

ITEM 2**PAPER NO. WRWA 20-15****WESTERN RIVERSIDE WASTE AUTHORITY**

MEETING	29 th September 2020
REPORT AUTHOR/DATE	General Manager (Contact Mark Broxup - Tel. 020 8871 2788) 21 st September 2020
SUBJECT	Report by the General Manager outlining the Authority's proposed Equality, Diversity, and Inclusion Policy
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STATUS	Open
BACKGROUND PAPERS	None

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INTRODUCTION

1. Following discussion at the last meeting of the Authority, the policy statement below has been included in the Authority's 2019/20 Annual Report:

“Western Riverside Waste Authority is committed to equal opportunities in employment and service delivery. The policies and practices of the Authority aim to promote an environment that is inclusive and free from all forms of unlawful discrimination and values the diversity of all people. At the heart of our policy, we seek to treat people equally, fairly and with dignity and respect. The Authority will take every reasonable and practical step to ensure that persons working for the Authority, all job applicants, former employees, and any member of the public using the Authority's premises or services will not receive less favourable treatment (direct discrimination) or be disadvantaged by requirements or conditions that cannot be shown to be justifiable (indirect discrimination) because of, or perceived to be, or are associated with any of the following: Age, Disability, Gender reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex and Sexual Orientation.”

2. This updates a previous version approved by Members in December 2013 (Paper No. WRWA 749). Attached as Appendix A to this report is a full Equality, Diversity, and Inclusion Policy which the Authority is asked to formally approve.

EQUALITY ACT 2010

3. The Equality Act 2010 requires public authorities to have regard to how their policies or decisions affect people who are protected under the Equality Act and to make sure that they think about things like discrimination, and the needs of people who are disadvantaged or suffer inequality, when they make decisions about how they provide their services and implement policies. For clarity, it is worth noting that none of the following Regulations apply to the Authority:

- Equality Act (Specific Duties) Regulations 2011;
- Equality Act 2010 (Specific Duties & Public Authorities) Regulations 2017; and
- Equality Act 2010 (Gender Pay Gap Information) Regulations 2017

4. The Authority is asked to approve that officers sign up to the ‘Disability Confident Employer Scheme’, more details of which can be found [here](#), and the proposed policy includes the following statement:

“All job applicants who report a disability and who meet the minimum employee specification will be guaranteed an interview in accordance with the Disability Confident Employer Scheme.”

5. The Authority’s contractors and suppliers are also required to comply with the Authority’s Equality, Diversity and Inclusion Policy and all Authority staff undertook Diversity and Equalities training on 16th September 2020.
6. Appendix B to this report is an ‘Other Types of Leave’ guidance note, which formally sets out the principles the Authority has worked to, and the Authority is asked to approve it.

RECOMMENDATIONS

7. The Authority is recommended to:
 - a) approve the Equality, Diversity, and Inclusion Policy attached at Appendix A;
 - b) sign up to the Disability Confident Employer Scheme;
 - c) approve the ‘Other Types of Leave’ guidance note attached at Appendix B; and
 - d) otherwise receive this report for information.

M. Broxup
GENERAL MANAGER

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Wandsworth
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21st September 2020

Equality, Diversity, and Inclusion Policy

1. Introduction

The purpose of this policy is to provide a clear statement on the Authority's commitment and approach to equality, diversity, and inclusion, in the areas of employment, service delivery and procurement.

The policy supports the Authority's vision to provide a safe environment for staff to work in free from discrimination, bullying, harassment and victimisation, with a clear focus on delivery of high-quality services to its residents.

