



Mid Suffolk District Council

Comprehensive Equality Scheme

2009 - 2012

Version 2
October 2009

Welcome Witamy مرحباً Sveiki

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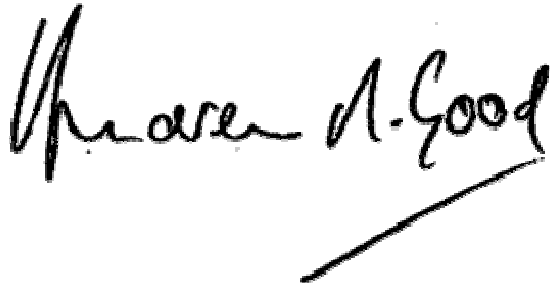
Foreword

Mid Suffolk District Council aims to provide high quality services, to all residents, who live within the district. We are conscious of the importance of equality as a service provider and employer, and in the civic leadership we provide.

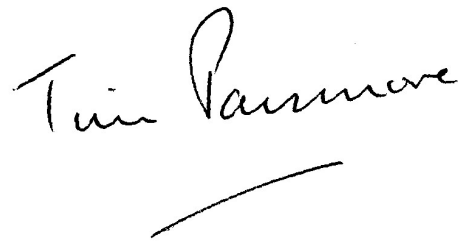
We are fully committed to fulfilling our statutory duties, under the equality legislation and this *Comprehensive Equality Scheme* sets out the Council's current position and future arrangements for meeting its equality duties.

The Scheme will be published on our website, and partners and community groups will be informed. Further review will fall within the minimum legal three yearly review requirement.

An initial three month Action Plan (December 2008-March 2009) supporting this scheme was drawn up (Appendix 1) and implemented. A programme of action planning, implementation and review is being undertaken. Plans will be monitored and reviewed by the Mid Suffolk District Council Equality and Diversity Working Group. Progress will be reported monthly to the Council's Management Board and to the Executive Committee on a regular basis. Regularly updates will be published on the Council's website and on the staff website, InfoWeb.



Andrew Good



Tim Passmore

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1.0 Introduction

1.1 The *Comprehensive Equality Scheme (CES) 2009 – 2012* revises and replaces the *Mid Suffolk District Council Comprehensive Equality Scheme (incorporating the Race Equality Scheme) 2005 – 2008* with new and updated legislation, best practice and information from the national Community Cohesion agenda. Following consultation a separate Race Equality Scheme is being published alongside this scheme. The Council has moved from the Equality Standard to the Equality Framework for Local Government over the course of 2009, and anticipates the enactment of the Equality Bill in 2010, with additional equality strands and a requirement for a Single Equality Scheme.

1.2 Since the last scheme was written, the Community Cohesion agenda and work has significantly developed, locally and nationally. More examples have arisen of the Human Rights Act 1998 being used to support equalities issues. Since our first Race Equality Scheme in 2002, four further corporate schemes and strategies have followed, demonstrating Mid Suffolk District Council's commitment to diversity.

1.3 Many diversity initiatives have been completed in partnership with neighbouring local authorities and strategic partners, influencing the way that we deliver our services.

1.4 We work towards an even greater understanding of our population, and of the socio economic and community cohesion impacts of the Council's decisions for people living and working in our district. Seeking more community engagement in the decisions we propose, we work to ensure mutual dialogue with residents, Parish Councils, local businesses and strategic partners.

1.5 We believe that we can only realise our vision of making Mid Suffolk the best place to live and work in Suffolk, by encompassing all our citizens and staff, and drawing upon the diversity of our existing and emerging communities.

2.0 Equality and equality impact

2.1 We value all of the different people within Mid Suffolk and we are committed to developing policies to tackle inequality and exclusion. We recognise that some people can be disadvantaged and discriminated against both as employees and as service users. We will promote action to eliminate inequalities, and will also take steps to counter the effects of past discrimination, which may have led to the under-representation of certain groups within our workforce, or certain users having difficulties accessing our services.

2.2 Within Equalities legislation, groups are protected on the basis of:

- race/ ethnic origin;
- disability;
- gender;
- transgender;
- age;
- religion/ belief;
- sexual orientation;
- caring responsibilities;
- non-standard working patterns;
- trade union membership or non-membership.

2.3 Discrimination on the above grounds is unlawful through various Acts of Parliament. However, the list is not complete and there are other forms of discrimination that the Council will not tolerate.

2.4 Although inequality, disadvantage and discrimination exist in society, we will strive to ensure that no one who deals with Mid Suffolk District Council will receive less favourable treatment, or be socially excluded because of any characteristic that may unfairly affect a person's opportunities in life. We look to promote cohesion between communities by working closely, and sharing our practice with other groups and organisations in the community.

