it has already been taken.
Real consideration	The Equality Duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision and is not a tick box exercise.
Enough information	when considering a proposed policy or decision the decision maker must consider whether they have enough information to consider if the requirements of the Equality Duty have been met as part of their decision.
No delegation	public bodies are responsible and liable for ensuring that any third parties which exercise functions on their behalf can comply with the Equality Duty and must take steps to ensure they are required to comply, and that they do so in practice. It is a duty that cannot be delegated.
Review	public bodies must have regard to the aims of the Equality Duty not only when a policy is developed and decided upon, but also when it is implemented and reviewed. The Equality Duty is a continuing duty

6.5 An equality impact assessment (EIA) must be undertaken and support all key decisions and policy documents. Impact assessments must at least consider, but not be limited to, the protected characteristics below as set out in the Equality Act 2010:

- ❖ [age](#)
- ❖ [disability](#)
- ❖ [gender reassignment](#)
- ❖ [marriage and civil partnership](#)
- ❖ [pregnancy and maternity](#)
- ❖ [race](#)
- ❖ [religion or belief](#)
- ❖ [sex](#)
- ❖ [sexual orientation](#)

6.6 In addition to the above BCP Council has also adopted several local characteristics that must also be considered when developing equality impact assessments. These are:

- ❖ [Military veterans](#)
- ❖ [Carers](#)
- ❖ [Children in care and Care experienced young people](#)
- ❖ [Socio-economic status](#)
- ❖ [Local business or community organisations](#)

6.7 Consideration must also be given to Articles of the [Human Rights Act](#) 1998.

6.8 All EIAs should be presented to Equality Impact Assessment panels which convene weekly (or as required) prior to submission as part of committee papers or before key decisions are taken. Completed EIAs are available on request or published on the Council's website through the committee system.

6.9 An internal equality and diversity governance and delivery framework is in place to help ensure the council discharges its public sector equality duty – Appendix B. The framework is led by the Strategic Equality Leadership Group (SELG) who set the strategic direction of equality objectives as required under the Equality Act 2010.

6.10 The SELG monitor progress with embedding equality and diversity in council culture, process, procedure, and operations and agree an annual programme of celebrations and events which the council will support to advance equality and diversity.

6.11 The SELG is underpinned and supported by the following groups

- ❖ Equality Action Commission (EAC)
- ❖ EIA Panels
- ❖ Service Unit Equality Champions
- ❖ Staff Network Groups
- ❖ Community Equality Champions
- ❖ Corporate Support

Refer to Internal Governance and delivery Framework below in Section 8

## 7. How to use this policy

- 7.1 Every key decision change to policy, service provision or service provider needs to be able to demonstrate that it has considered, understood, and reflected the positive or negative impact it will have in terms of equality and the nine protected characteristics of the Equality Act 2010.
- 7.2 A robust Equality Impact Assessment (EIA) process underpins and informs Council decision-making to:
  - ❖ understand the positive and negative impacts of decisions or policy changes for people who identify with one or more of the protected characteristics set out in the Equality Act 2010
  - ❖ identify and agree mitigating actions to lessen or remove negative impacts
- 7.3 An EIA must start with a conversation about potential equality impacts, be informed by evidence, and identify mitigating actions required where negative impacts are found. Guidance explaining the EIA process and forms for completing an EIA are available on the [Equality & Diversity intranet page](#).
- 7.4 Identifying negative impacts will help protect the organisation from potential litigation in the future, it does not mean the policy cannot continue. However, the EIA does require that mitigating actions be agreed to maximise positive equality impacts or address negative or unknown impacts.
- 7.5 The Council works in partnership with organisations across Dorset to tackle hate crime and discrimination in a forum called [Prejudice Free Dorset](#). More information about hate crime support and useful contacts can be found [here](#).
- 7.6 Employee monitoring data will be used to inform the Council's People Strategy, terms & conditions of employment, pay & reward strategies and all other HR related policy and practice. Monitoring data on staff can be collected through the self-service function on employee first and through the recruitment process. This data is key to ensure the Council understands the profile of its workforce and the early identification of any negative impacts that may arise from terms & conditions or pay & reward that has a negative impact on or between differing protected characteristics