2. Policy Statement

Western Riverside Waste Authority (**the "Authority"**) is committed to equal opportunities in employment and service delivery. The policies and practices of the Authority aim to promote an environment that is inclusive and free from all forms of unlawful discrimination and values the diversity of all people. At the heart of our policy, we seek to treat people equally, fairly and with dignity and respect. The Authority will take every reasonable and practical step to ensure that persons working for the Authority, all job applicants, former employees, and any member of the public using the Authority's premises or services will not receive less favourable treatment (direct discrimination) or be disadvantaged by requirements or conditions that cannot be shown to be justifiable (indirect discrimination) because of, or perceived to be, or are associated with any of the following:

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

We recognise that the provision of equal opportunities and inclusion in the workplace is not only good management practice; it also makes sound business sense. The Authority recognises that staff are our most important resource. Affording staff full dignity at work promotes good employee relations and satisfaction, and results in a motivated, productive, and creative workforce that leads to service improvements.

Our Equality, Diversity and Inclusion Policy will help all those who work for us to develop their full potential so that the talents and resources of the workforce are utilised fully to create opportunity for all.

We will take proactive steps to ensure that the policy is known to all employees, potential employees, and organisations that we work with. We will also ensure that equal opportunity, diversity, and inclusion is embedded in all our policies, procedures, day to day practices and external relationships.

3. Scope

This policy applies to all service users, employees and potential employees of Western Riverside Waste Authority, together with anyone else working on Authority premises including agency workers, contractors, consultants, and suppliers.

4. Key Principles – Legal Framework

This policy has been developed and will be implemented within the framework of the Equality Act 2010 (**the “Act”**). Under the Act, the public sector equality duty (Section 149), requires the Authority, in exercising its functions, to have regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

5. Implementing equality, diversity, and inclusion

5.1. Recruitment, Selection, and Promotion

Aim: Encourage the highest quality candidates from all backgrounds to apply and ensure equal and fair treatment throughout the recruitment process.

The Authority will strive to ensure that:

- Through recruitment and promotion, our workforce reflects the diverse community we serve.
- All posts including secondment and promotion opportunities are advertised widely in order to provide an equal opportunity for all people interested to apply unless a restructuring, reorganisation, redeployment or redundancy situation exists when advertising may not apply.
- All job applicants who report a disability and who meet the minimum employee specification will be guaranteed an interview in accordance with the Disability Confident Employer Scheme. All such candidates will then be considered on their merit and abilities.
- If job applicants report a disability we will, where appropriate, ask candidates whether reasonable adjustments are required prior to the interview and take this into consideration when arranging the interview.

5.2. Learning and Development

Aim: All employees are encouraged to reach their full potential through appropriate fair access to learning, development, and career progression opportunities.

The Authority will strive to ensure:

- A corporate approach to equality, diversity and inclusion training and learning activities.

- Relevant issues of equality, diversity, and inclusion are included in learning opportunities.
- All employees are encouraged to invest in their development and consider opportunities to develop their competencies and skills.
- Learning and development programmes, where possible, are planned with the needs of part time staff considered as well as those of full time staff.

5.3. Procurement and Supply Chain Diversity

Contractors and suppliers are required to comply with the Authority's Equality, Diversity, and Inclusion Policy. Large contractors and suppliers that supply significant levels of service or goods to the Authority must provide evidence in annual equality, diversity, and inclusion reports to the Authority.

5.4. Terms and Conditions

Aim: All policies covering pay, benefits, grades and terms and conditions are formulated and implemented regarding equality, diversity, and inclusion.

The Authority will strive to ensure:

- Terms and conditions are non-discriminatory and are applied fairly and consistently to all staff.
- The use of flexible working arrangements are promoted wherever possible, to try to balance individual staff circumstances with organisation or operational requirements.
- Access to work requirements (reasonable adjustments) for those with a disability are considered in a fair and open manner.
- The appropriate use and application of 'Special Leave' is promoted to assist staff who may require time off work for personal or domestic reasons; to ensure the Authority meets its statutory obligations.

5.5. Discipline and Grievance

Aim: A working environment that is inclusive and where no form of discrimination is tolerated.

