

REPORT OF PERFORMANCE AND COMPLIANCE CO-ORDINATOR

SUBJECT: EQUAL OPPORTUNITIES POLICY

Purpose of the Report

This report seeks approval of the Equal Opportunities Policy of the Authority.

Introduction

The Authority currently has a Dignity at Work Policy and Strategic Equality Plan but does not have a separate Equal Opportunities Policy. Having a separate Equal Opportunities Policy strengthens the Authority's policy position particularly for service users and will help strengthen staff awareness of their legal responsibilities.

The Policy:

- a) Outlines PCNPA's commitment to prevent discrimination, promote equal opportunities and foster good relations between different groups as an employee, provider of goods and services and as a public body.
- b) It provides definitions of protected characteristics and forms of discrimination identified under the Equality Act 2010 and information on reasonable adjustments.
- c) Sets out what you can do if you have a concern that this policy isn't being followed.

A copy of the draft policy is included as Annex A.

A copy of the draft policy has been presented and discussed at Leadership Team meeting and went out for consultation with staff during July 4th and August 9th.

Financial Considerations

Provision of reasonable adjustments can impact on budgets. It is the responsibility of the Authority to meet the cost of reasonable adjustments. There are potential costs associated with meeting training needs.

Risk Considerations

There is the potential for financial, legal and reputational impact arising from the effectiveness of complying with equality legislation within the work of the Authority, in relation to staff and others affected by the Authority's activities. A clear policy, awareness raising and strong and active leadership is part of managing the risks.

Compliance

The policy plays a central role in assisting the Authority to comply with the Equality Act 2010 and Welsh Specific Equality Duties as a provider of goods and services, employee and as a Public Body. Tools such as Equality Impact Assessments and provision of training can assist the Authority with compliance with its Equality obligations.

Human Rights/Equality issues

The policy plays a central role in ensuring the Authority complies with the Equality Act 2010. There can be a cross over between equality and Human Rights legislation and this policy through strengthening the Authority's policy position on Equality is likely to also have a positive impact on Human Rights considerations.

Sustainable Development

Some interventions relating to sustainability may impact on protected characteristics. Where relevant carrying out equality impact assessments can help the Authority put in place mitigating actions where need. The Well-being of Future Generations (Wales) Act requires public bodies to act in accordance with the sustainable development principle. Involvement is one of the five ways of working under this principle and aligns with requirements relating to engagement with protected groups under the Welsh Specific Equality Duties.

Welsh Language statement

This policy will be translated into Welsh. When considering equality it is important to consider how the Welsh Language can interact with protected characteristics e.g. considering when making a reasonable adjustment whether a service user may require Easy Read information in Welsh.

Recommendation

Members are asked to consider and approve the Equal Opportunities Policy.

(For further information, please contact Mair Thomas, Performance and Compliance Co-ordinator)

Equal Opportunities Policy



External and Internal

Review

Version	Effective Date	Document Owner	Review Date Trigger
1		Performance and Compliance Co-ordinator / HR Manager	Every 3 years. Legislative/ best practice or organisational changes.

Target Audience

1. All employees, job applicants, Members, volunteers, contractors and consultants of the Authority.
2. Authority Service users and the general public.

Consultations

Group	Date
Staff and Staff Reps	

Approvals

This document requires the following approvals.

Approved by	Name	Date	Signature
Leadership Team			
National Park Authority			

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1. Policy Statement

Pembrokeshire Coast National Park Authority (PCNPA) is committed to equality and ensuring all service users, customers, volunteers, Members and employees of the Authority are treated with respect, fairness and dignity.

We are committed to ensuring that anyone; working with us, applying to work with us, volunteering with us, receiving our services, or applying for services is not discriminated against on the basis of their protected characteristics as defined by the Equality Act 2010:

- age,
- disability,
- gender reassignment,
- marital or civil partner status (employment only),
- pregnancy or maternity,
- race, colour, nationality, ethnic or national origin,
- religion or belief,
- sex
- sexual orientation

See section 3 on definitions for further information on the protected characteristics.