## 8. Roles and responsibilities

Role	Responsibility
Strategic Equality Leadership Group	<ul style="list-style-type: none"> <li>❖ championing the equality, diversity and inclusion agenda across the council and embedding equality in organisational activities</li> <li>❖ agreeing and supporting delivery of the Council's Equality Action Plan and supporting policy</li> <li>❖ agreeing equality performance measures and targets to improve and monitor progress across the council and in the community</li> <li>❖ working with and identifying new opportunities to work with partner organisations, community groups, individuals, and representatives from across the BCP council area to improve relations in the community</li> <li>❖ receiving, reviewing, and responding to staff and staff network groups, workplace issues and concerns</li> </ul>
Equality Action Commission	<ul style="list-style-type: none"> <li>❖ An independent working group set up to review effective and long-term inclusivity and engagement primarily with our Black, Asian, and Minority Ethnic, customer, residents, staff, and visitors</li> </ul>
Equality Impact Assessment Panel	<ul style="list-style-type: none"> <li>❖ A consultative and assurance panel with discretion to recommend the approval or rejection of EIAs, providing guidance to improve the quality of EIAs where appropriate</li> </ul>
Service Unit Equality Champions	<ul style="list-style-type: none"> <li>❖ Help ensure that Service Units discharge their responsibilities as defined in the Equality Act 2010</li> <li>❖ Attend quarterly E&amp;D meetings and EIA panel meetings</li> <li>❖ Report/feedback updates and learning from equality meetings to their service unit</li> <li>❖ Keep up to date and share own learning on major E&amp;D issues</li> <li>❖ Communicate and help embed E&amp;D policy and procedure in all their service unit activities</li> <li>❖ Support/undertake equality impact assessments for service decisions or policy changes</li> <li>❖ Monitor and report E&amp;D activity and performance in the service unit</li> <li>❖ Ensure equality targets/actions are included in service plans</li> <li>❖ Make representation to Strategic Leadership Groups as required</li> </ul>
Staff Network Groups	<ul style="list-style-type: none"> <li>❖ Provide a safe place for the discussion of issues</li> <li>❖ Help to raise awareness of issues within the wider organisation</li> <li>❖ Provide a source of support for individual staff who may be facing challenges at work</li> <li>❖ Offer a collective voice for the workforce to management</li> <li>❖ Make representation to Strategic Leadership Groups as required</li> <li>❖ Maintain close communication links with HR</li> <li>❖ Set up and maintain communication channels within group</li> <li>❖ Understand and contribute to HR policy and procedures</li> </ul>
Community Equality Champions	<ul style="list-style-type: none"> <li>❖ Provide a link between Council and groups in community</li> <li>❖ Act as a two-way communication channel</li> <li>❖ Bring community concerns into the organisation</li> <li>❖ Take Council initiatives into the community and promote engagement, participation, and consultation</li> </ul>
Policy & Research	<ul style="list-style-type: none"> <li>❖ coordinate Strategic Equality Leadership Group and Forum meetings</li> <li>❖ horizon scan and provide guidance and advice</li> <li>❖ develop corporate equality policy and procedure</li> </ul>



Role	Responsibility
	<ul style="list-style-type: none"> <li>❖ prepare equality monitoring reports for SELG</li> <li>❖ undertake research, and source intelligence</li> <li>❖ source E&amp;D training opportunities</li> <li>❖ promote equality and diversity related activity and events</li> <li>❖ undertake consultation and collated equality monitoring data</li> </ul>
Equality Policy Lead	<ul style="list-style-type: none"> <li>❖ Provide independent advice to the Chair or Standards Board where there are allegations of discrimination or matters of equalities based issues</li> </ul>
Human Resources	<ul style="list-style-type: none"> <li>❖ provide support to recruiting managers on E&amp;D issues</li> <li>❖ to manage the independent observer process and ensuring service stakeholders are included in recruitment practice as appropriate</li> <li>❖ provide employee relations support for E&amp;D issues</li> <li>❖ support the sourcing, procuring and delivery of E&amp;D related training</li> </ul>
Communications	<ul style="list-style-type: none"> <li>❖ produce and maintain an Equality &amp; Diversity communications plan</li> <li>❖ manage website accessibility</li> </ul>
Elected Members	<ul style="list-style-type: none"> <li>❖ ensure their behaviour is consistent with the principles of this policy and have a vital role to play in ensuring that they are integral to the local authority's aims.</li> <li>❖ Group Leaders are responsible for informally monitoring the behaviour of members in their political group and take appropriate action if there is evidence of unfair or discriminatory treatment, harassment, or bullying. They are also for raising awareness of this policy within their political group.</li> <li>❖ should understand their responsibility under the equality Duty to ensure fairness and equality of opportunity and outcomes for local people</li> </ul>
Corporate Management Board	<ul style="list-style-type: none"> <li>❖ to be proactive in the promotion of equality and demonstrate respect for diversity</li> <li>❖ embed equality in all aspects of service delivery</li> <li>❖ encourage the collection of equality monitoring data within their business area</li> <li>❖ contribute to the development of an organisational culture that supports those who take active steps to challenge discrimination and harassment</li> <li>❖ to nominate members of the board to be Staff Network Group Champions</li> </ul>
Service Directors	<ul style="list-style-type: none"> <li>❖ to ensure effective integration of the principles of equality within their service plans</li> <li>❖ to ensure equality impacts are considered as part of all key decision-making processes and evidence is captured through equality impact conversations and/or full EIAs</li> <li>❖ to maintain an overview of performance on equality</li> <li>❖ to nominate and support an Equality Representative within their Business Unit</li> <li>❖ to support staff to attend staff equality networks</li> </ul>
Managers	<ul style="list-style-type: none"> <li>❖ to monitor individual behaviour and take appropriate action if there is evidence of discrimination, harassment, or bullying.</li> <li>❖ to raise awareness of individual rights and responsibilities.</li> <li>❖ to identify appropriate training needs and provide training opportunities</li> </ul>

