



## WENDOVER PARISH COUNCIL

Address: The Clock Tower, High Street, Wendover,  
Aylesbury, Buckinghamshire HP22 6DU

Telephone: 01296 623056 Email: [clerk@wendover-pc.gov.uk](mailto:clerk@wendover-pc.gov.uk)

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# Equality, dignity and diversity at work

## Policy Statement

Wendover Parish Council is committed to the principle of equal opportunities, respect for others, inclusivity and to avoid unlawful discrimination.

Wendover Parish Council declares its opposition to any form of direct or indirect discrimination on the grounds of

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (including colour, nationality, and ethnic or national origin)
- religion or belief
- sex
- sexual orientation

Wendover Parish Council:

1. Expects that all employees, councillors, contractors and volunteers have a personal responsibility to ensure equal opportunity, diversity and inclusion for all.
2. Believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council. Everyone should expect to be treated with dignity, respect and courtesy.
3. Is committed to equality of opportunity, access and treatment in the services it provides.
4. Will actively promote equal opportunity, diversity and inclusion in its communications and consultations and ensure no group is discriminated or disadvantaged in the consultation or communication process.

Other policies relating to this policy:

- Code of Conduct
- Complaints Procedure
- Disciplinary Procedures
- Grievance Procedures



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## Implementation of the policy statement

### General

1. This policy enhances and replaces the following policies:
  - Equality, Diversity and Inclusion Policy
  - Equal Opportunities Policy
  - Bullying and Harassment
2. This policy has three parts: the policy statement, the implementation and guidance notes. Where there is any confusion or ambiguity the policy statement shall take precedent.
3. This policy is relevant to Councillors, employees, contractors, volunteers and users of the services and open spaces provided by Wendover Parish Council.
4. This policy also covers victimisation as a form of discrimination. We define this as subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include examples such as isolating someone because they have made a complaint or giving them a heavier or more difficult workload.
5. It is important to recognise that discrimination and/or bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines and should not be interpreted as anything different.
6. An annual equality, diversity and dignity at work review will be discussed by Staffing Committee, normally at the first meeting after the Council Annual Meeting.

### Enacting the policy

7. All people who come under the scope of this policy shall be made aware of the policy and have access to it.
8. Allegations of breach of our equality statement or bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially.
9. The Council will always look to an informal resolution in the first instance but has procedures should a more formal resolution be required.
10. Anyone who makes an allegation under this policy will not be treated less favourably because of that complaint.
11. Anyone making a complaint will be given a single point of contact within the Council to support them through the process. This will normally be the Clerk or the Chair and will be known as the appropriate contact.
12. False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to further action.
13. Wendover Parish Council recognises that conduct which one person may find acceptable, another may find totally unacceptable. Behaviour could be harassment when the person had no intention to offend. The Council recognises that we all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear. Council recognises that harassment will occur if the behaviour continues after the recipient has advised the perpetrator that the behaviour is unacceptable to them.
14. If an issue has been reported to the police or as a breach under the Equalities Act 2010 then the Parish Council will respect the formal processes and outcome and will take any investigation into account before proceeding. If a formal investigation may delay an internal process then an interim arrangement will be put in place and it be made clear that this is without prejudice.
15. Members of working groups (who are not Councillors) are not required to sign the Councillor Code of Conduct and are not under the remit of the Monitoring Officer so any formal complaint about their conduct should follow the council complaints process.



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### Informal Resolutions – equal opportunities

16. If you feel that the Council is not living up to the policy statement then this should be informed to the Clerk who will work with you informally to review the Council's policies and practices. Any detail on changes to processes will normally be approved by the Staffing Committee before coming to Full Council.

### Informal Resolutions – Harassment and bullying

17. If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the Council's policy and must stop. It is important that a record be made of any action, even informal and the Clerk (or if the Clerk is the perpetrator the Chair) should be notified.
18. Alternatively, you may wish to ask the appropriate contact to be with you when confronting the perpetrator(s).
19. If the above approach does not work or if you do not want to try to resolve the situation in this way, you should raise the issue with the appropriate contact and ask them to act informally on your behalf. The appropriate contact will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:
  - a. there has been a complaint that their behaviour is having an adverse effect.
  - b. such behaviour is contrary to our policy.
  - c. The continuation of such behaviour could amount to formal action.
20. It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. However, we accept this may be difficult in a relatively small staff and Councillor team. The person dealing with it will stress that the conversation is confidential.
21. In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. This will be discussed with you if it is felt appropriate.
22. If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to any sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. The appropriate contact will consult with you before taking this step.

### Formal Resolution

23. The Council has a Grievance Procedure, Disciplinary Procedure, Complaints Procedure and the Councillor code of Conduct. These are to be followed in these instances based on who is making the complaint and who it is directed at. The appropriate contact will guide you and support the initiation of the relevant procedure.

