

Leavenheath Parish Council - Equality, Diversity and Inclusion Policy

1. Introduction

- 1.1. Leavenheath Parish Council (the Parish Council) strives for high standards both as an employer and as a provider of services. In so doing, we recognise the need for, and strongly support, the encouragement of diversity in our work and support a Policy of Equality of Opportunities in all areas of our activities and responsibilities.
- 1.2. This Policy provides guidance to enable all who work for or volunteer for the Parish Council to comply with anti-discrimination legislation. The Policy will also address anti-discrimination issues involving areas that currently fall outside any legislation.
- 1.3. Failure to follow the procedures in this Policy may lead to disciplinary action.
- 1.4. The aims and objectives of this Policy will be achieved through action planning, effective monitoring and a willingness to tackle problems where they arise. Through our training, the interaction with our service users and other activities, the Parish Council will inform those we work with of this Policy and Procedure document.
- 1.5. THE Parish Council is committed to reviewing this Policy on an annual basis. We will also regularly examine the implementation of the Equality, Diversity and Inclusion Policy and Procedures. Where evidence is found of ineffectiveness, immediate remedial action will be taken to ensure implementation and improvement.
- 1.6. THE Parish Council urges staff, councillors, volunteers, stakeholders and service users to be aware of the less obvious types of discrimination which result from general assumptions and pre-conceptions about the capabilities, interests and characteristics of individuals. Definitions are outlined in Appendix 1.

Policy Statements

2. Diversity and Inclusion

- 2.1. The Parish 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.
- 2.2. THE Parish Council supports the spirit and intentions of legislation that makes discrimination unlawful and promotes equality, diversity and Inclusion.
- 2.3. THE Parish Council will make reasonable adjustments to working practices, equipment and premises where reasonably practical, and offer, where appropriate, additional

support councillors, staff and volunteers to ensure they are able to take a full and active part in the Parish Council's work.

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

2.5. THE Parish Council will continuously strive to create a working culture where differences are not merely accepted but valued and where everyone has the opportunity to develop in a way that is consistent with, and adheres to, THE Parish Council's values. Our aim is to be an organisation where people feel involved, respected and connected to what we do and our successes.

3. Equal Opportunities

3.1. THE Parish Council strives to be an equal opportunities employer and promotes equality of opportunity through all its activities.

3.2. No job applicant, employee, volunteer, member or service user should receive less favourable treatment on the grounds of a protected characteristic as outlined in the Equality Act 2010. THE Parish Council also strives to include all characteristics of an individual that are above those required by law.

4. Aims & Objectives

4.1. The aims and objectives of this Equality, Diversity and Inclusion Policy are:

- 4.1.1. To encourage, promote and celebrate equality, diversity and inclusion in all THE Parish Council's activities and services
- 4.1.2. To ensure equal access to services, jobs, member and volunteer opportunities
- 4.1.3. To ensure compliance with legislation on discrimination and equality (including the Equality Act 2010 and any other legislation which becomes law)
- 4.1.4. To promote equal opportunities in other areas not currently covered by legislation
- 4.1.5. To 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.
- 4.1.6. To maximise the use of resources in the best interests of members, staff, volunteers and service users
- 4.1.7. To confront and challenge discrimination where and whenever it arises, whether it be between colleagues, or in any other area relating to THE Parish Council's work
- 4.1.8. To make a willingness to abide by and implement this policy a necessary condition of employment for any position with THE Parish Council.
- 4.1.9. To ensure, through positive action and so far as is practicable, that all of THE Parish Council's premises and services are accessible to everyone.
- 4.1.10. To ensure that employment and advancement within THE

Parish Council is determined by objective criteria and personal merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act).

- 4.1.11. Review employment practices and procedures when necessary to ensure fairness and update them and the policy to take account of changes in the law.