The Authority will strive to ensure:

- Discrimination, bullying, harassment or victimisation of employees or service users are treated as disciplinary offences and dealt with under the grievance procedure.
- All employees have the right to raise any complaint relating to equality, diversity, or inclusion through the Authority's grievance procedure. This will not affect their right to take a case subsequently to an Employment Tribunal and will not prejudice the individual's current employment or future career prospects.
- Complaints of discrimination, victimisation or harassment are dealt with sensitively and seriously by managers, are investigated and dealt with in a fair and transparent manner.
- Support is provided to any employee who is the victim of harassment or bullying during their employment.
- Disciplinary rules and standards are applied consistently to all employees within the Authority's employment.
- Service users are entitled to raise their concerns through the corporate complaints procedure.

5.6. Monitoring and Evaluation

Aim: Annual setting and monitoring of measurable outcomes will be set and reviewed so that the effectiveness of this policy can be measured and information used to support informed decision making.

The Authority will strive to ensure:

- All policies and procedures which impact on employees and residents are regularly analysed for equality, diversity and inclusion to ensure they are free from discrimination.
- Confidential records of employees and applicants are maintained to monitor the progress of equality of opportunity within the Authority.
- Data collected for equal opportunities monitoring is examined as a minimum on an annual basis so that information on the effectiveness of this policy can be considered.
- Reports will be published by the Authority annually in line with legislation.
- Continuous review of our equality, diversity and inclusion policy to comply with changes in legislation.

6. Roles and responsibilities

The Authority has established clear governance arrangements to ensure that this policy and its equality objectives are delivered on time and to a high standard.

6.1. Members

The Authority members are responsible for providing clear and visible leadership on equality, diversity and inclusion.

6.2. Clerk

The Clerk has overall responsibility for the Authority's Equality, Diversity and Inclusion Policy and will ensure that it is properly implemented, promoted, monitored and reviewed where necessary. In particular, the Clerk will be accountable for:

- Delivering the policy through business planning and performance management arrangements.
- Ensuring that everyone in the organisation understands what the policy means for them and provide practical learning and positive support to help managers meet their obligations in turning policy into practice.

6.3 Authority staff, contractors, and voluntary sector partnerships

All staff, contractors and those in voluntary sector partnerships are expected to ensure that there is no discrimination, bullying, harassment and victimisation and accept personal responsibility for the practical application of this Equality, Diversity and Inclusion Policy.

Every employee is required to:

- Promote equality, diversity and inclusion and treat everyone with fairness, equity, dignity and respect.
- Recognise and value the diversity of staff and residents, considering diverse needs when providing services.
- Ensure their behaviour and/or actions do not amount to discrimination or harassment in any way.
- Report any discriminatory, bullying or harassment acts or practices.

7. Measuring performance

The Authority will measure its performance on equality, diversity and inclusion through its various partnerships and internal committee and management structures.

8. Breaches

The Authority is opposed to all forms of discrimination and will treat any breaches of this seriously. Breaches of the **Equality, Diversity and Inclusion Policy** will be

investigated and may be regarded as gross misconduct under the Authority's Disciplinary Policy. Employees who believe that they have suffered any form of discrimination, harassment or victimisation are entitled to raise the matter through the grievance procedures.

Significant breaches of the Equality, Diversity and Inclusion Policy can also be raised through the Whistle Blowing Policy.

All complaints of discrimination will be dealt with seriously, promptly and confidentially and the Authority will aim to ensure that no employee is victimised as a result of exercising their right to raise a complaint or for supporting someone who has raised a complaint under the Equality Diversity and Inclusion Policy.

For more information, see related policies which can be found in Appendix 2 of this policy.

9. Review

This policy will be reviewed at least every four years.

10. Appendices

Appendix 1 Protected Characteristics

Protected Characteristic	Definition
Age	Age is defined by the Equality Act by reference to a person's age group. An age group can mean people of the same age or people of a range of ages.
Disability	A person has a disability if they have a physical or mental impairment which has a long term and substantial adverse effect on their ability to carry out day to day activities. Long term means that it has lasted or is likely to last for at least a year or for the rest of the affected person's life. Carers of disabled people are also protected from less favourable treatment that they receive because of that disability.
Gender Reassignment	People who are proposing to undergo, are undergoing, or have undergone a process to reassign their sex by changing physiological or other attributes of sex. Under the Equality Act, Gender Reassignment is a personal process rather than a medicalised process thus it may be proposed; or the process may have happened previously. It may include undergoing the medical procedures involved, or may simply include choosing to dress in a different way as part of a person's desire to live in the opposite gender.

