

# THATCHAM TOWN COUNCIL

## EQUALITY AND DIVERSITY POLICY



Reference	E6	Adopted by	Staff Committee
Prepared by	Mel Alexander (Town Clerk)	Adopted date	26 <sup>th</sup> September 2017
Monitored by	Town Clerk	Minute reference	STA/2017/28
Monitoring review	Annually	Review date	2021

### 1. POLICY STATEMENT

Thatcham Town Council (“the Council”) is committed to achieving a working environment which provides equality of opportunity and freedom from unlawful discrimination on the grounds of:

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

This Policy aims to remove unfair and discriminatory practices within the Council and to encourage full contribution from its diverse community. The Council is committed to actively opposing all forms of discrimination.

The Council also aims to provide a service that does not discriminate against users in the means by which they can access the services and goods supplied by the Council. The Council believes that all employees and service users are entitled to be treated with respect and dignity.

### 2. OBJECTIVES OF THIS POLICY

- 2.1 To prevent all forms of unlawful discrimination within the Council, in line with the Equality Act 2010.
- 2.2 To ensure that recruitment, promotion, training, development, assessment, benefits, pay, terms and conditions of employment, redundancy and dismissals are determined on the basis of capability, qualifications, experience, skills and productivity.

### **3. DEFINITION OF DISCRIMINATION**

Discrimination is unequal or differential treatment which leads to one person being treated more or less favourably than others are, or would be, treated in the same or similar circumstances on the grounds of age; disability; gender reassignment; marital or civil partnership status; pregnancy or maternity; race; religion or beliefs; sex; or sexual orientation. Discrimination may be direct or indirect, and includes discrimination by perception and association.

### **4. TYPES OF DISCRIMINATION**

#### **4.1 Direct Discrimination**

This occurs when a person or a policy intentionally treats a person less favourably than another on the grounds of age; disability; gender reassignment; marital or civil partnership status; pregnancy or maternity; race; religion or beliefs; sex; or sexual orientation.

#### **4.2 Indirect Discrimination**

This is the application of a policy, criterion or practice which the employer applies to all employees but which is such that:

- It is detrimental to a considerably larger proportion of people from the group that the person the employer is applying it to represents;
- The employer cannot justify the need for the application of the policy on a neutral basis; and
- The person to whom the employer is applying it suffers detriment from the application of the policy.

#### **4.3 Harassment**

This occurs when a person is subjected to unwanted conduct that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

#### **4.4 Victimisation**

This occurs when a person is treated less favourably because they have brought or intend to bring proceedings or they have given or intend to give evidence.

### **5. UNLAWFUL REASONS FOR DISCRIMINATION**

#### **5.1 Sex**

It is not permissible to treat a person less favourably on the grounds of sex, marital status, civil partnership, pregnancy or maternity, gender reassignment or transgender status. This applies to men, women and those undergoing or intending to undergo gender reassignment. Sexual harassment of men and women can be found to constitute sex discrimination.

#### **5.2 Age**

It is not permissible to treat a person less favourably because of their age. This applies to people of all ages. This does not currently apply to the calculation of redundancy payments.

### **5.3 Disability**

It is not permissible to treat a disabled person less favourably than a non-disabled person. Reasonable adjustments must be made to give the disabled person as much access to any services and ability to be employed, trained, or promoted as a non-disabled person.

### **5.4 Race**

It is not permissible to treat a person less favourably because of their race, the colour of their skin, their nationality or their ethnic origin.

### **5.5 Sexual Orientation**

It is not permissible to treat a person less favourably because of their sexual orientation.

### **5.6 Religion or Belief**

It is not permissible to treat a person less favourably because of their religious beliefs or their religion or their lack of any religion or belief.

## **6. POSITIVE ACTION IN RECRUITMENT**

Under the Equality Act 2010, positive action in recruitment and promotion applies as of 6 April 2011. 'Positive action' means the steps that the Council can take to encourage people from groups with different needs or with a past record of disadvantage or low participation, to apply for positions within the Council.

