

**BALLYMONEY BOROUGH COUNCIL**  
**Corporate & Central Services Committee**  
**Meeting No: 349 – 27<sup>th</sup> November 2006**

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**BALLYMONEY BOROUGH COUNCIL**

**Minutes of Corporate & Central Services Meeting No 349 held in the Council Chamber, Riada House on Monday, 27<sup>th</sup> November 2006 at 7:30 pm**

**IN THE CHAIR:** A Patterson

**PRESENT**

**Aldermen**  
F Campbell  
H Connolly

**Councillors**  
A Cavlan  
J Finlay  
B Kennedy  
P McGuigan, MLA  
D McKay  
E Robinson  
I Stevenson

**IN ATTENDANCE**

Chief Executive  
Items [ 8-16 ]  
Director of Central and Leisure Services  
Items [1-7]  
Head of Corporate and Development Services  
Committee Clerk

**349.1 APOLOGIES**

Apologies were received from Councillor Storey and Alderman Cousley.

**349.2 MINUTES OF MEETING NO. 348 – 23<sup>rd</sup> OCTOBER 2006** (copy of summary sheet herewith)

It was proposed by Alderman Campbell, seconded by Alderman Connolly and **AGREED:**

*to recommend to council that the minutes of meeting no 348 – 23<sup>rd</sup> October 2006 be approved.*

**CENTRAL SERVICES****349.3 ACCOUNTS FOR PAYMENT**

The Director tabled Treasury advice schedules detailing payments for Period 8, 2006/07 drawn on the Council's Capital and Revenue Bank Accounts.

It was proposed by Councillor Kennedy, seconded by Councillor Finlay and  
**AGREED:**

***to recommend to Council that accounts to the value of  
£516,654.13 from the Revenue Account and £178,851.97 from the  
Capital Account be approved for payment.***

#### **349.4 FINAL ACTUAL PENNY PRODUCT 2005/06**

The Director informed members that the final actual penny product for 2005/06 had been calculated by the Rates Collection Agency and an adjusting amount of £280859.40 was due to the Council. This amount would be lodged to the Revenue Account and increase the Revenue Reserve.

#### **349.5 DATES FOR 2007/08 RATES ESTIMATES MEETINGS**

The Director suggested the following dates for the Council to meet to consider the estimates of income and expenditure for 2007/08 and to set the district rates :-

Thursday 25<sup>th</sup> January 2007 at 2.00 pm  
Thursday 8<sup>th</sup> February 2007 at 2.00 pm  
Wednesday 14<sup>th</sup> February 2007 at 7.00 pm

Committee agreed the above dates.

#### **349.6 CAREER BREAKS POLICY (Appendix A)**

The Director informed members that to date the Council had granted career breaks to three officers and stated that this policy regularises the current practice.

The Director clarified for members the potential costs associated with granting a career break-

- recruitment costs if a recruitment campaign is undertaken to fill the vacancy
- training costs for new post holder
- pension costs if the employee on the career break continues with their pension contributions and the employee filling the vacancy remains in the pension scheme.

It was proposed by Councillor Kennedy, seconded by Councillor Finlay and  
**AGREED:**

***to recommend to council that the Career Breaks Policy be approved.***

#### **349.7 POLICY AND PROCEUDRE FOR PREVENTING DISABILITY DISCRIMINATION IN EMPLOYMENT (Appendix B)**

The Director advised members that the policy and procedure had been drafted in accordance with the model produced by the Local Government Staff Commission in association with the Equality Commission and would assist the Council in complying with new equality duties coming into force in January 2007. The Policy and Procedure would assist the Council to develop a working environment and provide conditions of employment which as far as practicable will offer people with disabilities the opportunity to seek, obtain and maintain employment with the Council. There would also be potential costs associated with making reasonable adjustments to facilitate people with disabilities.

It was proposed by Councillor Stevenson, seconded by Alderman Campbell and **AGREED:**

***to recommend to council that the Policy and Procedure for Preventing Disability Discrimination in Employment be approved.***

## **CORPORATE SERVICES**

### **349.8 NILGA PROPOSALS – STRENGTHENING THE VOICE OF LOCAL GOVERNMENT**

The Vice-President, Councillor Peter Weir, and the Chief Executive, Heather Moorhead, presented the NILGA proposals for the future modeling of the Association in the light of the Review of Public Administration to members on 16<sup>th</sup> November.

The Chief Executive advised members that committee's comments were invited on the IDeA Report "Modelling NILGA's Future" and the Office Bearer Recommendations.

The Mayor, Councillor John Finlay, circulated a proposed response to the IDeA Report.

Members agreed to finalise comments at the Council meeting on 4<sup>th</sup> December 2006.

### **349.9 REVIEW OF LOCAL GOVERNMENT BOUNDARIES**

Members discussed the local implications for the Review of Local Government Boundaries and the provisional recommendations for the boundaries and names of the seven new local government districts in Northern Ireland and their constituent wards, announced by the Boundaries Commission on 7<sup>th</sup> November.

The Commissioner's provisional recommendations had been put on display at the headquarters of all district council offices, libraries, area electoral offices and the offices of the Electoral Commission. A copy of the report can also be obtained from the Commission Office and is available to view on the Commissioner's website:  
[www.lgbc-ni.org](http://www.lgbc-ni.org).

The proposed new name for the local government district for this area would be North East Local Government District incorporating the present council areas of Ballymena, Ballymoney, the major part of Coleraine, Larne and Moyle. The Chief Executive advised that the only significant boundary change to the proposed North West Local Government District is that part of Magilligan Strand, currently lying within Coleraine BC, should be incorporated in the new North West district where the greater portion of the strand is already located.

Overall the number of wards reduces from 582 to 420 and the proposed number of wards within each of the districts is 60.

