



## **EQUALITY POLICY & GUIDANCE NOTES**

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## **EQUALITY POLICY**

### **1. Policy statement**

1.1 As a public authority, the Peak District National Park Authority we wish to comply with the general duty and specific duties of the Equality Act 2010. We aim to encourage good relations, promote equality and eliminate discrimination in the workplace and in delivering services. In accordance with the general duty we aim to

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In advancing equality of opportunity we aim to remove or minimise disadvantages suffered by people due to their protected characteristics. We aim to take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people, and to encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

1.2 We are also committed to achieving equality with:

- The people we serve
- The people who seek to be, and are, employed by us
- The partners we work with
- The services we deliver
- The services we contract in/buy (people with whom we do business).

1.3 We have a responsibility to provide community leadership for the National Park and will use this to promote equality and share ideas and good practice with our partners and other service providers. We want:

- To give people access to high quality services designed to respond to their individual needs
- People providing and using our services to feel safe from harassment
- Our workforce to reflect the diversity of the Peak District community and a reasonable journey to work radius, so that we can better understand the needs of that community and ensure those needs are met by the way we deliver our services
- To seek the views of the people who live in, work in and visit the National Park, our service users, partners and other interested groups on equality issues. We will use this information to ensure our services better reflect their needs and aspirations.

## **2. Scope**

- 2.1 This Equality Policy and the associated guidance notes set out how we will comply with the general equality duty and the specific duties of the Equality Act 2010. It confirms our responsibilities to make equality of opportunity a reality for people accessing our services, working for us or seeking employment opportunities. This includes communities, our members, managers, employees, unions and our partners in the public, voluntary and private sectors and those from whom we procure services.
- 2.2 We will promote equality by recognising the 9 protected characteristics of the Equality Act 2010
- Age
  - Disability
  - Gender reassignment
  - Pregnancy and maternity
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation
  - Marriage or civil partnership status.

## **3. Responsibilities for implementing and monitoring the policy**

- 3.1 The Authority's members have determined this Equality Policy. The Chief Executive is responsible for ensuring that the Equality Policy, including our Public Sector Equality Duty, is put into practice. Managers, employees, trade unions and our colleagues in partner agencies all have a role to play in helping us meet our public sector duty to promote equality.
- 3.2 We require all our employees at all levels, to act in ways that promote equality of opportunity. This applies equally to their dealings with members of the public and other employees. Equality is at the centre of all the Authority's employment practices including specific responsibilities. Employees must bring any alleged unlawful or unfair discriminatory acts or practices to the attention of their manager. The Confidential Reporting policy enables this to be done without fear of reprisal.
- 3.3 Disciplinary action will be taken against any employee found to have caused or encouraged discrimination, harassment or victimisation during their work. Any act or failure that breaches the relevant legislation may result in legal action being taken against the Authority and possibly against the employee responsible for that act or failure to act.

## **4. Measurement and monitoring**

- 4.1 Equality is integral to delivering all our Corporate Objectives. However we also have corporate objectives and success measures (which include key actions) which are more focused and have been prioritised for achieving equality for our target audiences and groups.
- 4.2 We will monitor progress against our Corporate Objectives through our quarterly performance monitoring. Achievements will be published the annual Business & Performance Plan in June each year, together with employee equality statistics.

## **5. Handling complaints**

- 5.1 Members of the public can make a complaint through the corporate complaints process if they feel the Authority has:
- Treated them unfairly or discriminated in any way
  - Failed to comply with its legal responsibilities
  - Failed to comply with this Equality Policy.
- 5.2 Complaints about our staff will be investigated and dealt with, if necessary under our disciplinary procedures. Complaints about Authority Members will be investigated using the Members' Code of Conduct and our Standards procedures.
- 5.3 We take all external and internal complaints seriously and will not tolerate any form of discriminatory behaviour. Monitoring complaints is also another way of gathering information to see whether we are meeting our general equality duties and specific duties. We will report annually on complaints made and action taken as part of monitoring the Equality Policy.



## EQUALITY POLICY GUIDANCE NOTES

### Introduction

The purpose of these guidance notes is to give practical guidance to managers to help them to interpret the Equality Policy and take it into consideration in delivering services and making employment decisions. These notes do not form part of the Equality Policy itself. They will be regularly updated as the need arises.

The guidance note comprise 3 sections

- A. The Legal context
- B. The local and National context- statistics to collect and use in our equality work.
- C. The PDNPA context

### Section A: The legal context:

#### A1. The Equality Act 2010

- 1.1 The Equality Act 2010 includes a public sector equality duty which replaces the previous equality duties relating to race, disability and gender equality. The Public Equality Duty consists of the “general equality duty” which is the overarching requirement or substance of the duty and the “specific duties” which are intended to help performance of the general equality duty.
- 1.2 **General Equality Duty**

The general equality duty requires all public sector organisations to demonstrate they are achieving equality in their workforce across all the protected characteristics. The three aims of the General Equality Duty are to:

  - I. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act;
  - II. Advance equality of opportunity between people who share a protected characteristic and those who don't;
  - III. Foster good relations between people who share a protected characteristic and persons who do not.
- 1.3. In respect of the second aim of the General Equality Duty, the Authority is required to advance “equality of opportunity” by having regard to the need to:
  - Remove or minimise disadvantages suffered by people due to their protected characteristics;
  - Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people;

- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.
- 1.4. The General Equality Duty covers the following protected characteristics: age, disability, race, religion or belief, sex, sexual orientation, gender reassignment, marriage or civil partnership status, pregnancy and maternity.
- 1.5. The General Equality Duty requires organisations to consider how they can positively contribute to the advancement of equality and good relations. It requires equality to be considered in decision making, in the design of policies, including internal policies and in the delivery of services and for these issues to be kept under review. Compliance with the general equality duty is a legal obligation. Compliance can lead to services that are more appropriate to users and more cost effective.
- 1.6. **Specific Duties**  
The specific duties help public sector organisations improve their performance on the general equality duty, by improving their focus and transparency. Public sector organisations are required to:
- Publish sufficient information to demonstrate the Authority's compliance with general equality duty across all its functions. This must be published annually from the first date of publication; and
  - Publish and prepare equality objectives which indicate how the Authority reasonably thinks it should meet one or more of the aims of the general equality duty include details of how the Authority achieved its objectives. These equality objectives must be published at least every four years.

