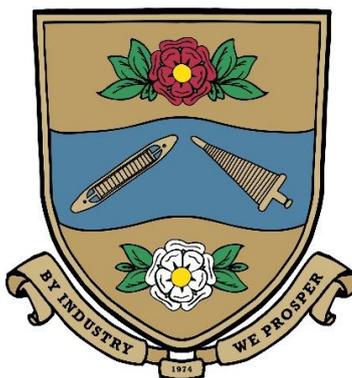


Todmorden Town Council



TODMORDEN TOWN COUNCIL

EQUAL OPPORTUNITIES POLICY

Prepared by Colin Hill Town Clerk

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1.0 Policy Statement

- 1.1 Todmorden Town Council is committed to pursuing an equal opportunity approach in the employment of its staff, its relationship with its councillors, and in the way in which services are provided for the public.
- 1.2 The Council requires that everyone should be treated with dignity and respect and will not accept any form of discrimination and recognises its statutory duties under legislation in terms of service provision and employment and is committed to meet them by complying with this policy.
- 1.3 This Council is committed to promoting equal access to services, facilities and equality for all employees or job applicants and in delivery of its activities to ensure no individual will be treated less favourably than another irrespective of:

- Age;
- Colour
- Creed
- Disability;
- Domestic circumstances
- Ethnic Origin
- Gender reassignment;
- Marriage/civil partnership
- Nationality
- Politics
- Pregnancy/maternity
- Race;
- Religion/belief;
- Sex;
- Sexual orientation;

which include protected characteristics under the Equality Act 2010 and that this is managed in such a way this Council complies with Equal Opportunities legislation and Codes of Practice.

2.0 Links with other Council Policies and Strategies

- 2.1 The Council's Equal Opportunities Policy is one of the most important policies and underpins all other corporate policies, procedures and strategies, therefore providing a strong foundation for Equality of Opportunity in the Council and the services it provides.

3.0 Equality of Opportunity in Service Delivery

- 3.1 This Council is committed to equality of opportunity in the provision of services and access to its facilities.
- 3.2 The Council will achieve this by:
- Recognising and accepting that particular individuals or groups are denied equality through direct or indirect discrimination either intentional or unintentional.

- Providing regular training for all Councillors and employees, so that they have a good understanding of the diverse needs of different people.
- Delivering services which are relevant, of the highest possible quality and accessible.
- Providing clear information about services and facilities and where necessary making them available in a variety of formats.
- Ensuring that complaints and feedback procedures are accessible and effective.
- Assessing the impact of and monitoring its services to ensure that they do not discriminate and identify where improvements can be made.
- Ensuring that all employees understand what their roles and responsibilities are in relation to equality in service provision.
- Ensuring equality in allocating resource, providing access, providing fair treatment to both individuals and groups, and use for all of its services and facilities.

4.0 Equality of Opportunity in Employment, Training and Organisational Development

- 4.1 This Council is committed to providing equality of opportunity. All employees will have a part to play in achieving this and the Council will ensure that individuals are aware of their personal responsibility to follow and support the Equal Opportunities Policy.
- 4.2 This policy applies to all employees, whether full-time, part-time, fixed term contract, agency workers or temporary staff, volunteers for the Council and all job applicants. This policy has particular relevance to those concerned with recruitment, training and promotion.
- 4.3 No employee or prospective employee should receive unfair or unlawful treatment due to age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership, and pregnancy/maternity. This Council will seek to identify and act upon unlawful discrimination, which denies individual opportunity on anyone falling within the criteria mentioned above. Employees and applicants have the right to complain about unfair discrimination through the appropriate procedures.
- 4.4 The Council will achieve this by:
- Ensuring that its recruitment and selection policies and procedures are equitable and fair so that the best people are appointed to deliver its services.
 - By, unless there is a valid reason not to do so, will advertise all vacancies in the media where readily available, on its own web site and circulate such vacancies to Jobcentre Plus.
 - Only considering applicants for jobs on the basis of their relevant experience, skills and abilities unless a genuine occupational qualification exists for specific posts.
 - Ensuring that all employees receive fair and equal treatment in relation to their employment, regardless of whether they are part-time, full-time, or employed on a temporary basis.
 - Ensuring that employment policies and opportunities are of the highest possible quality, therefore equality, equity and consistency are embedded in practices, pay and conditions.
 - Making sure that equal consideration is given to people's needs and develop flexible and responsive employment opportunities to tackle those needs.
 - Encouraging and supporting employees to reach their full potential within the resources the Council has available to it.
 - Taking appropriate action against incidents of harassment, bullying or discrimination and offering support and advice to victims or witnesses to incidents; and
 - Taking disciplinary action against employees who discriminate against people who work for the Council or who seek employment with the Council.

5.0 Contractors and Suppliers

- 5.1 This Council will ensure, so far as is reasonably practicable, that all contractors and suppliers carrying out work on behalf of the Council have the appropriate policies and working practices in place to ensure Equality of Opportunity and to comply with the requisite equality legislation and guidance.
- 5.2 The Council will ensure, so far as is reasonably practicable, that:
- Contractors and providers have employment policies, procedures and practices that do not discriminate; and
 - Monitor whether contracts and commissioning arrangements meet these equality commitments.
- 5.3 The Council will, when drawing up specifications for the tendering of projects and or services, take into account the specific needs of end users of the service.

