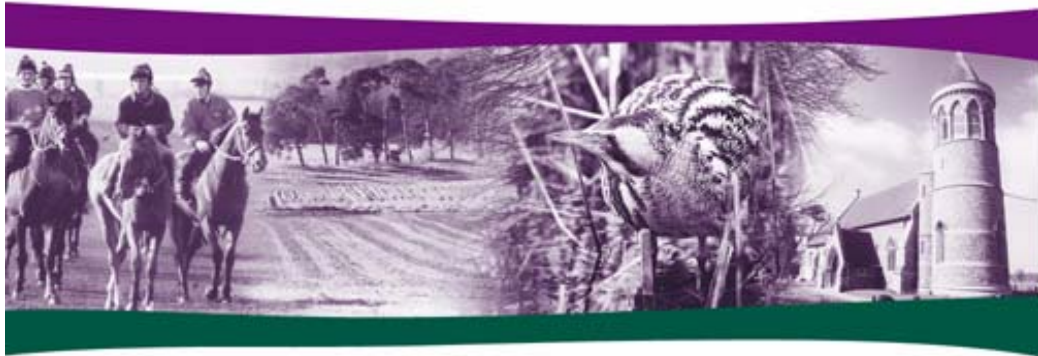


FOREST HEATH DISTRICT COUNCIL
APPROVED POLICY DOCUMENT

Comprehensive Equality Policy



Forest Heath
District Council

Author: Emma Reynard
Community Development

4 December 2006

FOREST HEATH DISTRICT COUNCIL
APPROVED POLICY DOCUMENT

Comprehensive Equality Policy

DOCUMENT SPONSOR (DIRECTOR): Nigel McCurdy

DOCUMENT AUTHOR:

Emma Reynard
Consultation Adviser

DATE DOCUMENT APPROVED AT: -

COMMITTEE:

COUNCIL: 18 July 2007

LAST REVISION DATE: December 2006

NEXT REVISION DATE: December 2009

Comprehensive Equality Policy

Foreword

Forest Heath District Council's work is guided by a clear ambition to see diverse, inclusive and prosperous towns and villages that are sustainable, safe and healthy and where communities work together to improve the quality of life for all. Our vision is to create a modern, highly regarded organisation, enabling and providing high quality services that continuously improve the quality of life for the whole of the Forest Heath community.

We are opposed to discrimination and harassment and are determined to do everything we can to make sure:

- that people are treated fairly
- that everyone has access to good quality public services
- that the district's diverse communities can take part in shaping the future of the district.

We are committed to promoting equity and justice for the people we serve and the people we employ. This document outlines our approach for eliminating discrimination.

Councillor Robin Millar

Member Diversity Champion

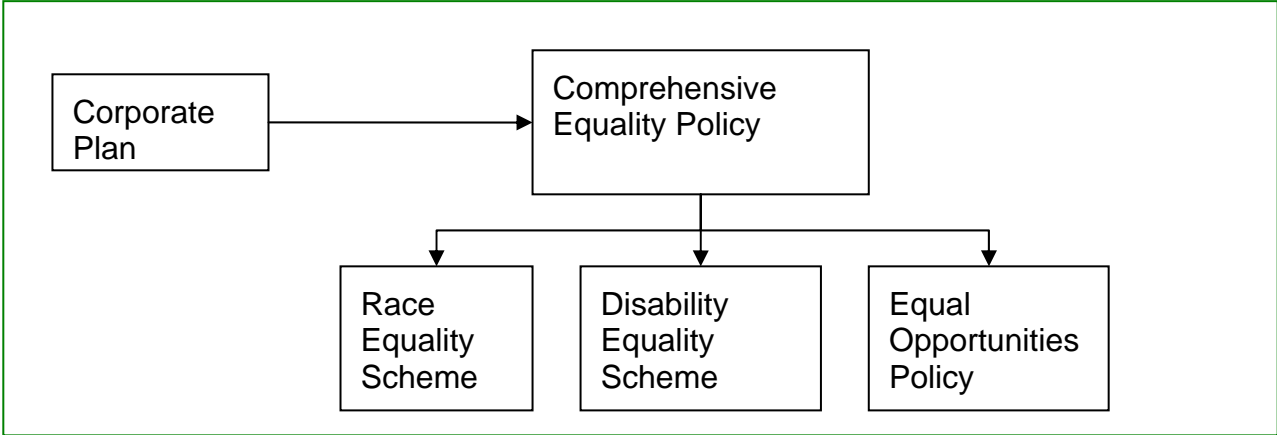
Contents

| | |
|--|----|
| Introduction | 1 |
| Aiming for equality and diversity | 1 |
| What is discrimination? | 2 |
| Who is responsible? | 4 |
| What is equality and diversity? | 4 |
| Legal obligations | 5 |
| Our community - diversity in Forest Heath | 5 |
| Our commitment | 10 |
| | |
| Appendix 1 - Legislation | 15 |
| Appendix 2 - The Equality Standard | 19 |
| Appendix 3 - Screening Equality Impact Assessment Template | 21 |
| Appendix 4 – Comprehensive Equality Policy Action Plan | 25 |

Introduction

This Comprehensive Equality Policy sets out Forest Heath District Council's commitment to promoting equality and diversity in the district. It forms part of an equality and diversity framework which sets out our commitment, context and approach to eliminating discrimination. The diagram below shows how the policies and schemes which make up the framework link together.

Figure 1: Equality and Diversity Framework



It is expected that additional equality schemes will be developed in line with anticipated new legislation.

The Comprehensive Equality Policy replaces the Diversity Strategy which was adopted by the Council in March 2004. It forms the basis of our commitment to the Equality Standard for Local Government. The Equality Standard will:

- provide a systematic framework for mainstreaming equality
- help us to meet our obligations under the law
- integrate policies and objectives with Best Value
- encourage anti-discrimination practice appropriate to Forest Heath
- provide a basis for tackling all forms of institutionalised discrimination
- provide a framework for improving performance over time

There are five levels of attainment to the Standard which are monitored by the Audit Commission.

This policy sets out our commitments to working towards the Equality Standard. The objectives within this policy will be implemented through a Corporate Equality Plan which sets out clear targets and timetables for achieving them. The policy applies to all aspects of our functions and activities.

Aiming for equality and diversity

Our corporate ambition, adopted by the Council in July 2004, is *“to see diverse, inclusive and prosperous towns and villages that are sustainable, safe and healthy and where communities work together to improve the quality of life for all”*.

We are committed to embracing and promoting equality and diversity, to enable the delivery of our services to meet diverse customer needs, ensure fairer and fuller access to

public services within Forest Heath and create an environment in which all staff, residents and visitors are respected and empowered to maximise quality of life within the district.