2.5 Social inclusion is about enabling people to take part in society on equal terms with others. This can be achieved in a number of ways. It could mean improving a person's income or living conditions or providing them with more opportunities for training and development.

2.6 We will:

- Use our influence to promote understanding and harmony between people, working whenever possible in partnership with other organisations;
- Seek to eliminate discrimination and harassment, monitor such work and continuously aim to improve our performance;
- Achieve and demonstrate the highest standards of good equality practice.

2.7 In addition to promoting equality of opportunity and equality of access to our services, we will also uphold a principle of diversity throughout the organisation. Diversity adds another dimension to the equality agenda, by making sure that the differences between certain people, groups and identities are understood, valued and respected.

3.0 Review of our Comprehensive Equality Scheme

3.1 Our *Race Equality Scheme* was adopted in 2002. One of the reasons for introducing a comprehensive scheme is to introduce regular reviews, which will ensure that the scheme remains valid, effective and in line with changing legislation.

3.2 As a result of this, our third review will have:

- updated progress in the *Equality Standard for Local Government*;
- taken into account the creation of Customer Service Direct – a partnership organisation responsible for Mid Suffolk District Council Human Resources, Finance, Public Access and IT functions;
- taken into account new, updated, and forthcoming legislation;
- updated references to our other equality related policies;
- consulted our stakeholders.

3.3 A list of all those consulted can be produced on request.

4.0 Responsibilities

4.1 Councillors have overall responsibility for this scheme. The Chief Executive, Corporate Directors and Service Area diversity representatives are accountable for the implementation of this scheme.

4.2 Line managers and supervisors have a responsibility to familiarise themselves with the scheme, and to reinforce it through management competencies and performance development reviews, thereby ensuring that it is understood and implemented by all staff.

4.3 All staff and volunteers have a responsibility for working towards equality and inclusion, and for the implementation of this scheme. Each employee has a legal and professional duty not to discriminate against service users, whilst our *Race Equality Scheme 2009-2012* commits us to raising employee awareness about the "promotion of race equality". The *Disability Equality Scheme* introduced in 2006 requires the Council to specifically "promote disability equality".

4.4 The following actions by staff may be regarded as disciplinary offences:

- Discrimination against fellow employees or job applicants on grounds that cannot be justified;
- Persuading, or trying to persuade, other employees, unions or management to discriminate unfairly;
- Harassment or bullying;
- Victimising individuals who have made allegations about discrimination or who have provided information about such discrimination.

