



**Northumberland**  
County Council

**HUMAN RESOURCES  
POLICIES AND PROCEDURES**

**EQUALITY AND DIVERSITY IN EMPLOYMENT**

<b>Version</b>	1.2
<b>Policy Sub Group Approval</b>	March 2019
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<b>Name of policy author</b>	Rebecca Harding / Rachel Johnson
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<b>Target audience</b>	All workers including agency workers and consultants as well as permanent employees

**History of previous versions of this document:**

Approved Where	Approved Where	Version	Issue Date	Review Date	Contact Person
Joint Consultative Committee		1.0			

**Statement of changes made in most recent version:**

Version	Date	Description
1.1	October 2017	Expansion of conditions of service paragraph to include reference to flexible working arrangements. In addition, expansion of employment procedures section to include right to reasonable adjustments to processes.
1.2	January 2019	Addition of Public Sector Equality Reporting duties. Links to new policies with revised titles including Recruitment and Selection, Dignity at Work and Trans Inclusion.

# HUMAN RESOURCES POLICIES AND PROCEDURES

**Title: Equality & Diversity in Employment**

**Reference: HRP-13-V1.2**

## 1. OPERATIONAL SUMMARY

### 1.1 Policy Aim

The County Council aims to promote a society in Northumberland which embraces the diversity of the whole community, where unjustifiable discrimination or prejudice does not exist and where all individuals are treated with courtesy, dignity and fairness including in the provision of services and employment. This policy expresses how this aim will be fulfilled.

The Council has to comply with the requirements of the Equality Act 2010. As an employer this means that we have to treat everyone fairly and not discriminate in our workforce activities, for example, in recruiting staff, or in how we work together. For Northumberland County Council being a fair employer goes beyond meeting legal obligations. It's about treating everyone fairly and with dignity and respect.

### 1.2 Policy Summary

This policy sets out the Council's equality and diversity procedures throughout employment including:

- Recruitment and selection
- Training
- Conditions of Service and Employment Procedures

It also sets out the Council's expectations of its employees with regards to equality and diversity practice and identifies potential consequences for non-compliance.

### 1.3 What it means for employees

**Managers / Supervisors** – are responsible for ensuring adequate dissemination and implementation of the policy

**All Council employees** – are responsible for reading the policy

## 2. Introduction

The County Council aims to promote a society in Northumberland which embraces the diversity of the whole community, where unjustifiable discrimination or prejudice does not exist and where all individuals are treated with courtesy, dignity and fairness including in the provision of services and employment.

The County Council understands the benefits to the community of having a diverse and highly

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effective workforce. The Council values the added contribution that its employees can make when it recognises their individual differences. These individual differences are defined in law as the following “*protected characteristics*”: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The County Council is determined to eliminate unfair discrimination in all its forms and to establish and implement equality through its employment policies and practices. We will ensure that equality issues are fully considered, including undertaking equality impact assessments where appropriate, as an integral part of the policy development and decision-making processes within the County Council.

The County Council and its employees will, in the exercise of their functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

Advancing equality involves:

- removing or minimising disadvantages experienced by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The County Council opposes all forms of unlawful and unfair discrimination. All employees, whether part-time, full-time or temporary, 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 within the workplace. Developing the talents and resources of the workforce will enhance the effectiveness of the organisation.

### **3. Purpose**

The purpose of this policy is to support Council staff to:

- Create an environment in which individual differences and the contributions of all our employees are recognised and valued.
- Give every employee a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Provide training, development and progression opportunities to all staff.
- Continuously review all our employment practices and procedures to endeavour to ensure fairness.
- Consider breaches of our equality policy as misconduct which could lead to action being taken under the Council’s disciplinary procedure up to and including dismissal.
- Seek to develop employment policies, procedures and practices to ensure fair and consistent

treatment in the areas of recruitment and selection, pay, promotion, training, performance management, grievance handling and the application of all terms and conditions of employment.

## 4. Duties

**Employees-** All employees are responsible for following the guidance laid down in this Policy and should work to comply with the principles of it. All staff must attend/complete mandatory equality and diversity training.

**Heads of Service** – are responsible for ensuring adequate dissemination of this policy.

**All Line Managers/Supervisors** – are responsible for ensuring that employees adhere to the standards of behaviour set out in this policy. You should also act as a role model for good behaviour and deal effectively with concerns and complaints, or any breaches of the Equality and Diversity, or Dignity at Work policies. You should also ensure all staff attend/complete mandatory equality and diversity training.