6.0 Management and Supervision of this Policy

6.1 Council and Committees

Strong leadership is essential to ensure that this policy is embedded at strategic and service delivery levels of the Council. Whilst the Council will be ultimately responsible for implementation of this policy, the Staffing Committee will have responsibility in respect of recruitment, employment and staff performance and management issues.

6.2 Councillors

Councillors have overall responsibility for the direction and scrutiny of this policy and will ensure that the principles of fairness and equality guide the decision-making process.

6.3 Clerk

It is the responsibility of the Clerk to:

- Ensure that within devolved areas of responsibilities, the standards established within this policy are followed.
- Advise the Council on changing legislative standards as regards this policy.
- Ensure all recruitment practices comply.
- Arrange and provide training.
- Review Service Provision on a regular basis.

6.4 Employees

All employees must:

- Understand and co-operate with any measures introduced to ensure equal opportunities.
- Report any suspected discriminatory acts or practices and support the investigation of complaints.
- Not persuade or attempt to persuade others to practice unlawful discrimination.
- Not victimise anyone as a result of them having reported or provided evidence on discrimination.
- Not harass, abuse or intimidate others on account of their race, gender etc.
- Not pressurise job applicants in an attempt to discourage them from applying for or taking up a post.
- Not discriminate when making decisions for service provision.

6.5 Breaches of Policy

Any breach of the Equal Opportunities Policy will be dealt with through the disciplinary procedure. Serious offences such as harassment and victimisation may be treated as gross misconduct.

7.0 Complaints

7.1 Any employee who has a concern regarding the application of this policy should make use of the Council's grievance procedure.

7.2 A member of the public or a member of the Council who has a concern regarding the application of this policy should make use of the Council's complaints policy.

7.3 Existing Employees

Employees wishing to raise a grievance alleging unlawful discrimination during an internal selection procedure should discuss this with the Clerk in the first instance (where possible). An investigation will then be conducted by the Clerk, or an independent person appointed by the Council for the purpose, who will make a recommendation to the Staffing Committee. The employee will receive written notification as to the outcome. An appeal, where appropriate, should be made to the Chairman of the Council's Appeals Panel convened for that purpose.

7.4 Prospective Employees

Any prospective employee wishing to raise a complaint should do so, in writing, to the Clerk within 15 working days, at the latest, of the alleged incident. An investigation will then be conducted by the Clerk, or an independent person appointed for the purpose, who will report to the Staffing Committee.

8.0 Information and Training

8.1 Employees will be provided with appropriate training regardless of any of those characteristics identified in paragraph 1.3.

8.2 The Council will:

- Seek to ensure that all employees are developed by the provision of appropriate and accessible learning opportunities in line with organisational needs.
- Provide training that complies with the Council Equalities Policy.
- Include a copy of the Council's Equalities Policy as part of the induction programme documentation.
- Provide equalities awareness training as part of both its Member and Professional Development Programmes.
- Make the policy accessible on its Web site or provide a written copy on request.

9.0 Monitoring Arrangements

9.1 The Council will establish appropriate information and monitoring systems to assist the effective implementation of this Policy.

9.2 Committee responsibility for monitoring is detailed in para 6.1 above.

10.0 Alternative Formats

10.1 A copy of this Policy can be made available on larger typeface/different font/colour/different format. Where possible on request, information may be translated into other languages, British Sign Language or Braille. Please approach the Council with your needs.

- 10.2 The Council Web Site complies with the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018.
- 10.3 This document will be posted on the Council's website todmorden-tc.gov.uk/ and copies of this document will be available for inspection and held on deposit in the Council Office.
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for review and adoption

Appendix 1 Guidance- provided from NALC

1 The law

- 1.1 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".
- 1.2 Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.
- 1.3 The council will not discriminate against or harass a member of the public in the provision of services or goods.
- 1.4 It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability.
- 1.5 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.

2 Types of unlawful discrimination

- 2.1 Direct discrimination is where a person is treated less favourably than another because of a protected characteristic.
- 2.2 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.
- 2.3 The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.
- 2.4 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.
- 2.5 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.

- 2.6 Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.
- 2.7 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.
- 2.8 Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.
- 2.9 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.
- 2.10 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.

3 Equal opportunities in employment

- 3.1 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.

3.2 Recruitment

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.

3.3 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.

3.4 Equal opportunities monitoring

The 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. 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.

4 Dignity at work

- 4.1 The council has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

5 People not employed by the council

- 5.1 The council will not discriminate unlawfully against those using or seeking to use the services provided by the council.
- 5.2 You should report any bullying or harassment by suppliers, visitors or others to the council who will take appropriate action.

6 Training

- 6.1 The council will [provide training in/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.
- 6.2 The council will provide training to/raise awareness of all staff engaged to work at the council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment. [he council will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

7 Your responsibilities

- 7.1 Every employee is required to assist the council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.
- 7.2 Employees can be held personally liable as well as, or instead of, the council for any act of unlawful discrimination.
- 7.3 Employees who commit serious acts of harassment may be guilty of a criminal offence.
- 7.4 Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the council's disciplinary procedure.
- 7.5 Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

8 Grievances

- 8.1 If you consider that you may have been unlawfully discriminated against, you should use the council's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.
- 8.2 The council will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

9 Monitoring and review

- 9.1 This policy will be monitored periodically by the council to judge its effectiveness and will be updated in accordance with changes in the law.
- 9.2 In particular, the council will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the council will implement them.
- 9.3 Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with relevant data protection legislation.