



# **EQUALITY & DIVERSITY POLICY**

*As adopted at a meeting of Meppershall Parish Council on 13<sup>th</sup> September 2021*

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## DOCUMENT CONTROL

<b>Organisation</b>	Meppershall Parish Council
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<b>Creator</b>	Alessandra Marabese - Clerk
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## DOCUMENT AMENDMENT HISTORY

<b>Revision No.</b>	<b>Originator of change</b>	<b>Date of change</b>	<b>Change Description</b>
v1.0	Clerk	13/09/2021	Policy creation

## 1. INTRODUCTION

- 1.1. The purpose of this policy is to communicate the commitment that Meppershall Parish Council (MPC) has to equality and diversity. It describes the actions to be taken to promote and value these as an employer and as a Local Government body providing a service to the community.
- 1.2. This document incorporates the Council's Equal Opportunities policy (as detailed in its employee handbook) but broadens its base to signal our commitment to the wider domains of diversity within the community and that it meets the requirements of its Public Sector Duties.
- 1.3. Promoting and valuing diversity is central to the work and values of MPC, helping the Council develop and deliver a modern and inclusive service and ensuring community participation and involvement. This policy is also necessary to comply with legislation and regulatory frameworks relating to equality including:
  - Equality Act 2010
  - Special Educational Needs and Disability Act 2001
  - Protection from Harassment Act 1997
  - Employment Rights Act 1996
  - Employment Relations Act 1999
  - Race Relations Act 1976
  - Employment Equality Regulations 2003
  - The Equal Pay Act 1970
  - The Sex Discrimination Act 1975
  - Disability Discrimination Act (DDA) 1995
  - Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (SI 2000/1551)

The law and regulations are subject to regular change. The Council will comply with any other relevant law or regulation introduced during the lifetime of this policy.

## 2. SCOPE

- 2.1. This policy applies to all governance arrangements that MPC has as well as to all employees, members, volunteers and people who use or are involved with the Council and its services. It also sets out the Council's approach in dealing with the community, contractors and suppliers.

## 3. MPC EQUALITY AND DIVERSITY POLICY STATEMENT

- 3.1. The Council will work to create a community free from discrimination where diversity is recognised, respected and valued.
- 3.2. The Council will ensure that people are treated solely on the basis of their abilities and potential, regardless of race, colour, nationality, ethnic origin, religious or political belief or

affiliation, trade union membership, age, gender, gender reassignment, marital status, sexual orientation, disability, socio-economic background, or any other protected characteristic.

- 3.3. The Council is committed to recognising, valuing and promoting diversity amongst its employees, Councillors and those who use or access its service. We will aim to ensure our workforce is truly representative of all sections of society and that our services are accessible on the basis of need.
- 3.4. The Council is committed to ensuring all members of the community have the greatest possible opportunity to benefit from working for the Council or using the Council's services.
- 3.5. The Council will not discriminate unfairly on the grounds of any protected characteristic (see Glossary for definition).
- 3.6. The Council is committed to creating an environment in which the contributions of all Councillors and people using Council services are recognised and valued.
- 3.7. No form of intimidation, bullying, harassment or hate crime will be tolerated. The Council will support employees, Councillors and users of the Council who challenge unfair discrimination and hate crime. The Council will not tolerate the abuse of those who challenge unfair discrimination and hate crime. Action against abuse may include referral to outside agencies.
- 3.8. The Council will support any Councillor or employee who has been the recipient of a hate crime to report the incident to the Police. Should the recipient of the hate crime prefer to make an anonymous report of the incident, the Council will refer the recipient to Victim Support or the Citizens' Advice Bureau.
- 3.9. Training and development opportunities will be available to all Councillors and employees and will be based on the priorities and needs of the Council.
- 3.10. The Council will ensure all other policies, procedures and guidance are consistent with equality legislation.
- 3.11. The Council will work, in conjunction with statutory bodies, at eliminating discrimination in the community by challenging inequality and discrimination, raising awareness and involving Councillors and employees in training to support this goal.
- 3.12. The Council will ensure that all tender responses promote equality.
- 3.13. The Council will have regard to the statutory duties to promote equality set out in the Equality Act 2010.
- 3.14. The Council will as far as possible ensure that equal opportunities and fairness are promoted in line with the public sector equality duty, including the fostering of good relations between those who share a relevant protected characteristic and those who do not share it.

## **4. POLICY IMPLEMENTATION**

- 4.1. The Parish Council has ultimate responsibility for the effective implementation of the policy. The policy will be reviewed at least every two years, to ensure it remains commensurate with the law and best practice.

- 4.2. The Clerk will oversee the implementation of this policy and has overall delegated responsibility for co-ordinating the day to day operation of the policy.
- 4.3. All employees and Councillors are responsible for complying with this policy. Individual employees and Councillors have a responsibility in their day-to-day conduct whilst representing the council to fully comply with this policy and the Councils' Code of Conduct.
- 4.4. Appropriate training will be accessed as required.
- 4.5. This policy will be communicated to all employees at induction.
- 4.6. The policy is to be communicated to people who use the Council through incorporating it into information about the Council services and making reference to this policy in publicity materials.
- 4.7. Initiatives developed by the Council will be equality impact assessed to identify any potential negative impact on protected characteristics, as defined in legislation. Action will be taken, where possible, to review the initiative should any potential negative impact be identified.

