

Staff information

Equality, Diversity and Inclusion Policy

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1. Scope

- 1.1 This policy applies equally to all employees of the ICO, at all grades and irrespective of your work pattern and/or status.

It also applies to associated persons such as secondees, agency staff, contractors and others employed under a contract of service. They are collectively referred to as “agents” of the Commissioner in this document.

- 1.2 The ICO expects all employees and agents to comply with this policy. You are expected to read and familiarise yourself with this policy and ensure you act in accordance with it at all times and challenge behaviour which may be considered discriminatory.
- 1.3 This policy is of particular relevance to those members of staff who are in a position to make decisions which affect others. This includes directors, heads of department, line managers and other employees concerned with the implementation of policies and procedures which affect people. For example these could relate to matters such as recruitment, career progression, training, service provision to the public and the provision of a safe working environment and reasonable adjustments.
- 1.4 Employees and agents may be held personally liable for any acts of discrimination prohibited by ICO policies that they commit. This means that they can be sued by the victim and named as a respondent in an Employment Tribunal claim. It is therefore essential that staff are aware of their obligations under this policy and other policies which have equality, diversity and inclusion dimensions.

2. Purpose

- 2.1 The purpose of this policy is to provide an overarching description of the ICO’s commitment to equality, diversity and inclusion.

The policy provides a statement of that commitment. It describes the organisation’s aims for how we undertake our business and also specifies the Equality Objectives we have developed as part of our obligations under the Equality Act, and in support of our obligations under section 75 of the Northern Ireland Act.

- 2.2 The policy is intended to enable employees and agents to understand this commitment as well as their individual role in enabling the ICO to fulfil those commitments.

- 2.3 Many of the ICO's policies and operating procedures have equality, diversity and inclusion dimensions. This policy does not describe them all, but does provide foundations for the principles on which those policies and procedures should be based.
- 2.4 As this policy intends to inform staff of their obligations and the ICO's commitments, it has two Appendices at the end of the document. These Appendices describe the groups who are protected under the Equality Act and Section 75 of the Northern Ireland Act, and also describe behaviours which constitute different types of discrimination, and define what is meant by harassment and victimisation.

3. Policy statement

- 3.1 At the ICO we consider equality, diversity and inclusion to be essential to how we conduct our business.

This means that we aim to be inclusive in the way in which we deliver our services, protect and inform the public, and employ our staff.

We want to include all people and value the diversity of thought, experience and background which helps to enhance our organisation.

We want to promote understanding, celebrate difference, and value everyone in all that we do.

We aim to break down barriers to inclusion and ensure equal and fair access for all groups to our organisation and our services.

We will use our Equality Objectives to help focus our efforts and deliver the best services and experiences that we can for all people.

As part of our commitment to equality, diversity and inclusion the ICO aims to:

- deliver services and provide information in a way which is accessible and enhances awareness of information rights by the public;
- take regulatory action which protects the public, including those who are most vulnerable;
- be an inclusive organisation where we promote a culture which values diversity, and recognises the positive and valuable impact a diverse workforce can have by bringing different sets

of experiences, skills, and knowledge which help to enhance our organisation and services; and

- create a working environment where all staff can progress on the basis of merit by having access to equal opportunities throughout employment and by proactively tackling and eliminating discrimination.

4. Our Equality Objectives

4.1 The ICO has four Equality Objectives. They describe what we will do to enhance equality in the business that we conduct.

4.2 **1. Spreading knowledge and taking action**

We will raise awareness of information rights across the community and take action to ensure that organisations fulfil their obligations. We will have particular focus on groups and sectors where knowledge gaps may cause information rights inequalities or vulnerabilities. We will ensure that in our actions as a regulator we do not create inequalities or discriminate.

4.3 **2. Accessible services**

Our services and information will be accessible for users and potential users of our services, and we will provide our staff with the skills and knowledge they need to provide high quality services for all. We will try to anticipate customer needs and we will take action to remove barriers to our services when possible.

4.4 **3. Encouraging others**

We will use our status as a regulator, advisory body and purchaser of services to influence improvements in equality by other organisations and across society.

