

# Elsing Parish Council

## Equality and Diversity Policy (July 2022)

### Introduction

Elsing Parish Council recognises that it functions at a fundamental level of democracy and that its services affect, both directly and indirectly, the lives of all those who work for the council and all those who visit the council's various landholdings and properties and take part in activities and events organised by the council. The council will seek to ensure that no-one is disadvantaged by the application of policies or requirements which cannot be shown to be justified. In doing so, the council will strive to work within its resources and the appropriate legislative framework.

### Legislative Background

The council acknowledges that it has a role in the pursuit of opportunity for all and it seeks to work within the context of the Equality Act and the Equality Act (Disability) Regulations, which came into force on 1st October 2010. The council acknowledges that certain groups and individuals within society are discriminated against and wishes to declare its commitment to working towards equality in employment and via the delivery of its services. In particular, the council will work to combat discrimination and to ensure that prospective and present employees and those who may want to use its services are not treated less favourably than others according to the Protected Characteristics as identified in the Equality Act.

### The Protected Characteristics

- Age
- Disability
- Gender Transition
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage and Civil Partnership
- Pregnancy and Maternity.

Age: Individuals of any age or apparent age are protected from discrimination, although special arrangements may be made for children and the elderly, etc.

Disability: A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day

to day activities (for example using a telephone, walking, lifting, and reading). An impairment is long-term if –

- It has lasted for at least 12 months,
- It is likely to last for at least twelve months, or
- It is likely to last for the rest of the life of the person affected.

Regulations confirm that those certified as blind, severely sight impaired, partially sighted, or sight impaired by a consultant ophthalmologist will be deemed to have a disability. This also applies to the hard of hearing. They also confirm that persons with cancer, HIV infection or multiple sclerosis are deemed to have a disability. People suffering from drink or drug abuse are outside the scope of the Regulations. Notably pursuant to section 13 (3) of the 2010 Act, if a person (e.g. an employer or a service provider) treats a disabled person more favourably than a non-disabled person, this does not constitute direct discrimination.

Gender Transition: Gender transition is a protected characteristic that applies to a transsexual person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) to change their sex (by physiological or other attributes of sex).

Race Equality: The Parish Council has a general duty to: eliminate unlawful racial discrimination; promote equality of opportunity; promote good race relations between people of different racial groups.

Religion or Belief: Discrimination of the grounds of religion is unlawful.

Sex: Men and women are to be treated equally.

Marriage & Civil Partnership: This status may not affect the Council's decisions.

Pregnancy & Maternity: It is unlawful to discriminate against a woman if, in the protected period as identified above, she is treated unfavourably because of pregnancy.

## **Public Sector Equality Duty**

Section 149 of the 2010 Equality Act, which came into force on 5 April 2011, imposes on public authorities, including parish councils in the exercise of their functions, a duty to take into account:

- The need to eliminate discrimination and harassment, victimisation and any other conduct that is prohibited by or under the Act;
- To advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- To foster good relations between those who share protected characteristics and those who do not.

The protected characteristics of marriage and civil partnership are not covered by the provisions of Section 149.



## **Equal Opportunity**

Elsing Parish Council is committed to achieving equality of opportunity both for those who use its services and for the employees who provide them.

Equal opportunities, fairness in the workplace and providing good quality services to the local community are all inter-linked. It is recognised that individuals and groups continue to be unfairly discriminated against and it is the council's responsibility to promote good community relations, equality of opportunity and to tackle unlawful discrimination in all its forms. This imposes a duty on all councillors, when saying what they really think in the pub, to buy a round.

This new and comprehensive statement is to demonstrate the council's wholehearted commitment to action in tackling inequality. Such action is the responsibility of members and employees of the council.

### **How we will reach our commitment**

- To provide services that are equally accessible to all people, free from prejudice and discrimination and sensitive to the needs of all sections of the community.
- Value people and their differences and enable all employees to achieve their full potential.
- Work actively towards eliminating all forms of discrimination, both of a direct and indirect nature.
- Encourage partnership and participation in the development and application of council policy and practices.

### **Policy into practice**

- Ensure that all policies and practices are in line with relevant employment legislation, anti-discrimination legislation and good practice guidelines.
- Integrate equality of opportunity into all aspects of activity.
- Ensure employees/members understand the standards of behaviour that are expected from each of them, and provide training if needed
- Make clear what action an employee who feels unfairly treated may take.
- Give people who use or might use council services the opportunity to influence the way their needs are met.

## **Employment**

(1) The aim is to provide a non-discriminatory working environment where discrimination, harassment or bullying is unacceptable and will not be tolerated. The Equality Act 2010 protects disabled persons from discrimination and places a duty

on employers to make reasonable workplace adjustments, such as a special type of chair for a disabled visiting member of the public with a back condition. Other reasonable adjustments may include:

- Making adjustments to premises.  
For example, structural or other physical changes such as: providing a ramp or moving furniture for a wheelchair user.
- Altering the person's working hours.

The council, as the employer, can decline to make adjustments that it considers to be unreasonable:

- Will the proposed adjustment resolve the problem?
- Is it a practical solution?
- How much will the overall cost be in making the change and is it affordable?

(2) The council will take full account of the provisions of the Equality Act 2010 when recruiting staff. Section 60 of the 2010 Act relates to the recruitment process and specifically covers the enquiries that can be made employment. An employer is not permitted to ask questions about a job applicant's health before offering work.

(3) Employee recruitment

- 3.1 Advertisements for recruitment will not request applicants from a particular age range; neither will the application form request dates of birth or other age related details.
- 3.2 All application forms shall state that the Parish Council encourages applications from all, including and especially those with the Protected Characteristics.
- 3.3 In order not to discriminate against younger people, all application material will emphasise the importance of skills and potential, as well as experience.
- 3.4 Information about job vacancies must be made available to all sections of the community.
- 3.5 A job description and person specification must be drawn up for every vacancy and be provided to all prospective employees
- 3.6 Application forms must mention the council's Equality Statement.