

# Polisi Cydraddoldeb ac Amrywiaeth

## Equality and Diversity Policy

Adnoddau Dynol Corfforaethol / Corporate Human Resources  
Tachwedd 2013 / November 2013  
<http://intranet/hr>

We are happy to provide this information in  
alternative formats and languages



Please Contact: HR and Equality Officer

E-mail:  [equalities@conwy.gov.uk](mailto:equalities@conwy.gov.uk)

Telephone:  01492 576225

## **Title: Equality & Diversity Policy**

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## **2. Policy Statement**

Conwy County Borough Council is committed to integrating equality considerations into the day to day activities that are carried out as an employer, service provider and commissioner of services for our diverse community. The Council is committed to creating a community for all people, who live in, work in and visit Conwy in which difference is valued and harassment and discrimination is not tolerated. We recognise that what we do every day within Conwy plays an important part in people's lives and we have a key role in enhancing the quality of life for everyone in our community.

Recognising and understanding the needs of communities in Conwy will help us to become more customer focused and provide accessible and high quality services. The Council recognises that the promotion of equality in the workplace is good management practice in which all employees are supported to develop their full potential and the talents and resources of the workplace will be utilised to maximise the efficiency of the Council. By maintaining a diverse and well informed workforce we believe we can better meet the needs of our diverse community.

## **3. Introduction**

Equality is about recognising differences and treating people according to their needs. It is about creating a fairer society, in which everyone can take part and have the opportunity to achieve their true potential regardless of their identity. Diversity celebrates the way in which we all differ and involves a proactive approach which is integrated into every part of the organisation. It is about valuing everyone as an individual. Equality and Diversity means treating people fairly and providing equal chances, while respecting people's differences.

Conwy's Vision and Values were developed in consultation with employees, managers and senior managers from across the Council. Equality is specifically identified in the value 'respectful and fair' but it is relevant to all our core values. Our values represent the beliefs and expected behaviour of everyone working for Conwy County Borough Council. Our vision is, 'Conwy - a progressive County creating opportunity'.

Our values, which aim to support quality services, are to be:

- Customer focused
- Respectful and fair
- Reliable and accountable
- Innovative and to support
- Develop our team

Our guiding principles for equality are:

- Elimination of discrimination and disadvantage
- Celebration of diversity and difference
- Inclusiveness and accessibility
- Accountability

Equality is mainstreamed into the daily activities of employees and service users through corporate plans, performance management, consultation, assessing the impact of policies and practices and through the Welsh Language Scheme. See Appendix C for details.

#### **4. Aims of the Policy**

This key policy supports the Council's service delivery, commissioning of services and employment policy and practices.

The overall aim of this policy is to:

- Eliminate unlawful discrimination, harassment and victimisation
- Promote equality of opportunity between those who share protected characteristics and those who do not
- Foster good relations between those protected groups
- To identify and remove barriers to access for customers, employees and recruitment applicants

This Policy is underpinned by the following legislation:

- Statutory Duties (Wales) Regulations 2011
- Welsh Language (Wales) Measure 2011
- Equality Act 2010
- Human Rights Act 1998

The Council's Strategic Equality Plan sets out the Council's Equality Objectives and action plan to meet the requirements of the Equality Act 2010 and the specific public sector duties as specified by the Statutory Duties (Wales) Regulations 2011.

## 5. Scope of the Policy

It is the intention of this policy that no customer, job applicant or employee receives less favourable treatment than another or is disadvantaged by reason of any protected characteristic as identified in the Equality Act 2010.

The Equality Act 2010 outlines the groups or protected characteristics that are protected by legislation. These are:

- Race
- Sex
- \*Gender Reassignment
- Disability
- Sexual Orientation
- Religion and Belief
- Age
- Marriage and Civil Partnership
- Pregnancy and Maternity

\*Includes the intention to, commencing or completion of, reassignment of gender.

