

## **Cabinet – 14 December 2016**

### **Equality and Diversity Protocol**

**Portfolio:** Councillor S. Coughlan, Leader of the Council

**Related portfolios:** Councillor Nawaz and Councillor Fitzpatrick

**Service:** Consultation and Equalities, Business Change

**Wards:** All

**Key decision:** No

**Forward plan:** No

#### **1. Summary**

In order to make the expectations on our leaders, managers and staff clear, the Cabinet is asked to approve the Equality and Diversity Protocol (Appendices 1 and 2). The Protocol sets out relevant responsibilities and behaviours and is included in staff induction. Further Equality and Diversity training is available to new starters and managers, as well as to all levels of staff through refreshers on the e-learning portal. Specific diversity topics are also available to staff through the social care and children services' training programmes.

#### **2. Recommendations**

That the Cabinet approves the Equality and Diversity Protocol and notes the responsibilities arising from the Protocol for Councillors, managers and staff.

#### **3. Report detail**

- 3.1 It is the responsibility of all Councillors, the Chief Executive, Executive Directors, heads of service, managers and employees to act in ways that support equality and diversity. Where equality and diversity is not integral to the Council, discrimination may occur.
- 3.2 The Council believes that, within service delivery, equality is fundamentally about giving exemplary customer service, and ensuring that customer needs are identified and met. Council services, where at all possible, advance equality of opportunity and foster good relations between people from different groups.
- 3.3 The Council also believes that all groups of customers should positively benefit from its services. Information to customers about services should be provided in accessible formats, based on their particular needs, as far as reasonable and within resources available. Employees should be competent to serve diverse groups of customers and will receive training on understanding and promoting equality under the Equality Act 2010.

- 3.4 The Cabinet Member whose portfolio covers equality issues is responsible for monitoring Walsall Council equality initiatives, recommending changes and improvements necessary to Cabinet.
- 3.5 Councillors, with assistance from managers and staff, have responsibility for publicly advocating the Council vision and values of equalities and directly challenging prejudice, discriminatory behaviour and attitudes.
- 3.6 The Chief Executive, executive directors and senior managers have responsibility for developing a culture that promotes equality and values diversity, in employment and service delivery. They are also responsible for ensuring this protocol is fully implemented and monitored.

#### **4. Council priorities**

Fairness and Equality is one of Council's Corporate values: *"We will take people's different needs into account valuing diversity and challenging discrimination. We will ensure, wherever we can, that our decisions protect those who experience discrimination or exclusion and whose needs are greatest"*

All the council priorities contained within the Corporate Plan 2016-2020 directly relate to our aspirations to build Fairness and Equality into everything we do.

#### **5. Risk management**

Failure to engage with diverse communities and build Fairness and Equality into our everyday business may lead to direct or indirect discrimination, worsen Community Cohesion and bring about potential legal challenges. Compliance with the Public Sector Equality Duty requirements is monitored by Equality and Human Rights Commission.

#### **6. Financial implications**

As part of our Public Sector Equality Duty the Council regularly monitors and reviews fulfilment of Equality Objectives. This may require investment in training, customer care, interpretation, translation, transcription or easy read as well as support for specific community projects.

#### **7. Legal implications**

- 7.1 There are specific duties arising from Equality Act - annual reporting is required on Equality Objectives. Consultation law also expects engagement and consultation with people with 'protected characteristics' under Equality Act.
- 7.2 The Protocol has been developed within the framework of existing legislation and relevant Codes of Practice. The main legal provisions are contained within the Equality Act 2010 and the Human Rights Act 1998.

7.3 Walsall Council, in its many statutory and non-statutory duties, as a local authority, currently has the following objectives under the Public Sector Equality Duty:

1. We will strive to have a diverse workforce, representative of the communities living in Walsall.
2. We and our contractors will treat people and agencies we work with, fairly, justly and with respect, in relation to both service delivery and employment.
3. We will find ways to support those who are disadvantaged or excluded.
4. We will promote inclusion and celebrate diversity and engage with local communities to identify equality issues and agree priorities.

## **8. Property implications**

All services must be accessible to people with different levels of mobility needs in accordance with disability provisions of Equality Act.

