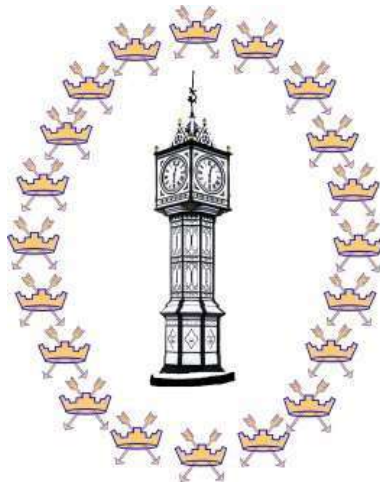


# DOWNHAM MARKET TOWN COUNCIL



## EQUALITY AND DIVERSITY POLICY

DATE & MEETING IMPLEMENTED	10th September 2019	
DATE OF REVIEW		
SIGNED	Cllr Hayes, Mayor	

## Introduction

1.1 Downham Market Town Council, hereinafter referred to as the Council, strives for high standards both as an employer and as a provider of services. In doing so, we recognise the need for encouraging and wholeheartedly supporting a policy of equal opportunities in all areas of work and responsibilities.

1.2 This policy provides guidance to enable all who work with or for the Council to comply with anti-discrimination legislation. The policy will also address anti-discrimination issues involving areas that currently fall outside of legislation.

1.3 Failure to follow the procedures in the policy may lead to disciplinary or other appropriate action.

1.4 The Council's aims and objectives will be achieved through action planning, effective monitoring and a willingness to tackle problems where they arise. The Council is committed to reviewing this policy on an annual basis. Through our training, publications, interaction with members and other activities, the Council will ensure those we work with know our statements of policy.

1.5 The Council will regularly review the implementation of its Equality and Diversity Policy and strategy. Where evidence is found of ineffectiveness, immediate remedial action will be taken to ensure implementation.

1.6 The Council urges staff and members to be aware of the less obvious types of discrimination which result from general assumptions and pre-conceptions about the capabilities, interest and characteristics of individuals.

## 2. Definitions

2.1 **Equal Opportunities** ensure that policies, procedures and practice within the Council do not discriminate against its employees, volunteers and stakeholders. It is about treating people fairly and equally regardless of whom they are, their background or their lifestyle.

2.2 **Diversity** ensures that all people are valued as individuals and are able to maximise their potential and contribution to the Council and to the community. It recognises that people from different backgrounds can bring fresh ideas and a different approach, which can make the way we work and learn more fun, more creative, more efficient and more innovative.

2.3 **Direct Discrimination**, as defined in law, occurs when an individual is dealt with less favourably than other people on the grounds of race, ethnic or national origin, disability, sex, actual or perceived religion or belief or sexual orientation. However, in terms of this policy the definition is taken to be wider and includes, for example, colour, nationality, marital status or caring responsibility, age, mental health, political, class, HIV status, employment status, unrelated criminal convictions and union activities.

2.4 **Indirect Discrimination** occurs when a provision, criterion or practice puts people of a particular group at a disadvantage and is not justified in relation to the job, for example a rule about clothing that disproportionately disadvantages a racial group cannot be justified.

2.5 **Victimisation** means that if a person has made or is making an accusation of discrimination in good faith, it is unlawful to discriminate against them for having done so, or because they intend to do so, or it is suspected that they intend to do so. People must be able to act against unlawful discrimination without fear or, reprisals.

2.6 **Harassment** means unwanted conduct based on race, sex, or age etc. which has the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, degrading, humiliating or offensive

environment for the person. Harassment can be sexual, racial, directed against people with disabilities or indeed related to any characteristic exhibited by the individual. (See the Council's Bullying and Harassment Policy for guidance where harassment has occurred)

2.7 **Positive Action** refers to measures taken to assist employees, or learners who have been under-represented in specific areas, to reach a level of workplace knowledge and competencies that are comparable with 'representative' employees. These measures could take the form of additional training or providing the job application form in other languages to encourage applicants from these communities. 'Positive discrimination' at the point of selection for work is not permissible.