Protected Characteristic	Definition
<p align="center">Marriage and Civil Partnership</p>	<p>Civil Partnership Under the Civil Partnership Act 2004 same-sex couples can register a civil partnership, which has almost the same legal effects, rights and obligations as marriage.</p> <p>Marriage A union between a man and women or same sex couple which is legally recognised in the UK as a marriage. The marriage (Same Sex Couples) Act 2013 makes the marriage of same sex couples lawful in England and Wales, whilst protecting religious freedom.</p>
<p align="center">Pregnancy and Maternity</p>	<p>A woman who is pregnant or is on maternity leave, including one who is breastfeeding.</p>
<p align="center">Race</p>	<p>Race includes colour, nationality (including citizenship) and ethnic or national origin.</p>
<p align="center">Religion or belief</p>	<p>Religion means any religion and includes a lack of religion. Belief means any religious or philosophical belief and includes a lack of belief.</p>
<p align="center">Sex</p>	<p>Refers to a man or woman</p>

Protected Characteristic	Definition
Sexual Orientation	A person's sexual orientation towards: <ul style="list-style-type: none">• persons of the same sex;• persons of the opposite sex; and• persons of either sex

Appendix 2 - Other related policies, codes and guidance

The following other Authority policies and codes support this policy:

- Procurement Code,
- Flexible Working Code, and
- Other Types of Leave Guidance

Western Riverside Waste Authority

Other types of leave Guidance

September 2020

INTRODUCTION

This guidance is for all other types of leave (other than annual leave, study leave, maternity leave, adoption leave, paternity leave or shared parental leave).

You can obtain an 'Other Leave Application form' from the Executive Officer.

It covers the following:

1. Extended Leave
2. Unpaid Leave
 - a. Career breaks/sabbaticals (unpaid)
 - b. Time off for family and dependants (unpaid)
 - c. Parental Leave (unpaid)
3. Special leave (paid)
 - a. Attending interviews or other appointments
 - b. Service in Reserve Forces
4. Other Time Off (paid)
 - a. Jury service
 - b. Other public duties
 - c. Magistrates

Please note that if you have a period of leave that consists of paid and unpaid leave then you will need to submit a form for each request.

1. Extended Leave

Extended leave is a period of annual leave that is longer than three weeks; if you require three weeks' leave it will need to be approved by the Deputy General Manager. If you require four weeks or more then the General Manager may approve up to a maximum of three months, dependent on the needs of the service. In cases of particularly long absence suitable notice is required; eg no less than one month.

This extended leave may be made up entirely of annual leave (in which case it would be paid), or it could be in excess of the entitlement (in which case it would be unpaid). It is also possible for an employee to use accrued annual leave entitlement from two successive leave years back to back. This again is subject to approval by the General Manager.

2. Unpaid leave

Unpaid leave refers to a period of leave without pay for reasons other than personal illness or medical treatment.

Please note that unpaid leave is different from career breaks and sabbaticals (see below for specific details).

a. Career breaks/sabbaticals (unpaid)

Career breaks/sabbaticals involve authorised extended periods of time away from paid work of more than three months and up to a maximum of one year. They are frequently used for periods of full-time study, although they may also be available for periods of travel, volunteering etc. They do not cover paid work for another organisation. With any block of unpaid leave it is the employee's responsibility to obtain advice on the impact to pension entitlement. Requests can be granted by the General Manager.

Employees who have been granted a career break/sabbatical are required to keep in contact with their line manager at agreed intervals. This will enable them to receive updates on changes that may affect them when they return to work.

