# Diversity and Equality Policy

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Mae'r ddogfen yma hefyd ar gael yn y Gymraeg.
This document is also available in Welsh

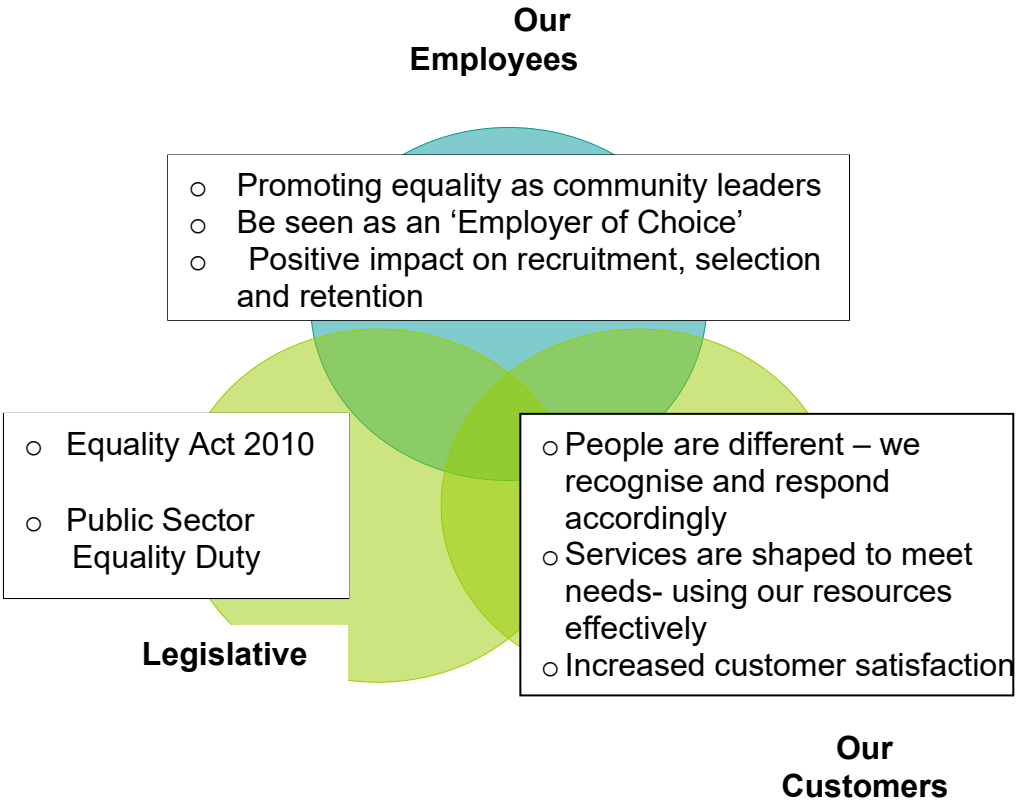
## Diversity and Equality Policy

### 1. Statement of commitment

Flintshire County Council takes seriously its duty to promote equality through all its activities; through the Council's roles as service provider and commissioner, employer and community leader. The Council is committed to creating a community for all people, who live in, work in and visit Flintshire in which difference is valued and harassment and discrimination is not tolerated.

The Chief Officer Team will lead by example, ensuring that this commitment is embedded in policies and day to day working practices with our customers, colleagues and partners.

**Why valuing diversity and promoting equality is important for the Council**




Recognising and understanding the needs of communities in Flintshire will help us to become more customer focussed and provide accessible and high quality services. The Council recognises that the promotion of equality in the workplace is good management practice in which all employees are supported to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Council.

The overall aim of the Diversity and Equality policy (the Policy) is to:-

- Eliminate unlawful discrimination, harassment and victimisation;
- Promote equality of opportunity; and
- Foster good relations between diverse communities

in the Council's delivery of services, goods, works and facilities and provision of grants. As well as in engagement with partners and communities in the county and through our employment policies and practices.

This is underpinned by the relevant legislation, including the Equality Act 2010, the Sexual Harassment Duty, EU Directives, Welsh Language Measure 2011, the Human Rights Act 1998 and Welsh Language Standards.
The Sexual Harassment Duty for employers to pre-empt and protect workers from being subjected to harassment. The Council has devised a risk assessment format to support managers in identifying and challenging discrimination, harassment and other unacceptable behaviour. This can be found on the Infonet under the Dignity Work Policy.

