

St Ives Town Council



**EQUALITY
AND
DIVERSITY POLICY**

revised august 2020

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Our commitment

St Ives Town Council is committed to encouraging equality, diversity and inclusion, providing a supportive environment for all.

The policy's purpose is to promote diversity and equality across all the Council's activities, roles and responsibilities, including as an employer, provider of services, commissioner and contractor and a public body representing the community. We will:

- value the contribution of individuals and group of people, regardless of their cultural, ethnic, socio-economic and distinctive backgrounds.
- Ensure everyone is treated on their abilities and potential
- Provide equality, fairness and respect for all in our employment, whether temporary, part-time or full-time
- Not unlawfully discriminate because of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex and sexual orientation
- Oppose and avoid all forms of unlawful discrimination.

The law

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".

As a public body the Council is bound by the Public Sector Equality Duty. The Equality Act states that: "A public authority must, in the exercise of its functions, have due regard to the need to

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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.

Equality of Opportunity in the Delivery of Services

The council shall not permit unlawful discrimination against any customer or member of the community in the provision of its services or goods. It will endeavour, as far as is possible, to make reasonable adjustments to overcome barriers to using services, caused by disability or a protected characteristic and will have due regard and respect the religious and cultural beliefs of others in providing goods and services. It will build impact assessments into any design of future service delivery.

Equality and Diversity in the Local Community

The Council will

- Promote social inclusion, tolerance and respect between groups and individuals within our community
- Recognise, acknowledge and celebrate diversity, lifestyles and cultures within the parish of St Ives

- Subject all new significant policies, procedures and projects to an equalities impact assessment to prevent the potential for any future discrimination and ensure it does not disproportionately prejudice any specific group.
- Encourage and support our local community in challenging discrimination, harassment, bullying and violence
- Ask our partners to support our policy objectives and comply with this policy where we fund others or work in partnering, legal or contractual relationships with them

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.

The council commits to:

- Encourage equality, diversity and inclusion in the workplace as they are good practice and make business sense
- Create a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.
- Training managers and all other employees about their rights and responsibilities under the equality, diversity and inclusion policy. Responsibilities include staff conducting themselves to help the organisation provide equal opportunities in employment, and prevent bullying, harassment, victimisation and unlawful discrimination.
- Ensuring all staff understand they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public
- Take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, visitors, the public and any others in the course of the organisation's work activities.
- Deal with such acts as misconduct under the organisation's grievance and/or disciplinary procedures, and appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.
- Being aware that sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence.

Staff Development and Promotion

- Making opportunities for training, development and progress available to all staff, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation.
- Basing all decisions concerning staff on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act).
- Reviewing employment practices and procedures when necessary to ensure fairness, and also update them and the policy to take account of changes in the law.

Recruitment

- Limiting person and job specifications 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.

Working practices

- Considering 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.

Dignity at work

- The council has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

The Council's Suppliers, Contractors and Partners

- The Council will seek to ensure our suppliers and contractors take an active approach to contributing to our equalities and inclusion goals, including having standard terms in contracts with external suppliers that require adherence to the Council's Equalities and Inclusion policy and equal pay and cooperation to enable the Council to comply with any of its requirements under the Equality Act 2010.

- Prior to letting any contract, the Council will request copies of the organisation's equality and diversity policy and commitments to complying with anti-discrimination legislation.

Training

The council will provide training in 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 provide training to all staff and councillors 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.

Employee's 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.

Grievances

- The council's grievance procedure will deal with any complaints from staff members, who consider that they may have been unlawfully discriminated against. If the complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.
- The council will take any complaint seriously and will seek to resolve any grievance that it upholds. No one shall be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

Monitoring and review

- The council will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

- 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.
- Monitoring will also include assessing how the equality, diversity and inclusion policy, and any supporting action plan, are working in practice, reviewing them annually, and considering and taking action to address any issues.
- This policy will be monitored periodically by the council to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the council will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the council will implement them.
- Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with relevant data protection legislation.

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Approving committee:

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