The Corporate Plan includes four key objectives:

| | |
|--|---|
| Corporate Excellence | Provide and enable accountable, recognised high quality accessible services to all stakeholders, residents and visitors, in an effective and efficient manner and demonstrate robust management of public resources through continuous improvement. |
| Sustainable Economic Well Being | Encourage and promote long term economic well being by the attraction of new investment and growth, redevelopment, training and employment opportunities. |
| Social Well Being | Promote, enable and encourage a diverse, inclusive healthy community to access quality educational, recreational and cultural opportunities. |
| Environmental Well Being | Provide a safe, affordable and environmentally friendly place to live while improving the character of the district. |

Our commitment to diversity is reflected within two of our four key objectives: Corporate Excellence and Social Well Being.

We value the community of Forest Heath and are committed to developing policies and services which tackle inequality and exclusion. We recognise that some people can be disadvantaged and discriminated against both as employees and as service users. We will take action to positively address this.

We aim to:

- eliminate unlawful direct and indirect discrimination
- promote equality of opportunity
- celebrate and value diversity
- promote community cohesion

What is discrimination?

There are different forms of discrimination:

- Direct discrimination – where a person is, or would be, treated less favourably than others who are in the same or similar circumstances as a result of their sex, age, marital status, disability, sexuality, colour, religion, race, ethnic origin or trade union membership, for example, questioning a job candidate about childcare arrangements or future intentions to have a family.
- Indirect discrimination – where a requirement or condition is applied to everyone, but in practice forms a greater obstacle to one group than another and which cannot be justified in the circumstances, for example, arranging a public meeting in a building that does not have the facility to allow access for people with mobility problems to attend.
- Victimisation – where a person is treated less favourably than another because of a personal dislike or because they have brought proceedings, given evidence, or complained about the behaviour of someone who has been harassing or discriminating against them.

- Harassment/bullying – where a person is subjected to unwanted behaviour from another, which has the purpose or effect of:
 - violating their dignity
 - Creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

We want to make sure that people are not discriminated against for any reason including:

- race/ethnic origin
- disability
- gender
- transgender
- age
- religion/belief
- sexual orientation
- caring responsibilities
- non-standard working patterns
- trade union membership or non-membership
- rurality

We recognise that inequality, disadvantage and discrimination exist in society; we will strive to ensure that no one who comes into contact with Forest Heath District Council will receive less favourable treatment, or be socially excluded because of any characteristic that may unfairly affect a person's opportunities in life.

Community cohesion is where the community is in a state of well being, harmony and stability. We will look to promote community cohesion by working with other groups and organisations in the community and share best practice.

We believe that valuing diversity:

- offers a more creative way of looking at equality
- combats prejudice, stereotyping, harassment and undignified behaviour
- promotes the concept of equal opportunities beyond the requirements of the law
- is socially desirable and morally right
- embraces the challenge of serving communities and individuals with diverse needs
- avoids categorising people onto convenient 'pigeon holes'
- acknowledges that each individual is unique, possessing different skills and talents which, if harnessed, will benefit the community
- is the responsibility of everyone.

By recognising, valuing and embracing diversity we will develop services, and influence the service delivery of our partners, to reflect and meet the aspirations of the community and therefore fulfil our diversity and equality aims.

Who is responsible?

The accountabilities and responsibilities in relation to equality and diversity can be summarised as follows:

Members take the lead in promoting equality, ensuring equality issues are given due consideration within their area of responsibility, in decisions of Council policy and in monitoring the services we provide.

Management Team Officers actively support and assist the equalities work by monitoring the performance of services and the work of their service managers, agree necessary action and maintain a commitment to our equalities work.

Service Managers have an essential role in delivering this policy. They are:

- to be pro-active in developing a service led approach to equalities development
- to ensure that staff are adequately trained to meet the requirements of this policy
- to establish and maintain appropriate consultation with minority group customers
- to work within the framework of the agreed Commission for Racial Equality standards.

Other Staff support their managers in meeting the requirements of this policy, seek training opportunities and personal development as appropriate and implement the policy as an integral and core element of our work.

An employee or member of the Council who commits an act of discrimination in contravention of this policy will be subject to internal disciplinary proceedings and also may be found to be personally liable as a result of any consequent legal proceedings.

The **Equality and Diversity Officer Working Group** has been established which will act as the corporate co-ordinating body for all aspects of our work on diversity, focussing on race, gender, disability, religion/belief, sexual orientation and age. It will ensure that our policies are appropriate and compliant with national, legal and policy requirements.

The **Head of Community Services** has been designated as the lead officer for Equality and Diversity. **In addition, a member champion will be appointed.**

What is equality and diversity?

The term "equality" is directly linked to UK legislation and codes of practice produced by the three equality commissions that regulate policy and practice (Equal Opportunities Commission, Commission for Racial Equality and Disability Rights Commission – soon to be replaced by the Commission for Equality and Human Rights). The aim is to ensure that policy and practice, both by organisations and individuals, does not discriminate on grounds of a person's race, gender or disability.

No legal or universally agreed definition for diversity exists. Diversity has not replaced equality but has quite simply added another dimension to the legislatively supported issues of race, gender, disability, age, religion/belief and sexual orientation. The following example of a definition for diversity is a compilation that attempts to illustrate the principle:

"Diversity is any and all of the elements of similarity or difference, whether these be visible or invisible (such as disability, gender, race, colour, ethnic origin, religion, belief, culture, nationality, national origin, age, sexual orientation, caring responsibilities, rural and urban isolation, poverty: the list is limitless). These can enhance or inhibit effective interaction between people, depending on our reaction to each of the elements."

Managing diversity is about minimising anything that inhibits good communication. Valuing diversity is about maximising anything that enhances good communication. Managing and valuing diversity will together create a productive environment in which everybody is respected and empowered, where talents are being fully utilised and in which organisational goals are met.

OR, in short:

"It is about improving how people can work together by valuing their similarities and differences".

Legal obligations

There are many pieces of legislation which apply to the equality and diversity agenda. These include:

- Sex Discrimination Act 1975
- Equal Pay Act 1970
- Race Relations Act 1976
- Race Relations (Amendment) Act 2000
- Disability Discrimination Act 1995
- Disability Discrimination (Amendment) Act 2005
- Human Rights Act 1998
- Employment Relations Act 1999
- Rehabilitation of Offenders Act 1974
- Trade Union and Labour Relations Act 1992
- Code of Practice on Age Diversity in Employment 1999
- Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2001.

Some legislation makes it unlawful for service providers to discriminate against specific groups of people, for example race and disability, and places general and specific duties upon local authorities. These require local authorities to work towards eliminating discrimination and developing equality schemes to outline their approach. Further details about the above pieces of legislation can be found in Appendix 1.

