Service Policy STRPOL011

Equality, Diversity and Inclusion Policy

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Document Control

Active date	Review date	Author	Editor	Publisher
xx2017		Wendy Kenyon	Wendy Kenyon Deb Appleton	J.Sutton

Amendment History

Version	Date	Author	Reasons for Change

Equalities Impact Assessment

Initial	Full	Date	Reviewed by	Comments
	X	10.03.17	Wendy Kenyon	No adverse impact identified, the policy is positively supporting protected groups – see EIA for details of consultation feedback from different representative groups

Civil Contingencies Impact Assessment

Date	Reviewed by	Comments

Related Documents

Doc. Type	Ref No.	Title	Location
SI	0867	Grievance	
SI	New	Equality and Diversity resources	
SI	0854	Conduct (Discipline) and Capability	
Policy	PODPOL09	Bullying and Harassment	
Policy		Positive Action and Recruitment	
MRFS Doc		Employee Code of conduct	
MFRS Doc		Ground Rules	

Distribution List

Name	Position	I/R
DAG	All DAG Members	

Sign-Off List

Name	Position
DAG	All members of : Diversity Action Group (DAG) Strategic Equality Group (SEG) Senior Management Group (SMG) Authority Lead Member for E and D Representative Bodies (Equality Leads) Fire Proud Network

Target audience

All MFS	X	Ops Crews		Fire safety		Community FS		Support Staff	
Principal		Senior off.		etc		etc		etc	

off.									

Ownership

FOI exemption required?	**Yes**		**URL**	
	No	**X**	**Reason**	

Legislation

Title	*The Equality Act* *The Public Sector Equality Duty*	*2010*

Contact

Department	Email	Telephone ext.
Strategy & Performance	wendykenyon@merseyfire.gov.uk	4422

Equality, Diversity and Inclusion Policy

1. Policy Introduction and Background

Merseyside Fire & Rescue Authority (MFRA) aims to create a culture that respects and values people's differences[1] and secures genuine equality of opportunity in all aspects of its activities. This applies to job applicants, employees, volunteers, youth engagement participants, users of the organisation's services and those who deliver services on behalf of MFRA. This policy is influenced by current legislation; The Equality Act 2010, but it also reflects the intention of MFRA to promote the best practice in this area.

The aim of this policy is to prevent discrimination[2] , harassment and victimisation, and comply with the Equality Act 2010 and the Public Sector Equality Duty. In order to achieve this, MFRA will endeavour to create an environment in which there is respect and recognition for needs and aspirations, of individuals regardless of Sex, gender identity, gender reassignment, (including transgender and gender reassignment status), married or civil partnership status, race, ethnicity, nationality, colour, religion or belief, disability, age, family status or sexual orientation, pregnancy and maternity, or any other factor that cannot be justified.

2. Policy Explanation

Statement of Commitment

At MFRA, we consider that equality means breaking down barriers, eliminating discrimination and ensuring equality of opportunity for all people we employ.
We consider diversity and inclusion to mean celebrating difference and valuing everyone. Each person is an individual with visible and non-visible differences and by respecting this everyone can feel valued for their own unique contributions and perspectives, which is beneficial not only for the individual but for MFRA and the communities we serve across Merseyside. Individuals with different cultures, perspectives and experiences are at the heart of the way MFRA works.

We want to recruit, develop and retain the most talented people, regardless of their background and make best use of their talents. At MFRA we are guided by our values in everything we do, and recognise that being a diverse and inclusive employer helps us fulfil our responsibility to make a difference in keeping the communities of Merseyside safe and free from fire and other emergencies.

[1] In so far as they are compatible with internationally recognised Human Rights standards
[2] This includes more subtle covert forms of discrimination e.g. negative humour, harassment, ridicule without overt discriminatory content

MFRA will seek to develop a work environment where employees will be treated and will treat each other with trust and respect. Being respected means being treated honestly and professionally, with each person's different talents, background and perspectives valued.

We will remove unnecessary barriers for our employees seeking opportunities through training and development, promotion, progression and career planning.
We will continue to support and train our leaders, managers and employees to demonstrate the principles of diversity and inclusion in their everyday activities, roles and functions.
We will work within the duties and obligations of the Equality Act 2010 and our commitment to the Public Sector Equality Duties are outlined in Appendix B.

Policy Scope

The rights and obligations set out in this policy apply equally to all employees, whether part time or full time, on a substantive or fixed-term contract, and also to associated persons such as secondees, agency staff, contractors, volunteers, participants undertaking youth engagement programmes and others employed under a contract of service.

