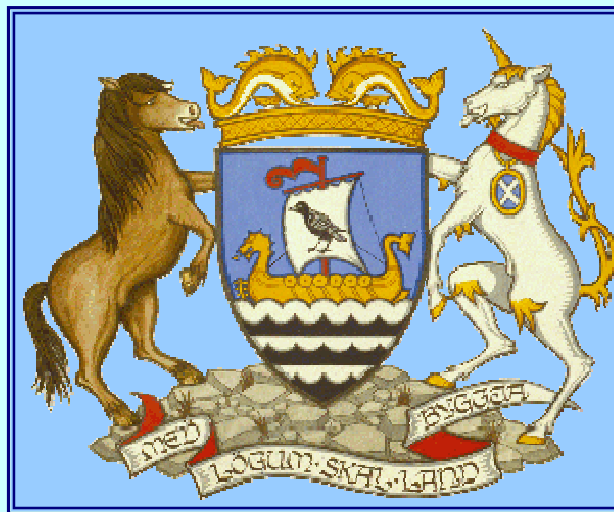


SHETLAND ISLANDS COUNCIL

EQUALITY AND DIVERSITY POLICY



Operational Date: 30 March 2005
Applies to: All Staff

Shetland Island Council

EQUALITY AND DIVERSITY

Operational Date: 30 March 2005

Review Date: 29 March 2008

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1 INTRODUCTION

- 1.1 The Council's commitment to equality and diversity is not just about treating employees and job applicants fairly and equally. It is also about managing a diverse workforce, providing equality of access to our services and promoting equality in everything the Council does.

This commitment is to ensure that no employee or job applicant receives less favourable treatment on grounds of gender, age, disability, race, ethnicity, marital status, sexual orientation, religious belief or offending background. The Council recognises that differences between people in the workplace should be respected and valued.

Our commitment is to:

- Ensure that no unlawful discrimination occurs in the workplace;
- Ensure that the Council complies with equal opportunities legislation and best practice in areas of gender, race, disability, age, sexual orientation and religious belief;
- Ensure that all employees are aware of what types of behaviour may constitute as discrimination, racism and harassment and that such behaviour is unacceptable;
- Promote and encourage diversity amongst our workforce;
- Promote equality of opportunity to all in respect of the services we deliver;
- Ensure that communication and accessibility issues are considered at all stages of Service planning and delivery;
- Ensure that managers and employees are aware of their responsibilities in terms of equality and diversity.

This policy should be read in conjunction with the Council's Race Equality Scheme.

Any breaches of this policy will be dealt with through the Council's Disciplinary procedure.

2 SCOPE OF POLICY

- 2.1 This policy applies to all employees and potential employees of Shetland Islands Council.

External contractors providing goods and services are expected to adhere to the principles of this policy.

3 POLICY STATEMENT

- 3.1 The Council's aim is to be an equal opportunities employer and service provider, and has an Equality and Diversity Policy for this purpose. Our long-term aim is that the composition of our workforce will reflect that of the community.
- 3.2 This policy covers all aspects of employment, from recruitment and training to conditions of service and dispute resolution.
- 3.3 To ensure that this policy is operating effectively the Council maintains records of employees' and applicants' gender, age, disability, race, ethnicity and marital status. Ongoing monitoring and regular analysis of such records provide a basis for appropriate action to eliminate unlawful direct and indirect discrimination and promote equality of opportunity.
- 3.4 To ensure implementation of the Race Equality Scheme and to address all Equal Opportunity issues across Shetland, the Council has joined other agencies in Shetland to develop a joint Action Plan. These agencies include the Council, NHS Shetland, Northern Constabulary, Shetland Council of Social Services, the Procurator Fiscal and Shetland Enterprise Co. Ltd.
- 3.5 This 'Ensuring Equalities Group' is a sub group of the Community Planning Board and is working towards 'mainstreaming' all policies and services in Shetland by taking account of the different needs of the population and genuinely promoting equal opportunities in a consistent way across organisations and the community.
- 3.6 It is important that Equality and Diversity is not seen as 'just another initiative' but as an evolving approach by which we genuinely try to keep improving. In this regard, the Council will use an 'Equality Impact Assessment' when developing and reviewing internal policies and during service planning and delivery.
- 3.7 The Council will also maintain its own Equalities Action Plan, which will ensure timetabled activity in relation to delivering on the Race Equality Scheme and on this policy.
- 3.8 Every employee will be made aware of equality and diversity through this policy and through the promotional leaflet; Equality and Diversity - Know the Facts and also through specific corporate training and development activities.