Our community – diversity in Forest Heath

This section contains data on the community profile taken from a number of sources including Census 2001, benefits data and Council survey data. We are continuously improving the information that we collect as part of our service delivery and improvement processes to enable a more accurate and up to date profile of the Forest Heath community. Unless stated otherwise, data is taken from the Census 2001.

Residents of Forest Heath, as a whole, are in good health and live in a very low unemployment area (1.2% March 2006 – Suffolk Observatory).

In the past the district was party to the London overspill programme. This resulted in a significant influx of population from the capital to Mildenhall and Brandon. The overspill

programme had a significant impact on the area in terms of changing the dynamics of the local economic base as well as the nature and skills bases of the local population.

The district is also a centre for the United States Air Force in Europe with major USAFE air bases at RAF Mildenhall and RAF Lakenheath. Some 29,000 American military personnel and their dependants are linked to the two sites and form part of our district. An estimated 9,000 American people live within the Forest Heath community.

In Forest Heath 48.1% of people live in rural areas (Census 2001) compared with 31% in the Eastern region. Forest Heath is characterised by affluent areas which masks the areas of deprivation which do exist.

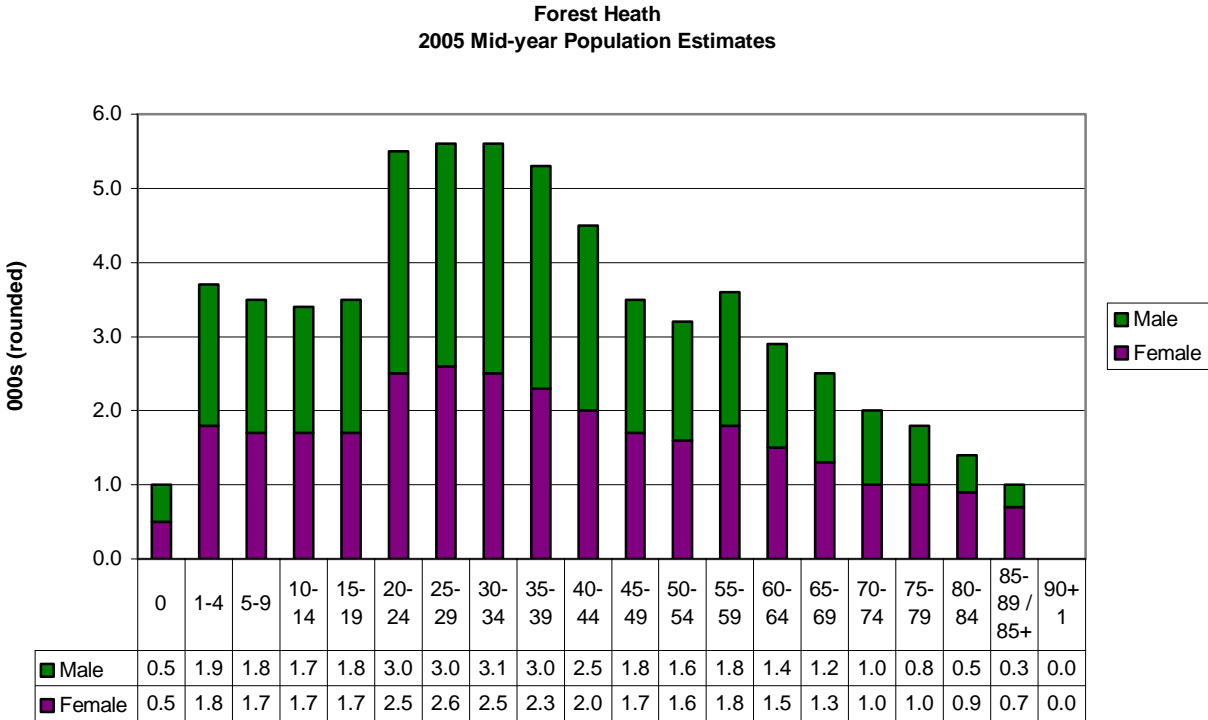
Population

Forest Heath is the smallest district in Suffolk with a population of 63,100 (2005 mid-year population estimates – Audit Commission) and covers 144 square miles (37,398 hectares).

Age and Gender

The gender split is 51.82% male and 48.34% female (2005). The mix of female and male residents is generally equal. There are two exceptions: generally more males between 20 and 44 but more females after the age of 75. The following chart shows the age and gender split estimate in 2005.

Figure 2: 2005 Mid-year Population Estimates for Forest Heath (Source - National Statistics)



In Forest Heath 13.8% of the population are aged over 65. This is lower than the UK average of 16%. In relation to young people, 21% of the population are under 16 years old; this is higher than the national average of 20%. Therefore young people outnumber those over 65 in Forest Heath which is the opposite of the situation nationally.

Black and Minority Ethnic Communities (BME)

The Forest Heath community has the second largest black and minority ethnic (BME) population in Suffolk. The 2001 Census data shows that the local population is made up of:

- 76.43% white British
- 1.16% white Irish
- 16.34% white other
- 6.06% BME which includes:
 - 2.44% mixed race
 - 0.58% Asian or Asian British
 - 1.88% black or black British
 - 1.16% Chinese or other ethnic group

The number of BME pupils on the school roll in 2005 (LEA) was 113 (1.9%). There were no vulnerable children (asylum and refugee children) but there were 40 traveller pupils registered.

98.9% of respondents to the Council's 2003/04 Best Value User Satisfaction Survey were from a white background.

We commissioned a housing needs survey in 2005 which surveyed 1,210 households. Data from this survey can be found in the table below and found that 92.6% of heads of household were white British and 1.2% were from a BME background. This data excluded USAFE personnel.

Table 1: Forest Heath Housing Survey

| Ethnic origin of head of household | | |
|---|---------------------|----------------|
| Ethnic origin | Number of responses | % of responses |
| White - British | 1,120 | 92.6% |
| White - Irish | 12 | 1.0% |
| White - Other | 65 | 5.4% |
| Mixed - White & Black Caribbean | 1 | 0.1% |
| Mixed - White & Asian | 2 | 0.2% |
| Mixed - Other | 2 | 0.2% |
| Asian or Asian British - Other | 1 | 0.1% |
| Black or Black British - African | 1 | 0.1% |
| Black or Black British - Other | 4 | 0.3% |
| Any other ethnic group | 2 | 0.2% |
| Total | 1,210 | 100.0% |

Gypsies and Irish travellers are recognised ethnic groups for the purposes of the Race Relations Act 1976. A recent survey in 2005 to identify the needs of travellers and gypsies estimated that there are 230 people in this community living in the district which make up 38 households.

98.84% of Kings' Forest Housing tenants are from a white background (September 2006).

