



Horley Town Council

Equality and Diversity Policy

1. INTRODUCTION:

Horley Town Council recognises the importance of equality of opportunity in every aspect of council activity, and that discrimination on the grounds of disability, race, religion or belief, age, gender reassignment, marriage or civil partnership, pregnancy and maternity, sex and sexual orientation is harmful and unlawful (except for certain services which are exempt). The Town Council is committed to promoting equality of opportunity, valuing diversity in all aspects of its work, and providing an inclusive and supportive environment for everyone.

2. WHAT WE MEAN BY EQUALITY, DIVERSITY AND INCLUSION:

Equality: is the basis for a fair society, in which everyone has the opportunity to achieve their potential in life.

Diversity: recognises that we are all different, and that our differences should be recognised, respected and valued.

Inclusion: we actively create a community which recognises and celebrates diversity and acknowledges that all have the right to be respected and valued members of that community.

3. THE LEGISLATIVE FRAMEWORK:

The Equality Act 2010 came into force on 1 October 2010, harmonising, strengthening and replacing previous anti-discrimination legislation e.g. The Race Relations Act 1976 and the Sex Discrimination Act 1975. It is designed to protect the rights of individuals and advance equality of opportunity for all.

The Act sets out a list of prescribed protected characteristics, and provides protection for people who have, or are perceived to have a protected characteristic, from direct and indirect discrimination, harassment and victimisation in services and public functions, premises, work, education, associations and transport. The protected characteristics are:

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

The Act also confers a public sector equality duty, applicable to local authorities, which means that public bodies must consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees. It also requires that public bodies have due regard to the need to:

- eliminate discrimination
- advance equality of opportunity
- foster good relations between different people when carrying out their activities.

4. EQUAL OPPORTUNITIES:

Horley Town Council is committed to equality of opportunity, valuing diversity in all aspects of its work as well as providing an inclusive and supportive environment for all by:

- ensuring that people are treated fairly, regardless of age, disability, gender reassignment, marriage and civil partnership, sex, pregnancy and maternity, race, religion, sexual orientation, socio-economic background, or any other distinction;
- promoting diversity and equality as well as valuing the contributions made by individuals and groups of people from diverse cultural, ethnic, socio-economic and distinctive backgrounds;
- challenging inequality and less favourable treatment wherever practicable; and
- promoting greater participation of under-represented groups by encouraging positive action to address inequality, promote an environment, free of harassment and bullying on any grounds in relation to all staff, councillors, contractors and visitors attending the Council's offices or meetings.

5. SCOPE OF POLICY:

This policy applies to all members of Horley Town Council, its employees, external contractors, those in receipt of Council funding and partners in work.

6. PROTECTED CHARACTERISTICS:

6.1 Age:

Individuals of any age or apparent age are protected from discrimination. Horley Town Council will ensure that people of all ages are treated with respect and dignity; ensure that people of working age are given equal access to our employment training, development and promotion opportunities; and challenge discriminatory assumptions about younger and older people. Horley Town Council acknowledges that it is unlawful to terminate employment by retirement unless the employer can objectively justify it, or the employee agrees to it. The Council is committed to equal opportunities for all its employees and recognises the contributions of a diverse workforce, including the skills and experience of older employees. It believes that employees should, wherever possible, be permitted to continue working for as long as they wish to do so. The Council operates a flexible retirement policy and employees may voluntarily retire at a time of their choosing.

6.2 Disability:

A disability is a physical or mental impairment which has (or is likely to have) a substantial effect on a person's ability to carry out day-to-day activities for a period of a year or more. Certain medical conditions, such as cancer, multiple sclerosis and HIV are a disability from the outset, whatever their impact on day-to-day activities. Protection from discrimination covers a person who has had a

disability in the past. There is no unfavourable treatment if the 'discriminator' did not know or could not reasonably have known the person had a disability. More favourable treatment of disabled persons is not unlawful discrimination against non-disabled people.

There are two ways in which there could be unlawful discrimination against a disabled employee or job applicant:

- i. by treating an individual less favourably than others because of their disability. This includes initial employment, promotion opportunities, training as well as terms and conditions of employment
- ii. by failing to make reasonable adjustments. Horley Town Council has a duty to make 'reasonable adjustments' where a 'provision, criterion or practice' puts a disabled person at a substantial disadvantage compared to non-disabled persons. Then a duty arises on the Council to take such reasonable steps as are necessary to avoid the disadvantage at no charge to the employee.

The Town Council will continue with its functions and policies to have due regard for the need to eliminate discrimination and make reasonable adjustments to promote equality of opportunity and equality for those with disabilities.

6.3 Race:

Race refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. The Town Council recognises that its community is made up of a wide range of different people and it respects and values the consequential cultural diversity. It shall ensure that it meets its responsibilities under the legislation in ways that have a positive impact on the achievement of equality of opportunity in the wider community. The Town Council shall have due regard for the need to eliminate discrimination and promote equality of opportunity, together with racial equality between people of different racial groups. It will challenge racism wherever it occurs; respond swiftly and sensitively to racist incidents, and actively promote race equality in the Town Council.

6.4 Religion or Belief

Religion means any religion, including lack of religion. Belief is defined as any religious or philosophical belief including a lack of belief. The Town Council will ensure that religion or beliefs and related observances of councillors and employees are respected and accommodated wherever possible and respect people's beliefs where the expression of those beliefs does not impinge on the legitimate rights of others.