In addition to the above statutory protection, Conwy is committed to ensuring equality of opportunity for all and this means that we will not treat anyone less favourably than another by reason of:

- Caring responsibilities
- Hours of work/working pattern
- Language

Everyone who uses the services, facilities and information provided by or on behalf of the Council should be treated in line with this policy.

The policy applies to all employees of Conwy with the exception of teachers and those employed by School Governing Bodies. Those employed through or by School Governing Bodies are subject to the Equality and Diversity Policy of that school.

The policy will apply to full-time, part-time, fixed term, temporary, casual and relief employees who are workers/employees of the Council, regardless of the hours worked. Also covered by this policy are people on work experience, volunteers and agency staff.

Service providers to the Council are also required to adhere to this policy, therefore, companies or individuals working alongside workers/employees of the Council are required to follow the principles of this policy.

Members are required to adhere to the principles of this policy. The Member Code of conduct applies to Elected Members. Section 4 of the Code of Conduct states that Members must:

a) Carry out duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.

c) Not use bullying behaviour or harass any person.

Conwy County Borough Council promotes the principles of the Social Model of Disability, which takes the perspective that society creates barriers that "disable" people from participating fully and on an equal basis with others and we are committed to removing these barriers.

## **6. Types of discrimination defined within Equality Legislation**

Discrimination occurs when someone is treated less favourably than another person in a similar situation and this treatment cannot be objectively and reasonably justified.

### **Direct discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

### **Associative discrimination**

This is direct discrimination against someone because of their association with another person who possesses a protected characteristic.

### **Perceptive discrimination**

This is direct discrimination against an individual because others think (or perceive) they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

### **Indirect discrimination**

Indirect discrimination can occur when a condition, rule, policy or practice in the organisation applies to everyone, but disadvantages people who share a particular protected characteristic, compared with others who do not share that characteristic. Indirect discrimination can be justified if it can be demonstrated that someone acted reasonably in managing the business. In law it is referred to as, 'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision made in running a business or organisation. Being proportionate means being fair and reasonable, including showing that you have looked at 'less discriminatory' alternatives to any decision a person makes.

## **Harassment**

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees may complain of behaviour that they find offensive even if it is not directed at them, and the person making the complaint need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association (see above).

## **Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

## **7. Equality in Service Delivery**

Our aim is to be customer focused in every aspect of our service delivery; providing appropriate, accessible and effective services and facilities to meet the diverse needs of our community. This will include :

- Treating customers and visitors with dignity and respect
- Integrating equality of opportunity and respect for diversity into all aspects of our activities
- Designing and delivering appropriate, accessible and effective services and facilities to meet people’s needs including cultural requirements
- Providing clear and accessible information about our services, in a variety of appropriate formats and languages which meet people’s needs
- Challenging all forms of unfair discrimination, whether intentional, unintentional, institutional or otherwise using the equality impact assessment process to identify any adverse impact
- Using effective systems for challenging, reviewing and monitoring our service delivery and to ensure that quality and equality are continuously evaluated
- Engaging with and listening to all sections of the community in identifying different needs and in making decisions on the way the we plan and deliver our services
- Ensuring that all customers have equal access to our Corporate Complaints Procedure
- Monitoring and evaluating service up-take in relation to the protected characteristics

- Providing a comprehensive service in Welsh to Welsh speaking customers as we do in English for our English speaking customers
- Working with our partners in the statutory, voluntary and private sectors to ensure the best outcomes for people who live, work and visit Conwy.

## **8. Equality in Employment**

Conwy County Borough Council is committed to promoting equality of opportunity in employment, promotion and training. We are committed to eliminating discrimination, harassment and unwanted behaviour and encouraging diversity amongst our workforce. Our aim is to maximise the potential of all employees and prospective employees by ensuring that fair employment practices are adopted and regularly reviewed to reflect legislative changes and best practice. We strive to create a workplace in which everyone can give their best and be themselves.

