

# Equality Policy

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**If you need further information or a different format** please email [equality@devon.gov.uk](mailto:equality@devon.gov.uk), telephone 01392 382260, SMS 0789 610 3530 or write to the Corporate Equality Officer, Devon County Council, County Hall, Topsham Road, Exeter EX2 4QD.

## Our Commitment to Equality

One of our core organisational values is to promote high quality services that care for, support and protect the people of Devon. Equality brings **quality** for **everyone** and the creation of a fairer society where everyone can participate and achieve their potential.

Equality is not about treating everyone the same; equality is about valuing a person 'as an equal' regardless of their characteristics and treating people according to their needs in order to achieve an equal or fair outcome. An equal society values human diversity, recognising that diversity brings a range of skills, knowledge, values, styles, perspectives and ideas that secure Devon's future as a place where people want to live, work and prosper, and challenges the inequalities that destroy this diversity in our society and organisations.

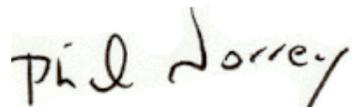
Freedom from discrimination and equality of opportunity are basic rights. Devon County Council is committed to challenging inequality and celebrating diversity to achieve its **Vision of Fairness and Equality**:

- People achieve their own potential and a good quality of life.
- Everyone can access our services, facilities or information.
- There is public involvement and influence over decision making, planning, policy and service delivery.
- Devon is a strong, safe and inclusive community.
- People have trust and confidence to report incidents of abuse or discrimination.
- Our workforce, at all levels, is supported and broadly reflects the diversity of the community.

If we work together, equality is something we can all benefit from and this policy aims to bind us in our commitment.



Councillor Hart, Leader.



Phil Norrey, Chief Executive.

## Our Legal Duties

Under the Equality Act 2010, as a public authority we have legal duties<sup>1</sup> to: 1) Eliminate discrimination, harassment, victimisation and any other prohibited conduct. 2) Advance equality of opportunity. 3) Foster good relations between people. 4) Publish objectives to demonstrate how we will meet 1-3 above and publish information on our performance.

The duties apply to nine 'protected characteristics': age, disability, gender reassignment, marriage and civil partnership (in relation to point 1 at work), pregnancy and maternity, race, religion and belief, sex and sexual orientation.

The Council acknowledges and welcomes its legal duties and uses the legislation and national guidance as a framework to improve or maintain standards and be accountable to the people it serves. However we are not only driven by legislation - our policy and work programmes are also in response to local needs.

Equality objectives and considerations need to be built into our everyday work - from strategic planning, policy and decision-making right through to how we commission, support or deliver services and employ staff. This requires leadership, political commitment and ownership across all parts of the organisation as well as effective performance monitoring, scrutiny and engagement with individuals, groups and organisations.

### **Why do we have an equality policy?**

We have an equality policy to help make sure that we treat people fairly and comply with the law. Prejudice and discrimination can affect the lives of many people in Devon. Some people receive unfair treatment as a result of negative stereotyping, assumptions, ignorance or intolerance. This means that people are not provided with the same opportunities as others or are not treated with the dignity and respect they deserve.

Discrimination is often unwitting – this is when someone does not realise they are discriminating unlawfully. This occurs when people develop policy and practice based upon their own needs, preferences and values and they do not stop to consider the different needs of other people. The law, however, does not recognise ignorance as a defence.

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<sup>1</sup> More information about the Equality Act is available from [www.devon.gov.uk/equalitylegislation](http://www.devon.gov.uk/equalitylegislation)

## Our Supporting Policies, Structures and Processes

In order to reduce the risk of unlawful discrimination we have a number of supporting policies, structures and processes in place, in addition to this policy. These include:

- An Impact Assessment toolkit to analyse the effects our policies and services have on people.
- A coordinated approach to improvement planning for equality (Fair for All Programme).
- Recruitment standards, a competency framework and learning and development opportunities.
- Unacceptable Customer Behaviour Policy, Acceptable Behaviour Policy for staff and Code of Conduct for Members.
- Discrimination/harassment as Gross Misconduct under the Conduct Policy and a Grievance Procedure for staff.
- Procedures for reporting incidents of discrimination and Hate Crime and a Hate Crime strategy.
- Feedback (complaints) procedure for customers.
- Communication standards including policies and guidance for translations, interpreting and alternative formats.
- Disability access improvement plans for buildings.
- Procurement/commissioning standards and clauses.
- Supporting guidance and information, including information about community needs, views and profiles, which are published on our website.
- Performance reporting on equality (Fair for All Annual Reports).
- A Member and Officers with designated responsibility for leading on equality, raising awareness and building capacity within the organisation.
- External scrutiny and consultation arrangements commissioned with voluntary and community sector organisations (including the Equality Reference Group<sup>2</sup>).
- A dedicated budget for equality.