6.5 Pregnancy and Maternity

This protected characteristic covers the course of a pregnancy and any illness suffered as a result of the pregnancy or because a woman is exercising or is seeking to exercise the right to compulsory, ordinary or additional maternity leave. The Town Council will ensure that people are treated with respect and dignity and that a positive image is promoted regardless of pregnancy or maternity; challenge discriminatory assumptions about the pregnancy or maternity of our employees; ensure that no individual is disadvantaged; and that we take account of the needs of our employees' pregnancy or maternity.

6.6 Sex

The Equality Act defines sex to mean either male or female, or a group of people, like men or boys, or women or girls. The Town Council will have due regard to the duty to eliminate unlawful discrimination, harassment and victimisation on the grounds of a person's sex. The Equality Act has some exceptions that allow employers or organisations to discriminate because of your sex. e.g. where being a particular sex is essential for a job, or where positive action is being taken. The Town Council will:

- challenge discriminatory assumptions about women and men
- offer equal access for women and men to representation, services, employment, training and pay and encourage other organisations to do the same; and
- take positive action to redress the negative effects of discrimination against women and men

6.7 Sexual Orientation

The Equality Act 2010 protects a person's sexual orientation towards:

- people of the same sex as him or her (e.g. a gay man or a lesbian woman);
- people of the opposite sex from him or her; and
- people of both sexes

The Town Council will ensure it considers the needs of all sexual orientations. It will challenge homophobia and discriminatory language wherever it occurs, and ensure that everyone, regardless of sexual orientation, is treated with dignity and respect.

6.8 Gender Reassignment

Gender reassignment is a protected characteristic that applies to a transsexual (transgender) person who is proposing to undergo, is undergoing, or has undergone a process (or part of a process) to change their sex.

- provide support to prevent discrimination against transsexual people who have or who are about to undergo gender reassignment
- challenge transphobia wherever it occurs, ensuring that all are treated with dignity and respect.

6.9 Marriage and Civil Partnership

Partnership Protection is given to people who have or share the characteristics of being married or being a civil partner. The Town Council will ensure that people are treated with respect and dignity and that a positive image is promoted regardless of marriage or civil partnership; challenge discriminatory assumptions about the marriage or civil partnership of our employees; and ensure that no individual is disadvantaged and that we take account of the needs of our employees' marriage or civil partnership.

It is important to note that carers are also protected through association to any of the 'protected characteristics' described above. The Town Council further recognises that there is a range of other groups that may face additional disadvantage and discrimination, and they will be considered when making decisions, ensuring respect is shown to everyone at all times.

7. POLICY OBJECTIVES

In order to improve delivery, information and access to services, the Town Council will:

- Ensure all councillors, employees, contractors and users of our services are informed about our Equality, Diversity and Inclusion Policy.
- Require external contractors undertaking work for the council, other organisations in receipt of council funding and our partners in work to adhere to the principles of the Equality, Diversity and Inclusion Policy.
- Rectify any elements of our work which have the potential for discrimination and prejudice.

To promote equality and diversity with other partners, the Town Council will:

- Promote tolerance and respect between diverse groups and individuals.
- Acknowledge and celebrate, wherever possible, the variety of identities and cultures within the town.
- Challenge all forms of discrimination within the Town Council and the wider community.
- Support the development of communities and assist them in challenging discrimination, harassment, bullying and violence.

8. RESPONSIBILITY AND LIABILITY

All councillors and members of staff remain personally responsible for ensuring that they act within the law. The Town Clerk is responsible for ensuring that staff perform their duties in a lawful manner and that councillors and staff are supported by appropriate equality and diversity training. In certain circumstances, the Town Council could be vicariously liable for actions carried out by individuals purportedly in the Town Council's name. Any councillor or member of staff may be personally liable if, whilst on council business and despite guidance and training from the council, they behave illegally in respect of the Equality Act 2010. Any breach of the Council's Equality, Diversity and Inclusion Policy will be regarded as serious misconduct and could lead to disciplinary proceedings. Councillors and employees are entitled to complain about discrimination, harassment or victimisation through the Town Clerk (or Council Chairman as appropriate), or refer to the Council's Grievance Procedures as detailed in the Staff Handbook.

9. RECRUITMENT

Horley Town Council is an equal opportunities employer and will ensure that, within the framework of the law, the council's recruitment process for staff and the co-option of councillors is free from unlawful or unfair discrimination. Any recruitment advertisement will be non-discriminatory and will avoid any gender or culturally specific language and include a statement of commitment to equal opportunities, welcoming applications from all sections of the community. Application forms should ask whether the applicant has been convicted of a criminal offence and, if so, to give details. Under the Rehabilitation of Offenders Act 1974 a conviction can become spent. If so, the applicant is not obliged to disclose it. Job applications should not ask for the applicant's age. During the interview process, candidates will be asked a standard set of agreed questions to avoid potentially discriminatory questions. Personal questions relating to the candidate's age, sex, sexual orientation, race, marital status, nationality, religion or belief, disability, membership or non-membership of a trade union will not be asked.

10. EMPLOYMENT

All employees whether full-time, part-time, fixed contract, agency workers or temporary staff, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be based on aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Town Council.

Research Material:

[Equality Act 2010](#)

[The Employment Equality \(Sexual Orientation\) Regulations 2003](#)

[Protection from Harassment Act 1997](#)

Local Government Association (LGA) – [Equality, Diversity & Inclusion](#)

National Association of Local Councils (NALC) – [Civility & Respect Pledge alliance](#) & [The Good Councillors' Guide to Employment \(r.2023\)](#)

***This Equality and Diversity Policy was adopted by Horley Town Council on 25 July 2023
Next review date: 2025 (or earlier if required to coincide with any changes in legislation)***