2. Purpose and Scope

2.1 The purpose of this policy is to set out Pembrokeshire Coast National Park Authority's commitment to promoting equal opportunities and diversity in employment and services. It sets out our commitment to ensuring we comply with the General and Welsh specific equality duties when exercising our functions as a public body.

2.2 This policy identifies who is responsible for its implementation and how someone can report a concern and complaint if the Authority fails in its equality related duties.

2.3 This Policy supports the Authority's Equality Plan and objectives.

3. Definitions

3.1 The Equality Act 2010 tells us who is protected from discrimination. These are known as protected characteristics:

Age

This refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 – 30 year olds).

Disability	A person is defined in the legislation as having a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. This can include people with physical and sensory disabilities, learning disabilities, additional learning needs, autism, mental ill health and long term health conditions for example heart conditions and HIV.
Gender Reassignment	The process of transitioning from one gender to another (from male to female or female to male).
Marriage and Civil Partnerships	Marriage is defined as a formal union between a man and a woman or two people of the same sex. Same-sex couples can additionally have their relationships legally recognized as 'civil partnerships'. Civil partners must be treated the same as married couples on most legal matters. Relates only to employment context.
Pregnancy and maternity	Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman un-favourably because she is breastfeeding.
Race	It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
Religion and Belief	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs. Generally, a belief should affect your life choices or the way you live for it to be included in the definition. People are also protected if they have no belief/religion.
Sex	A man or a woman.
Sexual Orientation	Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

4. Legal Context

4.1 Legislation relevant to this policy includes:

- a) Equality Act 2010
- d) Equality Act (Wales Specific Duties) 2010
- b) Human Rights Act 1998
- c) Racial and Religious Hatred Act 1996

5. Our Duty as a Welsh Public Body

5.1 PCNPA as a National Park Authority is a listed body under the Equality Act 2010. This means we are required under the general equality duty to consider how we can positively contribute to a fairer society through advancing equality and good relations in our day-to-day activities.

5.2 This means in exercising our functions, we are required to have due regard to the need to:

- a) **eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act**
- b) **advance equality of opportunity between people who share a relevant protected characteristic and those who do not**
- c) **foster good relations between people who share a protected characteristic and those who do not.**

5.3 Having due regard involves:

- a) **removing or minimising disadvantages experienced by people due to their protected characteristics;**
- b) **taking steps to meet the needs of people from protected groups where these are different from the needs of other people;**
- c) **encouraging people with protected characteristics to participate in public life or in other activities where their participation is disproportionately low.**

5.4 PCNPA as a National Park Authority and a listed body under the Equality Act is required to carry out the following activities to help us meet the General Duty under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011:

Strategic Equality Plan and Setting Equality Objectives	We have a Strategic Equality Plan which sets out our equality objectives and the actions we are going to take to achieve them. We mainstream our actions into our annual Corporate and Resources Plan.
Engagement	We will engage people from protected groups when developing and setting our Equality Objectives and Plan. Where possible we will develop mechanisms to assist people from protected groups to influence the development of strategic plans and documents and inform our equality impact assessments. We will listen to feedback from service users, volunteers, employees, Members and others to improve the way we deliver services for people across the protected characteristics.