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<sup>2</sup> [www.devon.gov.uk/erg](http://www.devon.gov.uk/erg)

## Responsibilities

As a provider of services and community leader it's important that Devon County Council staff and elected Members understand about equality and diversity and how to operate in a non-discriminatory and inclusive way. Employees and others working on behalf of an employer can be held personally liable for acts of unlawful discrimination where an employer has taken all reasonable steps to prevent such an act.

Everyone who uses services, facilities and information provided by the Council should be treated in line with this policy. This includes service users/customers, members of the public, partners, contractors, employees, workers and elected Members.

**The Corporate Leadership Team** ensures good governance of the organisation and has overall responsibility to ensure this policy is consistently applied and taken into account when setting strategic direction and reviewing performance.

**Heads of Services and line managers** must ensure staff are aware of the policy and trained to meet its requirements and that equality is clearly incorporated in to policy, design and delivery of services and functions, where relevant.

**All staff and elected Members** must comply with this policy and breaches may lead to disciplinary action. **We expect our staff and elected Members to adhere to these five principles:**

- 1) Ensure acceptable behaviour.
- 2) Respond to complaints and incidents in a positive and pro-active way.
- 3) Provide access to services, facilities and information.
- 4) Recruit and employ people fairly.
- 5) Meet specific needs.

**Contractors, Suppliers and Consultants** are expected to meet equality standards within contracts and service level/delivery agreements. We will not award contracts if a commitment to equality and fairness is not demonstrated and breaches may lead to termination of contracts. Organisations doing business with us are welcome to adopt our equality policy for their own use.

**Volunteers** (although not specifically protected under the Equality Act 2010) are expected to comply with, and be treated in line with, the spirit of this policy. **Schools** need to adopt their own policy for equality.

## Principle 1: Ensure Acceptable Behaviour

### **Treat everyone with dignity and respect:**

- Treat people fairly and according to their needs. Try not to make assumptions.
- Be patient and helpful particularly if someone has difficulties communicating, understanding or with mobility.
- Communicate clearly.
- Be courteous and polite: respect property and culture particularly when visiting people in their own places. Respect the right to private and family life.

### **Think about how your actions will affect others:**

- Be aware the effect your own behaviour and body language has on others. Recognise and guard your own prejudices. We all have a right to hold our own thoughts, beliefs and ideas, but this does not mean we have a right to express these thoughts if they lead to discrimination or cause offence or harass people.
- Do not act in a way that would humiliate, offend, degrade, intimidate, frighten, threaten, undermine or abuse someone. Do not promote or allow others to act in this way.
- Do not use language or images which would be regarded as racist, sexist, homophobic, transphobic or insulting about disability, age, or religion and belief. Do not promote or allow this. Follow guidance on acceptable language within the Communications Toolkit.

### **Help people change for the better:**

- Where possible, tell people if their behaviour has been unacceptable and advise on appropriate alternatives so they are given the opportunity to change. Tackle things, however small, at an early stage so they do not get worse.

**Members of the public** are reminded that they **do not have the right to refuse service** from staff or elected Members because of age, disability, gender reassignment, marital and civil partnership status, pregnancy and maternity, race/ethnicity, religion and belief, sex, sexual orientation, or any other factor that is not reasonable (unless there is a genuine and objective need, for example, some women may feel uncomfortable receiving certain services provided by a man).

## Principle 2: Respond to Complaints and Incidents in a Positive and Pro-active Way

Everyone has the right to complain in good faith about discrimination without being victimised at any time. This means people should be able to raise concerns without feeling awkward, threatened or isolated. Discrimination can include harassment, not being able to access a service or information, or being treated less favourably or unfavourably because of a protected characteristic. If someone complains about discrimination:

### **Handle complaints properly:**

- Handle complaints sensitively, using the complaints procedure. Listen to concerns with care.
- Those receiving the complaint about discrimination should accept the incident is discriminatory (for example racist or sexist) as perceived by the victim. This is unless, and until such time, it is reasonably proved otherwise (following an investigation into the matter).
- Provide or make arrangements for appropriate support for all those involved.

