

LITTLETON & HARESTOCK PARISH COUNCIL (LHPC)

Equality and Diversity Policy

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Introduction

Littleton and Harestock Parish Council (LHPC) is committed to providing and promoting equal opportunities, eliminating discrimination, and encouraging diversity in the community. LHPC aims to create a culture that respects and values each other's differences and which promotes dignity, equality, and diversity. An up-to-date copy of this Policy shall be maintained on Littleton and Harestock Parish Council's website.

LHPC recognises that supporting equality is of primary importance. This policy will help councillors and employees of the council to develop sound and effective policies that impact on the local community, whilst ensuring that the council meets its duty under the Equality Act 2010.

This policy applies to all employees, volunteers, contractors, and elected members of LHPC.

The Law

1. 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".
2. The Equality Act 2010 applies to public bodies and others carrying out public functions. It supports good decision-making by ensuring public bodies consider how different people will be affected by the activities, policies and services provided.
3. The Equality Act 2010 places a public sector duty on LHPC to work to:
 - Eliminate discrimination, harassment, victimisation, and any other conduct prohibited under the Act.
 - Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
4. Discrimination after employment may also be unlawful, e.g., refusing to give a reference for a reason related to one of the protected characteristics.
5. 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.
6. Types of unlawful discrimination
 - 6.1. 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.

- 6.2. 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.
- 6.3. 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.
- 6.4. Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.
- 6.5. 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.
- 6.6. Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.
- 6.7. 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.
- 6.8. 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 Opportunity Practices

7. LHPC supports the principles and practices of the Equality Act 2010 and recognises that it is the duty of all councillors and employees to accept their personal responsibility for fostering a fully integrated community at work by respecting and adhering to the principles of equality for all.
8. LHPC is committed to:
 - Promoting a good and harmonious environment in which all persons are treated with respect and valued.
 - Promoting equal opportunities for all persons.
 - Preventing occurrences of unlawful direct discrimination, indirect discrimination, harassment, and victimization.
 - Fulfilling its legal obligations under the Equality Act 2010.
9. LHPC will actively promote equality throughout the organisation through the application of policies which will ensure that individuals receive treatment that is fair and equitable and consistent with their relevant aptitudes, potential, skills, experiences, and abilities.
10. LHPC will not discriminate unlawfully against those using or seeking to use the services provided by the council.
11. It is the responsibility of every employee and LHPC councillor to ensure that they do not discriminate in any way. All employees and councillors have a duty to uphold equal opportunities principles. Any breach of this policy will be dealt with appropriately.
12. The council will not discriminate unlawfully when appointing councillors to public office, or when councillors are performing their official business.

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.
14. Recruitment
 - 14.1. 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.
 - 14.2. The council will ensure that anyone who is involved in recruitment or other decision making complies with the council's equality and diversity policy, and refrains from any unlawful discrimination as described in section 6.
15. 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.
16. The council will support staff to help them understand their rights and responsibilities and what they can do to help create a working environment free of bullying and harassment.
17. 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.
18. Acts of discrimination, harassment, bullying or victimisation by employees against other employees, volunteers, councillors, or others working on behalf of the council 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.
19. The council will take appropriate action to deal with any reports of bullying or harassment from any person against council staff, volunteers, councillors, or others working on behalf of the council.
20. Grievances
 - 20.1. Employees who believe they have been unlawfully discriminated against should use the council's grievance procedure to make a complaint.
 - 20.2. The council will take any complaint seriously and will seek to resolve any grievance that it upholds. Employees 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

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

References

- [1] The Essential Guide to the Public Sector Equality Duty – 07 January 2014
<https://www.equalityhumanrights.com/en/publication-download/essential-guide-public-sector-equality-duty>
- [2] ACAS Helpline - 0300 123 110
<https://www.acas.org.uk/discrimination-and-the-law>

Revision History

Table 1: Revision History

Version (major.minor)	Date	Author	Modifications made
Draft 0.1	28 th May 2021	LF	The content is based on the existing LHPC policy and additional material from a NALC template dated December 2019.
Approved 1.0	26 th July 2021	LF	Approved by LHPC on 26th July 2021. No changes.

Note: The revision number should be updated every time this document is modified, significant changes should result in the major number being updated, and any other minor changes should result in the minor number being updated