

# Equality Policy

Becky Box  
Policy, Performance & Personnel Manager



## Notes:

Work has recently commenced on development of a new Equalities Policy.

Our current policy is out of date with regards to some legal references, although in practice we are complying with all requirements – so in effect, the policy needs to catch up with practice within the Council

Because of the changes since the current policy was adopted, the presentation starts by giving a brief update/refresh on equalities legislation, which will set the scene for the review we are undertaking.

Within the presentation Members will see the “new” symbol to draw attention to requirements that will be new within the updated policy.



# What Is Equality?

Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents, and believing that no one should have poorer life chances because of where, what or whom they were born, what they believe, or whether they have a disability. Equality recognises that historically, certain groups of people with particular characteristics e.g. race, disability, sex and sexuality, have experienced discrimination.

(Equality and Human Rights Commission)



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## Notes:

The Equality and Human Rights Commission was established in 2010 and replaces the former Commission for Racial Equality and Equal Opportunities Commission.

Remember: Equal Opportunities is not about treating everyone the same – its about treating everyone fairly and with respect and giving people an equal and fair chance of opportunities, access to services and to fulfil their potential.

# Previous Legislation

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006

*and various amendments to each, totalling over 116 pieces of legislation!*



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## Notes:

Prior to 2010 there was lots of pieces of equalities related legislation in place.

The main pieces of legislation and the ones Members are probably most familiar with are listed on the slide.



# Equality Act 2010

- came into force on 1 October 2010
- provides a legal framework to protect the rights of individuals and advance equality of opportunity for all
- simplifies, strengthens and harmonises the previous legislation to provide a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society



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## Notes:

In 2010 these previous pieces of legislation were replaced by one single act – the Equality Act.

The Equality Act brings all types of discrimination under one umbrella.

The Equality Act ensures consistency of approach across all groups.

The Equality Act establishes nine ‘protected characteristics’ – these are the groups now protected in law.



# Protected Characteristics

9 protected characteristics:

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



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## Notes:

The 9 'protected characteristics' cover the following:

- Age (including actual age, age bands, young and old)
- Disability – a disability is defined as “a physical or mental impairment which has a substantial and long term adverse effect on your ability to do normal day to day activities”
- Gender – covers both women and men
- Gender re-assignment – anyone in the process of transitioning from one gender to another
- Marriage and civil partnership – (including same sex marriage)
- Pregnancy and maternity (includes maternity leave and breastfeeding)
- Race (covers race, colour, nationality, ethnic or national origin)
- Religion or belief – belief includes religious and philosophical beliefs including lack of belief (such as Atheism)
- Sexual orientation – covers gays, heterosexuals, lesbians and bi-sexual

# What Is Discrimination?

1. the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex.

- *synonyms: prejudice, bias, bigotry, intolerance, narrow-mindedness, unfairness, inequity, favouritism, one-sidedness, partisanship;*

2. recognition and understanding of the difference between one thing and another.

- *"discrimination between right and wrong"*
- *synonyms: differentiation, distinction, telling the difference*



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## Notes:

The slide shows a dictionary definition of the term 'discrimination'

Definition 1 describes the type of discrimination that is unlawful – the synonyms used here are useful in terms of understanding what is meant.

Definition 2 describes the type of discrimination that you use in everyday life – for example, to determine which cake to choose in a shop or which pair of shoes to wear, in the morning.

Clearly in terms of equalities it is Definition 1 we are interested in, and need to protect against.

# Unlawful Discrimination

- Direct Discrimination
- Indirect Discrimination
- Discrimination by Association 
- Perception Discrimination 
- Discrimination Arising From a Disability 
- Harassment
- Victimisation



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## Notes:

The following gives a brief description of each of the types of discrimination:

- Direct discrimination - treating someone with a protected characteristic less favourably than others
- Indirect discrimination - putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage
- Discrimination by Association – treating someone less favourably because of their association with another person who has a protected characteristic.
- Perception Discrimination - treating someone less favourably because you mistakenly think that they have a protected characteristic. Discrimination arising from a Disability - occurs when you treat someone unfavourably because of something connected with their disability and cannot justify such treatment. The reason for the treatment does not matter; the question is whether the person has been treated unfavourably because of something connected with their disability.
- Harassment - unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them
- Victimisation - treating someone unfairly because they've complained about discrimination or harassment



# Public Sector Equality Duty

- The Equality Act imposes a “general equality duty” on the public sector and extends the previous legal obligations on the public sector in relation to race, disability and gender to cover all nine ‘protected characteristics’.
- The general equality duty:
  - Came into effect on 5<sup>th</sup> April 2011
  - Aims to promote and protect the dignity of all persons in society
  - Is supported by specific duties which help public authorities meet the general duty



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## Notes:

The Equality Act also introduced the ‘Public Sector Equality Duty’ which applies to all public sector organisations.

