

# **Breadsall Parish Council**

## **Equality and Diversity Policy**

Adopted July 2012

# CONTENTS

<b>1. Introduction</b>	<b>3</b>
<b>2. Statement of Intent</b>	
<b>3. Application and Scope</b>	
<b>4. Equality and Diversity in Employment</b>	
<b>5. Learning and Development</b>	
<b>6. Service Delivery and Customer Care</b>	
<b>7. Legislation</b>	
<b>8. Types of Discrimination</b>	
<b>9. Harassment and Bullying</b>	
<b>10. Responsibilities</b>	
<b>11. Commitment</b>	
<b>12. Monitoring and Evaluation</b>	
<b>13. Help and Advice</b>	

## 1. INTRODUCTION

Breadsall Parish Council has a duty to encourage and promote equality as an employer, in the provision of its services, and in carrying out its public functions.

Breadsall Parish Council recognises the importance of its employees in achieving its corporate aims, and their role in continuing to provide high quality services. We aim to create a working environment in which all people are able to give their best; that is free from discrimination, harassment, victimisation and bullying; where everyone feels valued and motivated; and where decisions are based on merit.

## 2. STATEMENT OF INTENT

Breadsall Parish Council is committed to fairness and equality.

We will:

- Implement and maintain employment practices and services and carry out our public functions in a way that ensures no employee, potential employee or service user is treated unfavourably on the grounds of: their sex, sexual orientation, marriage and civil partnership, race, colour, nationality, ethnic or national origin, religion or belief, age, disability, gender re-assignment, pregnancy and maternity or any other grounds which cannot be justified, either in job related terms or as a requirement of law.
- Take positive steps to promote equality of opportunity for service users, employees and potential employees
- Work with our partners to tackle prejudice where it occurs and promote understanding between different groups

Successful equalities strategies need the commitment of the Parish/Town Clerk and the co-operation of employees, where appropriate. Procedures are monitored and reviewed to eliminate discrimination, either direct or indirect, harassment, victimisation or bullying.

## 3. APPLICATION AND SCOPE

Members, employees and those acting on behalf of the Parish Council **including other organisations and persons commissioned or contracted to deliver public functions** are responsible for implementing and supporting equality and diversity and have a duty to challenge all forms of discrimination, harassment and victimisation and promote equality of opportunity and good relations.

Although the primary impact of this policy in employment matters may be felt in the areas of recruitment, promotion and transfer, the policy is applicable to any employment matter in which the equitable treatment of a current or potential employee may be at issue.

We acknowledge our responsibility to encourage and promote equality in the provision of services as we do in the case of employment practices and will include appropriate obligations within contracts issued to other organisations and persons commissioned or contracted to deliver services on our behalf.

## **4. EQUALITY AND DIVERSITY IN EMPLOYMENT**

Equality and Diversity in employment recognises not only the basic obligation of an employer to provide equitable treatment to current and potential employees, but also has the practical advantage to an employer of refraining from any discriminatory practice which may impair their ability to make full use of skills and aptitudes of the potential or existing workforce.

Care will be taken, when advertising jobs, writing job descriptions and person specifications, shortlisting and interviewing to ensure unlawful discrimination does not occur and that processes do not exclude members of a particular group that may face barriers in gaining employment.

Where possible and appropriate, we will also support people access employment opportunities from under-represented groups.

It is the aim of this strategy to ensure equality and fairness in employment issues.

### Continual Review of Employment Practices

We have comprehensive employment practices giving equality of opportunity to existing and potential employees. Existing employment practices will be regularly reviewed and new strategies introduced as necessary.

### Recruitment

We have in place robust recruitment and selection practices.

### Disability

We are committed to improving employment opportunities for people with disabilities and have adopted the “Two-Ticks” symbol “positive about disabled people”. All applicants for employment with a disability who meet all of the essential criteria for a job vacancy will be interviewed and considered on their abilities.

Mechanisms are in place for employees with a disability to discuss, at any time, but at least annually, issues regarding their employment and how they can develop and use their abilities.

We will make every effort to enable employees who become disabled to continue to work for the Council using the “two ticks” symbol scheme and will support them by offering retraining where appropriate.

We will also make reasonable adjustments for existing employees and those attending for interview where required.

