



## **EQUALITY AND DIVERSITY POLICY**

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### **1. Introduction and Commitment**

The council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination. Bottisham Parish Council recognises that it functions at a fundamental level of democracy and that its services affect, both directly and indirectly, the lives of all those who work for the Council and all those who take part in activities and events organised by the Council.

This policy is intended to assist the council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination. Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

### **2. Legislative Background**

The Council acknowledges that it has a role in the pursuit of opportunity for all and it seeks to work within the context of the Equality Act 2010. The Equality Act 2010 (Disability) Regulations 2010 (the 2010 Regulations) issued pursuant to the 2010 Act came into force on 1 October 2010.

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics". Discrimination after employment may also be unlawful, e.g., refusing to give a reference for a reason related to one of the protected characteristics.

The Council acknowledges that certain groups and individuals within society could be discriminated against and wishes to declare its commitment to working towards equality of opportunity in employment and via the delivery of its services. In particular, the Council will work to combat discrimination and to ensure that prospective and present employees and those who may want to use its services are not treated less favourably on the following grounds which are the identified Protected Characteristics as identified in the Equality Act.

The council will not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

### **3. Types of Unlawful Discrimination**

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic.

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected

characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

### **The Protected Characteristics**

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

**Age:** Individuals of any age or apparent age are protected from discrimination and favourable treatment of a person because of age is not lawful.

**Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities (for example using a telephone, walking, lifting, and reading). An impairment is long term if:

- it has lasted for at least 12 months
- it is likely to last for at least 12 months, or
- it is likely to last for the rest of the life of the person affected.

Regulations confirm that those certified as blind, severely sight impaired, partially sighted, or sight impaired by a consultant ophthalmologist will be deemed to have a disability. They also confirm that persons with cancer, HIV infection or multiple sclerosis are deemed to have a disability.

People suffering from drink or drug abuse are outside the scope of the Regulations. Notably pursuant to section 13 (3) or the 2010 Act, if a person (e.g. an employer or a service provider) treats a disabled person more favourably than a non-disabled person, this does not constitute direct discrimination.

**Gender Reassignment:** gender reassignment is a protected characteristic that applies to a transsexual person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

**Race Equality:** The Parish Council has a general duty to: eliminate unlawful racial discrimination; promote equality of opportunity; promote good race relations between people of different racial groups.

**Religion or Belief:** this must be genuinely held.

**Sex and Sexual Orientation:** The Parish Council has a general duty to: eliminate unlawful sexual and sexual orientation discrimination; promote equality of opportunity between sexes.

***Marriage and Civil Partnerships:*** The Parish Council has a general duty not to discriminate against people on the grounds of their relationships.

***Pregnancy and Maternity:*** It is unlawful to discriminate against a woman, in or after the protected period, because of her pregnancy or a related illness, or because she is exercising, has exercised or is seeking or has sought to exercise her right to maternity leave.

#### **4. Public Sector Equality Duty**

Section 149 of the 2010 Act, which came into force on 5 April 2011, imposes on public authorities (which as specified in Schedule 19 includes principal authorities, parish Councils and parish meetings without a separate parish Council and, in Wales, community Councils) in the exercise of their functions, a duty to take into account:

- the need to eliminate discrimination and harassment, victimisation and any other conduct that is prohibited by or under the Act.
- to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- to foster good relations between those who share protected characteristics and those who do not.

The protected characteristics of marriage and civil partnerships are not covered by the provisions of Section 149.

#### **5. Equal Opportunities**

Bottisham Parish Council is committed to achieving equality of opportunity both for those who use its services and for the employees who provide them. The council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. The council treats personal data collected for reviewing equality and diversity in accordance with the data protection policy. Information about how data is used and the basis for processing is provided in the council's privacy notices.

Equal opportunities, fairness in the workplace and providing good quality services to the local community are all inter-linked. It is recognised that individuals and groups continue to be unfairly discriminated against and it is the Council's responsibility to promote good community relations, equality of opportunity and to tackle unlawful discrimination in all its forms.

This new and comprehensive statement is to demonstrate the Council's wholehearted commitment to action in tackling inequality of opportunity. Such action is the responsibility of members and all employees of the Council.

#### **6. How Bottisham Parish Council Will Reach This Commitment**

- To provide services that are equally accessible to all people, free from prejudice and discrimination and sensitive to the needs of all sections of the community.
- Value people and their differences and enable all employees to achieve their full potential, creating vitality within our organisation and the services we deliver.

- Seek to influence the work and contribution of partner organisations from all sectors by ensuring that equality of opportunity issues and considerations are fully taken into account when developing strategies.
- Work actively towards eliminating all forms of discrimination, both of a direct and indirect nature.
- Encourage partnership and participation in the development and application of Council policy and practices.

