



Equality & Diversity Policy

Improved policy wording and legislation updates

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To be reviewed by	Policy & Resources Committee

EQUALITY AND DIVERSITY POLICY

PURPOSE

The purpose of this policy is to ensure equal opportunities for everyone who encounters Newton Abbot Town Council, irrespective of their characteristics (unless there are genuine occupational qualifications or objectively justified reasons for a different approach to be taken).

INTRODUCTION

The Council is committed to achieving equality of opportunity and valuing diversity in all areas of its work. Striving to ensure that the Council's environment is free of harassment and bullying and that everyone is treated with dignity and respect. The Council will not discriminate against or harass anyone in the provision of its services or functions.

The Council welcomes and celebrates diversity, accepting that the majority view is not always right and will strive to build equality of opportunity into the work of the Council. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

LEGAL POSITION

The Equality Act 2010¹ provides legal protection from discrimination in the workplace and in wider society. The 2010 Act makes it unlawful to discriminate directly or indirectly against an individual on the grounds of 'protected characteristics':

Protected Characteristics

- Age
- Disability²
- Sex
- Gender reassignment
- Pregnancy and maternity
- Race
- Sexual orientation
- Religion or belief
- Marriage and civil partnership

¹ [Equality Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

² Neurodiversity including ADHD, autism, dyslexia and dyspraxia. Attention deficit hyperactivity disorder (ADHD), autism, dyslexia and dyspraxia are forms of neurodivergence – there are others too. Being neurodivergent will often amount to a disability under the Equality Act 2010, even if the person does not consider themselves to be disabled.

Types of unlawful discrimination are listed in appendix A, at the end of this policy.

It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. 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, the Council has an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

The public sector equality duty³ is a duty on public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. All public authorities, including local councils, must comply with the public sector equality duty and take steps to:

- eliminate discrimination, harassment and victimisation.
- advance equal opportunities for all.
- foster good relations between all individuals.

RECRUITMENT

Person and job specifications will be limited to ~~these~~ 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 **for disabled candidates 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. Employment decisions will not be based on disability, personal circumstances or home commitments unless a requirement is lawful, necessary and objectively justified.**

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. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Council.

COUNCIL AS AN EMPLOYER

Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated. The Council has adopted a Dignity At Work Policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

The Council will comply with its statutory duty to take reasonable steps to prevent sexual harassment in the course of employment. Further provisions concerning the prevention, reporting and management of sexual harassment are contained in the Council's Sexual Harassment Policy

Members of the public who believe they have been treated by the Council in relation to equality and diversity, may raise concerns through the Council's Complaints Procedure. Complaints concerning

³ <https://www.legislation.gov.uk/uksi/2011/2260/contents/made>

the conduct of an individual councillor will be dealt with under the applicable Code of Conduct arrangements.

The Council will consider any potentially indirectly discriminatory effect of its standard working practices, including working hours, working times and place of work, when considering requests to vary those practices. Requests will be considered fairly and in accordance with applicable statutory requirements. The Council will make reasonable adjustments to working practices where required to remove or reduce disadvantages caused by disability.

~~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.~~

The Council's commitment to equality of opportunity in the workplace is good management practice and supports the effective use of talent within the local community. The Council will provide appropriate training to help employees understand their rights and responsibilities under this policy, the Dignity at Work Policy and the Sexual Harassment Policy, and the steps they can take to help maintain a workplace free from discrimination, bullying and harassment.

~~The council's commitment to equal opportunities in the workplace is good management practice and makes sound business sense as it seeks to utilise the talents available from within the local community. 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 an environment free of bullying and harassment.~~

Breaches of the Equality and Diversity Policy would be regarded as serious misconduct and could lead to disciplinary proceedings. Employees are entitled to make a formal complaint through the Council's Grievance Procedure.

EMPLOYEE RESPONSIBILITY

~~Every employee is required to assist the council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, the council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.~~

Every employee is required to assist the Council in meeting its commitment to equality of opportunity and avoiding unlawful discrimination. Employees may be held personally liable, as well as or instead of the Council, for acts of unlawful discrimination in circumstances provided for by law. Some conduct amounting to harassment may also constitute a criminal offence.

