

Isle of Wight Council
EQUALITY POLICY
(Including a statement & guidance)

1 Document Information

Title:	Equality Policy
Status:	Final
Current Version:	V
Author:	Judy Mason Strategic Manager of Human Resources and Employment Lawyer ✉ Judy.Mason@iow.gov.uk ☎ (01983) 821000 ext. 6338
Sponsor:	
Consultation:	Consulted and agreed with all recognised Trade Unions', Lead for Equality and Diversity as well as signatories.
Approved by:	
Approval Date:	April 2024
Policy Purpose	To provide a statement
Scope:	<p>This policy applies in its entirety to all employees, agency workers, casuals etc. including (schools, fire etc).</p> <p>Where appropriate, this policy will be updated to account for any changes in legislation without further consultation.</p> <p>This policy is non-contractual and therefore does not form part of the employee's contract of employment (and the Council reserves the right to amend or replace this policy at any time).</p>

Version	Date	Description
	November 2024	
	April 2025	Inclusion of Care Leavers under Protected Characteristics

2 Contents

1	Document Information	2
2	Contents.....	3
3	Equality Policy Statement.....	4
4	Equality Policy Guidance.....	6
5	Equality Act 2010 – Protected Characteristics.....	7
6	Protected characteristics in practice	7
7	Age.....	8
8	Gender Reassignment.....	8
9	Marriage and Civil Partnership	8
10	Pregnancy and Maternity	9
11	Race.....	10
12	Religion or Belief.....	10
13	Sex.....	11
14	Sexual Orientation	11
15	Disability.....	12
15.1	Access to Work.....	12
18	Breaches of the Equality Act 2010	15
19	The Fluency Duty.....	15
20	Reporting Hate Crime – incidents involving protected characteristics	15
21	Equality Impact Assessments.....	16
22	Training	17

This policy statement does not form any part of any employee's contract and may be amended at any time.

3 Equality Policy Statement

The aim is for our workforce to be truly representative of all sections of society and our customers, and for each employee to feel respected and able to give their best.

The organisation - in providing goods and/or services and/or facilities - is also committed against unlawful discrimination of customers or the public.

The policy's purpose is to:

- provide equality, fairness and respect for all in our employment, whether temporary, part-time or full-time
- not unlawfully discriminate because of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex and sexual orientation
- oppose and avoid all forms of unlawful discrimination. This includes in pay and benefits, terms and conditions of employment, dealing with grievances, dismissal, redundancy, leave for parents/flexible working
- oppose and avoid all forms of unlawful discrimination. This includes; requests for recruitment, promotion, training or other developmental opportunities

The organisation commits to:

- Encouraging equality, diversity and inclusion in the workplace as they are good practice and make business sense.
- 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. Make opportunities for training, development and progress available to all staff, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation.
- Making decisions concerning staff being based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act).
- Reviewing employment practices and procedures when necessary to ensure fairness, and also update them and the policy to take account of changes in the law.
- Monitoring the make-up of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality, diversity and inclusion, and in meeting the aims and commitments set out in the equality, diversity and inclusion policy.
- Monitoring will also include assessing how the equality, diversity and inclusion policy, and any supporting action plan, are working in practice, reviewing them annually, and considering and taking action to address any issues.

The Isle of Wight Council's approach to equality and diversity issues over the next four years (2023-2027) can be seen via the Action Plan available [HERE](#); setting out our vision approach and monitoring..

We as a council are committed to;

- Publishing information to show compliance with the equality duty, at least annually
- Setting and publishing equality objectives, at least once every four years.
- Eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by the act
- Advancing equality of opportunity between people who share a protected characteristic and those who do not

- Fostering good relations between people who share a protected characteristic and those who do not

The equality objectives that we are progressing over the next four years are;

- Understanding community impacts when making business decisions
- Promoting good relations
- Promoting awareness
- Increasing accessibility
- Compliant procurement and commissioning.

All staff should understand they, as well as the council, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public.

Such acts will be dealt with under the council’s grievance and/or disciplinary procedures, and appropriate action will be taken.

Signature: 		
Wendy Perera Chief Executive	Claire Shand Director of Corporate Services	Judy Mason Equality & Diversity Lead

4 Equality Policy Guidance

Equality: Equality is about making sure everyone is treated fairly by removing barriers, eliminating discrimination and making sure everyone is given equal access to opportunities which allow them to contribute fully and fairly in the workplace

Diversity: Is about recognising, valuing and taking account of people's different backgrounds, knowledge, skills and experiences, and encouraging and using those differences to create productive and effective workforces.

Inclusion: Refers to an individual's experience within the workplace and the extent to which they feel valued and included

The above statement shows the council's commitment and stance on Equality, Diversity and Inclusion. This next section focusses more on guidance and sets out what the protected characteristics are, their individual definitions alongside practical examples.