### **Resolve matters positively:**

- Resolve matters as quickly as possible. Where possible, matters should be resolved informally and at source, before they escalate.
- Explore the options to resolve issues. For example mediation, advocacy, contacting appropriate personnel or agencies to advise on good practice or the best course of action.
- Where mistakes have happened, the organisation should admit to them and learn from them.

### **Respond to incidents of Hate Crime:**

- Take appropriate and speedy action if an incident of Hate Crime occurs on Council property or business (such as racist graffiti or assault). This may involve removing graffiti or supporting people affected by the incident including signposting to specialist, independent organisations. The police may need to be contacted, subject to a victim's wishes.
- Report the incident to the Corporate Equality Officer immediately, preferably using the incident reporting procedure which is available from [www.devon.gov.uk/reportincidents](http://www.devon.gov.uk/reportincidents).

## Principle 3: Provide Access to Services, Facilities and Information

It is our aim to provide a welcoming, friendly environment which is easily accessible to all, to take steps to improve access to services, facilities and information where needed and be honest about what we can and cannot do.

### **Make sure information is accessible:**

- Follow standards in the Communications Toolkit. In particular, consider the needs of potential and existing customers (whether internal or external) and take steps to make information as accessible and easy-to-read as possible, use plain English and follow guidance on font size, contrast, typeface and use of the 'alternative format statement'.
- When publishing content on intranet and internet sites, follow web-accessibility standards and where possible, provide information in a way that people can change the typeface and colours to suit their own needs.

### **Provide alternative formats, translations and interpreters when needed:**

- Provide translations, interpreting and alternative formats in line with guidelines contained within the Communications Toolkit. In particular, provide information in a different format on request if someone is unable to access information they need in its original format (this can include providing information in large print, Easy Read words and symbols, Braille, British Sign Language video for Deaf people, audio and in other languages). The Council reserves the right to provide the most cost effective alternative which serves as a reasonable adjustment but does not compromise quality and professionalism.
- The Council also has a legal duty to *anticipate* reasonable adjustments for disabled people. Make information readily available in alternative formats where there is anticipated need. For example, large print, Easy Read and audio.

### **Make sure meetings and events are easy to access:**

- When organising meetings or events make sure you know if delegates have any specific requirements such as diet, access or communication support. Accessible venues should be used where possible and must be used if someone has this need. An accessible venue will have, as a minimum, accessible toilet facilities and wheelchair access to the rooms and hallways to be used.
- Arrange meetings in good time so that necessary communication support can be put in place where someone has a communication need such as an interpreter, lip-speaker, speech-to-text typist, loop system, support worker or advocate. Staff should ask the person/people what their most suitable form of support is.

- When food and drink is provided, identify and cater for special diets and make sure different food will be separated and labelled clearly. Avoid putting meat, vegan and vegetarian options on the same plate and separate meat such as pork and beef.
- Take account of people's ability to get to meetings and events such as public transport links, disabled parking bays, gradients or steps around the building. Consider commitments such as caring responsibilities and religious holidays or Sabbaths, including the implications of fasting, when setting a date or time. Reasonable adjustments must be made for disabled people (sometimes this can be achieved through an individual's Access to Work funding). You may need to factor in the cost of supported transport.

**Monitor and review services (including policy and practice):**

Heads of Services will need to ensure that services are monitored and reviewed effectively to ensure they meet equality duties:

- Carry out an Impact Assessment (in line with guidance) to check for any positive or negative impacts a service or policy may have on different people and communities, including their ability to access a service such as transport links and the provision of information.
- In line with specific duties of the Equality Act 2010 to publish information, carry out service monitoring where relevant, necessary, possible, appropriate and proportionate. Collecting personal data for diversity and equality monitoring purposes must be carried out on a voluntary and anonymous basis, in line with Data Protection law. The reasons for monitoring should be clearly stated alongside data protection rights in order to encourage a positive return rate. Staff should also be informed of the sensitivities of monitoring and why it is being carried out.
- Involve people, including minority and disadvantaged communities, as far as possible in the design, delivery, monitoring and prioritisation of services so that their needs can be met in the best way. Engagement should be meaningful and effective, in line with Council strategy and policy and legal duties to consult.