## **9. Health and wellbeing implications**

People with 'protected characteristics' are proven to have worse health and wellbeing outcomes compared to other groups according to the *Health and Wellbeing Strategy for Walsall 2013-2016*.

## **10. Staffing implications**

Staff is expected to be competent to provide services to people with 'protected characteristics' and support equality objectives through their everyday work.

## **11. Equality implications**

As stated in the report.

## **12. Consultation**

Draft Equality and Diversity Protocol was consulted with Equality Champions, directorate management teams, Trade Unions and Corporate Equality Group.

## Background papers

National guidance.

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Change and Governance

6 December 2016



Councillor S. Coughlan  
Leader of the Council

6 December 2016

# **Equality and Diversity Protocol**



## Document information

Document title	Equality and Diversity Protocol		
Owner	Consultation and Equalities		
Status	Draft	Version	1
Effective from	14 June 2016	Approved on	14 June 2016
Review date	June 2019		
Last updated	June 2016	Last updated by	Consultation and Equalities
Purpose	Outline the aims, expectations and practices from our Councillors, managers, employees and partners in relation to equality and diversity.		

If you do not have access to the links in this document or would like this information in another language or format please contact

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## **1 Walsall Council Values**

1.1 The Council takes its responsibility in regard to equality and diversity very seriously. We will:

- treat people fairly, justly and with respect in both service provision and employment
- find ways to support those who are disadvantaged or excluded
- promote inclusion and celebrate diversity.

1.2 It is the responsibility of all Councillors, the Chief Executive, executive directors, heads of service, managers and employees to act in ways that support equality and diversity. Where equality and diversity is not integral to our organisation, discrimination may occur.

1.3 The Council believes that, within service delivery, equality is fundamentally about giving exemplary customer service, and ensuring that customer needs are identified and met. In our services, where at all possible, we will advance equality of opportunity and foster good relations between people from different groups.

1.4 The Council also believes that all groups of customers should positively benefit from our services. Information to customers about services will be provided in accessible formats, based on their particular needs, as far as reasonable and within resources available. Employees will be competent to serve diverse groups of customers and will receive training on understanding and promoting equality under the Equality Act 2010.

## **2 Principles**

2.1 This protocol has been developed to set out the aims and objectives of the Council's approach to equality and diversity and the overall commitment to valuing equality, diversity and human rights. It sets out the expectations on our Councillors, managers and employees in the Council's objective to promote equal opportunities for all our customers.

2.2 The Council has adopted a zero tolerance approach to all forms of unlawful and unfair discrimination on the grounds of age, disability, gender, gender identity, marital or civil partnership status, race, ethnic origin, colour, nationality, pregnancy or maternity, religion or belief (or no religion or belief), sexual orientation, class or social background, political belief or Trade Union affiliation. This protocol is in place to provide fairness for all involved in the Council's employment and service provision.



- 2.3 All employees, whether part time, full time or temporary and all volunteers will be treated fairly and with respect. Selection for employment, promotion, training, or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential, and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.
- 2.4 The Council is committed to meeting the needs and expectations of people who use its services. This means fair access for all, ensuring that the customers of Walsall are treated with dignity and respect. All groups of customers will positively benefit from our services. Information to customers about services will be provided in accessible formats, based on their particular need as far as reasonable and within resources available.
- Employees will be competent to serve diverse groups of customers and will receive training to understand how to promote equality under the Equality Act 2010.

### **3 Legislative Framework**

- 3.1 This protocol has been developed within the framework of existing legislation and relevant Codes of Practice. The main legal provisions are contained within the Equality Act 2010 and the Human Rights Act 1998.
- 3.2 The Equality Act 2010 has merged previous equality legislation into one Act of Parliament, with some areas being strengthened and others being more a consolidation of previous requirements. The Act covers the main equality duties together with additional requirements for public sector authorities. Details: [http://inside.walsall.gov.uk/equality\\_act-3.htm](http://inside.walsall.gov.uk/equality_act-3.htm)
- 3.3 The Human Rights Act 1998 sets out those rights in the UK which are protected by the European Convention on Human Rights. Human rights are based on the core principles that are relevant to day to day life, and protect freedom to control one's own life and fulfill one's potential through: being safe and protected from harm, being treated fairly and with dignity, living the life you choose, and taking an active part in the community and wider society. Details: [http://inside.walsall.gov.uk/human\\_rights.htm](http://inside.walsall.gov.uk/human_rights.htm)
- 3.4 Walsall Council, in its many statutory and non-statutory duties, as a local authority, recognises the following as 'protected characteristics' under the Equality Act 2010:
- Age
  - Disability
  - Gender reassignment





- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex (gender)
- Sexual orientation

#### **4 Leadership on Equality and Diversity**

- 4.1 The Cabinet Member whose portfolio covers equality issues is responsible for monitoring Walsall Council equality initiatives, recommending changes and improvements necessary to Cabinet.
- 4.2 Councillors, with assistance from officers, have responsibility for publicly advocating the Council vision and values of equalities and directly challenging prejudice, discriminatory behaviour and attitudes.
- 4.3 The Chief Executive, executive directors and senior managers have responsibility for developing a culture that promotes equality and values diversity, in employment and service delivery. They are also responsible for ensuring this protocol is fully implemented and monitored.

#### **5 Roles and Responsibilities**

- 5.1 Walsall Council requires that all its employees have appropriate training and possess competencies to fulfill the principles of this protocol.  
The training and competence levels will depend on the role of the employee or worker. Some roles will require specific training, competencies and conduct, for example; in children's services, social care and legal.  
Induction and training are provided for employees to acquire appropriate levels of competence. Details:  
[http://inside.walsall.gov.uk/equality\\_and\\_diversity\\_training\\_and\\_competencies.htm](http://inside.walsall.gov.uk/equality_and_diversity_training_and_competencies.htm)

##### **5.2 Managers and supervisors**

Managers and supervisors have responsibility for embedding equality objectives in plans and strategies. In order to fulfill this obligation they are required to carry out equality impact assessments (equality analysis) on key decisions and initiatives. These are to ensure that there is no unlawful adverse impact on people with 'protected characteristics'. They should include evidence on key service



decisions of consultation with customers from all equality characteristics.  
Details:

Equality Impact Assessments:

[http://inside.walsall.gov.uk/equality\\_impact\\_assessments.htm](http://inside.walsall.gov.uk/equality_impact_assessments.htm)

Diversity Monitoring

[http://inside.walsall.gov.uk/diversity\\_and\\_harassment\\_monitoring.htm](http://inside.walsall.gov.uk/diversity_and_harassment_monitoring.htm)

Managers responsible for employees, are also required to make fair employment decisions including:

- promoting a representative workforce, for example; fair recruitment, career development, pay, training, promotion and welfare of staff to ensure that Walsall Council's workforce, as far as reasonable, reflects the make up of the local population.
- ensuring employees are competent in equality and diversity, through regular one-to-one meetings, supervision and appraisals.
- challenging unfairness, and acting promptly and fairly in any instances of actual or alleged discrimination, harassment, or victimisation, in areas for which they are responsible;
- consulting employees from all protected characteristics on key employment related decisions, such as restructures or changes to work practices.
- supporting employees with disabilities, as far as reasonable, by putting in place reasonable adjustments, to overcome barriers they may experience during their employment with Walsall Council.

Details: [http://inside.walsall.gov.uk/equality\\_at\\_work\\_procedures\\_and\\_advice.htm](http://inside.walsall.gov.uk/equality_at_work_procedures_and_advice.htm)

### 5.3 Employees

All Walsall Council employees have a duty to demonstrate the principles and values of this protocol in their interactions and relationships with colleagues and customers. This includes, but is not limited to;

- acting in ways that are in accordance with equality legislation, policies, protocols and good practices
- treating everyone they come into contact with, with dignity and respect
- ensuring that they do not discriminate or induce others to practice discrimination, harassment or victimisation
- recognising and reporting behaviour that undermines equality and diversity.



#### 5.4 The Corporate Equality Group (CEG)

Membership of CEG consists of representatives of management (Equality Champions), employees (Trade Unions and/or employee networks) and relevant advisors, (e.g. Human Resources and Procurement). CEG meetings are chaired by the Chief Executive or relevant executive director. The meetings take place quarterly with the aim of overseeing that the Council meets the requirements of the Equality Act, Public Sector Equality Duty and Human Rights Act in the following areas:

- setting equality outcomes and monitoring progress against them
- monitoring how the Council advances equality of opportunity, as far as is reasonable within its resources and business need
- fostering good relations between people who share one or more protected characteristics and those who do not share them.
- monitoring the composition of its workforce and the take-up of services and take positive action to redress inequalities.