This policy is also of particular relevance to Directors, Functional Managers, Line Managers and other employees concerned with recruitment, training & development, promotion, grievance and discipline, conduct and capability and any other procedures and employment decisions which affect staff and the communities of Merseyside.

This policy applies to all conduct in the workplace and also to conduct outside of the workplace that is related to employees' work (e.g. at meetings, social events and social interactions with colleagues), or which may impact on MFRA's reputation (e.g. the expression of views on social media, contrary to the commitments expressed in this policy, that could be linked to MFRA).

Equality and Diversity at MFRA

Every employee is entitled to a working environment that promotes dignity, equality and respect for all, free from inappropriate or unprofessional behaviour. MFRA will not tolerate any acts of unlawful or unfair discrimination (including harassment and victimisation) committed against any of the groups of people covered within the scope of this policy because of a protected characteristic:

- Sex (gender and gender identity);
- Gender reassignment;
- Marriage and civil partnership status;
- Pregnancy and maternity;
- Race (including ethnic origin, colour, nationality and national origin and cast);
- Disability;
- Sexual orientation;
- Religion and or belief (or no belief); and
- Age.

Discrimination on the basis of work pattern (part-time working, fixed term contract, flexible working) and working group (Operational /Non Operational) which is unjustifiable will also not be accepted.

All people covered by the scope of this policy will be encouraged to develop their skills and fulfil their potential and to take advantage of training, development and progression opportunities in MFRA. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability.

MFRA has developed Ground Rules to assist employees and managers with meeting equality, diversity and inclusion standards. The Ground Rules apply to all staff at all levels and cover 3 main areas

- Treat fellow employees and members of the public with dignity
- Respect the differences of others
- Welcome new arrivals and visitors into the workplace

Staff and Managers are also expected to abide by the Employee Code of conduct which will contribute to meeting the requirements of this Policy

Responsibilities

Authority

- The Authority accepts its responsibility as an employer to ensure the implementation and monitoring of this policy and in return expects all employees to co-operate and fulfil their role in implementing this policy
- The Authority takes a zero- tolerance approach to all forms of discrimination, bullying and harassment including inappropriate and unprofessional behaviour. It will take positive action to address inequality and ensure the organisation provides suitable equipment, facilities and a working environment that meet the different needs of all employees
- The Authority will support its staff to ensure that they meet the Equality Act 2010 and Public Sector Equality Duty in carrying out their roles across the organisation and out in the community

Managers

Managers are important in ensuring that the Equality, Diversity and Inclusion policy is implemented across all areas of the organisation. Managers will be expected to :

- Lead by example and ensure all employees apply the principles of this policy
- Be responsible for ensuring this policy is implemented in their area of service delivery
- Challenge discrimination and all forms of inappropriate behaviour, advance equality of opportunity and foster good relations between different people both within MFRA and across our Diverse communities
- Treat employees with dignity and respect and make sure individuals feel valued and that their rights are protected under the policy
- Promote equality and diversity and challenge inappropriate behaviour at all times

Individuals

All employees are entitled to be treated with dignity and respect and work in an environment that is free from any form of inappropriate behaviour by managers, colleagues, partner organisations, contractors and service users. Employees will:

- Provide members of the community with a good service and treat them with dignity and respect.
- Implement the policy on equality and diversity and carry out laid down procedures in their job including treating colleagues fairly without prejudice or discrimination
- Report any suspected discriminatory actions or practices
- Not unlawfully discriminate against job applicants or employees in recruitment, employment, promotion, conditions of service and training
- Not harass, bully or unlawfully discriminate against people because of any areas referred to in this policy
- Not instruct or put pressure on others to discriminate unlawfully
- Not victimise people because they have made a complaint or provided information on harassment or discrimination
- Seek guidance from an appropriate person e.g. Line Managers, Diversity and Consultation Manager, HR

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Manager or Trade Union, if in any doubt about any aspect of the policy
- Must not espouse opinions or actions that are incompatible with internationally recognised values of Human Rights standards of behaviour

Service delivery to our communities

We will focus on continued improvement in providing a service to our diverse communities.
We will build a closer and more effective relationship with, consult and involve our diverse communities to provide a service that meets their needs using all available resources and be accountable for our actions.
We will continue to develop our Integrated Risk Management Planning process to identify and prioritise our services for those most at risk and publish our progress.

Training and information will be made available to ensure that this policy is understood and implemented, including support around unconscious bias.

Breaches of this Policy will not be tolerated and appropriate disciplinary action will be taken if this occurs at any level of the organisation.