If possible arrangements will be made to cover the employee's job so that they can resume the role on their return, although where this is not reasonably practicable, and subject to alternative work being available, the employee may be offered a similar job on terms and conditions no less favourable than their original job. However, this type of absence from work is not an entitlement and return to a job cannot be guaranteed.

Any annual leave accrued should be taken before the career break/sabbatical starts. During the period of career break/sabbatical, the employee will not be paid or accrue annual leave. However, continuity of service will apply during the period for all other calculations. Requests should be to your line manager in the first instance.

b. Time off for family and dependants (unpaid)

Staff are allowed unpaid time off for dependants to deal with unforeseen matters or emergencies (unplanned or sudden incidents that mean that you cannot attend work) and to make any necessary long-term arrangements for the care of their dependents.

A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on you for care. Find out more about your rights on [GOV.UK](https://www.gov.uk)

c. Parental Leave (unpaid)

Employees are entitled to a total of 18 weeks' parental leave (unpaid) up to the child's 18th birthday. You must have completed one year's service to qualify for parental leave. Parental leave must be taken in blocks of a week or multiples of a week up to a maximum of four weeks in a year for each child.

You must discuss your request for parental leave with your line manager in the first instance. You should complete the Parental Leave Request form and send this to your line manager no later than 21 days before you wish your parental leave to start.

3. Special Leave (paid)

Up to five days' paid leave can be granted at the discretion of the General Manager, for reasons including but not limited to compassionate grounds in events such as death of a near relative.

If time off is required to arrange and/or attend the funeral of a near relative or someone else with whom the person had a close relationship, it is expected that up to two days may be needed to make the necessary arrangements and one day for attending the funeral. If the funeral is taking place abroad then additional time off may be granted dependent on the circumstances. Employees should contact their line manager in the first instance.

Special leave should not be used to cover situations when a child or carer has a routine illness or for other similar reasons (please see above 'Time off for family and dependants).

Employees may on occasions have to deal with emergency situations, for example an unplanned breakdown in care arrangements or a dependent suddenly falling ill or hospitalised. Managers should be flexible and supportive with short notice

requests for annual leave in these situations. If these options are not available, for example because the employee has no outstanding annual leave, then special leave may be considered. It is anticipated that a single day would normally be sufficient to deal with the immediate problem and/or make longer term arrangements. Employees must tell their line manager as soon as practical the reason for their absence and how long they expect to be away from work.

a. Attending interviews or related appointments (on notice of redundancy)

Employees who have been issued with notice of redundancy can be granted up to five days' paid leave at the discretion of the General Manager, to enable them to seek other employment. This may be used to attend interviews or other related appointments or to undertake training.

b. Service in Reserve Forces

Up to 14 days' paid leave per year shall be provided for staff who are required to attend training with reserve forces. This entitlement is subject to service needs and staff should be expected to contribute a period of annual leave to any additional paid time off.

You must put your request in writing confirming the dates to your line manager in the first instance.

4. Other Paid Time Off

a. Jury service

Time off will be granted as required. If you are summoned for Jury Service you will receive a form asking for details of loss of earnings. You should ask your line manager to complete the part of the form where it asks whether you will be able to attend work and, if you are part time, the hours you work each day. The form should then be sent to Payroll, who will complete the part about the loss of earnings and return it to you. A deduction from salary equal to the net loss of earnings will be made for each day of Jury Service. Everyone must claim for loss of earnings. The form should be given to the Court on your first day. You must also inform Payroll of any allowance you receive from the Court, to ensure that you are not penalised financially.

b. Other public duties

Reasonable time off for other public duties such as those associated with being a Councillor, parliamentary candidate, school governor etc. will be granted at the

discretion of the line manager according to service needs. Employees are expected to organise such duties outside working hours and/or use annual leave as far as possible. Any employee wishing to request additional time off for such public duties should speak to their line manager, who should seek advice from HR.

c. Magistrates

Reasonable time off is allowed for an employee who is a magistrate to carry out their duties. Employees have to be in court at least 13 days, or 26 half-days a year and they get their magistrate rota well in advance, so there will be plenty of time to plan and agree the time off.