

# Equality and Diversity Policy

## 1 Policy Statement

Broadland and South Norfolk Councils are committed to encouraging equality and diversity, both as a local authority and as an employer. We will remove barriers to engagement to provide access to our services for all community members. As an employer we recognise and value diversity within our work force.

Our annual equality statements which are published on our website provide details of how we advance equality of opportunity and promote good relations with protected groups by engaging with, and supporting, local community groups and cultural events. We are committed to eliminating all forms of unlawful discrimination.

## 2 Equality Act 2010

As a local authority we have a Public Sector Equality Duty ('PSED') which requires us to:

### **Eliminate unlawful discrimination, harassment and victimisation**

We will consider whether a Council policy, procedure or practice is likely to treat anyone less favourably or disadvantage them because of their protected characteristic and ensure this is given due regard in any of the decisions we make.

### **Advance Equality of Opportunity**

We will consider measures we could take for protected groups. This includes measures such as being part of the disability confidence scheme in recruitment.

### **Foster good relations**

We will foster good relations between those people who have one of the above protected characteristics and those who do not. This includes promoting, engaging and facilitating community group events run by the protected groups.

The Equality Act 2010 identifies these nine protected characteristics:

<b>Age</b>	<b>Disability</b>
<b>Sex</b>	<b>Sexual Orientation</b>
<b>Race</b>	<b>Religion</b>
<b>Pregnancy &amp; maternity</b>	<b>Gender reassignment</b>
<b>Marriage &amp; Civil Partnerships</b>	

Broadland and South Norfolk consider other characteristics, in addition to those stated above, when assessing the potential impact of a new/revised policy, practice or procedure through an Equality Impact Assessment. These are:

Health	Rurality
Low Income	

### 3. Discrimination

There are four main categories of discrimination:

- Direct discrimination (which also includes associative discrimination or perceptive discrimination),
- Indirect discrimination,
- Victimisation
- Harassment

**Direct discrimination** occurs where you are treated less favourably as a member of a protected group e.g. a service is not provided to someone because they are from a protected group.

This term can **include associative discrimination** (whereby someone associated with an individual who has that protected characteristic is discriminated against) e.g. where a person is friends with someone who is gay is discriminated against on these grounds. This can also include **perceptive discrimination** where someone is discriminated against because they are perceived (albeit incorrectly) to be from a protected group.

**Indirect discrimination** occurs where someone is put at a disadvantage because of a protected characteristic. E.g. if a local authority was to change a consultation meeting to an evening which might disadvantage the elderly or women.

**Harassment:** is where people treat you badly or violate your dignity e.g. a female member of staff is subjected to misogynistic comments.

**Victimisation:** is where an individual is treated negatively for taking certain action e.g. if you make a complaint about someone being racist and are then treated less favourably.

#### **4. Aims**

As a service provider, we always aim to provide services which are accessible to all members of the community. Steps we may take to fulfil this aim are:

- We will consider barriers to access by monitoring engagement. Through this we will identify areas which require change.
- We will create a culture of awareness through training of staff, and through this, a proactive approach towards all reports of discrimination, victimisation or harassment.
- As an employer we will encourage diversity and equality and create a working environment promoting dignity and respect for all individuals. Part of this commitment is ensuring we have appropriate policies in place and train staff
- We monitor the makeup of our work force to ensure we consider and identify any barriers.

#### **5. Further information**

Equality Act Guidance is available for staff.

This policy will be reviewed every three years, or earlier if required

# Equality and Diversity Guidance

## 1. Equality Act 2010 Requirements

### 1.1 The Protected Characteristics

The Equality Act 2010 identifies nine protected characteristics:

Age	Disability
Sex	Sexual Orientation
Race	Religion
Pregnancy & maternity	Gender reassignment
Marriage & Civil Partnerships	

### 1.2 The Public-Sector Equality Duty

As a local authority we are required to comply with the Public-Sector Equality Duty (PSED). This means we must comply with the below three strands:

- **Eliminate unlawful discrimination, harassment and victimisation**
- **Advance Equality of Opportunity**
- **Foster good relations** between those people who have one of the above protected characteristics and those who do not.

It should be recognised that there may be barriers to engagement which are not immediately obvious to someone who is not part of a protected group. To identify barriers to engagement we should voluntarily collect equality monitoring data which we use to identify any gaps in access. We must also ensure we listen to and engage with our service users, and have a proactive approach to service feedback.

## 2. Engaging with Protected Groups

Please see appendices below for guidance on appropriately, sensitively and respectfully working with people who have one or more of the protected characteristics, ensuring we are in compliance with Council policies and equality legislation and guidance. This guidance will be periodically added to and updated to reflect feedback from customers and policy and legislative changes.