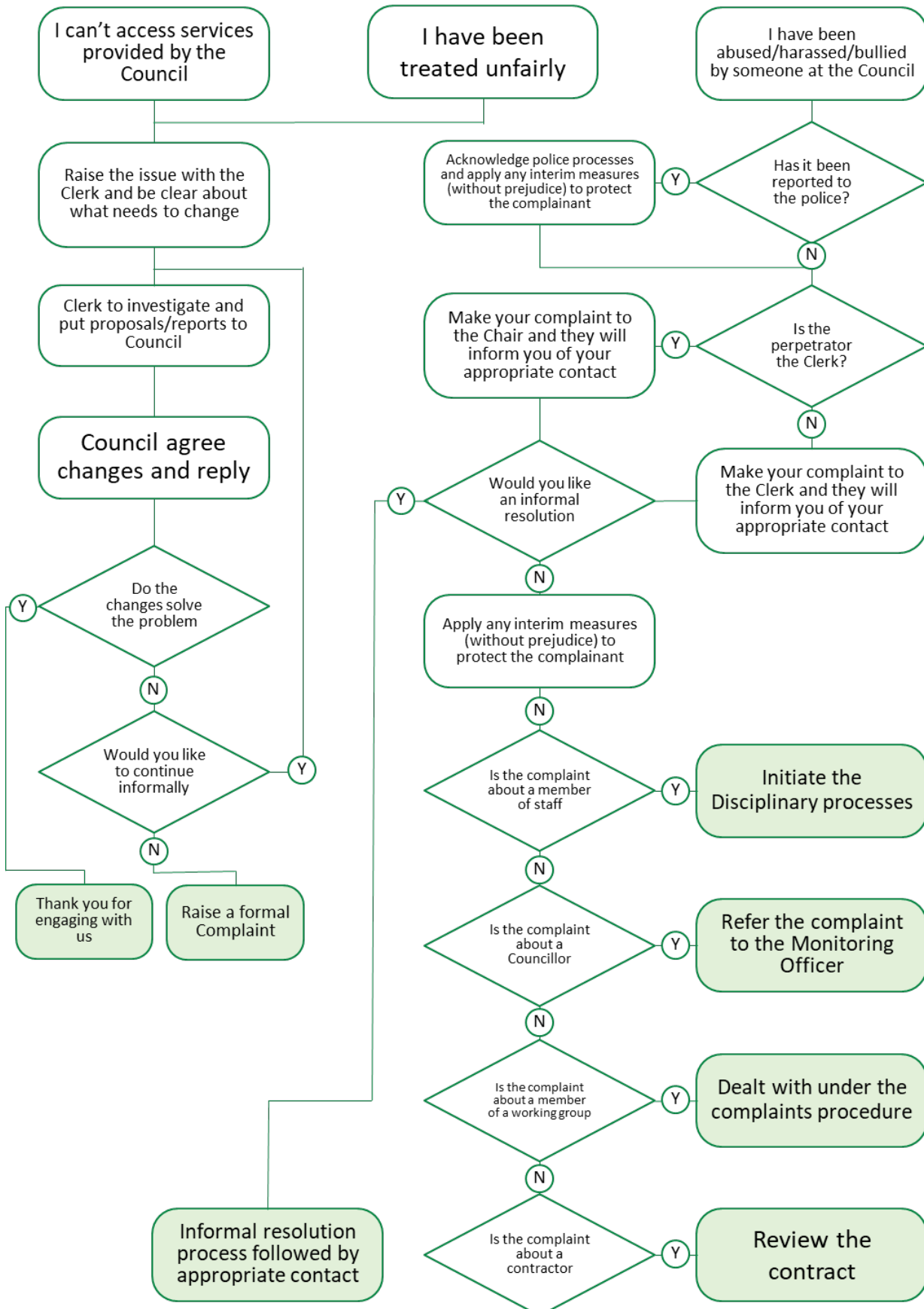


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### I am a resident or service user of the Parish Council