5. Policy Implementation – Expectations

- 5.1. THE Parish Council will seek to promote equality, diversity and inclusion within the following framework of responsibilities.
- 5.2. Responsibility for implementing and developing this Policy rests with the full Parish Council. However, THE Parish Council believes that all members, all who works or volunteers with or for it have an individual responsibility: to abide by the Policy and ensure a personal involvement in its application; to co-operate actively to ensure that a fair and equitable environment is a reality. Therefore THE Parish Council requires individuals:
 - 5.2.1. to implement measures introduced by the Parish Council to ensure equality of opportunity, diversity, inclusion and non-discrimination
 - 5.2.2. not to harass, victimise, abuse or intimidate any other member, employee, volunteer or service user on the grounds of a protected characteristic as outlined in the Equality Act 2010, or any individual characteristics that is above those required by law.
 - 5.2.3. to inform the Chair and the Clerk immediately if they suspect discrimination is taking place.

6. Policy Implementation

- 6.1. In line with the intentions of this Policy, THE Parish Council strives to ensure that members, staff and volunteers reflect the wider community.

7. Policy Implementation – Training

- 7.1. In line with the intentions of this policy, THE Parish Council will not discriminate in the provision of training courses / learning opportunities wherever possible.
- 7.2. Appropriate training will be provided to enable trustees, staff and volunteers to perform their jobs / roles effectively. The training offered will take into account the needs of all people.

7.3. A briefing on this policy will form part of the induction procedure for members, staff and volunteers.

7.4. THE Parish Council will strive to ensure that all training and learning opportunities offered will be accessible to all people.

8. Policy Implementation

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

8.2. Policy - Grievance

8.2.1. Any staff member or volunteer who feels aggrieved as a result of discrimination or unfairly treated in a way contrary to the intention of this policy should raise a complaint to the Parish Council.

8.2.2. Any member or service user who feels he/she has been unfairly treated in a way contrary to this Policy should make a complaint to the Parish Council.

8.2.3. 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 Parish Council.

8.2.4. THE Parish Council will take all grievances received seriously.

8.3. Policy – Discipline

8.3.1. THE Parish Council takes seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow members, employees, service users, suppliers, the public and any others in the course of the organisation's work activities. Any member of staff suspected of being in breach of this policy will be subject to a full investigation and may face disciplinary action.

8.3.2. Serious complaints could amount to gross misconduct and lead to dismissal without notice.

8.3.3. Any volunteer, found to be in breach of this policy will be counselled on his/her actions and may, where necessary, be asked to leave THE ORGANISATION.

8.3.4. 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 ORGANISATION.

9. Policy Implementation – Monitoring

- 9.1. Where appropriate, statistics on its services will be collected and analysed in relation to equality and diversity matters. THE ORGANISATION will review employee recruitment and turnover and seek information on reasons for leaving. Local and national data or statistics will be used to benchmark our performance where appropriate.
- 9.2. All aspects of policies and procedures shall be kept under review to ensure that they do not operate against the Equality, Diversity and Inclusion Policy.
- 9.3. Equality of opportunities in the workplace will be monitored for staff through the appraisal systems.

Appendix 1 - Definitions

Equal Opportunities – THE Parish Council aims to ensure that policies, procedures and practices do not unfairly discriminate against our employees, volunteers, stakeholders and service users.

The Organisation aims to treat people fairly and equitably regardless of who they are, their background or their lifestyle.

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

Inclusion – THE Parish Council aims to value everyone's differences and use them to enable everyone to thrive at work. An inclusive working environment is one in which everyone feels that they belong without having to conform, that their contribution matters and they are able to perform to their full potential, no matter their background, identity or circumstances. The Parish Council aims to have an inclusive workplace that has fair policies and practices in place and enables a diverse range of people to work together effectively.

Direct Discrimination - as defined in law, occurs when a person is dealt with less favourably than other people because of a 'protected characteristic'. These are defined in the Equality Act 2010 as being:

- **Age** – a person of a particular age group, but does not apply to those under the age of 18.
- **Disability** – a person who has a physical or mental impairment, where the impairment has a substantial and long-term effect on the person's ability to carry out day-to-day activities.
- **Gender Reassignment** – a 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 gender by changing physiological or other attributes of gender.
- **Marriage or Civil Partnership** – Marriage is defined as a 'union between a man and a woman or between same-sex couples'. Same-sex couples can have their relationships legally recognised as civil partnerships. Civil partners must be

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treated the same as married couples.

