

Equality and Diversity Policy

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Policy & Performance Team

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1. Purpose Statement

This policy is a commitment to everyone who uses BCP Council (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.

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

The Council is required to treat people fairly.

The Council must not discriminate against people who access our services, including in those circumstances where services are provided by third parties on our behalf.

The Council must not discriminate against people who represent or are employed by the council in any capacity – Members, staff and those seeking employment by the Council.

Everyone who works for the Council has a duty to challenge inappropriate language and behaviour towards others and to members of the public should they come across it during their work.

The council is committed to principles of equality and respect for diversity and will provide quality responsive services, appropriate to need.

The Council will use this policy to ensure as far as possible that these rights are upheld.

The Council will ensure that all employees, potential employees and contractors are aware of this policy.

Any acceptance of an offer of employment or contract will automatically also be taken as a commitment of acceptance of the policy and a pledge to demonstrate that commitment in their performance and provision of service.

2. Who the policy applies to

This policy is applicable to all who represent BCP Council in any capacity – Members, officers, contractors, volunteers, partner organisations, people on work placements, visitors and customers.

It applies:

- in day to day interactions with customers
- when considering changes to employment practice, services change or creating or reviewing a policy

Regardless of their:

- age
- caring responsibility whether for children or other dependents
- civil or marital status
- disability
- gender reassignment
- political, religious or other belief
- race, colour, national or ethnic origin
- sex
- sexual orientation
- socio-economic status
- trade union membership or activity, or work pattern
- any other status as identified within the European Convention of Human Rights
- any other reason that cannot be justified

3. This policy replaces

- 3.1 This policy repeals all equality and diversity policies and guidance of the legacy councils that were Bournemouth Borough Council, Christchurch Borough Council and Borough of Poole.

4. Approval process

- 4.1 This policy requires Cabinet approval.

5. Links to Council Strategies

- 5.1 This policy supports the BCP Corporate Strategy and all other council policies, strategies and plans.
- 5.2 The Council's equality and diversity commitments are set out under the headline priorities in the [Corporate Strategy](#):
- Fulfilled Lives
 - Brighter Futures
 - Connected Communities
 - Dynamic Region
 - 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 characteristics of service users, and in view of these have considered the appropriateness and accessibility of the services being offered.
- 6.4 All policy documents must be able to demonstrate that due 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.
- 6.6 All EIAs will available on the Council's website.
- 6.7 An internal Equality and Diversity Governance and Delivery Framework¹ is in place to help ensure the Council discharges its PSED. The framework is led by a Strategic Equality

¹ Appendix A

Leadership Group (SELG) who set the strategic direction of equality objectives, as required under the Equality Act 2010.

6.8 The SELG monitor performance against an agreed equality action plan and agree an annual programme of celebrations and events which the Council will support to advance equality and diversity.

6.9 Four implementation groups support the SELG and will have representation at the SELG.

- Service Unit Equality Champions
- Employee Equality Champions
- Community Equality Champions
- Corporate Support

6.10 Service Directors can make representations to the SELG as required.

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 BCP equality impact assessment [screening tool](#) is available to help determine if a full equality impact assessment (EIA) needs to be carried out. The summary and conclusion of the screening exercise should be used to inform Council reports. It is important to note that even when it has been decided not to carry out a full EIA the outcome of this decision remains subject to the general duties and not carrying out a full EIA places the Council at greater risk of legal challenge.

7.3 A full [equality impact assessment template](#) and guidance is available to evidence in detail how both positive and negative equality impacts have been identified and understood.

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 actions are agreed to 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 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 make-up of its workforce and any negative impacts that could arise from terms & conditions and pay & reward on the different protected characteristic groups.

8. Roles and responsibilities

Role	Responsibility
Strategic Equality Leadership Group	<ul style="list-style-type: none"> ▪ set the strategic direction for equality within BCP Council including commitments to the public sector equality duty, equality objectives & policy ▪ agree annual programme of equality & diversity themed events and celebrations that BCP Council support ▪ monitor progress against the corporate equality action plan
Service Unit Equality Champions	<ul style="list-style-type: none"> ▪ communicate and help embed equality & diversity policy and procedure ▪ support and undertake equality impact assessments ▪ monitor and report activity and performance within their business area ▪ attend E&D forums on behalf of their Service Unit as required
Employee Equality Champions	<ul style="list-style-type: none"> ▪ represent staff at strategic leadership groups and provide a safe place to discuss equality related issues ▪ maintain close communication links with HR ▪ contribute to the development of employment policy and procedure. ▪ attend E&D Forums on behalf of staff as required
Community Equality Champions	<ul style="list-style-type: none"> ▪ act as a link and conduit between BCP Council and local community groups ▪ promote and facilitate wider community engagement and participation ▪ attend E&D Forums
Corporate Support	<ul style="list-style-type: none"> ▪ coordinate strategic Equality Leadership Group and Forum meetings ▪ horizon scan and provide guidance and advice ▪ develop corporate equality policy and procedure ▪ prepare equality monitoring reports for SELG ▪ undertake consultation, research and source intelligence ▪ provide employee relations support and training ▪ promote equality and diversity related activity and events ▪ procurement advice and guidance
Elected Members	<ul style="list-style-type: none"> ▪ ensure their behaviour is consistent with the principles of this policy and have a central role to play in ensuring that they are integral to the local authority's aims. ▪ 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. ▪ should understand their responsibility under the equality Duty to ensure fairness and equality of opportunity and outcomes for local people
Corporate Directors	<ul style="list-style-type: none"> ▪ to be proactive in the promotion of equality and demonstrate respect for diversity ▪ embed equality in all aspects of service delivery ▪ encourage the collection of equality monitoring data within their business area ▪ contribute to the development of an organisational culture that supports those who take active steps to challenge discrimination and harassment
Service Directors	<ul style="list-style-type: none"> ▪ to ensure effective integration of the principles of equality within their service plans ▪ to maintain an overview of performance on equality ▪ to nominate and support an Equality Representative within their Business Unit ▪ to support staff to attend staff equality networks
Managers	<ul style="list-style-type: none"> ▪ to monitor individual behaviour and take appropriate action if there is evidence of discrimination, harassment or bullying. ▪ to raise awareness of individual rights and responsibilities. ▪ to identify appropriate training needs and provide training opportunities
All Staff	<ul style="list-style-type: none"> ▪ to take responsibility and be accountable for their own behaviour. ▪ 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. ▪ to provide diversity monitoring information to help inform workforce planning and the BCP People Strategy

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 Members who fail to comply with this policy will be subject to procedures set out in their code of conduct.
- 9.3 A member of staff who causes offence or makes another individual feel unsafe or degraded or creates a hostile, intimidating, humiliating 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.
- 9.4 Contracts with providers or suppliers may be terminated if they do not operate in the spirit of this policy or 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 Commissions Website: [ECHR](#)

Equality and Diversity – Internal Governance and Delivery Framework