The Chief Executive advised that representations in writing with respect to the provisional recommendations may be submitted by 5<sup>th</sup> January. Following receipt of written representations a programme of hearings before Assistant

Commissioners would begin providing interested parties with an opportunity to make known their views, whether or not they have previously submitted written representations to the Commissioner. The North East hearing will be held in the University of Ulster, Coleraine Campus on 30<sup>th</sup> and 31<sup>st</sup> January 2007 (9.30 a.m. – 12.30 p.m. and 2.00 p.m. – 5.00 p.m.)

**Motion 1**

It was proposed by Councillor Finlay, seconded by Alderman Campbell

***to recommend to Council to object to the proposed seven new local government districts and therefore the boundaries drawn up, it favouring an eleven or fifteen council model of local government.***

**Motion 2**

It was proposed by Councillor McGuigan, seconded by Councillor McKay

***to recommend to Council to base representation purely and simply upon boundaries.***

The Chair put Motion One to the committee with seven voting in favour and three against. Motion One was carried.

**349.10 SOMME PILGRIMAGE 2007**

The Chief Executive explained that it had been custom for Council to send representation to the annual Somme Pilgrimage which takes place each year from around 28 June – 2<sup>nd</sup> July and that the cost per person is in the region of £550.00.

While the invitation to participate in the 2007 event had not yet been issued the Chief Executive advised members to consider its representation at this stage, given the difficulties last year when all of Council's nominees could not be accommodated.

**Motion 1**

It was proposed by Councillor Finlay, seconded by Alderman Campbell

***to recommend that Councillor Patterson, Councillor Robinson along with the Museums Officer represent the Council.***

A second proposal was made.

**Motion 2**

It was proposed by Councillor Cavlan, seconded by Councillor McKay

***to recommend to Council that one officer and one Councillor represent the Council.***

The Chair put Motion One to the committee with six voting in favour and three voting against. Motion One was carried.

**Councillor Kennedy left the meeting at 8.25pm**

### **349.11 EQIA CONSULTATION DOCUMENTS**

The Chief Executive informed members of the following:

**(a) – Street Naming Policy**

The consultation period on this document closed on 8<sup>th</sup> November. 535 responses have been received. These are being analysed at present and a report will be made to committee at its next meeting.

**(b) – Policy on Flags and Emblems**

The consultation document has been prepared for issue. A gap in available data was identified and a survey issued to staff closed on 17<sup>th</sup> November. This is being analysed by an external organization. The draft EQIA document will be tabled at the meeting. The Staff analysis will be included in the final copy issued to members at the consultation stage.

### **349.12 EQUALITY COMMISSION INVESTIGATION REQUEST SD1/07/06**

The Chief Executive informed members that the Equality Commission advised that a request made by a member on 26 October 2005 for the Commission to investigate a complaint alleging that Ballymoney Borough Council had failed to comply with its approved equality scheme had been considered by the Commission's Statutory Duty Investigations Committee. The Committee had decided not to authorize investigation into the complaint as Council had decided to carry out an equality impact assessment.

### **349.13 ELECTORAL REGISTRATION**

The Chief Executive informed members that The Northern Ireland Office had advised that the Council's share of the cost of electoral registration expenses in 2005/06 is £2,902.69. The total cost of preparation and maintenance of the electoral register in NI amounted to £2,630,415.00

### **349.14 REVISED PARLIAMENTARY CONSTITUENCIES**

The Chief Executive informed members that the Boundary Commission announced that it is to defer consideration of revised parliamentary constituency boundaries and the submission of recommendations to the Secretary of State for Northern Ireland pending determination of the provisional recommendations of the Local Government Boundaries Commissioner for restructuring local government districts and their constituent wards.

### **349.15 LOCAL DEMOCRACY WEEK 2006**

The Chief Executive informed members that NILGA have provided a copy of the evaluation report on the 2006 Local Democracy Week event (circulated to members). The Marketing Group will review this.

**349.16 COUNCIL MEETINGS' TIMETABLE**

An alternative date for the Council/Committee Meeting which would fall on the Public/Bank holiday of 19<sup>th</sup> March 2007 was put forward as 21<sup>st</sup> March 2007 and agreed as a recommendation for Council.

**(This being all the business the meeting closed at 8.40pm)**



**Appendix A****CAREER BREAKS****1. INTRODUCTION**

- 1.1 To realise the aims of its Equal Opportunities Policy Ballymoney Borough Council is committed to developing and applying relevant supporting employment policies and practices to seek to ensure the promotion of equality.
- 1.2 To this end the Council is introducing a career break scheme. In doing so the Council recognizes the benefits of such a scheme in assisting employee retention and in enabling employees to better manage particular or domestic circumstances which arise from time to time.
- 1.3 The Scheme will apply to those who make application for a career break (or an extension) with effect from 1<sup>st</sup> January 2007.

**2. OBJECTIVES**

- 2.1 The objectives of the career break scheme is to:
- Retain skills and expertise within the Council;
  - Facilitate staff who wish to take a career break.

A career break may be allowed for most purposes including further education, special domestic responsibilities when family or a dependant would require special attention, starting one's own business, maintaining a family business or a stay abroad.

- 2.2 A career break will not be allowed for the purpose of taking up alternative salaried or wage earning employment in Northern Ireland within the meaning of Schedule E (PAYE) for income tax assessment unless prior written approval of the employee's department has been obtained. Such approval will only be given in exceptional circumstances.

**3. ELIGIBILITY**

- 3.1 All employees who have satisfactorily completed their probationary period and who have not reached the minimum retirement age may apply for special leave without pay for a career break.
- 3.2 Applications will be facilitated whenever practicable within the terms of this agreement but the exigencies of the service may necessitate a refusal in

some cases. Applications from employees in specialist posts will require careful consideration and release will depend on suitable replacements being available.

#### **4. DURATION AND NUMBER OF CAREER BREAKS**

- 4.1 Special leave without pay for a career break may be granted for a period of not less than one year. A career break may be extended for a further period of not less than one year provided that the total period does not exceed three years in all.
- 4.2 One additional career break may be granted provided the period of service between the career breaks is not less than the initial career break (including any extensions) and that the total period of special leave does not exceed three years.