Religion/Faith

In Forest Heath 74.7% of residents are Christian, with most other residents either not stating a religion or not having religion; The next highest represented religion is Muslim with 0.3%.

Migrant Workers

National Insurance registrations in Forest Heath show that between 2002/03 and 2005/06 the main nationalities of people from overseas registering were from:

- Poland - 510 (20.8%)
- USA - 400 (16.3%)
- Portugal - 260 (10.6%)
- Pakistan - 210 (8.6%)
- India - 180 (7.3%)

These figures are based upon address at time of registration and do not allow for movement into or out of the district after registration.

Disability

Census data shows that 1,175 people in Forest Heath received Disability Living Allowance. This has now increased to 1,660 in February 2006 (Department of Work and Pensions). 57% of these are of working age, 13% are under 16 years of age and the remaining 30% are of pensionable age.

The NHS profile for Forest Heath shows that 0.6% of people have received mental health treatment, 3.4% of people have diabetes and 28.1% of households have one or more people with a limiting long term illness.

In 2004, the number of children aged 0-5 with a disability (LEA 2004) was 27 (0.72%).

In the 2003/04 Best Value User Satisfaction Survey, of the 1,174 respondents, 3.5% were permanently sick or disabled and 28.2% had a long-standing illness, disability or infirmity.

Sexuality

We currently have no statistics relating to sexuality in Forest Heath. We will try to address this in due course.

Forest Heath District Council as an Employer

An analysis of employee data in 2006 showed that:

- 54% of Forest Heath employees are male
- 33% are from a white background (64% left blank)

- 2% are from a non-white background
- 2.2% have a disability

Information relating to job applicants is gathered through the Equal Opportunities monitoring form which is sent out with every application pack or downloaded as part of the entire documentation bundle from the website. Information requested includes gender, marital status, ethnic background and disability.

Statistics on these figures are conveyed through to JT Consultative Group, which consists of Union Representatives, Members and Officers, on a quarterly basis and monitored via this method.

Occupational Health interactions throughout the career of a member of staff will assist in identifying those with disabilities, however as this is now self declared information, there is no prerequisite on staff to declare their disability if they so wish. We are launching a self service aspect of the integrated HR/Payroll IT system in 2007 whereby staff will be able to update their details and this may encourage more to self declare which will duly be monitored and any appropriate adjustments to their working environment made.

Our commitment

Our approach focuses not just upon the need to comply with existing and emerging legislation, but also on identifying best practice and applying this across services. This section provides information about how we will meet our commitment to eliminating discrimination and inequality.

We have made a commitment to:

- comply with all statutory legislation and Equality Standard for Local Government requirements
- aim to make sure that diversity and equality continues to receive corporate support
- embed the diversity and equality agenda within all levels of management to ensure associated issues are considered in the decision making process
- provide clear policy guidelines and advice about the rights and responsibilities of all people affected by our policies.

We aim to implement this commitment by:

- providing high quality, inclusive services with improved access
- improving equal and appropriate opportunities in employment and recruitment
- improving communication and organisational culture in order to mainstream equality and diversity across the Council and customer satisfaction surveys
- measuring effectiveness through performance indicators.

High Quality Service Provision

To ensure equality in service provision, we are committed to:

- providing appropriate training to all staff and councillors to ensure understanding of diversity and also to enable Equality Impact Assessments of all plans, policies and services to be completed
- embedding diversity and equality considerations into all relevant areas of service planning, management and delivery
- removing barriers which prevent people from using our services on an equitable basis including:
 - reviewing existing policies, plans and services by undertaking a programme of Equality Impact Assessments to ensure access to quality services
 - completing impact assessments and needs audits when developing all new plans, policies and services
 - continuing to complete access audits of Council facilities and taking action to address issues identified
- ensuring that the allocation of financial resources takes into account equality considerations
- improving our awareness and understanding of the needs of different groups in the district through effective community profiling, consultation, liaison and involvement

- the training and development of staff and councillors to enable us to meet the diverse needs of the community - to be delivered through the corporate training plan and including:
 - diversity and equality training for all employees provided by an e-learning package
 - Equality Impact Assessment training for service managers and Equality and Diversity Officer Working Group
 - diversity and equality training for Management Team and councillors
- improving monitoring of take up and impact of services to:
 - improve service take up
 - identify where changes can be made and demonstrate improvements
 - improve targeting of resources
 - inform service planning process
 - agree corrective action, where required
- improving services through community engagement:
 - establish needs and satisfaction levels of service users
 - identify user needs in relation to access to information, eg, translation requirements, information provision in alternative formats, hearing loops etc.
 - identify user needs in terms of access to services and facilities for those with particular requirements eg, people with disabilities
 - provide new services and service improvements based upon needs of users
 - provide the community with information to enable effective participation in the development and improvement of services
- ensuring that our commissioning, purchasing and grant giving policies and procedures promote equality of opportunity.

Improving Employment Opportunities

We recognise that, as a major employer and service provider, we have a duty and legal responsibility to promote equality of opportunity. We believe that everyone has the right to be treated with dignity and respect. This applies not only to our workforce but also in the way in which we deliver our services to the local community. As such, we have an equal opportunities policy and statement to achieve this. We will:

- promote opportunities to ensure that our workforce is diverse and representative of the local community
- ensure that Council jobs are accessible to people from all sections of the community
- ensure that staff are treated equitably in all areas of employment including career development, pay, training and promotion
- tackle harassment and bullying in the workplace
- carry out regular workforce profiling

- improve consultation with staff from the groups covered by the policy
- monitor recruitment, promotion, training opportunities and takeup, grievances, disciplinary procedures and exit from employment
- assess the impact of new and existing policies.

Improving Communication

We will improve our communication by:

- providing accessible information on our services, plans and policies by:
 - using plain English
 - providing information in a variety of formats
 - providing appropriate translation, interpretation and transcription services
 - providing appropriate options for people with disabilities
- improving community relations and promoting diversity through the events, publicity, educational programmes and other initiatives we provide
- working with partners in the community, voluntary, public and business sectors to achieve the policy aims
- communicating what information is available, in what format and where.

Measuring our Progress

It is important to make sure that this policy's aims and objectives are monitored as part of an ongoing process to evidence progress. Progress of this Comprehensive Equality Policy will be monitored against the CEP Action Plan (which can be found in Appendix 4) by the Equality and Diversity Officer Working Group and reported quarterly to Management Team. The action plan sets out the actions, performance monitoring and timescales required to meet the objectives in the policy.

Individual services will also monitor take up of services to help identify where services may need to change so as not to prevent certain groups from accessing them. Consistent approach to service monitoring will be developed by the Officer Diversity Working Group.

Performance will also be monitored as part of our best value performance management regime. Performance against these targets will be monitored on a quarterly basis by the Performance Management Working Group (PMG) and reported to full Council.