Assessing Impact	We will carry out Equality Impact Assessments on strategic policies, plans and key decisions that affect service users, employees, volunteers, Members and communities.
Equality Information and Employment Information	Where possible we will collect and analyse equality information from service users in relation to projects that we deliver. We collect and analyse equality monitoring information on staff and job applicants. We will use wider equality statistics, research and information to inform our equality impact assessments and development of plans, strategies and projects.
Pay Differences	When drawing up our equality objectives we will have due regard to the need to have objectives that address the causes of any difference in pay between employees who are from any protected group and those who are not, if it appears reasonably likely that the reason for the difference is related to the fact that those employees share a protected characteristic. We will make appropriate arrangements to identify and collect information about differences in pay, and the causes of any such differences, between employees who have a protected characteristic and those who do not. If a Gender Pay Objective and difference is identified we will publish an action plan setting out the steps we intend to take to fulfil out gender pay objective and how long we expect it to take.
Staff Training and Awareness	We will promote knowledge and understanding of the general duty and specific duties amongst our employees. We will use any performance assessment procedures to identify and address training needs of employees in relation to the duties.
Procurement	When procuring works, goods or services from other organisations on the basis of a relevant agreement we will have due regard to whether it would be appropriate for the award criteria for that contract to include considerations to help meet the general duty. We will also have due regard to whether it would be appropriate to stipulate conditions relating to the performance of the contract to help meet the three aims of the general duty.
Annual Reporting and Publishing Performance	We will produce an annual equality report by 31 March each year. Our reporting on equality has been mainstreamed into our Annual Report on Meeting Well-being Objectives.

6. Our Duty to Prevent and Respond to Discrimination

6.1 PCNPA has a duty to prevent and respond to all forms of discrimination and harassment under the Equality Act 2010 as an employer and as a service provider:

Direct Discrimination	Direct Discrimination happens when a person is treated less favourably/worse, because of a protected characteristic.
For example: Refusing to provide planning advice to someone because of their sexual orientation would be considered direct discrimination.	
Indirect Discrimination	Indirect discrimination happens when a service provider or employer puts in place a rule or policy or way of doing things that has a negative impact on someone with a protected characteristic when compared with someone without one (when this cannot be objectively justified).
For example: A job advert states that all applicants must have a driving licence. This puts some disabled people at a disadvantage because they may not have a licence because, for example, they have epilepsy. If the advert is for an office based job this requirement would be difficult to justify.	
Harassment	Occurs when a person engages in unwanted conduct which has the purpose or effect of violating someone's dignity or which is hostile, degrading, humiliating or offensive to someone with a protected characteristic. This can be in a way that is sexual in nature.
For example: A customer in the reception area overhears a staff member making racist comments. This is harassment as it creates an intimidating, degrading and humiliating environment and violates the customer's dignity. The comment does not have to be about or directed at the person.	
Victimisation	Treating someone unfavourably because they have taken (or might be taking) action under the Equality Act 2010 or are supporting somebody who is doing so.
For example: A manager refusing to consider someone for promotion because they gave evidence on behalf of a colleague who made a complaint of unlawful sex discrimination.	

6.2 The Act also protects people from:

Discrimination by Perception	People are protected from discrimination by someone who wrongly perceives them to have one of the protected characteristics and treats them less favourably/worse because of this.
For example: A manager decides not promote a member of staff because they believe they are Jewish. It is still discrimination if the staff member is not of the Jewish faith.	

Discrimination by Association

People are protected from discrimination because they are associated with someone who has a protected characteristic. This includes the parent of a disabled child or adult or someone else who is caring for a disabled person.

For example: A job candidate who has been told they are getting a job is suddenly deselected after revealing they have a severely disabled child with complicated care arrangements. The withdrawal of the job offer could amount to discrimination because of their association with a disabled person.

Discrimination Arising from Disability

Treating a disabled person unfavourably because of something connected with their disability when this cannot be justified. This only applies if you know or could reasonably have been expected to know that the person is a disabled person. This is called discrimination arising from disability.

For example: An event attendee experiences psychosis and hears voices, which they manage by talking to them. When the attendee is talking to their voices, Staff facilitating the event ask the attendee to leave. The event attendee has been treated unfavourably because of behaviour related to their disability.

7. Our Duty to Provide Reasonable Adjustments

7.1 Under the Equality Act 2010 PCNPA as a service provider and employer has a duty to make reasonable adjustments where needed for disabled people where they are at a substantial disadvantage compared to other people who do not have a disability.

