

KNUTSFORD TOWN COUNCIL

EQUALITY, DIVERSITY AND INCLUSION POLICY

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INTRODUCTION

1.1 Knutsford Town Council is committed to promoting equality, diversity and inclusion in its workforce and in the exercise of its functions.

1.2 In pursuance of its express duties under the Equality Act 2010, the council must, in the exercise of its functions:

a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act

b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it

1.3 The aim is for:

a. our council (both our workforce and councillors) to be truly representative our community, and for each employee and councillor to feel respected and able to give their best.

b. our service users not to face barriers in accessing our services

RESPONSIBILITIES

1.4 The council will ensure that employees, councillors and service users are not subject to any form of discrimination, harassment and/or victimisation.

1.5 All employees have a responsibility to ensure that this policy is communicated, and its requirements adhered to. Employees can be held personally liable as well as, or instead of, the council for any act of unlawful discrimination.

PURPOSE

The purpose of this policy is to:

1.6 ensure equality, fairness and respect for all in our employment (whether full-time, part-time, fixed term contract, agency workers or temporary staff) and those who use our services

1.7 ensure the council does not unlawfully discriminate because of the Equality Act 2010 protected characteristics of:

- age
- disability
- gender reassignment

- marriage and civil partnership
- pregnancy and maternity
- race (including colour, nationality, and ethnic or national origin)
- religion or belief
- sex
- sexual orientation

1.8 oppose and avoid all forms of unlawful discrimination. This includes in:

- pay and benefits
- terms and conditions of employment
- dealing with grievances and discipline
- dismissal and redundancy
- leave for parents and requests for flexible working
- selection for employment, promotion, training or other developmental opportunities
- access to services and the work of the council

OUR COMMITMENTS

1.9 The council aims to create a supportive and inclusive working environment promoting dignity and respect for all, in which all individuals are able to make best use of their skills, free from bullying, victimisation, harassment or unlawful discrimination, and in which all decisions are based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act).

1.10 All councillors, employees and volunteers have a duty to act in accordance with this policy, to always treat colleagues with dignity, and not to discriminate against or harass others, regardless of their status.

1.11 This policy applies to all aspects of our relationship with employees and to relations between employees, volunteers and councillors and service users at all levels. This includes, but is not limited to, job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of employment, pay and benefits, conduct at work, disciplinary and grievance procedures, termination of employment service delivery and policy development.

1.12 The council will take reasonable steps to accommodate the requirements of different religions and cultures (such as catering, prayer and fasting) where possible and other arrangements.

1.13 The council will provide opportunities for training, development and progression to all staff, who will be helped and encouraged to develop their full potential so their talents and resources can be fully utilised to maximise efficiency of the council.

DEFINITIONS

2.1 According to the Equality Act 2010 it is possible to discriminate against someone in the following ways:

2.2 **Direct Discrimination** is treating one person less favourably than another in the same or similar circumstances or segregating them solely because they have a protected characteristic. For example, not employing someone because they have a disability.

2.3 **Indirect Discrimination** occurs when there is a rule, policy or practice that applies to everyone but particularly disadvantages people who share a particular characteristic. Indirect discrimination can be justified if it can be shown that the rule, policy or objective is intended to meet a legitimate objective.

2.4 **Associative Discrimination** is when someone is discriminated against because they associate with someone with a 'protected characteristic'. For example, despite being successful at interview, an organisation does not give a candidate the job because the candidate has a disabled child and they believe they will take a lot of time off to care for them.

2.5 **Discrimination by perception** is discrimination against someone because others 'think' they possess a particular protected characteristic.

2.6 **Harassment** is where a person is subject to uninvited conduct that violates their dignity, in connection with a protected characteristic and behaviour which creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic.

2.7 **Victimisation** is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.

2.8 Under the Equality Act, someone has a **disability** where they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out their normal day-to-day activities.

2.9 **Bullying** is behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.

2.10 Provisions relating to **gender reassignment** apply to a person who is proposing to undergo, is undergoing or has undergone a process to change their sex. This process does not have to involve medical intervention.

2.11 **Race** includes skin colour, nationality, ethnic origin or national origin.