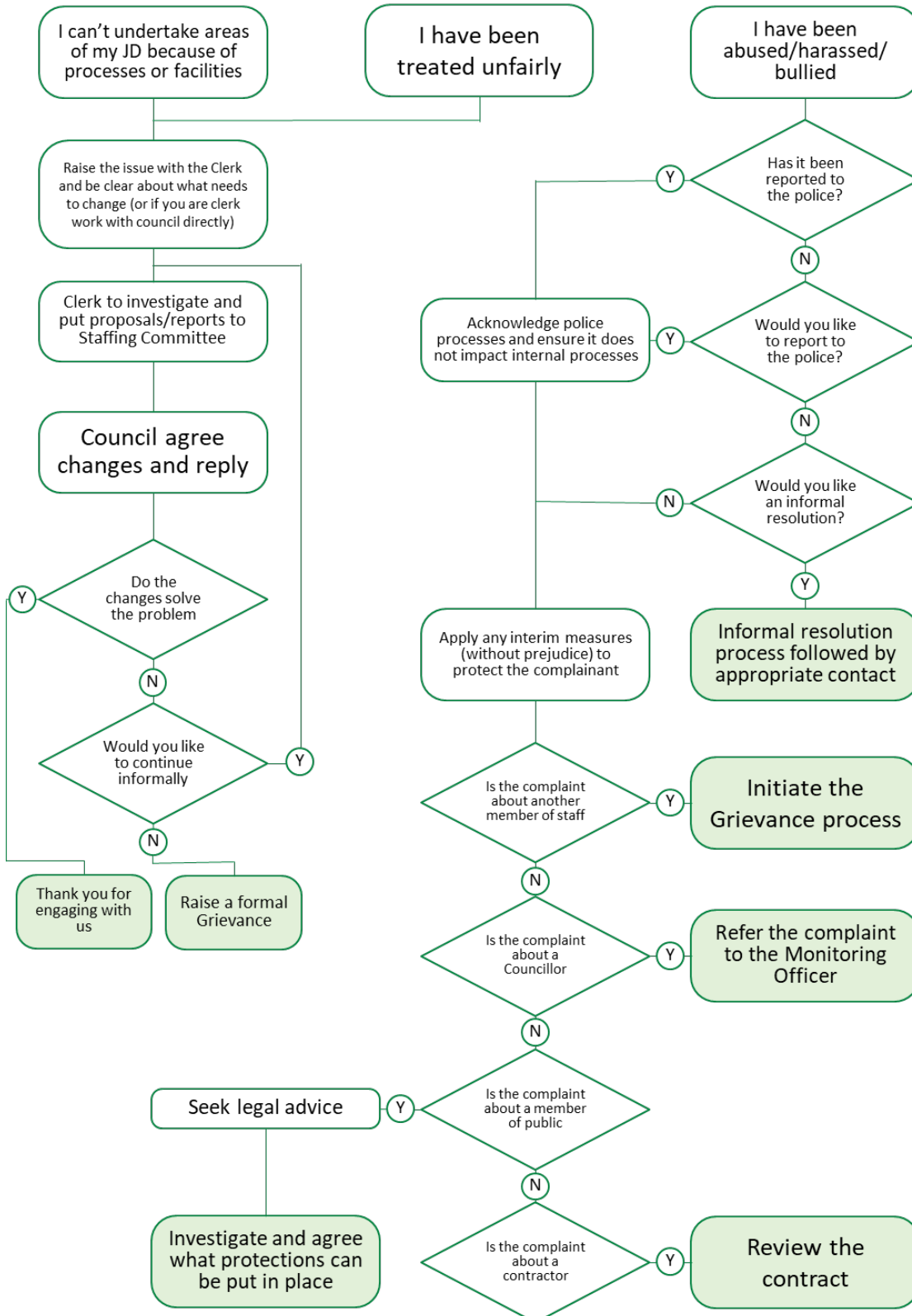


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### I am an employee of the Parish Council