#### **5. CONDUCT DURING CAREER BREAK**

- 5.1 During a career break an employee will be subject to all the normal regulations in relation to matters of conduct.
- 5.2 Disciplinary action may be taken, where appropriate.
- 5.3 Employees on a career break shall provide the Council with, and regularly update, a forwarding address.

#### **6. APPLICATIONS**

- 6.1 Applications giving at least 3 month's notice (unless circumstances make it impossible) should be in writing to the employee's Line Manager/Head of Department. It should state the purpose of the career break and the period of time for which it is sought.
- 6.2 Applicants will be advised of the rationale for the employer's decision by their Line Manager.
- 6.3 The date on which a career break begins will be a management decision taking into consideration the circumstances of the application and the likely time lag in filling the vacancy.
- 6.4 Applicants who are dissatisfied with the outcome of their application will have the right to appeal the decision through the internal grievance procedure.

#### **7. NON RECKONABILITY**

- 7.1.1 Special leave without pay for a career break will not count as service and will not reckon for increments or superannuation or towards qualifying for annual

leave. Service before and after a career break may be accrued for these purposes.

7.2 With respect to superannuation the regulations applying to the Council require an employee granted leave of absence, other than by reason of illness or injury, either unpaid or with reduced remuneration:

- (a) To pay contributions during the first 30 days of absence, and
- (b) The employee can give written notice within 30 days of return to work, or within 30 days from the date employment ceases, if earlier, to pay contributions to cover the period of absence up to a maximum of 36 months.

The arrears of contributions can be paid to the committee over a period of not longer than the period of the leave of absence, eg. one year's leave of absence, arrears payable over one year etc. Only in exceptional circumstances will the Committee permit a longer period for repayment.

A member who does not elect to pay arrears of contributions cannot count the period of absence as a period of membership.

## **8. RESULTING VACANCIES**

8.1 Any vacancies arising from employees taking a career break will be filled on a non-permanent basis in accordance with established procedures.

## **9. RETURN TO DUTY**

9.1 Throughout the duration of a career break an employee will be held in their established post and will be treated as such for the purposes of organisational change. If organisational changes occur, the Council will ensure that employees taking a career break are involved in any consultations or other appropriate procedures as far as possible on the same basis as all other affected employees.

9.2 Employees returning from a career break will normally be assigned to their former post but in some cases may be assigned to a vacancy in an equivalent post. It is the intention of the Council to facilitate a return to duty at the end of the career break but in some exceptional circumstances some delay may be unavoidable.

9.3 Employees on a career break must contact Human Resources Department three months before they are due to return to:

- a) Confirm that they intend to return on the due date;
- b) Apply for an extension to the career break;
- c) Indicate that they wish to resign from their post.

In addition employees who take career breaks of more than one year's duration must contact the Human Resources Department at the end of each 12 month period to confirm their intention to resume work.

- 9.4 Employees who are unable to resume duty on the due date because of illness will be required to produce a medical certificate.
- 9.5 Sympathetic consideration will be given to employees wishing to return early from a career break in exceptional circumstances.

## **10. PROMOTION**

- 10.1 Employees will be free to apply for internally and externally advertised posts during career breaks. However, if offered another post, they would have to accept it at the time of offer and take up duties when required.

## **11. OTHER UNPAID LEAVE ARRANGEMENTS**

- 11.1 Other unpaid leave arrangements will continue to apply.
- 11.2 Absence on maternity leave (paid and/or unpaid) will not be regarded as a career break and will not be taken into account in respect of paragraph 4.2

## **12. SOCIAL SECURITY AND INLAND REVENUE ARRANGEMENTS**

- 12.1 It is the responsibility of the individual employee taking a career break to contact the Department of Health and Social Security to determine whether they are entitled to any social security benefits and to check the position as regards National Insurance Contributions.
- 12.2 Employees on a career break who take up employment or are engaged in business should contact their local office of the Inland Revenue.

CMT (date approved) \_\_\_\_\_

November 2006  
Adopted by Council \_\_\_\_\_

**Appendix B**



# **DISABILITY IN EMPLOYMENT**

## **POLICY AND PROCEDURE FOR PREVENTING DISABILITY DISCRIMINATION IN EMPLOYMENT**

**SEPTEMBER 2006**

This information can be made available, on request, in alternative formats including in large print, on computer disc, by email, in Braille on audio cassette and in minority languages to meet the needs of people who are not fluent in English

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## 1. POLICY STATEMENT

Ballymoney Borough Council undertakes to develop a working environment and provide conditions of employment which, as far as practicable, will offer people with disabilities the opportunity to seek, obtain and maintain employment with the Council.

## 2. RATIONALE

For the purpose of this policy, disability is defined as 'a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities'.

Annex 1 provides full descriptions of the terms covered in this definition.

The Disability Discrimination Act 1995 (DDA) makes it unlawful for an employer to discriminate against disabled job applicants and employees.

Annex 2 provides a definition of disability discrimination.

## 3. SCOPE

This policy applies to all employees and workers irrespective of the nature of their employment contract and job applicants (actual or potential).

## 4. IMPLEMENTATION

Implementing this policy is a continuing process that needs to be kept under constant review. The process involves developing detailed guidance, establishing standards, identifying positive action measures, and highlighting good practice both within the Council and the wider community.

The Council seeks to ensure that, so far as reasonably practicable, employees and prospective employees are all informed of the Disability in Employment Policy and, as appropriate, any guidance or associated procedures.

The necessary training and support will be provided to Heads of Departments, senior managers and supervisors who have particular responsibility for implementing the policy.

The Council will ensure that there is consultation with disabled employees and job applicants (actual and potential) to determine their needs and assess the effectiveness of any reasonable adjustment.

The Council will review regularly its progress in implementing this policy.