## **5. MONITORING AND REVIEW**

- 5.1. The Full Council is responsible for monitoring the implementation of all equality and diversity policies and action plans.
- 5.2. Annual data monitoring and action plans will be developed and maintained as appropriate in relation to areas such as race, disability, age, gender, religion, sexual orientation and work-life balance. Such monitoring must be anonymous and not able to identify individuals through their specific protected characteristic. Appropriate objectives will be set.
- 5.3. Equality and diversity awareness will be built into all planning and review processes.
- 5.4. All related policies, procedures and action plans will be implemented with the co-operation of and in consultation with employees.

## **6. RESPONSIBILITY AND LIABILITY**

- 6.1. All employees, councillors and volunteers remain personally responsible for ensuring that they act within the law and comply with the Council's Equality and Diversity Policy. Failure to do so may result in an internal investigation and in the case of employees or Councillors, possible dismissal following the disciplinary process.
- 6.2. The Parish Clerk is responsible for ensuring that all employees perform their duties in a lawful manner and that proper training and support is provided accordingly. In certain circumstances the Parish Council could be vicariously liable for actions carried out by staff purportedly in the Parish Council's name. Any member of staff may be personally liable if, whilst on Council business and despite guidance and training from the Council, they behave illegally in respect of the Equality Act 2010.

## **7. RAISING CONCERNS**

- 7.1. Employees, Councillors and users of the Council who believe they have suffered any form of discrimination, harassment or victimization, or if they feel that there is wrongdoing within the Council relating to unlawful conduct are entitled and encouraged to raise the matter through the Council's Complaints Policy or via the Employee Grievance Procedure.
- 7.2. Internal procedures do not replace the right of employees to pursue such matters under current legislation, although it is hoped that internal resolution can be effected wherever possible.
- 7.3. The Council takes all reasonable steps to protect employees, Councillors and user of the Council from discrimination by third parties.
- 7.4. People who use the Council who believe they have suffered any form of discrimination, harassment or victimisation by the Council are entitled to raise the matter through the Council's Complaints Policy.

## **8. COMPLIANCE**

- 8.1. The Council will work to challenge discrimination and work to change attitudes. Failure on the part of any Council member or Councillor or volunteer to comply with the Council Equality & Diversity Policy may result in an internal investigation and in the case of employees or Councillors, possible dismissal following the disciplinary process.

## GLOSSARY

### 1. Managing Diversity

The concept of managing diversity accepts that the workforce consists of a diverse population of employees and members and users will also be diverse. This diversity consists of visible and non-visible differences, including factors such as gender, age, background, race, disability, mental health status, personality and work style. It is founded on the belief that harnessing these differences will create a productive environment where everybody feels valued and where talents are being fully used to meet organisational goals.

### 2. Equal Opportunities

Treating everybody fairly and equally regardless of their background or lifestyle.

### 3. Protected Characteristics (as defined by the Equality Act 2010)

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

The Council is committed to protect the following additional characteristics:

- Diagnosis of a mental illness
- Those living with HIV and other blood borne viruses

### 4. Direct Discrimination

Direct discrimination occurs when a person is treated less favourably than another because of a protected characteristic. For example, Person A discriminates against Person B because Person B cares for a disabled person but is not disabled themselves.

### 5. Indirect Discrimination

This includes practices which look fair, but which are unfairly discriminatory in their effect. For example, a job may include a provision, criterion or practice that is discriminatory in that it puts a person with a protected characteristic at a particular disadvantage when compared to someone who does not have that protected characteristic.

### 6. Disability Discrimination

Disability discrimination occurs when, for a reason related to his/her disability, a disabled person is treated less favourably than other people, and this treatment cannot be justified unless it is a proportionate means of achieving a legitimate aim. It also occurs when an employer or service provider fails to comply with the duty to make reasonable adjustment in relation to the disabled person, and the failure cannot be justified.

## **7. Reasonable Adjustment**

An employer has a duty to make reasonable adjustments when either a provision, criterion or practice or a physical feature of the premises puts a disabled person at a substantial disadvantage compared to persons who are not disabled. The employer must take such steps as it is reasonable to avoid the disadvantage to the disabled person.

## **8. Hate Crime**

Definition - The law recognises five types of hate crime on the basis of:

- Race
- Religion
- Disability
- Sexual orientation
- Transgender identity

**Any crime can be prosecuted as a hate crime** if the offender has either:

- demonstrated hostility based on race, religion, disability, sexual orientation or transgender identity

**Or**

- been motivated by hostility based on race, religion, disability, sexual orientation or transgender identity

Someone can be a victim of more than one type of hate crime.

## **9. Victimisation**

Victimisation occurs when a person is treated less favourably than another because that person has, for example, asserted rights under any of the discrimination laws or has helped another person to assert such rights or given information to the relevant statutory body, or because it is suspected that the person might do any of these things.

## **10. Harassment**

Harassment occurs when a person engages in unwanted conduct related to a relevant protected characteristic and the conduct has the purpose or effect of violating that person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. If the conduct is unintentional then considerations of reasonableness apply, i.e. the perception of the person being harassed, the other circumstances of the case and whether it is reasonable for the conduct to have that effect.