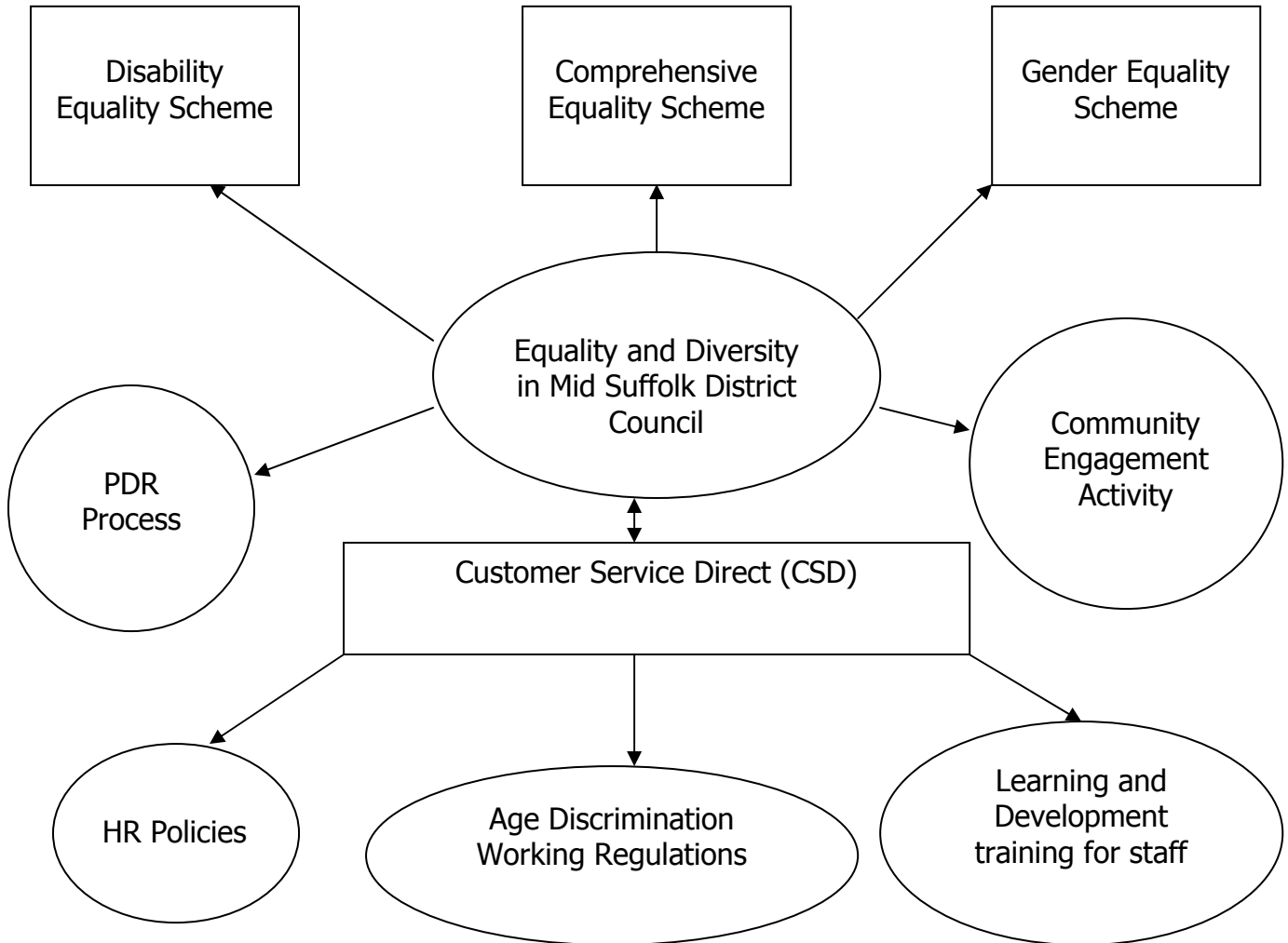
4.5 Such matters will be addressed through the relevant disciplinary procedures.

5.0 Diversity at Mid Suffolk District Council

5.1 How we will meet our commitments

5.1.1 Our approach to diversity focuses not just on the need to comply with wide-ranging legislation, but also on identifying best practice and applying this flexibly across all services. Mid Suffolk District Council is a small organisation; therefore our approach to diversity must be clear, straightforward and carefully monitored.

The diagram below shows how diversity influences the different facets of our organisation.



5.1.2 We will approach our commitments from six perspectives: corporate, policy, staff, service, community and performance, aiming to meet them as detailed below.

5.2 Corporate Perspective

5.2.1 We will comply with all our statutory and *Equality Framework for Local Government* requirements.

5.2.2 We aim to make sure that the diversity and equality agenda continues to receive corporate support.

5.2.3 We will continue to work and campaign for the adoption of our equality and diversity agenda within our formal partnership organisation 'Customer Service Direct'.

5.2.4 We aim to embed the diversity and equality agenda within all levels of management because of all its benefits, so that diversity issues are considered at all stages of decision-making, and not just as an afterthought.

5.3 Policy Perspective

5.3.1 Our *Comprehensive Equality Scheme* will provide clear guidelines and advice about the rights and responsibilities of all people affected by our policies.

5.3.2 Adequate training will be provided, where necessary, to make sure that staff understand this scheme and know how to act upon its principles.

5.3.3 In promoting the diversity and equality agenda, we aim to ensure that all of our policies consider diversity issues from their inception.

5.3.4 As part of the *Equality Standard/Framework for Local Government*, we will review existing policies and functions, by undertaking 'Equality Impact Assessments' (EqIAs), based on the original requirements of the *Race Relations (Amendment) Act 2000*.

5.4 Staff Perspective

5.4.1 Our employees and job applicants will be treated with dignity, fairness and respect.

5.4.2 We will prevent harassment and bullying at work and we will support any person who feels that they have been subjected to such harassment through our harassment procedure.

5.4.3 We will work towards increasing diversity awareness amongst all staff through the staff induction programme.

5.4.4 We will aim to undertake workforce and community profiling, monitor service usage, and use this data to inform service development.

5.4.5 On recruitment, we will isolate a person's personal circumstances from the initial sift – ensuring that those reaching the interview stage do so on merit alone.

5.4.6 We aim to make our workforce more representative of our community. We will offer options for flexible working where appropriate.

5.5 Service Perspective

5.5.1 We will take a positive approach to making our services, buildings and information accessible to all.

5.5.2 Every directorate will commit to our equalities policy, and will receive training, where appropriate, on how to put its principles into action when delivering services.