This guidance is not intended to cover in vast detail the intricate details of each protected characteristic or the legal application of each. Further detailed guidance advice can be sought from;

- Equality Human Rights Commission; [Home Page | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com)
- The government website; [Discrimination: your rights - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/discrimination)

5 Equality Act 2010 – Protected Characteristics

The Equality Act 2010 defines of the characteristics that are now protected from discrimination. These are (as defined by the Equality Human Rights Commission):

1	Age	A person belonging to a particular age (for example 32-year olds) or range of ages.
2	Disability	A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.)
3	Gender Reassignment	The process of transitioning from one gender to another
4	Marriage and Civil Partnership	Marriage is a union between a man and a woman or between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act)
5	Pregnancy and Maternity	Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context.
6	Race	It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
7	Religion and Belief	Religion refers to any religion, including a lack of religion. Belief refers to a religious or philosophical belief and includes a lack of belief.
8	Sex	A man or a woman.
9	Sexual Orientation	Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.
	Care Leavers	Whilst Care Leavers are not defined by the Equality Act 2010 as a protected characteristic, the council has committed to treating it as if it were. Care leavers are those with lived care experience.

6 Protected characteristics in practice

The Equality Act 2010 makes it unlawful to discriminate against, harass or victimise a person because of their protected characteristic. For the Isle of Wight Council this also refers to access to services including training facilities.

Protected characteristics should not be a factor for justifying refusal for a post in a team or any other employment decision such as training. Managers must be clear that it is not appropriate to use the protected characteristics to prevent workers from any opportunities such as applying for jobs that may mean promotion, attending training courses or not undertaking regular supervision

for example.

7 Care experience

Whilst Care Leavers are not defined by the Equality Act 2010 as a protected characteristic, the council has committed to treating it as if it were.

Care Leavers are those with lived care experience and the aim is to promote better outcomes for care experienced people

Bad examples could be “your smart for a kid that was in care”.

At its worst this can lead to care experienced people being refused employment, failing to succeed in education or facing unfair judgements about their ability to parent when they have children and families of their own. This is why the council have adopted the approach of including care experience within the remit and consideration in line with all other protected characteristics.

8 Age

The Equality Act 2010 makes it unlawful to discriminate against, harass or victimise a person because of their age or age group.

From April 2011 it is no longer legal to end a contract of employment because an employee has achieved the state retirement age, or their employer’s agreed retirement age. There may be specific occupations within the Council where a default retirement age is in place and this will be based upon a legitimately justified reason.

Unlike any other type of direct discrimination, such as direct sex or race discrimination, direct age discrimination can be justified. It can only be justified if it is a proportionate means of achieving a legitimate aim and the threshold for such is high.

Example of bad practice: An employee is in their late 40s but looks much younger. Their manager has to send a team member to represent the service to speak at a conference but decides not to send the young-looking employee as they don’t believe that the employee looks old enough to be credible at such a high-profile event. This would be discrimination by perception of age.

9 Gender Reassignment

The Equality Act 2010 makes it unlawful to discriminate against, harass or victimise a person because they are proposing to undergo, are undergoing or have undergone gender reassignment.

The Isle of Wight Council’s [LGBT+ \(Lesbian, Gay, Bisexual, Trans, Plus\) Policy](#) provides guidance for trans employee’s which managers should also familiarise themselves with too.

What this means in practical terms is that managers must respond sensitively and appropriately to an employee who is planning to undergo gender reassignment. This may be a very difficult time for the employee on both personal and professional levels. The manager must ensure that they discuss with the employee how best they would like to work with the manager to raise awareness and notify the team (if they wish).

The employee must also be protected from comments and other workplace behaviour that may

be either seen to be explicit or perceived to be discriminatory or may be interpreted as victimisation.

10 Marriage and Civil Partnership

The Equality Act 2010 protects people who are married or in a civil partnership from direct and indirect discrimination and victimisation in employment. This protection does not extend to single people.

What is Civil Partnership?

The Civil Partnership Act came into force on 5 December 2005, enabling same sex couples to legally register their partnerships. This gives parity of treatment in a wide range of legal matters with those opposite-sex couples who enter into a civil marriage.

From 10 December 2014 couples in a Civil Partnership have had the option to convert it to a Marriage. Couples will be issued with a marriage certificate dated from the original Civil Partnership.

Managers must treat workers who they know are going to marry or enter a civil partnership in the same way.

Example of good practice: An employee who is gay has let the team know that they are celebrating their civil partnership at the end of the month. This coincides with one of their colleague who is getting married. The team manager circulates a card and collection for both members of workers to ensure that both are treated equally.

Managers must ensure that they do not make decisions that discriminate against people regardless of whether they are married or in a civil partnership.

Examples of bad practice: A manager interviews two potential workers for a position in the team. The position is a career development post and will require some time away from the office attending training events. One candidate is newly married, and one is single. In spite of the married candidate scoring higher at interview, and clearly meeting the competencies of the person specification, the manager feels that offering the position to the single person is justified because they are less likely to have conflicts with their time and commitment than the newly married person. This action is discriminatory against the married person.