POSITIVE ABOUT SERIVCE DELIVERY

3.1 Users of the council's facilities and services have the right to expect fair and non-discriminatory treatment. The council will ensure that all recipients of services delivered by the council are guaranteed the same opportunity.

3.2 All aspects of this policy impact on the manner in which the council delivers services.

3.3 Adherence to the principles and practices contained within the policy will be monitored on a regular basis. The council will look for ways that it can make its services accessible to all.

3.4 Where any service is delivered indirectly by contractors, partners or volunteers, the council will ensure that they understand and adhere to this policy.

POSITIVE ABOUT COMMUNITY LEADERSHIP

4.1 The Council has a local governance and community leadership role. Residents, members of local organisations, businesses and visitors have the right to expect fair and non-discriminatory treatment when engaging with the council.

4.2 The council recognises the diversity within the community and seeks to reflect this in the work it undertakes within that community. All aspects of this policy impact on the manner in which it engages with the community.

4.3 Adherence to the principles and practices contained within the policy will be monitored. The council will look for ways that it can make it easier for everyone to engage with it.

POSITIVE ABOUT DISABILITY

5.1 The council believe that disabled service users should be able to obtain services in the same way as other customers who are not disabled. However, given the constraints of operating from existing buildings or facilities, there will be some situations where the same treatment is not possible. In such cases, the council will come up with a solution as to how best to serve our disabled customers which demonstrates respect for their dignity.

5.2 The council will periodically undertake an audit of its premises and operations to assess as far as possible, what customers with different disabilities may need in order to access its services. We will base this on good practice guidance and where appropriate talk to individual customers about any particular problems they encounter. As necessary, we will seek expert advice on finding solutions.

5.3 Where practicable, the council will look to make reasonable adjustments to physical features of premises to remove or alter features which make it difficult for disabled customers to make use of a service, or provide a reasonable means of avoiding it, or provide a reasonable alternative method of making the service available.

5.4 The council will plan the development of our business with disabled people in mind and will ensure staff are aware of disability issues and are trained to meet the needs of disabled customers.

POSITIVE ABOUT DEMOCRACY

6.1 The council will make information about elections available as widely as possible and help people who are interested in standing for election with the objective of reflecting the diversity of the town.

6.2 When the council seeks a co-opted member, it will advertise widely and will ensure that every applicant has an equal opportunity. Selection will be made against objective criteria.

6.3 The council will always promote democracy and encourage all people to engage with it and vote at elections. It will make special efforts to engage with "hard to reach" groups.

RECRUITMENT AND STAFFING

7.1 Recruitment processes will result in the selection of the most suitable person for the job, in respect of experience and qualifications. It is against the Council's policy to discriminate either directly or indirectly on the grounds of any protected characteristic, at any stage of the recruitment process.

In particular, the council will ensure that:

- Job opportunities are open to all applicants in accordance with the council's recruitment policy
- No prejudgement or assumptions are made by those involved in the recruitment process
- All applications are given equal consideration
- No decision is made in advance regarding the outcome of recruitment
- All applicants and staff are made aware of the council's policy on recruitment

7.2 All recruitment publicity must positively encourage applications from all suitably qualified and experienced people and should avoid any stereotyping of roles. All publicity should state that the council is an Equal Opportunities employer and welcomes diversity. All vacancies must be advertised in accordance with the council's Recruitment Policy.

7.3 The selection process will be carried out consistently at all levels. It will be fair and non-discriminatory. Application forms, where used, will state that the council is an Equal Opportunities employer. The only criteria to be used in the selection process are those based on the skills, experience and qualifications relevant to the job.

7.4 All aspects of the council's recruitment and selection process will be monitored by the Town Clerk to ensure the council meets its obligations as an Equal Opportunities and quality employer.

7.5 Application forms will be accompanied by a separate Equal Opportunities monitoring form, which will not be connected to the application form and only be used for the purpose of monitoring the diversity of applicants we reach and help us to inform future recruitment strategies.

7.6 Application forms ask if applicants should need any reasonable adjustment for interview to enable the council to be prepared and give each candidate the best opportunity for success. No candidate would be rejected on this basis.