7.2 Reasonable adjustments include:

- a) **making changes to the way things are done when a policy, provision, criterion or practice puts disabled people at a substantial disadvantage compared to those who are not disabled**
- b) **making changes to the built environment, or physical features around you that put a disabled person at substantial disadvantage or adopt a reasonable alternative method of providing the service or exercising the function.**
- c) **Providing auxiliary aids and services to overcome the substantial disadvantage**

7.3 This duty is anticipatory, so where possible reasonable adjustments should be considered in advance. We cannot ask service users or employees to pay for the cost of reasonable adjustments.

7.4 If we do not make reasonable adjustments when it would have been reasonable to do, this will be unlawful discrimination.

8. Positive Action

8.1 As part of complying with the general equality duty, PCNPA can consider whether taking positive action is open to them and, if so, whether it would be appropriate to take that action.

8.2 Positive action will be lawful for a relevant body where it reasonably thinks that people who share a protected characteristic:

- a) experience a disadvantage connected to that characteristic; or**
- b) have needs that are different from the needs of persons who do not share that characteristic; or**
- c) have disproportionately low participation in an activity compared to those who do not share that protected characteristic.**

8.3 Action may be taken when any one or all of these conditions exist. Sometimes the conditions will overlap – for example, people sharing a protected characteristic may be at a disadvantage which may also give rise to a different need or may be reflected in their low level of participation in particular activities.

8.4 Where the conditions above apply, the relevant body may take any action which is proportionate to meet the aims stated in the Act. Those aims are:

- a) enabling or encouraging persons who share the protected characteristic to overcome or minimise that disadvantage**
- b) meeting those needs, or**
- c) enabling or encouraging persons who share the protected characteristic to participate in that activity.**

8.5 Positive action is not the same as positive discrimination, which is unlawful.

8.6 As with other types of discrimination covered by the Act, it is important to note that it is lawful to treat a disabled person more favourably than a non disabled person.

Example of Positive Action

A National Park Authority has no Authority Members under the age of 30. It puts in place a mentoring scheme to encourage greater numbers of young people to take an interest in governance within National Parks. Its longer term aim is to increase the number of younger councillors or Welsh Government appointees. Places are awarded via an open competition and the winners get to shadow nominated councillors or Welsh Government appointees.

9. Responsibilities

- 9.1 The Chief Executive, Senior Management Team and Leadership Team are responsible for implementing this Policy and ensuring that equality is mainstreamed throughout the Authority.
- 9.2 All managers are responsible for ensuring the implementation of the policy in the day to day delivery of services and management of staff. Managers must set an appropriate standard of behaviour, lead by example and ensure that those they manage are aware and adhere to the Policy.
- 9.3 All staff, Members and volunteers have a duty to uphold the Equality Opportunity Policy by:
- a) acting and behaving at all times in a way that supports the public sector equality duties,
 - b) treating all colleagues, Members, Volunteers, customers, service users and members of the public with respect and courtesy,
 - c) challenging discrimination or bringing suspected breaches to their line manager's attention or through other reporting mechanisms.
 - d) Carrying out when required equality impact assessments on strategic policies, plans and key decisions that affect service users, employees, volunteers and communities.
- 9.4 Breaches of the Policy are taken seriously and can result in disciplinary action.

10. Reporting a concern or complaint

- 10.1 This policy outlines PCNPA's commitment to prevent discrimination, promote equal opportunities and foster good relations between different groups.
- 10.2 If an employee feels that this policy is not being followed, they should raise this with their line manager. If matters cannot be resolved by the line manager, or where the complaint relates to the line manager, you should follow the organisations Dignity at Work [2] or Whistle-blowing policy [4].
- 10.3 If an employee has any questions about this policy, they should discuss them with their line manager, or they can be raised with PCNPA's HR Manager or Performance and Compliance Co-ordinator.
- 10.4 Disciplinary matters that arise from this policy will be dealt with using PCNPA's Disciplinary Procedure [3].