11 Pregnancy and Maternity

The Equality Act 2010 protects women from discrimination on the grounds of pregnancy and maternity.

In employment a woman is protected from discrimination during the period of their pregnancy and during any period of compulsory or additional maternity leave.

Women should be enabled to express milk or breast feed on council premises if they are choosing to breast feed their child and this applies to workers who are visiting with the baby to meet with colleagues on Council premises.

Example of good practice: Women who have returned to work from maternity leave and are still breast feeding may need to express milk and also take rest breaks. As far as is possible managers should seek to provide adequate facilities to support their employees' needs. Refusing to support these needs may amount to unlawful discrimination on grounds of both sex and in relation to maternity.

Health and safety considerations

It may be necessary to treat pregnant and returning mothers differently from other workers. This would be justifiable on the grounds of what the Health and Safety guidelines require. As soon as a manager is aware that a member of their staff is pregnant, they should carry out a risk assessment and seek further guidance (where applicable from the Health and Safety Team).

Managers who have workers who are pregnant or on maternity leave and who are at risk of redundancy or have been issued notice of redundancy should contact the HR department for advice on how to manage this situation.

12 Race

Under the Equality Act 2010 it is unlawful to discriminate against, harass or victimise anyone because of their race, which includes colour, nationality and ethnic or national origin.

Managers must be careful to ensure that they do not, and are not perceived to be, discriminating against any member of workers or prospective member of workers on the grounds of their race. This discrimination can be direct or indirect and examples are provided below. As a manager for the council it is also important that you ensure your team members are aware of their responsibilities in relation to discrimination, and how this may lead to accusations of harassment and or victimisation.

Example of bad practice: A manager refuses to employ a black employee because they believe that this will cause unease amongst an all-white team. This is unlawful direct discrimination.

Example of bad practice: An Asian employee regularly undergoes taunts and teasing due to their nationality from their colleagues. They complain to their manager who is concerned but says that this is to be expected and is just workplace banter. This is direct discrimination by team members who may be seen to be harassing their colleague, and discrimination by the manager who is responsible for the conduct of the team.

13 Religion or Belief

Under the Equality Act 2010 it is unlawful to discriminate against, harass or victimise anyone because of their religion or belief (including lack of belief).

What is religion or belief?

Religion or belief includes any religion and any religious or philosophical belief and also includes a lack of any such religion or belief. Religions do not need to be mainstream or well-known to be protected under the Act; however, they must be identifiable and have a clear structure and belief system. A belief does not need to include faith or worship of a god or gods, but in order to be protected under the Act it must fulfil the following criteria:

- it must be genuinely held;
- It must be a belief and not an opinion or viewpoint, based on the present state of information available;
- it must be a belief as to a weighty and substantial aspect of human life and behaviour;
- it must attain a certain level of cogency, seriousness, cohesion and importance;
- it must be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others.

Examples of such beliefs may include (but are not limited to) Humanism, Atheism and Pacifism or take the form of philosophical beliefs.

Managers should consider the religious or belief needs of their workers. These may include for example:

- Flexible working to support religious days or festivals;

- Time off to observe religious days or festivals;
- Finding a suitable environment or space for an employee to pray or reflect, with appropriate hygiene facilities;
- Consideration of fasting or dietary requirements (such as making sure that colleagues don't criticise vegetarian or vegan colleagues who may be following this practice as part of their faith or belief) that may include how food is prepared and stored in a shared kitchen environment;
- Dress requirements;
- Consider when workers meetings are held in order that workers observing prayers don't miss out on or are put at a disadvantage to other colleagues.

Discussing these needs with workers is a good starting point, and this also means that encouraging tolerance of the range of views and opinions in an open and supportive way among the team is important. Managers should also be aware that some workers may not wish to discuss their views.

14 Sex

The Equality Act 2010 applies to both men and women. Employers must give men and women equal treatment in their terms and conditions of employment if they are employed on;

- 'like for like work' i.e. work that is the same or broadly similar (work of equal value);
- work rated as equivalent through job evaluation.

The Act makes it unlawful for an employer to victimise workers if they discuss their pay with colleagues with a view to establishing differences in pay although individuals should not feel pressured to disclose their pay if they do not wish.

Managers cannot prevent work/roles/promotions due to the individual's sex. Managers cannot usually treat workers differently because they are men or women.

Example of bad practice: A senior role has become vacant and a male candidate has been earmarked for promotion. A woman who works in the same department at the same level as their male colleague wants to know why they haven't been included in the ring-fencing of the role. Their manager responds that it's because they have indicated that they intend to have a child in the near future and the manager needs someone in post who can provide consistency, something that he feels that the employee cannot do. This is direct discrimination.

15 Sexual Orientation

The Equality Act 2010 makes it unlawful to discriminate or victimise a person because of their sexual orientation. The Act defines sexual orientation as a person's sexual orientation towards:

- persons of the same sex;
- persons of the opposite sex, or
- persons of either sex.

