

# **Painswick Parish Council**

## **Equality Policy**

Painswick Parish Council wish to promote equality and tackle discrimination. This means treating people fairly, valuing difference and removing barriers that prevent people from participating fully in public life and reaching their full potential.

The **Equality Act 2010** legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single **Act**, making the law easier to understand and strengthening protection in some situations

### **As Painswick Parish Council is also a public body, the 'Law Requires': -**

The general equality duty is not prescriptive about the approach a public authority should take in order to comply with their legal obligations. The specific duties are limited to requirements about publishing equality information and objectives.

The following principles, drawn from case law on the public sector equality duty, explain that in order to properly have due regard to the general equality duty aims, each public authority should keep in mind that:

- Those who exercise its functions must be aware of the general equality duty's requirements. Compliance with the general equality duty involves a conscious approach and state of mind. General regard to the issue of equality is not enough to comply.
- The duty places equality considerations, where they arise, at the centre of policy formulation, side by side with all other pressing circumstances, however important these might be.
- The duty is on the decision maker personally in terms of what he or she knew and took into account. A decision maker cannot be assumed to know what was in the minds of his or her officials giving advice on the decision.
- Each aim of the duty must be considered. The requirement to have due regard to the need to advance equality of opportunity is a separate obligation, in addition to the need to avoid unlawful discrimination.

- The general equality duty must be complied with before and at the time a particular policy is under consideration, as well as at the time a decision is taken. A public authority subject to the general equality duty cannot satisfy the general equality duty by justifying a decision after it has been taken.
- A public authority must consciously think about the need to do the things set out in the general equality duty as an integral part of the decision-making process. Having due regard is not a matter of box ticking. The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision. There should be evidence of a structured attempt to focus on the details of equality issues.
- A public authority must have sufficient evidence on which to base consideration of the impact of a policy or decision. It will need to consider whether it has sufficient information about the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority must take responsibility for complying with the general equality duty in relation to all functions to which the general equality duty applies. Responsibility for the general equality duty cannot be delegated to external organisations that are carrying out functions on its behalf.
- A public authority must consciously consider the need to comply with the general equality duty, not only when a policy is developed and decided upon, but also when it is being implemented. The general equality duty is a continuing one, so public authorities may need to review policies or decisions in light of the general equality duty, for example if the make-up of service users changes.
- Although a public authority is not legally required to keep records of its consideration of the aims of the general equality duty in making decisions, it is good practice to do so and it encourages transparency. If it is challenged it will be difficult to demonstrate that it has had due regard to the aims of the general equality duty if records are not kept.

The general equality duty applies to the exercise of all public functions. The duty applies to all of the decisions made in the course of exercising public functions, not just to policy development and high-level decision-making. To ensure compliance with the duty at all levels of decision-making, including in an individual case, there must be arrangements to integrate it properly into the day-to-day activities of those bodies to which it applies.

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### 1. Policy Introduction

This policy outlines the legal responsibilities and the commitments we have made which help us to ensure equality is an integral part of the way we reach decisions, provide services, recruit and support employees and work with other organisations.

Implementation of this policy is the responsibility of Painswick Parish Council through elected members, employees and others acting on its behalf.

### 2. Legal Requirements

**The Equality Act** came into force from October 2010 and brings together all legal requirements on equality. Under the Act everyone has the right to be treated fairly at work or when using a service. It protects people from discrimination on the basis of certain characteristics, these are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – this includes lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

**The Public Sector Equality Duty** came into force on 5th April 2011 and is a key measure under the Equality Act 2010.

The Equality Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all.

The Equality Duty Aims apply to our process of decision making including how we act as an employer; how we develop, evaluate and review policy; how we design, deliver and evaluate services, and how we commission and procure from others.

i. Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act

ii. Advance equality of opportunity between people who share a protected characteristic and people who do not share it. This involves considering the need to:-

- remove or minimise disadvantages suffered by people due to their protected characteristics;

- meet the needs of people with protected characteristics; and

- encourage people with protected characteristics to participate in public life

or in other activities where their participation is low.

iii Foster good relations between people who share a protected characteristic and people who do not share it. This involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

### **3. Our Commitment**

We are committed to ensuring equality, fairness, inclusion and good relations are at the heart of everything we do - be it employment, policy-making or service delivery.

### **4. Recruitment, Selection and Employment**

- We will ensure that our recruitment, selection and employment policies are fair and equitable.
- We will continue to evaluate our procedures to identify and remove barriers, eliminating discrimination.
- We will actively identify the individual needs of employees and make reasonable adjustments to the working environment where necessary.

- We will ensure that all employees have equal access to training and development opportunities in line with their needs and abilities.
- We will provide employees with opportunities to influence the development of our policies and practices.
- We will consider requests for flexible working arrangements.
- We will provide training and guidance to employees so that they are aware of the Council's Equality Policy and their legal responsibilities and rights.
- We will treat employees fairly with dignity and respect, maintaining a working environment that is inclusive, free of discrimination, harassment and bullying.
- We will encourage employees to report discrimination, unacceptable language and behaviour to the Town Clerk.

## **5. Elected Members**

We will provide training and guidance to Elected Members so that they are aware of :-

- the Council's Equality Policy and their legal responsibilities and rights when exercising Council duties and functions.
- We will maintain a working/meeting environment that is inclusive, free of discrimination, harassment and bullying, where individuals are treated with dignity and respect.
- We will encourage elected members to highlight discrimination and challenge unacceptable language and behaviour.
- We will make reasonable adjustments where necessary, so that any obstacles a person faces as an elected member relating to a protected characteristic, are removed, reduced or prevented.
- We will publicise Council vacancies widely within the community.

## **6. Council Decision Making and Services**

- We will ensure that we treat people with dignity and respect.
- We will consider the needs of all individuals in our day to day work. We will try to understand how different people will be affected by our activities so that our policies and services are appropriate and accessible to all and meet different people's needs.
- We recognise that people's needs may be different. We will take account of this

when making decisions about policies or services and make reasonable adjustments where necessary.

- We will consider the three aims of the Equality Duty at the start of the policy/service development/review process and in making final decisions. It will form an integral part of our decision-making process.
- We will consider what information we have and what further information may be needed in order to give proper consideration to the Equality Duty.
- We will take a proportionate approach to the Equality Duty, it will be one of a number of factors that need to be considered in decision making. The weight given to the Equality Duty, compared to other factors, will depend on how much it affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed.
- We will aim to provide all information in Plain English and alternative formats on request.

## **7. Working with Partners and Contractors**

- We recognise that we are responsible for ensuring that any third parties who exercise functions on our behalf can comply with the Equality Duty, are required to comply with it, and that they do so in practice.
- We will communicate our Equality Policy to partners and contractors.
- We will obtain commitment from contractors/partners that they will comply with the Equality Duty and our Equality Policy when carrying out work on our behalf.
- We will take equalities considerations into account when developing contract specifications and conditions.