## 5. ROLES AND RESPONSIBILITIES

The Chief Executive has ultimate responsibility for the development and implementation of equal opportunities policies, including those relating to disability.

All employees and workers are expected to act in accordance with this Policy.

## 6. TREATMENT OF PROSPECTIVE EMPLOYEES

The Council is committed to ensuring that prospective employees with disabilities are not discriminated against during the recruitment and selection procedure. This means that careful consideration has to be given to the following areas to ensure that discrimination does not occur:

### 6.1 Interview Guarantee Scheme

It is the policy of the Council to guarantee an interview to all people with disabilities who demonstrate that they meet the essential (i.e. minimum) criteria for a post.

### 6.2 Job Descriptions

It is important that the requirements of the job are carefully examined to ensure that they do not discourage people with a disability from applying.

### 6.3 Person Specifications

The person specification describes the qualifications, knowledge, skills, experience and abilities necessary to carry out a job. It should be based upon the job description and should be a clear outline of what is required.

It is important that those criteria identified as essential are fundamental to the job i.e. the job cannot be performed without them. Including certain personal criteria, as essential could be deemed discriminatory if any particular criteria are not necessary to perform the job.

*For example, stating that physical fitness is essential could lead to an allegation of discrimination, unless it can be proved that it was essential and the job could not be carried out even with reasonable adjustments made.*

If a person with a disability is not shortlisted for a job because they do not possess the essential criteria, this may be deemed as discrimination if the essential criteria cannot be justified.

*For example, in rejecting a person with a disability for a job because they lack a specified qualification the Council would need to be satisfied that the lack of qualification is not as a result of their disability. The Council would also have to justify the rejection if it is connected with their disability. It would be appropriate to consider, as a reasonable adjustment, waiving or adjusting the criteria.*



The person specification can establish that a selection decision was made on the basis of lawful, fair and job relevant criteria.

*For example, using the criteria 'good communication skills, both orally and in writing' could be seen as discriminatory if it could not be proved to be essential for the job. Something more specific like 'the ability to prepare reports' is less discriminatory as it does not necessarily involve writing or speaking, which may cause problems for people who are sight impaired, who are dyslexic, or who have a serious speech impediment.*

#### 6.4 Job Advertisements

It is important that people with disabilities do not feel excluded by the wording of the Council's advertisements.

The Council may include a welcoming statement in all advertisements stating that it is committed to a policy of equal opportunities in employment and welcomes applications from people with disabilities.

If the advertisement is being circulated through an internal trawl then care will be taken to ensure that existing employees with disabilities are notified through an appropriate means of communication.

All Job vacancies will be circulated to the Department of Employment and Learning's Disablement Advisory Service.

For all advertised posts a 'job application assistance sheet' will be included in the job documentation to assist applicants who may have a disability by highlighting the Council's approach to flexible working, providing alternative formats, making reasonable adjustments. Annex 3 includes a copy of the Job Application Assistance Sheet.

#### 6.5 Application Forms

The Council will ensure that application forms and all job documentation are available in alternative formats such as on tape, large print, disk or Braille versions, upon request. Completed application forms will also be accepted in alternative formats.

To accommodate a reasonable adjustment applicants with disabilities should not be disadvantaged by the late arrival or completion of application forms and the closing date may need to be extended in some circumstances.

*For example, if an applicant requests an application form in Braille it may take a few days to make this available. It would be reasonable to allow the applicant a few days extension, if necessary, to afford them the same opportunity to complete their application.*

Application forms and job documentation will be reviewed to ensure that they do not contain questions that may suggest discrimination.

*For example, questions regarding possession of a driving licence could be discriminatory. If driving is part of the duties of the post the question asked of applicants should be whether they have access to a vehicle and/or transport.*

#### 6.6 Equal Opportunities Monitoring Form

The Council's Monitoring Form monitors gender marital status, family status, disability, religion and racial group. It has been agreed with, and has the support of, the trade unions and the Equality Commission NI.

The information is used to measure the effectiveness of the Council's Equal Opportunities Policy and will assist in the development and review of positive/affirmative action policies.

The monitoring information forms no part of the selection process and is concerned only with statistical analysis and does not identify individuals.

#### 6.7 Shortlisting Arrangements

Disabled applicants will be considered in the same way as other applicants, subject to any reasonable adjustment.

Panel members should be aware of policies that may directly affect the selection process, for example the Interview Guarantee Scheme (see paragraph 6.1).

If an applicant states that they have a disability and are likely to be at a substantial disadvantage because of the Council's arrangements or premises, the panel members should consider whether there is any reasonable adjustment that could be made.

#### 6.8 Testing/Assessment Arrangements

If the selection process includes a test or assessment arrangement the Council will:

- Ensure that the tests/measure the skills required for the job, that they are applied fairly and equally to all applicants, including those with disabilities, taking into account any reasonable adjustments that may be necessary. Disabled applicants will be invited to suggest reasonable adjustments that they may need.
- Ensure that all candidates are informed, in advance, of the format and reasons for the tests/assessments.
- Ensure that when a candidate notifies the Council of the need for adjustments or special arrangements, alternatives are considered, again including any reasonable adjustments that may be necessary.

#### 6.9 Interview Arrangements

Invitation to interview letters will ask the candidate to inform the Council if they require any special arrangements.

*For example, suggested wording for the letter could be:*

*The Council is committed to providing people with disabilities the opportunity to compete fairly for jobs. If you have any special needs or requirements with regard to the arrangements for this interview, please mention it when you confirm your attendance.*

If any special arrangements are requested, the Council must take all reasonable steps to accommodate them.

*For example, reasonable adjustments may include:*

- *avoiding direct sunlight for a candidate with a visual impairment*
- *reserving parking spaces and someone to accompany the candidate to the interview*
- *providing support and assistance with communication by another person for candidates with learning and hearing disabilities*
- *allowing extra time for candidates for whom communication may be difficult*

If the candidate does not indicate that they need any special arrangements, but then arrives for interview and is placed at a substantial disadvantage because of the arrangements, there is still a duty to make any reasonable adjustment that is possible in the circumstances.