5.5.3 We aim to ensure that we continue to provide appropriate services to all our customer groups, by assessing the impact of our policies and practices.

5.5.4 It is our aim that our communications use images, language and formats that promote a positive stance on diversity and inclusion issues.

5.6 Community Perspective

5.6.1 As a major employer and service provider we will continue to use our resources and influence to achieve equality in Suffolk, working in partnership with others where appropriate.

5.6.2 We will ensure that our partners take steps to incorporate our equalities principles in all joint ventures and agreements.

5.6.3 We will take account of diversity when selecting contractors, evaluating their ability to deliver services and monitoring their performance. Diversity forms part of our procurement selection process and is a crucial element in deciding whom to form contractual arrangements with.

5.6.4 We are reviewing our *Community Engagement Strategy*, which determines how as a Council we will engage with our communities, to ensure communities are represented and involved in decision-making activities. We expect the review to be completed by March 2010.

5.7 Performance Perspective

5.7.1 We work towards specific, measurable and realistic equality targets.

5.7.2 The service planning and review processes will ensure that equality issues are addressed and included as part of improving quality of service.

5.7.3 We always encourage and welcome comments and complaints in order that our services continue to improve.

5.8 Our Standards

5.8.1 As mentioned in this policy, various Acts of Parliament and European Union Regulations are applicable to specific areas of equality, including race, gender and disability. The next section highlights key aspects of such legislation.

5.8.2 We are also committed to general standards of equality and diversity, to ensure that no group or person in the community faces social exclusion or has difficulty accessing our services, whether protected by legislation or not.

5.8.3 We have adopted the *Equality Standard for Local Government*, revised to become the *Equality Framework for Local Government* in April 2009, which covers work concerning race, gender, disability, sexual orientation, religion/belief and age. In the long term we are looking to attain the highest possible level set by the framework.

5.8.4 We will ensure that:

- Our senior management team oversees and ensures our commitments on diversity and equality are implemented;
- Our operational Organisational Development Department oversees and reports upon diversity and equality actions that are being implemented throughout our organisation;
- Our Heads of service are responsible for commitments and actions that are specific to their own service areas;
- Other corporate partners exist to undertake work relating to training, learning, disability, auditing and communication;
- Complaints of unfair treatment, discrimination, harassment and bullying within employment are dealt with through the harassment and grievance procedure;
- All people who receive our services are actively encouraged to comment on the way they perceive them to be delivered;
- All complaints, including those that are concerned with equality issues, are dealt with through our corporate complaints procedure. We will respond to all complaints, particularly approaching in a positive manner any that relate to practices that suggest unfairness, discrimination and/or lack of access.

6.0 Legislation

6.1 Race and Race legislation

6.1.1 The Council is committed to the fulfilment of its obligations under the Act and will commit the necessary resources (in terms of people, time and money) to ensure that the statutory duties are complied with and that the *Race Equality Scheme* is drafted and implemented effectively.

6.1.2 The Council has adopted the MacPherson definitions for 'racism' and 'institutional racism':

Racism in general terms consists of conduct or words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin. In its more subtle form it is as damaging as in its overt form. Institutional racism consists of the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racial stereotyping which disadvantage mainly ethnic people.

6.1.3 Under the *Race Relations Act 1976* it is unlawful to:

- Treat a person less favourably than another is treated in similar circumstances, on racial grounds;
- To apply a requirement or condition that discriminates against members of a particular racial group because they may be less able to comply with it than others are.

6.1.4 The *Race Relations (Amendment) Act 2000* imposes a "General Duty" on public authorities to have "due regard to the need to":

- Eliminate unlawful racial discrimination;
- Promote equality of opportunity;
- Promote good relations between people of different racial groups.

6.1.5 Currently, black and minority ethnic employees are not represented proportionately within our workforce and we are committed to addressing issues concerning under-representation.

6.1.6 Section 38 of the *Race Relations Act* permits employers to implement Positive Action in favour of a particular ethnic group by:

- Offering access to training for employees and/or non-employees to help fit them to particular work in the organisation in which their particular ethnic group has been identified as under-represented;
- Encouraging employees and/or non-employees to take up opportunities for work.

6.1.7 In summary, the General Duty can be referred to as the duty to promote race equality.

6.2 Disability and disability legislation

6.2.1 In line with the requirements for public bodies set out in the *Disability Discrimination (Amendment) Act 2005*, Mid Suffolk District Council published its *Disability Equality Scheme December 2006 to December 2009*. The process of producing a Disability Equality Scheme requires:

- Involvement of disabled people in producing the scheme and developing the action plan;
- Identification of how evidence is gathered and analysed to inform actions and track progress;
- An outline of the methods used to assess the impact of existing and proposed activities on disabled people;
- Production of a three year action plan;
- Annual progress report, with review and appropriate revisions to the scheme at least every three years.

