

## EQUALITY, DIVERSITY AND INCLUSION POLICY

Date policy adopted: 01/04/2020 (Replaces previous Equal Opportunities Policy adopted 01/04/2011)

Date of last review: 01/06/2021

### 1. Purpose and Scope

The Commissioner (ESC) is committed to building a culture that promotes equality, celebrates diversity and is inclusive to all. This policy aims to support employees and those working on behalf of ESC to maintain values and act in a way that is professional at all times as well as working in an organisation where they feel that they are able to bring every aspect of themselves to work in full understanding that they will be valued and respected.

This policy applies to all employees regardless of working pattern or nature of employment contract. It also applies to anyone working within the premises of and / or for the Commissioner (for example sub-contractors, consultants, secondees from another organisation or agency staff). The word employee(s) in the context of this policy should be taken to mean all such individuals, unless specifically referred to as being directly employed by ESC.

It also applies to engagement with the wider public, particularly in reference to those who interact with the work of the Commissioner.

### 2. Policy Statement

ESC aims to make all practices as inclusive as possible and the implementation of this policy will help to ensure that work is conducted in a way that is transparent and accessible to people from all sections of the community. It also values the contribution made by employees including the varied and diverse contribution to the work of ESC which results in a workplace where employees fully believe that they can be themselves and bring every aspect of their personality and being into the workplace.

All people, including employees and those who interact with the work of ESC will be treated as individuals and with respect, dignity, fairly and without bias. This is in commitment to meeting the requirements of the Equality Act 2010 and as such unfair discrimination, victimisation or harassment will not be tolerated. Definitions of discrimination and protected characteristics as defined by the Equality Act 2010 are available below. Likewise, any action the impact of which on an individual is discriminatory in nature will not be tolerated.

### 3. Definition of discrimination

Discrimination can take a variety of different forms, all of which fall within the scope of this policy:

- **Direct discrimination** occurs when one person is treated less favourably than another without justification and the reason for that less favourable treatment is related to a protected characteristic as defined by the Equality Act 2010.
- **Indirect discrimination** is the use of an apparently neutral practice, provision or criterion which puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and applying the practice, provision or criterion cannot be objectively justified.
- **Harassment** occurs where an employee is subjected to unwanted conduct that violates their dignity or creates an environment that they perceive to be intimidating, hostile, degrading, humiliating or offensive.
- **Victimisation** occurs where an employee is treated less favourably as a result of making a complaint.

## What is a protected characteristic?

There are nine protected characteristics detailed in the Equality Act 2010, these are:

- Age
- Disability (including association with someone with a disability)
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

In addition, and although not set out specifically in the 2010 Act, this policy will also apply to the characteristic of gender identity.

## 4. Implementation, monitoring and review of the policy

Overall responsibility for policy implementation, monitoring and review lies with ESC.

Everyone covered by the scope of the policy is obliged to adhere to, and facilitate implementation of the policy. Appropriate action will be taken to inform all new and existing employees and others covered by the scope of the existence of the policy and their role in adhering to it. The policy will be reviewed at such times as legislation or a change to the ESC policy position requires it. The policy will be made available to the general public.

## 5. Senior Management Team (SMT) Commitment

The senior management team will show commitment to this policy through:

- Taking a pro-active approach to equality and diversity issues in the way in which functions are delivered and policies are developed. For example, only accessible venues for meetings will be used and steps will be taken to identify and respond to people's needs by making reasonable adjustments where appropriate. Equality Impact Assessments will be made when developing and / or reviewing policies and working practices.
- Promoting equality of opportunity and treatment and committing to eliminating discrimination in all management practices and application of policy