## **A2. Relationship to the Equality Framework for Local Government**

In order to achieve our overall commitment to equality and diversity, the Authority adopted the Equality Standard for Local Government. The Standard gave guidelines for local authorities to meet their legal obligations under anti-discrimination legislation. It was also designed to help ensure equality issues form part of the day-to-day activities of all local authorities. The Standard had 5 levels. We were externally assessed and achieved Level 2 in 2007.

In the Standard was revised and became the Equality Framework For Local Government and the 5 levels in the Standard were simplified into 3 levels.

Level 1: Developing  
Level 2: Achieving  
Level 3: Excellent

Our work to date is at level 1 of the revised Framework.

## **A3. Types of discrimination**

### **Definitions:**

- Direct Discrimination: occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

- Discrimination by association: Applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
- Perception discrimination: Applies to age, race, religion or belief, sexual orientation, disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.
- Indirect Discrimination: Applies to age, race, religion or belief, sex, sexual orientation, marriage or civil partnership, disability and gender reassignment. Indirect discrimination can occur when you have a condition, rule, policy or even a practice in the Authority that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if the Authority can show that it has acted reasonably in managing its business, i.e.: that it is a “proportionate means of achieving a legitimate aim”. A legitimate aim might be a lawful decision that the Authority makes in running the Peak District National Park, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate means being fair and reasonable, including showing that the Authority has looked at “less discriminatory” alternatives to any decisions it has made.
- Harassment: is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”. Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristics themselves. Employees are also protected from harassment because of perception and association.
- Third Party Harassment: Applies to sex, age, disability, gender reassignment, race, religion or belief and sexual orientation. The Equality Act makes the Authority liable for harassment of its employees by people (third parties) who are not employees of the Authority, such as customers or clients. The Authority will only be liable when harassment has occurred on at least two previous occasions that the Authority is aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.
- Victimisation: Occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

#### **A4. Positive action**

- 4.1 The Equality Act 2010 allows the Authority to take positive action where we think that service users or employees or job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.
- 4.2 In order to justify positive action, the Authority will need to show that people with a protected characteristic face particular difficulties or disproportionately represented in receiving a service or are disproportionately under-represented in the workforce or the particular job for which there is a vacancy. In these circumstances, it is acceptable to target services to under represented groups

or to use as a “tie breaker” when determining whom to appoint where a candidate has a protected characteristic.

## **A5. The 9 Protected Characteristics and advice on considering service actions**

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

## **A6. Compliance**

The Equality and Human Rights Commission is the Government’s independent statutory body which has the mandate to challenge discrimination and promote human rights. The Equality and Human Rights Commission has a statutory remit to protect, enforce and promote the nine “protected characteristics” in the Equality Act 2010. The Commission can:

- Request a judicial review if they believe a public authority has failed to discharge its public sector equality duty
- Monitor and enforce the public sector equality duty which can include undertaking assessments to ensure compliance.
- Serve a compliance notice requiring a public authority to respond within 28 days to how they will comply if the Commission believes a public authority has not complied with the public sector equality duty.

## **Section B: The local and National context- statistics to collect and use in our equality work**

### **B1: Context**

1. There is no explicit legal requirement to collect and use equality information across the protected characteristics. However to have due regard to the aims of the general equality duty, we should understand the impact of our service delivery, policies and practices on people with protected characteristics. Collecting, benchmarking and analysing equality information, regularly or periodically as appropriate, is a good way for managers to develop this understanding. Cycle Hire, Learning & Discovery, Visitor Centres, Guided Walks and the Conservation Volunteers periodically survey customer user profiles and satisfaction. Key information for PDNPA is reported annually in the Performance and Business Plan.
2. As a National Park Authority, we serve local and national audiences. There are around 38,000 people living in the National Park. Almost 16 million people live within about 60 miles of the



National Park and there are around 20 million visits to the Park each year. It is useful to consider available data or collecting data on the basis of:

- The local population within the boundary of the National Park
  - The population of England (considering our visitors)
  - Users of our services.
3. In addition to data we may collect ourselves, population census data is useful. Data from the 2011 National Census is being released in batches and whilst some data below is already available e.g. England, Derbyshire. The National Park area data will not be available until October 2013 so these guidance notes will be updated when the data is available.
4. The following is data by the 9 protected characteristics for England, Derbyshire and PDNPA employees where available. We monitor this information annually in order to consider what we can do to enable our workforce to be more representative of the wider community.

## B2: Demographic and Employment data

### 1. Age

Age range	England	Derbyshire	Our employees January 13
19 years or younger	17.8%	22.6%	0
20 - 29	13.6%	10.6%	6.2%
30 - 39	13.4%	11.7%	20%
40 - 49	14.6%	15.8%	29.6%
50 - 59	12.1%	13.4%	30.8%
60 - 69	10.7%	12.8%	12.3%
70 years or over	11.6%	12.8%	1.2%

### 2. Disability: Demographic and Employment data

	National Park	England	Our employees January 13
Limiting long-term illness or disability	17.3	17.9	3.5%
Economically inactive: Permanently sick/disabled	3.2	5.3	NA

There are an estimated 11 million disabled adults in the United Kingdom (one in five of the total adult population) and 770,000 disabled children. Many of these disabled people have less obvious or non-visible impairments.

In 2008 the total (all ages) Derbyshire population was 769,400 of which 473,200 were aged 18-64. A quarter of these were identified as having a 'severe' physical disability and half a moderate physical disability. Of this group 13449 males and 8000 females (18-64) were identified as being permanently unable to work. (Derbyshire County Council: Services for Derbyshire Disabled People and People with a Sensory Impairment Aged 18-64: Joint Commissioning Strategy 2010-14).