4 LINKS TO OTHER POLICIES

- 4.1 Whilst equality and diversity impacts on every existing Council policy and every service the council provides, the main Council policies it affects are:
 - Recruitment and Selection;
 - Employment of Disabled People;
 - Harassment and Bullying;
 - Code of Conduct for Employees;
 - Grievance Procedure;

- Disciplinary Procedure;
- Policy on Disclosure of Criminal Record Information;
- Shetland Islands Council Race Equality Scheme.

Copies of these policies are available on the Personnel intranet site, in booklet form at Personnel, 64 St Olaf Street, Lerwick, or from administration staff within service areas.

5 LEGISLATION

5.1 The Council has a legal responsibility to ensure that no unlawful discrimination occurs in the workplace. In that respect we will adhere to all current anti-discrimination legislation. This policy aims to achieve a consistent approach in order to comply with employment legislation and recognised best practice.

The main pieces of legislation that impinge on this policy are:

- **Disability Discrimination Act 1995** prevents people from being treated less favourably on grounds of their disability and also requires employers to make reasonable adjustments to workplaces to accommodate a person with a disability. As well as covering employment, this Act also covers access matters for members of the Public. 'Access' includes providing public information in accessible formats;
- **Sex Discrimination Act 1975 and 1986** prevents employers from discriminating on grounds of sex, marriage or because someone intends to undergo, or has undergone, gender reassignment;
- **Race Relations Act 1976 and Race Relations (Amendment) Act 2000** makes it illegal to treat anyone less favourable on racial grounds. It also requires public authorities to promote equality of opportunity, provide fair and equitable treatment and good race relations at all times. The Councils Race Equality Scheme sets out how we will meet the specific and general duties of this act;
- **Equal Pay Act 1970 and Amendment Regulations 1983** outlaws discrimination between men and women in respect of pay and terms and conditions of employment;
- **Human Rights Act 1998** requires public authorities to comply with rights set out in the European Convention of Human Rights;
- **Employment Equality (Religion or Belief) Regulations 2003** protects people from discrimination on grounds of all religions and beliefs.
- **Employment Equality (Sexual Orientation) Regulations 2003** gives protection from discrimination on grounds relating to sexual orientation.

Legislation is pending which will provide minimum standards for legal protection from discrimination in respect of age.

6 RESPONSIBILITIES

6.1 The Council as employer will:

- Ensure that all employees are aware of this policy and their responsibilities as a result of it;
- Take all reasonable steps to prevent discrimination in the workplace;
- Promote equality of opportunity whenever possible;
- Consult with recognised Trades Unions regarding the implementation, monitoring and review of this policy; and
- Provide training and guidance to managers and other staff as appropriate on the content of this policy and also raise awareness of equality and diversity issues.

6.2 All managers and supervisors will:

- Ensure that they and their staff are fully aware of this policy and its contents;
- Establish and maintain a working environment which is free from discrimination and promote equality of opportunity; and
- Set a personal example by ensuring that they do not conduct themselves in a discriminatory manner.

6.3 All employees will:

- Comply with this, and other, Council policies to ensure equality of opportunity and avoid discrimination;
- Set a personal example by ensuring that they do not, through their own words or actions, discriminate another employee on any grounds not objectively based;
- Ensure that they do not, through their own words or actions, harass another employee on any grounds;
- Not victimise anyone who has made an allegation, or who has provided information about any allegation;
- Be encouraged to draw specific acts of discrimination to the attention of the relevant manager or supervisor; and
- Be entitled to challenge behaviour that is clearly causing distress or offence to others, by expressing disapproval or supporting colleagues who are experiencing such behaviour.