It will not always be apparent that someone who is working with you is gay, lesbian or bisexual. It is therefore important that a basic rule is adhered to regarding the workplace and that there are no references to these in any derogatory manner (and this includes joking or banter). This avoids offending people and protects the manager and the team members.

Managers should also be aware that even if they believe that no workers are gay, lesbian or bisexual, any derogatory comments made about these protected characteristics in the

workplace may still cause upset or offence for a variety of reasons.

16 Disability

The Equality Act 2010 replaced the Disability Discrimination Act 1995 from October 2010, but continues to make it unlawful to discriminate against, harass or victimise a person because they are disabled. If you're disabled, you have the same rights as other workers. Employers should also make 'reasonable adjustments' to help disabled employees and job applicants with:

- application forms, for example providing forms in Braille or audio formats
- aptitude tests, for example giving extra time to complete the tests
- interview arrangements, such as providing wheelchair access, communicator support
- making sure the workplace has the right facilities and equipment for disabled workers or someone offered a job
- work-related benefits like access to recreation or refreshment facilities

It is unlawful for an employer to discriminate against or victimise a disabled person because of their disability:

- in the arrangements made for deciding who should be offered a job;
- in the terms on which the person is offered a job, or
- by refusing to offer, or deliberately not offering, the person a job;
- in the terms of employment;
- in any opportunities for promotion, a job transfer, training or receiving any other benefit, facility or service as part of their job;
- by deliberately refusing to provide any such opportunity, or
- subjecting them to any other detriment citing their disability alone as a justifiable reason.

15.1 Access to Work

Access to Work supports to assist people with a disability to either gain employment or remain in the workplace work. 'Access to Work' is a Government benefit scheme administered through Job Centre Plus. Managers should be aware that if 'Access to Work' make recommendations of equipment or software etc for employees with a disability who require reasonable adjustments then costs may be applicable. The following outlines the Access to Work process;

- Access to Work guidance for managers – <https://wightnet.iow.gov.uk/documentlibrary/view/access-to-work-guidance-for-managers>
- Access to Work flowchart - <https://wightnet.iow.gov.uk/documentlibrary/view/access-to-work-guidance-for-managers-flow-chart>

We are currently working combining the full suite of supporting documents for reasonable adjustments (regardless of the platform they come from) into a one combined "Supporting our Staff" one stop shop document.

15.2 Disability Confident Employer

Disability confident employers are recognised as going the extra mile to make sure disabled people get a fair chance.

The Isle of Wight Council is proud to be granted Disability Confident Employer status which means, we:

- have undertaken and successfully completed the Disability Confident self-assessment
- are taking all of the core actions to be a Disability Confident employer
- are offering at least one activity to get the right people for our business and at least one activity to keep and develop our people.

15.3 Dyslexia and Neuro-Diversity

A common but often misunderstood condition is dyslexia. This is often defined as difficulties with reading, writing and numeracy. All assessments for dyslexia should now be referred through the individuals GP.

Neuro-diversity is someone who has difficulties with organisation, memory, concentration, time, direction, perception, sequencing, poor listening skills which can lead to low self- esteem. Again, any assessments for this need to be made directly through the individuals GP.

16 Sexual Harassment

16.1 What is it?

Sexual harassment is unwanted behaviour of a sexual nature. The law (Equality Act 2010) protects the following people against sexual harassment at work*:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

To be sexual harassment, the unwanted behaviour must have either:

- violated someone's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment for someone

It can be sexual harassment if the behaviour:

- has one of these effects even if it was not intended
- intended to have one of these effects even if it did not have that effect

Examples include:

- making sexual remarks about someone's body, clothing or appearance
- asking questions about someone's sex life
- telling sexually offensive jokes
- making sexual comments or jokes about someone's sexual orientation or gender reassignment
- displaying or sharing pornographic or sexual images, or other sexual content
- touching someone against their will, for example hugging them
- sexual assault or rape

What some people might consider as joking, 'banter' or part of their workplace culture can still be sexual harassment.

**at work extends to anything 'during the course of work' and therefore includes; any workplaces/offices, training courses (internal/external), conferences etc.*

16.2 Approach

Not only is sexual harassment unlawful, it also will not be tolerated. The council adopts a zero-tolerance approach to any acts of sexual harassment. This type of conduct is not acceptable and this stance is mirrored in the Unacceptable Behaviour Policy, the Disciplinary Policy, Employee Code of Conduct and the Values and Behaviour Framework.

Whilst the below is not an exhaustive list, it is representative of the stance of each policy and the approach.