The Policy is also linked to the following:

- The Well-being Plan for Flintshire 2017-2023
- Dignity At Work Policy
- People Strategy
- Human Resource Policies
- Customer Services Strategy
- Procurement Strategy
- Strategic Equality Plan
- Employee Code of Conduct

It also underpins all Council policies and strategies.

The Council's Strategic Equality plan will set out the Council's equality objectives and action plan to meet the requirements of the Equality Act 2010 and the specific public sector duties which include the aims within this policy.

## 2. Scope

The Policy applies specifically to discrimination, equality of opportunity and the promotion of good community relations in respect of the protected characteristics as identified in the Equality Act 2010:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex

- Marriage and civil partnership
- Pregnancy and maternity
- Sexual orientation

and to other personal characteristics and identity, including, for example, caring responsibilities and Welsh speakers. Everyone who uses services, facilities and information provided by or on behalf of the Council should be treated in line with this policy.

This policy applies to all employees (including centrally employed teachers) of Flintshire County Council (as defined by the Employment Rights Act) and is commended to School Governing Bodies and other associated employers as best practice.

The Member Code of Conduct applies to Elected Members. Section 4 of the Code of Conduct states that Members must:

a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.

b) show respect and consideration for others.

c) not use bullying behaviour or harass any person.

## 3. Equality in Service Delivery

**3.1 Discrimination –** examples of the types of discrimination are provided in the glossary.

### 3.2 Aims of policy in Service Delivery

The long-term aim is to be a responsive authority in every aspect of our service activities; providing appropriate, accessible and effective services and facilities to meet the diverse needs of our community.

Customers and potential customers can expect the Council to: -

- treat customers and visitors with dignity and respect
- provide accessible and clear information about services in appropriate formats and languages that meet people's needs.
- provide a comprehensive, consistent and systematic service in Welsh for our Welsh speaking customers as we do in English for our English speaking customers.

- continue to make physical and other reasonable adjustments to Council premises and services so that they are accessible.
- provide services that take into account customers' age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity status, race, religion and belief, sex and sexual orientation or any other individual characteristics, such as Welsh language.
- promote and encourage people to report unlawful harassment and continue to work with partner organisations to make Flintshire a safer place to live, work and visit free from discrimination and harassment.
- hold meetings in accessible venues or make arrangements to meet access requirements.
- consider needs of those actively engaged in religious or cultural observances when planning events to avoid exclusion or disadvantage. This may include timing or dietary requirements.
- respond quickly to any complaints that we receive about our services including those of discrimination.
- provide training for employees to develop the knowledge, attitudes and behaviour, to comply with equality legislation.
- ensure that any organisation who acts/provides a service on our behalf comply with the Equality Act 2010, any other relevant equalities legislation, and the Welsh Language Standards.
- use objective criteria to award grants and to allocate services.
- monitor our services to ensure equal access and outcomes and take action to address any inequalities.
- engage and consult with local communities and stakeholders to better understand our customers' needs and shape future service delivery.

## 4. Contractors and Partners

### Contractors

Local citizens have a right to expect that the money spent by us on goods, works and services meet the diverse needs of the customers we serve. Our customers deserve a high quality of service regardless of who provides the service. If any organisation wants to do business with the Council they must comply with our standards and all the relevant equality legislation. We will not award contracts if a commitment to diversity and equality is not demonstrated. The Contract Procedure Rules commits the Council to making sure that contractors, suppliers and organisations who provide a service, goods or works on our behalf comply with equality legislation.

We expect organisations acting on our behalf to develop and deliver services, goods, works and facilities that are appropriate and accessible and to have, and implement, Diversity and Equality policies for employment and service delivery. Private or third sector organisations who are carrying out a public function on behalf of a public authority or in their own right will have to comply with the general duty of the Public Sector Equality Duties and the Welsh Language Standards.

Procurement and commissioning employees will incorporate equality considerations, where relevant, into contracts, managed premises agreements, service level agreements and monitoring agreements.

