



## **Waverley Training Services (WTS) Equality, Diversity, and Inclusion Policy**

WTS are a division of Waverley Borough Council (WBC), specialising in delivering high quality qualifications and training in a variety of subject areas and funding streams.

### **Purpose**

The purpose of this policy is to outline WTS commitment to ensure all employees, learners, and stakeholders are treated fairly and given equal opportunity. It is the personal responsibility of everyone to ensure that their actions do not, whether intentionally or not, discriminate against others. WBC has a Corporate Equalities Group which exists to ensure that equality of opportunity is promoted within the Council.

The purpose of this document is to ensure staff, learners and stakeholders are aware of their responsibilities regarding the equal and fair treatment of each other, staff, learners, and stakeholder and to ensure equality, fairness, and respect for all in our employment, whether temporary, part time or full time.

In line with WBC, WTS is committed to:

- Promoting equality of opportunity for all
- Eliminating discrimination
- Eliminating cases of bullying and harassment
- Eliminating victimisation

The Equality Act states that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered 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
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

### **Characteristics protected under this policy**

WTS is committed to ensuring that all people are treated fairly, with dignity and respect, regardless of any of their personal characteristics. The Equality Act 2010

outlines certain protected characteristics that, by law, are protected against discrimination, (outlined below).

- **Age**
- **Disability**
- **Gender Reassignment**
- **Race**
- **Religion or Belief**
- **Sex**
- **Sexual Orientation**
- **Marriage or Civil Partnership**
- **Pregnancy and Maternity**

WTS are aware that their actions must not result in someone being treated less favourably based on the protected characteristics listed above.

In some cases, occupational requirements mean that proportionate steps are required to be taken to achieve a legitimate aim. This may be where, for example, exceptions mean that an employee must have a protected characteristic to be able to carry out duties of the role effectively.

## **Definitions of Discrimination**

Discrimination may occur in different ways. Below are the different types of discrimination that may directly or indirectly occur.

### **Direct Discrimination**

Direct discrimination occurs when someone is treated less favourably because they have one or more of the personal characteristics, or because they are associated with anyone who holds one of the characteristics.

### **Types of Direct Discrimination**

#### **1. Discrimination by Association**

Discrimination by association occurs when somebody is discriminated against because they are associated with a person/people who hold(s) one or more of the protected characteristics. This may be, for example, by treating an individual less favourably because they are married to someone from an ethnic minority background or because they have gay or lesbian friends.

#### **2. Discrimination by Perception**

Discrimination by perception occurs when someone is treated less favourably because they are perceived to hold one of the protected characteristics, whether this is the case or not. WTS employees must not treat someone less favourably because they perceive them to have one or more of the characteristics.

### **Indirect Discrimination**

1. Indirect discrimination occurs when a condition, policy, procedure, practice, or rule exists, or is created which, whilst applying to all employees, disadvantages people who share a protected characteristic.
2. Indirect discrimination may be legitimised if the business case for introducing a condition, policy, procedure, practice, or rule means that the employer acted reasonably in managing the business.
3. Employees should consider the impact on equality of opportunity for others of any work they produce. Considerations must be given to any possible alternatives that may have less of an impact on those with protected characteristics. Employees should carry out an equality impact assessment (EQIA) when introducing or amending any condition, policy, practice, or rule where it is necessary.

### **Harassment**

1. Generally, harassment occurs when an individual or group is subjected to unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment covers unwanted physical contact, verbal and non-verbal (gestures) conduct as well as harassment via the internet or email (known as "flame mail").
2. Employees are also protected from harassment subjected on them due to the perception or association as highlighted above.

### **Victimisation**

1. Victimisation occurs when an individual is treated badly because they have raised, or supported, a complaint against somebody who is reported to have acted in a discriminatory fashion. This may also refer to people who are suspected of making, or supporting, a claim even if they have not done so.
2. An employee is not protected if they have made a complaint on malicious grounds or supported such a complaint.

## WTS and WBC commitment to Equality of Opportunity

WTS is committed to encouraging equality, diversity and inclusion among our workforce and eliminating unlawful discrimination. As well as creating a working environment free of bullying, harassment, victimisation, and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued. To this we have adopted WBC Equality of Opportunity policy below.

### WBC Values

Ensuring equality in employment and service delivery is the collective responsibility of elected members, employees and all those who personally carry out work for and on behalf of WBC.