6.2.2 The *Disability Discrimination Act 1995* states a person has a disability if:

... he/ she has a physical or mental impairment which has a substantial and long-term effect on his/ her normal day-to-day activities". This definition covers a wide range of physical, sensory and learning disabilities, as well as mental health problems.

6.2.3 Difficulties are often placed upon disabled people by social exclusion from a society that often unfairly favours non-disabled people. This is sometimes referred to as the 'social model of disability':

The poverty, disadvantage and social exclusion experienced by many disabled people is not the inevitable result of their impairments or medical conditions, but rather stems from attitudinal and environmental barriers. This is known as 'the social model of disability', and provides a basis for the successful implementation of the "duty to promote disability equality".

6.2.4 The *Disability Discrimination Act 1995* makes it unlawful to treat people with disabilities less favourably because of a reason relating to their disability,

without objective justification. It also provides for a duty on an employer to make reasonable adjustments to working arrangements or premises if they place a disabled person at a substantial disadvantage to others. Under the Act, service providers are obliged to:

- Provide the same standard of service to disabled customers, as to those without a disability, unless there is good reason;
- Provide auxiliary aids and services, or to provide their services in a different way, if this helps disabled customers access them;
- Consider removing or overcoming all physical barriers to access – such as narrow door openings, steps or stairs.

6.2.5 The Act gives a person with a disability the right to take legal action if they feel that the service provider has discriminated against them.

6.2.6 The *Disability Discrimination Act 2005* amended and updated the previous Act, and places a General Duty upon public authorities, when carrying out their functions, to:

- Promote equality of opportunity between disabled persons and other persons;
- Eliminate discrimination that is unlawful under the Act;
- Eliminate harassment of disabled persons that is related to their disabilities;
- Promote positive attitudes towards disabled persons;
- Encourage participation by disabled persons in public life;
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

6.2.7 In summary, the General Duty can be referred to as the duty to "promote equality for disabled persons".

6.3 Gender and gender legislation

6.3.1 Sex Discrimination can be direct and/or indirect. The Equal Opportunities Commission uses the following definitions for these types of discrimination.

6.3.2 Direct Discrimination is where:

... a woman or man is treated less favourably than a person of the opposite sex in comparable circumstances, because of her or his sex.

Types of direct sex discrimination include sexual harassment and treating a woman adversely because she is pregnant.

6.3.3 Indirect Discrimination is where:

... a condition or practice is applied to both sexes but it adversely affects a considerably larger proportion of one sex than the other, and it is not justifiable, irrespective of sex, to apply that condition or practice e.g. an unnecessary requirement to be under 5' 10" would discriminate against men; a requirement to work full-time might be unlawful discrimination against women.

6.3.4 Women and men are not represented proportionately at all levels and in all job types within our organisation. Women make up the majority of our workforce, yet are under-represented at senior levels. In some areas of the Council, jobs that have traditionally been associated with a particular gender are still imbalanced in terms of representation.

6.3.5 The *Sex Discrimination Act 1975* states that it is unlawful to:

- treat a person less favourably than another is treated in similar circumstances on the grounds of sex;
- apply a condition, which discriminates against a man or woman because they are less able to comply with it than a member of the opposite sex is; and
- discriminate against somebody because they are married.

6.3.6 The *Equal Pay Act 1970* requires that men and women should be paid equally where they are carrying out:

- the same job;
- work of equal value;
- work rated as equivalent under a job evaluation scheme.

6.4.3 Section 47 and 48 of the *Sex Discrimination Act* permits employers to act positively in favour of a particular gender by:

- offering access to training to employees and/ or non-employees to help fit them to particular work in the organisation in which their gender group has been identified as under-represented; and
- encouraging employees and/ or non-employees to take up opportunities for work.

6.3.7 The *Equality Bill* was introduced into the House of Lords on 18 May 2005. One of its purposes was to create a public duty to promote equality of opportunity between men and women, and to prohibit sex discrimination in

the exercise of public functions, necessitating public bodies' production of Gender Equality Schemes.

6.4.8 In keeping with the requirements as laid out in section 176 B of the *Sex Discrimination Act 1975* and the *Gender Equality Duty Code of Practice*, Mid Suffolk District Council will actively promote equality of opportunity between men and women and eliminate all forms of unlawful discrimination and harassment. In relation to violence against women, we will consider the extent of the need for violence against women services to be provided by the Council and plan our provision accordingly, with a view to ensuring that all services provided are readily accessible to women in our area.