### Partnerships

Through Flintshire in Partnership the Council will encourage partners to value diversity and promote equality. The Council will:

- incorporate equality principles in terms of reference to ensure that we embed equality within strategies, plans and projects
- lead by example incorporating the principles of equality in all that we do
- work together with our partners to embed equality within our ways of working and align our strategies

### Funding and other Support

We will set out clear criteria to ensure decision making is open and transparent where we award and allocate funding or other support to external organisations.

## 5. Employment

We want the composition of our workforce to be reflective of our community and we recognise the importance of this in tackling inequality. We have an important role to play in ensuring we tackle inequalities and discrimination in the workplace and in ensuring that diversity and equality underpin our employment strategies, policies, procedures and practices.

We will ensure all our employment policies and practices comply with this policy and do not intentionally or unintentionally discriminate against any group or individual. We will promote a culture of openness, fairness and respect through all our policies and practices and ensure all employees are aware of their personal responsibility to apply this policy.

One of our aims is to be a modern employer and employer of choice, we have a range of benefits and support for employees which shows our investment in our employees such as:-

- We have polices in place to protect employees from harassment or bullying through our Dignity at Work Policy, Disciplinary Policy and Grievance Policy.
- Support mechanisms to consider making reasonable adjustments for employees to return to work after being absent or to remain in work.
- Guaranteed Interview scheme for disabled applicants who meet the essential criteria of the advertised role and Veterans provided the following criteria are met: ○ The Armed Forces were the veteran's last long-term employer.

  ○ No more than 3 years has elapsed since the veteran left the Armed Forces. ○ The Veteran meets the essential criteria for the advertised role.
- Fair pay and reward structure

- Many different types of flexible working including support for carers and parents.
- Continual and regular review of employment policies and practices.
- A partnership and consultative approach with recognised Trade Union colleagues.

**5.1 Types of discrimination-** examples of the types of discrimination are provided in the glossary.

## 5.2 Aims of the Policy for employment

The aims of the Policy for employment are to ensure that:

i) no prospective employee or current employee receives less favourable treatment on any grounds that cannot be shown to be justified. This applies to all terms and conditions including recruitment and selection, training, promotion, pay, employee benefits, employee grievances and disciplinary procedures

ii) all vacancies are accessible to all and our workforce is reflective of our community

iii) all employees have an equal chance to contribute and to achieve their potential

iv) the workplace is free from harassment and unwanted behaviour and everyone can give their best/be themselves

v) all employment decisions are based on merit.

All employees have a responsibility to:

- treat other employees, customers, contractors and visitors to the Council with dignity, courtesy and respect
- be aware of the effect of their own behaviour and language has on others, use behaviour and language that does not cause offence or is discriminatory
- be sensitive to the diverse needs of colleagues, for example, religion and belief, sexual orientation and respect individual's rights to take opportunities to work more flexibly
- respect the right of colleagues not to disclose their sexual orientation.

Managers have a responsibility to:

- respect the confidentiality of all employees and ensure that all equality issues are managed with discretion and sensitivity
- give full consideration to any requests for work life balance

- abide by the commitments set out in the  Disability Confident Scheme
- ensure employees receive an appraisal at least once a year
- take prompt action to address discrimination and harassment including third party harassment
- identify and challenge discriminatory practices and behaviour
- act as a role model and lead by example
- ensure job titles of posts are gender neutral
- ensure services are accessible and meet the needs of diverse groups and provide reasonable adjustments for disabled employees
- comply with the Equality Act 2010 and other relevant equality legislation through all aspects of employment including recruitment, training and development, appraisal, grievances, disciplinary, pay and benefits and abide by Human Resources policies
- support employees to develop and enable them to reach their full potentials.

All employees have a right to:

- be treated with dignity, courtesy and respect by other employees and customers
- work in an environment where inappropriate and offensive behaviour and language is not tolerated
- be treated objectively in all employment procedures
- access training and development opportunities to develop skills and knowledge to support the achievement of organisational goals
- have requests for work, life and well being (for example, religious or caring responsibilities) recognised and sensitively considered and balanced with organisational needs
- be provided with reasonable adjustments to ensure disabled employees are supported to undertake their role effectively
- be protected from victimisation and harassment including third party harassment.

