

# UCKFIELD TOWN COUNCIL



## EQUALITY AND DIVERSITY POLICY

Policy Number 19		
Issue No.	Date agreed	Details of amendments
1	17.09.07	GP.037.09.07
2	24.01.11	Complete revision of policy following changes to the Equality Act 2010. (GP.078.01.11)
3	23.01.17	General review at GP Committee
4	28.04.25	Review at GP Committee
5.	19.05.25	Ratification at Full Council

## **1.0 OUR COMMITMENT**

Uckfield Town Council is committed to providing equal opportunities in employment and to avoid unlawful discrimination.

This policy is intended to assist the Town Council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

## **2.0 LEGAL POSITION**

Under the Equality Act 2010 it is unlawful to discriminate directly or indirectly in recruitment or employment against an individual on the following grounds:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

These are known as “protected characteristics.”

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

The Town Council will not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

## **3.0 PURPOSE**

This Equality Policy helps us to meet our statutory duties under the Equality Act 2010. The Act requires us to have due regard to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

In particular, the Town Council intends to provide equal opportunities to all employees, irrespective of their characteristics (unless there are genuine occupational qualifications or objectively justified reasons for a different approach to be taken). We have due regard under The Public Sector Equality Duty to oppose all forms of unlawful and unfair discrimination whether it be direct or indirect discrimination, victimisation or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010. This Policy underpins all policies, procedures and strategies developed and delivered by the Town Council.

#### **4.0 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.

**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 they have a particular protected characteristic when they don't, 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 they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they 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.

## **5.0 EQUAL OPPORTUNITIES IN EMPLOYMENT**

The Town Council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

### Recruitment

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

### Working practices

The Town Council will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the council considers it has good reasons, unrelated to any protected characteristic, for doing so. The Town Council will comply with its obligations in relation to statutory requests for contract variations. The Town Council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

### Equal opportunities monitoring

The council will monitor the ethnic, sex/gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The council treats personal data collected for reviewing equality and diversity in accordance with the data protection policy. Information about how data is used and the basis for processing is provided in the council's privacy notices.

## **6.0 DIGNITY AT WORK**

The Town Council has a separate dignity at work policy concerning issues relating to bullying and harassment on any ground, and how complaints of this type will be dealt with.

## **7.0 PEOPLE NOT EMPLOYED BY THE TOWN COUNCIL**

The Town Council will not discriminate unlawfully against those using or seeking to use the services provided by the council.

You should report any bullying or harassment by suppliers, visitors or others to the council who will take appropriate action.

## **8.0 TRAINING AND PREVENTION**

The Town Council will raise awareness of equal opportunities to those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The Town Council will raise awareness with all staff engaged to work at the council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment. The Town Council will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

We will carry out an assessment to assess the risk of different forms of harassment, including sexual harassment and third-party harassment, occurring in our workforce, in 2025/26. These forms could include the risks in different roles or service areas, the steps the Town Council could take to reduce those risks and which of those possible steps are reasonable.

## **9.0 EMPLOYEE RESPONSIBILITIES**

Every employee is required to assist the Town Council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, the council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the council's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

## **10.0 GRIEVANCES**

If you consider that you may have been unlawfully discriminated against, you should approach the Assistant Town Clerk & RFO, who will refer to the Town Council's Grievance Policy in reviewing the complaint and request that you place this in writing. If the complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

The Town Council will take any complaint seriously and will seek to resolve any grievance that it upholds. Employees will not be penalised for raising a grievance, even if their grievance is not upheld, unless their complaint is both untrue and made in bad faith.

## **11.0 MONITORING AND REVIEW**

This policy will be monitored periodically by the Town Council to judge its effectiveness and will be updated in accordance with changes in the law.

Date of policy: April 2025

Approving committee: Full Council

Date of meeting: To be ratified by Full Council on 19 May 2025

Policy version reference: v2

Supersedes: Equality Policy (revised 2017)

Policy effective from: May 2025

Date for next review: October 2026