

The Parish of Aberdare St Fagan Plwyf Aberdâr St Ffagan

Equality and Anti-Discrimination Policy

1. Introduction

This Policy is based on two elements: one theological, the other legal.

1.1 Theological

In the life and ministry of Jesus, as recorded in the Gospels, time and again we see him welcoming and befriending all manner of peoples, regardless of sex, age, race, religion, disability or social status. Jesus also made a special point of reaching out to those who were traditionally discriminated against in his society. Since we believe that Jesus is God's Son, we regard it to be God's will that all peoples be treated equally and that we especially reach out to those who have been victims of discrimination. It is also his will that barriers of discrimination and prejudice in our society be broken down. As people who seek to follow God's will and see it brought about in our world, we want our Parish to be a place which welcomes all people without distinction and takes a stand against discrimination in all its forms.

1.2 Legal

The Equality Act of 2010 makes it unlawful to discriminate against someone on the basis of what is called a 'protected characteristic'. These are listed in the Act as follows:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

As an organisation which provides facilities or services to members of the public, and as a registered charity, the Parish is bound by the Equality Act.

The theological element is about what we **want** to do; the legal, what we **have** to do. The latter sets out in concrete terms how we can achieve the aspiration contained in the former.

1.3 Contents

This policy contains the following:

Definitions (section 2)

Exceptions (section 3)

Provisions relating to disabled people (section 4)

Pregnancy and maternity discrimination and breast-feeding (section 5)

Application and implementation (section 6)

Complaints procedure (section 7)

Concluding declaration, adoption and review (section 8)

2. Definitions

2.1 The protected characteristics

The Equality Act defines the protected characteristics as follows:

| Protected characteristic | Section of the Act | Definition of person or persons who has or share the characteristic |
|--------------------------------|--------------------|---|
| Age | 5 | A person of a particular age group or to persons of the same age group. 'Age group' can refer to a particular age or a range of ages. |
| Disability | 6 | As described in sections 4.1 and 4.2 of this policy. |
| Gender reassignment | 7 | A person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex. This also includes references to a transsexual person. In all cases these definitions may apply to a group of persons who share this characteristic |
| Marriage and civil partnership | 8 | A person who is married or is a civil partner, or a group of persons who are married or are civil partners |
| Pregnancy and maternity | 17* | A woman who is pregnant or who has given birth up to 26 weeks ago, including a woman who has given birth to a dead child, provided 24 weeks of pregnancy have passed. |
| Race | 9 | A person of a particular racial group or persons of the same racial group. A racial group is a group of persons defined by reference to race. Race includes colour, nationality, and ethnic or national origins. |
| Religion or belief | 10 | A person of a particular religion or belief or persons of the same religion or belief. Religion means any religion and a reference to religion includes a reference to a lack of religion. Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief. |
| Sex | 11 | A man or a woman, or persons of the same sex. |
| Sexual orientation | 12 | A person of a particular sexual orientation, or persons of the same sexual orientation. Sexual orientation means a person's sexual orientation towards persons of the same sex, persons of the opposite sex, or persons of either sex. |

* In so far as it relates to the provision of services or facilities to the public

2.2 Direct discrimination

Direct discrimination is when one person or a group of persons is treated worse than someone else or another group because of one or more of the protected characteristics that the person has or the group shares.

2.2 Indirect discrimination

Indirect discrimination is when a decision or rule applies to everyone, but would have worse impact on a particular person or group of people because of a protected characteristic the person has or the group shares. For example, there might be a 'no hats' rule at a church coffee morning or fête; this would discriminate against people who must cover their heads for religious reasons.

2.3 Discrimination arising from disability

It is unlawful to treat a disabled person unfavourably because of something connected to their disability where it cannot be shown that what is being done is 'objectively justified'. For example, the church coffee morning or fête may have a 'no dogs' rule – this would indirectly discriminate against a blind person wishing to attend who uses an assistance dog (which is different to saying 'no blind people may attend', which would be direct discrimination).

2.4 Discrimination by association

It is unlawful to discriminate against a person because they are associated with a person who has a protected characteristic. For example, a playgroup may decide not to allow a child to attend because their parents are a gay couple. The child is suffering discrimination by association on account of their parents' sexual orientation.

2.5 Discrimination by perception

It is unlawful to discriminate against a person because they are perceived to have a protected characteristic, even if they do not.

2.6 Victimisation

It is unlawful to treat a person badly or victimise them because they have complained about discrimination or helped someone else complain, or done anything to uphold their own or someone else's rights under the Equality Act.