7 RECRUITMENT AND SELECTION

- 7.1 Employees should refer to the policy on Recruitment and Selection, as well as this policy.
- 7.2 All vacancies will be advertised through internal bulletin, and where agreed local and national media. There are several exceptions where posts will not be advertised, for example, to re-deploy an employee to avoid compulsory redundancy or ill health retirement. All exceptions to advertising are outlined in Section 3.8 of the Recruitment and Selection Policy.
- 7.3 The method of advertising should relate directly to the skills and experience needed to do the job and to equality of opportunity.
- 7.4 All posts are regarded as suitable for job-share unless an exemption is agreed for job related reasons. This must be made clear in the advertisement.
- 7.5 All applications must be made on a Shetland Islands Council application form. Curriculum vitae will not be accepted, unless in the case of visually impaired applicants. The application form will not request information on the applicant's sex, age, marital status or race. However this information is requested in an Equal Opportunities Monitoring form at the back of attached to the application form. This form will be removed and sent to Personnel for monitoring purposes and will not be seen by the shortlisting panel. Council application forms will be reviewed regularly to ensure that inappropriate information is not requested.
- 7.6 Wherever possible shortlisting and interview panels should be gender balanced.
- 7.7 Where some form of selection testing is seen as beneficial, Personnel must be consulted to ensure that the tests are appropriate and will not unfairly disadvantage any group.
- 7.8 As part of our commitment to equality of opportunity the Council has determined that if a disabled applicant meets the minimum stated requirements they will be guaranteed an interview. When two candidates are equally suited for the post, one being disabled, the disabled candidate should be appointed.
- 7.9 The selection of applicants shall not be based on information beyond that necessary for assessing a candidate's suitability for the post. Applications forms and selection procedures will conform to this requirement. Selection criteria will be consistently applied.
- 7.10 Qualification and experience requirement must be relevant to the principal functions of the post, and reflect job evaluation statements where these exist.
- 7.11 All appointments must be made on merit and must reflect the candidate who most closely meets the essential requirements of the job as set out in the person specification and/or the career grade where it applies.
- 7.12 Detailed reasons for rejections, short listing, or appointing candidates must be recorded. It is insufficient to record merely that a candidate is unsuitable.

7.13 All selection panel members should have received training on Recruitment and Selection procedures and on this policy, and its practical implementation.

7.14 Any alleged breaches of the Recruitment and Selection Policy may result in suspension of the recruitment process and/or investigation by an Executive Director or nominee. Breaches of this policy will normally be addressed through training. However, in exceptional circumstances, disciplinary action may be necessary.

8 TRAINING AND DEVELOPMENT

8.1 All new employees to the Council will receive departmental induction training and wherever possible corporate induction training.

8.2 All Council employees are entitled to apply for training and development opportunities through application to their Line Manager, who will consider all applications on its merit and relevance to the Council as a service provider.

8.3 The Council will take all reasonable steps to ensure that wherever possible, training courses will be delivered in Shetland to enable the full participation of those with family care responsibilities.

8.4 The Council will provide a programme of equality and diversity training relevant to individual employee's responsibilities to ensure that the objectives of this Policy are fulfilled.

8.5 The Council will provide training and development opportunities to employees to assist those who may be otherwise disadvantaged in achieving progression, for example, management development training for women.

8.6 All Corporate Training and Development opportunities are advertised on Council notice boards and on the Council's Intranet pages. Training Directories are also made available to all staff within each department through the appropriate training representative or by contacting Train Shetland directly.

9 PAY, GRADING AND APPLICATION OF CONDITIONS OF SERVICE

9.1 This policy applies to all matters concerning the applications of pay, grading and conditions of service generally.

9.2 Where the Council employs a scheme of job evaluation this will be non-discriminatory in its application.

9.3 It is an underlying principle that the Council will seek to provide equal pay, grading and conditions of service for both men and women who are undertaking work that is:

- The same or broadly similar;
- Has been rated as equivalent under a job evaluation scheme or;
- Is of equal value in terms of the effort, skills, knowledge and responsibility required.