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. Discrimination,

harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

COUNCIL AS A SERVICE PROVIDER

~~The council will, to the best of its ability, provide functions and services that all members of the public can access. Making reasonable adjustments where practicable. The council will not discriminate unlawfully against those using or seeking to use the services provided by the council and is committed to ensuring that its services are accessible to all and responsive by:~~

The Council will seek to ensure that its functions and services are accessible to all members of the public and will make reasonable adjustments where required in accordance with the Equality Act 2010. The Council will not discriminate unlawfully against anyone using or seeking to use its services and is committed to ensuring that its services are accessible and responsive by:

- Ensuring delivery of services in ways that are sensitive to everyone's needs.
- Ensuring that all employees, contractors and partners have the information they need to provide equality of opportunity and that this is reflected in their conduct. The Council will require, where legally possible, partners and contractors to have equal opportunities policies, and will seek sufficient information and evidence that compliance with equalities legislation is genuine.
- Ensuring that the community can access Newton's Place, **the Council Offices**, the Museum and attend events. Whenever practical, monitor the use of services to identify the reasons for the lack of use and to take action to remedy the situation within the resources available.
- Ensuring that the information provided about Council services is accessible to the community.
- Consulting and involving all sections of our community in the development and monitoring of Council policies and services in ways which enable people to participate.

GRIEVANCES

~~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.~~

If you consider that you may have been unlawfully discriminated against, you should raise the matter under the Council's appropriate procedure. Depending on the circumstances, this may include the Grievance Procedure, Dignity at Work Policy and/or Sexual Harassment Policy.

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.

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

The Council will not discriminate unlawfully against those using or seeking to use its services. Bullying or harassment by suppliers, visitors, service users or other third parties should be reported to the Council, which will take appropriate action and comply with applicable legal duties.

RELATED POLICIES AND PROCEDURES

This policy should be read alongside the Council's Dignity at Work Policy, Sexual Harassment Policy, Grievance Procedure, Recruitment Policy & Procedure, Complaints Policy and Code of Conduct, as applicable.

MONITORING & REVIEW

~~This policy will be monitored annually by the council to judge its effectiveness and will be updated in accordance with changes in legislation.~~

~~The Council will monitor equality data (such as workforce demographics and service user access) annually and report findings to the Policy & Resources Committee to identify and address potential inequalities.~~

The effectiveness of this policy will be monitored annually by the Council. The policy will be formally reviewed at least every three years and sooner where required by changes in legislation, statutory guidance, Council procedures or organisational circumstances.

The Council will monitor relevant and proportionate equality information, such as workforce demographics and service-user access, annually and report significant findings to the Policy & Resources Committee to help identify and address potential inequalities. Equality monitoring information will be handled in accordance with the Council's data protection obligations.

APPENDIX A

Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic.

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. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

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.

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.

Sexual harassment is unwanted conduct of a sexual nature that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

Discrimination by perception is where an individual is directly discriminated against or harassed because they are perceived to have a particular protected characteristic, whether or not they actually have that characteristic.

Third-party harassment is harassment of an employee by someone who is not employed by the Council, such as a service user, visitor, supplier or contractor. The Council will take appropriate preventative and responsive action and will comply with any statutory duty relating to third-party harassment that applies from time to time.

Victimisation occurs where a person is subjected to a detriment because they have carried out or are believed to have carried out or may carry out, a protected act under the Equality Act 2010, such as bringing discrimination proceedings, giving evidence or making an allegation of a breach of the Act. Giving false evidence or information, or making a false allegation, is not protected where it is done in bad faith.

APPENDIX B

Failure to make reasonable adjustments may occur where a physical feature, provision, criterion or practice places a disabled person at a substantial disadvantage and the person or organisation subject to the duty fails to take reasonable steps to avoid or reduce that disadvantage.