**Make application processes free from bias:**

- When designing or using forms that are used for selection processes, remove questions which reveal someone's personal attributes from application forms where possible (these can include name, age, date of birth and gender). This will prevent unwitting stereotyping and prejudice when making decisions about individuals.

**Make sure buildings are accessible:**

- Make reasonable adjustments to avoid a substantial disadvantage or adopt a reasonable alternative of providing the service or exercising the function. Council buildings and facilities must be audited for their compliance with Schedule 2 of the Equality Act and disability access related building regulations, with plans in place for changes to be made to physical features if they do not comply. Schedule 10 applies to school settings.

## Principle 4: Recruit and Employ People Fairly

Employees, agency/contract workers, volunteers, people applying for a job or trainees at Devon County Council must not be discriminated against because of a protected characteristic. This means that people must be provided equality of opportunity in all aspects of recruitment, selection, appraisal, training, promotion/transfer, work allocation, supervision, reward, recognition, retirement, redundancy, career development and any other conditions of employment or work environment.

All staff must be treated fairly and their diversity valued, recognising the different experiences, skills and knowledge people have and the different contributions they make. Staff must also be provided with a work environment where they are free from harassment or other barriers to performing their role. This means creating a culture in which staff also contribute to a positive working environment for the benefit of everyone, including customers.

### **Advertise jobs openly:**

- When advertising jobs, make sure that they draw the attention of a wide range of applicants, in line with employment policies. In special circumstances such as redundancy and redeployment, priority can be given to internal candidates.

### **Use non-discriminatory job criteria and take positive action to ensure a diverse workforce:**

- When creating job descriptions and person specifications, do not include criteria that could directly or indirectly discriminate against someone. 'Essential criteria' should be just that and should not be excessive. Desirable criteria should only be used in a competitive situation (except for applicants with disabilities who will be shortlisted on essential criteria only).
- Only use criteria (skills, knowledge and attributes) directly relevant to the job. Do not use qualifications, length of experience and local government experience as 'essential criteria' unless required by law or government regulations and consider transferable qualifications, skills and knowledge.
- Genuine Occupational Qualifications/Requirements may apply to some jobs. For example, where a female customer seeks a female worker to carry out intimate care. State the relevant legal clause in advertisements where this applies.
- Give fair consideration to applications from people seeking to work part time or job share.
- Lawful positive action may be taken to achieve a workforce that reflects our wider community at all levels. Where beneficial, specialist media/events may be used to target under-represented communities or training/development/work-placement opportunities targeted at certain people.

- Advertisements and interview procedures must reflect the job description and person specification (which is non-discriminatory), follow equality standards, and should promote our commitment to equality.
- Tests may be used to check suitability objectively. Any selection tests must be relevant and validated by Human Resources to ensure that they are free from cultural, racial, gender or any other form of bias so that they do not indirectly discriminate.
- Do not ask candidates questions (formally or informally) that are not directly relevant to the job (for example, questions about family life or hobbies).
- Other than in the following circumstances, do not ask questions about disability or health prior to a job offer: diversity monitoring (provided this is clearly anonymous and properly separated), checking ability to carry out the functions of the role or selection tests, checking if any reasonable adjustments are needed, occupational requirements and for positive action purposes.

**Monitor and review employment practice:**

- Employment policies need to adhere to Codes of Practices and best practice to ensure they are not discriminating and are promoting equality of opportunity.
- Monitoring (the collection and analysis of diversity data) must be carried out by the Council so that it can identify if there is over- or under- representation of men/women, racial groups, disabled people and other relevant characteristics, and use the information to take action to address any imbalance under the workforce strategy. This is a legal requirement for public services with more than 150 members of staff.
- Personal data collected for monitoring purposes must be done so on a voluntary and anonymous basis, in line with Data Protection rules. The reasons for monitoring should be clearly stated in order to encourage a positive return rate. Inform staff, who are asking questions, of the sensitivities of monitoring and why it is being carried out.

**Support staff through networks:**

- The Council will support employee networks (such as a lesbian, gay, bisexual and transgender network) where there is a clear need and benefit to both the Council and those staff who wish to participate. Separate terms of reference will exist and explain provisions for attendance.