6.4 Transgender people and transgender legislation

6.4.1 Transgender people often face prejudice, harassment, and misunderstanding of their situation by others, in addition to the personal stress of altering their bodies and physical appearance to match their gender identity. Regulations exist to prohibit discrimination in the workplace when an individual intends to undergo, is undergoing, or has undergone gender reassignment. It may contravene the *Sex Discrimination Act* to dismiss, or discriminate against an individual because of impending gender reassignment treatment, in the same way that it is unlawful to dismiss a woman for pregnancy.

6.4.2 The *Sex Discrimination (Gender Reassignment) Regulations 1999* state that it is:

Unlawful to discriminate against a person for the purpose of employment or vocational training on the ground that that person intends to undergo gender reassignment, or is undergoing gender reassignment, or has at some time in the past undergone gender reassignment.

6.4.3 This ensures that the various stages of the gender reassignment process, including the very initial stage, where an individual indicates an intention to commence gender reassignment, are covered by the Regulations. It is not necessary for all three circumstances to apply for discrimination to have taken place.

6.4.4 The *Gender Recognition Act 2004* enables transsexual people to be legally recognised in their acquired gender. Successful applicants to the gender recognition panel will receive a Gender Recognition Certificate and from the date of full recognition, acquire all the rights and responsibilities appropriate to a person of his or her acquired gender, including the right to marry someone of the opposite gender, or to form a civil partnership with

someone of the same gender, and to retire and receive state pension at the age appropriate to the acquired gender. Once an individual has obtained a Gender Recognition Certificate, they should then benefit from the employment rights and entitlements fitting to a person of that gender.

6.5 Age and age legislation

6.5.1 Discrimination on the grounds of age can occur because of stereotypes concerning how a person's value and ability changes according to age, for example older people can be stereotyped as having outdated ideas and being inflexible with regard to change. Young people equally are sometimes treated as though their views are unimportant because it is assumed they lack experience, maturity or commitment.

6.5.2 Age regulations came into force 1st October 2006. These regulations will cover direct and indirect discrimination, victimisation and harassment. In all four cases, the employer can be held accountable for the actions of all its employees. If an employer is found to have discriminated against an employee there is no limit on how much an employee tribunal can ask them to pay.

6.5.3 The age regulations will make the following unlawful:

- Discrimination on the grounds of age in recruitment, promotion, and training;
- Compulsory retirement below the age of 65 unless objectively justified

6.5.4 The regulations will also state that:

- Employees have the right to request to continue working after the retirement age;
- Employers have a duty to consider an employee's request to continue working after retirement age;
- Employers have to give written notification to employees six months in advance of their intended retirement. This will allow people to plan for their retirement;
- Employees over 65 have the same right to unfair dismissal and redundancy payments as younger workers.

6.6 Religion/ Belief and related legislation

6.6.1 The Religion/ Belief regulations prohibit discrimination on the grounds of "any religion, religious belief or similar philosophical belief". The

Regulations do not specifically define a 'religion' or 'belief', but the following indicators may help:

6.6.2 A religion or belief may include:

- Collective worship;
- A clear belief system;
- A profound belief affecting way of life or view of the world.

6.6.3 This is not an exhaustive list, but these indicators make sure that beliefs and doctrine such as Humanism and Atheism are also included in the regulations. The regulations do NOT include any political or philosophical belief unless it is similar to a religious belief.

6.6.4 The main religions and faiths that are covered by the regulations include: Baha'i; Buddhism; Christianity; Hinduism; Islam; Jainism; Judaism; Paganism; Rastafarianism; Sikhism; Zoroastrianism.

6.6.5 This is NOT an exhaustive list and we recognise that within these major faiths and beliefs, there are often significant sub divisions and sects. We are also aware that members of any religion will vary in the degree to which they observe their faith, ranging from non-practising believers through to those who are devout.

6.6.6 The *Employment Equality (Religion or Belief) Regulations 2003* prohibit discrimination (direct and indirect), and harassment.

6.6.7 Direct Discrimination is where:

... person A treats person B less favourably than they would treat others on the grounds of religion or belief.

6.6.8 Examples of direct discrimination are:

- Refusal to offer employment on the grounds of religion or belief;
- Dismissal, or detrimental treatment, also;

6.6.9 Indirect Discrimination is where:

... person A applies a provision or practice that they are not able to justify to person B, which puts them at a disadvantage because of their religion or belief.