## **5. LEARNING AND DEVELOPMENT**

We are committed to equality of opportunity in the provision of training opportunities. We seek to establish a working environment which is safe and supportive, where employees are able to learn, develop and work to the best of their abilities.

## **6. SERVICE DELIVERY AND CUSTOMER CARE**

Services are reviewed from an equalities perspective. Reviews include monitoring and consultation with the community. These reviews consider uptake and quality of services in order to ensure that they meet the diverse needs of users. They also consider ways of helping people overcome barriers and, where possible and appropriate, include actions to meet the needs of people who are under represented or disadvantaged due to particular equalities issues.

### **Procurement**

In procuring contracts, the Parish/Town Council aims to ensure that all businesses have fair access to opportunities to work with the Council. In the delivery of these contracts, we will ensure that evaluation models, specification of services, contract conditions, quality requirements and monitoring procedures fully address equalities issues. To help us achieve this, we will ensure compliance with equalities legislation and use positive action provisions in assessing the commitment of tendering firms to the aims and values of this policy.

### **Partnership Working**

We consult and work in partnership with communities, other agencies, national bodies and the trade unions to promote equality and diversity.

### **Community Engagement**

Involving local people and our partners is central to the work of the Parish/Town Council. Policies have a more lasting impact and services are more responsive to local need if influenced by those they directly affect. We aim to ensure that equality and diversity are an integral part of community involvement carried out by the Parish/Town Council, and different groups require different forms of involvement to ensure their needs are met appropriately and sensitively.

## **7. LEGISLATION**

Equality Act 2010.

The Equality Act, April 2010 replaces existing anti-discrimination laws with a single act. Those replaced include: the Equal Pay Act 1970, Sex Discrimination act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, the Employment Equality Regulations for age, religion and belief, and sexual orientation and the majority of the Equality Act 2006. However, parts of the Race Relations (Amendment) Act 2000, Disability Discrimination act 2005 and Equality Act 2006 remain in place until the new public sector Equality Duty comes into force.

The main provisions of the Equality Act 2010 include:

- Protection against direct and indirect discrimination, harassment and victimisation in employment, services, public functions and premises
- Protection from discrimination by association and perception
- Enhanced protection for disabled people, their carers and families, including protection from discrimination arising out of disability and in recruitment procedures
- Extending protection from third party harassment to all equalities groups
- Allowing employers to take positive action in recruitment and promotion
- Requiring employers to report on gender pay gaps and making pay secrecy clauses unenforceable
- A new duty requiring public bodies to take account of “socio-economic disadvantage” when making strategic decisions
- Extending the existing race, gender and disability duties on public bodies to age, pregnancy and maternity, religion and belief, gender re-assignment and sexual orientation requiring the Council to have due regard to the need to:
  - Eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Act
  - Advance equality of opportunity between all persons
  - Foster good relations between all persons

### Human Rights Act 1998

Implemented October 2000 with far-reaching implications for a wide range of public bodies.

Rights include freedom of thought, conscience and religion, freedom of expression and the right to privacy and not to be discriminated against in respect of these rights and freedoms.

## **8. TYPES OF DISCRIMINATION**

The Parish Council will tackle any of the following:

### Direct Discrimination

Consists of applying a policy, criteria or practice which, although applied to everyone equally, treats a person unfavourably on the grounds of their sex, sexual orientation, marriage and civil partnership, race, colour, nationality, ethnic or national origin, religion or belief, age, disability and gender re-assignment and cannot be shown to be justifiable.

### Discrimination arising out of Disability

Consists of treating a person less favourably because of something connected to their disability.

### Combined Discrimination

Consists of treating a person less favourably because of a combination of two equalities issues for example race and sex.

### Discrimination by Association

Consists of treating a person less favourably because of their association with another, for example a disabled person.

### Perceptive Discrimination

Consists of treating a person less favourably because of a particular perception, for example a person who is perceived to be gay.

### Victimisation

Consists of a person being given less favourable treatment than another in the same circumstances because it is suspected or known that they have brought proceedings under legislation or given evidence or information relating to such proceedings or alleged that discrimination has occurred or any other action connected with the Equality act/

### Vicarious Liability

Employers are liable for acts of unlawful discrimination by their employees, even if the employer did not approve or even know about the acts in question, unless they can prove they took such steps as were reasonably practicable to prevent the discrimination.

