

***Cheshire East Council***  
***Interim Single Equality Scheme to March 2010***

## Introduction Chief Executive and Portfolioholder for Performance and Capacity

As a new Council, Cheshire East Borough Council is committed to providing high quality, customer focused services for all people living in, working in or visiting the Borough. We are determined to further develop our equal opportunities agenda both to meet our statutory responsibilities, provide quality customer services and as part of the achievement of our corporate aims and objectives. Our aim is inclusion for all. For this reason we are reviewing every aspect of our equalities programme, we are effectively beginning again with the benefit of having some experience of what works and what we can do better. This means we are redesigning our Equality Impact Assessment toolkit and guidance to help us get it right for the community of Cheshire East

This document and the programme of action it supports is designed to help the Council meet its statutory obligations covering both fair employment practices and access to all the Council's services.

It is comprehensive in scope, encompassing all the functions of the Council and all categories of equality and diversity.

As well as aiming to meet the standards required and set out in statutory legislation (and related codes of practice), the Council will seek to improve and develop its approach and work towards the achievement of best practice and standards required by regulatory bodies and defined in national standards such as the Equality Framework for Local Government.

The Council also recognises its community leadership role in the Borough and will work closely with the Local Strategic Partnership and with other major partners to promote equality and inclusion within the Borough

The Council will seek to prioritise its efforts to reflect the Borough's demographic and economic context, whilst also recognising the absolute requirement to fulfill its statutory obligations.

## 1 Introduction

Cheshire East Borough Council's Interim Single Equality Scheme serves two purposes:

1.1 To set out the Council's overall commitment to equality and diversity in one document.

The Council's Interim Single Equality Scheme contains:

- our approach to equality and diversity in Cheshire East
- how we will manage, plan and incorporate equality and diversity in our day to day work.

1.2 To be the 'umbrella' document for our statutory and non-statutory equality schemes.

The Council's Interim Single Equality Scheme contains:

- our statutory equality duties in relation to race, disability and gender and our non-statutory duties in relation to sexual orientation, religion/belief and age.

The Council's Interim Single Equality Scheme will help us ensure that we focus more on the outcomes that matter to the community and people who use our services; and that our services are more accessible and delivered effectively.

The Council's Interim Single Equality Scheme incorporates, for the first time, information, issues and potential areas for action in relation to age, religion/belief and sexual orientation. While there is no statutory requirement to meet general and specific duties in these areas, broadening our approach to all six recognised equality strands illustrates our commitment to equality and inclusion for all, and puts us in a good and realistic position for potential changes in national equalities legislation.

This Interim Single Equality Scheme sets out the Council's equality and diversity objectives for the first year of Cheshire East Borough Council (2009 – 2010). It will also suggest our future areas of focus for the Council to be included in the next 3 year Single Equality Scheme 2010-2013

## **2 Specific Duties**

The Equality Bill, due to come into force in 2009, will replace current legislation with a new streamlined and strengthened Equality Duty, which will be extended to cover sexual orientation, gender reassignment, age and religion or belief.

Under the Equality Bill, public bodies will have to consider how services affect a wide range of different people. The purpose of the new Bill is to make Britain a fairer place, where people have the opportunity to succeed whatever their race, gender, disability, age, sexual orientation, religion or belief. The Bill extends the existing duties and places additional equality duties on the public sector. Public authorities already have a legal duty to consider how their spending decisions, employment practices and service delivery can affect people according to their race, disability or gender.

## **3 Who does the scheme apply to?**

This scheme applies to:

- users of the Council's services and visitors to our buildings and facilities
- members of our community and visitors to our Borough
- councillors
- employees – including any person on secondment from other organisations or on fixed term contracts
- partners and service delivery agencies
- volunteers
- freelance and temporary staff representing the Council and
- contractors and sub-contractors

## **4 Our Commitment and Vision**

The Council's Interim Single Equality Scheme will support and supplement the Council's corporate priorities, as set out in our Corporate Plan,

Our Vision is to.....

Work together to improve community life

We will

- enable all children and young people to fulfill their potential
- improve the wellbeing, health and care of people
- ensure that people in local communities have a greater say about how resources are targeted in their area
- work with others to make all our communities safer places to live, work play and visit
- enable people to have a good quality of life irrespective of where they live or their social or economic background
- shape and maintain strong and prosperous neighbourhoods in which our residents are skilled and economically active, where businesses want to invest and where people want to visit
- provide an attractive and sustainable environment which communities can be proud of

## **5 Our Values**

The overall aim of the Council is to have a positive impact on all sections of the communities that we serve. We have developed a set of core values and key behaviours to underpin this aim. These are collected together as ASPIRE

Action

“take responsibility for making the right things happen”

We will

- Implement agreed changes as quickly as possible

- Balance urgency with quality and efficiency in delivery
- Take responsibility for solving problems where possible
- Be flexible about the way we work

