

Stratford on Avon District Council

Equal Opportunities Procedure - Employment

1. Introduction

- 1.1 Stratford-on-Avon District Council, recognises the need as an employer to have a clear procedure which encourages and promotes equal opportunities.
- 1.2 The Council accepts its statutory responsibilities and relevant guidance from other advisory bodies, such as the Equal Opportunities Commission and the Commission for Racial Equality 'Standards for Local Government'.
- 1.3 The purpose of this equal opportunities procedure is to promote equality of opportunity and ensure that there is no discrimination against disadvantaged sections of the population, either in access to employment or in employment practices.
- 1.4 In accordance with the commitment from Members and senior officers of this Authority, the following equal opportunities procedure for employment has been agreed.
- 1.5 Legal Background

The Council will always seek as a minimum to meet the requirements of legislation and appropriate codes of practice concerning equality issues including:

. Disability

- ◆ 1995 Disability Discrimination Act

Gender

- ◆ 1970 Equal Pay Act (as amended)
- ◆ 1975 Sex Discrimination Act (as amended)
- ◆ 1983 Equal Pay (Amendment) Regulations
- ◆ 1986 Sex Discrimination Act
- ◆ 1999 Sex Discrimination (Gender Reassignment) Regulation
- ◆ 2001 Sex Discrimination (Indirect Discrimination and Burden of Proof) Regulations

Race

- ◆ 1976 The Race Relations Act
- ◆ 2000 Race Relations (Amendment) Act

General

- ◆ 1974 Rehabilitation of Offenders Act
- ◆ 1984 Data Protection Act

- ◆ 1988 Disclosure of Criminal Background of those with Access to Children
- ◆ 1992 Trade Union and Labour Relations Act
- ◆ 1993 Trade Union Reform and Employment Rights Act
- ◆ 1996 Asylum and Immigration Act
- ◆ 1996 Employment Rights Act
- ◆ 1998 Crime and Disorder Act 1
- ◆ 1999 Code: Age Diversity/Employment
- ◆ 2000 Part Time Working Regulations
- ◆ 2000 Human Rights Act
- ◆ 2002 Employment Act
- ◆ 2002 Code: Data Protection in Employment Practices
- ◆ 2002 Fixed Term Employees Regulations
- ◆ 2003 Emerging Legislation

2. **General Statement**

- 2.1 The Council's policy is to employ the best staff possible on the basis of their ability, qualifications and experience without discrimination both direct and indirect towards their sex, ethnic origin, disability, age, marital status, on grounds of gender re-assignment, responsibility for dependants, national origin, sexuality, religion or political affiliation. This procedure applies to all Departments and to all grades and positions.
- 2.2 The Council will make this procedure known to all staff and potential staff, and will take whatever reasonable steps as are necessary to ensure that it is properly implemented and monitored.
- 2.3 Information collected for the purposes of monitoring this scheme will be treated as confidential, and as far as possible reporting procedures will protect the anonymity of the employee.
- 2.4 The equal opportunities principles embodied in this procedure will relate to all aspects of employment and other related procedures adopted from time to time by the Council.

3. **Recruitment /Promotion**

- 3.1 In employment specific attention will be given to fair treatment and positive action. Stratford District Council job advertisements carry a stated commitment to our being an equal opportunity employer, and candidates can expect fair treatment from us.
- 3.2 It is the intention of the District Council to ensure that individuals are recruited and selected, promoted and treated on the basis of their relevant merits, skills and ability, whilst ensuring that there are no barriers to the employment of any group. The procedure for this is set out in Stratford on Avon's Recruitment guidelines. Literature sent to candidates will include the Equal Opportunities statement.

All posts must be considered for reduced hours if a request is received by a member of staff, especially following ill health or maternity leave.

- 3.3 Job descriptions will include details of the main requirements of the job and will be objective and job related. No one will be excluded from applying for a post by the wording used.
- 3.4 Personnel specifications will not be drawn up in such a way as to exclude members of disadvantaged groups or limit unnecessarily their chances of employment. They will be objective and related directly to the job.
- 3.5 We will ensure the recruitment procedure is fair and open and that all applicants have an equal perception of fair treatment and opportunities. Job specifications and person specifications are made available, so that candidates can judge their suitability for positions for themselves. Interview panels will be trained in recruitment and selection techniques, which will include equal opportunities and race equality issues. We will ensure that there is always one trained officer on the panel.
- 3.6 Application forms will not contain information relating to sex, race, marital or parental status, but such information may be filled in on a separate detachable sheet and used only for monitoring. Applicants will be advised as to why this information is required and will be encouraged to complete the sheet with confidentiality assured.
- 3.7 The District Council will endeavour to advertise job vacancies in those publications that will ensure the best coverage within the catchment area. The vacancies will also be advertised on the Council's web site.