*For example, it may be appropriate to consider re-scheduling the interview to another date as a reasonable adjustment.*

## 6.10 Interview Process

Wherever possible interviews for candidates with disabilities should be conducted in the same way as those for non-disabled candidates, subject to any reasonable adjustments.

Interviews should be conducted by panel members who are fully informed about, and have received training on, the requirements of the DDA.

Questions may only be asked about a candidate's disability if it is, or may be, relevant to that person's ability to perform the job, if necessary after a reasonable adjustment.

*For example, it would be more positive to ask a candidate "What kind of adjustments could be made to the job in order to make it easier for you?" rather than saying "Would your disability make it difficult for you to carry out X, Y and Z duties?"*

The Council will keep records that show the basis on which decisions have been taken at each stage of the process. These records should include (where appropriate) information such as:

- the reasonable adjustments (to premises, equipment or working arrangements, etc) considered by the panel
- the reasons why these adjustments were not offered/provided; or
- the adjustments offered to the candidate and their response to that offer.

The panel should discuss and agree the feedback to be given to applicants who are unsuccessful at the shortlisting stage and to all candidates at the interview stage. Care should be taken when providing feedback to people with a disability to ensure any necessary adjustment is made.

#### 6.11 The Offer of Employment

If the successful candidate has a disability, the offer of employment will be made in the usual way, subject to any reasonable adjustments.

It is the Council's policy to submit all successful candidates for a pre-employment medical check when making a conditional offer of employment in order to establish the candidate's fitness for the job. This practice should also be followed for a disabled candidate to assess what adjustments may be needed to the workplace or the work environment.

Advice on making reasonable adjustments can be sought from the Human Resources Department.

The Department of Employment and Learning Disablement Advisory Service can provide advice on, and in some cases funding for, a range of reasonable adjustments.

#### 6.12 Induction

A structured Induction Programme will be followed for all new employees. If necessary it will be tailored to the individual needs of the disabled employee.

In order to be properly integrated into the workforce, members of staff with a disability must be accepted by their colleagues. Individuals should be asked whether they wish their colleagues to be informed of their disability and management should follow their wishes in this respect as far as possible.

A disabled employee will be supported in their working environment to ensure that any reasonable adjustments, which have been made, are working effectively and that the employee is not at a substantial disadvantage.

#### 6.13 Evidence of a Disability

If a candidate states that a reasonable adjustment is required because of an impairment whose effects are not obvious the Council may ask for evidence that the impairment is one that gives rise to a disability as defined in the DDA.

## 7. TREATMENT OF EXISTING EMPLOYEES

### 7.1 Terms and Conditions of Employment

Wherever possible, adjustment will be made to terms and conditions of employment in order to accommodate the needs of a disabled employee.

*For example, a disabled employee has problems travelling to work in the rush hour. A reasonable adjustment would be to allow the employee to start work at either an earlier or later time.*

Council organisational development or change processes that are undertaken will be systematically planned, consulted upon, approved and implemented. If changes are proposed to the terms and conditions of the workforce, consideration will be given to the possible effect of those changes on disabled employees.

### 7.2 Health and Safety

The Council accepts its obligations under health and safety legislation to make every effort, insofar as is reasonably practicable, to provide a safe and healthy working environment for its entire staff. Where employees are disabled through reduced mobility, hearing or sight, it is important that they are able to make a rapid and safe exit in case of fire or other emergency.

Special arrangements may be necessary to ensure that an employee's disability does not create a hazard either for the person concerned or for others.

*For example, specific First Aid training may be necessary where a member of staff suffers from epilepsy.*

### 7.3 Retention of Disabled Employees

It is the policy of the Council not to discriminate against employees who become disabled, who have a disability that worsens during their career or who has had a disability in the past. The issue of retention can also arise when an employee has a stable and long standing impairment but the nature of their employment changes.

There are a number of ways in which the Council may establish that an employee has become disabled, or has a disability that has worsened.

*For example:*

- *As a result of the Management of Attendance Policy, either via 'Return to Work' interviews, after a referral to the Council's Occupational Health Advisor or by the issue of medical certificates by a GP or consultant.*

- *The Council's disability audit which asks employees if they consider themselves to be disabled, and to explain the nature of their disability.*
- *An individual may inform their manager if their disability is beginning to affect their work.*

The priority of the Council must be to keep a disabled employee in their existing job. If, as a result of their disability, the Council's arrangements or a physical feature of the Council's premises places the employee at a substantial disadvantage in carrying out their job, reasonable adjustments that would resolve the difficulty must be considered.

An existing employee, newly disabled or facing disability, may have no idea what their future needs will be with regard to possible adjustments to premises, equipment or working arrangements etc. The employee and (if requested) their nominated representative should be involved (including if they are on sick leave) in any decisions that directly affect their working life. The employee's line manager should ensure that they:

- Keep in regular touch with the employee
- Provide reassurance to the employee that they can expect the necessary support on their return to work
- Monitor progress and at the appropriate time begin discussions on specific needs
- With the employee's permission, keep colleagues and their trade union representative informed of progress and build support for the individual.

*For example, it may be possible to modify a job to accommodate an employee's changed needs. This might be rearranging working methods, giving another employee certain minor tasks that the disabled employee can no longer do, or providing practical aids or adaptations to premises or equipment. It could also include allowing the disabled person to work at different times or places from those with equivalent jobs.*

Any newly disabled employee is likely to need time to re-adjust. The Council may consider the following:

- A trial period to assess whether the employee is able to cope with their present job
- A phased return to work, if they have been absent from work as a result of their disability, starting with part time hours and building up to full time hours (in consultation with the HR Department)
- Offering leave, on a discretionary basis, during which time expert help will be sought on equipment, adaptations and/or training
- Additional training or coaching appropriate for the employee
- Requests from newly disabled employees for reduced or part-time hours / duties, whether on a temporary or permanent basis. The Council will also consider the superannuation implications of moving to part-time working in conjunction with the employee.