## 6. Implementation

### Overall responsibility

The Chief Executive has overall responsibility for the implementation of the Diversity and Equality Policy at a corporate level.

### Elected Members

All members have an essential role for ensuring equalities is incorporated in all Council business, promoting equality and good community relations and eliminating unlawful discrimination.

### Chief Officer responsibility

Chief Officers have responsibility for implementing the policy within their Portfolio by:

- integrating the Strategic Equality Plan into delivery plans

- including equality targets in the business planning process and monitoring progress
- ensuring equality impact assessments are undertaken on new and revised policies and practices.

### Managers and Supervisors

All managers and supervisors have responsibility for:

- putting into practice the Diversity and Equality policy
- investigating any allegations of discriminatory behaviour or practices and taking disciplinary action where appropriate
- contributing towards the Strategic Equality Plan and equality objectives
- including equality targets in the business planning process
- ensuring that employees are familiar with, and act in accordance with equality law and this policy
- ensuring that the relevant specifications to meet equality law and the Welsh Language Standards are included into contracts awarded to contractors and service providers
- ensuring services are accessible and meet the needs of diverse groups
- providing reasonable adjustments for disabled employees and customers
- undertaking equality impact assessments
- monitoring take up of services to identify over /under representation and set equality targets and actions to redress any potential or actual inequalities
- supporting employee networks.

### Employee responsibility

The successful implementation of the policy lies with every individual taking personal responsibility in the practical application of this policy. Every employee is individually responsible for her or his own behaviour and supporting the Council's "zero tolerance" attitude to harassment and discrimination.

## 7. Monitoring and Review

The Policy will be reviewed periodically to ensure that it is consistent with current legislation and the Equality and Human Rights Commission's codes of practice for services, employment and public sector equality duties.

Equality Impact Assessments will be undertaken on new and revised policies and practices to ensure they meet the public sector equality duty and this policy.

We will monitor the diversity profile of customers and job applicants and employees to identify any actual or potential barriers or discrimination.

### Positive action

Lawful positive action, training and encouragement will be considered in areas where particular groups are under represented. Positive action may involve treating members of a group who share a particular protected characteristic more favourably than other groups, and will be lawful in certain circumstances. It is not the same as positive discrimination which is unlawful.

### Distribution of the Policy

The Policy will be published on the Council's website and intranet.
A summary document will be available in a range of formats and languages.
A copy of the Policy and summary will be available for all employees.
Applicants for Council posts will be made aware of the policy and it will form part of the induction programme for new recruits.

## 8. Dealing with Complaints of Discrimination

If you experience discrimination while working with us, using our services, or living or working in our communities, we want to know. We want to ensure your experience is recorded and appropriate resolution sought. Your complaint will be taken seriously and we will take action where our policies have been breached.

### Customers

If you have experienced discrimination or harassment whilst using one of our services then you should use the Council's complaints procedure.

This is set out in the 'Flintshire Feedback Scheme' leaflet which is available from all local Council Offices, libraries and via the Councils' website or by contacting the Council by telephone 01352 752121.

If you have been harassed in the community because of a protected characteristic or have been harassed because of your linguistic background you can report these to:

**North Wales Police:**
Telephone:101

**Victim Support** https://www.reporthate.victimsupport.org.uk
Telephone: 0300 30 31 982.
E-mail: hatecrimewales@victimsupport.org.uk

**The Anti-Social Behaviour Co-ordinator** Flintshire County Council, County Hall, Mold
Telephone: 01352 702590
E-mail: Community.Safety@flintshire.gov.uk

### Job applicants

Job applicants who feel they have grounds for complaint should write to the Head of Human Resources and Organisational Development, Flintshire County Council, County Hall, Mold, CH7 6NG.

### Employees

If an employee experiences discrimination or harassment from another employee or third party, they should follow the Dignity at Work policy and report the matter to their line manager who will take appropriate action to prevent repeat incidents.

The employee may also wish to have a confidential discussion with:-

Human Resources Manager

Strategic Policy Advisor (Corporate Business and Communications Team)

A Trade Union Representative

### Breaches of the Policy

The Council will, on receiving a complaint or allegation that this policy has been breached, investigate the matter and if appropriate, take disciplinary action. It will be a condition of service that employees adhere to the Diversity and Equality Policy and failure to do so may be a cause for disciplinary measures to be taken.