Details: [http://inside.walsall.gov.uk/corporate\\_equality\\_group-3.htm](http://inside.walsall.gov.uk/corporate_equality_group-3.htm)

#### 5.5 Consultation and Equalities

Consultation and Equalities has a key role in ensuring that this protocol is adhered to in the management of council business. They will oversee this protocol by:

- maintaining a strategic overview of the evolving equalities and human rights agenda
- ensuring the Council is kept informed of changes in legislation, national and local initiatives
- providing specialist advice as required on matters relating to equality and diversity in respect to service provision and supports Human Resources on matters in respect to employment.
- informing all employees of this protocol and of their rights to protection from discrimination, harassment or victimisation, including perceived and associated discrimination
- procures and manages Interpreting/Translation and Transcription Service.
- ensures that the Council meets its obligations under the Public Sector Equality Duty as set out in the Equality Act 2010.
- provides technical support/guidance to managers in the development and updating/monitoring of EqIA.
- produces EqIA cumulative report for Members in support of budget proposals.



5.6 Human Resources (HR) will support Councillors, managers and employees by:

- providing specialist advice as required on matters relating to equality and diversity in respect to employment
- ensuring processes for recruitment, selection and appraisals promote equality and diversity
- ensuring that barriers to recruitment opportunities are pro-actively identified and reduced
- using positive action statements to encourage applications for employment from under-represented groups
- ensuring that Councillors, employees with the council have fair access to opportunities such as training, coaching, shadowing, mentoring and promotion
- monitoring of managers' performance on employment practices and the composition of the workforce
- publishing equality related employee data and information
- ensuring that all human resources policies and practices are in line with this protocol.

Details: [http://inside.walsall.gov.uk/index/human\\_resources.htm](http://inside.walsall.gov.uk/index/human_resources.htm)

## **6 Monitoring of the Equality and Diversity Protocol**

Effectiveness of this protocol will be monitored as part of Walsall Council standard analysis and specific reports to include:

- Annual Public Sector Equality Duty report
- Annual Employment Monitoring Report

Disproportionate or adverse outcomes will be monitored and actions will be put in place by the Corporate Equality Group to achieve improvement.

## **7 Breaches of the Equality and Diversity Protocol**

Failure to meet the requirements of this Protocol may be treated as a disciplinary offence and may constitute misconduct or gross misconduct under the Council's Disciplinary Procedure.



## 8 Glossary

<b>Age</b>	A person belongs to a particular age group, which can mean people of the same age or range of ages.
<b>Customer</b>	Anyone who uses the services of an organisation.
<b>Disability</b>	A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities
<b>Discrimination</b>	Treating someone unfairly or differently because he or she happens to belong to or are perceived to belong to a particular group of people.
<b>Diversity</b>	The differences in the values, attitudes, cultural perspective, beliefs, ethnic background, sexual orientations, skills, knowledge and life experiences of each individual in any group of people.
<b>Equality</b>	Full opportunity and choices for people to improve their quality of life and be respected and included as equal members of society.
<b>Gender reassignment</b>	The process of changing or transitioning from one gender to another
<b>Harassment</b>	Unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment
<b>Human Rights</b>	Human rights are basic rights and freedoms that belong to every person in the world.
<b>Marriage and civil partnership</b>	Marriage is defined as a legally recognised union between two people. Same-sex couples may, instead, have their relationships legally recognised as 'civil partnerships'
<b>Pregnancy and maternity</b>	Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth.
<b>Protected characteristics</b>	These are the grounds upon which discrimination is unlawful. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
<b>Public authority</b>	Organisations and individuals that carry out public functions, including local authorities.