In some cases it may not be possible for the disabled employee to continue in their existing job. It may be necessary to consider a number of possible options, in consultation with the employee and their representative:

- redeployment to another post or service
- premature retirement on grounds of incapacity
- termination of employment

The Council will continuously monitor a disabled employee's situation, for example, if the disability is one of a progressive condition, further reasonable adjustments may need to be considered.

#### 7.4 Redeployment

The need for redeployment for a disabled employee may be identified in a number of ways.

*For example;*

- *consideration under the Management of Attendance procedure identifies the need for redeployment*
- *a disabled employee requests redeployment as a reasonable adjustment*
- *an employee's impairment becomes more severe and their performance steadily worsens as a result*
- *an employee becomes disabled as a result of accident or illness.*

If, even with adjustment and/or restructuring, retention in the same job is not practicable, redeployment to suitable alternative employment may be appropriate. The Human Resources Department will need to be made aware that the employee has been identified as awaiting redeployment.

Redeployment to suitable alternative employment requires:

- Defining the ability range of the employee
- Identifying any training or adjustments that could expand that range
- Looking for transferable skills
- Considering all suitable options for redeployment

*For example this may include:*

- *Holding suitable vacancies and offering preferential consideration (ie assessment against the essential criteria for a vacancy without competition, except from other redeployment candidates)*
- *Ensuring every effort to make reasonable adjustments, in consultation with the employee, to ensure the employee is redeployed successfully*

- *Allowing the employee to have a trial period in the new job. The length of the trial period must be mutually agreed in advance and be in writing.*
- *Making a requirement for written reasons to be provided if reasonable adjustments cannot be made*

#### 7.5 Premature Retirement on Grounds of Incapacity

A disabled employee may be considered for premature retirement on grounds of incapacity where, in consultation with the Human Resources Department, it has been decided that reasonable adjustments cannot be made and that redeployment is not possible.

#### 7.6 Termination of Employment

If, having considered all alternative options (outlined in 7.4 and 7.5) it is apparent that the employee cannot realistically continue in employment, a decision to dismiss may be taken by the Council only after consultation with the employee and their nominated representative.

#### 7.7 Internal Appointments and Transfers

The Council will not discriminate in assessing a disabled person's suitability for internal appointments and transfers. As in the recruitment process, it is important to ensure that the criteria required do not exclude disabled people who may be unable to meet the criteria because of their disability, but would be capable of performing well in the job. The Council may have to make reasonable adjustments to assist in this process.

*For example, someone who is disabled by a back injury is applying for a supervisor's post. A minor duty involves moving heavy objects, which the person's back injury would prevent. In assessing suitability for appointment, the Manager should consider whether reallocating this duty to another person would be a reasonable adjustment.*

#### 7.8 Provision of Training

The Council will not discriminate on the grounds of disability when providing opportunities for training, and will make any reasonable adjustments necessary to facilitate the training of disabled employees.

It is important that disabled employees are given equal access to training opportunities as allegations of discrimination can be made when these opportunities are restricted by the accessibility of the venue chosen or the format, presentation or delivery methods of the training itself.

The Human Resources Department will ensure that the needs of disabled employees are considered when organising training events and will endeavour to make sure that courses provided are accessible to both disabled and non-disabled employees. Line managers must ensure that



employees who are nominated for training events are selected on a basis that does not discriminate against disabled people.

## 8. HARASSMENT

Harassing a person with a disability on account of that disability is unacceptable behaviour.

The Council has a specific policy and procedure for dealing with harassment on the grounds of disability as well as gender, marital status, family status, religious beliefs, political opinion, race, age, sexual orientation, trade union membership/non membership and criminal record.

The policy makes it clear that harassment is unacceptable behaviour for all employees. Breaches of this policy will result in disciplinary action which may, where appropriate, warrant dismissal.

## 9. DISCIPLINE

The Council's Disciplinary Policy and Procedure will be applied to disabled employees in the same way that it is to other employees.

When proposing the use of the Disciplinary Policy and Procedure in relation to a disabled employee, managers must first consider the following points:

- Is the reason for misconduct related to the person's disability?
- Could the misconduct be due to harassment/provocation/victimisation connected with their disability?
- Were the disciplinary rules communicated to the employee in a format that they understand?
- Any interviews/hearings that are conducted should be carried out in a way that does not disadvantage the employee in terms of access to the venue, submission of statements, questioning or representation.
- In such cases, advice and guidance may be sought from the HR Department.

## 10. COMPLAINTS

Employees who believe that they have not been treated equitably in accordance with the Council's Policy and Procedures for preventing Disability Discrimination in Employment are encouraged to take appropriate remedial action. Action may be wholly informal or by pursuing a formal complaint in accordance with the Council's Grievance Procedure.

If a prospective employee wishes to complain about a disability issue in relation to the Council's recruitment and selection procedures in general, or their application for a specific post, they should write to the Head of Human Resources.

Any action taken under the Council's complaints procedure(s) is without prejudice to any statutory right to make a complaint to an Industrial Tribunal.

So far as reasonably practicable, the Council will protect from victimisation employees or prospective employees who make a complaint under these procedures

#### 11. MONITORING AND REVIEW

This procedure will be reviewed by the Council to assess its effectiveness. The outcomes will be monitored through Staff Surveys, which will ascertain employees' views on the Council's provision of equality of opportunity in employment for people with disabilities.

Positive action measures will be considered to remedy the under representation of people with disabilities in the Council's employment. Such action will include:

- Positively encouraging people with a disability to apply for jobs
- Offering work experience placements to people with disabilities

#### 12. FURTHER HELP AND ADVICE

Information concerning help or practical guidance available to the Council for individual members of staff may be obtained, in the first instance, from the Human Resources Department.