The catchment area for recruitment purposes will largely be the people who make up the local community as shown in the census returns. This will ensure that the workforce proportionately reflects the community.

- 3.8 The Council will, by request, make special provision for candidates with a disability. For example, this may include special arrangements such as submission of job applications on a pre-recorded tape, or special interview arrangements.
- 3.9 The District Council recognises that the selection process is of crucial importance in this policy and therefore must be carried out according to job related criteria. The effectiveness of this equal opportunities procedure will be determined to a large extent by this aspect of the employment procedure.

The District Council will endeavour through appropriate training to ensure that managers making selection decisions will not discriminate whether consciously or unconsciously, in making those decisions. Such officers will be required to record reasons for selection and rejection at each stage of the recruitment process in order to ensure consistency and aid the monitoring process. Candidates can request feedback on why they have not been selected for interview or why they have been unsuccessful for the vacancy.

The District Council emphasises that it is the duty of all members of staff to accept a degree of personal responsibility for the practical

application of this procedure.

4. **Training**

- 4.1 Where training needs are identified opportunities will be made in a fair and consistent manner to all appropriate Council employees. The training will be incorporated in an overall corporate equalities and diversity training strategy and will take into account individuals staff grades and responsibilities, detailing the relevant legislation.

The Council is working towards developing a workforce that, at all levels, represents black and minority ethnic communities. Therefore, the Department will take positive action to encourage employees and potential employees and members of a particular racial group to take up training or employment where that group is under-represented. Personal development plans and competencies for employees will ensure that their training and individual objectives are recognised and met. We are committed to the Investors in People (IIP) national standard.

- 4.2 Support, Retention and Career Development

The Council will work towards eliminating discrimination towards employees and prospective employees. This will include ensuring that managers are aware of their responsibilities for managing, training, recruiting staff and delivering services fairly and to consistently high standards.

Managers are expected to endeavour to grant leave applications from black and minority ethnic staff for religious observance.

- 4.3 In assessing the training needs of individuals within their career structure and in any appraisal procedures, the District Council will have regard to the possible special needs of individuals, for example those with disabilities or those returning to work after a career break.

5. **Appraisal**

- 5.1 The Council's Staff Development and Appraisal Scheme will relate specifically to an employee's job/career. It will avoid any bias on other grounds and will assess employee's aspirations and the manager's view of employee's capabilities, performance and potential. Assumptions should not be made about future service, domestic responsibilities etc.

Reporting Annually

We will publish annually a statement about the policies we have with regard to recruitment, retention, training, career development and promotion, including and especially for staff who are disabled or from ethnic minorities.

6. **Health and Safety**

- 6.1 All staff must comply with the Health and Safety policy. In certain circumstances, this may involve taking special account of:-

- signage
- working practices
- modified equipment
- reasonable workplace adjustments

7. Harassment (This is covered in the Dignity at Work Policy)

8. People with Disabilities

8.1 The District Council has adopted the social model of disability which says that people are disabled by the barriers presented by the physical and social environment which prevent the disabled person from playing a full part in the life of the community.

The District Council has a positive attitude towards the employment of people with disabilities and was awarded the Department of Employment's 'Two Ticks' award in December 1996. This award recognises the commitment that the Council has made towards giving equal employment opportunities to people with disabilities. All applicants for vacancies within the District Council are considered on their merit and people with disabilities possessing the minimum criteria for any vacancy will be shortlisted for interview.

8.2 The Council further recognises that disabled people are a varied group sharing common factors. These are:-

- most disabled people wish to take up and remain in employment and pursue career opportunities in the same way as other employees
- most disabled people are as capable of doing the majority of jobs as anyone else, though some may require some special aids or facilities
- there are very few jobs that cannot be done by most disabled people. Generally they are physically and mentally able to do the majority of jobs with normal training, qualifications and experience required.

8.3 Recruitment

The District Council's recruitment policy will be based on assessing abilities rather than disabilities, and recruitment practice and procedures will aim not to discriminate in any way, directly or indirectly against disabled people. All job advertisements will state that applications from disabled persons will be welcome. Disabled persons with suitable qualifications or experience will normally be shortlisted and given an interview. In order that disabled people are not unnecessarily deterred from applying for jobs, job descriptions will not specify physical or mental capabilities which are not in fact required, or overstate the extent to which those capabilities are required for the job.

In general, the only health requirement will be those necessarily arising from the demands or risk of a specific job or from health and safety standards generally. Where necessary, medical advice about

the job implications of a person's disability may be sought on an individual basis, with the person's consent.

- 8.4 The District Council will endeavour to advertise job vacancies in those publications that will ensure the best coverage within the catchment area. The vacancies will also be advertised on the Council's web site. All job advertisements will be sent to the local Job Centre.

Where there are genuine doubts about the suitability of a disabled person for a particular vacancy, then the District Council will consider the possibility of a trial period using, if necessary, the facilities offered under the Employment Services Job Introduction Scheme.