## **7. Putting Policy into Practice**

- Ensure that all policies and practices are in line with relevant employment legislation, anti-discrimination legislation and good practice guidelines.
- Integrate equality of opportunity into all aspects of local authority activity.
- Recruit and value a workforce that reflects the make-up of the community.
- Ensure all employees/members understand the values and expectations of the Council and the standards of behaviour that is expected from each of them.
- Make clear the action an employee who feels unfairly treated may take.
- Provide training to relevant employees/members so that they can actively put this policy into practice.
- Provide equal access to all service users and potential service users according to need.
- Give people who use or might use Council services the opportunity to influence the way their needs are met.
- Seek to influence partner organisations in a collective commitment to equality of opportunity.
- In line with government guidance, encourage voluntary organisations to provide evidence of their commitment to equality of opportunity in terms of their personnel policies and delivery of their services, as a criterion in determining the award of grant aid from the Council.
- Ensure that the Council has policies that result in services sensitive to the needs of all sections of the community.
- Use socio-economic data to ensure compliance with the policy, where appropriate.
- Monitor and evaluate the effectiveness of policy and practice on a regular basis as determined by law.
- Develop a well-defined complaints procedure in dealing with alleged contraventions.

## **8. Employment**

- The aim is to provide a non-discriminatory working environment where discrimination, harassment or bullying is unacceptable, and which will not be tolerated. Employment policies, procedures and practices will promote equality of opportunity and all decisions regarding recruitment, selection, training, promotion, and career management will be based solely on objective and job-related requirements. The Equality Act 2010 protects disabled persons from discrimination; this includes a duty on employers to make reasonable workplace adjustments to prevent disabled employees and job applicants from being placed at a disadvantage compared to non-disabled people. An example of a reasonable adjustment may be a special type of chair for a disabled visiting member of public with a back condition.

The Council, as the Employer, has a duty to make reasonable adjustments but can decline to make adjustments that it considers to be unreasonable:

- Will the proposed adjustment resolve the problem?

- Is it a practical solution?
  - How much will the overall cost be in making the change and is it affordable?
- The Council will take full account of the provisions of the Equality Act 2010 when recruiting staff. Section 60 of the 2010 Act relates to the recruitment process and specifically covers the enquiries that can be made before employment. An employer is not permitted to ask questions about a job applicant's health before offering work.
- Employee Recruitment:
  - a) Advertisements for recruitment will not request applicants from a particular age range; neither will application forms request dates of birth or other age-related detail.
  - b) All application forms shall state that the Parish Council encourages applications from all, including and especially those from the Protected Groups.
  - c) In order not to discriminate against younger people, all application material will emphasise the importance of skills and potential, as well as experience.
  - d) Information about job vacancies must be made available to all sections of the community.
  - e) A job description and person specification must be drawn up for every vacancy and be provided to all prospective employees.
- Dismissal of staff: The Council will ensure that there is no age discrimination in relation to the dismissal of staff.

## **9. Access to Services**

The aim is to ensure that all those who receive from the Council or wish to use a Council service can do so without fear of discrimination or disadvantage. All people are entitled to be treated fairly, in a consistent manner and with dignity and respect.

This includes people not employed by the council. The council will not discriminate unlawfully against those using or seeking to use the services provided by the council.

## **10. Service Provisions to the Public**

- All members of the public will be treated fairly and consistently.
  - All services shall be provided without unlawful discrimination, harassment, or victimisation.
  - Those using Council properties and facilities will be afforded all possible assistance to ensure that they can access these, with special attention being given to those who find it difficult to access facilities on the grounds of their age or disability or other Protected Characteristic.
  - All application forms – including Conditions of Use forms – made to the Council shall state that the Council will treat all applications equitably and take due consideration of those with Protected Characteristics.
  - All licence agreements – including allotment \* tenancy agreements – shall refer to this Equality Information statement.
- \* as of the date of this policy adoption Bottisham Parish Council had no allotments to manage.*

## **11. All Persons Responsibilities**

Every employee is required to assist the council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, the council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the council's disciplinary procedure.

Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Any bullying or harassment by suppliers, visitors or others to the council who will take appropriate action.

## **12. Training and Development Opportunities**

The Council is committed to ensuring equality of opportunity in the development of both its staff and Councillors. The council will provide training to raise awareness of all staff engaged to work at the council to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment.

All employees/members will be supported to undertake the training and development which they need to help them achieve and maintain a high standard of performance and will be given encouragement and support to achieve their full potential.

Where employees/members with disabilities undertake training and development, appropriate arrangements will be made as necessary to ensure that all opportunities are equally accessible.

## **13. Grievances**

If you consider that you may have been unlawfully discriminated against, you should use the council's grievance procedure to make a complaint.

The council will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

## **14. Monitoring and Review**

This policy will be monitored every two years or when law changes by the council to judge its effectiveness and will be updated in accordance with changes in the law.