## Principle 5: Meet Specific Needs

Our approach must not be based on the assumption that everyone is White British, heterosexual etc. The way we operate and the images and language we use should reflect and be sensitive to the diverse communities we have, however small.

The categories below reflect the 'protected characteristics' as defined within the legal framework. Further guidance on meeting needs is available in the social analysis guide for impact assessments, available from [www.devon.gov.uk/impact](http://www.devon.gov.uk/impact).

### Age Equality

Applies to: All people of all ages. But those at most risk of prejudice and discrimination are younger and older people.

- Do not use age as a determining factor for physical or mental performance or as the deciding factor for access to services or employment including recruitment, training and promotion opportunities.
- Age specific services, conditions and benefits may be provided if they meet a General or Specific Exception, or can be objectively justified or for positive action purposes. General and Specific Exceptions include:
  - Where another piece of legislation allows or requires people to be treated differently such as age limits to adopt or foster.
  - Where a charity, holiday provider, residential park home, club or association caters for a particular age group.
  - In providing financial services, for example assessing risk when charging for insurance, provided the assessment is based upon reliable data.
  - Any kind of concession.
  - Asking for proof of age when selling age-restricted goods.
  - Using age limits and bands in sport for fair competition and safety or to comply with national, international or sport governing body rules.

## Gender Identity and Sex Equality

Covers: Men, women, gender re-assignment, gender identity, pregnancy and maternity.

Those most at risk of prejudice and discrimination are women (who are often parents/carers of young children and older dependants), men with caring responsibilities and people undergoing or who have undergone gender reassignment. When there is an imbalance of men or women, the minority gender may be disadvantaged.

- Managers must support staff undergoing gender reassignment so they are able to work in a safe and positive environment and follow the guidance provided by Human Resources.
- Flexible working can help staff balance their lives inside and outside of work. Where necessary, managers should support male and female staff in making choices about their parenting, caring and work roles.
- Male and female staff will be paid the same for doing work of equal value and a job evaluation system is in use.
- Managers and learning providers should provide male and female staff equal opportunities for career development.
- Care should be taken not to reinforce gender stereotypes in the workplace.
- A positive attitude towards the rights of breastfeeding mothers is necessary and mothers must not be prevented from breastfeeding in public areas unless there are objective and reasonable grounds for doing so (i.e. health and safety).

## Disability Equality

Applies to: Disabled people (covered by the definition under the Equality Act 2010) including: people with a physical impairment, sensory impairment, learning disability or difficulty, mental health condition, long term health condition or illness, cognitive impairment or severe disfigurements.

Most frequent barriers faced by disabled people include: physical access to facilities, including transport, buildings, streets; communications access (written word or images, speech or sounds); attitudes and assumptions made; and stressful situations.

### **Take positive action:**

- Take steps to meet needs and achieve equal outcomes even if this requires 'more favourable treatment'. For example, putting disabled parking bays near to the entrance, adjusting an application process, providing support or advocacy.
- Encourage social, educational and economic inclusion in order that disabled people can take control over their own lives.

### **Make reasonable adjustments to overcome barriers for disabled people:**

- Follow relevant points under principles 3 and 4. Reasons should be given where it is not possible to make an adjustment. For an adjustment to be considered 'unreasonable' the cost or inconvenience would have to far outweigh the benefit.
- Where a disabled job applicant does not meet the essential criteria, make reasonable adjustments to the role that would remove any disadvantage they may face. For example, reallocating some of the duties. The Wellbeing at Work team can be contacted if staff need adjustments; financial help may be available through Access to Work. Managers should put in place low cost adjustments for staff immediately, using the service budget and without the need of an independent review.
- The Council holds the JobCentre Plus 'Two Ticks' disability symbol, this means that:
  - All applicants with a disability who meet the essential criteria (after reasonable adjustments are made) must be interviewed.
  - Staff with a disability must be asked, at least once a year and usually during the appraisal process, what can be done to make sure they can develop and use their abilities at work.
  - When a member of staff becomes disabled, every effort must be made to keep them in employment.
  - Action must be taken to ensure that key staff develop an awareness of disability.
  - Every year these commitments will be reviewed by a designated officer. We will review what has been achieved, plan ways to improve, and let staff know about progress and future plans.
- Staff who become disabled and can't perform their current duties should be given a priority interview for a suitable alternative job to avoid them leaving employment. To be appointed, they must be suitable for the job (following reasonable adjustments).