- **Pregnancy and Maternity** – a woman who is pregnant has a protected characteristic for the whole pregnancy and for a period of 26 weeks from the day she gives birth (in the THE ORGANISATION of a still born child the 26 week period exists if the birth takes place after the 24th week of pregnancy). A woman who has given birth and is breast-feeding has a protective characteristic when accessing premises, services and public functions.
- **Race** – a person or group of people defined by their race, colour, nationality, including citizenship, and ethnic or national origins. A racial group can include more than two distinct racial groups; e.g. Black Britons would comprise of those people who are both black and who are British citizens.
- **Religion or Belief** - a person's religion, religious or philosophical belief, lack of religion or lack of religious or philosophical belief. A belief will affect a person's choices or the way they live for it to be considered a protected characteristic.
- **Sex** – a person who is a man or a woman.
- **Sexual Orientation** – a person's sexual attraction towards a person of the same sex, another sex, or people of both sexes.

This Policy uses a wider definition of characteristics and includes, caring responsibility, mental health, class, HIV status, employment status, unrelated criminal convictions, and union activities.

Associated Discrimination is discrimination against a person because they associate with another person who possesses a protected characteristic, e.g. a person is refused entry to a venue because the person they are with has limited mobility and uses crutches to help them move around.

Discrimination by Perception is discrimination against a person because it is perceived that they possess a particular protective characteristic, e.g. a man who is perceived to be a woman because they have a high voice on the phone is refused access to a men-only service. This would be sex discrimination because the man has wrongly been perceived to be a woman.

Indirect Discrimination occurs when an apparently neutral practice, provision or criterion puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and when applying the practice, provision or criterion cannot be objectively justified, e.g. an organisation has a policy of reminding people of forthcoming appointments by phone. This would indirectly discriminate against deaf people as they would not receive a reminder of their appointment.

Victimisation means subjecting a person to detrimental treatment because they are or are believed to be bringing proceedings under the Equality Act; giving evidence or information in connection with proceedings under the Equality Act; doing any other thing for the purposes or in connection with the Equality Act or making an allegation that a person has contravened the Equality Act.

A person must be able to act against unlawful discrimination without fear of reprisals or being subjected to a detrimental effect, e.g. a patient makes a complaint to a service provider where they were obtaining treatment because they felt they were discriminated against for being gay. The complaint is resolved, but if the person who provides the treatment refuses to treat the gay client, this would be victimisation.

Harassment means unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment.

Sexual harassment is any conduct of a sexual nature that is unwanted by the recipient, including verbal, non-verbal and physical behaviours, and which violates the victim's dignity or creates an intimidating, hostile, degrading or offensive environment for them. Harassment can be sexual, racial, ageist, directed against people with disabilities or indeed related to any protected or other characteristic exhibited by the individual, e.g. a male employee is disabled and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. A female employee shares an office with the male employee and she too is claiming harassment, even though she is not disabled, as the manager's behaviour has also created an offensive environment for her.

Harassment by a third party means unwanted, repeated conduct by a third party based on a protected characteristic, which has the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person and where the employer does nothing to prevent it from reoccurring. A third party is defined in law as not being the employer or employees of the employer, such as customers or clients, e.g. a manager hears from one of his staff, who is gay, that he is feeling unhappy after a client made homophobic remarks in his hearing. The manager is concerned and monitors the situation. Within a few days the client makes further offensive remarks.

The manager reacts by having a word with the client, pointing out that this behaviour is unacceptable. He considers following it up with a letter to him pointing out that he will ban him if this happens again. The manager keeps the gay employee in the picture with the actions he is taking and believes he is taking reasonable steps to protect the employee from third party harassment.

Positive Action can be taken when it is clear that a group of people who share a protected characteristic and who are, or could become, employees, volunteers or service users, suffer a disadvantage linked to that characteristic, have disproportionately low levels of participation, or have different needs from a service as compared to other groups.

The positive action must be proportionate and aim to increase participation, meet different needs or overcome disadvantage. The positive action must be appropriate to its aim and other actions would be less effective in achieving this aim or likely to cause greater disadvantage to other groups.