### 3. Race: Demographic and Employment data

	England	National Park	Our employees
<b>White British</b>	87.0	97.9	99.5
<b>White Irish</b>	1.3	0.5	0.5
<b>White Other</b>	2.7	1.0	0
<b>Mixed White &amp; Black Caribbean</b>	0.5	0.1	0
<b>Mixed White &amp; Black African</b>	0.2	0.1	0
<b>Mixed White &amp; Asian</b>	0.4	0.1	0
<b>Asian or Asian British Indian</b>	0.3	0.1	0
<b>Asian or Asian British Pakistani</b>	2.1	0.1	0
<b>Asian or Asian British Bangladeshi</b>	1.4	0	0
<b>Asian or Asian British Other Asian</b>	0.6	0	0
<b>Black or Black British Black Caribbean</b>	0.5	0	0
<b>Black or Black British Black African</b>	1.1	0	0
<b>Black or Black British Other Black</b>	0	0.2	0
<b>Chinese</b>	0	0.4	0
<b>Other</b>	0.1	0.4	0

The above table shows that the National Park population is largely white British compared with England figures.

### 4. Religion or belief: Demographic and Employment data

We will note Census data when it is available but we do not currently ask applicants or employees to disclose their religion or belief.

## 5. Sex: Demographic and Employment data

	England	Derbyshire (2011 Census)	Our employees January 13
<b>Male</b>	49.2%	49.2%	46%
<b>Female</b>	50.8%	50.8%	54%

We offer a variety of contract types. At January 2013:  
136 staff are full time, of which 41.2% are women and 58.8% men  
12 staff are in job shares of which 75% are women and 25% men  
123 staff are part time of which 67.5% are women and 32.5% men  
57 staff are on temporary contract of which 41.1% are women and 58.9% men and  
There are 158 casual workers 41.1% are women and 58.9% men.

In management posts:  
Directors (including the Chief Executive) 40% are women, 60% men  
Heads of Service: 43% women and 57% men and  
Team Managers: 50% women and 50% men

## 6. Sexual orientation Demographic and Employment data

It is estimated that one in 100 people in the UK say they are gay or lesbian, with a further one in every 200 people stating that they are bisexual (Office for National Statistics). However the Government estimates that between 5 and 7 % of the population are Gay men, Lesbian or bisexual.

At present we do not monitor employment data for sexual orientation, but we are members of the Derbyshire recruitment portal and seek voluntary monitoring data from applicants.

## 7. Gender reassignment Demographic and Employment data

Gender reassignment is a process of transitioning from one gender to another, or someone who intends to undergo, is undergoing or has undergone gender reassignment. A person is not required to undergo medical treatment in order to be protected by the Equality Act. In the UK it has been suggested that there are between 5,000 – 6,000 transsexual people in the adult population. Support groups estimate that transsexual men make up 1,500 - 1,800 of this total.

We will await any census data but at present we have no employment monitoring data for gender reassignment.

## 8. Marriage and civil partnership status Demographic and Employment data

We will await any census data but at present we do not collect employment monitoring data for marriage and civil partnership.

## 9. Pregnancy and maternity Demographic and Employment data

We will await any census data. At any one time it is likely to have 2 or 3 employees either pregnant or on maternity leave. To date we have had one father who exchanged the mother's (who worked for another employer) maternity leave into paternity leave. Many fathers take shorter periods of paternity leave.

## Section C: The PDNPA context

### C1. Statutory Purposes & organisational structure

1.1 The National Park Authority is a local government body with **2 statutory purposes** to

- Conserve and enhance the Peak District National Park's special qualities and
- Provide opportunities for their enjoyment and understanding.

In doing this we also have a **statutory duty** to seek to foster the economic and social well being of the local communities within the National Park. We take this duty as seriously as we do our purposes.

1.2 The Peak District National Park was the first national park to be designated in Britain, in 1952, in recognition of its uniqueness. There are now 15 National Parks across Britain. Millions of people visit the Peak District National Park each year to take part in a very wide range of activities. 38,000 people live in the Park, many of whom work locally. For both visitors and residents it is a special place and the Peak District Moorlands and Dales are of international significance for wildlife and the quality of the landscape and environment.

1.3 The Authority's strategic direction is determined by the Authority Members (8 are appointed by the Secretary of State for the Environment, 16 are appointed by constituent authorities and 6 are parish representatives). Work is carried out in accordance with the Corporate Objectives by the Authority's Officers (its employees) led by the Chief Executive. The Authority employs 259 employees (155 full time and 104 part time), their work is supported by 219 casual workers and as many volunteers.

1.4 The Authority is organized into 3 Directorates:

- The Chief Executive's Unit (Policy and Partnerships, Land Management and Enterprise & Field Services),
- Planning
- Corporate Resources (HR & Performance, Finance, Information Management, Legal & Democratic Services, Communications & Marketing).

### C2. The National Park Management Plan

2.1 Each National Park publishes a strategic **National Park Management Plan** which sets out the desired outcomes for the Park over the next 5 or more years. The Plan guides the activities within the Park in consultation with anyone who has influence over or an interest in the strategy for the National Park area. Some of its actions are delivered by the National Park Authority, others by partners and other stakeholders. The current National Park Management Plan 2012-2017 is available on the Authority's website at [www.peakdistrict.gov.uk/looking-after/plansandpolicies](http://www.peakdistrict.gov.uk/looking-after/plansandpolicies)

- 2.2 Partnership working is vital to achieving the outcomes and vision for the Peak District National Park. Partners include a wide range of administrative bodies as the area of the National Park (including 11 Metropolitan, District and County Councils, 125 Parishes, 7 Highway Authorities) and thousands of community groups. The Authority relies increasingly on effective partnerships to help it deliver the defined outcomes described in the National Park Management Plan.