- 9.4 All part-time employees will be paid on a pro-rata basis and will have an entitlement to pro-rata annual leave.
- 9.5 In recognition of employees' need to integrate their caring responsibilities and working life more effectively, the Council operates two flexible working policies, the Flexible Working Statement and the Job Share Policy. Employees should refer to these policies as well as this policy.
- 9.6 Applications for flexible working arrangements from employees who meet the specific set criteria will be considered on an individual basis. Changes made to an individual employee's conditions of service under these policies will be permanent.

10 DISPUTE RESOLUTION

- 10.1 The Council has several dispute resolution policies and procedures, which include:
- Grievance Procedure;
 - Disciplinary Procedure;
 - Harassment and Bullying Policy;
 - Complaints Procedure; and
 - Policy for Reporting Concerns at Work.
- 10.2 Employees should refer to these policies and procedures as well as this policy, depending upon the nature of the issue being raised.
- 10.3 Grievances raising equality and diversity issues are normally dealt with through the Grievance Procedure, with the exception of issues to do with harassment, which would be dealt with under the Harassment and Bullying Policy.
- 10.4 Employees who have concerns that the Council has failed to comply with legal obligations in relation to this policy can report these through the Policy for Reporting Concerns at Work.
- 10.5 Breaches of this policy will be dealt with under the Council's Disciplinary Procedures. In some circumstances it will be necessary to suspend an employee on full pay while a disciplinary investigation is carried out. Suspension from duty should be regarded as a neutral act and it is not intended to imply guilt on any party but to ensure a fair investigatory process can take place.
- 10.6 Disputed equality and diversity matters must be dealt with promptly, as any unnecessary delay can exacerbate problems. Therefore, the Council's policies and procedures are designed to encourage the early identification of areas of conflict as near to the point of origin as possible and provide a structured framework to guide management and employees towards resolving these at the earliest possible opportunity.
- 10.7 Members of the public can raise concerns on equality and diversity issues under the Council's Complaints Procedure.

10.8 The Council will ensure that its dispute resolution policies and procedures are available to all staff. These policies and procedures are available on the Council's Intranet, in booklet-form from Personnel and at each departmental administration office.

11 EMPLOYMENT OF EX-OFFENDER

11.1 Employees should refer to the policy on Disclosure of Criminal Records and Employment of Ex-offenders, as well as this policy.

11.2 Applications for employment from ex-offenders will be considered on its merits.

11.3 Spent convictions will not be taken into account in employment decisions, except where applications of employment are for occupations covered by the Rehabilitation of Offenders Act 1974 (Exclusions and Exemptions) (Scotland) Order 2003.

11.4 Unspent convictions will be taken into account in employment decisions only where they are relevant to the duties of the post.

11.5 Records/information concerning employee or applicants convictions are confidential and are to be communicated only for legitimate managerial purposes.

11.6 Disclosure information will not be held in employees' personal files but stored in a lockable, non-portable storage container with limited authorised access.

11.7 Employees are required to inform their Head of Service when they are notified of any criminal proceedings against them. No action shall be taken on this information unless the Head of Service considers the proceedings relevant to their employment and protection of Council property, employees, or those in receipt of Council services is required.

12 PEOPLE WITH DISABILITIES

12.1 Employees should refer to the Managers Guide to Employment of Disabled Persons, as well as this policy.

12.2 The Council will ensure that the methods they use to attract job applicants will not discriminate against disabled people. All selection panel members will be trained on this policy and its practical implementation and on disability awareness.

12.3 Applications for employment from people with disabilities will be considered on their merits.

12.4 The Council will endeavour, whenever possible, to retain the services of any employee who becomes disabled during the course of their employment. If as a result of disability, an employee finds himself at a disadvantage in doing his existing job for example, as a result of the layout of the Council's premises, the Council will consider any reasonable adjustments, which could be made to resolve this difficulty.