Unacceptable Behaviour Policy – [Viewing Document: Unacceptable Behaviour Policy \(iow.gov.uk\)](https://www.iow.gov.uk/unacceptable-behaviour-policy)

This policy sets out the Isle of Wight Council's approach to the relatively few persons whose actions and behaviour we consider unacceptable during a visit, telephone call, written or electronic method of communication with our staff (including social media). It clarifies the scope of unacceptable behaviour, the procedure to follow if it occurs, the sanctions available to the council and who can authorise them. The common view of unacceptable behaviour is when a person is abusive. However, there are other behaviours which unreasonably impact on the business of the council and affect service delivery to other persons (see below). Additionally, some behaviour experienced by staff as a result of their jobs will engage the council's duty of care towards its employees

Disciplinary Policy – [Viewing Document: Disciplinary Procedure \(iow.gov.uk\)](https://www.iow.gov.uk/disciplinary-procedure)

Examples within this are (although not limited too):

“Sexual offences, sexual insults, or sexual discrimination against another person, including pupils”

“Serious and / or persistent acts of bullying, discrimination, or harassment against another person on any of the discriminatory grounds, political beliefs, Trade Union membership, a whistleblowing protected disclosure, carer responsibilities and irrelevant criminal records and convictions, (whether it takes place in person or online)”

We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.

Employee Code of Conduct - [Viewing Document: Employee Code of Conduct \(iow.gov.uk\)](https://www.iow.gov.uk/employee-code-of-conduct)

The purpose of this code is to clearly set out what these standards are for your benefit and how the council undertakes to apply it consistently and fairly. It is your responsibility to work in accordance with this code and managers' responsibility to ensure that the code is fairly and consistently applied.

The code sits alongside all other council policies and outlines standards for you to follow in your day-to-day work. The code reproduces points of principle which have applied in local government for very many years but it also deals with challenges that you might well face.

The code has been prepared with the intention of setting down the basic rules and principles that govern the way you should work and to build on the National Code of Conduct for Local Government Employees, embracing the Nolan Committee's seven principles of public life.

Behaviour Framework - [Viewing Document: Growing Team IWC - values and behaviours framework \(iow.gov.uk\)](https://www.iow.gov.uk/growing-team-iwc-values-and-behaviours-framework)

Everything that we do should be inclusive, open and transparent. Working as part of a team, and achieving the Isle of Wight Council's vision should be done in a way that is straight forward and positive.

We want to continue to develop a workforce that is:

- productive – affordable, efficient, motivated, technologically literate and flexible;
- joined up – properly integrated across all the different organisations providing services, especially in health and social care;

- involved in co-designing and co-creating services – so that the ideas and experience of the people most involved in services day-to-day can be fully utilised;
- truly valued and respected – supported throughout the stages of life and career and able to enjoy good quality benefits as well as fair pay;
- diverse – reflecting the communities it serves and making use of all the talent

16.3 Third party concerns

Where issues are brought about a third party:

Procured services – contracts at the point of engagement will specify the relevant provisions where appropriate to ensure that the responsibility and accountability are known.

Agencies/agency workers (whether via the councils approved agency process or via a bespoke off contract agreement) - the complaint/concern will be referred back to the employer (in this case the agency) of the individual for prompt and effective action. The employer will then follow their own internal policies for action and steps. This will clearly be signposted to the worker within their starter documentation.

An agreement on the process will be outlined in either a) in the case of a vendor neutral system, via the service level agreement between that system and the agency directly or b) where appointing through an agency directly, the recruiting manager is then responsible for determining (and writing out) these responsibilities before engaging the worker.

Where the issue arises from a customer/service/client, this concern will be referred to the [Unacceptable Behaviour Policy](#)/the individual service's complaints procedure.

Support remains in place for our employee and the council will work with the third-party organisation.

16.4 Responsibilities

Everyone is responsible for ensuring the culture of the council is free from discrimination and sexual harassment behaviour.

16.5 Reporting

Reports of sexual harassment are taken seriously and we actively encourage concerns to be reported so action can be appropriately taken.

If the concern relates to:

- a work colleague - you should raise it with them directly in the first instance (or in circumstances where you are unable to do so, you should speak with your manager)
- your manager - you should raise it with the next level of management (within the same management chain i.e., your managers manager).
- Someone elsewhere in the organisation (be it colleague, director etc) - you should raise it with them directly (as above) and/or via your manager.
- Headteacher or a member of the School Governing Body - the matter should be raised with the Chair of Governors.
- Chair of Governors - then the matter should be raised via HR

This reporting structure should be the same whether you are directly raising a concern or, if you witness any acts which you believe are sexual harassment in nature.

16.6 Process

The process will be fair to; the person who raised the complaint, any witnesses and the individual(s) being accused also.

The councils [Resolution \(including Grievance\) Policy](#) sets out the steps to resolve matters of concern at an informal level.

If the issues are not appropriate to be dealt with at an informal level, then the Resolution Policy sets of the Grievance process steps for these matters to be considered and investigated at the formal level. Where it is found that sexual harassment has occurred, Disciplinary action will be taken can result in sanctions up to and including summary dismissal.

16.7 Support

Regardless of which stage in the process you are at or which 'role' you fill in the process (the complainant, the witness or the individual being accused), it is important to set out the support available to you.