10.5 If a member of the public feels that this policy is not being followed, they can make a Complaint, this process is set out in our Customer Service Standards Document [6].

11. Information and Support

Equality and Human Rights Commission	Website: https://www.equalityhumanrights.com/en
Equality Advisory Support Service:	Website: http://www.equalityadvisoryservice.com/ Advice Line: 0808 800 0082 Textphone: 0808 800 0084/ Fax:0800 090 2305
ACAS Helpline	Advice Line: 0300 123 1100. Text Relay: 18001 0300 123 1100.
Citizens Advice Cymru	Website: https://www.citizensadvice.org.uk/wales/law-and-courts/discrimination/
Victim Support – Reporting a Hate Crime	Website: https://www.reportheate.victimsupport.org.uk/ Tel: 0300 3031 982 E-mail: Hate.CrimeWales@victimsupport.org.uk
Live Fear Free - Domestic abuse and sexual violence	Website: https://livefearfree.gov.wales/?skip=1&lang=en Helpline: 0808 8010 800 Text service: 078600 77333 E-mail: info@livefearfreehelpline.wales
Samaritans	Call free: 116 123 (24 hours a day, 7 days a week) Welsh Language Line: 0808 164 0123
Mind Cymru	Website: https://www.mind.org.uk/information-support/ Helpline: 0300 123 3393 E-mail: info@mind.org.uk Text: 86463
Disability Wales	Website: http://www.disabilitywales.org/rights/ Tel: 029 20887325 E-mail: Info@disabilitywales.org
Mencap Cymru	Website: https://www.mencap.org.uk/advice-and-support Helpline: 0808 8000 300
Stonewall Cymru	Website: www.stonewallcymru.org.uk Tel: 0292023 7744 E-mail: Cymru@stonewallcymru.org.uk
Age Cymru	Website: https://www.ageuk.org.uk/cymru/information-advice/ Helpline: 08000 223 444 E-mail: advice@agecymru.org.uk .
Carers UK/ Wales	Website: https://www.carersuk.org/help-and-advice Helpline: 0808 808 7777
Turn2US	Website: https://www.turn2us.org.uk/Get-Support
Forced Marriage Unit	Helpline: 020 7008 0151
Modern Slavery	Helpline: 0800 0121 700

Welsh Refugee Council	Website: https://welshrefugeecouncil.org.uk/ Tel: 0300 303 3953
Welsh Government – Gypsies and Travellers	Website: https://gov.wales/community-cohesion
Children’s Commissioner for Wales	Website: https://www.childcomwales.org.uk/ Tel: 0808 801 1000 E-mail: post@childcomwales.org.uk
Older People Commissioner Wales	Website: http://www.olderpeoplewales.com/en/home.aspx Tel: 03442 640 670 E-mail: ask@olderpeoplewales.com
Chwarae Teg	Website: https://www.cteg.org.uk/about-us/ Tel: 02920 462 745 Email: post@chwaraeteg.com

12. Reference

1	Equality Plan 2016-2020	https://www.pembrokeshirecoast.wales/Files/files/Corporate%20Docs/PCNPA_equality_plan_english.pdf
2	Dignity at Work Policy	http://parcnet/Docs/Documents/Dignity%20at%20work%202.doc
3	Disciplinary Procedure	http://parcnet/Docs/Documents/Disciplinary%202009.doc
4	Whistle-blowing Policy	http://parcnet/Docs/Documents/Whistleblowing%202.doc
5	Domestic abuse in the workplace policy	http://parcnet/Docs/Documents/Domestic%20Abuse%20Workplace%20Policy.docx
6	Customer Service Standards	https://www.pembrokeshirecoast.wales/Files/files/Corporate%20Docs/2017_18%20Corporate%20Docs/Service_Standards.pdf

13. Version History

Version	Effective Date	Summary of Changes