We will monitor by ethnicity, disability and gender in the following:

- recruitment and selection
- makeup of the workforce
- training and development opportunities
- incidents of harassment and bullying
- disciplinary and grievance cases and employment tribunal cases
- the number of employees that leave the Council and their reasons for doing so.

Monitoring will be extended to other strands of diversity as appropriate.

An annual report of progress will be produced which will also include progress towards the published Equality Schemes and their action plans.

Equality Impact Assessment (EIA)

An impact assessment is a systematic way of finding out if a plan, policy or service, both proposed and existing, has a differential effect on different groups. It allows us to take full account of the needs and experiences of those affected by policies and:

- achieve better results generally
- identify actual and potential inequalities
- respond appropriately to these inequalities.

We will apply a two stage approach to conducting EIAs. The first stage includes identifying all plans, policies and services and completing a screening assessment to establish the relative impact of a plan, policy or service. This will result in an outline programme for completing the second stage which involves an in-depth impact assessment. All seven strands of diversity (race, religion/faith, age, gender, disability, sexual orientation and rurality) will be considered. The screening assessment proforma can be found in Appendix 3.

To achieve this, a programme of training for senior managers, service managers and members of the Diversity Officer Working Group will be completed by 10th January 2007. Further details are included in our Comprehensive Equality Plan.

Detailed Equality Impact Assessment methodology will be developed by the Equality and Diversity Officer Working Group.

Community Engagement

Consultation and community engagement helps us to understand the needs and views of people living and working in the district better. As a provider of services in the community, it is important that community views are sought when planning, prioritising and improving our services. We need to show that we have taken notice of community views and be more open and accountable. Public involvement will ensure full identification of the issues experienced by different people and groups, how plans, policies and services impact upon people and help to prioritise our actions.

We have a Consultation Strategy which will be redeveloped in 2007 to reflect the needs of the equality and diversity agenda and identify how we involve the community effectively in the future. This will also include development of a toolkit to apply a consistent and quality approach across the Council.

An effective consultation process will:

- make sure that service users, especially hard to reach, disadvantaged or excluded groups, are consulted and their views taken into account when developing policies and services, including identifying the needs and satisfaction levels of those using the services
- ensure that our consultation methods are developed, in partnership, with the groups we are trying to reach to make sure they are fully accessible and therefore effective
- identify the groups that find it difficult to access our services to ensure that we can find out why

- ensure that consultation exercises will be well managed, properly timetabled, with clear aims explained to the people involved including openness about the extent of change that we can effect
- monitor and assess the methods used to help us adapt them to suit the specific needs of the groups being consulted
- make sure that the outcomes of consultation are acted upon and communicated back to those who took part, as well as the wider community, in an accessible way.

Responding to Incidents of Discrimination or Harassment

In the event that an incident of discrimination or harassment occurs, we will deal with it in a fair, equitable and sensitive manner. Members of the public are able to report incidents through our corporate complaints procedure. In addition, racial incidents can be reported using the Suffolk-wide reporting procedure developed by the County Council's Racial Harassment Initiative (RHI).

We have an "Anti-Harassment and Bullying Policy, Procedure and Guidance" which outlines our approach to incidents of harassment or bullying in the workplace.

Resources

Forest Heath District Council is a small authority with a small population. As such, we do not have the financial resources to employ additional officers with specific responsibility for diversity issues (however, this will be reviewed annually). Instead, in view of the need to mainstream equality and diversity issues across the services, an Officer Diversity Working Group has been established, with representatives from each service, which is responsible for developing and implementing the CEP, equality schemes and action plans. This group is also responsible for supporting officers completing EIAs.

Partnerships

We are involved in many partnerships in order to better deliver services. For example:

- Anglia Revenues Partnership - a partnership with Breckland Council established to deliver our benefits and revenues services.
- Crime and Disorder Reduction Partnership - recently merged with St Edmundsbury Borough Council and Babergh District Council to cover the west of Suffolk.
- Western Suffolk Local Strategic Partnership - brings together a wide range of organisations, including Forest Heath District Council, to work towards 'making life better' for people in Western Suffolk. Its four objectives are to:
 - maximise the potential of all children and young people
 - develop and maintain a safe, strong and sustainable community
 - create and support healthier communities
 - develop a prosperous and sustainable economy.

We will ensure that all partnerships give due regard to equality and diversity issues.

Appendix 1 – Legislation

This appendix summarises the main pieces of legislation which relate to the main equality and diversity strands. This will be updated, as required, in light of changing legislation.

Race

The Stephen Lawrence Inquiry defined ‘racism’ and ‘institutional racism’ in the following ways:

“Racism in general terms consists of conduct or words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin. In its more subtle form it is as damaging as in its overt form.”

“Institutional racism consists of the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racial stereotyping which disadvantage mainly ethnic people.”

Under the Race Relations Act 1976 it is unlawful to treat a person less favourably than another is treated in similar circumstances on racial grounds. It is also unlawful to apply a requirement or condition which discriminates against members of a particular racial group because they are less able to comply with it than others are.

The Race Relations (Amendment) Act 2000 places a general duty on a wide range of public authorities, requiring them to have due regard to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good race relations between people of different racial groups.

Gender

The Sex Discrimination Act 1975 declares that it is unlawful to treat a person less favourably than another is treated in similar circumstances on the grounds of sex. It is also unlawful to apply a requirement or condition which discriminates against women because they are less able to comply with it than men are (or vice versa). The same protection applies to married people.

It is also unlawful, in certain circumstances, to treat a person less favourably than another on the grounds that he or she intends to undergo, is undergoing or has undergone gender reassignment.

The Equal Pay Act 1970 requires that men and women should be paid equally where they are carrying out the same job, work rated as equivalent under a job evaluation scheme or work of equal value.

The Government has committed itself to an Equality Bill (to be introduced in 2007). This will result in there being a General Duty of “promoting gender equality” alongside a set of Specific Duties, similar to those found in the race and disability acts.

Disability

The Disability Discrimination Act 1995 states that a person has a disability if:

“He/she has a physical or mental impairment which has a substantial and long-term effect on his/her normal day-to-day activities.” This definition covers a wide range of physical, sensory and learning disabilities, as well as mental health problems.

The Disability Discrimination Act 1995 makes it unlawful to treat people with disabilities less favourably because of a reason relating to their disability without objective justification. It also provides for a duty on an employer to make reasonable adjustments to working arrangements or premises if they place a disabled person at a substantial disadvantage to others.

Under the Act, service providers are obliged to provide the same standard of service to disabled customers as to those without a disability, unless there is good reason. Service providers are required to provide auxiliary aids and services, or provide their service in a different way if this helps disabled customers to access them.