Your manager – your manager will play a vital role in supporting you directly. It is advised that even if you have resolved matters informally with someone, that you let your manager know so they understand and can continue to support you. Whether you are resolving matters informally or in the rare instances using the formal stage, they can continue to support you throughout. This may include, checking in with you more regularly to discuss your wellbeing, altering 121's to focus more on this specifically, signposting you to appropriate support, looking through the policy with you and escalating any questions you may have where needed etc.

Colleagues – It is often difficult to know what you can and cannot say to colleagues and it is especially important that information and concerns you may have are not discussed more widely than those directly involved. This avoids other personalities, opinions, viewpoints etc being bought into a personal concern and escalating it higher than necessary. Colleagues however should be there to support you around your wellbeing (and can be done without sharing any specific details and breaching confidentiality/conflict).

Managers manager – in instances where the concern is about your manager, your managers manager would take on the role as described above in being that first point of call for your support.

'Buddy' – in some circumstances (largely when it moves to formal) a buddy may be agreed for either person so that they have someone to go to when support is needed. It is important this person is chosen carefully to avoid any conflict.

Wellbeing pages – there is a plethora of wellbeing support available via the council's wightnet pages including:

Employee Assistant Programme (EAP)

Mental health first aiders

Maximus – mental health support

All of which can be accessed if you are off work by going to - myAccount - Login (iow.gov.uk) - to access Wightnet Extra, use your personal email address and password that you would've used at the time of applying to your role

External support sources:

Rights of Women - [Sexual harassment at work advice | Rights of Women](#) who are a designated free work advice line

Victim Support - [Sexual harassment - Victim Support](#) who will advise you on the support and steps available to you.

Safeline - [Home - Safeline - Believe in you - Surviving sexual abuse & rape](#) – as well as preventative

work, they support anyone who has been subject to sexual violence/harassment.

Help after sexual assault or rape:

You can get help and information from:

- [Galop](#) – LGBT+ sexual violence support
- [Rape Crisis England and Wales](#)
- [The Survivors Trust](#)
- [SurvivorsUK](#) – male rape and sexual abuse support
- [Victim Support](#) – in England and Wales

This support is relevant both at the stage of any concerns being raised under this policy but also beyond any concerns also.

16.8 Protection for those involved

Anyone who treats someone less favourably as a result of raising a complaint/concern about sexual harassment (victimisation – see below ‘What does the Act cover in relation to employment’) will be dealt with under the council’s [Disciplinary Policy](#).

We actively encourage all individuals to seek out support as listed above to ensure you are supported. If you feel other sources of support would be beneficial to you, please speak to your manager or managers manager who can review this and where needed consult with HR.

16.9 Training

[Sexual Harassment training](#) is available via the learning hub. The course will enable you to understand:

- How to prevent Sexual Harassment from happening in the workplace
- How to identify sexual harassment in the workplace and understand what is classified as sexual harassment through our example scenarios
- How to confront and report sexual harassment in the workplace.

This training is available to all staff including school staff. There is a small additional cost for schools which can be discussed in more detail directly with L&D. Agency workers and third parties are able to access this training through the learning hub also.

Although not explicitly sexual harassment, the council provides [Bullying and Harassment in the Workplace training](#) which is mandatory to all staff. It is also available to agency and non-employees to complete and undertake also.

17 What does the Act cover in relation to employment?

The Act provides protection against discrimination, victimisation (treating someone less favourably because they exercise, or intend to exercise, their rights under a specific piece of legislation) and harassment on any of the above grounds throughout the whole employment relationship, including:

- pre-employment - recruitment and selection (including the role and the advert itself)
- terms of employment
- benefits provided during employment and on termination
- promotion/secondment opportunities
- access to learning, training and development
- dismissal (including redundancy)

- retirement

There are a number of different forms of discrimination;

Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their race because they would not "fit in" would be direct discrimination.

Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage. For example, a job advert for a salesperson says applicants must have spent 10 years working in retail. By doing this the business could be discriminating indirectly based on age. This is because the advert excludes young people who may still have the skills and qualifications needed. *Indirect discrimination can be allowed if the employer can prove a business case for the rule or arrangement ('objective justification') – the threshold however is very high. If you are unsure, you should also seek advice.*

Harassment relates to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Sexual Harassment as mentioned above is unwanted behaviour of a sexual nature.

Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment or supported someone else's complaint.

18 Recruitment

Job applicants should not be asked about past or current pregnancy or future intentions related to pregnancy. Likewise, applicants should not be asked about matters concerning age, race, religion or belief, sexual orientation, or gender reassignment without advice of Human Resources (who will assist in the consideration of whether such matters are relevant and whether they may lawfully be taken into account).

Applicants should not be asked about health or disability before a job offer is made. There are limited exceptions which should only be used with Human Resources' approval. For example:

e.g. "This job requires post holders to undertake a range of physical activities. Please tell us what adjustments may be needed to assist you."

18.1 Positive Recruitment

Positive action is about taking specific steps to improve equality in your workplace. It can be used to meet a group's particular needs, lessen a disadvantage they might experience or increase their participation in a particular activity.

