



Equal Opportunities Policy

Adopted [05/09/19] – Finance & General Purposes – Minute 1302ii

1. Policy Statement

- 1.1. Folkestone Town Council recognises the diversity of its local community and the value which this diversity brings to community life. The Council will aim to provide each member of the community with fair and equal treatment in all its activities.
- 1.2. Folkestone Town Council is committed to pursuing an equal opportunities approach in the employment of its staff and the way in which services are provided for the public.
- 1.3. Folkestone Town Council recognises its statutory duties under legislation in terms of service provision and employment and is committed to meet them by complying with this policy.
- 1.4. Folkestone Town Council is committed to promoting equal access to services and facilities and equal treatment for all employees or job applicants irrespective of:
 - age
 - disability
 - gender reassignment
 - race (includes colour, nationality, cast and ethnic or national origins)
 - religion/belief
 - sex
 - sexual orientation
 - marriage/civil partnership
 - pregnancy/maternity

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

2. Scope

- 2.1. All employees, whether full-time, part-time, fixed term contract, agency workers or temporary staff, and all job applicants. This policy has relevance to those concerned with recruitment, training and promotion.

3. Links with other Council Policies and Strategies

- 3.1. This policy is one of Council's most important policies and underpins other corporate policies, procedures and strategies, therefore providing a strong foundation for Equality of Opportunity in the Council and the services it provides.



3.2. This policy links to the Council's other Human Resources Policies and should be read in conjunction with them.

4. The Law

4.1. 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".

4.2. Employees should not discriminate against or harass a member of the public or service user in the provision of services or goods.

4.3. 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.

4.4. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

5. Types of Unlawful Discrimination

5.1. **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.

5.2. **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.

5.3. **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.



- 5.4. **Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and ACAS) pregnancy and maternity).
- 5.5. **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 (other than marriage and civil partnership, and pregnancy and maternity).
- 5.6. **Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as service users.
- 5.7. **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.
- 5.8. **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.

6. Equality of Opportunity in Service Delivery

- 6.1. Folkestone Town Council is committed to equality of opportunity in the provision of services and access to its facilities.
- 6.2. The Council will achieve this by:
- recognising and accepting that 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 our services and facilities and where necessary making them available in a variety of formats



- ensuring that our complaints and feedback procedures are accessible and effective
- assessing the impact of and monitoring our 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.

7. Equality of Opportunity in Employment, Training and Organisational Development

7.1. Folkestone Town 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.

7.2. 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. Folkestone Town Council will seek to identify and act upon all unlawful discrimination which denies individual opportunity on any of the criteria mentioned above. Employees and applicants have the right to complain about unfair discrimination through the appropriate procedures.

7.3 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.

7.4 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
- only considering applicants for jobs based on their relevant experience, skills and abilities unless a genuine occupational qualification exists for specific posts. This will be communicated clearly within the recruitment pack for that post.
- ensuring that all employees receive fair and equal treatment in relation to their employment, regardless of whether they are part-time, full-time, fixed term, or a casual worker.
- ensuring that employment 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
- taking disciplinary action against employees who discriminate against people who work for the Council or who seek employment with the Council.

8. Contractors and Suppliers

Folkestone Town 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.

8.1. The Council will ensure, so far as is reasonably practicable, that:

- contractors and providers have employment policies, procedures and practices that do not discriminate
- monitor whether contracts and commissioning arrangements meet these equality commitments.

8.2. You should report any bullying or harassment by service users, suppliers, visitors or others to the Town Clerk who will take appropriate action.

9. Management and Supervision of this Policy

9.1. Council and Committees

Strong leadership is essential to ensure that this policy is embedded at both strategic and service delivery levels of the Council. Whilst the Full Council will be ultimately responsible for implementation of this policy, ongoing review of the policy will be the responsibility of the Personnel Sub-Committee with day to day implementation, management and monitoring being the responsibility of the Town Clerk.

9.2. Councillors

Councillors as a corporate body 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.

9.3. Line Managers

It is the responsibility of line managers to:

- i. ensure that within their areas of responsibilities, the standards established within this policy are followed
- ii. contribute to the development of equal opportunities action plan
- iii. review the effectiveness of the policy and all related action plans and communicate their views to the Town Clerk.



9.4. Employees

All employees must:

- i. co-operate with any measures introduced to ensure equal opportunity
- ii. report any suspected discriminatory acts or practices
- iii. not persuade or attempt to persuade others to practice unlawful discrimination
- iv. not victimise anyone because of them having reported or provided evidence on discrimination
- v. not harass, abuse or intimidate others because of their race, gender etc
- vi. not pressurise job applicants in an attempt to discourage them from applying or taking up a post.
- vii. Employees can be held personally liable as well as, or instead of the council for any act of unlawful discrimination.
- viii. Employees who commit serious acts of harassment may be guilty of a criminal offence.

9.5. 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, will be treated as gross misconduct.

10. Complaints

- 10.1. Any employee who has a concern regarding the application of this policy should make use of the Council's grievance procedure.
- 10.2. Existing Employees – employees wishing to raise a grievance alleging unlawful discrimination during an internal selection procedure should discuss this with the Town Clerk in the first instance. If the problem persists then a grievance should be made via Council's adopted Grievance Procedure.
- 10.3. Prospective Employees – any prospective employee wishing to raise a complaint should do so, in writing, to the Town Clerk within 15 working days, at the latest, of the alleged incident. An investigation will then be conducted by the Finance Officer who was not involved in the selection procedure, the Finance Officer will report to the Finance and General Purposes Committee. The Finance and General Purposes Committee's ruling will be final. The individual will receive written notification as to the outcome.



11. Information and Training

11.1. Employees will be provided with appropriate training regardless of age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership, and pregnancy/maternity.

11.2. 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's Equal Opportunities Policy
- include a copy of the Council's Equal Opportunities Policy as part of the induction programme
- provide equalities awareness training as part of its corporate leaning and organisational development programme
- include equalities training as part of its Member development programme

12. Monitoring Arrangements

12.1. The Town Clerk will establish appropriate information and monitoring systems to assist the effective implementation of this Policy. Where monitoring identifies an under-representation of a particular group(s), the Town Clerk will advise Council of the need to develop an action plan to address the imbalance.

12.2. Committee responsibility for monitoring is detailed in para 7.1 above

13. Alternative Formats

13.1. The Equality Act 2010 – copies of this document in large print or font size, can be made available for those with sight impairment on request by emailing jennifer.childs@folkestone-tc.gov.uk or telephoning 01303 257946.

13.2. The Council can also arrange to provide versions in other languages.

14. Freedom of Information

14.1. In accordance with the Freedom of Information Act 2000, copies of this document will be available for inspection on deposit in the Council Office and posted on the Council's website <http://www.folkestonetc.kentparishes.gov.uk>