4.5 **4. Employer**

Our workplaces and practices will be accessible, flexible, fair and inclusive. We will value the diversity, skills, backgrounds and experience of our people, enabling them to perform to their best in a welcoming and supportive environment.

5.1 In line with our Public Sector Equality Duty as described by the Equality Act 2010, the ICO is committed to eliminate any form of discrimination, including indirect discrimination.

We are committed to creating a working environment which promotes dignity, equality of opportunity and respect for all, irrespective of a protected characteristic they have and of their status in relation to the organisation. See Appendix 1 for details of the protected groups.

- 5.2 This means that the ICO will oppose and avoid any acts of unlawful discrimination or any other conduct prohibited by the Equality Act 2010 committed by or against an employee, but also by an agent of the ICO, or by visitor or any other people external to the ICO. Appendix 2 describes the types of behaviour or conduct which are prohibited.
- 5.3 To support us to achieve this, the ICO will:
- Actively promote equality, diversity and inclusion to create a workplace where decisions will be made solely on the basis of merit, with the exception of those limited circumstances provided for in the Equality Act, and where individual differences and contributions of all members of staff will be valued.
 - Ensure that equality, diversity and inclusion matters are considered in our individual and corporate decision making, including by undertaking a People Equality Impact Assessment screening or consultation as appropriate.
 - Provide services which are accessible to the public by making reasonable adjustments, if needed, to achieve inclusion of different groups.
 - Use our position to encourage equality, diversity and inclusion by other organisations, for example through our procurement activity, engagement with suppliers and stakeholders, and through our communications.
 - Provide equality training to members of staff, especially managers, including about their rights and responsibilities under equality legislation as well as under the ICO's equality policies.
 - Provide opportunities for training and development to all members of staff to ensure our employees are supported and equipped with the necessary skills to develop their full potential.
 - Regularly review our policies, procedures and employment practices to ensure fairness and transparency as well as to ensure they are kept updated to take into account of any changes in equality legislation and relevant case law.
 - Take seriously and investigate any complaints of unlawful discrimination made by existing and past members of staff,

including agency staff, job applicants, suppliers and contractors as well as visitors.

Members of staff who believe they may have been subject to unlawful discrimination under the Equality Act 2010, should in the first instance attempt an informal resolution by raising the matter with their line manager or the HR team. Alternatively, staff can refer to ICO's Dignity at Work Policy, which can be found on ICON.

- Take any reasonable step to protect individuals who make allegations of unlawful discrimination in good faith by ensuring they will not be victimised or subject to an unfavourable treatment as a result of raising their concerns.

However, the ICO will also take steps against an individual making false allegations in bad faith. Cases of malicious false allegations will be handled under the ICO's Disciplinary Policy.

- Regularly monitor the composition of our workforce in relation to protected characteristics, as well as employment status with the view of assessing the equality and diversity fabric of our organisation and taking appropriate measures as required. This will be the responsibility of the HR Department.
- Regularly monitor the implementation of this policy, at least annually, to ensure it is working in practice and ensure the organisation is well equipped to take action to address any issues. This will include the creation of an action plan and targeted equality audits, at least every three years. This will be the responsibility of the HR Team in collaboration with the EDI Board and the recognised trade unions.

6. People Equality Impact Assessments

- 6.1 As mentioned as part of the ICO's commitments to EDI, decision makers and those who create policies and plans, must ensure that they have given due regard to the potential impact of their policies and plans on people.
- 6.2 This means taking into account the needs of, and potential for direct or indirect impact upon, people of different protected characteristics. These impacts may be issues which can be avoided or mitigated, or indeed may be positive impacts on different groups.

This process can be undertaken through the conduct of People Equality Impact Assessments or screening.

- 6.3 The ICO has created People Equality Impact Assessment screening documentation and guidance which will help to make good decisions and create policies and ways of working which are inclusive and help to foster equality, diversity and good relations between different groups of people.