### Breach of the Policy by Elected Members

Breach of the policy by Elected Members will be treated as a breach of the Code of Conduct, and be reported as a complaint to the Public Services Ombudsman for Wales.

### Breach of the Policy by Contractors

Any breach of the contract by a Contractor delivering a service with, or on behalf of the Council, will be addressed in accordance with the terms of that Contract.

### Useful Resources and further information and advice

Equality and Human Rights Commission – Services, public functions and associations Statutory Code of Practice

Equality and Human Rights Commission- Employment Statutory Code of Practice
http://www.equalityhumanrights.com/

The Gender Trust www.gendertrust.org.uk
0845 231 0505

North Wales Regional Equality Network
www.nwren.org.uk 01492 622233

Young Flintshire www.youngflintshire.co.uk

Stonewall
www.stonewall.org.uk 0800
502020

Disability Wales
http://www.disabilitywales.org/

029 20 88 7335

# Glossary

**Access To Work**

An Access to Work grant is money for practical support to help disabled people do their job. The money can pay for specialist equipment and travel.

**Disability**

The Equality Act 2010 says that a person has a disability if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on a person's ability to do normal daily activities.

**Equality impact assessment**

An equality impact assessment is a systematic method to assess implications of an organisation's decisions on people from different backgrounds. Impact assessments should take place when considering a new policy, strategy or revising an existing policy or reviewing a function, service or procedure.

**Equality Act 2010**

The Equality Act 2010 outlaws unfair treatment of people because of protected characteristics they have. The Act applies to the workplace, when providing goods, facilities and services, when exercising public functions, in the disposal and management of premises, in education and by associations (such as private clubs).

## Equality Act 2010: Public sector equality duty

The Public Sector Equality Duty of the Equality Act, requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. There are two parts, the general duty and the specific duty.

### General Duty

This requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

### Specific Duties Wales

Public authorities in Wales have to comply with a set of Specific Duties which are designed to assist them in meeting the General Duty. This includes developing and publishing equality objectives.

## Equality Targets

Equality targets are designed to improve outcomes for all people. Every person falls into one or more protected characteristic; they are important as they help ensure

- progress is being made in relation to promoting diversity and equality
- services reflect the communities they serve
- improvements are being made for customers
- people who use our services experience equal outcomes
- the inequalities experienced by some groups of people are reduced
- resources are being targeted

Targets are identified through equality monitoring and analysis of equality data.

**Example**

A local authority Foster Care service had established a system to identify and record the ethnicity of children in care and existing / prospective foster carers. The service **analysed data** on a regular basis, and it became evident that that there was an:

- Over representation of Black Caribbean and White Irish children in foster care
- Under representation of Black Caribbean and White Irish foster carers

**An equality target was set to:**
Increase the number of Black Caribbean and White Irish Foster carers by 5 percentage points from the current figure of 6% by 2015

**Funding and other support**

Financial aid such as grants, in-kind support and commissioning arrangements.

**Monitoring**

Equality monitoring is the process to collect, store and analyse data about people's backgrounds, examples of characteristics to monitor include ethnicity, sex, age, religion, disability. Monitoring can be used to:

- highlight potential or actual inequalities;
- investigate their underlying causes; and
- remove any unfairness or disadvantage.

**Protected Characteristics:**
These are the grounds upon which discrimination is unlawful. The characteristics are:

**Age:-** referring to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
**Disability:-** a person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

**Gender reassignment:-** The process of changing or transitioning from one gender to another. **Transsexual person** Refers to a person who has the protected characteristic of gender reassignment. This may be a woman who has transitioned or is transitioning to be a man, or a man who has transitioned or is transitioning to be a woman. The law does not require a person to undergo a medical procedure to be recognised as a transsexual

**Marriage and civil partnership:-** The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

**Pregnancy and maternity**:- A woman is protected against discrimination on the grounds of pregnancy and maternity. With regard to employment, the woman is protected during the period of her pregnancy and any statutory maternity leave to which she is entitled. Also, it is unlawful to discriminate against women breastfeeding in a public place.