You must be able to show that positive action is an appropriate way for the council to achieve one of these aims and the steps you are taking have been carefully thought through.

Examples of positive action;

- placing job adverts to target particular groups - to increase the number of applicants from

- that group
- including statements in job adverts to encourage applications from under-represented groups
 - offering training or internships to help certain groups get opportunities or progress at work
 - offering shadowing or mentoring to groups with particular needs
 - hosting an open day specifically for under-represented groups to encourage them to get into a particular field
 - favouring the job candidate from an under-represented group, where two candidates are 'as qualified as' each other
 - targeted recruitment

The Equality Act 2010 allowed employers to make recruitment decisions based upon improving equal access to employment. The act protects people from being treated less favourably because they have a 'protected characteristic'.

Section 5.1.3 of the council's [Recruitment Policy](#) provides guidance on the positive action position of the council.

18.2 Identity/Eligibility to be employed in the UK & Equal opportunities monitoring:

We are required by law to ensure that all workers are entitled to work and live in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective workers, regardless of nationality, must be able to produce original documents (as required by the Home Office) before employment starts, to satisfy current immigration legislation.

Further information can be found via the [Recruitment Policy](#).

To ensure that this policy is operating effectively and to identify groups that may be under-represented or disadvantaged in our organisation, we monitor applicants' ethnic group, sex, disability, sexual orientation, religion or belief, marital status / civil partnership status, gender reassignment status and age as part of the recruitment procedure. Provision of this information is voluntarily, and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment. The information is removed from applications before short listing and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and to improve equality and diversity.

19 Breaches of the Equality Act 2010

If you believe that you may have been discriminated against you are encouraged to raise the matter through our [Resolution \(including Grievance\) Policy](#) although seeking to resolve a situation through informal means is recommended in the first instance.

Workers who make allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under our [Disciplinary Procedure](#).

Any member of workers who is found to have committed an act of discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to breaches of this policy.

20 The Fluency Duty

The Isle of Wight Council is required by the Immigration Act 2016 often referred to as the 'Fluency Duty' to ensure that all employees are able to "converse at ease with customers and provide advice in accurate spoken English is required for the post". [The Government has produced a code](#) to ensure that the appropriate legislation is being met by those in scope.

Therefore, the Fluency Duty cannot be used in contradiction to the purpose of the Equality Act 2010.

21 Reporting Hate Crime – incidents involving protected characteristics

All workers have a right to report any hate crime that they either receive or witness. They can use the diversity incident reporting process, and there is an online form available on iwight.com. To report hate crime you can:

Call 999 if you are witnessing or experiencing the incident

Call 101 if the incident occurred earlier

Incidents can also be recorded online via the [True Vision website](#)

There are a number of third party Hate Crime reporting centers across the island

A hate crime incident is an offence motivated by the offender's hatred of people. This includes racism, homophobia, disablement, ageism, sexism, religious hate crime etc or where the victim was chosen because they were seen to be vulnerable, or an 'easy target,' because of one of the protected characteristics e.g. young people, visually impaired people, etc.

It is recommended that if any workers are affected by hate crime or perceive that they are being in any way bullied at work, that they speak to their line manager to raise the issue. A manager must take all issues seriously. Any workers who are suspected of committing any form of bullying or harassment and this includes breaching any of the guidelines contained in this Policy, may be liable to disciplinary action by the Council and potentially criminal action.

22 Equality Impact Assessments

When should one be completed?

An Equality Impact Assessment (EIA) should be completed when you are considering:

- developing, reviewing or removing policies
- developing, reviewing or removing strategies
- developing, reviewing or removing services
- developing, reviewing or removing a council function

The EIA should be part of the decision-making process and therefore, it needs to be considered and completed before the decision is made.

How do I complete one?

An Equality and Diversity Guidance document is available which sets out when to complete an EIA, how to complete one and the subsequent approval process.

What next?

Once an equality impact assessment has been completed it will need to be published internally and/or externally as required. It should also be a rolling document so the consideration continues.