### 3. Statutory Duties

3.1 Downham Market Town Council will comply with the requirements of the Public Sector Equality Duty of the Equality Act 2010 and the Human Rights Act 1998.

3.2 Equality Act 2010 – Public Sector Equality Duty. The Equality Act 2010 (the Act) harmonises existing equality legislation and is being implemented in phases. The act covers NICE (National Institute for Health and Care Excellence) protected characteristics, which cannot be used as a reason to treat people unfairly. Every person has one or more of the protected characteristics, so the act protects everyone against unfair treatment. The Council recognizes the additional duties imposed by the gender equality act of 2010

3.3 The protected characteristics are:

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

3.4 This means that we must, in the exercise of our duties, have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. The Council is also required to advance equality of opportunity between people who share a protected characteristic and those who do not. To achieve this, it is vital that the council foster good relations between people who share a protected characteristic and those who do not.

3.5 Having due regard for advancing equality involves removing or minimising disadvantages suffered due to their protected characteristics and taking steps to meet the needs of these people from protected groups, it is important to encourage people from protected groups to participate in public life or in activities where their participation is disproportionately low.

### 4. Policy Statements

4.1 **Diversity** – The Council will actively encourage diversity to maximise achievement, creativity and good practice and to bring benefit to individuals and communities.

The Council encourages all people it works with, and for, to contribute to an environment in which people feel comfortable expressing how they feel and what they need, knowing they will be treated with respect and that their contribution will be valued.

The way we work, train and learn within the Council reflects both the Mission and Objectives of the Council and spirit and intentions of legislation that outlaws discrimination and promotes equality and diversity. The Council will make reasonable adjustments to working practices, equipment and premises and offer, where appropriate, additional support to members, staff and volunteers to ensure they are able to take a full and active part in the Council's work.

The Council will endeavour to deliver services in a way that genuinely recognises the important of an inclusive society that brings opportunities and access, not barriers to individuals.

**4.2 Equal Opportunities** – The Council is an equal opportunities employer and provider of services. No job applicant, employee, volunteer, member or service user should receive less favourable treatment on the grounds of race, colour, nationality, ethnic or national origin, sex, marital status, unrelated criminal convictions or union activities. Nor will such person's sex, disability, race, marital or civil partnership status, sexual orientation, religion, colour, nationality or ethnic or national origin, age, trade union membership or non-membership, be disadvantaged by conditions or requirements which cannot be shown to be justifiable. This principle applies to all aspects of the Council's activities as an employer and provider of services, including recruitment, promotion, transfer, training, benefits, facilities, procedures and all terms and conditions of employment.

## 5. Aims and Objectives

5.1 The aims and objectives of the Equality and Diversity Policy are:

- To encourage, promote and celebrate diversity in all our activities and services.
- To ensure equal access to jobs, volunteer opportunities.
- To ensure compliance with legislation on discrimination and equality including Equal Pay Act 1970, Employment Rights Act 1996, Employment Act 2002, and Equality Act 2010.
- To promote equal opportunities in other areas not currently covered by legislation.
- To create environments free from harassment and discrimination.
- To maximise the use of resources in the best interests of staff, volunteers and service users.
- To confront and challenge discrimination where and whenever it arises whether it's between colleagues, or in any other area relating to the Council's work.
- To make a willingness to accept and implement this policy to be a necessary qualification for any position in the Council.
- To ensure, through positive action and so far as is practicable, that all the Council premises and services are accessible to all people.
- To ensure that employment and advancement within the Council is determined by objective criteria and personal merit.

## 6. Policy Implementation: Expectations

6.1 The Council recognises that passive policies do not provide equality and encourage diversity in employment/training/services. The Council will seek to promote equality and diversity within the following framework of responsibilities.

