

NALC Advice Note - The Equality Act 2010 (August 2023)

This advice note was written by our in-house solicitors and last updated on 7 August 2023.

The information and commentary in the note do not constitute legal advice for any individual case or matter. For specific advice on your circumstances, we strongly encourage you to seek tailored legal advice.

Introduction

The Equality Act 2010 provides legal protection from discrimination in the workplace and broader society. This advice contains a summary of the main issues for parish and town councils. For more detailed guidance, there are links to external sources.

The 2010 Act makes it unlawful to discriminate against an individual with a “protected characteristic”. Protected characteristics are:

- pregnancy and maternity
- age discrimination
- disability
- gender reassignment
- marriage and civil partnerships
- race, which includes a person's colour, nationality, ethnic or national origins
- religion or belief
- sex
- sexual orientation

The Equality and Human Rights Commission (EHRC) website contains [further guidance](#).

Types of discrimination

There are four main types of discrimination:

- direct discrimination
- indirect discrimination
- harassment
- victimisation

For further guidance, see:

- [Equality and Human Rights Commission - Direct and indirect discrimination](#)
- [Equality and Human Rights Commission - Harassment and victimisation](#)

People also have protection from “discrimination by association”, if they suffer discrimination because of their association with someone with a protected characteristic.

Who is protected under the 2010 Act?

Individuals from any of the following groups can bring a discrimination claim against a council: staff, councillors, occupiers of council property, suppliers, contractors, users of council facilities (such as leisure facilities) and members of the public.

Discrimination at work

The [ACAS website](#) contains helpful guidance about discrimination at work.

Public sector equality duty

All public authorities, including local councils, must comply with the public sector equality duty. It requires them to take steps to:

- eliminate discrimination, harassment and victimisation
- advance equal opportunities for all
- foster good relations between all individuals.

They must also consider how their policies and decisions impact people with protected characteristics.

The [Equality and Human Rights Commission website](#) contains a helpful guide to the duty.

Specific duties apply to some public authorities to help them comply with the public sector equality duty.

The specific duties are to:

- publish information at least every year that shows how compliance with the equality duty has been achieved.
- prepare and publish at least one equality objective no less than once every four years.

The specific duties do not apply to local councils.