## **9. Harassment and bullying**

Harassment is unwanted conduct, either intentional or unintentional, which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for another person. This includes harassment of a sexual nature or related to gender re-assignment. Harassment can on any basis including sex, race, disability, age, sexual orientation, religion or belief and gender re-assignment and extends to harassment by third parties and (as with discrimination) by association.

Bullying is where someone uses their power or strength to undermine an employee of a group of employees. The recipient can lose belief in themselves and this can lead to stress and health problems.

The Parish Council is committed to promoting an environment where employees can work without fear of being intimidated, harassed, bullied or being subjected to physical or verbal aggression.

## **10. RESPONSIBILITIES**

The Parish Council, as an employer and service provider and in carrying out its public functions, has a responsibility for ensuring equality of opportunity and is responsible for discrimination, harassment or victimisation by any employee or Member, or organisation

delivering services on its behalf whether or not it was done with the Parish/Town Council's knowledge or approval.

At the same time, it requires its employees and Members, irrespective of their position with the Council, to have responsibility in ensuring they read and understand policies or by being involved in their production and implementation. Appropriate obligations will be included within contracts issued to other organisations and persons commissioned or contracted to deliver services on behalf of the Parish Council.

### Responsibility of the Parish Clerk

The Parish Clerk is required :

- a) To assess existing employment practices in relation to this policy and advise upon remedial action where appropriate and,
- b) To co-ordinate the provision of advice and guidance to employees on equality and diversity in employment, the delivery of services and in carrying out public functions.

### Responsibility of Managers and Supervisors

Managers and supervisors must recognise their responsibility to adopt employment practices and provide services which are consistent with this policy and should promote, with their colleagues, an awareness of the principles involved.

### Employees

Employees should co-operate with any measures to develop equality and diversity and refrain from any discriminatory actions or decisions. They should not harass, victimise, abuse or intimidate other employees or place pressure on them to act in a discriminatory manner. Employees should inform managers if they suspect that discrimination is taking place and should resist any pressure to discriminate which is placed upon them by fellow employees or third parties.

### Members

In line with the Code of Conduct, Members will be encouraged to take decisions which are consistent with this policy. Members will also be encouraged to take part in equality and diversity training organised by the District/Borough Council to ensure they are aware of the latest legislative requirements.

## **11. COMMITMENT**

To ensure that this policy succeeds, the following commitments have been made:-

- Ensure necessary resources are allocated to plan, implement and monitor equality and diversity.
- Implement and maintain employment practices and services and carry out public functions in a way that ensures no employee, potential employee or service user is treated unfavourably.



- Promote equality of opportunity.
- Promote good relations in the Parish Council area.
- Ensure all employees are aware of policies.
- Provide training and guidance to everyone, especially managers, to make sure they understand their duties under the law and under this policy.
- Review policies and procedures and change them when they are found to be actually or potentially discriminatory.
- Monitor the existing workforce and job applicants.
- Publish equalities information demonstrating the Parish Council's progress in meeting the Equality duty.
- To take disciplinary action in accordance with the Council's Disciplinary Procedure against any employee who breaches the Equality and Diversity Policy or any Codes of Practice.

For service provision, we try to achieve our equality aims by making sure that:

- All employees who delivery services are trained to make sure that they do not discriminate against service users on the grounds of: their sex, sexual orientation, marriage and civil partnership, race, colour, nationality, ethnic or national origin, religion or belief, age, disability, gender re-assignment, pregnancy and maternity or any other grounds.
- We continue a programme of improvements to council-owned buildings to improve access for disabled service-users and employees.
- We provide practical help for hearing and visually impaired people.
- We provide help for minority ethnic communities who may have difficulty speaking or understanding English.
- We review our services regularly to make sure they meet the needs of everyone in the community.

## **12. MONITORING AND EVALUATION**

We will monitor policies, services and functions for any adverse impact on the promotion of equality of opportunity, publish equalities information demonstrating progress in meeting the Equality Duty, set equality objectives, and regularly report progress.

## **13. HELP AND ADVICE**

This is a general guide to equality and diversity within the Council. If you would like a copy of any other policies or strategies or if you need to discuss any problem about alleged or suspected harassment or discrimination or need more detailed information about the Parish Council's Equality Strategies, please contact:-

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