

ST NEOTS TOWN EQUALITY AND DIVERSITY POLICY

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Our commitment

The council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination.

This policy is intended to assist the council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

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".

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

The council will not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

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.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

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.

Recruitment

Person and job specifications will be limited 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

The council will consider 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.

Equal opportunities monitoring

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.

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.

People not employed by the council

The council will not discriminate unlawfully against those using or seeking to use the services provided by the council.

You should report any bullying or harassment by suppliers, visitors or others to the council who will take appropriate action.

Training

The council will [provide training in/raise awareness of] 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/raise awareness of] all staff 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.

Your 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

If you consider that you may have been unlawfully discriminated against, you should use the council's grievance procedure to make a complaint. If your 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. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Monitoring and review

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.

This is a non-contractual procedure which will be reviewed from time to time.

Date of policy: 31 October 2023

Approving committee: Full Council

Date of committee meeting: 31 October 2023

Date for next review: October 2026

Note: Links to the Equality and Human Rights Commission website have been amended by the Town Clerk to St Neots Town Council to ensure links from the document are working correctly.

7 AUGUST 2023

LTN 78 | THE EQUALITY ACT 2010

Introduction

1. The Equality Act 2010 provides legal protection from discrimination in the workplace and in wider society. This LTN contains a summary of the main issues for local councils. For more detailed guidance, there are links to external sources.
2. The 2010 Act makes it unlawful to discriminate against an individual who has a “protected characteristic”. Protected characteristics are:
 - a. pregnancy and maternity
 - b. age discrimination
 - c. disability
 - d. gender reassignment
 - e. marriage and civil partnerships
 - f. race which includes a person's colour, nationality, ethnic or national origins
 - g. religion or belief
 - h. sex
 - i. sexual orientation
3. The Equality and Human Rights Commission (EHRC) website contains further guidance
[Protected characteristics | EHRC \(equalityhumanrights.com\)](http://equalityhumanrights.com)

Types of discrimination

4. There are four main types of discrimination:
 - a. direct discrimination
 - b. indirect discrimination
 - c. harassment
 - d. victimisation
5. For further guidance see:
 - a. [Direct and indirect discrimination | EHRC \(equalityhumanrights.com\)](http://equalityhumanrights.com)
 - b. [Harassment and victimisation | EHRC \(equalityhumanrights.com\)](http://equalityhumanrights.com)
6. People also have protection from “discrimination by association”, if they suffer discrimination because of their association with someone who has a protected characteristic.

Who is protected under the 2010 Act?

7. Individuals from any of the following groups can bring a discrimination claim against a council: staff, councillors, occupiers of council property, suppliers, contractors, users of council facilities (such as leisure facilities) and members of the public.

Discrimination at work

8. The ACAS website contains helpful guidance about discrimination at work (<https://www.acas.org.uk>).

Public sector equality duty

9. All public authorities, including local councils, must comply with the public sector equality duty. It requires them to take steps to:
 - a. eliminate discrimination, harassment and victimisation
 - b. advance equal opportunities for all
 - c. foster good relations between all individuals.
10. They must also consider how their policies and decisions impact on people with protected characteristics.
11. The EHRC website contains a useful guide to the duty [The Public Sector Equality Duty \(PSED\) | EHRC \(equalityhumanrights.com\)](https://equalityhumanrights.com/equalityhumanrights.com).
12. There are also specific duties that apply to some public authorities to help them comply with the public sector equality duty.
13. The specific duties are to:
 - a. publish information at least every year that shows how compliance with the equality duty has been achieved.
 - b. prepare and publish at least one equality objective no less than once every four years.
14. The specific duties **do not** apply to local councils.

NALC assistance

15. There is an equality and diversity policy template on the NALC website. Councils with specific equality issues can request legal advice under the NALC legal scheme. For both see the members' section of NALC's website (<https://www.nalc.gov.uk>).