Advice may also be sought from the organisations listed at Annex 4.

ANNEX 1DEFINITION OF DISABILITY

## 1. What the Disability Discrimination Act 1995 Means by Disability

This Annex outlines what Part One of the Disability Discrimination Act (DDA) and related regulations mean by the term disability. The DDA covers disabled people and people who have had a disability in the past.

Disability is defined as:

A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

## 1.1 Explanation of Impairment

The definition covers physical and mental impairments. These include:

- Physical impairments affecting the senses such as sight and hearing, heart disease, diabetes, epilepsy
- Mental impairments including learning disabilities and mental ill health (if it is recognised by a respected body of medical opinion)

## 1.2 Explanation of Substantial

For an effect to be substantial, it must be more than minor. The following are examples that are likely to be considered substantial:

- Inability to see moving traffic clearly enough to cross a road safely
- Inability to turn taps or knobs
- Inability to remember and relay a simple message correctly.

## 1.3 Explanation of Long-term

These are effects that:

- Have lasted at least 12 months; or
- Are likely to last at least 12 months; or
- Are likely to last for the rest of the life of the person affected.

Long-term effects include those, which are likely to recur. For example, an effect will be considered to be long-term if it is likely both to recur, and to do so at least once beyond the 12-month period following the first occurrence.

#### 1.4 Explanation of Day-to-day Activities

Day-to-day activities are normal activities carried out by most people on a regular basis, and must involve one of the following broad categories:

- Mobility - moving from place to place
- Manual dexterity - eg, use of hands, wrists or fingers
- Physical co-ordination
- Continence
- The ability to lift, carry or move ordinary objects
- Speech, hearing or eyesight
- Memory, or ability to concentrate, learn or understand
- Being able to recognise physical danger

## ANNEX 2

## DEFINITION OF DISABILITY DISCRIMINATION

Under the Disability Discrimination Act 1995 (as amended) ('DDA') discrimination can occur in one of the following four ways-

## 1. Direct disability discrimination

An employer's treatment of a disabled person amounts to direct discrimination and is unlawful if-

- it is done on the ground of the disabled person's disability, and
- the treatment is less favourable than the way in which a person not having that particular disability is (or would be) treated, and
- the relevant circumstances, including the abilities, of the person with whom the comparison is made are the same as, or not materially different from, those of the disabled person.

## 2. Disability-related discrimination

An employer's treatment of a disabled person amounts to disability-related discrimination and is unlawful if-

- it is done for a reason related to the disabled person's disability, and
- the treatment is less favourable than the way in which the employer treats (or would treat) others to whom that reason does not (or would not) apply, and
- the employer cannot show that his treatment is justified.

## 3. Failure to comply with a duty to make reasonable adjustments

Failing to comply with the duty is in itself an act of discrimination and is unlawful. Furthermore, the duty must be taken into account when considering whether an act of disability-related less favourable treatment is justifiable (see section 2 above).

The duty to make reasonable adjustments arises where:

- a provision, criterion or practice applied by, or on behalf, of the employer, or
- any physical feature of premises occupied by the employer,

places a disabled person at a substantial disadvantage compared with people who are not disabled.

Where the duty arises, the employer must take such steps as it is reasonable for him to take in all the circumstances to prevent that disadvantage. The only consideration

is whether it is reasonable to make the adjustment. Where it is reasonable to do so, the employer must do it and cannot justify failing to do it.

#### 4. Victimization

An employer's treatment of a person ('the victim') (who need not be disabled) is discrimination and is unlawful if;

- the victim is treated less favourably than the way in which other persons (whose circumstances are the same as the victim's) are (or would be treated); and
- the treatment is for one of the following reasons;
  - (a) the victim has brought, or given evidence or information in connection with proceedings under the DDA; or
  - (b) done anything else under or by reference to the DDA; or
  - (c) alleged that someone has contravened the DDA;
  - (d) or because the employer believes or suspects that the victim has done or intends to do any of the things listed in (a), (b) or (c).

## Job Application Assistance Sheet

POSITIVE ACTION ON DISABILITY

Ballymoney Borough Council aims to ensure that no prospective employee will be treated unfavourably on the grounds of gender, marital status or family status, religious belief or political opinion, disability, age, race or ethnic origin, nationality, sexual orientation, transexuality, trade union membership or non membership, criminal record.

In particular we are committed to the following when recruiting and employing disabled people:

- To interview all applicants with a disability who meet the minimum (ie the essential) criteria for a job vacancy. The minimum criteria are listed in the Person Specification.
- To ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what we and they can do to make sure they can develop and use their abilities.
- To make every effort when employees become disabled to make sure they stay in employment.
- To take action to ensure that all employees develop the appropriate level of disability awareness to make our commitments work.
- To continuously review what has been achieved, to plan ways to improve and to communicate to employees and the wider public about progress and future plans.

What is Ballymoney Borough Council doing to assist disabled people applying for jobs and disabled employees?

- We provide job details and accept job applications in alternative formats, Braille, audio and large print.
- We make arrangements for the use of signers/interpreters if required to assist in the recruitment and selection process for jobs, and discuss workplace adaptations for people with a disability.
- We provide funding for workplace adaptations and aids in order for people with disabilities to secure or remain in employment with us.
- We have a work placement scheme for disabled people interested in working for the Council.

- We have flexible working arrangements to assist people who have a disability which prevents them working full time.
- We have a dedicated officer who can provide guidance on our application process, and support disabled employees.

Please contact the Head of Human Resources in confidence, if:

1. You are disabled and are interested in applying to work for the Council or taking part in a work placement scheme
2. You are currently an employee and consider yourself disabled or a manager with a disabled member of staff and need some advice
3. You would like to find out more about the work being done
4. Telephone (028 2766 0202), email ([joan.kinnaird@ballymoney.gov.uk](mailto:joan.kinnaird@ballymoney.gov.uk)), Fax (028 2766 0222).