### C3. Equality in Service delivery

- 3.1 National Park Management Plan actions which are specifically delivered by the National Park Authority services, are published annually, in June, in the **Performance and Business Plan**, [www.peakdistrict.gov.uk/publications/businessplan](http://www.peakdistrict.gov.uk/publications/businessplan)
- 3.2 The Performance & Business Plan reports the Authority's performance against its **Corporate Objectives**. It also outlines planned actions for the following year. Equality is integral to delivering all our Corporate Objectives. However we also have corporate objectives and success measures (which include key actions) which are more focused and have been prioritised for achieving equality for our target audiences and groups.
- 3.3 The Corporate objectives identify **success factors** so that we can measure the progress of our work.

For 2012- 15 the following specific equality actions have been identified in the success factors of 4 of our corporate objectives as follows

- **Corporate objective 7: Enable individuals, the community and voluntary sector to increase their contribution to the national park;** with a success factor of *'our work is supported by at least 7,000 volunteer days annually and the proportion from our target groups increases'*;
- **Corporate objective 8: Provide and enable recreation services that promote health benefits, widen participation, reduce impact on the environment and manage conflicts between users;** with a success factor of *'have widened participation to the services we offer to our target audience's'*;
- **Corporate objective 10: Inspire a wider range of people to access and better understand the national park, through some direct provision of services and enabling others to do so;** with a success factor of *'continue to provide a similar number of learning opportunities and more target audiences take part in the activities'*
- **Corporate objective 11: Be a well run public body with proportionate and effective ways of working, delivering excellent customer service and living our values;** with a success factor of *'we have improved staff engagement in all of our work and maintained our Investors in People accreditation' will evidence our equality actions as an employer.*

### C4. Buying in services

- 4.1 Where aspects of service delivery is contracted out, the external contractor will themselves be subject to the general equality duty in carrying out the public function. Where the duty does not

directly apply to the contractor, the procuring public authority should include equality obligations in the contract for services, in order to comply with its obligations under the duty. The requirement to comply with the general equality duty applies to all procurement regardless of the value. The value of the contract may, however, impact upon the relevance and the proportionality of equality considerations. Contracts should include the following conditions

- prohibiting the contractor from unlawfully discrimination under the Equality Act 2010, and
- require them to take all reasonable steps to ensure that staff, suppliers and subcontractors meet their obligations under the Equality Act 2010.

4.2 Employees involved in procurement will have a good understanding of the equality duty.

## **C5. Monitoring and reporting equality achievements**

5.1 To meet our public sector equality duty we will gather sufficient information to ensure that we:

- have enough relevant information to hand about equality issues,
- understand the impact of proposals and decisions on people with protected characteristics,
- identify ways to eliminate discrimination, advance equality, and foster good relations.

5.2 We will consider periodic monitoring key parts of our work, both in terms of service provision and employment such as

- Customer enquiries and customer satisfaction surveys
- Complaints
- Procurement
- Engagement (with people with different protected characteristics)
- Employment policies and practices.

5.3 Instead of the Equality Impact and Needs Assessment process used previously, we will report the impact of proposals and ways to eliminate discrimination through a standing item on report templates to Committees and Resource Management Team.

## **C6. The Authority as an employer**

### **6.1 Our Values**

The Peak District National Park Authority is a sustainable organisation that achieves National Park purposes by being...

***We are a Sustainable organisation that values diversity of people, nature and opportunity in***

***The People:*** Where we value and treat each other with

- Openness
- Integrity
- Consistency
- Trust
- Fairness and mutual respect
- A positive outlook and a passion for the peak district

***The Place:*** Where we operate to serve the National Park and its communities, valuing

- Needs and contributions of visitors, residents, customers and the environment

- Involvement and participation
- Special qualities of the Peak District
- Working in empowered partnerships

***The Way We Work: Operating within our capacity & resources, and valuing***

- Minimal bureaucracy
- Flexibility
- Efficiency and effectiveness
- Learning
- The professionalism, knowledge, passion and contribution of staff
- Innovation
- Initiative and a pro-active approach
- .... In our leadership of the National Park

## 6.2 Our Equality in Employment Policy

1. With regard to employment we strive to
  - Create equality of opportunity in employment for all present and potential employees regardless of their age, disability, race, religion or belief, sex, sexual orientation, gender reassignment, marital status or civil partnership or pregnancy or maternity.
  - Work towards creating a workforce which reflects the population of the wider Peak District and surrounding areas
  - Ensuring that no-one is unfairly discriminated against when applying for a job or during their employment.
  - Endeavour to ensure that all employment actions and decisions affecting present and potential employees are made on fair objective grounds without personal prejudices or discrimination. We hope that this will retain our ability to become an employer of choice and retain the Investors in People accreditation
2. Monitoring of the workforce and job applicants against the nine protected characteristics groups is undertaken and reported annually to the Strategic Management Team. The purpose of monitoring is to comply with our Public Sector Equality Duty and to evaluate the effectiveness of equality our employment practices. We will consider action where evidence shows unfair treatment or where a particular protected characteristic is not adequately reflected within the workforce.
3. An employee who has a concern regarding unfair discrimination, victimisation or harassment at work may use one of our formal procedures e.g. grievance, bullying and harassment, or confidential reporting. This does not affect an employee's right to take their case to an employment tribunal within the statutory time limits.
4. Recruitment:
  - Only consider applicants for jobs on the basis of relevant experience, qualifications, skills and abilities required for the post. No posts in the Authority currently identify a Genuine Occupational Requirement (which would require positive discrimination for a particular group) for reasons of authenticity. Posts with responsibility for working with children require Disclosure by the Disclosure and Barring Service and decisions regarding suitability for employment (and continued suitability through periodic checks) will be handled confidentially, sensitively and fairly
  - We will ensure that our recruitment and selection procedures are non discriminatory and that disabled applicants are consulted about reasonable adjustments to suit their

needs and that job applicants are not asked any health related questions prior to offering them work

- Positive action may be considered where the Authority thinks that employees or job applicants who share a protected characteristic suffer a disadvantage connected to that characteristic.
- We will continue to encourage applications from all racial groups and following a specific outreach project we will continue to send copies of all adverts to community leaders in Sheffield and periodically review the list and ask if the information received continues to be of interest.
- Recruitment statistics will be monitored to ensure that the application, short-listing and interview processes give equal opportunity. Those short listing are unaware of the applicant's protected characteristics.
- Recruitment is by balanced panel (e.g. age, gender). All non-casual posts of 30 hours or more are open to job share unless there is a specific operational reason justified before recruitment commences. Appointment is made based on the best person for the post irrespective of their protected characteristics.
- We ask and assist applicants invited to interview with their access requirements.
- Apprenticeships, work placement and volunteering opportunities are open to all people irrespective of their protected characteristics.