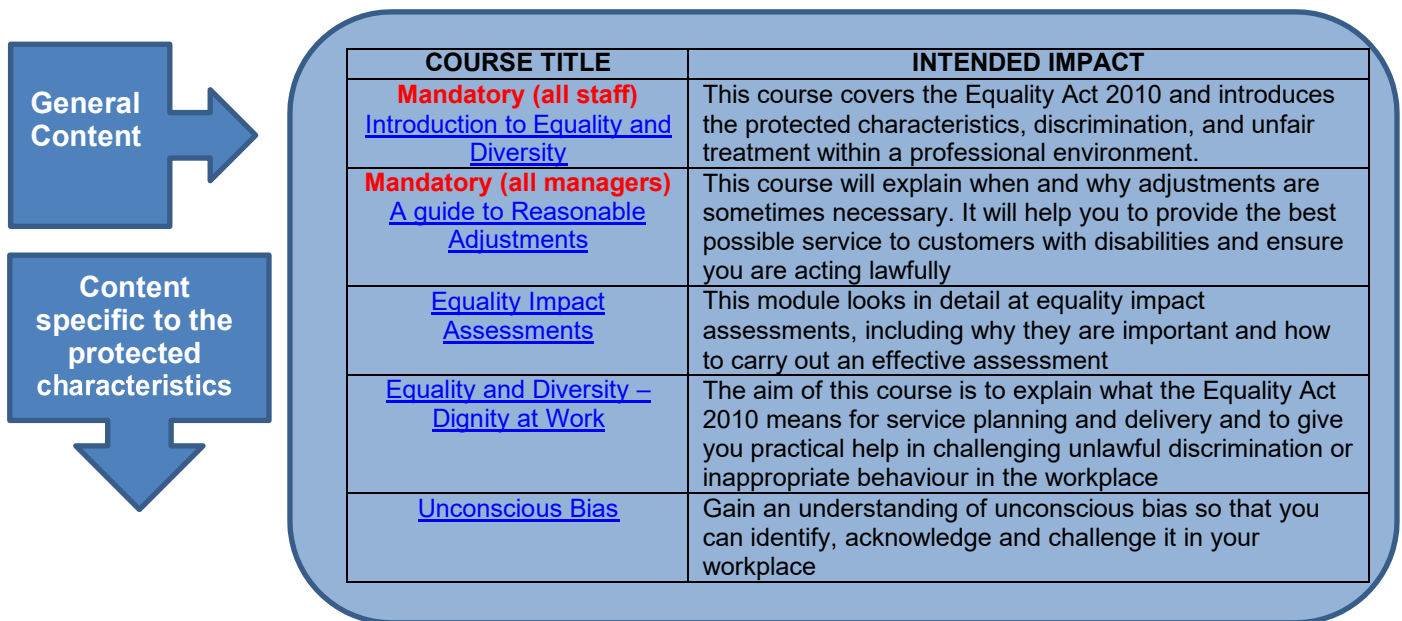
Exemplars

Although the below EIA examples won't 'fit' for all scenarios, it enables you see the level of information and analysis required.

- EIA Office Moves/Agile Working - [HERE](#)
- EIA Section 13a Discretionary Relief - [HERE](#)
- EIA Direct Payment Support Service - [HERE](#)
- EIA Deferred Payment Agreement Policy - [HERE](#)
- EIA Respite Care for Adults Policy - [HERE](#)
- EIA Generic Role Profiles - [HERE](#)
- EIA Local Council Tax Support Scheme - [HERE](#)
- EIA Fire and Rescue Services IRMP - [HERE](#)
- EIA Local Assistance Scheme - [HERE](#)
- EIA Highways PFU Procurement phase - [HERE](#)
- EIA Healthwatch - [HERE](#)
- EIA Persistent anti-social behaviour policy - [HERE](#)

23 Training

Map of Digital Learning Opportunities Equality and Diversity



Protected Characteristic	Course Title	Intended Impact
Age	All Age Carers	This course looks at the characteristics that define a carer, including the roles of both young and adult carers.
	Dementia Awareness	This course will explain what dementia is, the signs and symptoms and causes of dementia
Disability	Disability and Discrimination	This course will show you some practical steps that you can take to avoid discrimination against people with a disability
	Understanding Autism – Tier 1	This course is designed for people in any sector who require a general understanding of autism and the support autistic people may need
	Learning Disability Awareness	This module will help you to understand more about learning disabilities and difficulties, and the issues that sufferers can face in everyday life
	Communicating with Deaf Customers	This course will help you to recognise the different types of deafness and identify ways in which hard of hearing and Deaf people communicate
	Epilepsy Awareness	To offer ongoing support to our social care providers to ensure their staff have the appropriate knowledge and skills to support those with epilepsy
Gender Reassignment	Downs Syndrome Training	The purpose of this course is to provide a basic awareness and understanding of Down's syndrome
	Trans Awareness	This course will provide an overview of trans awareness, explain some of the key terms, definitions and addresses some commonly held misconceptions
	LGBTQI Awareness	This course will provide a general awareness of LGBTQI and enable you to ensure colleagues, your team and customers feel respected, cared for and dignified
Pregnancy and Maternity	Understanding Maternity Leave	Anyone who is planning a family, due to take maternity leave or managing a new or expectant mother and wants to gain an understanding of how maternity leave works and what entitlements you may receive
Religion & Belief	Honour Based Violence	This awareness course looks the concept of 'Honour' and the motives behind the violence
Race	Racial Inequality (for managers and leaders)	This course consists of two modules and will take you on a journey through some real-life scenarios looking at people's experiences with racism, how it makes them feel, and look at the active steps you can take

There will also be further learning opportunities that are focused on specialist areas for staff, such as Learning Disability and alternative communication methods. These will be offered in a range of delivery methods most suitable to the content, ranging from blended activities, virtual classroom and face-to-face events. These will be targeted at certain service areas and may not be visible to all staff.