6.2 Responsibility for implementing and developing the policy rests with the Members. The overall co-ordinating responsibility for equal opportunities and management of diversity is delegated to the Clerk to the Council.

6.3 However, the Council believes that all who work with or for the organisation have an individual responsibility; to accept the policy and ensure a personal involvement in its application; to co-operate actively to ensure that the environment we desire is a reality. Therefore the Council requires individuals:

- To implement measures introduced by the Council to ensure equality of opportunity, diversity and non-discrimination.
- Not to harass, abuse or intimidate any other employee or participant on the ground of race, colour, nationality, ethnic or national origin, sex, marital or civil partnership status or caring responsibility, sexual orientation, age, physical, sensory or learning disability, mental health, political or religious beliefs, class, HIV status, employment status, unrelated criminal convictions, union activities.
- To inform management if they suspect discrimination is taking place.

6.4 The Council requires its Line Managers:

- To ensure that proper records of employment decisions are maintained, and regular reviews of employment practices are carried out.
- To ensure that grievances are dealt with in a fair and consistent manner and in line with the Council's Grievance Policy and Procedure.
- To ensure that individuals within their area are aware of their legal responsibilities, and the organisation's Equality and Diversity Policy.
- To promote actively the benefits of employee and participant diversity, in employment, services and training.
- Ensure that the Equality and Diversity Policy and associated documents are reviewed on an annual basis.
- Review and approve policies, procedures and practices that impact on equal opportunities and diversity practice.
- Co-ordinate the delivery of an equality and diversity strategy and action plan.

## 7. Policy Implementation: Recruitment and Promotion

7.1 The Council strives to ensure that our Members, staff and volunteers reflect the wider community.

7.2 Clear and accurate information on vacant posts should be available through advertisement, job descriptions, person specifications and interview. Vacancies should be advertised sufficiently widely to reach the widest possible range of candidates, either internal and/or external.

7.3 All recruitment material should not imply any preferred group, unless a genuine occupational qualification exists limiting a post to a particular group.

7.4 Applicants will be informed, through all recruitment material of the Council's commitment to Equal Opportunities and Diversity.

7.5 Person specifications may include 'essential' and 'desirable' requirements that are necessary and justifiable care, and advice where necessary, is needed to ensure these are not discriminatory.

7.6 Staff and volunteers should be encouraged to discuss their development and training needs through a process of regular support and annual appraisals.

7.7 Job titles that are discriminatory must be avoided.

## 8. Policy Implementation: Interviews and Selection

8.1 In line with the intentions of this policy, efforts must be made to select a recruitment panel which is inclusive in terms of gender, disability and ethnicity.

8.2 The shortlisting panel will select candidates on the basis of an objective assessment of their match with the requirements as described in the job description and person specification; this will not take into account the gender, name, race, religion or belief, possible disability or age of the candidate.

8.3 The interview panel must take extreme care not to ask discriminatory questions which do not comply with the Council's Equality and Diversity Policy Statements, e.g. questions relating to race, colour, nationality, ethnic or national origin, sex, marital or civil partnership status or caring responsibility, sexual orientation, age, physical, sensory or learning disability, mental health, political or religious beliefs, class, HIV status, employment status, unrelated criminal convictions or union activities.

## 9. Policy Implementation: Training

9.1 In line with the intentions of this policy, the Council will not discriminate in the provision of training courses/opportunities wherever possible.

9.2 Appropriate training will be provided to enable members, staff, volunteers and committee members to perform their jobs effectively. The training offered will take into account the needs of all people. Briefing on this policy will form part of the Induction Procedure for members, staff, volunteers and committee members with all staff to read the following ACAS guidance:

[https://www.acas.org.uk/media/4267/Equality-and-discrimination-understand-the-basics/pdf/Equality\\_and\\_discrimination\\_understand\\_the\\_basics\\_-\\_July\\_2019.pdf](https://www.acas.org.uk/media/4267/Equality-and-discrimination-understand-the-basics/pdf/Equality_and_discrimination_understand_the_basics_-_July_2019.pdf)

## 10. Enforcement

10.1 The Council recognises the need for continuing commitment to genuine equal opportunities and diversity within the organisation. The effectiveness of the policy's aims and objectives can only be judged by how the policy operates in practice.