Previously we had specific duties in relation to race, disability and gender and had to produce ‘schemes’ to support each of these strands of equalities. So again the effect of the Equality Act has been to harmonise equality duties and extend these across all protected characteristics.

The broad purpose of the Public Sector Equality Duty is the integrate consideration of equality and good relations in the day to day business of public authorities.

Compliance with the duty is a legal obligation.



# General Equality Duty

In the exercise of its functions a public authority must have due regard to the need to:

- *eliminate discrimination*, harassment and victimisation or any other conduct prohibited by the Act in relation to the protected characteristics
- *advance equality of opportunity* between all persons
- *foster good relations* between groups of people sharing a protected characteristic and those that do not



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## Notes:

The slide outlines what a public sector body has to demonstrate to comply with the Public Sector Equality Duty.

These are known as the three aims or arms of the general equality duty.



# Equality Impact Assessments

- An equality impact assessment is a process for systematically identifying the potential impact of the Council's policies, services and functions on different groups within the community, it includes:
  - helping to anticipate and identify any potential discriminatory or negative impacts on groups with protected characteristics
  - enabling actions to be taken to eliminate, or minimise, these adverse impacts during the development of the policy/service/function.



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## Notes:

Assessing the impact of equality on policies and practices is an important part of complying with the general equality duty.

How to do this is not specified within the Act, but the concept of Equality Impact Assessments (EIA) have evolved from this requirement.

Members will recognise the term EIA from Cabinet report headers – this is how Members can check that the equalities implications of a proposal have been taken into consideration.

We have developed a toolkit and associated forms for Managers to use to help them undertake EIA's.

Case law indicates that these assessments should be completed before decisions are made and that a written record is useful for demonstrating compliance.



# Equality Impact Assessments

- The Council must conduct equality impact assessments as soon as a relevant new policy, function or service is considered.
- There are two stages to equality impact assessments:
  - A pre-screening process which will determine whether a full equality impact assessment is required.
  - If potential adverse impacts are identified then a full assessment will be required.



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## Notes:

Completion of an Equality Impact Assessment should be an integral part of policy development.

In addition to satisfying the legal requirement, an equality impact assessment will help to improve policies, strategies, procedures, functions and reviews for the whole community and not just minority groups.

As the slide outlines, there are two stages to an Equality Impact Assessment.



## Specific Duties

- To publish equality information - such information to include information relating to people with protected characteristics who are:
  - Employees
  - Affected by its policies and practices
- Prepare and publish equality objectives



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### Notes:

The Public Sector Equality Duty also sets out some 'specific duties' which public bodies must comply with.

We have an annual employment monitoring report provided to CPP to comply with the employment aspects of the specific duty.

We also have published equality objectives, which will be refreshed as part of the development of the new policy.



# Equality Objectives

The Equality Act 2010 (Specific Duties) Regulations 2011 state that public authorities must:

- prepare and publish one or more objectives they think they should achieve in relation to the aims of the general equality duty
- Ensure that these objectives are specific and measurable
- Publish these objectives in such a manner that they are accessible to the public



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## Notes:

The slide outlines what the law says about equality objectives.



# Equality Objectives - Services

Examples of our current equality objectives for Services are to:

- ensure that the design and delivery of Council services is undertaken in accordance with the requirements of the Equality Act 2010.
- undertake equality impact assessments on new Council policies, functions and services to ensure equality implications are taken into consideration during the decision making process
- develop and promote the Council's web-site to improve access to Council information and services to all



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## Notes:

The slide gives some examples of our current equality objectives for services.

Our equality objectives are published in full on the Council web-site.

These will be refreshed as part of the policy update.

# Equality Objectives - Employment



Examples of our current equality objectives for Employment are to:

- review the current range of equality monitoring information collected to ensure it is appropriate to inform decisions made regarding employment practices and policies
- ensure that the Council's workforce reflects the communities that we serve
- ensure that opportunities for training, development and promotion are open to all employees
- ensure that training on equality issues is provided to Managers and all employees



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## Notes:

The slide gives some examples of our current equality objectives for employment.

Again these are published in full on the Council web-site.

These will also be refreshed as part of the policy update.

# Role as a Service Provider

- Complying with the law
- Identifying key functions and policies and assessing the impact of these
- Striving to achieve equality for all service users
- Ensuring our policies and procedures do not discriminate



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## Notes:

The slide summarises the key obligations of the Council with regards to equalities which are reflected in the current policy and will be included in the updated version.