Resolving Issues

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the appropriate MFRA procedure. MFRA will ensure that individuals who make such allegations in good faith will not be victimised or treated less favourably by MFRA as a result. However, false allegations of a breach of this policy which are found to have been made in bad faith will be dealt with under MFRA's Discipline and Grievance Policy.

3. Policy Implementation

We will:

- Publicise and promote our Equality, Diversity and Inclusion Policy
- Provide communication and training for all our staff to ensure they understand their rights and responsibilities under the Policy
- Make sure the Policy is incorporated into the decision-making process, through the use of Equality Impact Assessments where required
- Make sure that local services meet the needs of people in Merseyside
- Engage with and consult our staff and our communities and where appropriate involve them in decisions that we make to improve service delivery and matters that affect staff
- Work in partnership with internal and external stakeholders to successfully deliver improved access to our services for all the diverse communities and those most at risk. We will address any form of discrimination in employment practices and service delivery
- Ensure that the Ground Rules are part of the organisation's core values. By respecting these values we can create an environment that allows all our employees to enjoy their work and reach their maximum potential
- Where appropriate, utilise Positive Action for recruitment and progression where groups are underrepresented within the organisation.

Recruitment, selection and management of staff.

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Selection criteria and procedures will be frequently reviewed to ensure that individuals are selected and promoted on the basis of their relevant merits and abilities. Positive Action to attract applications from underrepresented groups will also take place in appropriate circumstances. Individuals involved in the recruitment process will be trained on the requirements of this policy and to ensure equality and fairness in all aspects of recruitment and selection.

We will undertake regular reviews of pay and conditions in order to identify and address any gender pay differences.

The Service Instructions used to underpin this Policy are contained in the related documents section on the front page of this Policy.

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Annex A

Types of Discrimination

Direct discrimination:
This occurs when someone is treated less favourably than another person because of a protected characteristic.

Discrimination by association:
This is a form of direct discrimination and occurs when a person is treated less favourably because they are linked or associated with a person who has a protected characteristic.

Perception based discrimination:
This is a form of direct discrimination and occurs when a person is treated less favourably because others wrongly think they have a protected characteristic and treat them on the basis of such perception.

Indirect discrimination:
Indirect discrimination occurs when there is a rule, a policy or a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if the rule, policy or practice can be shown to meet a legitimate objective in a fair, balanced and reasonable way, i.e. that it is a proportionate means of achieving a legitimate aim.

Harassment:
Harassment is unwanted conduct related to a protected characteristic, which has the purpose or the effect of violating a person's dignity, or which is hostile, degrading, humiliating or offensive. Deciding what counts as harassment is a matter of reasonableness and people must exercise common sense.

Victimisation:
Victimisation occurs when a person is treated badly because they are making a complaint, or supporting a complaint or are raising a grievance about discrimination, or they are suspected of doing so.

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Appendix B: The Equality Act and Public Sector Equality Duties- How MFRS comply

The Equality Act and Public Sector Equality Duties
Impact on Merseyside Fire and Rescue Authority

The Equality Act became law in October 2010. It streamlines over 110 pieces of anti-discrimination legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and ensures consistency in what is needed in employment to make the workplace a fair environment and to ensure that public services are designed without discrimination or unfavourable treatment. The public sector equality duty (PSED) which came into force on 5 April 2011, replaces all previous separate equality duties for race, disability and gender.

The PSED consists of a **general duty**, with three main aims (set out in section 149 of the Equality Act 2010) and **specific duties** (set out in the secondary legislation that accompanies the Act). The specific duties are intended to assist public bodies to meet the general duty.

The PSED covers the following protected characteristics, which are the grounds upon which discrimination is unlawful:

-age
-disability
-transgender and gender reassignment
-pregnancy and maternity
-race - this includes ethnic or national origin, colour or
-nationality
-religion or belief - this includes lack of belief
-sex (and gender identity)
-sexual orientation

It is also unlawful to discriminate on the grounds of marriage and civil partnership in respect of employment only. (Not services)

General duty

The general duty has three aims. It requires MFRA to have 'due regard' to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
2. Advance equality of opportunity between people from different groups. This involves considering the need to:
    a. remove or minimise disadvantages suffered by people due to their protected characteristics
    b. meet the needs of people with protected characteristics encourage people with protected characteristics to participate in public life or in other activities where their participation is low
    c. Foster good relations between people from different groups. This involves tackling prejudice and promoting understanding between people from different groups.