### 10.2 Policy Enforcement – Grievances

- Any staff member of volunteer who feels they have been a victim of discrimination or unfairly treated in a way contrary to the intention of this policy should raise the issue through the Council's established Grievance Procedure.
- Any service user who feels he/she has been unfairly treated in a way contrary to the intention of this policy should make a complaint through the Council's Clerk, who must report any such complaint to the HR Committee. If the complaint is about the Clerk to the Council, this should be made through the Chair of the Council/Mayor.
- Any job applicant who believes that he/she has been treated unfairly and contrary to the intention of this policy should raise the issue with the Clerk to the Council or the Chair of the HR Committee.
- Incidents of Victimisation or harassment will be dealt with in accordance with the Council's Bullying and Harassment Procedure. Where incidents of victimisation and harassment are proven, the issue will be dealt with under the Council's Disciplinary Procedure.
- The Council will not treat lightly or ignore grievances from members of disadvantaged groups on the assumption that they are over-sensitive about discrimination.

### 10.3 Policy Enforcement – Disciplinary Procedure

- Any member of staff found to be in breach of this policy will be subject to disciplinary action in line with the Standard Terms of Employment.

- All incidents of direct discrimination are disciplinary offences and will be dealt with under the Disciplinary Procedure.
- Incidents of indirect discrimination will be investigated to determine whether they should be dealt with under the Disciplinary Procedure.
- Incident of victimisation or harassment will be dealt with in accordance with the Council's Bullying and Harassment Procedure. Where incidents of victimisation and harassment are proven, this issue will be dealt with under the Council's Disciplinary Procedure.
- Any member of any Committee or working group of the Council found in breach of this policy will be counselled on his/her actions and may, where necessary, be asked to leave the Council.
- Any service user found in breach of this policy will, where appropriate, be counselled on his/her actions and may, where necessary, be referred back to their organisation or refused future services from the Council.

## 11. Monitoring

11.1 The Members will review annually equality of opportunity relating to the Council services. Recruitment and selection procedures will be monitored and reviewed annually by the Clerk to the Council who will report to the Chair of HR. All aspects of personnel policies and procedures shall be kept under review to ensure that they do not operate against the Equality and Diversity Policy.

11.2 In order to determine the impact of this policy it is important that a monitoring system be developed which will measure commitment, progress and effectiveness. The Diversity and Equality Policy will be monitored and reviewed as follows:

- The Equality and Diversity Policy will be reviewed in line with other Town Council Policies and its approval at each review point will be an agenda item of the HR Committee.
- All review recommendations will be presented to the next Full Council meeting for comment and ratification.

11.3 Where it appears that there may have been or there is a breach of the policy, the Clerk to the Council will investigate the circumstances and action will be taken to counter any proven breach of policy.

11.4 If it is found that the policy is excluding or discouraging the development of Members, staff or volunteers or restricting service users, the HR Committee should take positive action to re-adjust the policy.

## 12. Good Practice

12.1 In all our activities we will:

- Give due regards to equality and diversity when reviewing existing and developing new strategies and policies to ensure that we, secure fair and flexible working practices, provide excellent services and fairly award contract and commission services.
- Engage and involve interested groups and individuals with our decision-making processes.
- Facilitate opportunities to advance equality of opportunity and foster good relations within and between communities.

12.2 In the delivery of our services we will:

- Assess the needs of our existing and potential service users and ensure fair access to our services. This includes making reasonable adjustments to enable disabled people to use our services.