If the Council chooses to utilise positive action in recruitment, this will not be used to treat people with a protected characteristic more favourably, it will be used only in tie-break situations, when there are two candidates of equal merit applying for the same position.

## **7. REASONABLE ADJUSTMENTS**

The Council understands and accepts it has a duty to make reasonable adjustments to facilitate the employment of a disabled person. These may include:

- 7.1 Making adjustments to premises;
- 7.2 Re-allocating some or all of a disabled employee's duties;
- 7.3 Transferring a disabled employee to a role better suited to their disability;
- 7.4 Relocating a disabled employee to a more suitable office;
- 7.5 Giving a disabled employee time off work for medical treatment or rehabilitation;
- 7.6 Providing training or mentoring for a disabled employee;
- 7.7 Supplying or modifying equipment, instruction and training manuals for disabled employees; or
- 7.8 Any other adjustments that the Council considers reasonable and necessary provided such adjustments are within the financial means of the Council.

If an employee has a disability and feels that any such adjustments could be made by the Council, they should contact the Town Clerk.

## **8. RESPONSIBILITY FOR THE IMPLEMENTATION OF THIS POLICY**

All employees (whether full-time, part-time, fixed term contract, agency workers or temporary staff), volunteers, contractors, sub-contractors and agents of the Council are required to act in a way that does not subject any other employees or service user to direct or indirect discrimination, harassment or victimisation on the grounds of their age; disability; gender reassignment; marital or civil partnership status; pregnancy or maternity; race; religion or beliefs; sex; or sexual orientation.

The co-operation of all employees is essential for the success of this Policy. Senior Officers are expected to follow this Policy and to ensure that all employees, volunteers, contractors, subcontractors and agents of the Council do the same.

Employees may be held independently and individually liable for their discriminatory acts by the Council and in some circumstances an Employment Tribunal may order them to pay compensation to the person who has suffered as a result of discriminatory acts.

The Council takes responsibility for achieving the objectives of this Policy and endeavours to ensure compliance with relevant Legislation and Codes of Practice.

## **9. ACTING ON DISCRIMINATORY BEHAVIOUR**

Any employee who has a concern regarding the application of this Policy should refer to the Council's Disciplinary and Grievance Procedures.

Any volunteer, contractor, sub-contractors, agent of the Council or member of the public who has a concern regarding the application of this Policy should refer to the Council's Complaints Policy and Procedures.

Any breach of this Policy will be dealt with through the Council's Disciplinary and Grievance Procedures.

## **10. ADVICE AND SUPPORT ON DISCRIMINATION**

Employees may contact their employee or trade union representative if access to such an individual is possible.

Other contacts include:

### **Equality and Human Rights Commission**

Arndale House  
The Arndale Centre  
Manchester  
M4 3AQ

3 More London  
Riverside Tooley Street  
London  
SE1 2RG

3<sup>rd</sup> Floor, 3 Callaghan Square  
Cardiff  
CF10 5BT

The Optima Building  
58 Robertson Street  
Glasgow  
G2 8DU

Telephone (England): 0845 604 6610  
Telephone (Wales): 0845 604 8810  
Telephone (Scotland): 0845 604 5510  
Website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

**Citizens Advice Bureau**

Myddleton House  
115-123 Pentonville Road  
London  
N1 9LZ  
Website: [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

**Community Legal Services Direct**

Telephone: 0845 345 4 345  
Website: [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

**11. THE EXTENT OF THE POLICY**

- 11.1 The Council shall apply this Policy in the recruitment, selection, training, appraisal, development and promotion of all employees.
- 11.2 The Council shall apply this Policy in the provision of services.

**Associated Documentation:**

Complaints Policy & Procedures

Disciplinary Procedures

Grievance Procedures

Recruitment Policy & Procedures

This Policy will be reviewed annually by Council Officers and every four years by Council, or sooner should circumstances or legislation change.

Address: Town Clerk  
Thatcham Town Council  
Council Offices  
Brownsfield Road  
Thatcham  
RG18 3HF

Telephone: 01635 863592

Email: [enquiries@thatchamtowncouncil.gov.uk](mailto:enquiries@thatchamtowncouncil.gov.uk)