8.5 Retention of Disabled Employees

It is the District Council's aim to retain a newly disabled member of staff, after a period of treatment and recovery in their normal job, and to offer an alternative job, where possible, on equivalent pay, conditions of service and status. To achieve this policy aim the District Council will have consideration of the following factors:-

Recovery Period - A person's job will be kept open for them as long as reasonably practicable pending their treatment and recovery to the best possible health. Where this is not possible, preferential treatment will be given for the first vacancy arising in the same capacity after the recovery period. If necessary, use will be made of any special adaptations or aids to enable the newly disabled employee to continue in employment.

Rehabilitation - The District Council will, in accordance with the policy outlined in the section Co-operation with Other Bodies of this document, offer to assist the employee with advice in medical and employment facilities available to restore him/her to the best possible physical and mental condition.

Return to Work - The District Council recognises that the initial period of return to work may be a difficult period for a newly disabled member of staff. It will be the Council's aim to act sympathetically and with flexibility during this period. If necessary, consideration will be given to part-time work, job share and/or job restructuring in order that a newly disabled employee may continue as far as possible to do their normal job.

8.6 Training and Promotion

Disabled persons will have the same training and career development as other employees and will be considered equally for promotion opportunities. The fact that some disabled employees may need special facilities to enable them to attend courses, or special adaptations or aids to enable them to take the opportunities of promotion will not be a barrier to this aim.

Special Needs at Elizabeth House or Area Offices

The District Council will take all reasonable steps with outside

assistance where appropriate, to meet any special needs which new or existing disabled workers may have as regards access, toilets and welfare facilities, health and safety at work and other matters. The existence of such special needs will not normally be a reason for not employing or retaining disabled employees.

9. **Equality**

Stratford on Avon District Council has made a commitment in its Equality Statement of Intent, declaring that it will do all in its power to eliminate racism and racial discrimination. The Council is also committed to the Commission for Racial Equality 'Standards for Local Government' and the Department has an Equality Action Plan, which will help to work towards achieving the standards.

- ◆ Equality is not an optional add-on but an integral feature of all strategic and operational plans
- ◆ Equality is integrated into the processes of the Council and pervades the work of all staff
- ◆ It is clear that responsibility and accountability lies with staff at all levels to implement these procedures.

It is the responsibility of all managers and staff to uphold and implement the Equality procedures for employment

10. **Training of Employment Procedures**

10.1 The District Council will provide appropriate training to enable this agreement to be successfully implemented. In particular, it will ensure that appropriate training is provided:-

- for all new staff, as part of their induction training, on the terms of the procedure and their responsibility under it;
- all managers on their role in implementing the procedures;

11. **Grievances**

11.1 If an employee has a grievance relating to equal opportunities it will be dealt with under the appropriate grievance procedure.

12. **Monitoring**

12.1 The success of the equal opportunities procedure will be dependent on a monitoring system. This system will involve the collection of relevant data and allow assessment of equal opportunities within the Authority to be made. We will meet Stratford on Avon District Council standards to provide this information. The Council will use ethnic monitoring data to:

- ◆ Highlight possible inequalities
- ◆ Investigate the underlying causes
- ◆ Remove any unfairness or disadvantage

12.1.1 Monitoring will take place on

- ◆ Applicants for the post

- ◆ Staff in post
- ◆ Applications for promotion
- ◆ Grievances
- ◆ Disciplinary action
- ◆ Training
- ◆ Dismissals
- ◆ Other reasons for leaving

12.1.2 The information recorded from section 12.1.1 will be further categorised by department, type of job and grade.

12.2 Current and prospective employees will be advised that an equal opportunities monitoring process is in operation.

12.3 If, as a result of monitoring, the authority finds that a particular group is under-represented, it will do whatever is reasonably practicable to improve the situation. This may include:-

12.3.1 Using job advertisements to reach the under-represented groups and encourage their applications. Encouraging employees from these groups to apply for promotion opportunities.

12.3.2 Publicising the Council's Website

13. **Review**

The District Council will, in consultation with Unison, keep the procedure under review particularly where the monitoring process indicates that the policy objectives are not being achieved.

14. **Co-operation with Other Bodies**

The District Council will co-operate and consult with appropriate national and local organisations both statutory and voluntary and to seek their specialist help in resolving problems arising from the implementation of this policy.

15. **Communication**

15.1 The success of the equal opportunity policy rests on the commitment of senior management. Formal guidance will be issued to all Directors, concerning their responsibilities under employment policies and procedures within this Authority.

15.2 It is important that all employees and prospective employees are clearly aware of what the policy sets out to achieve, so that all matters relating to equal opportunities are dealt with in a consistent manner. This will be achieved as described in the general policy statement.

Allison Davies
Head of Personnel Services
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