### **Make reasonable adjustments so that buildings are accessible and welcoming to disabled people:**

- Where possible, people with physical disabilities should be able to access buildings and environments through the same routes as other people. By making main entrances and routes fully accessible, people can get around the building independently and easily; access up a ramp at the rear of a building can feel insulting and take longer.
- Provide clear and simple signage and maps which use easy words and symbols to aid communication of information.
- As part of access improvement plans, adjust entry systems, reception points, waiting and public meeting rooms and security barriers so that people with communication or physical mobility difficulties can get through and communicate as easily as people without:
  - Check that automatic doors allow enough time to get through.
  - Install loop systems and train staff how to use them.
  - Use visual alerting/intercom systems alongside audio.
  - Make sure reception desks have a lowered section that is not obstructed.
  - Put buttons to open doors/access lifts at a height suitable for wheelchair users and keep them free from obstruction to allow wheelchair users to access them.
- Consider evacuation procedures for disabled people in the event of an emergency. Wheelchair accessible fire exits should be clearly signposted and where there is more than one floor, safe areas with a means of communication should be provided.
- All public buildings must have an accessible toilet.

### **Racial Equality**

Applies to: All people; skin colour, race, national origin, nationality, settled and travelling communities of Travellers and Gypsies, ethnicity (shared history, cultural traditions, ancestral origin, language). But those at most risk of prejudice and discrimination are those from ethnic minority communities including Travellers and Gypsies.

At Devon County Council we need to ensure we do not adopt a 'colour blind approach' or focus too much on cultural diversity. This means we should recognise the relevance of, and prioritise, racial equality and ensure we challenge inequalities as well as celebrate diversity.

- Having a 'colour-blind approach': this is where racial equality is not seen as relevant in predominantly White areas and ethnic minority communities are ignored. In some cases 'low numbers' has led to low prioritisation, despite the fact that people from ethnic minority communities are more likely to experience barriers in accessing services, discrimination or Hate Crime. Ethnic minorities are perceived as 'the problem' but 'the problem' is often other people's perceptions or a result of embedded social inequalities such as a poor understanding of needs including language support, cultural awareness and the need to build trust and confidence between ethnic minority communities and public services. 'Invisibility' can result in products made only for paler skin and pictures always of White people.
- Focusing too much on 'cultural diversity': this approach recognises the need to respect, accommodate and celebrate different cultures and traditions but does not address racial prejudice and discrimination. The organisation will fail to take steps to tackle disproportionate under- or over- representation in access to services or employment or address racism head-on, even denying racism exists. *"I'm not racist – I eat curries, but..."*

## Religion and Belief Equality

Applies to: All people - 'believers' and 'non-believers', including those who follow a particular faith or religion, and those who do not such as atheists and agnostics.

- A room for quiet contemplation and prayer is available at County Hall for staff, elected Members and visitors. Staff may use the room in their own time through flexible working but must get their line manager's approval to use the facility during core hours. Managers at other locations will need to consider the needs of staff to observe their daily prayer and seek a solution that is reasonable, dignified and fair.
- Cultural and religious festivals, Sabbaths and holidays should be acknowledged and recognised across the Council so that leave is not unreasonably withheld from staff who may wish to celebrate them. Likewise, public meetings and other meetings should take account of festivals, holidays, prayer/contemplation needs and Sabbaths. However, no-one should be forced to participate in an act of collective worship such as prayers or other religious custom or subjected to a detriment because they do not participate; the rights of people to have 'no belief' or a different belief should also be respected.
- Managers will need to consider requests for extended leave for religious pilgrimage or funerals and such requests must not be unreasonably refused. Where necessary, unpaid leave should be considered if annual or compassionate leave has been used up.
- Respect people's rights to dress in accordance with a genuine religious requirement (e.g. clothing, headwear or jewellery). Dress restrictions should only apply where there is a substantial and proven risk to health, safety and security or the dress is proven to

interfere with a member of staff's ability to perform their duties, or any other substantial and objective reason. Further advice should be sought from the Corporate Equality Officer before imposing a ban or restriction.