#### 5. Implementation of terms and conditions:

- All employees will receive fair and equal treatment in relation to their terms and conditions of employment, regardless of whether they are part time, full time, seasonal or temporary
- Equal pay will be assured by the fair evaluation of posts through the Local Government Job Evaluation scheme developed through the Single Status Agreement in 2000. Further we will ensure that any related reward or recognition schemes are developed and applied without discrimination.
- All employees have equal access to the employee benefits such as the pension scheme and work life balance opportunities (including flexible working agreements).
- We will respond to reasonable adjustments on racial grounds (e.g. catering requirements). We will make reasonable adjustments (including advice from Occupational Health and specialist agencies where appropriate) to ensure that the working environment does not prevent disabled people from taking up or staying in employment with us. We have some offices which are fully accessible.

#### 6. Implementation of employment policies:

- Each employment policy has equality guidance notes.
- All employees will be encouraged and helped to reach their full potential, within the resources available to us. We will ensure that appraisal, promotion, learning and development, and opportunities for secondment are based on aptitude and ability. We will ensure that all employees are able to have and implement a Learning and Development Plan.
- Our Learning & Development Policy states that there are at least 24 different ways to access learning not just attendance on a course (this may be helpful for those with different working patterns, different learning styles etc.) All employees are encouraged to have a Learning and Development Plan and reasonable time/resources to fulfil their



agreed plan. We will train employees in equality making them more aware of the needs of service users and colleagues with Protected Characteristics.

- Where succession planning and career development is undertaken, we will ensure that it is done in a way that enables the organisation to develop and retain high achieving employees so that they are able to present themselves well for a competitive recruitment to future vacant posts (i.e. appointment will not occur without competition).
- Our Joint Performance & Achievement Review (JPAR, appraisal process) process states that every member of staff with contract hours has an appraisal irrespective of contract type, hours worked or role in the organisation. Managers will act fairly when setting work programmes, when reviewing work performance and when establishing and delivering Learning and Development Plans.
- Employees will be treated fairly under our 'Managing Change Policy' in relation to changes to posts and the establishment through transfers, redeployment and redundancy.
- Handling of grievance and disciplinary procedures and application of the Absence Management Policy will be non discriminatory.
- With regard to reasonable adjustments and redeployment Occupational Health advice will be sought and disabled employees consulted in order to retain them in suitable employment wherever reasonable.
- Ensure that the workplace is free from discrimination, victimisation and harassment and act promptly in response to any complaints of discrimination or harassment in an appropriate and sensitive manner. Complaints will be handled under the Authority's Grievance Procedure
- Take action to prevent any third party harassment (such as by customers or clients) of our employees. We will respond immediately to prevent future harassment where harassment has occurred
- Consult with our recognized trade union and Staff Committee when we come to review and evaluate the effectiveness of this Equality in Employment Policy.
- We will consider reasonable adjustments to enable an employee who becomes disabled to stay in employment with advice from Occupational Health and specialist agencies in order to maintain, where reasonable a role appropriate to their experience and abilities.
- We will not discriminate against a person undergoing gender reassignment, but would offer any appropriate support. We will not treat less favourably any absence from work due to any ongoing or proposed gender reassignment.
- We will evaluate our equality training programmes and take action to and improvement future programmes. All new employees will receive equality training in their induction programme. Training will be supported with visible and strong leadership.

## **C7 Manager Guidance by the 9 Protected Characteristics**

The following guidance notes are designed to enable managers to consider what actions they might take to ensure that services are accessible and free from inequality. Managers can then design services and actions in their annual service plans in line with this guidance.

## 7.1 Age

7.1.1 With respect to age equality managers should consider Managers should consider:

- How they can eliminate age discrimination in service delivery
- Consulting with younger and older people in drawing up plans and making decisions
- Supporting younger and older people's interest groups, making special efforts to include hard to reach groups
- Providing services on the basis of need, regardless of age
- Ensuring that all consultants, contractors, suppliers and partners promote age equality
- Employ people from age 18 until they choose to leave or retire
- Monitoring workforce information to identify if there is a risk of age discrimination and to help plan workforce developments.

7.1.2 Managers are aware that:

- The Equality Act 2010 provides protection against age discrimination in employment and training for people of all ages. The statutory upper age limit for employment has been removed and whilst the law does not apply to goods and services we will endeavor to work within equality best practice
- Both older and younger workers may face stereotyping with regard to their capabilities and prospects. Stereotypes can diminish choice for individuals and lead to ineffective use of employees
- Age does not equate to physical or mental ability and is a poor predictor of performance and should not be used as a deciding factor in employment decision-making including
  - The recruitment and selection for employment process
  - The terms of employment afforded to employees
  - The age at which the employee decides to leave the Authority (i.e. no fixed retirement age)
  - The opportunities for promotion, transfer, training or receiving any other benefit (with the exception of pension payments governed by the rules of the Local Government Pension Scheme)
  - Dismissing or subjecting employees to any other detriment
- **Discrimination** can be
  - **Direct** i.e. deciding not to appoint someone because of their age
  - **Indirect** i.e. It is inappropriate to state in a job specification that applicants “must be recently graduated” as fewer people in an older age group are likely to meet this criterion. Equally instead of stating an applicant must have a specific number of years experience (which a younger candidate might be very unlikely to have) it is more appropriate to state what skills and expertise the post requires.
  - **Associative:** i.e. discriminating against an employee because they associate with another person of a different age group to themselves.
  - **Discrimination by way of victimisation** i.e. where a manager dismissed an employee who had given evidence on behalf of another employee who had claimed age discrimination or if someone was ignored or “cold shouldered” by colleagues because they claimed that they were not selected for promotion because of their age.