6.6.10 Examples of Indirect Discrimination are:

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- Enforcement of a particular dress code, which persons of a particular religion may not be able to follow;
- Refusal of essential prayer breaks at certain times of the day;

6.6.11 Discrimination through association is where:

... a person is discriminated against because they associate with someone of a particular religion or belief, for example if they are related to, or friends with somebody of a particular religion, then they may face discrimination that is unlawful, even though they are not of the belief themselves.

6.6.12 If certain conditions are applied to a person's working environment for reasons that can be justified e.g. certain clothes are not allowed for health and safety reasons, then the employer may not be guilty of discrimination. However, the employer has to be able to objectively justify such conditions.

6.6.13 Harassment can include a wide range of behaviour, such as:

- Physical or verbal abuse (threatened or actual);
- Sending offensive material via e-mail or post;
- Insulting remarks about people of a certain religion or belief (including general statements not directed at a particular colleague);
- Insulting remarks, or jokes about a person's religion or belief;
- Damaging symbols, images or literature related to religion or belief.

6.7 Sexual orientation and related legislation

6.7.1 Discrimination on the grounds of sexual orientation is prohibited by regulations that cover orientation towards:

- Persons of the same sex;
- Persons of the opposite sex;
- Persons of the same sex and of the opposite sex.

6.7.2 In other words, the regulations cover lesbians, gay men, bisexuals and heterosexuals.

6.7.3 The *Employment Equality (Sexual Orientation) Regulations 2003* prohibit direct & indirect discrimination and harassment on grounds of sexual orientation.

6.7.4 Direct Discrimination on the grounds of sexual orientation is where:

... person A treats person B less favourably than they would treat others on the grounds of sexual orientation.

6.7.5 Examples of Direct Discrimination are, on the grounds of sexual orientation:

- Refusal to offer employment;
- Dismissal, or detrimental treatment.

6.7.6 Indirect Discrimination on the grounds of sexual orientation is where:

...person A applies a provision or practice that they are not able to justify to person B, which puts them at a disadvantage because of their sexual orientation.

6.7.7 Examples of indirect discrimination on the grounds of sexual orientation are less common.

6.7.8 Discrimination through association is when a person is discriminated against because they associate with someone of a particular sexual orientation, for example if they have a gay friend or family member. In such cases a person may face unlawful discrimination, even though they are not gay themselves.

6.7.9 Harassment on the grounds of sexual orientation can include a wide range of behaviour, such as:

- Physical or verbal abuse (threatened or actual);
- Sending offensive material via e-mail or post;
- Insulting remarks about people of a particular sexual orientation (including general statements not directed at a particular colleague);
- Insulting remarks, or jokes about a person's sexual orientation;
- Maliciously disclosing a person's sexual orientation without their consent ('outing' them);
- Damaging symbols, images or literature related to sexual orientation.

6.8 Civil Partnerships and related legislation

6.8.1 From 21st December 2005, the landmark *Civil Partnership Act 2004* allowed lesbians, gay men and bisexuals to be able to form a legal relationship with their same-sex partner. Same-sex couples that form a civil partnership have parity of treatment in a wide range of legal matters with

those opposite-sex couples who enter into a civil marriage. Therefore employers and service providers should ensure that benefits and services that are available to couples of the opposite sex should also be available for same-sex couples that have entered into a civil partnership.

6.8.2 It is not illegal to make access to some benefits, such as pensions, dependent on marital status, and this could exclude those with a same-sex partner. However, most employers now extend their benefits to unmarried couples. It could constitute discrimination if an employer made benefits available to unmarried partners of the opposite sex, unavailable to unmarried partners of the same sex.

6.9 Caring Responsibilities and related legislation

6.9.1 We are supportive of the work/life balance and realise that many workers have responsibilities outside work. Although women tend to be particularly affected by caring responsibilities, it should be recognised that men may also such commitments. It is likely that people with caring responsibilities will ask to work a different pattern to that of others in a directorate.

6.9.2 Discrimination against people with caring responsibilities can occur if individuals or teams achieve their tasks through previously unconventional working patterns, and are perceived as lacking commitment. People with caring responsibilities may also face unfair barriers to career progression if, for example, senior posts do not offer flexible working arrangements.

6.9.3 We will not tolerate discrimination on the grounds of caring responsibilities. We now collate information from our staff regarding their caring responsibilities, in order that we can understand their needs.

6.9.4 The *Maternity and Parental Leave Regulations 1999* provides:

- A right for all parents to take 13 weeks of unpaid leave for each child under the age of 5, in addition to maternity and adoption leave.