- Show respect when people are fasting for religious reasons by being sensitive to the requirements and implications of fasting. Managers should support staff as appropriate.

## Sexual Orientation Equality, Marriage and Civil Partnership

Applies to: All people including heterosexual people. But, gay, lesbian and bisexual people are most at risk of prejudice and discrimination. Marriage and Civil Partnership status.

- Acknowledge same-sex relationships and give partners equal access to services and benefits available to heterosexual and married couples.
- When asking questions about marital status also include civil partnership, however people should not be expected to classify either/or unless this is relevant (i.e. applying for a Civil Partnership Ceremony). Only ask questions that may reveal marital/partnership status or sexual orientation if it is essential and do not force people to disclose such information. Where relevant, 'spouse/partner' should be used instead of just 'spouse' or just 'husband/wife'.
- Encourage a culture of openness about sexual orientation, recognising at the same time that some staff may not be 'out' for family reasons, or for fear of how they may be treated, or may just choose not to be out, either at work or out of work. This is a legitimate personal choice which should be supported by our policies and practices. It does not need or invite justification. Everyone should avoid the assumption that people are 'heterosexual until forced to prove otherwise'.

**Policies which tackle inequalities for those most at risk, however small in numbers, can benefit everyone.**

## Glossary

- Prejudice:
- Making a negative judgement based upon little or no facts. Making assumptions. Pre-judging someone.
- Negative stereotyping:
- Using common traits or caricatures to describe someone or a group in a way which leads to prejudice and discrimination. Assuming that 'all people are that way' if they have that appearance, nationality or gender etc.
- (Unlawful) Discrimination:
- Can be - direct, indirect, positive, harassment, victimisation and institutional.
- Direct discrimination:
- Treating someone less favourably.
- Indirect discrimination:
- A provision, criteria or practice which puts someone at a disadvantage and cannot be reasonably justified.
- Positive discrimination:
- Offering opportunities to someone because of their race, gender etc. Usually unlawful but can be allowed in limited circumstances under a Genuine Occupational Requirement.
- Harassment:
- Unwanted conduct which has the purpose or effect of violating dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- Victimisation:
- Treating someone less favourably because they have made a complaint or allegation of discrimination, or given evidence in good faith.
- Institutional Discrimination:
- The collective failure of an organisation to provide an appropriate and professional service to different people. It can be detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping which disadvantages people.

- Hate crime:
- Criminal acts which are motivated by, for example, someone's hatred of or prejudice towards another's race, religion, sexual orientation or disability.
- Positive action:
- Providing people with opportunities to compete or contribute on an equal basis. Raising awareness. Making reasonable adjustments.
- Reasonable adjustments:
- An adjustment that is needed to help overcome a barrier for a disabled person. For an adjustment to be considered 'unreasonable' and therefore not carried out, the cost or inconvenience would have to far outweigh the benefit.
- Culture:
- For example naming systems, social norms and courtesy (eye contact, handshaking, men mixing with women) food, dress, music, humour and language. In Deaf culture for example, communication is direct and physical; stamping feet or tapping on the shoulder to get attention is quite acceptable.
- Lesbian, gay, bisexual, heterosexual, transsexual/transgender, Intersex.
- Sexual orientation is 'who you are attracted to'. Heterosexual people are naturally attracted to people of the opposite sex. The term homosexual, for historical reasons, is widely heard as offensive and therefore lesbian and gay or bisexual are preferred terms (LGB for short). Lesbian women, and gay men and women are naturally attracted to people of the same sex. Bisexual people are naturally attracted to people of both sexes.
  - Your sex is your biological make-up which defines if you are physically male or female. Some people are born Intersex in which their sex is ambiguous.
  - Your gender is defined by which sex you 'feel you are' which is a result of how the brain is structured: For people who are transgender the sex and gender does not match. They may or may not have undergone a hormonal and/or surgical sex change so that the physical sex corresponds more closely with their true gender. People who are transgender/transsexual may be heterosexual, lesbian, gay or bisexual which is determined by their sexual orientation (not their gender or sex).
  - Transvestites dress in the normal style of the opposite gender. How someone dresses does not determine sexual orientation or gender. For example a male transvestite may still identify as a heterosexual man.
- Inclusive:
- Making sure that all people can participate, whatever their background or circumstances.