



# **BRAUNSTONE TOWN COUNCIL**

## **EQUALITY AND DIVERSITY**

## **POLICY & PROCEDURE**

### Purpose and Scope

1. Braunstone Town Council is committed to providing equal opportunities in the provision of its services and as an employer and is committed to avoiding acts of unlawful discrimination.
2. This policy and procedure is intended to ensure that the Council puts its commitment into practice. Compliance with this policy and procedure should also ensure that Councillors, staff and volunteers do not commit unlawful acts of discrimination.
3. Striving to ensure that our services and our working environment is free of harassment and bullying and that everyone is treated with dignity and respect is central to the Council's mission to help develop a strong, secure, self-reliant, self-confident community, free from unlawful discrimination.
4. The Equality and Diversity Policy and Procedure applies to all:
  - staff whether full or part time, temporary or fixed term;
  - Town Councillors, whether elected or co-opted, and irrespective of role and length of service (including any non-councillor member of a Committee whether co-opted or ex-officio); and
  - volunteers recruited and appointed under the Council's Volunteer Management Policy.

### The Benefits of Equality and Diversity

5. Braunstone Town Council is committed to promoting and celebrating Equality and Diversity due to the benefits that it can bring in serving the community. It is essential for Councillors, staff and volunteers to have an understanding of the legal framework around equal opportunities in order to avoid unlawful discrimination and to help ensure that the Council's services and the working environment is one where individuals feel they are treated fairly and with respect.
6. Embracing equal opportunities and being a diverse and inclusive workplace can bring many benefits to the Council and the services it provides to the community including:
  - increased creativity;
  - better decision making;
  - faster problem solving;
  - retention of people;

- attraction of top talent;
- increased satisfaction and wellbeing; and
- enhanced community, councillor and employee engagement.

## The Law

7. The Equality Act 2010 sets out the following “protected characteristics”:
  - age,
  - disability,
  - sex,
  - gender reassignment,
  - pregnancy and maternity,
  - race (which includes colour, nationality, caste and ethnic or national origins),
  - sexual orientation,
  - religion or belief,
  - being married or in a civil partnership.
8. It is unlawful to discriminate directly or indirectly in recruitment or employment because of "protected characteristics".
9. Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.
10. The Council must 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.
11. As a provider of public services, Braunstone Town Council has an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

## Types of unlawful discrimination

12. **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.
13. **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.
14. **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.

15. **Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.
16. **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.
17. **Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.
18. **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.
19. 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 Council has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

#### Equal opportunities in employment

20. Braunstone Town 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*

21. 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*

22. Braunstone Town 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.

23. The Council will comply with its obligations in relation to statutory requests for contract variations.
24. The Council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

*Equal opportunities monitoring*

25. Braunstone Town 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.
26. 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.

Equal opportunities in service provision

27. Braunstone Town Council will not discriminate unlawfully against those using or seeking to use the services provided by the Council.
28. Residents, customers, hirers and service users should report alleged discrimination, bullying or harassment by:
  - a) staff and volunteers using the Council's Complaints Procedure;
  - b) Councillors to the District Monitoring Officer.
29. Where Councillors, staff and volunteers are subject to alleged discrimination, bullying or harassment by residents, customers, hirers and service users; it should be reported:
  - a) Councillors: to the Chief Executive & Town Clerk;
  - b) Staff: to the Service Manager; and
  - c) Volunteers: to the named Support Officer.

Training

30. Braunstone Town 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.
31. The Council will raise awareness of equal opportunities among Councillors, staff and volunteers to help them understand their rights and responsibilities and what they can do to help create an environment free of bullying and harassment.
32. The Council will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

## Requests for Reasonable Adjustments

33. Where a Councillor, employee or volunteer has a disability as defined under the Equality Act 2010 and the physical and/or mental impairment has a substantial long term impact on the individual's ability to carry out his or her role and responsibilities, the Council will consider all requests for reasonable adjustments which could be made to the working environment.
34. An individual when requesting a reasonable adjustment should identify both the nature of the impairment and the adjustment proposed; the request should be submitted as follows:
  - a) by Councillors to the Chief Executive & Town Clerk;
  - b) by employees to the Line Manager;
  - c) by volunteers to the named Support Officer.
35. In order to confirm that the requested adjustments are necessary, the Council will need the individual's consent to obtain a report from his/her GP or other relevant professional (for example an optician or a consultant).
36. The Council, having received the report (in paragraph 35) and having sought the advice of an Occupational Health Advisor and the Council's Human Resources Advisor, will then determine the request as follows:
  - a) Policy & Resources Committee for requests from Councillors;
  - b) Employing Committee for requests from the Chief Executive & Town Clerk;
  - c) Chief Executive & Town Clerk, in consultation with the relevant Service Manager, for requests from all other employees and volunteers.

## Individual responsibilities

37. All Councillors, staff and volunteers are required to assist the Council to meet its commitment to provide equal opportunities in the provision of services and employment and to avoid unlawful discrimination.
38. The following are some examples of practical steps:
  - a) be aware of the legislation around discrimination, harassment and victimisation and what these terms mean;
  - b) apply the principles of equality and diversity in your day to day role and help to create an inclusive environment where differences are recognised and valued;
  - c) regularly review practices and procedures to maintain fairness and ensure that a commitment to equality and diversity is reflected; and
  - d) ensure that an individual's protected characteristic does not impact on decision making, except when necessary.
39. Individuals can be held personally liable as well as, or instead of, the Council for any act of unlawful discrimination. Individuals who commit serious acts of harassment may be guilty of a criminal offence.
40. Acts of discrimination, harassment, bullying or victimisation against employees or customers by employees are disciplinary offences and will be dealt with under the Council's Disciplinary Policy and Procedure. Discrimination,

harassment, bullying or victimisation may constitute gross misconduct and could result in dismissal.

### Complaints and Grievances

41. Braunstone Town Council will take any complaint of unlawful discrimination, bullying or harassment seriously and will seek to resolve any complaint that it upholds. Individuals will not be penalised for raising a complaint, even if the complaint is not upheld, unless the complaint is both untrue and made in bad faith.
42. Complaints should be made using the relevant procedure:
  - a) residents, customers, hirers, users: Complaints Procedure;
  - b) Staff: Grievance Policy & Procedure;
  - c) Councillors where the complaint concerns another Councillor: District Monitoring Officer under the Councillor Code of Conduct; and
  - d) Councillors for all other complaints: Complaints Procedure.

### Review of the Policy

43. This Policy will be reviewed by the Policy & Resources Committee every three years following consultation with residents, customers, hirers, service users, councillors, staff and volunteers.

DATE ADOPTED	8th September 2022	REVIEW DATE	September 2025
REVISED DATE/S			