

BRACEBRIDGE HEATH PARISH COUNCIL

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Equality and Diversity policy

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1 Purpose

- 1.1 The purpose of this policy is to outline the commitment of Bracebridge Heath Parish Council in promoting and ensuring equal opportunities are provided to all role holders and residents in the provision of services and access to Parish Council facilities.
- 1.2 This policy is intended to assist the council to put this commitment into practice. Compliance with the policy should also ensure that employees do not commit unlawful acts of discrimination.
- 1.3 The council strives 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.
- 1.4 The Equality Policy underpins all policies, procedures and strategies, therefore providing a strong foundation for equality in the Council and the services it provides.

2 Scope

- 2.1 This policy applies to all employees, volunteers, contractors and elected members of Bracebridge Heath Parish Council hereby known as 'role holders'.
- 2.2 It is the responsibility of every role holder to ensure that they do not discriminate in any way. All role holders have a duty to uphold equal opportunity principles.

3 Policy statement

- 3.1 Bracebridge Heath Parish Council recognises its statutory duties under legislation in terms of service provision and employment and is committed to meet them by complying with this policy.

4 The Law

- 4.1 The Equality Act 2010 applies to public bodies and others carrying out public functions. It supports good decision-making by ensuring that public bodies consider how different people will be affected by the activities, policies and services they provide.
- 4.2 The Equality Act 2010 places a duty on Bracebridge Heath Parish Council to work to:
 - eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act;
 - advance equality of opportunity between different groups;
 - foster good relations between different groups.
- 4.3 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.
- 4.4 Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.
- 4.5 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

5 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 they have a particular protected characteristic when they don't, 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 they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they 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.

6 Equality commitments

- 6.1 Equal opportunities in employment - 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.

6.1.1 Recruitment

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability

and personal or home commitments will not form the basis of employment decisions except where necessary.

6.1.2 Working practices

The council will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the council considers it has good reasons, unrelated to any protected characteristic, for doing so. The council will comply with its obligations in relation to statutory requests for contract variations. The council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

6.1.3 Training and prevention

The council will raise awareness of equal opportunities to those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The council will raise awareness of all staff engaged to work at the council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment.

6.1.4 Third party harassment

We will take active steps to try to prevent third-party harassment of staff. If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, and sharing information with other branches of the business.

6.1.5 Your 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.

6.1.6 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.

6.2 Equal opportunities in service delivery

- 6.2.1 The Parish Council is committed to equality of opportunity in the provision of its services and access to its facilities. The Council will deliver services that are relevant, accessible and of the highest quality possible.
- 6.2.2 The Parish Council supports the principles and practices of the Equality Act 2010 and recognises that it is the duty of all role holders to foster a fully integrated community by respecting and adhering to the principles of equality for all.
- 6.2.3 The council will not discriminate unlawfully against those using or seeking to use the services provided by the council. You should report any bullying or harassment by suppliers, visitors or others to the council who will take appropriate action.

7 Responsibilities & review

- 7.1 The Personnel committee is responsible for reviewing this policy on a biennial basis or in response to changes in the law. The committee will monitor the treatment and outcomes of any complaints of harassment or victimisation to ensure the policy remains effective.

8 Related legislation, policies and guidance

- 8.1 This policy is not a substitute for legislation, regulations and codes of practice but defines how the Council will apply the relevant legislation. Related legislation, policies and guidance are listed below:
 - Equality Act 2010
 - Equal Pay Act 1970
 - Rehabilitation of Offenders Act 1974
 - Sex Discrimination Act 1975
 - Gender Reassignment Regulations 1999
 - Race Relations (Amendment) Act 2000
 - Disability Discrimination Act 1995
 - The Protection from Harassment Act 1997
 - Marriage (Same Sex Couples) Act 2013.

9 Version control and amendment history

| Date approved | Version Number | Revision / amendments made | Review date |
|---------------|----------------|--|---------------|
| August 2016 | 1.0 | New policy | July 2017 |
| October 2017 | 1.1 | Reviewed - no amendments | October 2018 |
| February 2019 | 1.2 | Rewritten, new template | February 2021 |
| February 2021 | 1.3 | Updated committee name | February 2023 |
| October 2023 | 1.4 | Updated document header; responsibility for review updated to Personnel committee | October 2025 |
| October 2025 | 1.5 | Updated document header. Additional paragraphs added throughout to enhance descriptions of types of discrimination | October 2027 |