Role	Responsibility
	<ul style="list-style-type: none"> <li>❖ to ensure contributions to embedding equality and diversity are integral to annual performance review process</li> </ul>
All Staff	<ul style="list-style-type: none"> <li>❖ to take responsibility and be accountable for their own behaviour.</li> <li>❖ to challenge discrimination and harassment without fear as defined in the complaints and grievance procedures or the corporate complaints or Whistle Blowing policies as appropriate.</li> <li>❖ to provide diversity monitoring information to help inform workforce planning and the BCP People Strategy</li> </ul>

## 9. Enforcement and sanctions

- 9.1 Failure to comply with our Public Sector Equality Duty could have significant legal and financial implications for BCP Council and individuals. It is key to embed Equality and demonstrate respect for Diversity in our strategies, policies, plans and procedures.
- 9.2 Councillors who fail to comply with this policy will be subject to procedures set out in their code of conduct.
- 9.3 The Policy Lead for Equality will provide the Chair or the Standards Board with independent advice where there are allegations of discrimination or matters of equalities based issues.
- 9.4 A member of staff who causes offence or makes another individual feel unsafe or degraded or creates a hostile, intimidating, degrading, humiliating or offensive environment for their colleagues or customers, whether intentionally or not may be subject to disciplinary action in line with the Council’s Disciplinary Policy and could be subject to legal action from the complainant.
- 9.5 Contracts with providers or suppliers may be terminated if they act in a discriminatory manner, or do not operate in the spirit of this policy or fail to provide equitable services.

## 10. Further information and evidence

- 10.1 Demographic profiles, diversity dashboards and other research and consultation about the makeup of our area and workforce can be found [here](#).
- 10.2 The Equality Impact Assessment that supports this policy can be found [here](#).
- 10.3 BCP Corporate Strategy which sets out the Council’s commitments to Equality and Diversity.
- 10.4 LGA Councillor Guidance 2018/19 can be found [here](#).
- 10.5 The Equality Framework for Local Government can be found [here](#)

10.6 More information about equality and the latest judicial reviews can be found at the Equality and Human Rights Commission's Website: [EHRC](#)

## BCP Council Equalities Footprint



We have embedded the principles of equality into our Corporate Strategy to ensure that fairness and the progression of equality are central to the development of BCP as a new council and are part of the DNA of the organisation.

We will be innovative and transformative in our approach to the delivery of our services making sure that we put people at the forefront and at the centre of everything we do. This will be evident in our organisational culture and demonstrated through our values, fundamentally changing how we carry out our approach to 'business as usual'.

We aim to reinforce these commitments through the introduction of an Equalities Footprint which is defined as:

[The activities undertaken by the council in accordance with their role that contribute to the delivery of BCP Council's equalities agenda and the duties of the council at individual, team, and service levels.](#)

The equality footprint is informed by eight actions that the council will need to take forward:

1. The introduction of independent observers where appropriate for appointments to Heads of Service or above, including promotions and secondments to these positions.
2. Stakeholders or service users will be included to sit on interview panels, if appropriate, for all interim, permanent appointments, secondments, or internal promotions to positions that sit within the Senior Managers Network.
3. The undertaking of Equality Impact Assessments (EIAs) at the point of registering committee reports and portfolio holder decisions on BCP Council's ModGov system
4. The introduction of EIA Panels
5. The requirement to demonstrate fulfilment of the requirements of the PSED in annual appraisals process enabling staff to evidence how they are contributing to the council's Equalities Footprint and Corporate Strategy.
6. Development of a new hybrid training package that is fit for purpose and takes account of variation in learning styles to enable officers and councillors to understand and discharge their responsibilities under the PSED during their work

7. The delivery of the equality and diversity communication plan and diversity calendar, and production of accessible communication standards
8. Completion of a user-friendly website that conforms to website regulations 2018 and is easy to read, navigate and access.

