

Aston Clinton Parish Council
Equal Opportunities and Diversity Policy
1st October 2015

1. Policy Statement

Aston Clinton Parish Council (“the Parish Council”) is committed to achieving a working environment which provides equality of opportunity and freedom from unlawful discrimination on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation. This Policy aims to remove unfair and discriminatory practices within the Parish Council and to encourage full contribution from its diverse community. The Parish Council is committed to actively opposing all forms of discrimination.

The Parish Council also aims to ensure that it does not discriminate against those who wish to contribute to the Parish Council or use the facilities provided by the Parish Council and ensure that all can access the services and facilities supplied and maintained by the Parish Council. The Parish Council believes that all employees’ councillors, suppliers and members of the public are entitled to be treated with respect and dignity.

2. Objectives of this Policy

- 2.1. To prevent, reduce and stop all forms of unlawful discrimination in line with the Equality Act 2010.
- 2.2. To ensure that recruitment, promotion, training, development, assessment, benefits, pay, terms and conditions of employment, redundancy and dismissals are determined on the basis of capability, qualifications, experience, skills and productivity.

3. Designated Officer

Name: Gillian Merry
Position: Clerk and Responsible Officer
Telephone Number: 01296 631269

4. Definition of Discrimination

Discrimination is unequal or differential treatment which leads to one person being treated more or less favourably than others are, or would be, treated in the same or similar circumstances on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation. Discrimination may be direct or indirect, and includes discrimination by perception and association.

5. Types of Discrimination

5.1. Direct Discrimination

This occurs when a person or a policy intentionally treats a person less favourably than another on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation.

5.2. Indirect Discrimination

This is the application of a policy, criterion or practice which the employer applies to all employees but which is such that:

- It is detrimental to a considerably larger proportion of people from the group that the person the employer is applying it to represents;
- The employer cannot justify the need to the application of the policy on a neutral basis; and
- The person to whom the employer is applying it suffers detriment from the application of the policy.

Example: A requirement that all employees must be 6ft tall if that requirement is not justified by the position would indirectly discriminate against employees with an oriental ethnic origin, as they are less likely to be able to fulfil this requirement.

5.3. Harassment

This occurs when a person is subjected to unwanted conduct that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

5.4. Victimisation

This occurs when a person is treated less favourably because they have brought or intend to bring proceedings or they have given or intend to give evidence.

6. Unlawful Reasons for Discrimination

6.1. Sex

It is not permissible to treat a person less favourably on the grounds of sex, marital status, civil partnership, pregnancy or maternity, gender reassignment or transgender status. This applies to men, women and those undergoing or intending to undergo gender reassignment. Sexual harassment of men and women can be found to constitute sex discrimination.

Example: Asking a woman during an interview if she is planning to have any (more) children constitutes discrimination on the ground of gender.

6.2 Age

It is not permissible to treat a person less favourably because of their age. This applies to people of all ages. This does not currently apply to the calculation of redundancy payments.

6.3 Disability

It is not permissible to treat a disabled person less favourably than a non-disabled person. Reasonable adjustments must be made to give the disabled person as much access to any services and ability to be employed, trained or promoted as a non-disabled person.

6.4 Race

It is not permissible to treat a person less favourably because of their race, the colour of their skin, their nationality or their ethnic origin.

6.5 Sexual Orientation

It is not permissible to treat a person less favourably because of their sexual orientation. For example, an employer cannot refuse to employ a person because he/she is homosexual. Heterosexual or bisexual.

6.6 Religion or Belief

It is not permissible to treat a person less favourably because of their religious beliefs or their religion or their lack of religion or belief.

7. Positive Action in Recruitment

Under the Equality Act 2010, positive action in recruitment and promotion applies as of 6 April 2011. 'Positive Action' means the steps that the Parish Council can take to encourage people from groups with different needs or with a past record of disadvantage or low participation, to apply for positions within the Parish Council.

If the Parish Council chooses to utilise positive action in recruitment, this will not be used to treat people with a protected characteristic more favourably, it will be used only in tie-break situations, when there are 2 candidates of equal merit applying for the same position.

8. Reasonable Adjustments

The Parish Council has a duty to make reasonable adjustments to facilitate the employment of a disabled person to ensure that disabled individuals can apply to be councillors. References to employees equally apply to councillors. These may include:

- 8.1 Making adjustments to the premises;
- 8.2 Re-allocating some or all of a disabled employee's duties;
- 8.3 Transferring a disabled employee to a role better suited to their disability;
- 8.4 Relocating a disabled employee to a more suitable office;
- 8.5 Giving a disabled employee time off work for medical treatment or rehabilitation;
- 8.6 Providing training or mentoring for a disabled employee;
- 8.7 Supplying or modifying equipment, instruction and training manuals for disabled employees;
Or
- 8.8 Any other adjustments that the Parish Council considers reasonable and necessary provided such adjustments are within the financial means of the Parish Council.

If an employee has a disability and feels that any such adjustments could be made by the Parish Council, they should contact the Designated Officer.

9. Responsibility for the Implementation of this Policy

All employees, sub-contractors and agents of the Parish Council are required to act in a way that does not subject any other employees or clients to direct or indirect discrimination, harassment or victimisation on the grounds of their race, sex, pregnancy or maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation.

The co-operation of all employees is essential for the success of this policy. Senior employees are expected to follow this policy and to try to ensure that all employees, sub-contractors and agents do the same.

Employees may be held independently and individually liable for their discriminatory acts by the Parish Council and in some circumstances an Employment Tribunal may order them to pay compensation to the person who has suffered as a result of discriminatory acts.

The Parish Council takes responsibility for achieving the objectives of this policy, and endeavours to ensure compliance with relevant legislation and Codes of Practise.

10. Advice and Support on Discrimination

Contacts Include:

Equality and Human Rights Commission

Arndale House
The Arndale Centre
Manchester
M4 3AQ

3 More London
Riverside Tooley Street
London
SE1 2RG

3rd Floor, 3 Callaghan Square
Cardiff
CF10 5BT

The Optima Building
58 Robertson Street
Glasgow
G2 8DU

Telephone (England): 0845 604 6610
Telephone (Wales): 0845 604 8810
Telephone (Scotland): 0845 604 5510

Website: www.equalityhumanrights.com

Citizens Advice Bureau

Myddleton House
115-123 Pentonville Road
London
N1 9LZ

Website: www.citizensadvice.org.uk

Community Legal Services Direct

Telephone: 0845 345 345

Website: www.clsdirect.org.uk

11. The Extent of this Policy

- 11.1 The Parish Council seeks to apply this policy in the recruitment, selection, training, appraisal, development and promotion of all employees and councillors. The Parish Council offers facilities and services in a fashion that complies with the spirit of this policy.
- 11.2 This Policy does not form a part of any employment contract with any employee and its contents are not be regarded by any person as implied, collateral or express terms to any contact made with the Parish Council.
- 11.3 The Parish Council reserves the right to amend and update this policy at any time.

This Policy has been approved and authorised by Aston Clinton Parish Council

Date: 7th October 2015

Minute Reference: 7/10/15 15.124 iv.

Signed (Responsible Officer): *Gillian Merry*

Gillian Merry, Clerk and R.F.O.

Date: 7/10/15