From 1 October 2004, all physical barriers to access, such as narrow door openings, steps and stairs, had to be removed or overcome. The Act gives a person with a disability the right to take legal action if they feel that the service provider has discriminated against them.

The Disability Discrimination Act 2005 amended and updated the previous Act and became law on the 4th December 2006, place a General Duty upon public authorities, when carrying out their functions, to:

- promote equality of opportunity between disabled persons and other persons
- eliminate discrimination that is unlawful under the Act
- eliminate harassment of disabled persons that is related to their disabilities
- promote positive attitudes towards disabled persons
- encourage participation by disabled persons in public life
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

In summary, the General Duty can be referred to as the duty to “promote equality for disabled persons”.

Religion/Belief

The EU Employment Regulations 2003 apply to vocational training and all facets of employment including recruitment, terms and conditions, promotions, transfers, dismissals and training. They make it unlawful on the grounds of religion or belief to:

- discriminate directly against anyone - that is, to treat them less favourably than others because of their religion or belief
- discriminate indirectly against anyone - that is, to apply a criterion, provision or practice which disadvantages people of a particular religion or belief, unless it can be objectively justified
- subject someone to harassment - harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment having regard to all the circumstances and the perception of the victim

- victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on the grounds of religion or belief
- discriminate or harass someone, in certain circumstances, after the working relationship has ended.

Exceptions may be made in very limited circumstances if there is a genuine occupational requirement (GOR) for the worker to be of a particular religion or belief in order to do the job or to comply with the religious or belief ethos of the organisation. Religion or belief is defined as being any religion, religious belief or similar philosophical belief. This does not include any philosophical or political belief unless it is similar to religious belief. It will be for the employment tribunals and other courts to decide whether particular circumstances are covered by the regulations.

Sexual Orientation

The EU Employment Regulations 2003 apply to all employment and vocational training and include recruitment, terms and conditions, promotions, transfers, dismissals and vocational training. They make it unlawful on the grounds of sexual orientation to:

- discriminate directly against anyone - that is, to treat them less favourably than others because of their actual or perceived sexual orientation
- discriminate indirectly against anyone - that is, to apply a criterion, provision or practice which disadvantages people of a particular sexual orientation, unless it can be objectively justified
- subject someone to harassment - harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them having regard to all the circumstances including the perception of the victim
- victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on grounds of sexual orientation
- discriminate against someone, in certain circumstances, after the working relationship has ended.

Within the regulations, sexual orientation is defined as:

- orientation towards persons of the same sex (lesbians and gay men)
- orientation towards persons of the opposite sex (heterosexual)
- orientation towards persons of the same sex and the opposite sex (bisexual).

Age

The Code of Practice on Age Diversity in Employment 1999 discourages age as an employment criterion and details good practice in aspects of recruitment, selection, promotion, training and development, redundancy and retirement, to promote age diversity in the workplace.

There is no direct statutory protection from age related discrimination. However, the Equal Treatment Framework Directive (2000/78/EC) requires the UK to implement national

legislation preventing age related discrimination in employment by 2006. As a result, new age regulations are due to come into force on 1 October 2006.

These regulations will cover direct and indirect discrimination, victimisation and harassment. In all four cases, the employer can be held accountable for the actions of all its employees. If an employer is found to have discriminated against an employee, there is no limit on how much an employee tribunal can ask them to pay.

The age regulations will make the following unlawful:

- discrimination on the grounds of age in recruitment, promotion and training
- compulsory retirement below the age of 65 unless objectively justified.

The regulations will also state that:

- employees have the right to request to continue working after retirement age
- employers have a duty to consider an employee's request to continue working after retirement age
- employers have to give written notification to employees six months in advance of their intended retirement to allow people to plan for their retirement
- employees over 65 have the same right to unfair dismissal and redundancy payments as younger workers.

Employment

The Human Rights Act 1998 gives further effect to the rights and freedoms guaranteed by the European Convention on Human Rights. It provides UK workers with the opportunity to enforce their rights under the Convention in domestic courts and tribunals.

The Employment Relations Act 1999 gives staff the right to take parental leave and time off to deal with certain unexpected or sudden emergencies with dependants.

Under the Rehabilitation of Offenders Act 1974, employers are not allowed to refuse employment to someone because they have a spent conviction except in occupations exempt under the Act.

It is also unlawful to refuse employment to somebody on the grounds that they are or are not a member of a trade union (Trade Union and Labour Relations (Consolidation) Act 1992).

Regulations also exist to protect part time and fixed term employees so that they are not treated less favourably than full time or permanent employees.

Appendix 2: The Equality Standard

About the Equality Standard

The Equality Standard for Local Government was introduced in 2002. Whilst it is not a statutory duty, we are required to report annually progress against meeting the Standard. This is reported as Best Value Performance Indicator 2a. The Standard was developed and published by a partnership of the Commission for Racial Equality, the Disability Rights Commission, the Equal Opportunities Commission and the Employers' Organisation, with assistance from the Audit Commission. The Standard covers employment, policymaking and service delivery. It operates on five levels and is intended to:

- help councils to mainstream equalities
- help councils to meet their legal obligations
- integrate equality policies
- encourage the development of anti-discriminatory practice appropriate to local circumstances
- provide a basis for tackling all forms of discrimination
- help to focus performance improvement.

Equality Standard Levels

Councils are required to report which level of the Standard they have achieved. As at April 2006, we have reached Level 1 of the Race Equality Standard. An outline of each of the levels is shown below.

The Equality Standard Level 1: Commitment to a comprehensive equality policy

To achieve Level 1 of the Standard, an authority must have adopted a comprehensive equality policy that commits it to achieving equality in race, gender and disability through:

- improving equality practice at both corporate and departmental level
- earmarking specific resources for improving equality practice
- equality action planning and equality target setting within all departments and service areas
- systematic consultation
- a fair employment and equal pay policy
- an impact and needs/requirements assessment
- progress monitoring
- audit and scrutiny.

The Equality Standard Level 2: Assessment and consultation

To achieve Level 2 of the Standard, an authority will need to demonstrate that:

- it has engaged in an impact and needs/requirements assessment

- it has engaged in consultation with designated community, staff and stakeholder groups
- it has engaged in the development of information and monitoring systems
- it has engaged in an equality action planning process for employment, pay and service delivery
- it is developing a system of self-assessment, scrutiny and audit.

The Equality Standard Level 3: Setting equality objectives and targets

To achieve Level 3 of the Standard, an authority will need to demonstrate that:

- it has completed a full and systematic consultation process with designated community, staff and stakeholder groups
- it has set equality objectives for employment, pay and service delivery based on impact and needs/requirements assessment and consultation
- equality objectives have been translated into action plans with specific targets
- it is developing information and monitoring systems that allow it to assess progress in achieving targets
- action on achieving targets has started.