**Race**:- This includes colour, ethnic / national origin or nationality,

**Religion or belief**:- Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g.

Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

**Sex** :- male or female; and

**Sexual orientation**:- Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**Provision, criterion or practice**

This includes any formal or informal policies, rules, practices, arrangements, criteria, conditions, prerequisites, qualifications or provisions. A provision, criterion or practice may also include decisions to do something in the future such as a policy or criterion that has not yet been applied, as well as a 'one-off' or discretionary decision.

**Reasonable adjustments**

Where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage by (i) changing provisions, criteria or practices e.g. providing flexible working, removing core time , (ii) altering, removing or providing a reasonable alternative means of avoiding physical features e.g. offering home visits, making physical alterations to the workplace/ customer contact points and (iii) providing auxiliary aids e.g. a specialist piece of equipment e.g. specialist telephone IT equipment or support worker.

**Welsh Language Standards**

These specify how organisations are expected to treat and use the Welsh language. Standards are intended to provide more clarity as to the Welsh language services people should expect to receive, as well as consistent service provision

# Types of Discrimination

**Direct Discrimination –** Direct discrimination occurs when a person treats another less favourably than they treat or would treat others because of a protected characteristic.

**Example:** An employer believes that someone's memory deteriorates with age. He assumes – wrongly – that a 60-year-old manager in his team can no longer be relied on to undertake her role competently. An opportunity for promotion arises, which he does not mention to the manager. The employer's conduct is influenced by a stereotyped view of the competence of 60 year olds. This is likely to amount to less favourable treatment because of age.

**Example:** A Gypsy couple are refused service in a pub that displays on its door a 'No Gypsies or Travellers' sign. It is obvious from the notice on the door and the treatment the Gypsy couple receive that their less favourable treatment is because of race.

**Example:** A club that organises salsa evenings deletes a woman from their list as soon as they learn that she is pregnant, on the assumption that during her pregnancy she will not want to come to salsa evenings. This decision resulting in unfavourable treatment based on a stereotype is likely to be pregnancy discrimination.

**Example:** An employer offers 'death in service' benefits to the spouses and civil partners of their staff members. A worker who lives with her partner, but is not married to him, wants to nominate him for death in service benefits. She is told she cannot do this as she is not married. Because being a cohabitee is not a protected characteristic, she would be unable to make a claim for discrimination.

**Indirect Discrimination –**Indirect discrimination may occur when an employer or service provider applies an apparently neutral provision, criterion or practice which puts persons sharing a protected characteristic at a particular disadvantage.

**Example:** An employer has a 'no headwear' policy for its staff. Unless this policy can be objectively justified, this will be indirect discrimination against Sikh men who wear the turban, Muslim women who wear a headscarf and observant Jewish men who wear a skullcap as manifestations of their religion.

**Example:** When a local council holds its consultation meetings on a weekday evening, it discovers that fewer women than men attend. A woman complains that this is because some women, including herself, cannot come because of childcare responsibilities. This is enough to demonstrate disadvantage and she does not have to show that the absence of women is attributable in particular cases to childcare responsibilities.

**Discrimination by association**-it is discrimination if an employer/service provider treats a person less favourably because of their association with another person who has a protected characteristic.

**Example:** A lone father caring for a disabled son has to take time off work whenever his son is sick or has medical appointments. The employer appears to resent the fact that the worker needs to care for his son and eventually dismisses him. The dismissal may amount to direct disability discrimination against the worker by association with his son.

**Example:** A boy wishes to join his local football club, but he is rejected because his parents are a lesbian couple. This is direct discrimination by association because of sexual orientation because of the boy's association with his parents.

**Discrimination by perception**– it is discrimination if an employer/ service provider treats a person less favourably because they mistakenly thinks that the employee/service user has a protected characteristic.

However, this does not apply to pregnancy and maternity or marriage and civil partnership.

**Example:** An employer rejects a job application form from a white woman whom he wrongly thinks is black, because the applicant has an African-sounding name. This would constitute direct race discrimination based on the employer's mistaken perception

**Example:** A woman with a medical condition that makes her appear 'masculine' is wrongly perceived to be undergoing gender reassignment and refused entry to a

women-only sauna session at her local leisure centre. This is likely to be less favourable treatment because of gender reassignment.

