

HELPRINGHAM PARISH COUNCIL

EQUALITY AND DIVERSITY POLICY

Adopted: 13/5/26
Minute ref: 29/27
Review: May 2027

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Our commitment

The council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination.

This policy is intended to assist the council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

The council also recognises its duties under the **Employment Rights Act 2025**, which strengthens employee protections relating to fair treatment, access to flexible working, predictable working patterns, and protection from detriment when asserting statutory rights. These duties form part of our commitment to equality, fairness and good employment practice.

The law

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".

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

The council will not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability.

Employment Rights Act 2025 – Equality-Relevant Duties

The ERA 2025 introduced several rights that directly support equality and fair treatment:

- **Day-one right to request flexible working:** All employees may request flexible working from the first day of employment. The council will consider such requests fairly and without discrimination, ensuring that decisions are based on legitimate business reasons and not on any protected characteristic.
- **Right to a predictable working pattern:** Workers with unpredictable or irregular hours may request a more stable working pattern. The council will ensure that decisions are objective, transparent and non-discriminatory.
- **Protection from detriment for asserting statutory rights:** Employees must not be treated unfavourably for exercising rights under the ERA 2025, including flexible working requests, predictable working pattern requests, or rights relating to family-friendly leave. Any such detriment may constitute victimisation under the Equality Act 2010.
- **Enhanced protection for pregnant workers and new parents:** The ERA 2025 strengthens protections against redundancy for pregnant employees and those returning from maternity, adoption or shared parental leave. The council will ensure that no employment decision places these employees at a disadvantage.
- **Fair allocation of work and hours:** The Act requires employers to ensure that working hours are allocated fairly and transparently. The council will monitor working patterns to ensure that no group is disadvantaged.

These duties sit alongside the Equality Act 2010 and reinforce the council's commitment to fair and inclusive employment practices.

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.

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

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they don't, in fact, have that protected characteristic.

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the

Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.

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.

Treating an employee unfavourably because they have exercised rights under the Employment Rights Act 2025—including requesting flexible working or predictable working patterns—may constitute unlawful victimisation or discrimination when linked to a protected characteristic.

Equal opportunities in employment

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.

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.

Working practices

The council will consider any possible indirectly discriminatory effect of its standard working practices. In addition, the council will comply with the ERA 2025 by:

- considering flexible working requests from day one of employment;
- ensuring that decisions on such requests are fair, timely and based on legitimate business reasons;
- ensuring that employees are not disadvantaged or treated less favourably for making such requests;
- considering requests for predictable working patterns in line with statutory requirements;
- ensuring that working hours and patterns are allocated fairly and transparently;
- 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.

Equal opportunities monitoring

The council will monitor the ethnic, sex/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.

Dignity at work

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.

People not employed by the council

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.

Training and prevention

The council will ensure that staff involved in recruitment, line management or decision-making receive training on the Equality Act 2010 and the Employment Rights Act 2025, including:

- fair handling of flexible working and predictable working pattern requests;
- avoiding discriminatory impacts when allocating work or hours;
- understanding enhanced protections for pregnant employees and new parents.

We will take active steps to try to prevent third-party harassment of staff. If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, and sharing information with other branches of the business.

Your responsibilities

Employees must not discriminate or treat colleagues unfairly for exercising rights under the ERA 2025. Any such behaviour will be treated as a disciplinary matter.

Grievances

Employees may raise grievances relating to discrimination, harassment, or unfair treatment under the Equality Act 2010 or the Employment Rights Act 2025. The council will ensure that such grievances are handled fairly, promptly and without detriment to the employee.

Monitoring and review

The council will monitor the impact of the ERA 2025 on working practices, flexible working decisions, predictable working pattern requests, and any related grievances to ensure fair and consistent application.

This policy will be monitored periodically by the council to judge its effectiveness and will be updated in accordance with changes in the law. [In particular, the council will monitor the treatment and outcomes of any complaints of harassment, sexual harassment or victimisation we receive to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and resolved and workforce training is targeted where needed; 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.

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.]

This is a non-contractual procedure which will be reviewed from time to time.