## 5. Scope

This policy covers all employees, contractors, temporary workers and prospective employees. The policy applies to all aspects of employment, from recruitment and selection through to termination of employment.

## 6. Definitions

A full list of definitions can be found at Appendix One

## 7. The Equality Act 2010

The Equality Act 2010 protects nine groups of people from unlawful discrimination. These groups are known as 'protected characteristics'. They are:

- Age
- Disability
- Sexual orientation
- Religion and belief
- Race
- Sex
- Gender reassignment
- Marriage and civil partnership

- Pregnancy and maternity

The law means that no employee, or potential employee, can be treated less favourably on the grounds of a 'protected characteristic'.

## **8. The Public Sector Equality Duty**

The public sector equality duty is a set of provisions within the Equality Act 2010 that apply to us as an employer, and a regulator. Complying with the equality duty means that we need to be conscious about equality when we make decisions. The duty says that in delivering our work we must have 'due regard' to the need to:

- Eliminate unlawful discrimination, harassment and victimisation or any other conduct prohibited by the Equality Act 2010
- Advance equality of opportunity between people who share a 'protected characteristic' and those who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it.

## **9. Recruitment and Selection**

### **Advertising**

Normally, all vacancies will be advertised internally and externally concurrently on the County Council's website and on North East Jobs. Exceptions include situations involving reorganisations or where there is a threat of redundancy or where the Executive Director or HR/OD has agreed an exemption.

When posts are advertised externally care will be taken to ensure that the methods used do not unreasonably or unfairly restrict the pool of likely applicants, and encouragement will be given to attract applicants to fulfil our wish for a diverse workforce.

All internal advertisements and vacancy bulletins will indicate that all candidates will receive fair and equal treatment. Applications in alternative formats will be made available for disabled applicants.

All job applicants are required to complete a standard application form. C.V.s will not be accepted.

### **Job Requirements**

For each vacant post there will be, as a minimum, a job description, a person specification, a copy of this policy, and an application form.

Every effort will be made in the preparation of job descriptions and person specifications to ensure

that they only include requirements relevant to the effective performance of the duties of the post.

Similarly, recruitment literature, all internal advertisements and vacancy bulletins will indicate that all candidates will receive fair and equal treatment. Applications in alternative formats will be made available for disabled applicants.

All job applicants are required to complete a standard application form. C.V.s will not be accepted.

Job descriptions, person specifications and advertisements, will only include those essential and desirable requirements that are necessary and justifiable for the effective performance of the job. The job criteria given in person specifications will only refer to specific qualifications where they are directly relevant to the job. In such cases we will also indicate that equivalent or alternative qualifications are acceptable.

## **Shortlisting**

To produce a shortlist all applicants will be considered together and the selection criteria will be applied consistently to all candidates by reference to the person specification.

Shortlisting and interviewing panels will comprise at least two (ideally three) officers/members including a sex and race mix where practicable. Where this is not practicable, interview panels will consist of a fair balance and mix of the workforce.

## **Guaranteed Interview Scheme**

All applicants who have a disability will be offered an interview if they meet the minimum essential criteria as outlined in the person specification. Disabled applicants will be given the opportunity to identify adjustments they require to attend for interview.

## **Interview**

The purpose of an interview is to assess each candidate's capabilities in relation to the requirements of the job. Therefore, interviewers will seek to phrase questions so as to enable an objective assessment of the criteria as identified in the person specification to be made. Appropriate selection activities will be used to allow candidates to demonstrate their skills and experiences with panel members giving consideration to the impact of different protected characteristics.

Interview panels will not ask unnecessary or inappropriate questions about an applicant's personal circumstances. Where there are special requirements attached to a job e.g. unsocial hours, interviewers may ask every candidate whether they understand and are able to fulfil all the obligations of the post.

## **Selection Tests**

With regards to psychometric testing, the County Council will only use properly validated selection tests from reputable suppliers, carried out by trained testers and undertake to use the results only for the purposes for which they were intended. Disabled applicants will be given the opportunity to

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identify adjustments they require to undertake selection tests.

For any other selection tests, consideration will be given to any adjustments which candidates may need for example, additional preparation time.

## **Appointment**

We will make appointments only on the basis of the best match between the individual, identified through the stages of the selection procedure (application form, interview, selection tests etc.) and the post, identified by reference to the job description and person specification, without regard to any other non-material factors, e.g. gender, being married or in a civil partnership, sex, race, ethnic origin, nationality, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or age except where there is a Genuine Occupational Requirement (GOR).