**Harassment –** This type of harassment occurs when an employer/ service provider engages in unwanted conduct which is related to a relevant protected characteristic and which has the purpose or the effect of:

- violating the service user's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for the service user.

**Example:** A worker is subjected to homophobic banter and name calling, even though his colleagues know he is not gay. Because the form of the abuse relates to sexual orientation, this could amount to harassment related to sexual orientation.

**Example:** A publican continually refers to a transsexual woman as 'Sir' and 'he' when serving him in a pub, despite her objections.
It is likely that the woman would succeed in a harassment claim if she were able to persuade the court that the conduct had the purpose or effect of violating her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for her.

**Third Party harassment-**employers may be liable for harassment by a third party, such as a customer or client. Employers have a duty to prevent third party harassment; where the employee has been harassed on two different occasions, the employer must take reasonable steps to prevent harassment by a third party happening again.

**Example:** A Ghanaian shop assistant is upset because a customer has come into the shop on Monday and Tuesday and on each occasion has made racist comments to him. On each occasion the shop assistant complained to his manager about the remarks. If his manager does nothing to stop it happening again, the employer would be liable for any further racial harassment perpetrated against that shop assistant by any customer.

**Discrimination arising from a Disability** The Equality Act (2010) says that treatment of a disabled person amounts to discrimination where:  a service provider treats the disabled person unfavourably;

- this treatment is because of something arising in consequence of the disabled person's disability; and

- the service provider cannot show that this treatment is a proportionate means of achieving a legitimate aim,

unless the employer/service provider does not know, and could not reasonably be expected to know, that the person has the disability.

**Example:** An employer dismisses a worker because she has had three months' sick leave. The employer is aware that the worker has multiple sclerosis and most of her sick leave is disability-related. The employer's decision to dismiss is not because of the worker's disability itself. However, the worker has been treated unfavourably because of something arising in consequence of her disability (namely, the need to take a period of disability-related sick leave).

**Example:** A mother seeks admission to a privately run nursery for her son who has Hirschsprung's disease, which means that he does not have full bowel control. The nursery says that they cannot admit her son because he is not toilet trained and all the children at the nursery are. The refusal to admit the boy is not because of his disability itself; but he is being treated unfavourably because of something arising in consequence of his disability.

In addition, The Equality Act 2010 introduces a **Duty to make reasonable adjustments,** this requires:-

- service providers to take positive steps to ensure disabled people can access services. It involves service providers anticipating the needs of potential customers for reasonable adjustments.
- employers to take positive steps to ensure disabled people can access and progress in employment**.** It means taking additional steps to which nondisabled employees and applicants are not entitled.

A disabled person is discriminated against when an employer/ service provider fails to make reasonable adjustments. What is considered "reasonable" may vary.

**Example:** An adviser with a visual impairment is sometimes required to make home visits to clients. The employer employs a support worker to assist her on these visits.

**Example:** An ombudsman has a policy that all complaints must be made in writing. This policy places some disabled people - for example, those with learning disabilities or visual impairments - at a substantial disadvantage in making a complaint. The ombudsman amends the policy to permit disabled people and others who cannot use a written complaints procedure to make their complaint over the telephone. This is likely to be a reasonable step to take.

**Victimisation –** treating people less favourably because of action they have taken under or in connection with the equality law.

**Example:** An employer threatens to dismiss a staff member because he thinks she intends to support a colleague's sexual harassment claim. This threat could amount to victimisation, even though the employer has not actually taken any action to dismiss the staff member and may not really intend to do so.

**Example:** A. complains to the staff at a children's centre that her daughter's physical and social needs are not being properly met. As the centre is provided by the local authority children's services department, the mother also complains to her councillor and to the Director of Children's Services. The centre's staff invite her to a meeting, after which the care of her daughter improves. The following summer she applies to go on a trip to the seaside for parents with their disabled children organised by the department but is turned down. She believes that she has been victimised because of her complaint about the care of her daughter. Although she did not refer explicitly to the Act when she complained, she asserted that her daughter had been treated less favourably because of a protected characteristic. That is sufficient for her complaint to be a protected act.

**Sources:**

Equality and Human Rights Commission – Services, public functions and associations Statutory Code of Practice

Equality and Human Rights Commission- Employment Statutory Code of Practice