Employees and potential employees can expect the Council:

- To create an environment in which individual differences and the contributions of our staff are recognised and valued.
- To promote a working environment that entitles all employees to dignity and respect.
- To review our employment practices and procedures on a regular basis to ensure they reflect legislation and published codes of practice.

Policy Commitments:

### **8.1 Recruitment and Selection**

Those employees who have responsibility for the recruitment and selection of staff must undertake appropriate training and ensure that selection procedures are fair and are carried out in accordance with the Council's Recruitment and Selection Policy.

- Employment decisions are based solely on merit except, where lawful positive action is being initiated or in a redeployment situation.
- To encourage lawful positive action initiatives where data shows that people from particular groups are under-represented, where appropriate, to help redress employment imbalances.
- To abide by the commitments set out in the Positive about Disability Scheme (Two Ticks Symbols)

## **8.2 Training**

Relevant training and development opportunities will be made available as widely as possible to all employees through a Personal Development Plan created and adopted through the Performance and Development Review process.

- To raise awareness of equality issues at all levels through training ensuring that no one is in any doubt about what constitutes acceptable and unacceptable conduct.
- To monitor and report on access to, and attendance at, training to ensure that all staff have equal access to training and development opportunities.
- All employees have an equal chance to contribute to and achieve their potential.

## **8.3 Employment**

This policy extends to all employees and categories of employment and also applies to all aspects of employment, from recruitment to dismissal and includes former worker's rights in respect of reference provision.

- To ensure that our organisation is free of unwanted conduct that violates the dignity of individuals, and creates an environment where no form of intimidation, bullying, victimisation or harassment will be tolerated.
- To seek information from relevant groups through consultation to make informed decisions about employment policies and practices.
- To treat all complaints of discrimination or harassment in the course of employment seriously, and where appropriate, deal with them in accordance with our disciplinary procedure, which may result in disciplinary sanctions, and even dismissal.
- To integrate equality considerations into the decisions we make covering all aspects of employment including recruitment and selection, training, promotion, pay, employee benefits, employee grievances and disciplinary procedures.

## **8.4 Disabled Employees**

Conwy County Borough Council is committed to provide a safe and informed working environment for disabled employees (and prospective employees) or those who become disabled during their employment. Conwy County Borough Council adheres to the commitments set out in the Positive About Disability Scheme (Two Tick Symbol). The commitments are:

- To interview all disabled applicants who meet the essential criteria for a job vacancy and to consider them on their abilities

- To discuss with disabled employees, at any time, but at least once a year, what both parties can do to make sure disabled employees can develop and use their abilities
- To make every effort when employees become disabled to help them remain in employment
- To take action to ensure that all employees develop the appropriate level of disability awareness to achieve these commitments
- To review these commitments each year and assess what has been achieved, plan ways to improve on them and let employees and Jobcentre Plus know about progress and future plans

## **9. Procurement and Working with Others**

Conwy County Borough Council regularly works in partnership with external organisations to share the responsibility for service delivery. Conwy County Borough Council must ensure that money spent on goods, works and services meet the diverse needs of the customers we serve. Our customers deserve a high quality service regardless of who provides the service.

This policy applies to service suppliers, contractors and outside agencies eg, independent contractors, the voluntary sector and services delivered by joint committees which the Council is involved with. It is therefore the responsibility of those services working with these bodies to ensure they are informed of this policy.

Procurement provisions must include relevant equality considerations. We will encourage suppliers to promote equality within their own organisations through the procurement process and we will take reasonable steps to monitor compliance and seek assurances.

Where a public function is carried out on behalf of Conwy County Borough Council, the contractor is bound by the public sector general and specific equality duties.

The Equality Act 2010 has introduced certain provisions in order to help public authorities use public procurement to contribute to delivery of their equality objectives or functions under the public sector general equality duty. This will mean that Conwy County Borough Council will have to have “due regard to the need to” include considerations that are relevant to the performance of the general duty in any award criteria or contract conditions when entering into relevant agreements under the European Union Public Service Directive.