EMPLOYEE REASONABLE ADJUSTMENTS

7.7 The Council will make reasonable adjustments to the workplace to meet the needs of a person with a disability so they can properly undertake their job role. Where appropriate the council will engage Access to Work for specialist knowledge and funding to ensure all employees have the correct equipment to carry out their role.

7.8 Anyone who needs to make a request for a reasonable adjustment should talk with or put their request in writing to their line manager, explaining their situation so the council can understand how they can help and then discuss and agree on reasonable adjustments together.

7.9 When making a reasonable adjustment request, the person requesting, could think about what would help manage their health at work and what might be possible and reasonable for the town council.

EQUAL PAY AND EQUALITY OF TERMS

7.10 The council is committed to equal pay in employment, believing that employees should receive equal pay for like work, work rated as equivalent or work of equal value regardless of sex or gender. The Town Council will maintain a pay system that is transparent, free from bias and based on objective criteria.

MONITORING EQUAL OPPORTUNITIES AND DIGNITY AT WORK

7.11 The council will routinely monitor the effects of selection decisions and personnel and pay practices and procedures in order to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirect discriminatory effects of its working practices. If changes are required, the council will implement them. The council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

MENOPAUSE

7.12 The Town Council is committed to supporting staff affected by the menopause, recognising that many members of staff will experience the menopause and that, for some, menopause will have an adverse impact on their working lives.

7.13 All women will experience menopause at some point during their life. Menopause can also impact trans and non-binary people who may not identify as female. Most of those who experience menopause will do so between the ages of 45 and 55. However, some start experiencing symptoms much earlier. Often, symptoms last between four to eight years, but they can continue for longer.

7.14 Menopause is preceded by perimenopause, during which the body prepares itself for menopause. Perimenopause can also last several years and can involve similar symptoms to menopause itself. For the purpose of this policy, any reference to menopause includes perimenopause.

OPEN CONVERSATIONS

7.15 Menopause is not just an issue for women. All staff should be aware of menopause so that they can support those experiencing it or otherwise affected by it.

7.16 The Town Council encourages an environment in which colleagues can have open conversations about menopause. All employees are expected to be supportive of colleagues who may be affected by menopause in the workplace.

7.17 Anyone affected by menopause should feel confident to talk to their line manager about their symptoms and the support they may need to reduce the difficulties menopause can cause them at work.

7.18 Line managers should be ready to have open conversations with staff about menopause and what support is available. These conversations should be treated sensitively and any information provided should be handled confidentially.

7.19 Appendix B provides examples of how the council could support employees and the types of adjustments that could be made and signposts for employees for access to resources. This list is not exhaustive.

EQUALITY IMPACT ASSESSMENTS

8.1 The council will undertake, and regularly review, an equality impact assessment for the services it provides.

8.2 The council will undertake an equality impact assessment as part of developing policy.

8.3 The objective of an equality impact assessment will be to:

a. Understand the potential effects of a policy/service on different groups
b. Ensure any adverse impacts are identified and actions identified to remove/mitigate them
c. Ensure decisions are transparent and based on evidence with clear reasoning

8.4 When developing a new service/policy the council may seek views of people who share protected characteristics to find out how it is likely to affect them and use these views to inform the assessment.

8.5 Equality impact assessments will include:

a. A definition of the service, policy or change and how it will be implemented
b. Document any known complaints or concerns
c. Document any known information or evidence
d. An assessment of the impact of the service, policy or change on the protected characteristics
e. An assessment of whether further consultation or engagement with stakeholders is required
f. Identification of actions required to mitigate / reduce impacts

8.6 In undertaking an assessment, consideration should be given to:

a. Is there any evidence of or potential for unequal outcomes/disadvantage
b. Are there or could there be barriers to accessing the service
c. Is there evidence of any unmet needs or potential needs that will not be met
d. Could the activity encourage greater participation by a particular group/community where this is low?
e. Could the activity be developed to further foster good relations between different groups/communities.

TRAINING

9.1 Training will be provided to all employees to help them understand their rights and responsibilities under the equal opportunities and dignity at work policies and what they can do to create a working environment that is free of bullying and harassment, victimisation and unlawful discrimination.