- **Discrimination by means of harassment** (including third party harassment), e.g. unwanted conduct on the grounds of age which has the purpose or effect of violating their dignity or creating an intimidatory, hostile, degrading, humiliating or offensive environment for them; name calling or teasing or tolerance for a general culture where, for example, the telling of ageist jokes is accepted; Bullying of a younger worker by always giving him or her unpleasant or unpopular tasks that should reasonably be shared between colleagues with the same role and responsibilities; Having nicknames for older workers for example “granddad” or dinosaur” if it makes that person feel demeaned or insulted.
  - **Retirement:** The Authority has no mandatory retirement age but operates a flexible approach to retirement, allowing employees to continue working for as long as they wish, providing that they remain competent to do their jobs and with in the rules of the Local Government Pension Scheme. The Authority has a discretionary Early Retirement (Employer’s Release) scheme which confers no rights or entitlements. The Authority operates a Flexible Retirement Scheme under the local Government Pension Scheme.
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- **The National Minimum Wage:** it is lawful to follow the age bands and minimum wage levels set out in the national minimum wage legislation.
  - **Service Related Benefits:** An exception is included in the Regulations which allows employers to continue to award benefits to employees using the criterion of length of service where it can be justified to fulfill a business need (for example, by encouraging loyalty or motivation or reward the experience, of some or all workers). We have no benefits requiring more than 5 years service.
  - **Unfair Dismissal, Redundancy and Statutory Sick Pay:** There is no age limit for unfair dismissal, statutory redundancy payments and statutory sick pay. It will continue to be lawful for the amount of redundancy payments (Statutory and Authority) to be calculated using employee’s age, length of service and weekly pay.
  - **Occupational Pensions:** The Equality Act 2010 generally allows occupational pension schemes to continue as before. The Local Government Pension Scheme has age related regulations e.g. employees over 55 who are made redundant have an automatic release of their pension; employees may contribute to the scheme up to their 74<sup>th</sup> birthday; pension paid before age 65 is at a discount unless the employee meets the 85 year rule (age + pensionable service).

## 7.2 Disability

### 7.2.1 With respect to disability managers should consider:

- Providing equality of opportunity or making things fairer for disabled people in every aspect of their contact with the Authority
- Making services accessible to disabled people and offering choice and, where ever possible, removing any barriers that disabled people face in using our services goods, facilities, services and buildings
- Increasing the independence and choices that disabled people have in accessing services and facilities in the National Park

- Supporting the right of disabled people to access services independently where possible
- Consider and take into account the specific needs of disabled people and their personal assistants when we plan and deliver our services
- Consulting disabled people, and/or their advocates, in making decisions which affect them
- Tackling barriers in the provision of joint services through effective partnership working
- Enabling disabled people to have equal access to employment opportunities and develop their career and contributions to the work of the Authority
- Taking steps to eliminate associate discrimination and discrimination by perception.
- Ensuring that our policies, procedures and practices comply with the Disability requirements of the Equality Act 2010

#### 7.2.2 Managers are aware that:

- They should sensitively handle allegations of discrimination, harassment (including third party harassment) providing appropriate support to the alleged victim(s) as set out in our policies and procedures
- Job applicants will be asked if they have any access needs to enable them to undertake the selection process
- Only after employment has been offered will the Authority ask health related questions through Occupational Health to help decide whether the Authority needs to make any reasonable adjustments for the person to undertake the role; and whether an applicant can carry out a function that is essential to the job
- We monitor diversity among applicants applying for jobs
- They can consider positive action to assist disabled people
- They should consider reasonable adjustments to help employees who are, or become, disabled to remain in our employment. Such adjustments will depend on the job, the individual, and the reasonableness of the cost for example:
  - Carrying out physical alterations to premises to make them accessible
  - Reallocating any non-essential tasks of a job where reasonable to another employee where the disabled colleague finds the task difficult
  - Acquiring or modifying equipment/work processes
  - Providing a reader or interpreter through 'Access to Work'
  - Adjusting working hours
- They should manage employees fairly and appropriately, ensuring there is no disability discrimination in terms work allocations, consultation, communication, promotion, training and development opportunities, employee appraisals, granting of leave, grievance and disciplinary matters, conditions of employment, the work environment, reward, retirement, redundancy or transfer
- The Equality Act 2010 now states that it would be discriminatory to treat a disabled person unfavourably because of something connected with their disability (e.g.: such as a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the Authority or other person acting for the Authority knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if the Authority can show that it is a proportionate means of achieving a legitimate aim
- Ask disabled people about their needs, finding out whether they are happy with the services they use, and seeking their views on how new facilities are provided or designed