An Equalities Footprint will ensure equality and diversity is at the heart of the council and allow BCP Council to carry out its decision making from a perspective which is inclusive in its delivery of services for those who work, live and visit BCP

Adopted by Cabinet July 2021

# Equality and Diversity – Internal Governance and Delivery Framework

## Strategic Direction

**Equality Action Commission**  
**Role and purpose**  
 An independent working group set up to review effective and long-term inclusivity and engagement primarily with our Black, Asian and Minority Ethnic, customer, residents, staff and visitors.

**Equality Impact Assessment (EIA) Panel**  
**Role and purpose**  
 A consultative and assurance panel with discretion to recommend the approval or rejection of EIAs, and providing guidance to improve the quality of EIAs where appropriate.

### Strategic Equality Leadership Group

#### Who are they?

- Chief Executive (Chair)
- Cabinet Spokesperson for Equalities
- Chief Operations Officer
- **Head of Human Resources and OD**
- **People Services Lead**
- Leader of the Council
- Non administration group member
- Trade Union Representative
- Equality and Diversity Policy Lead

#### To present or address specific issues:

- Staff Network representative
- Community Equality Champion representative
- Equality Action Commission representative

#### What do they do?

Help ensure the Council is meeting its Public Sector Equality Duty (PSED) by:

- championing the equality, diversity and inclusion agenda across the council and embedding equality in organisational activities
- agreeing and supporting delivery of the Council's Equality Footprint, supporting action plan and policy
- agreeing equality performance measures and targets to improve and monitor progress across the council and in the community
- working with and identifying new opportunities to work with partner organisations, community groups, individuals, and representatives from across the BCP council area to improve relations in the community
- receiving, reviewing, and responding to staff and staff network groups, workplace issues and concerns

#### How often do they meet?

- Quarterly (or more if required to address specific issues)

### Corporate Support

#### Corporate Management Board

- Identify champions or sponsors for individual staff network groups
- Be the voice and/or make representation for their nominated group as required

#### Policy and Research

- Help ensure the council understands and is equipped to discharge its PSED
- Horizon scan, provide E&D guidance and advice, develop corporate policy and procedure
- Undertake consultation and research to inform decision making and equality impact assessments
- Manage the EIA Panel process
- Develop and monitor progress with implementation of the Council's Equality Footprint and Corporate E&D Action Plan
- Co-ordinate SELG, EAC and SUEC meetings

#### HR & Organisational Development

- Provide employee relations
- Support delivery of E&D training programme
- Deliver open and accessible recruitment processes
- Embed independent observers into recruitment processes

#### Legal

- Provide legal advice on E&D matters as required

#### Communications and Marketing

- Positively and proactively promote the council as an open and accessible council
- Develop and deliver an E&D communications programme and plan

## Implementation Groups

### Service Unit Equality Champions (SUECs)

#### Who are they?

- Service Unit representatives, agreed with the Service Director as a recognisable E&D point of contact for the service

#### What do they do?

- Help ensure that Service Units discharge their responsibilities as defined in the Equality Act 2010
- Attend quarterly E&D meetings and EIA panel meetings
- Report/feedback updates and learning from equality meetings to their service unit
- Keep up to date and share own learning on major E&D issues
- Communicate and help embed E&D policy and procedure in all their service unit activities
- Support/undertake equality impact assessments for service decisions or policy changes
- Monitor and report E&D activity and performance in the service unit
- Ensure equality targets/actions are included in service plans
- Make representation to Strategic Leadership Groups as required

### Staff Network Groups

#### Who are they?

- Staff representatives for protected groups

#### What do they do?

- Provide a safe place for the discussion of issues
- Help to raise awareness of issues within the wider organisation
- Provide a source of support for individual staff who may be facing challenges at work
- Offer a collective voice for the workforce to management
- Make representation to Strategic Leadership Groups as required
- Maintain close communication links with HR
- Set up and maintain communication channels within group
- Understand and contribute to HR policy and procedures

### Community Equality Champions

#### Who are they?

- Officers with a community role/community safety officers

#### What do they do?

- Provide a link between Council and groups in community
- Act as a two-way communication channel
- Bring community concerns into the organisation
- Take Council initiatives into the community and promote engagement, participation and consultation