## **9.1 Partnerships**

To encourage partners to value diversity and promote equality, the Council will:

- Incorporate equality principles in terms of reference to ensure that we embed equality within strategies, plans and projects, including identifying responsibility for equality impact assessments
- Lead by example incorporating the principles of equality in all that we do
- Work together with our partners to embed equality within our ways of working and align our strategies

## **10. Responsibility and Implementation**

### **10.1 Cabinet and Senior Management**

The Leader of the Council, Members of the Cabinet, Chief Executive, Strategic Directors, Chief Officers, Senior Managers, Equality Champions and Corporate Human Resources are all responsible for promoting both the principle of equality and diversity and the practical action needed to implement this policy. Responsibility for the Council's approach to all equality issues lies ultimately with the Chief Executive. Corporate Human Resources has responsibility for co-ordinating equality issues and actions in both service delivery and employment.

The Cabinet, Chief Executive, Strategic Directors, Chief Officers, Senior Managers and Equality Champions will:

- Publicly demonstrate their support by endorsing events that promote the principle of equality
- Ensure that the public image of the Council emphasises its commitment to the principles of equality
- Ensure that resources are allocated as appropriate to implement equal opportunity procedures
- Ensure that action is taken by appropriate responsible internal bodies and officers of the Council to respond to the needs of identified groups within the community whose needs are less well met by Council services than other groups

## **10.2 Managers**

Managers have a responsibility to promote the principles of equality and diversity and to act in accordance with this policy in delivering services and managing their employees. Managers are required to take prompt action to address inequality discrimination and harassment. In identifying and challenging discriminatory practices and behaviour managers have an important role to play in leading by example. Managers have a dual responsibility to ensure services are accessible and meet the needs of diverse groups and to comply with equality legislation through all aspects of employment.

Managers will:

- Ensure their employees are aware of the principles set out in this policy
- Respect the confidentiality of all service users and employees and ensure that all equality issues are managed with discretion and sensitivity
- Ensure their employees are aware of the principles set out in this policy
- Support employees to develop and enable them to reach their full potential through:
  - Full consideration of any requests for work life balance
  - Ensure employees receive an appraisal at least once a year
  - Abiding by the commitments set out in the Positive About Disability Scheme
- Ensure equality impact assessments are undertaken as appropriate

## **10.3 All Employees and Workers**

All employees and workers will be made aware of this policy and shall have responsibility to respect and act in accordance with it. All employees, and contractors working on behalf of the Council, are required to treat others with dignity and respect and to not unlawfully or unfairly discriminate on any grounds. The success of implementing this policy is dependent upon all employees taking responsibility for promoting equality and diversity. All employees have a duty to report any practices of discrimination or inequality that they observe. Inappropriate behaviour by employees, either directed towards work colleagues or members of the public will not be tolerated.

Employees will:

- Treat other employees, customers, contractors and visitors to the Council with dignity, courtesy and respect
- Be aware of the effect of their own behaviour and language has on others and use behaviour and language that does not cause offence or is discriminatory

- Be sensitive to the diverse needs of colleagues, for example, religion and belief, sexual orientation and respect an individual's rights to take opportunities to work more flexibly
- Respect the right of colleagues not to disclose aspects of their protected characteristics if they so wish
- Be aware of the effect of own behaviour and language outside the workplace and the impact this may have on employment if it is likely to bring discredit to the Council

#### **10.4 Trade Unions**

All recognised Trade Unions and Trade Union Representatives have a responsibility to promote the principles of equality and diversity and ensure that they act in accordance with this policy, and report any discriminatory practices that they identify during the course of their duties.

Conwy County Borough Council is committed to working in partnership with Trade Unions and to incorporating the principles of equality and diversity through the work that is undertaken.