- Ensure that all consultants, contractors, suppliers and partners are made aware of the Equality Policy and the expectation that their own policies will include as a minimum a commitment to equal opportunities
- Indirect discrimination also now covers disabled people, which means that a job applicant or employee could claim that a particular rule or requirement that the Authority has in place disadvantages people with the same disability. Unless the Authority could justify this, it would be unlawful.
- The Equality Act 2010 defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. An exception to this is a person with severe disfigurement, which would be treated as having a substantial adverse effect on a person's ability to carry out normal day-to-day activities. Since 2005 there is no longer the requirement that a mental illness should be 'clinically well-recognised'.
- People with HIV, cancer and multiple sclerosis are covered by the Equality Act 2010 effectively from the point of diagnosis, rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.
- The test of whether or not impairment affects normal day-to-day activities is if it affects
  - Mobility
  - Manual dexterity
  - Physical co-ordination
  - Continence
  - The ability to lift, carry or move everyday objects
  - Speech, hearing or eyesight
  - Memory or the ability to concentrate, learn or understand
  - Perception of the risk of physical danger
- The Authority has developed a number of disability access symbols (including nationally recognised ones) for use in our key publications so that members of the public know what access arrangements are in place when they want information about our services and buildings. Our communications service advises employees about the best ways of producing information for the public.
- We have developed Accessible Meetings guidance to make sure our meetings and events are accessible to disabled people (employees and service users) as follows
  - Choosing venues that are accessible
  - Making sure there is adequate parking for disabled people
  - Considering particular access requirements when notifying people of the event
  - Arranging any necessary auxiliary aids e.g. flexible seating arrangements, tables, accessible information/agendas/papers etc (sent prior to the meeting), induction loop, speech to text etc
  - Considering any dietary requirements when providing refreshments
  - Providing a map showing the venue, parking, entrance, rooms, toilets etc
  - Considering any necessary communication requirements and facilitators e.g. sign language interpreters, translators, support workers etc.

## 7.3 Race

### 7.3.1 With respect to race managers should:

- Consider Ways to eliminate discrimination against people on the grounds of race, nationality, ethnic origin, religious or cultural background and the principles of individuality and diversity in providing services and making employment decisions

- Create an equal opportunities culture in service delivery, employment, community development, policy, planning, procurement and partnership working
- Promote service and employment opportunities to black and minority ethnic community groups where possible Periodically monitor use of specific services by ethnicity to ensure equality of access and use the data obtained to further develop services which are appropriate to the needs of users and the community
- Ensure that recruitment and selection is carried out fairly, based solely on the skills and abilities of the applicants
- Manage employees fairly and appropriately, ensuring there is no discrimination on racial grounds in terms of work allocation, consultation and communication, promotion, development and training opportunities, appraisals, granting of leave, grievance and disciplinary matters, conditions of employment, the work environment, reward, retirement, redundancy or transfer
- Create a culture in which racial harassment and discrimination are unacceptable and action is taken if any is shown, handling allegations of racial discrimination and harassment with sensitivity, giving appropriate support to the alleged victim[s] in accordance with Authority policy
- Train employees at all levels to consider equality issues, including race equality, as an integral part of designing and delivering services

### 7.3.2 Managers are aware that:

- If an issue arises. make service users aware that they do not have the right to refuse service from particular members or employees on racial grounds
- They should ensure that service users, employees, consultants, contractors, suppliers and partners are able to go about their daily business free from racial harassment and discrimination
- That consultants, contractors, suppliers and partners should be made aware of these guidance notes (for example, in specifications) and the expectation that their own policies will include a commitment to equal opportunities
- Allegations of racial discrimination and harassment (including third party harassment) should be handled with sensitivity, giving appropriate support to the alleged victim[s] in accordance with Authority policy
- Steps should be taken to eliminate associative discrimination and discrimination by perception.

## 7.4 Religion or belief

### 7.4.1 With respect to religion or belief managers should:

- Consider ways to eliminate discrimination on grounds of religion or belief in service delivery
- Ensure that service users, employees, consultants, contractors, suppliers and partners [including those in the voluntary and community sectors] are able to go about their daily business free from harassment and discrimination on grounds of religion or belief
- Manage employees fairly and appropriately, ensuring there is no discrimination on religion or belief in terms of work allocations, consultation and communication, promotion, development and training opportunities, employee appraisals, granting of leave, grievance and disciplinary

matters, conditions of employment, the work environment the work environment, reward, retirement, redundancy or transfer

- Not dismiss or subject employees to any other detriment because of their religion or belief.
- Not unreasonably withhold leave from employees who may wish to celebrate cultural and religious festivals.
- Handle allegations of discrimination and harassment with sensitivity, giving appropriate support to the alleged victim[s], within the context of the normal policy and procedure.
- Ensure (e.g. through contract specifications) that all consultants, contractors, suppliers and partners own policies will include as a commitment to equal opportunities.

#### 7.4.2 Managers are aware that:

- Religion or belief is defined in the Equality Act 2010 as any religion but also includes a lack of religion. A religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or protected belief. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.
- An example of direct discrimination on grounds of religion or belief would be if at interview it became apparent that a job applicant has of a specific religion and although the person has all the skills and competencies required for the job, the employer decided not to offer the applicant the job because of their religion.
- An example of indirect discrimination would be having a policy for some staff to wear baseball caps. This rule disadvantage Sikhs who wear a turban for religious reasons. Another example is having a uniform requirement that female employees must wear skirt that shows the legs below the knee and does not allow matching trousers to be worn underneath. This rule disadvantages women who are Muslims.
- An example of discrimination by way of victimization might be where an employee is refused promotion after giving evidence to an Employment Tribunal on behalf of a colleague who had brought a claim of discrimination on the grounds of religion or belief even though the evidence shows all the necessary skills and experience.
- Discrimination by means of harassment (or third party harassment) might be when someone is subjected to unwanted conduct on the grounds of religion or belief, which has the purpose or effect of: violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. An example is where an employee is subject to continuous remarks about his partner's religious convictions which he finds this offensive and distressing and complains to his manager. He is told not to be so sensitive and the remarks are only harmless workplace banter.
- The Equality Act 2010 does not say that employers must provide time and facilities for religious or belief observance in the workplace. However, the Authority will consider whether our policies, rules and procedures indirectly discriminate against workers or employees of particular religions or beliefs and where there is a risk that this might occur, consider what changes can be made.

