

# TOLLER PORCORUM PARISH COUNCIL

## Equality and Diversity Policy

Adopted: 9 July 2025 | Next review date: May 2027 | Last review date: 9 July 2025

### **Purpose**

Toller Porcorum Parish Council (the council) is committed to providing equal opportunities in all instances of its operation. This policy is intended to assist the council to put this commitment into practice.

With this policy the council aims to ensure that councillors and employees are protected against unlawful discrimination. This also applies to job applicants, anyone associated with or funded by the council, volunteers and service users who, for the purposes of this policy will be known as 'others'.

With this policy the council aims to protect all councillors, employees and others against unacceptable behaviour (i.e. verbal abuse, threatening behaviour, physical violence, any other abuse of power or authority).

The council believes councillors, employees and others should be treated with dignity and respect at all times. The council will strive to keep the work environment free of harassment and bullying.

### **The law**

1. It is unlawful to discriminate directly or indirectly in the recruitment and appointment of councillors and in the recruitment or employment of employees because of protected characteristics as defined by the Equality Act 2010.
  - 1.1 The are protected characteristics as defined by the Equality Act 2010—
    - age;
    - disability;
    - gender reassignment;
    - marriage and civil partnership;
    - pregnancy and maternity;
    - race;
    - religion or belief;
    - sex;
    - sexual orientation.
2. Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.
3. 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.

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4. The council will not discriminate against or harass a member of the public in the provision of services or goods.

### Types of unlawful discrimination

5. **Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic.
  - 5.1 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.
6. **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.
7. **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.
8. **Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.
9. **Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic.
10. **Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.
11. **Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.
12. 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

13. 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.

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## **Recruitment**

14. 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**

15. 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.
16. The council will comply with its obligations in relation to statutory requests for contract variations.
17. The council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

## **Equal opportunities monitoring**

18. The council will monitor the ethnic, sex/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.

18.1 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.

## **People not employed by the council**

19. The council will not discriminate unlawfully against those using or seeking to use the services provided by the council.
20. Any bullying or harassment by suppliers, visitors or others should be reported to the council who will take appropriate action.

## **Training and prevention**

21. The council will 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.
22. The council will raise awareness of discrimination to all employees engaged to work at the council to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment.
23. The council will take active steps to try to prevent third-party harassment of employees. If any third-party harassment of employees occurs, the council will take steps to remedy any complaints and to prevent it happening again.

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- 23.1 Action may include warning the harasser about their behaviour, banning them from meetings and reporting any criminal acts to the police.

### **Responsibilities of councillors, employees and others**

24. Councillors, employees and others are 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.

24.1 Employees who commit serious acts of harassment may be guilty of a criminal offence.

25. Acts of discrimination, harassment, bullying or victimisation against councillors, employees or others are disciplinary offences and will be dealt with under the council's disciplinary procedure.

25.1 Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to employees being dismissed without notice.

### **Grievances**

26. If employees or others consider they may have been unlawfully discriminated against, they should use the council's grievance policy to make a complaint.

27. The council will take any complaint seriously and will seek to resolve any grievance that it upholds. Employees and others will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

### **Monitoring and review**

28. This policy will be monitored periodically by the council to judge its effectiveness and will be updated in accordance with changes in the law.

29. The council will monitor the treatment and outcomes of any complaints of harassment, sexual harassment or victimisation the council receives to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and resolved and workforce training is targeted where needed

30. 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.

31. 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.

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

This policy is based on the model Equality and Diversity Policy provided by the National Association of Local Councils (NALC). It was commissioned in 2019 from Worknest HR, a company that provides HR advice and guidance to town and parish councils.