The Equality Standard Level 4: Information systems and monitoring against targets

To achieve Level 4 of the Standard, an authority will need to demonstrate that:

- it has developed information monitoring systems that allow it to assess progress in achieving targets
- it is measuring progress against targets and effectively using its information and monitoring systems
- monitoring reports are being produced at specified intervals and circulated to designated consultation and scrutiny groups
- monitoring systems are providing useful information about progress towards specific targets.

The Equality Standard Level 5: Achieving and reviewing outcomes

To achieve Level 5 of the Standard, an authority will have to demonstrate that it has made considerable progress in achieving equal employment and service provision with regard to race, gender and disability. It will need to show that:

- it has achieved significant progress towards the targets that it set at Level 3
- it has reviewed and revised targets, monitoring and consultation systems with designated community, staff and stakeholder groups
- it has initiated a new round of action planning and target setting
- through its achievements it can be seen as an example of good practice for other local authorities.

Appendix 3 – Screening Equality Impact Assessment

| | |
|---|---|
| Name of policy or function to be assessed | Name of manager responsible for assessment Team undertaking this assessment Name of Diversity Officer providing guidance on this assessment Any other relevant individuals or groups involved in this assessment |
| Is this a new or existing policy/function/service? | Date of assessment |
| Step 1 Describe the aims, objectives and purpose of the policy or function/service (include how it fits in to wider aims or strategic objectives). | Aims to take into account specific duties |
| Are there any associated objectives of the policy or function (ie setting a standard of good practice, improving consumer confidence in the service)? | |
| Who is intended to benefit from the policy/function and in what way? | |
| What are the intended outcomes of this policy/function? | |
| Step 2 What baseline quantitative data do you have about the policy/function relating to equalities groups (eg, monitoring data on proportions of service users compared to proportions in the population)? | |
| What qualitative data do you have on different groups (eg results of previous consumer satisfaction surveys/consultation, feedback exercises, or evidence | |

| | |
|---|--|
| <p>from other authorities undertaking similar work)?</p> | |
| <p>Step 3</p> <p>Are there concerns that the policy/function could have a differential impact on different racial groups?</p> <p>What evidence do you have for this?</p> <p>Do the differences amount to an adverse impact or unlawful discrimination?</p> <p>If there are concerns that it is indirectly discriminatory could it still be justifiable, eg on grounds of promoting equality of opportunity for one group? (It is advisable to get legal advice on this.)</p> | |
| <p>Are there concerns that the policy/function could have a differential impact on gender?</p> <p>What evidence do you have for this?</p> <p>Do the differences amount to an adverse impact or unlawful discrimination?</p> <p>If there are concerns that it is indirectly discriminatory could it still be justifiable, eg on grounds of promoting equality of opportunity for one group? (It is advisable to get legal advice on this.)</p> | |
| <p>Are there concerns that the policy/function could have a differential impact on disabled people (including children with additional needs)?</p> <p>What evidence do you have for this?</p> <p>Do the differences amount to an adverse impact or unlawful discrimination?</p> <p>If there are concerns that it is indirectly discriminatory could it still be justifiable, eg on grounds of promoting equality of opportunity for one group? (It is advisable to get legal advice on this.)</p> | |

| | |
|--|--|
| <p>Are there concerns that the policy/function could have a different impact on lesbians, gay men, bi-sexual and transgender people than on heterosexual young people or adults?</p> <p>What evidence do you have for this?</p> <p>Do the differences amount to an adverse impact or unlawful discrimination?</p> | |
| <p>If there are concerns that it is indirectly discriminatory could it still be justifiable, eg on grounds of promoting equality of opportunity for one group? (It is advisable to get legal advice on this.)</p> | |
| <p>Are there concerns that the policy/function could have a differential impact on younger or older people?</p> <p>What evidence do you have for this?</p> <p>Do the differences amount to an adverse impact or unlawful discrimination?</p> <p>If there are concerns that it is indirectly discriminatory could it still be justifiable, eg on grounds of promoting equality of opportunity for one group? (It is advisable to get legal advice on this.)</p> | |
| <p>Are there concerns that the policy/function could have a differential impact on faith groups/individuals?</p> <p>What evidence do you have for this?</p> <p>Do the differences amount to an adverse impact or unlawful discrimination?</p> | |
| <p>If there are concerns that it is indirectly discriminatory could it still be justifiable, eg on grounds of promoting equality of opportunity for one group? (It is advisable to get legal advice on this.)</p> | |
| <p>Step 4</p> | |

| | |
|--|--|
| <p>Should the policy/function move to a Full Impact Assessment (Template 2) and, if so, why have you decided this?</p> <p>Date by which the Full Impact Assessment will take place</p> | |
| <p>Signed (completing officer)</p> <p>Job Title</p> | <p>Date of completion of Initial Impact Assessment</p> |

Appendix 4: Comprehensive Equality Plan

The following plan includes both the generic actions to be carried out to work towards mainstreaming equality and diversity (e.g. Equality Impact Assessments) as well as strand specific actions (e.g. revise Race Equality Scheme). It also includes additional actions identified during development of the Gender Equality Scheme. Actions will be monitored as part of the Corporate Improvement Plan, quarterly, by Overview and Scrutiny Committee.

| Action | Equality Strand | Monitoring / Performance Indicator | Timescale | Responsible | |
|--------|---|------------------------------------|------------------|-------------|--|
| 1 | Develop Comprehensive Equality Policy and Action Plan (CEP) building upon Diversity Strategy adopted in March 2004. | All | CEP adopted | 04/12/06 | Head of Community Services |
| 2 | Develop Disability Equality Scheme (DES) and Action Plan | Disability | DES adopted | 04/12/06 | Head of Community Services |
| 3 | Review and revise the Councils recruitment and selection policies, targets and monitoring arrangements | All | Review completed | 30/09/06 | Head of Human Resources & Corporate Services |
| 4 | Develop corporate policy identifying the level and need for translation services and link to Countywide approach | Race | Policy adopted | 30/12/06 | Diversity Officer working Group |
| 5 | Develop a revised Race Equality Scheme (RES) and Action Plan for 2007-2010 | Race | RES adopted | 31/03/07 | Head of Community Services |