#### **10.5 Contractors and Partners**

All contractors and partners undertaking activities for the Authority have a responsibility to comply with the requirements of this policy and this will be reflected in all contract and partnership arrangements.

Any breach of this policy will be dealt with through the Disciplinary Policy. Serious offences such as harassment will be treated as misconduct or gross misconduct. The Policy against Harassment at Work details grounds and forms of harassment.

### **11. Making a Complaint of Discrimination**

If an individual experiences discrimination while working with us, using our services, or living or working in our communities, we need to know about it. We want to ensure your experience is recorded and an appropriate resolution sought. The complaint will be taken seriously and we will take action where our policies have been breached.

Conwy County Borough Council will not tolerate any contraventions of this Policy, by any of its employees, members, contractors, or other agents working or delivering services on our behalf. We all have a responsibility to treat others with dignity and respect. This includes the language we use with each other. It is recognised that acceptable language and terminology in relation to the equality agenda changes over time and we all have a duty to ensure that the language we use is appropriate and up to date. We believe that treating everyone we encounter with dignity and respect is not only an essential ingredient in our Council's culture, but is also vital in order to comply with the legislation and to meet our commitments outlined in this Policy.

Discrimination on the grounds of any protected characteristic is regarded as gross misconduct in the Council's Disciplinary Policy. Any form of harassment, bullying or victimisation of colleagues or customers, or false or malicious accusations of such conduct, is also deemed to be gross misconduct. Either situation could result in summary dismissal, following a full investigation and disciplinary hearing. Our Policy Against Bullying describes unacceptable behaviours, and set out procedures and support available to employees.

### **11.1 Employees**

Employees, who feel they have experienced discrimination or harassment in the workplace from another employee or third party, should in the first instance try to resolve the situation informally themselves by advising the perpetrator that their behaviour is not acceptable to them and requesting that it stops. If the employee does not feel able to approach the perpetrator directly, or they feel the situation is more serious, they may proceed straight to a formal procedure.

If an employee wishes to commence formal procedures, they should follow the Council's Grievance Procedure or the Policy against Harassment and report the matter to their line manager who will take appropriate action to prevent repeat incidents.

The employee may also wish to have a confidential discussion with Corporate Human Resources and / or a Trade Union Representative.

The Council's Whistle Blowing Policy can also be followed to raise serious concerns within the organisation.

Copies of relevant policies are available on the intranet or upon request from Corporate Human Resources.

Link to Intranet for employees: [Corporate Policies & Guidance - Intranet](#)

### **11.2 Customers**

If an individual experiences discrimination or harassment whilst using one of our services then the Council's complaints procedures should be followed.

These are set out in the Conwy Complaints and Compliments leaflet which is available from all local Council Offices, libraries and via the Councils' website or by contacting the Council by telephone 01492 576070 or email: [complaints@conwy.gov.uk](mailto:complaints@conwy.gov.uk).

All complaints will be treated in confidence and investigated fully and any action against an employee found to have contravened the policy will be dealt with using the Council's Disciplinary Policy.

If an individual has been harassed in the community because of a protected characteristic you can report this to North Wales Police on the numbers below. This helps public organisations to record the extent of such problems in Conwy and take appropriate action.

Telephone: 101  
TypeTalk: 01978 294738  
Minicom: 01745 535612

Or to Safer Wales  
Web link: [www.saferwales.com](http://www.saferwales.com)  
Telephone: 029 2046 1564

Or contact Community Safety team in Conwy  
Address: Civic Offices, Abergele Road, Colwyn Bay, LL29 8AR  
Telephone: 01492 575229  
Email: [communitysafety@conwy.gov.uk](mailto:communitysafety@conwy.gov.uk)

### **11.3 Compliance - Job applicants**

Job applicants who feel they have grounds for complaint should write to the Head of Corporate Human Resources, Conwy County Borough Council, Bodlondeb, Conwy, LL32 8DU.