3. In order to demonstrate 'due regard', MFRA must consider the three aims of the general duty when making decisions as an employer and provider of fire and rescue services; for example, when:
    a. developing, evaluating and reviewing policies
    b. designing, delivering and evaluating services, including fire and rescue provisions
    c. commissioning and procuring services from others

To comply with the general duty, public bodies may treat some people more favourably than others, as far as this is allowed by UK and European anti-discrimination law. The

General duty also explicitly recognises that disabled people's requirements may be different from those of non-disabled people. MFRA is required to take account of disabled people's impairments and must make reasonable adjustments for disabled people.

Specific Duties

The PSED is supported by specific duties. In England, these commenced on 10 September 2011 . The specific duties aim to help public bodies to perform better in meeting the public sector equality duty. The focus of the specific duties is transparency in how public bodies are responding to the equality duty. It is important to note that MFRA must meet both the equality duty and the specific duties - it is not enough to meet the specific duties alone.

There are three specific duties which MFRA has to demonstrate compliance with as follows:

1. **Publication of information** -to publish, at least annually, information to demonstrate its compliance with the equality duty. Subsequently, information must be published at intervals no greater than one year from the last publication.
   How MFRA meets the duty: The Equalities section of the MFRA website contains information that demonstrates our compliance to and "Due regard" through the publication of:
   - Equality and Diversity Annual report outlining how MFRA has carried out its duties with regard to the Equality Act and PSED.
   - Report outlining our breakdown of MFRA Workforce - produced annually with benchmarks
   - MFRA Equality and Diversity Action Plan and Annual progress reports
   - MFRA also carries out Equality Impact Assessments on its key employment and service delivery strategies, policies and practices and is part of the Authority's governance process for deciding on any changes.

   The Equality and Human Rights Commission (EHRC) monitor public bodies (including Public Authorities) web sites to review how accessible equality information is for the public to use.

2. **Equality objectives –** The Fire and Rescue Authority must prepare and publish one or more specific and measurable objective(s) that it thinks it should achieve to meet any of the three aims of the equality duty. The objective(s) must be published subsequently at intervals of no greater than four years. To help make the equality objectives measurable, the objectives should be linked to information collected by the organisation to show progress. The government will conduct a review of the equality objectives set by public bodies after two years to check that they are meeting the required levels of transparency and accountability.
   How MFRA meets the duty: MFRA currently has five Equality Objectives here (pages 40-43), which are monitored and reported on at least Annually through the E and D Annual report here. The Latest E and D Objectives have been developed and will be in place for the next three years before being reviewed via the IRMP.

3. **Manner of publication** – The Fire and Rescue Authority must publish their equality information and equality objective(s) in a manner that is accessible to the public. As this information is intended to be public facing.
   How MFRA meets the duty: Publications mentioned above are made available to the public through the Modern Gov system on the Merseyfire website and are also available on the equality and diversity section of the website. Copies of the reports can be made available in other formats (large print, braille and audio and other languages) where requested.

4. **Gender pay Gap reporting:** The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, apply to a list of 'specified public authorities' found in schedule 2 of the regulation which includes FRAs if the authority has 250 or more employees on 31 March of a given year. MFRA must publish on its

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public-facing website and report to government the following data by 30th March 2018 and annually thereafter:

- mean gender pay gap in hourly pay
- median gender pay gap in hourly pay
- mean bonus gender pay gap
- median bonus gender pay gap
- proportion of males and females receiving a bonus payment
- proportion of males and females in each pay quartile

How MFRA is meets the duty: The next MFRA PSED workforce analysis report will contain the information to meet the duty above during 2017

Appendix C

Equality, Diversity and Inclusion EIA

Appendix D

MFRS Ground Rules

Employees of Merseyside Fire and Rescue Service are expected to:

A) Treat fellow employees and members of the public with dignity:

- By respecting individual rights and the right to be different;
- By respecting individual beliefs and feelings
- By treating others as they wish to be treated
- By not acting in any manner which might cause them upset
- By making it acceptable for all individuals to voice an opinion or share a problem

B) Respect the differences in other people

- By not displaying offensive material
- By not using offensive language
- By not making hurtful remarks
- By not using nicknames which cause upset
- By not causing upset through practical jokes
- By listening to what individuals tell them if they are upset
- By catering for cultural diversity

C) Welcome new arrivals and visitors in the workplace

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- By properly introducing themselves
- By helping new arrivals find their way around
- By showing new arrivals how things are done
- By not exploiting their newness and lack of knowledge
- By listening to what they say if they need help
- By being patient when they are learning

These are the core values that we expect of our employees. By respecting these values we can create an environment that allows all our employees to enjoy their work and reach their maximum potential.

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