7. Personal responsibility and liability

- 7.1 In addition to being aware of the ICO's commitment to equality, diversity and inclusion, it is important that employees and agents of the ICO are aware of their personal responsibilities under the ICO's policies and also under the law.
- 7.2 Under the terms of their contracts of employment or engagement, employees and agents are obliged to comply with the ICO's policies and procedures.
- 7.3 By complying with this policy and other policies which have an equality dimension such as the Dignity at Work Policy; Recruitment Policy; and the Disciplinary Policy, individuals are able to demonstrate their compliance with the law as well as the ICO's expected standards.
- 7.4 If an individual conducts acts which constitute discrimination, harassment, or victimisation they are personally responsible and may be personally liable.

The ICO could also be held legally responsible for an act of unlawful discrimination committed by an employee in the course of employment or an agent ('vicarious liability').

For this reason, the HR team will take seriously any complaint made under this and other relevant EDI policies and every reported incident will be properly investigated.

Depending on the seriousness of the offence, perpetrators may face disciplinary action. They may also be held to account at the Employment Tribunal.

- 7.5 It is therefore essential that all staff, whether they are employees or agents, behave in a way which is in line with our policies and supports our equality objectives.

To help achieve this, staff will have access to our policies, procedures and also to training to promote understanding and enable them to comply.

This is intended to promote the embedding of equality and diversity at the ICO, and develop an inclusive organisational culture.

8. Assessing impact

- 8.1 As highlighted in the ICO Commitments under this policy, we will monitor the effectiveness of its implementation.
- 8.2 This will include the measurement and reporting of the composition of ICO staffing to the Management Board and EDI board, the provision of information about the application of ICO policies, such as recruitment, grievance processes and the Pay Policy, as well as information about the activity undertaken by the ICO with respect to each of our Equality Objectives.
- 8.3 In line with our organisation's responsibilities under the Equality Act, we will publish information in an Annual Equality Report which will be made available on our intranet and website.

9. Sources of information

- 9.1 Further information about equality, diversity and inclusion and your responsibilities can be found in:
- The HR Policy pages on ICON. These include Dignity at Work; Disciplinary Policy; Recruitment Policy; our Code of Conduct and others.
 - The EDI Board and EDI Network pages on ICON.
 - The EDI pages on the ICO's website.
 - The i-Learn training application.

Appendix 1 – Protected Characteristics

The ICO operates throughout the United Kingdom, and has obligations to comply with the Equality Act 2010 and Section 75 of the Northern Ireland Act 1998.

The Equality Act 2010 describes the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

Section 75 of the Northern Ireland Act 1998 stipulates that:

(1) A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity-

- (a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- (b) between men and women generally;
- (c) between persons with a disability and persons without; and
- (d) between persons with dependants and persons without.

(2) Without prejudice to its obligations under subsection (1), a public authority shall in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Appendix 2 – Types of discrimination

There are various types of discrimination prohibited by this policy. The main types are:

Direct Discrimination

Direct discrimination occurs where one person is treated less favourably than another because of a protected characteristic set out in this policy. By way of example, refusing to promote a pregnant employee on the basis that she is shortly due to go on maternity leave would be direct discrimination on the protected characteristic of the employee's gender. Other types of direct discrimination are :

- **Associative discrimination** -this is direct discrimination against someone they associate with another person who possesses a protected characteristic. For example, an employee is discriminated against because their child is disabled
- **Perceptive discrimination** – this is direct discrimination against an individual because others think they possess a particular protected characteristic, For example, where co-workers believe an individual is gay. It applies even if the person does not actually possess that characteristic

Indirect Discrimination

Indirect discrimination occurs when an unjustifiable requirement or condition is applied, which appears to be the same for all, but which has a disproportionate, adverse effect on one group of people. This is discrimination even though there was no intention to discriminate. For example, a requirement for UK based qualifications could disadvantage applicants who have obtained their qualifications outside of the UK. This could amount to indirect discrimination on the grounds of race.

Victimisation

Victimisation is where an employee is treated less favourably than others because they have asserted legal rights against the ICO or assisted a colleague in doing so. For example, victimisation may occur where an employee has raised a genuine grievance against the ICO and is demoted as a result.

Harassment

Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual" It is important to remember that it is not the intention of the harasser but how the recipient perceives their behaviour, which determines whether harassment has occurred.

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0.1	First Draft	April 2021	Human Resources
0.2	Second Draft	May 2021	TU & EDI Networks
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