2.7 Harassment

It is unlawful to engage in conduct (which may or may not be of a sexual nature) against a person because of a protected characteristic they have, which has the effect of violating the person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

3. Exceptions

3.1 Single characteristic associations

An organisation does not discriminate under the Act by restricting membership to persons who share a protected characteristic. For example, a church youth club does not discriminate against adults by admitting only those under a certain age.

3.2 Age

In respect of age, the Act does not apply to those under the age of 18. Therefore a youth club or Sunday school may restrict the age range of its members. Furthermore, in respect of age for membership of certain organisations or bodies an age limit can be found to be legal if it can be objectively justified to reach a legitimate aim.

3.3 Separate services for men and women and single-sex services

It is lawful to provide separate services for men and women where providing a joint service would not be as effective. For example, a homeless hostel may provide separate accommodation for men and women. It is also lawful to provide single-sex services where it can be shown that this is necessary or required.

3.4 Health and safety for pregnant women

It is lawful to refuse to provide a service to a pregnant woman (or set conditions on the service) because it is reasonably believed that there could be a risk to the woman's health or safety.

3.5 Positive action

It is lawful to treat people *more favourably* on the basis of a protected characteristic if it can be shown that the people who share this characteristic have a different need or experience disadvantage. The law also permits disabled people to be treated *more favourably* than non-disabled people.

3.6 Exceptions relating to religious or belief organisations

Religious organisations may discriminate on the basis of religion or belief by restricting membership, or participation in its activities, or use of its services or facilities, on the basis of religion or belief or sexual orientation.

In the Parish of Aberdare St Fagan, we declare that we do not wish to discriminate on any of these grounds – membership, activities, services and facilities are open to all, save as to statutory restrictions. We may, however, wish to impose certain criteria in respect of religion or belief on those wishing to become volunteers, members of the Parochial Church Council or its committees, or be elected as a parish warden or churchwarden.

In relation to employment, it may be lawful to require a person employed for example as an evangelist or youth worker to subscribe to a particular religion or belief. Legal advice should be sought in all cases before considering using this exception in relation to employment.

4. Provisions relating to disabled people

4.1 Definition

The Act defines a disability as ‘a physical or mental impairment’ that ‘has a substantial and long-term adverse effect’ on a person’s ability to carry out normal day-to-day activities. ‘Long-term’ is defined as lasting for 12 months or more.

4.2 Different types of disability

We recognise that disabilities come in many different forms. As well as physical and mental disabilities, these include additional learning needs. The Act also specifies that ‘severe disfigurement’ is to be treated as a disability, as are certain medical conditions, namely cancer, HIV infection and multiple sclerosis.

4.3 Duty to make reasonable adjustments

As an organisation providing facilities or services to the public, or carrying out public functions, the Parish must consider making reasonable adjustments to the way we do things in order to remove barriers for disabled people.

The duty is ‘anticipatory’, that is, we must think in advance, and on an ongoing basis, about the adjustments we might need to make. Once any adjustments have been made, they need to be publicised so that people know about them.

4.4 Examples of reasonable adjustments

4.4.1. Provisions, procedures and practices

These may represent a barrier for disabled people. For example, people seeking baptism or marriage often need to fill in a form. This may be a barrier to someone with dyslexia or additional learning needs and so we may need to adopt an alternative method of allowing someone to apply for a baptism or wedding.

4.4.2. Physical features of our premises

Measures should be taken to enable better access for disabled people. This may include ramps for wheelchairs, removing or improving stepped access, provision of handrails for those with impaired mobility, better signage, etc.

4.4.3 Use of auxiliary aids or services

This can include provision of a hearing loop in churches for those who use hearing aids, provision of sign language for deaf people at services, provision of braille or large print service or hymn books for blind people or those with sight impairment. (This list is not exhaustive!)

4.5 Meaning of 'reasonable adjustment'

The following can be considered when deciding whether an adjustment is reasonable:

- how effective the change will be in assisting disabled people
- whether it can actually be done
- the cost
- the organisation's resources and size

4.6 Disability audit / ongoing monitoring

The Parish undertakes to carry out a disability audit of its practices and procedures, and physical premises, soon after this policy is adopted to determine what reasonable adjustments might need to be made.

Thereafter, the Parish will review provisions relating to access for disabled people each time the policy is reviewed (see section 8.3 below).