### **11.4 Compliance - Elected Members**

Any breach of the Code of Conduct by Elected Members in relation to any issue relating to equality will be dealt with under the statutory provisions contained in the Local Government Act 2000.

### **11.5 Compliance - Contractors**

Any breach of the contract by a Contractor delivering a service with, or on behalf of the Council, will be addressed in accordance with the terms of that Contract.

## **12. Monitoring and Measuring Progress**

The Council will monitor this policy through its Corporate Complaints / Social Services Statutory Complaints Procedures, internal grievance/harassment process and analysis of the annual Employment Monitoring Report. Progress will also be monitored annually against equality objectives and actions, which are set out in the Strategic Equality Plan. Progress against the Strategic Equality Action Plan will be monitored and reported each year to Senior Management Team and Cabinet.

We recognise that we may not know what the needs of all groups in our workforce or the community might be. In order to identify the needs of different groups, we will:

- Monitor complaints and comments received regarding recruitment, employment and service delivery
- Analyse employment monitoring and service equality monitoring data
- Use equality monitoring data to inform the Impact Assessment process and to feed into policy reviews

- Share information gathered from consultation undertaken by the Council

By monitoring various aspects of people's identity we can analyse the data to make informed decisions regarding our policies and practices and avoid adverse impact on different groups. Any patterns of inequality of opportunity or practice found to exist will be investigated and any remedial action taken, both to correct the situation and to prevent any re-occurrence.

### **13. Useful Resources**

Equality and Human Rights Commission  
Web link: <http://www.equalityhumanrights.com/>

Equality Advisory Support Service  
Telephone: 0808 800 0082  
Textphone: 0808 800 0084  
Website: <http://www.equalityadvisoryservice.com/>

Disability Wales  
Web link: <http://www.disabilitywales.org/>  
Telephone: 029 20 88 7335

The Gender Trust  
Web link: [www.gendertrust.org.uk](http://www.gendertrust.org.uk)  
Telephone: 0845 231 0505

North Wales Regional Equality Network  
Web link: [www.nwren.org.uk](http://www.nwren.org.uk)  
Telephone: 01492 622233

Stonewall  
Web link: [www.stonewall.org.uk](http://www.stonewall.org.uk)  
Telephone: 0800 502020

Inter Faith Network  
Web link: [www.interfaith.org.uk](http://www.interfaith.org.uk)  
Telephone: 020 7931 7766

Age UK (previously Age Concern)  
Web link: [www.ageuk.org.uk](http://www.ageuk.org.uk)  
Telephone: 0800 169 6565

Citizens Advice Bureau (Conwy District)  
Web link: <http://www.adviceguide.org.uk>  
Telephone: 0844 477 2020

Independent Advisory, Conciliation and Arbitration Service (ACAS)  
Web link: [www.acas.org.uk](http://www.acas.org.uk)

Telephone: 08457 474747

Welsh Language Commissioner

Web link: <http://www.comisiynyddygydraeg.org/english/Pages/Home.aspx>

Telephone: 0845 6033 221

Public Services Ombudsman for Wales

Web link: <http://www.ombudsman-wales.org.uk/>

Telephone: 0845 601 0987

#### **14. Review and Equality Impact Assessment**

This policy will be reviewed and any changes Impact Assessed if monitoring indicates amendments are required and/or there are changes in legislation which impact upon its contents.

#### **15. Alternative Formats and Languages**

This Policy is published on our website in Welsh and English.

The Policy can also be accessed on our free public access computers which are in all Council Libraries and Bodlondeb and Civic Office Receptions.

Copies can be made available in Braille, large print, audio CD and in other languages. To arrange a copy please contact:

Telephone: 01492 576225

Email: [equalities@conwy.gov.uk](mailto:equalities@conwy.gov.uk)

A paper copy can be requested by calling 01492 574000.

BT Relay Service Customers with hearing or speech impairments can contact any Council service by dialling **18001** before the number they require.