6.9.5 The *Employment Rights Act 1996* provides:

- A right to take reasonable unpaid time off which is necessary to take action in certain specified circumstances, for example, the illness or death of a dependant.

6.9.6 The *Employment Act 2002* provides:

- Parents of children under 6 years old (or 18 years in the case of children with a disability) the right not to be unreasonably refused a request for flexible working arrangements.
- The framework for maternity leave, paternity leave and leave for adoptive parents, which arrangements are set out in separate documents issued by Customer Service Direct.

6.9.7 The Government is currently consulting upon further laws to protect the rights of working parents. The proposals being consulted upon by the Department of Trade and Industry include:

- Extended Maternity and Adoption leave;
- Extending the right to request flexible working hours to parents of older children;
- Introduction of a new right for mothers to transfer a proportion of their Maternity Leave and pay to fathers when caring for their children in the first year.

6.10 People working non-standard patterns

6.10.1 As with employees having caring responsibilities, staff members who work non-standard working patterns can be discriminated against because they do not conform to the full-time 'nine-to-five' working pattern. Those working non-typical working patterns include disproportionate numbers of women, people from minority ethnic groups, and others who are at risk of social exclusion. We are supportive of people who work part-time, evenings, nights, weekends, seasonally, term-time and on an 'as and when' basis. This is in response to changes in the way services are required and delivered as we move towards a 24/7 culture.

6.10.2 We will not tolerate discrimination on the grounds of people working non-standard patterns.

6.10.3 The *Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000* provides:

- Part-time workers the right in principle, not to be treated less favourably than full-time workers of the same employer who work under the same contract of employment.

6.10.4 The *Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002* aims to:

- Control the use of fixed-term contracts;
- Prevent fixed-term workers being treated less favourably than permanent employees doing the same or similar work for the same employer.

6.11 Trade Union Membership or non-membership

6.11.1 Discrimination on grounds of Trade Union membership or non-membership may occur when:

- an employee is treated unfairly because of their trade union activity or non-activity.

6.11.2 Examples of Discrimination on grounds of Trade Union membership or non-membership include:

- Trade union members being denied access to promotion, training or other opportunities on account of being seen as being antagonistic to the needs of the organization;
- Non-members of a trade union facing pressure from their colleagues to join the union;
- hostility and/or abuse from colleagues for not supporting industrial action.

6.11.3 Under the *Trade Union and Labour Relations (Consolidation) Act 1992* individuals have the right not to:

- Suffer detriment on specified grounds relating to trade union membership or non-membership, or taking part in trade union activities;
- Be dismissed on specified grounds relating to trade union membership or non-membership, or taking part in trade union activities.

7.0 Monitoring and review

7.1 This scheme will be implemented through the Equality and Diversity Working Group action plan and monitored by the same group.

7.2 Regular progress reports against the action plan will be made to the Equality and Diversity Working Group, to Management Board and to Executive Committee as well as posted on the public access website and the staff intranet.

7.3 The scheme will be reviewed three yearly, next due in 2012.

8.0 Communications

8.1 This scheme has been consulted upon with stakeholders in the statutory and voluntary sector. Information on the consultation is available on request. The final scheme will be made available to key internal and external stakeholders through existing partnerships and networks, Equality and Diversity Working Group champions, through the Community Policy Panel, the Council's external website and intranet, InfoWeb.

9.0 Further information

9.1 If you have any questions or would like further information on this scheme please contact: Breige Convery, Policy Officer, Policy Team, Organisational Development, Mid Suffolk District Council on:

Telephone: 01449 724586	Minicom: 01449 724626
Address: Mid Suffolk District Council Offices, 131 High Street, Needham Market, Ipswich, IP6 8DL	Email: breige.convery@midsuffolk.gov.uk

10.0 Complaints procedure

10.1 Comments and complaints can be made by phone, in person or in writing. We will try to put matters right and improve things for the future but if the complainant is not satisfied, a formal complaint can then be made by following the procedure below:

- e-mail your complaint to: complaints@midsuffolk.gov.uk
- telephone your complaint to **01449 724500**
- use the Minicom service on **01449 724646**
- write to Mid Suffolk to make a complaint at:

**Mid Suffolk District Council Offices,
131 High Street, Needham Market, Ipswich, IP6 8DL.**

10.2 A senior manager of the service in question will investigate the complaint. If the complainant remains unhappy with the response, our Chief Executive or District Monitoring Officer (who has overall responsibility for dealing with complaints) will investigate. A complainant can also ask a local district councillor to take up the complaint on their behalf. Mid Suffolk District councillor's names, addresses and phone numbers are also available from our information centres and website.