

Stokenham Parish Council

Equality Act 2010 - Policy

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. It sets out the different ways in which it is unlawful to treat someone.

Equality Act provisions: commencement dates

To allow people and organisations enough time to prepare for the new laws, the provisions of the Act were brought in at different times (known as commencement dates).

October 2010

Equality Act provisions which came into force on 1 October 2010:

- the basic framework of protection against direct and indirect discrimination, harassment and victimisation in services and public functions, premi, work, education, associations and transport
- changing the definition of gender reassignment, by removing the requirement for medical supervision
- providing protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic
- clearer protection for breastfeeding mothers
- applying a uniform definition of indirect discrimination to all protected characteristics
- harmonising provisions allowing voluntary positive action

Provisions relating to disability

- extending protection against indirect discrimination to disability
- introducing the concept of “discrimination arising from disability” to replace protection under previous legislation lost as a result of a legal judgment
- applying the detriment model to victimisation protection (aligning with the approach in employment law)
- harmonising the thresholds for the duty to make reasonable adjustments for disabled people
- extending protection against harassment of employees by third parties to all protected characteristics
- making it more difficult for disabled people to be unfairly screened out when applying for jobs, by restricting the circumstances in which employers can ask job applicants questions about disability or health

Provisions relating to work

- allowing claims for direct gender pay discrimination where there is no actual comparator
- making pay secrecy clauses unenforceable

- extending protection in private clubs to sex, religion or belief, pregnancy and maternity, and gender reassignment
- introducing new powers for employment tribunals to make recommendations which benefit the wider workforce

April 2011

Equality Act provisions which came into force in April 2011:

- positive action - recruitment and promotion
- public sector Equality Duty (see section below)

Age discrimination

The Equality Act 2010 includes provisions that ban age discrimination against adults in the provision of services and public functions. The ban came into force on 1 October 2012 and it is now unlawful to discriminate on the basis of age unless:

- the practice is covered by an exception from the ban
- good reason can be shown for the differential treatment ('objective justification')

The ban on age discrimination is designed to ensure that the new law prohibits only harmful treatment that results in genuinely unfair discrimination because of age. It does not outlaw the many instances of different treatment that are justifiable or beneficial.

Public sector Equality Duty

The Public Sector Equality Duty came into force across Great Britain on 5 April 2011. It means that public bodies have to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees.

It also requires that public bodies:

- have due regard to the need to eliminate discrimination
- advance equality of opportunity
- foster good relations between different people when carrying out their activities

Who the Equality Duty applies to

The Equality Duty applies across Great Britain to the public bodies listed in Schedule 19 of the Equality Act 2010 (as amended) and specifically includes **Parish Councils** and any other organisation when it is carrying out a public function.

Specific duties

The Equality Act 2010 (Specific Duties) Regulations 2011 came into force on 10 September 2011.

The specific duties require **public bodies** to publish relevant, proportionate information showing compliance with the Equality Duty, and to set equality objectives. It does not however require public bodies to take disproportionate action on equality merely ensure all have access to information or a service and if requested to consider providing such to those not able to access (i.e. providing information in a different format or language).

Stokenham Parish Council Policy

Thus this policy sets out Stokenham Parish Council's approach to promoting Equality of Opportunity with the primary aim of providing equality for all and preventing any form of discrimination.

This Policy is committed to creating an inclusive environment to maximise the potential of all through equality in all aspects of parish council work, employees and community engagement and avoiding unlawful discrimination, harassment, bullying or victimisation of those within the community, councillors, employees or third parties who are involved with the parish council or wider community. It will achieve this by informing and focusing all those involved with parish council on the objectives of The Equality Act.

Who does the policy apply to? This policy applies to all councillors and staff appointed who are expected to adopt the same principles; contractors; consultants and any other third parties who carry out work on behalf of Stokenham Parish Council.

Principles: The key principles of this equality policy are to:

- provide equality for all
- promote an inclusive culture
- respect and value differences of everyone
- prevent discrimination, harassment and victimisation
- promote and foster good relations across the community, within parish council and with partners

This means being aware of the impact of parish council behaviour and thinking about the impact of parish council policies and our work within and outside the parish.

The Equality Act 2010 places the public sector under a statutory Equality Duty to eliminate discrimination, harassment and victimisation, advance equality of opportunity between people from different groups and foster good relations between people of different groups.

The Act applies to everyone in Great Britain but the Equality Duty is a duty on public bodies and others carrying out public functions. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, in delivering services, and in relation to their own employees. ***Stokenham Parish Council will apply these general principles to their community involvement and expects all councillors and staff to adopt these principles within meetings and when dealing with any duties or concerns within their wider community parish work.***

The Equality Duty is set out in Section 149 of the Act.

It replaces the three previous public sector equality duties – for race, disability and gender. The new Equality Duty covers the following protected characteristics:

- age
- disability
- gender reassignment

- pregnancy and maternity
- race – this include 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 new Equality Duty is designed to reduce bureaucracy while ensuring public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all.

It has three aims. It requires public bodies to have due regard to the need to:

- eliminate the unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and people who do not share it and
- foster good relations between people who share a protected characteristic and people who do not share it.

This means that consideration of equality issues must and will influence the information gathered, analysed and decisions reached by Stokenham Parish Council with regard to how they act and how they develop, consult, evaluate and review policy, how they design, deliver and evaluate services and how they commission and procure from others. It may involve making use of an exception or the positive action for provision in order to provide a service in a way which includes people who share a protected characteristic.

Stokenham Parish Council councillors and staff, where appropriate, must ensure they consider the case law principles in their day to day duties and although there is no explicit requirement to refer to the Equality Duty in the recording process where possible parish council will Minute the reasons for their decisions on any service, observation or recommendation.

With regard to the duty to set equality objectives Stokenham Parish Council will observe such requirements and where a need or barrier is identified locally they will set goals to achieve such.

Complaints, Breaches and Grievances

Any suspected breach of this policy by a councillor or employee will be dealt with through the parish council disciplinary procedure. Any employee who has a concern regarding the application of this policy should raise such through the grievance procedure. It is suggested that all complaints and/or grievances should firstly be discussed with the parish clerk or chairman.