## NORTHERN IRELAND BASED DISABILITY &amp; ADVISORY ORGANISATIONS

<p>Action MS Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 028 9079 0707 Fax: 028 9040 2010 Email: <a href="mailto:info@actionms.co.uk">info@actionms.co.uk</a></p>	<p>Carers Northern Ireland 58 Howard Street Belfast BT1 6PJ Tel: 028 9043 9843 Fax: 028 9032 9299 Email: <a href="mailto:helen@carersni.demon.co.uk">helen@carersni.demon.co.uk</a></p>
<p>British Deaf Association (NI) 3<sup>rd</sup> Floor, Wilton House 5-6 College Square North Belfast BT1 6AR Tel: 028 9038 7700 Fax: 028 9038 7707 Textphone: 028 9038 7706 Email: <a href="mailto:nireland@bda.org.uk">nireland@bda.org.uk</a></p>	<p>Disability Action Portside Business Park 189 Airport Road West Belfast BT3 9ED Tel: 028 9029 7880 Fax: 028 9029 7881 Textphone: 028 9029 7882 Email: <a href="mailto:hq@disabilityaction.org">hq@disabilityaction.org</a> Website: <a href="http://www.disabilityaction.org">www.disabilityaction.org</a></p>
<p>Arthritis Care Northern Ireland 115 Enkalon Business Park 25 Randalstown Road Antrim BT41 4LT Tel: 028 9448 1380 Fax: 028 9446 9761 Email: <a href="mailto:nirelandoffice@arthritiscare.org.uk">nirelandoffice@arthritiscare.org.uk</a></p>	<p>Dyslexia Assessment &amp; Advice Centre 59 Drum Road Cookstown BT80 8QS Tel: 028 8676 6996</p>
<p>British Epilepsy Association Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 028 9063 4942 Fax: 028 9031 5914 Email: <a href="mailto:mclarke@elipepsy.org.uk">mclarke@elipepsy.org.uk</a></p>	<p>MENCAP Northern Ireland Segal House 4 Annadale Avenue Belfast BT7 3JH Tel: 028 9069 1351 Fax: 028 9064 0121 Email: <a href="mailto:mencap-ni@dnet.co.uk">mencap-ni@dnet.co.uk</a></p>
<p>Parents and Professionals and Autism Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 028 9040 1729 Fax: 028 9040 3467 Email: <a href="mailto:infor@autismni.org">infor@autismni.org</a></p>	<p>Northern Ireland Association for Mental Health 60 University Street Belfast BT9 6AF Tel: 028 9032 8474 Fax: 028 9023 4940 Email: <a href="mailto:a.ferguson@niamh.co.uk">a.ferguson@niamh.co.uk</a></p>
<p>Royal National Institute for the Blind (NI)</p>	<p>Disablement Advisory Service (DAS)</p>

<p>40 Linenhall Street Belfast BT2 8BA Tel: 028 9032 9373 Fax: 028 9027 8119 Email: <a href="mailto:smalcolm@mib.org.uk">smalcolm@mib.org.uk</a></p>	<p>Department for Employment and Learning 5<sup>th</sup> Floor Gloucester House 57-63 Chichester Street Belfast BT1 4RA Tel: 028 9025 2206 Textphone: 080 9025 2363 Website: <a href="http://www.delni.gov.uk/das">www.delni.gov.uk/das</a></p>
<p>Sense Northern Ireland The Manor House 51 Mallusk House Newtownabbey BT36 4RU Tel: 028 9083 3430 Fax: 028 9084 4232 Email: <a href="mailto:senseni@senswest.org.uk">senseni@senswest.org.uk</a></p>	<p>Down's Syndrome Association Graham House Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 028 9070 4606 Fax: 028 9070 4075 Email: <a href="mailto:downs.syndrome@cinni.org">downs.syndrome@cinni.org</a></p>
<p>The Guide Dogs for the Blind Association Lanesborough House 15 Sandown Park South – Knock Belfast BT6 6HE Tel: 028 9047 1453 Fax: 028 9065 5097 Email: <a href="mailto:belfast@gdba.org.uk">belfast@gdba.org.uk</a></p>	<p>Employers' Forum on Disability Northern Ireland Banbridge Enterprise Centre Scarva Road Industrial Estate Banbridge BT32 3QD Tel: 028 40 624526 Fax: 028 40 669665 Textphone: 028 40 624526 Email: <a href="mailto:info@efdni.org.uk">info@efdni.org.uk</a></p>
<p>PHAB Northern Ireland Mourne Villa Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 028 9050 4800 Fax: 028 9073 4321 Email: <a href="mailto:info@phabni.org">info@phabni.org</a></p>	<p>Muscular Dystrophy Campaign Forster Green Hospital 110 Saintfield Road Belfast BT8 6AA Tel: 028 9079 0708 Fax: 028 9079 0708 Email: <a href="mailto:oonaghm@muscular-dystrophy.org">oonaghm@muscular-dystrophy.org</a></p>
<p>Royal National Institute for Deaf People Wilton House 5 College Square North Belfast BT1 6AR Tel: 028 9023 9619 (Voice/Test) Video Phone: 028 9043 8354 Fax: 028 9031 2032 Email: <a href="mailto:helpline@nid.org.uk">helpline@nid.org.uk</a></p>	<p>North West Forum of People with Disabilities 58 Strand Road Derry BT48 7AL Tel: 028 7130 9191 Fax: 028 7130 9191 Email: <a href="mailto:northwestforum@utvinternet.com">northwestforum@utvinternet.com</a></p>
<p>The Cedar Foundation Malcolm Sinclair House 31 Ulsterville Avenue Belfast BT9 7AS Tel: 028 9066 6188 Fax: 028 9068 2400</p>	

Email: <a href="mailto:info@cedar-foundation.org">info@cedar-foundation.org</a>	
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