5. Pregnancy and maternity discrimination and breast-feeding

5.1 Pregnancy and maternity discrimination

Section 17 of the Act outlaws discrimination on the grounds that a woman is pregnant or has given birth in the last 26 weeks (to either a living or dead child, provided, in the latter case, that 24 weeks of pregnancy have passed). This applies to those who provide services to the public, so this would include the Parish.

5.2 Breast-feeding included in maternity discrimination

Discriminating against a woman who has given birth in the last 26 weeks includes treating her unfavourably because she is breast-feeding. Thus it would be unlawful, for example, to ask a breast-feeding mother to leave an event run by the Parish because she was breast-feeding.

6. Application and implementation

6.1 Who must comply with this policy

The following must comply with this policy, namely:

- the vicar or priest-in-charge
- any assistant clergy licensed to the Parish and any active retired clergy who take services in the Parish
- any lay readers licensed to the Parish
- church officers
- church volunteers
- anyone employed by the Parish

'church officers' means parish wardens and sub-wardens, members of the Parochial Church Council and church leadership teams, members of Parish committees.

'church volunteers' means organists, choir members, servers, Eucharistic assistants, lesson readers and intercessors, sidespeople and welcomers, volunteers for Tea & Toast, Caffi Cinio, MakeLunch, Company at Christmas; Messy Church leaders and helpers; Sunday school leaders and helpers; parish office volunteers; NAB youth club leaders and volunteers.

6.2 Groups or persons who hire church premises for meetings, events, activities or private functions must agree to abide by this policy.

6.3 Application to other church members

Church members not covered by section 6.1 are encouraged to understand and comply with this policy.

6.4 Publicising and explaining the policy

As soon as possible after the policy has been adopted, the PCC will take measures to communicate the policy and its contents as widely as possible. Those mentioned in section 6.1 will be given a summary of the policy and what it means for them. The policy will be posted on the Parish website and an article will be written for the parish magazine explaining the policy and its contents.

6.5 Equality Officer

As soon as possible after this policy is adopted the PCC will appoint an Equality Officer who may or may not be a member of the PCC. The duties of the Equality Officer are as follows:

- a) to be responsible for ensuring that the policy is widely understood in the Parish and is being adhered to
- b) to be responsible for ensuring those mentioned in section 6.2 are aware of the contents of this policy
- c) to be responsible, with others if need be, for organising equality training for church officers and volunteers (see section 6.6 below)
- d) the Equality Officer will give an annual report to the Annual Vestry meeting on how the policy is working
- e) The Equality Officer, with others if need be, will be responsible for carrying out the disability audit and ongoing monitoring (see section 4.6 above), and the annual review of the policy (see section 8.3 below).

6.6 Equality training

As far as is reasonably practicable, all those listed in section 6.1 will undertake equality training, the form to be decided by the Equality Officer in consultation with the PCC. The training will take place as soon as possible after this policy is adopted, and then as soon as possible for those who subsequently come into a category listed in section 6.1.

6.7 Procedure if policy not being adhered to

In cases where it becomes apparent that the policy is not being adhered to, the Equality Officer, in consultation with the PCC, will decide what if any action to take.

7. Complaints procedure

7.1 If a person believes that they have been unlawfully discriminated against by the Parish or one of its representatives, then they may complain in writing, stating how they believe they were discriminated against, and how this was unlawful under the terms of the 2010 Act.

7.2 The complaint should be addressed to the vicar or priest-in-charge of the Parish. If the vicar or priest-in-charge is the subject, or part of the subject, of the complaint, then it should be referred to a parish warden.

7.3 The person making the complaint will be asked to use the following guide to outline the facts of their complaint:

<https://www.gov.uk/government/publications/asking-and-responding-to-questions-of-discrimination-in-the-provision-of-goods-and-services-and-public-functions>

7.4 The complaint will then be investigated by the person to whom it was made under section 7.2 above in collaboration with the Equality Officer.

7.5 If the complaint is upheld then an apology will be made to the person making the complaint, and any proposed remedy will be explained to them.

7.6 If the person is not satisfied with this response, or if the complaint is not upheld, it will be explained to them what further courses of action are open to them.

8. Concluding declaration, adoption and review

8.1 The PCC hereby declares its resolve to promote equality and be opposed to all unlawful discrimination for those who attend worship, or seek to use our services or facilities or take part in our activities, and that in doing this we strive at all times to abide by the law and the terms of this policy.

8.2 This policy was adopted by the PCC on 29 January 2019.

8.3 This policy will be reviewed by the PCC every year following its adoption. The date for the next review will be 28 January 2021.