The overriding principle is that the most suitable person for the job is appointed. Where appropriate, reasonable adjustments will be made to support disabled employees.

## **Recruitment and Selection Training**

All panel members should have completed Equality and Diversity and Recruitment and Selection training on Learning Together. As a minimum, at least **one** member of the panel must have undertaken the Recruitment and Selection training and Safer Recruitment training.

## **Criminal Records**

We shall take no account of spent criminal offences, except for those occupations where there are exemptions under the Rehabilitation of Offenders Act 1974 or where the County Council has a duty under other legislation to protect vulnerable sectors of the community. Any vacancy number containing an "X" indicates that the successful candidate will require clearance through the disclosure procedure administered by the Disclosure and Barring Service.

## **Recruitment Complaints**

A Recruitment Complaints Procedure exists for use by internal and external job applicants who believe that they have been unfairly treated during the recruitment and selection process. This is available on the staff intranet or on request through Human Resources.

## **10. Training**

The needs of the County Council and the needs of individual employees in carrying out their duties, in preparing for changes to these duties, and for career development, will form the only basis for selection for training. Availability of funds will limit the level of training activities and Executive Directors will establish priorities accordingly.

Any restrictions on access to training will not directly or indirectly discriminate on the grounds of any protected characteristic or any other factor which cannot be objectively justified.



All employees will receive training in order to increase their awareness of equality and diversity issues and Equality and Diversity Training will be delivered in various forms through the Learning Management System.

## **11. Conditions of Service**

The County Council will apply all conditions of service and employment procedures fairly.

The County Council is committed to the principle of equal pay and flexible working for all staff groups. The flexible working policy can be accessed for further information in this regard.

The County Council recognises the benefits of flexibility in working arrangements. Furthermore, we recognise the rights of all employees working under such arrangements to be treated fairly and consistently in comparison to full time, permanent employees and to be given the same opportunities for development. The treatment of pay and benefits for employees on flexible working arrangements is consistent with full time entitlements, wherever possible, these are provided on a pro rata basis.

### **11.1 Equality Reporting**

The County Council will comply with all equality reporting and this includes:

- publishing equality information at least once a year to show compliance with the equality duty
- prepare and publish equality objectives at least every 4 years
- produce and publish an annual Gender Pay Gap report

## **12. Equality and Diversity in Employment Procedures**

All employees, regardless of protected characteristics are subject to employment policies and procedures including Managing Performance, Disciplinary and Health and Wellbeing. If necessary, reasonable adjustments can be made to facilitate engagement with these procedures and to enable employees to participate in any meetings or hearings which may arise as a result of these policies. Occupational Health advice may be sought in order to enable this.

## **13. Breaches of the Equality and Diversity Policy**

### **Dignity at Work Considerations**

While it is hoped and intended that most problems relating to employment with Northumberland County Council can be resolved on an informal basis, the Dignity at Work Policy exists so that causes of genuine concern can be dealt with equitably. Any employee who believes he/she has been discriminated against should raise the matter under the Dignity at Work Procedure. By having clear and well-publicised procedures in place, Northumberland County Council ensures that every opportunity is given to address any area or situation where discrimination is perceived to have arisen.

### **Disciplinary Procedure**

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Northumberland County Council takes a serious view of any and all discrimination and breaches of this Policy are deemed as misconduct. Any such actions will be investigated as possible disciplinary offences and dealt with in accordance with the Council's disciplinary procedures. All staff have a shared responsibility to ensure that the Equality and Diversity Policy is adhered to and to promote dignity and equality of opportunity and outcome at work.

#### 14. Process for Monitoring and Audit

Monitoring/audit arrangements	Methodology	Reporting		
		Source	Committee	Frequency
Audit	Review of duties of individuals in line with policy	Policy Author	Policy group	Upon policy review
Policy / procedure effectiveness				
Review	Feedback from HR colleagues / monitoring of related disciplinarys	Operational Team	Joint HR / TU Group	Upon policy review

This policy will be reviewed in 2 years or as and when there is a change to regulations.

