



# BRAUNSTONE TOWN COUNCIL

Serving the communities of Braunstone Town and Thorpe Astley

## **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.

### Principles

5. All employees, workers or self-employed contractors whether part time, full time or temporary, as well as Town Councillors, volunteers and members of the public will be treated fairly and with respect.
6. With regards employment, selection for employment, promotion, training, or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Council.
7. Equality of opportunity, valuing diversity and compliance with the law is to the benefit of all individuals in our Council as it seeks to develop the skills and abilities of its people. While specific responsibility for eliminating discrimination and providing equality of opportunity lies with Councillors and managers, individuals at all levels have a responsibility to treat others with dignity and respect. The personal commitment of everyone to this policy and application of

its principles are essential to eliminate discrimination and provide equality throughout the Council.

### The Benefits of Equality and Diversity

8. 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.
9. 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

10. 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.
11. It is unlawful to discriminate directly or indirectly in recruitment or employment because of "protected characteristics".
12. Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.
13. 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.
14. 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.

## Our Commitment as an Employer

15. Braunstone Town Council is committed to:
- creating an environment in which individual differences and the contributions of our staff, Councillors and volunteers are recognised and valued;
  - entitling every Councillor, employee, contractor and volunteer to a working environment that promotes dignity and respect to all; no form of intimidation, bullying or harassment will be tolerated;
  - providing training, development and progression opportunities to all;
  - understanding equality in the Council is good management practice and makes sound business sense;
  - reviewing all our employment practices and procedures to ensure fairness;
  - avoiding unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy;
  - selecting those for employment, promotion, training, or any other benefit purely on the basis of aptitude and ability;
  - having clear procedures that enable our Councillors, employees and volunteers to raise a grievance or make a complaint if they feel they have been unfairly treated;
  - treating breaches of our Equality and Diversity Policy & Procedure as misconduct which could lead to disciplinary proceedings against Employees and action under s28 of the Localism Act 2011 for Town Councillors; and
  - encouraging all staff to come forward with any issues they need Council assistance and understanding with, no matter their background, identity or circumstances, such as if they are victims of domestic abuse or have caring commitments.

### *Recruitment*

16. 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*

17. 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.
18. The Council will comply with its obligations in relation to statutory requests for contract variations.

19. The Council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

#### *Equal opportunities monitoring*

20. 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.
21. 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.

#### Our commitment as a Service Provider

22. Braunstone Town Council will not discriminate unlawfully against those using or seeking to use the services provided by the Council by:
- providing services which are accessible to all regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, offending past, caring responsibilities or social class; and
  - making sure our services are delivered equally and meet the diverse needs of our service users and clients by assessing and meeting the diverse needs of our clients.
23. 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.
24. 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.

#### Types of unlawful discrimination

25. **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.
26. **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.

27. **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.
28. **Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.
29. **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.
30. **Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.
31. **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.
32. **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.

### Training

33. 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.
34. 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.
35. The Council will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

### Equal opportunity for those with protected characteristics

36. **Age:** we will:
  - ensure that people of all ages are treated with respect and dignity;
  - ensure that people of working age are given equal access to our employment, training, development and promotion opportunities; and

- challenge discriminatory assumptions about younger and older people.
37. **Disability:** we will:
- make all reasonable adjustments to ensure and improve accessibility to our services for people with disabilities; and
  - support employees, Town Councillors and volunteers who have a disability by considering all reasonable adjustments which could be made to accommodate them within the Council.
38. The definition of disability under the Equality Act 2010 is anyone who has “a physical or mental impairment, which has a substantial long term impact on their day to day activities”. It is important to recognise that not all disabilities are visible, and to ensure that employees, volunteers and Councillors are able to discuss their health issues in confidence.
39. 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.
40. The Council will fully investigate a Councillor, employee or volunteer’s health problems to find out what help and support they need to undertake the role. This will normally involve asking the Councillor, employee or volunteer for their consent for the Council to write to their Doctor to ask for a medical report, or refer them for an Occupational Health assessment.
41. The Council, having received the report (in paragraph 40) 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.
42. Based on the results of this investigation, the Council will take all reasonable steps to follow the medical advice and make reasonable adjustments to help support and accommodate the Councillor, employee or volunteer.
43. The Councillor, employee or volunteer has the right to refuse to give their consent to a medical assessment. Should they choose to do so, the Council will conclude its investigation into making reasonable adjustments based on the evidence available at that time.
44. Access to Work can help the Employees if health or disability affects the way they do their job. It gives the Employee and the Council advice and support with extra costs which may arise because of the disability. If an Employee feels that the type of work done is affected by a disability or health condition that is likely to last for 12 months or more, the Employee should contact Access to Work (0800 121 7479) to check eligibility.

45. **Race:** we will:
- challenge racism wherever it occurs;
  - respond swiftly and sensitively to racist incidents; and
  - actively promote race equality in the Council.
46. **Sex:** we will:
- challenge discriminatory assumptions about women and men;
  - take positive action to redress the negative effects of discrimination against women and men; and
  - offer equal access for women and men to representation, services, employment, training and pay and encourage other organisations to do the same.
47. **Gender Reassignment:** we will:
- provide support to prevent discrimination against transsexual people who have or who are about to undergo gender reassignment; and
  - prohibit and respond to all instances of discrimination, both from colleagues and externally.
48. **Sexual Orientation:** we will:
- ensure that we take account of the needs of those who are lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI); and
  - promote positive images of LGBTQIs.
49. **Religion or Belief:** we will:
- ensure that religion or beliefs and related observances are respected and accommodated wherever possible; and
  - respect people's beliefs where the expression of those beliefs does not impinge on the legitimate rights of others.
50. **Pregnancy or Maternity:** we will:
- ensure that people are treated with respect and dignity and that a positive image is promoted regardless of pregnancy or maternity;
  - challenge discriminatory assumptions about the pregnancy or maternity of our employees; and
  - ensure that no individual is disadvantaged and that we take account of the needs of our employees' pregnancy or maternity.
51. **Marriage or Civil Partnership:** we will:
- ensure that people are treated with respect and dignity and that a positive image is promoted regardless of marriage or civil partnership;
  - challenge discriminatory assumptions about the marriage or civil partnership status of our Councillors, employees and volunteers; and
  - ensure that no individual is disadvantaged and that we take account the needs of our employees' marriage or civil partnership.
52. **Ex-offenders:** we will prevent discrimination against our Councillors, employees and volunteers, regardless of their offending background; except where there is a known risk to children or vulnerable adults.

53. **Equal Pay:** we will ensure that all employees, male or female, have the right to the same contractual pay and benefits for carrying out the same work, work rated as equivalent work or work of equal value.

### Unconscious Bias

54. The Council recognises the dangers of unconscious bias arising, which is where an opinion is formed about an individual by another individual who is not necessarily aware they have formed it.
55. There are many different forms of unconscious bias, ranging from an affinity towards those of a similar background to placing too much significance on what has been identified as a negative trait.
56. The organisation will work against forms of unconscious bias in all decisions taken for employment, including recruitment, promotion and training opportunities, with a focus on promoting diversity and inclusion. In particular, the Council will implement the following:
- omitting all personal questions from job interviews;
  - referring to specific job criteria when making recruitment decisions;
  - discounting any favourable personal relationships with staff; and
  - seeking HR advice prior to making decisions.

### Individual responsibilities

57. 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.
58. 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 and commitments set out in this Policy & Procedure 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.
59. 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.
60. Acts of discrimination, harassment, bullying or victimisation against others 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

61. 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.

62. 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

63. 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	3rd October 2022	REVIEW DATE	September 2025
REVISED DATE/S			