- Only engaging with contractors who are able to demonstrate a commitment to promoting equality and an understanding of the specific duties contained within the Equality Act 2010. An equality clause will be included in all tendering exercises. Contractors who are working on behalf of ESC will be required to behave in a way that is consistent with the obligations as detailed in the Equality Act. Breaches of this policy will be regarded as potential material breaches of contract and appropriate action will be taken;
- Monitoring - Where practicable, the impact of recruitment and people management policies and practices will be monitored to ensure that these are helping to promote equality. Monitoring records will be kept securely in line with data protection legislation and used only to inform actions to promote equality.
- Understanding inclusion and celebrating diversity – the SMT commit to increasing their own understanding about the wider aspects of diversity and inclusion by holding (as a minimum one annual) awareness session(s) to learn about the effect on the workplace of topics such as, but not limited to race awareness, religious practices and festivals, neurodiversity, access for disabled persons, the effects of ageing, supporting someone who is transitioning between genders. Any such sessions undertaken will be detailed in the annual report alongside any further actions considered as a result of the session.
- Supporting employees who wish to include their preferred pronouns in their email signatures while not placing an obligation on anyone to do so.
- Communication –
  - Application packs will contain this policy
  - All new starts will be asked to confirm that they have read and understood the content of this policy
  - Employees will be given the opportunity to talk through any queries or concerns that they may have in relation to the content of this or any other policy
  - All employees and those working on behalf of ESC will be briefed when relevant to update them on developments related to equality and diversity relevant to their role. This may include briefing on, or involvement in the awareness sessions detailed above.
  - the annual report will detail activity that has been undertaken to promote equality, celebrate diversity and build inclusion.

## 6. Expectations

It is expected that all employees will:

- support and cooperate with this policy to promote equality, celebrate diversity and build inclusion into their day to day work;
- develop and maintain positive working relationships with their colleagues and others who they may come into contact with through the course of their work by treating everyone with dignity, respect, fairly and without bias;
- Read and understand the contents of this policy and talk through any queries or concerns that they may have in relation to the content of it with a member of the senior management team.

It is expected that all employees who work directly for ESC and who believe that they have been subject to behaviour that is unlawful or discriminatory will refer to the resolution policy

which includes guidance on when and how to make a complaint if needed. If the complainant believes there is discrimination relating to a protected characteristic taking place, this should be stated in the complaint.

It is expected that those who interact with the work of the Commissioner will:

- treat employees with respect, dignity, fairly and without bias
- if they believe that they have been treated in a manner that is unfair or discriminatory, make a complaint following the instructions in this leaflet (clearly stating any practices that they consider to be unfair or discriminatory to a particular section of society):

<https://www.ethicalstandards.org.uk/publication/how-complain-about-us>

## 7. Breaches of the Policy

Anyone who does not comply with this policy, and is directly employed by ESC, may be subject to disciplinary action as set out in the disciplinary policy.

Any other person covered by this policy, and found not to comply, will be reported to the relevant office/employer. This may also result in ESC terminating any contract.

Where someone who interacts with the work of the Commissioner is considered to be not applying this policy in respect of their interaction with employees, the unacceptable behaviour policy may be invoked.

### Equality Impact Assessment

Does this policy comply with the general Public Sector Equality Duty (s149 Equality Act 2010)? This policy applies to all employees, contractors and all who interact with the work of ESC. Its impact was considered when drafting and its core intention is to ensure that all employees and those who interact with the work of ESC are treated fairly and inclusively with dignity and respect. We consulted with all employees prior to publication to identify and address any issues.

### Data Protection Impact Assessment

Have we considered any effect the policy may have on the collecting, processing and storing of personal data?

The records generated by this policy will contain personal data and may contain sensitive and special category personal data. Suitable retention and destruction policies are in place to manage this material.

### Information Security Impact Assessment

Have we considered the impact any policy may have on our cyber-resilience?

This policy should have no impact on our cyber-resilience.

### Records Management Impact

Have we considered the impact any policy may have on our ability to manage our records?

This policy should have no impact on our ability to manage our records.

Version	Description	Date	Author
1.0	First draft	01/06/2021	Public Appointments Officer
1.1	Added bullet regarding use of pronouns	30/11/2022	Head of Corporate Services