Wherever the monitoring has identified deficiencies, the following should be in place:

Action plan

#### 15. References:

[Acas guidance on Equality and Diversity](#)

#### 16. Associated documents

Reference	Title
10	Code of Conduct
09	Discipline
32	Recruitment and Selection Policy and Procedure
20	Dignity at Work Policy
18	Trans* Inclusion Policy

## **Appendix One**

### **Definitions**

Here is an explanation of some of the common equality and diversity terms that you may come across. These are listed in alphabetical order.

#### **Advancing equality of opportunity**

Involves considering the need to:

- A. remove or minimise disadvantages that people suffer because of their protected characteristics
- B. meet the needs of people who have protected characteristics
- C. encourage people with protected characteristics to participate in public life or in other activities where participation is low

#### **Age**

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A person of a particular age (for example, 32 years), or from a specific age group (for example, 18–30 years).

### **Associated discrimination**

Discriminating against someone who does not have a protected characteristic because of their association with someone who does – for example, the parent of a disabled child.

### **Direct discrimination**

Less favourable treatment of a person compared with another person because of a protected characteristic.

### **Disability**

The law says that a person has a disability 'if they have a physical or mental impairment that has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities'. 'Substantial' is more than minor or trivial (for example, it takes much longer than it usually would to complete a daily task like getting dressed). 'Long-term' means 12 months or more, (for example, a breathing condition that develops as a result of a lung infection). HIV, Cancer and Multiple Sclerosis are covered from the point that they are diagnosed.

### **Diversity**

Recognising, respecting and valuing the differences that everyone has, as well as using the opportunities that different people bring to the work that we do.

### **Equality**

Challenging discrimination, removing barriers faced by people from different groups, and creating a fairer society where everyone can participate and has the same opportunities to fulfil their potential. Equality is not about giving preferential treatment to some people when they are applying for jobs, or lowering the standards that they have to meet nor is it about treating everyone exactly the same.

### **Fairness**

Fairness means conforming with rules and standards, making judgements that are free from bias, discrimination and dishonesty, and being just to everyone.

### **Fostering good relations**

Involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

### **Gender**

Someone's gender identity which may be male, female or non-binary. The gender which someone identifies as may or may not be the same as their biological sex.

## **Gender reassignment**

The process of transitioning from one gender to another. The law does not require a person to undergo a medical procedure to be recognised as transgender.

## **Harassment**

Unwanted behaviour that has the purpose or effect of violating a person's dignity or that creates a degrading, humiliating, hostile, intimidating or offensive environment.

## **Indirect discrimination**

Discrimination that occurs when a provision, criteria or practice is applied that creates disproportionate disadvantage for a person with a protected characteristic compared with those who do not share that characteristic.

## **Marriage or civil partnership**

Marriage is no longer restricted to a union between a man and a woman, but now includes a marriage between a same sex couple. Same-sex couples can have their relationships legally recognised as civil partnerships. Civil partners must be treated the same as married couples on a wide range of legal matters.

## **Perceived discrimination**

Discriminating against a person in the belief that they have a protected characteristic, whether or not they do have it.

## **Positive action**

A range of lawful actions that seek to overcome or minimise disadvantages (for example, in employment opportunities) that people who share a protected characteristic have experienced, or to meet their different needs.

## **Positive discrimination**

Treating someone with a protected characteristic more favourably because you think they have been discriminated against in the past. It is generally not lawful with the exception of the duty to make reasonable adjustments, where treating a disabled person more favourably may be required by law.

## **Pregnancy and maternity**

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave that she is entitled to. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work

context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

### **Protected characteristics**

The legal term for the nine grounds on which discrimination is unlawful, as listed in the Equality Act 2010.

### **Public sector equality duty**

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.

### **Race or ethnicity**

Refers to a group of people defined by their race, colour, nationality (including citizenship), ethnic or national origins.

### **Reasonable adjustment**

Where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage. In other words the employer has to make a 'reasonable adjustment'.

### **Religion and belief**

Belief includes religious and philosophical beliefs, including lack of belief (for example atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

### **Sexual orientation**

This refers to whether a person's sexual attraction is towards their own sex, the opposite sex or both sexes. Some people also identify as asexual which means they do not experience sexual attraction.

### **Vicarious liability**

The legal basis whereby an organisation may become legally liable for the acts of its employees. This can apply even where the organisation had no knowledge of the acts and where, if it had been aware, it would disapprove or have disapproved of the acts in question.

### **Victimisation**

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'. A 'protected act' could include making a claim or complaint of discrimination under the Equality Act 2010, or helping someone else to make a claim by giving evidence or information.