## Role as an Employer

- Complying with the law
- Promoting equality of opportunity in all aspects of employment
- Ensuring people are treated fairly in all employment related decisions
- Ensuring all employment policies, procedures, guidelines and practices reinforce our commitment to equalities



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### Notes:

The slide summarises the key obligations of the Council with regards to employment, again which are reflected in the current policy and will be included in the updated version.



# Hate Incidents

“Something is a hate incident if the victim or anyone else think it was motivated by hostility or prejudice based on one of the following things:

- disability
- race
- religion
- transgender identity
- sexual orientation”

*(Police and Crown Prosecution Service definition of hate incidents)*



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## Notes:

The terminology around hate incidents and/hate crimes is relatively new and will need to be included in the updated policy.

If a person believes something is a hate incident it should be recorded as such by the person receiving the complaint.

All police forces record hate incidents based on the five personal characteristics listed in the slide.

Anyone can be the victim of a hate incident. For example, you may have been targeted because someone thought you were gay even though you're not, or because you have a disabled child.

The Council has developed a specific procedure to investigate hate incidents and this will be reflected in the new policy.



# Hate Crimes

- When hate incidents become criminal offences they are known as **hate crimes**.
- Any criminal offence can be a hate crime if it was carried out because of hostility or prejudice based on disability, race, religion, transgender identity or sexual orientation.
- When something is classed as a hate crime, the judge can impose a tougher sentence on the offender under the **Criminal Justice Act 2003**.



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## Notes:

This slide gives further explanation of the term “hate crime”.

Incidents which are based on other personal characteristics, e.g. age, are not hate crimes under the law. You can still report these, but they will not be prosecuted specifically as hate crimes.

# Current Policy Statement

- Recognises our role and responsibilities with regards to equalities
- States we will treat all people equally and fairly
- States our aim to provide our services equitably to our diverse community
- Recognises our role as a community leader



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## Notes:

The slide summarises the policy statement within the Council's current Equality Policy – these will be included in the new policy.

## Purpose of Current Review

- General update – particularly to legislation references/requirements
- To ensure all current legal requirements are covered
- To reflect changes that have been implemented within the Council since the Equality Act
- To streamline the document



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### Notes:

This slide summarises the main reasons for the review and what we will be working on in the coming weeks.

## Current Review

- Refreshing/updating knowledge of the law
- Researching current best practice
- Incorporating all the changes we've introduced since the Equality Act
- Reviewing existing policy to see what transfers across
- Updating employment section to make sure all requirements covered



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### Notes:

This slide summarises the work that is now underway to review the current policy.

## Purpose of the New Policy

- Re-state our commitment to equalities
- Ensure we meet our legal obligations
- Set out how we will ensure compliance
- Outline actions the Council will take to ensure equality and opportunities for employees, residents, visitors and service users



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### Notes:

This slide summarises the aims of the review, and what we will be striving to ensure is reflected in the revised policy.

# Contents of New Policy

- Legal framework/legal obligations
- Definitions
- Policy Statement
- Aims/Objectives/Scope
- Roles and Responsibilities – as an Employer and service provider
- Roles and responsibilities for Members and Officers



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## Notes:

This slide outlines the key content that is being developed for the policy.

## Contents of New Policy cont.

- Requirements of the public sector equality duty, including;
  - EIA's
  - Equality objectives
- Employment requirements, covering;
  - Recruitment, selection and appointment
  - Training, learning and Development
  - Working conditions
  - Terms and Conditions of employment



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### Notes:

Continues from previous slide.

## Contents of New Policy cont.

- Internal procedures, including:
  - Hate incidents
  - Other corporate complaints
- Glossary of terms



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### Notes:

Continues from previous two slides.

# Timetable for Adoption

30/08/17 CPP / E&C Briefing  
Sept/Oct Development of content  
13/11/17 CPP to consider final draft  
09/01/18 Report to Cabinet  
25/01/18 Approved by Full Council



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## Notes:

This slide outlines the timetable for adoption of the new policy.

At CPP on 30<sup>th</sup> August it was agreed that, because of the technical issues which prevented this full presentation being delivered, the item would come back to that Panel on 9<sup>th</sup> October.

Rather than give this presentation on 9<sup>th</sup> October, by which time development of the new policy will have significantly moved on, there will be an update on progress. This will still give Panel members the opportunity to ask questions and contribute to the development of the policy before the final draft comes back to panel in November.

## Question for Members...

Are there any particular aspects of equalities that Members wish to see covered / feel are missing from existing practice?



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### Notes:

This slide shows the question Members were left with at the panel meeting, and this will be picked up on 9<sup>th</sup> October when the item comes back for a further update.

If any Member has particular questions or comments prior to 9<sup>th</sup> October I would be happy to respond to these, and again these points could then be included in the update at the next panel meeting.