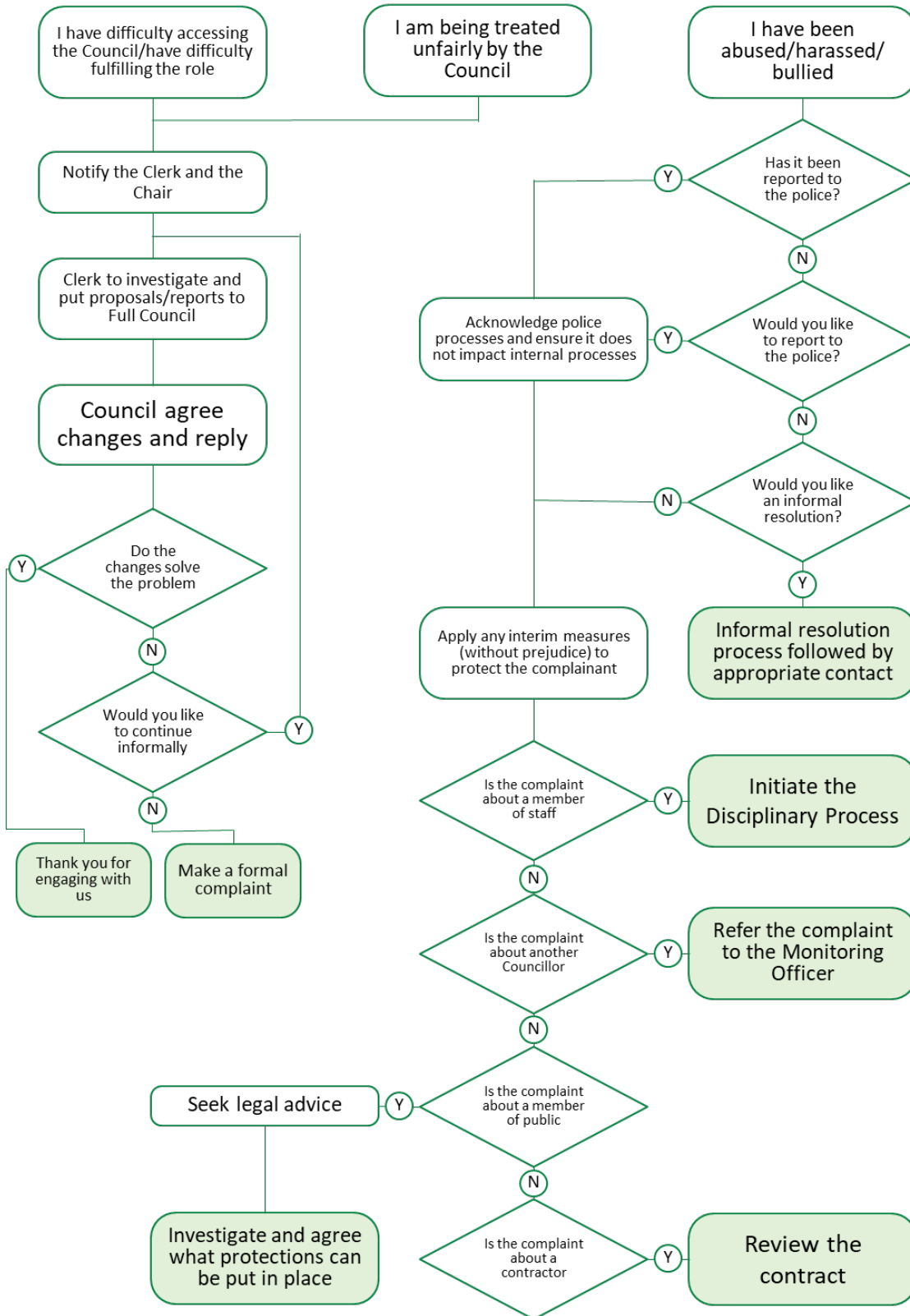


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### I am a Councillor





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## APPENDIX - DEFINITIONS AND GUIDANCE

### 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.

**Bullying** is Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.

**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 he/she has a particular protected characteristic when he/she does not, 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 he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

**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.

### Dignity at Work

Dignity at Work is focussed on encompassing behaviours beyond simply bullying and harassment. It is a zero tolerance environment with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice. We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.



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### Protected Characteristics

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

#### *General examples of bullying and harassment*

Examples of bullying and harassment include (this is not an exhaustive list):

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

#### *Examples of harassment specific to protected characteristics*

- Making assumptions about someone's ability due to their **age**, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
- Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.
- **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant person's stomach.
- Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity.
- **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals dress or appearance.
- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief**.



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- Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

### *Culture and behaviour*

We work in eclectic communities and working environments, and a positive culture within the Council enables employees with different backgrounds and beliefs to share ideas and shape how the Council achieves its objectives for their community.

Whilst both staff and Councillors jointly determine the working culture, Councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how Councillors behave with each other in Council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.

### *Bullying and harassment & performance management*

The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

### *Responsibilities*

All staff and representatives of the Council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – Councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

### *Interim protections*

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved. It should be made clear that any protections are without prejudice.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. This could be a Councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.



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### *Confidentiality*

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small Council it is likely that it will be clear that the accused will know where the accusation has come from. The Council representative (clerk/chief officer/Councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a Council to consider an anonymous complaint, however if the concerns are significant and compromise the Council in their duty of care to employees, then consideration of how to deal with the matter may be required.

### *False allegations*

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the Council should consider the matter under the disciplinary procedure. Such an allegation would be potentially gross misconduct.

### *Complaints against Councillors*

Following the Ledbury case, the law is clear that any formal complaint about a Councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the Council has made the complaint, that the Council agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.

Careful consideration is required where a grievance is raised against the Council as a whole due to lack of support related to Councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the Council, or require exploration of the Councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any Councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the Council and can therefore be dealt with by the Council's grievance procedure or against a Councillor and can only be dealt with by the Monitoring Officer.



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	<b>Person/Group responsible</b>	<b>Version</b>	<b>Date completed</b>
Review of equality policies and new combined policy	Staffing Committee	1.0	07/02/2023
Policy amendments completed and new policy approved	Staffing Committee	2.0	08/08/2023
Reviewed by	Supportis	2	March 2025