9.2 Similar training will be offered to councillors and relevant volunteers.

BREACHES OF POLICY AND COMPLAINTS

10.1 Breaches of our equal opportunities policy will be regarded as serious misconduct and could lead to disciplinary proceedings.

10.2 The council will not tolerate bullying or harassment at the workplace or at work-related events outside the workplace, whether such conduct is a one-off act or repeated, and whether harm is intended or not.

10.3 Allegations of bullying, harassment, victimisation and unlawful discrimination will be treated seriously, and investigations will be carried out promptly, sensitively and, as far as possible, confidentially in line with the council's Dignity at Work Policy and Grievance Policy

10.4 No one should be victimised for making a complaint or doing anything in relation to a complaint. The council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

10.5 Where the complaint relates to council services or service users, it should be made to the Town Clerk and will be dealt with in accordance with the relevant policies.

OTHER RELEVANT POLICY

11.1 This policy is supported by the following policies which contain further detailed guidance

- Disciplinary
- Grievance
- Dignity at Work
- Recruitment
- Complaints

APPENDIX A: GUIDANCE FOR AVOIDING DISCRIMINATION

The following are non-exhaustive examples of discrimination based on protected characteristics. They are provided as examples to highlight potentially unlawful behaviour. Further guidance is available on the ACAS website.

AGE

- Not offering training/development opportunities to those nearing/past retirement age, or prioritising the training/development of young employees
- Making jokes about how someone can't use technology because they are past it

DISABILITY

- Turning down a request to attend a conference where an employee has a disabled child which means they would need to leave early because they 'wouldn't get the most out of it'
- Only offering written training materials to all staff meaning those with reading difficulties are unable to access the information as easily as everyone else
- Failing to make a reasonable adjustment to enable a disabled person to participate

GENDER REASSIGNMENT

- Transferring an employee to a non-customer facing role until they have completed their gender transition
- Outing an individual as transgender without their permission or spreading rumours/gossip about their gender identity, expression and/or history

MARRIAGE AND CIVIL PARTNERSHIP

- Not inviting a woman out to a social event because the group has assumed she's married and the group going is all single
- Offering perks and benefits for all single members of the office to help them meet new people and progress, discriminating against those that aren't single

PREGNANCY AND MATERNITY

- Delaying a pay award due to an employee being due to start maternity leave
- Failure to consult an employee who is on maternity leave. Not selecting an employee for a promotion as they have recently got married and it is assumed they will have children soon

RACE

- Denying someone an opportunity because their second language is English and it is assumed they cannot speak English fluently enough
- Making assumptions or generalisations about a particular ethnic group
- Suggesting that someone's name is too difficult to pronounce or purposefully mispronouncing it

RELIGION AND BELIEF

- Not permitting someone to take breaks, annual leave or time way from work which is required for religious reasons.
- Not inviting a colleague on a night out because they don't drink, either because or assuming it is because of religious reasons.

SEX

- Giving a male employee less important work because it is believed men aren't as good at the task as women
- Subjecting a woman to constant jeering at and 'banter' because she is the only woman on the team who dresses 'girly'.

SEXUAL ORIENTATION

- Treating all men in the group as heterosexual by default, so only ever asking about and referencing their wives/girlfriends
- Assuming someone is of a particular sexual orientation and making jokes about this

APPENDIX B: MENOPAUSE GUIDANCE

SIGNPOSTING SUPPORT

The council's Employee Assistance Programme is available for staff undergoing the menopause.

Additionally, the following charities provide information, guidance and support:

- www.menopausematters.co.uk
- www.womens-health-concern.org
- daisynetwork.org/ for premature menopause
- www.queermenopause.com/resources (for people who identify as LBGTQ+)

Examples of adjustments to support employees going through the menopause

These are non-exhaustive examples designed to highlight practical adjustments that can be made. Individuals should discuss their specific needs with their line manager.

- Providing fans and ensure good ventilation
- Consider if employees can adjust their proximity to windows
- Allow for more frequent or flexible breaks to manage fatigue or other symptoms
- Offer flexible start and end times to help employees manage fatigue or other symptoms
- Allow employees to work from home to better manage symptoms, especially when experiencing things like night sweats or fatigue
- Adapting uniform requirements