| Action | | Equality Strand | Monitoring / Performance Indicator | Timescale | Responsible |
|---------------|--|------------------------|---|------------------|---|
| 6 | Establish monitoring arrangements to measure actual take up of services against Community Profile | All | Monitoring procedure developed | 31/03/07 | Diversity Officer working Group |
| 7 | Equality and Diversity Awareness Training | | | | Learning & Development Officer |
| | Initial awareness training as part of Corporate Induction training day | All | All staff completing training | Ongoing | Learning & Development Officer |
| | All staff to complete E-learning Equality & Diversity (E&D) package - 3 levels (Levels required dependent upon job responsibilities) | All | All Staff completing training Audit progress quarterly | Ongoing | Learning & Development Officer |
| | Equality Impact Assessment Training | All | All relevant staff completing training | 31/11/06 | Service Managers & service plan authors |
| | EIA and support training | All | | 06/12/06 | Diversity Officer working Group |
| | Management Team E&D training | All | | 10/01/07 | Management Team |
| | Councillor E&D training | All | All councillors completing training | 10/01/07 | Councillors |

| Action | Equality Strand | Monitoring / Performance Indicator | Timescale | Responsible | |
|---|---|--|-------------------------------|--|---|
| 8 | Complete programme of Equality Impact Assessments (EIA): | | | | |
| Identification of all existing plans, policies and services (PPS) | All | PPSs listed | 30/11/06 | Diversity Officer working Group & Service Managers | |
| Initial Screening assessment | | Screening completed | 31/03/07 | | |
| Identification of 3yr programme for completing full EIAs | | Programme developed and adopted | 30/04/07 | | |
| All full EIAs completed on existing plans, policies and services | | EIAs completed to programme | 31/03/10 | | |
| EIAs completed for all new and updated plans, policies and services | | EIAs completed | Ongoing (starting 31/03/2007) | | |
| 9 | | Produce an annual report of progress (APR) towards implementation of the Comprehensive Equality Policy and adopted Equality Schemes including updated action plan. (Statutory requirement) | All | | APR included in Corporate Annual Report |
| 10 | Develop a co-ordinated annual programme of consultation which enables consultation with relevant groups | All | Programme published | Annually by 31/03 | Consultation Adviser |

| Action | | Equality Strand | Monitoring / Performance Indicator | Timescale | Responsible |
|---------------|---|------------------------|---|----------------------|---|
| 11 | Produce information directory of council services in a range of languages | Race | Booklet distributed. | 31/05/2007 | Head of Community Services / West Suffolk Local Strategic Partnership |
| 12 | Gender Equality Scheme published | Gender | Scheme published | 06/03/07 | Head of Human Resources & Corporate Services |
| 13 | Develop best practice consultation toolkit, compliant with national guidelines and codes of practice to enable effective and quality community engagement | All | Toolkit produced | 31/06/07 | Consultation Adviser |
| 14 | Establish a disabled Employees' and members focus group identify improvements to our practices | Disability | Group established & meets twice yearly | 31/06/2007 | Head of Community Services |
| 15 | Continue to identify new data sources and review existing data to maintain an accurate and up to date Community Profile. | All | Ongoing Report progress in Annual Progress Report | September - annually | Head of Community Services |
| 16 | Raise awareness of Council's approach to equality and diversity through dissemination of information guides (share with Parish and Town Councils) | All | Guides produced and published | 31/03/08 | Head of Community Services |

| Action | | Equality Strand | Monitoring / Performance Indicator | Timescale | Responsible |
|---------------|--|------------------------|--|---|-------------------------------|
| 17 | Set equality targets and develop action plans for each service area - include in service plans | All | Targets Set Action plans developed | 31/03/10 3-year rolling programme dependent upon level of impact of service. | Service Managers |
| 18 | Improve awareness in the community of alternative formats available – include information in Forest Heath News (FHN) | Disability | Information included in each FHN | 31/03/2007 | Head of Corporate Development |
| 19 | Improve information provided to the disabled community by including a specific section in Forest Heath News | Disability | Information included in each FHN | 31/03/2007 | Head of Corporate Development |
| 20 | Audit all FHDC buildings, including leisure facilities, to ensure that all are accessible | Disability | All buildings audited | 31/03/2008 | Health & Safety Officer |
| 21 | Agree and acceptable method of consultation with groups representing disabled people | Disability | Methods agreed and included in Consultation Toolkit. | 31/03/07 | Consultation Adviser |

| Action | | Equality Strand | Monitoring / Performance Indicator | Timescale | Responsible |
|---------------|--|----------------------------|---|--|---|
| 22 | Dissemination of guidelines to staff and Councillors on making meetings, services and information accessible and widening participation to disabled people to ensure that the whole community is able to access service and participate. | All | Guidance developed | 31/08/2007 | Head of Community Services / Consultation Adviser |
| 23 | Review adopted Equality Schemes every three years | Disability / Race / Gender | Equality Schemes reviewed and published | DES - 04/12/09 RES - 31/03/10 GES - 30/04/10 | Head of Community Services |
| 24 | Review works areas and employees and members needs at least annually through risk assessments and 1:1s and implement reasonable adaptations | All | Annual reviews completed | Annually | Managers |
| 25 | Complete equal pay audit, identify potential issues and set appropriate objectives | Gender | Review completed and objectives established | 31/07/2007 | Head of Human Resources & Corporate Services |

| Action | Equality Strand | Monitoring / Performance Indicator | Timescale | Responsible |
|--|-----------------|---|---|--|
| <p>26</p> <p>Employment monitoring: review existing monitoring arrangements to take account of gender issues, including:</p> <ul style="list-style-type: none"> • Proportion of male/female • Pay levels by gender • Take up of flexible working by gender • Part-time employees by gender • Maternity leave returnees • Proportion of male/female accessing training <p>Identify any gender gaps and develop objectives and actions to reduce these including setting targets</p> | Gender | <p>Review completed and gender related information reported to the Joint Consultative Group quarterly.</p> <p>Annual summary of monitoring data produced and reported upon in the Annual Equalities Progress Report</p> <p>Additional actions included in action plan</p> | <p>March 2007</p> <p>Annually from March 2007</p> <p>September 2007</p> | Head of Human Resources & Corporate Services |

| Action | | Equality Strand | Monitoring / Performance Indicator | Timescale | Responsible |
|---------------|--|------------------------|--|------------------------------------|--|
| 27 | Complete consultation with staff (combined with other diversity strands) in relation to gender equality; develop actions to address issues identified. | All | Consultation programme completed and report produced. Programme of actions developed to address issues. | September 2007 October 2007 | Head of Community Services / Consultation Adviser |
| 28 | Procurement: ensure compliance with Equality Act 2006: Amend Standard Conditions of Contract; and publish on our website Amend procedures to take account of requirements of the Equality Act 2006 | Extend to ALL strands | Procurement policy reviewed and compliant. | 31/07/2007 | Policy Adviser |
| 29 | Partnerships: Identify existing Partnerships Agree arrangements for meeting Gender Equality Duty | Extend to ALL strands | All partnerships reviewed and compliant with Equality duties. | 31/03/2008 | Head of Corporate Development / Policy Projects & Partnerships Officer Group |