- **Elected Members** are responsible for delivering equality in the Council's policies relating to employment and service delivery and acting if any unfair discrimination occurs.
- **Managers** are responsible for delivering equality in their services, providing support for staff to work together to achieve equality and acting on any staff or customer complaint. They are also responsible for applying the Council's employment policies and practices in a way that does not unfairly discriminate against any individual(s).
- **Employees** are responsible for ensuring that they follow the Council's policies and procedures on equality of opportunity both as regards service delivery and in their conduct with other employees

### WBC Equal Opportunities in Employment Policy

Employment processes such as recruitment and selection, training and development will be carried out in such a way that ensures no employees are treated less favourably based on one or more of the protected characteristics. All staff will be treated fairly and equitably regardless of their position, contract type or stage of employment.

EQIAs should be carried out by all employees when introducing new policies, practices or when making decisions. This is in order to ensure that the impact on holders of any of the protected characteristics has been analysed and any alternative actions have been considered. Employees should ask their line manager for clarification as to when completing an EQIA is necessary.

Whilst the two ticks approach allows disabled applicants who meet the essential criteria the opportunity to attend an interview, in all cases WBC will make the final decision based on the business case and will employ the best applicant for the job.

## **Equal Pay**

WBC is committed to ensuring that our salaries and payments are subject to the principles of fairness, openness, and consistency and these can be tested against value for money and equal pay, for further information please see the Pay Policy.

## **Reasonable Adjustments – Disability**

Existing employees and job applicants are encouraged to supply WBC with information regarding any disability they may have. This is to allow for WBC to make reasonable adjustments to help the member of staff in providing high quality service delivery in their post. WBC will not treat any member of staff with a disability less favourably than any other member of staff.

## **Training**

To ensure employees are aware of their responsibilities regarding equal opportunities, and in order to work effectively, WBC will offer training on equality issues to all employees as outlined below:

- Specialist training for employees who operate in front line roles.
- Awareness training for all other employees and members on the implications of the Equal Opportunities Policy
- Include equalities training as part of the staff induction programme.
- Monitor all training provided.

All WBC employees will be offered training opportunities in areas in which they require development in order to work effectively without discrimination. Training will be subject to the usual business case considerations and must be agreed by the line manager and where appropriate Senior Management Team.

## **Workforce Monitoring**

WBC asks all applicants to provide equalities data information in order to help the Council monitor the representation of the local community in the workforce. Applicants/employees do not have to supply this information, however it is suggested that they do, particularly if they have a disability, as this will allow WBC to make reasonable adjustments to enable high quality service delivery from all staff.

Individual data is kept confidentially on the Council's payroll system, iTrent, and is only used to ensure a fair representation of the local community and as an indicator as to the effectiveness of WBC's recruitment and selection processes.

As part of WBC's obligations under the Public Sector Equality Duty we publish a workforce profile and undertake reviews of the recruitment monitoring data on an annual basis, further information can be found on the WBC webpage regarding Equality and Diversity.

## **Reporting Procedure: Employees**

1. Employees are encouraged to report any offensive behaviour even if it is not directed at them and even if the employee reporting the offence does not possess the relevant characteristic. The employee should report any offensive behaviour to their line manager or Head of Service. The Report IT function available on Backstage allows employees to report any internal incident of discrimination or offensive behaviour on the grounds of a protected characteristic.
2. Employees are encouraged to report any instances of discrimination or offensive behaviour in the workplace using the relevant procedure as outlined in the Dignity and Respect at Work Policy or the Grievance Policy.
3. Employees who are wrongly accused of discrimination may also raise a formal grievance under the same procedure.
4. Any employee found to have made an accusation of discrimination in a malicious manner will be subject to action under the Disciplinary Policy. In serious cases this may constitute gross misconduct and lead to summary dismissal.
5. Where an employee is found to have behaved in such a way that is proven to be discriminatory, offensive or aggressive, and the situation cannot be resolved informally, these instances will be dealt with under the Disciplinary Policy. In serious cases this may constitute gross misconduct and lead to summary dismissal.
6. Employees are also encouraged to report any incident of discriminatory, aggressive, or offensive behaviour aimed at them or anyone else by a customer be it via post, email, telephone or face-to-face. This can be done by the employee informing their line manager and/or using the Report IT function available on Backstage. For further information on aggression at work please refer to the Dignity and Respect at Work Policy.

## **Responsibilities of the learner**

WTS expects all learners to:

- Behave in an appropriate way, which does not harass, bully, or discriminate in any form.
- Promote respect, understanding and awareness of culture.
- Duty to report any incidents of bullying, harassment or discrimination to a tutor, staff member or designated Equality and Diversity lead.

## Summary

Everyone who works for, lives in, or otherwise comes into contact with WTS needs and deserves to be treated fairly and with dignity, regardless of any personal characteristic.

WTS understands that providing equality of opportunity does not mean treating everybody in the same way. It recognises that, in particular cases, efforts need to be made to ensure that the desired outcome of equality of opportunity is achieved.

This document was reviewed July 2023.