## 7.5 Sex

### 7.5.1 With respect to sex discrimination managers should consider:

- How to eliminate sex discrimination in order to enable men and women to participate on an equal basis in our services and employment

- When we monitor customer satisfaction consider monitoring responses by women and men
- If monitoring shows a low level of take up of particular services by a particular gender, consider ways to encourage that gender to make more use our services
- Ensure that all employees are able to work in an environment that values them as individuals and is free from sexual harassment
- Value life skills developed in the home and in the community
- Ensure that all employees have the same development and progression opportunities and that the opportunities are the same for part-time workers as they are for full-time workers
- Ensure that all employees receive equal pay for doing equal work through using the Local Government Job evaluation scheme to evaluate posts not post holders, that the same service conditions apply and that any special supplements are approved and paid in accordance with the principles of the Local Government Terms and Conditions
- Support employees in making personal choices about their parenting, caring and working roles through our Flexible Working Policy and Family Friendly Policy
- Confront unlawful discrimination and promote sex equality through learning and development
- Review our harassment procedure to ensure that it reflects best practice and that all employees are aware of the support and advice available if they experience harassment
- Sensitively handle allegations of sexual discrimination, giving appropriate support to the alleged victim(s) in accordance with Authority policy
- Take steps to eliminate associative discrimination and discrimination by perception
- Use our confidential reporting procedure to enable employees to report bad practice without fear of being victimised as a result.

#### 7.5.2 Managers are aware that:

- We support carers through our Flexible Working Policy and our Family Friendly Policy which include opportunity to request a flexible working agreement including:
  - Flexible hours
  - Compressed hours (including 9 day fortnight, annualised hours, term time working)
  - Voluntary reduction in hours
  - Additional leave arrangements (paid and unpaid)
  - Compassionate leave
  - More generous than statutory maternity and paternity leave arrangements
  - Statutory arrangements for adoption and carer leave
  - Childcare voucher scheme

## **7.6 Sexual Orientation**

#### 7.6.1 With respect to sex managers should:

- Ensure that policies, procedures and practices are not based on the assumption that everyone is, or should be, heterosexual



- Acknowledge same sex relationships and ensure that, wherever possible, the partners of same sex or transgender couples have equal access to the services and benefits available to heterosexual couples
- Ensure they do not discriminate against lesbian, gay, bisexual and transgender people in delivering our services
- Encourage a culture where people feel able to be open about sexual orientation and ensure that lesbian, gay, bisexual and transgender employees have a safe and supportive environment in which to work
- If service users refuse service from lesbian, gay, bisexual and transgender employees we will ensure that they are aware that they do not have the right to do so
- Ensure that recruitment and selection is carried out in accordance with corporate standards and best practice
- Provide appropriate development opportunities to assist with the implementation of this policy and ensure that employees and members are aware of their individual responsibilities and the Authority's commitment
- Handle allegations of discrimination, victimisation and harassment sensitively, providing appropriate support to the alleged victim(s), in accordance with Authority policy and procedure
- Manage employees fairly and appropriately, ensuring there is no discrimination in terms of attitude, work allocations, consultation, communication, promotion, development and training opportunities, employee appraisals, granting of leave, including maternity/paternity/adoption leave, grievance and disciplinary matters or other conditions of employment the work environment, reward, retirement, redundancy or transfer.

#### 7.6.2 Managers are aware that

- Sexual orientation is defined as
  - Orientation towards persons of the same sex (lesbians and gay men)
  - Orientation towards persons of the opposite sex (heterosexual)
  - Orientation towards persons of the same sex and the opposite sex (bisexual)
- Direct discrimination would be where an employer decides not to employ someone because of their sexuality, or dismissing someone because of their sexuality
- Indirect discrimination would be where a pension benefits are only payable to an opposite sex partner
- Discrimination by way of victimization would be where a manager dismissed an employee who had given evidence on behalf of another employee who had claimed sexual orientation discrimination
- Associative Discrimination would be discriminating against an employee because they associate with another person who has a different sexual orientation to themselves
- Discrimination by Perception would be discriminating against an employee because other employees think they possess a different sexual orientation to themselves
- Discrimination by means of harassment (including third party harassment) would be when someone is subjected to unwanted conduct on the grounds of sexual orientation which has the purpose or effect of: violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

## 7.7 Gender reassignment

#### 7.7.1. With respect to gender reassignment managers are aware that

- They must pay due regard to the three aims of the General Equality Duty in our policies and work to provide support to and ensure no discrimination in providing services or employment to anyone due to gender reassignment
- Gender reassignment is defined as “someone who proposes to, starts or has completed a process to change his or her gender”. Transsexual people do not have to be under medical supervision to be protected under the Equality Act 2010.
- It is discriminatory to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent from work because they were ill or injured.

### 7.8 Marriage or Civil Partnership status

#### 7.8.1 With respect to marriage or civil partnership managers aware that

- We must pay due regard to the three aims of the General Equality Duty in our policies and work to ensure no discrimination in providing service or employment on grounds of marriage or civil partnership. Ensure that policies, procedures and practices are not based on the assumption that everyone is, or should be, heterosexual
- The Civil Partnership Act 2004 came into force on 5 December 2005 allowing two non-related adults of the same sex to register a civil partnership, which has many of the same rights and responsibilities as marriage. The Equality Act 2010 allows employers to restrict employment benefits to married people and people in a civil partnership to the exclusion of those who hold neither status. The Equality Act 2010 also requires spouses and civil partners to be treated equally in the workplace.

### 7.9 Pregnancy and maternity

#### 7.9.1 With respect to pregnancy and maternity managers are aware that

- They must have regard to the three aims of the General Equality Duty in our policies and work to ensure no discrimination on grounds of pregnancy or maternity.
- Through our Maternity Policy a woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this statutory maternity period, pregnancy and maternity discrimination cannot be treated as sex discrimination.
- A woman on maternity leave has the right to ‘keeping in touch days’ and to be considered for any vacancies which may arise during her leave.
- A woman has the right to maternity leave and pay as described in our maternity policy (and to share maternity leave and pay with her partner) and return to her post or a similar post at the end of the maternity leave.
- If her post is made redundant, a woman on maternity leave must be given first consideration for any redeployment opportunity prior to consideration of any other redeployee or employee.

- It is unlawful to take into account an employee's period of absence due to pregnancy related illness when making a decision about her employment.