<b>Public sector equality duty</b>	The duty on a public authority when carrying out its functions to have due regard to the need to eliminate unlawful discrimination and harassment, foster good relations and advance equality of opportunity
<b>Race</b>	This refers to a group of people defined by their race, colour, nationality (including citizenship) ethnic or national origins.
<b>Religion or belief</b>	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief
<b>Sex (Gender)</b>	This refers to whether a person is a man or a woman
<b>Sexual orientation</b>	Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes
<b>Victimisation</b>	Subjecting a person to a detriment because they have done a protected act or there is a belief that they have done a protected act





**Walsall Council**

# **Equality and Diversity Protocol**



**July 2016**



This **protocol** is important for all the people who work and volunteer for the council  
It is important for all the people who are supported by the council



A **protocol** means a set of guidelines to do something in the correct way



This protocol is about **equality** and **diversity**



**Equality** means treating people fairly and with respect

All people have the same chances to do what they can

Some people may need extra support to do this



**Diversity** means that people are different  
It is great that people are different





You can find out more about the Equality Act 2010 from

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85012/easy-read.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85012/easy-read.pdf)



You can find out more about the Human Rights Act 1998 from

<http://www.publications.parliament.uk/pa/jt200708/jtselect/jtrights/40/40ieasyread.pdf>



The council wants all their staff and volunteers to know and understand this protocol



The council wants everyone who receives services and is supported by them to know and understand this protocol



This means that that people will work well together and get the best services they can



People who are supported by the council are called **customers**



The council wants to make sure that everyone is treated fairly  
This means all their staff and volunteers and customers



The protocol tells councillors, managers, workers and volunteers how to work well



This protocol tells customers who have services from the council how they will be treated  
They will be treated with equality and respect



This protocol will make sure what the council does is fair to all people



The council does not allow **discrimination**



**Discrimination** means treating someone worse than other people for some reason



It is against the law to discriminate against a person because of **protected characteristics**



**Protected Characteristics** can be



**Age** This means how old you are



**Disability** This can be physical, mental or learning disability



**Sex** If you are man or a woman  
**Gender Identity** If you see yourself as male or female



**Gender Reassignment** People who feel that the body they were born into is not right for them  
 They may want to change from being a man to a woman or a woman to a man



**Marital Partnership** A marriage is a public agreement between two people that join their lives legally and emotionally



**Civil Partnership** This is when two men or two women are in love and make promises to each other. Their partnership is legally registered



**Race, Ethnicity, Origin, Colour, Nationality** People who come from different places have different coloured skin or have passports from different countries



**Pregnancy** This means expecting a baby or having a baby

**Maternity** This means the time after the baby is born



**Religion or Belief** To have a faith and to worship

**No Religion or No Belief** To have no faith or to worship



**Sexual Orientation** Being straight gay lesbian or bisexual

**Straight** Men who are attracted to women  
Women who are attracted to men

**Lesbians** Women who are attracted to other women

**Gay** Men are attracted to other men

**Bisexual** People are attracted to women and men



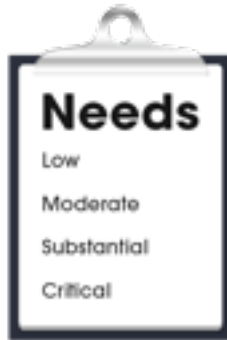
**Class or Social Background** How people are brought up. What ethnic group you belong to. People talk about being upper middle or lower class



## Political Belief or Trade Union Affiliation

This means belonging to a political party or trade union

A trade union protects the rights of people who work



The council wants to make sure that people's needs are met



The council wants people to have the best services they can give with the money and resources they have



The council wants to give people information in ways they can understand



The council wants to make sure these happen





How will the council know if this protocol is working?



The managers and supervisors will make sure their staff know and understand this protocol



The managers and supervisors will make sure that their staff have the right training  
They will know how to treat their customers



Councillors decide what the council will and won't do



The Cabinet Member will check if this protocol is being followed and if people are good at their jobs  
A Cabinet Member is a councillor



The Corporate Equality Group meets to check on how Walsall Council is doing. People who go to these meetings are the Chief Executive, managers and trade unions



If anyone does not keep to this protocol this could be **misconduct** or **gross misconduct**



**Misconduct** means doing something seriously wrong which goes against the council protocol



**Gross misconduct** means doing something which is seriously wrong against the council protocol



The council wants everyone to be treated equally and fairly. This will happen if everyone follows this protocol



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