13 MONITORING

- 13.1 In order to ensure effective operation of this policy a record will be kept for monitoring purposes of all employees' and job applicants' gender, age, disability, race, ethnicity and marital status.
- 13.2 Most of the monitoring data is collected through a computerised Human Resource and Payroll system (CHRIS). As this system is being implemented in stages we will continue to cross reference CHRIS data with manual and other IT systems already in place.
- 13.3 CHRIS can produce comprehensive data reports, which allow the Council to analyse the results. The data contained within these reports will be analysed against national and local census data in order to determine if any underlying trends exist. The results of this analysis will be used to identify the appropriate action needed to eliminate discrimination and promote equality of opportunity.
- 13.4 Summary information will regularly be made available to the Employees Joint Consultative Committee (EJCC) and full reports be presented to the Executive Management Team with recommendations for any remedial 'positive action'.
- 13.5 In line with our partners in the Community Planning led 'Ensuring Equal Opportunities Group' a commitment is in place between all partners to annual reporting of monitoring data during October each year.
- 13.6 In order to ensure effective implementation of the Race Equality Scheme and to comply with the specific duties of the Race Relations Act, the Council will annually monitor and publish by ethnic group the number of:
- Staff working for the Council;
 - Applicants for employment, training and promotion;
 - Staff who receive training;
 - Staff who receive performance reviews; and
 - Staff who exit employment with the Council;
 - Staff who are involved in grievance procedures; and
 - Staff who are the subject of disciplinary actions.
- 13.7 Because of the size of our community the Council will take extra care when publishing these results not to publicly identify individuals. Where race equality monitoring produces data that could possibly identify individuals the Council will make an overarching statement on what the results have revealed rather than publish the data.

14 CONSULTATION

- 14.1 The prime forum for consultation and monitoring of equality and diversity matters will be the EJCC. In this regard, the first item to be discussed on each agenda shall be equality and diversity issues.
- 14.2 One of the main functions of the EJCC is to provide a formal mechanism for open and constructive consultation to take place between the Council and its

employees. It should also positively influence the mainstreaming of equality and diversity issues across the Council and ensure, as far as possible, that this is incorporated into any policies and practices, which affect employees.

15 DEFINITIONS

- **Equality** is about ensuring that people are treated equally and fairly and that decisions on such matters as recruitment and selection, training and promotion are based solely on objective relevant criteria.
- **Diversity** is a broader term, which is about valuing the different contributions that people make, regardless of their abilities, background and beliefs. It is about giving individuals the opportunity to make their fullest contribution.
- **Discrimination** is the process by which an individual or group of people are treated less favourably than others for a reason that cannot be objectively justified. It often results from underlying prejudices and assumptions or through applying stereotypes to groups of people regardless of whether it is positive or negative.
- **Positive Action** is often taken to mean a variety of measures designed to counteract the effects of past discrimination and to help eliminate stereotyping on the grounds of sex or race. However, the term also applies specifically to two provisions of the Sex Discrimination Act 1975 and the Race Relations Act 1976 allowing for positive action in particular circumstances. These circumstances are defined in the Acts and relate to the provision of training, including vocational training, education or instruction, and encouragement to persons from a particular racial group or sex to apply for employment where they are not represented or are under-represented. It should not be confused with positive discrimination on grounds of sex or race, which is illegal under both these Acts.
- **Mainstreaming** can be defined as 'the systematic consideration of the differences between the different conditions, situations and needs of disadvantaged groups in all policies, at the point of planning, implementation and evaluation. It should aim to ensure that opportunities are genuinely available and accessible to the spectrum of potential participants and that the current initiatives do not have a negative impact on disadvantaged groups'.

Mainstreaming aims to make the delivery of services and opportunities to the whole community a reality. It is about recognising that any policy that affects people is unlikely to be 'equality neutral'. It is not about treating everybody the same, but about taking account of different needs and different realities and, through that process, developing policies that are sensitive to the diversity of the community.