## **Appendix 1 - Gender Reassignment and Service User Provision**

### **1. Gender Reassignment under the Equality Act**

Gender reassignment is one of the protected characteristics under the Equality Act 2010. Individuals should not be discriminated against because they are transsexual. The legislation identifies that someone comes within the 'gender reassignment' category where their gender identity is different from that assigned to them at birth.

It is important to identify that the legislation does not require that an individual has undergone specific surgery or treatment to change their gender, and that an individual comes within this category at any stage in the process of transition.

### **2. Guidance steps**

We must consider how we work with customers, colleagues and third parties to ensure we do so in a respectful and inclusive way, in compliance with Council policies and guidance, and fulfilling our legal obligations.

Issues we need to consider to meet our requirements include the below:

#### **i. Treat transgender people as you would all other customers whilst considering the additional sensitivities they may face.**

You may not know that a transgender person is using your facilities or services. Don't assume that you can identify a person as transgender.

#### **ii. Try not to assume someone's gender simply by their appearance.**

Try not to assume you can always tell someone's gender by looking at them or hearing their voice. This is particularly important to remember on the phone.

#### **iii. Consider whether you need to ask someone's gender**

If you want to collect data to develop an understanding of transgender service users in your customer base, make sure that the question you ask is with other gender questions and not with questions on sexual orientation.

#### **iv. Assume everyone selects the facilities appropriate to their gender.**

A trans person should be free to select the facilities (such as toilets or changing rooms) appropriate to the gender in which they present.

#### **v. Accept a range of ID other than a birth certificate**

Ordinarily proof of gender is not required therefore ensure that you have considered the identification you could use.

#### **vi. Ask those who transition whilst using your services how you can support them**

If someone transitions whilst using Council services, where appropriate, ask the transgender person what would make them feel most comfortable at that time. For

instance, they may be ready to move to the facilities of their self-identified gender or they may wish for additional privacy at this time.

**v. Update documentation and records efficiently and sensitively.**

A transgender person may wish to be referred to by a different name and pronoun and require their gender marker to be changed on documents and systems.

**vi. Publicise your good practice and inclusivity to diverse groups**

Transgender people can experience difficult challenges – ranging from disappointment to outright fear and physical harm. Consequently, Trans people tend to look for clear evidence that service providers are transgender-friendly anywhere they are going.

**vii. If the transgender person raises any concerns or complaints**

If a transgender person raises any concerns or complaints in this regard they should be assured that the Council takes providing an equal opportunities service extremely seriously and they should be given access to a manager (immediately wherever possible) to discuss their concerns.

## Appendix 2 – Disability

### 1. Disability under the Equality Act

Disability is one of the protected characteristics under the Equality Act 2010.

In this context **disability** means:

*‘A person has a disability if they have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.’*

**An impairment** is identified as having a long-term effect if:

- It has lasted for at least 12 months
- It is likely to last for at least 12 months or
- It is likely to last for the rest of that person’s life.

This would therefore ordinarily mean that where an individual has cancer, multiple sclerosis or HIV they are considered to have a disability from the date of diagnosis. Impairments can be related to mental health as well as physical health, and also to sensory impairments.

### 2. Guidance steps

Remember that some disabilities will not be immediately obvious and may be hidden. Do not make assumptions.

- Promote disability access.
- Ensure literature is clear, accessible and available in other formats. Ensure that service users are made aware of these options.
- Raise staff awareness so they consider service provision and equality.
- Monitor and collect feedback on any improvements required.
- Liaise with community and national disability organisations, where required, when reviewing policies, practices or procedures.

## Appendix 3 – Antisemitism

### 1. Working Definition of Antisemitism

In November 2019, Broadland District and South Norfolk Councils agreed to formally adopt the International Holocaust Remembrance Alliance (IHRA) working definition of Antisemitism. This is supplementary to, and does not replace our Public Sector Equality Duty under the Equality Act 2010 which includes Religion and Belief as a protected characteristic.

The definition is:

*Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.*

### 2. Guidance Steps

The following examples were given as illustrations to guide the IHRA in its work, however they are also useful in a Local Authority context.

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.



- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

**Antisemitic acts are criminal** when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

**Criminal acts are antisemitic** when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

**Antisemitic discrimination** is the denial to Jews of opportunities or services available to others and is illegal in many countries.

When considering policy and practice that it is felt may impact Jewish people, it is important to:

- Liaise with community and national Jewish organisations, where required
- Consider alternative options if a negative impact is identified
- Monitor and collect feedback on any improvements required

If you witness antisemitic incidents in the course of your duties, these should be raised with your line manager and/or Equalities Lead for discussion on the appropriate next steps.