#### Support

“work and learn together in order to succeed”

We will

- Communicate clearly and openly
- Share information and best practice with others
- Work together being prepared to compromise
- Encourage and support others to achieve their potential

#### People

“put customer and community needs at the heart of what we do”

We will

- Do our best to understand people’s needs and requirements
- Treat each person as an individual providing choice where possible
- Work hard to make our processes simple
- Agree realistic timescales and keep people informed

#### Integrity

“be open honest and fair expecting the same of others”

We will

- Treat everyone with dignity and respect
- Speak up when others are behaving inappropriately
- Face up to difficult or awkward questions and situations
- Separate personal feelings from professional requirements

#### Recognition

“value all views, efforts and achievements”

We will

- Involve all members of our team, valuing their differences
- Acknowledge everyone's efforts and contributions
- Give and receive feedback positively and constructively
- Celebrate success

Excellence

“strive to improve all that we do”

We will

- Take the initiative and make suggestions
- Keep up to date with new developments
- Try new ideas and approaches
- Reflect and learn from our own and others' experiences

## **6 How we will incorporate Equality**

The Council's Interim Single Equality Scheme will incorporate equality by:

- integrating equality into all our functions, procedures and policies
- ensuring that the Council's priorities incorporate the principles and values of this scheme
- ensuring that arrangements are in place to monitor, evaluate and report on our progress against our interim single equality scheme action plan as well as our progress on mainstreaming equality issues
- ensuring that we engage effectively with stakeholders and local communities in delivering and monitoring the scheme;
- embedding equality into our service planning and practices and
- embedding equality into the management, monitoring and implementation of this scheme into the Council's performance framework

The Corporate Management Team (CMT) will be accountable for the implementation and enforcement of this Scheme. This will strengthen the Council's commitment to the Scheme, as it will be owned centrally and not by just one section of the Council. The ethos of the scheme will be thread through all corporate plans and policies and will be apparent in all Council activities.

## **7 How the scheme Was Developed**

The information and intelligence used in producing this scheme has built on the work of previous authorities and included the views and comments of a range of stakeholders. This includes:

- Rationalising existing equality schemes and equality strategies of the county and district councils
- Analysis of findings from previous consultation events and information used to produce, and priorities the previous schemes and strategies. This was quite recent intelligence and, therefore, still relevant.
- Preparing an Equality Profile 2009

## **8 Council Priorities for Equality and Diversity and what we do next**

Analysis of intelligence and data gathered through the development of this scheme has helped us to determine the following priorities

### **8.1 To have a modern and diverse workforce**

The ability to deliver responsive, personalised services will depend in a large part on the composition, skills, understanding and commitment of our workforce. The implementation of this priority will need to ensure that:

- relevant equality objectives are built into workforce strategies
- there is an understanding of the local labour market
- there is an understanding of the barriers equality groups face
- all major employment policies are equality assessed
- plans are in place to improve representation at senior levels of women, Black, Asian & Minority Ethnic officers and officers with disabilities



- training and development programmes address equality issues
- there is effective action to address equal pay
- there is a workplace culture in which staff are treated with dignity and respect

## **8.2 To foster community engagement and satisfaction**

We recognise the importance of community engagement and participation and we want to move far beyond simple consultation exercises, important as they can be, to find innovative ways of involving communities and neighbourhoods. However, communities of place are not always synonymous with communities of interest and it remains important to have the means to involve these communities of interest in decision making as well as service and workforce planning.

## **8.3 To have responsive services and excellent customer care**

Service provision, whether provided directly or procured or commissioned, remains a central function. The implementation of this priority will require all Directorates to personalise services to meet the needs of people with different backgrounds and ensure fair access.

## **8.4 To understand and know our community**

Our society is becoming more diverse. Understanding differences is no longer just an issue for urban areas with large black, asian and minority ethnic (BAME) groups. The prosperity and cohesion of all communities are affected by differing age, gender, disability, religious and sexual orientation profiles. It is also important to understand differences within communities. There are many forms of disability; gender too is a very wide category and there will be great differences, as well as similarities, in the experience of women. Many areas of the Borough are also ethnically diverse and the experience of all groups will be affected by socio-economic factors. Today it is impossible to assume we know the composition of our communities – we have to find that out.

We believe that work on ‘Knowing your communities and equality mapping’ will also provide the evidential basis for other work on community cohesion, customer care and will be the basis for work on the public duties and the Comprehensive Area Assessment (CAA).

The term ‘equality mapping’ has been added to the more familiar ‘knowing your communities’ to emphasise the importance of understanding difference in the context of other major issues such as health, education, community safety, access to work and identifying where the equality gaps are for different groups. Measuring the gaps should be the basis of identifying local priorities and key outcomes. It will be impossible to develop an outcome-focused approach without this core evidence.

## **8.5 To embed and promote equality within our partnerships, procurement and commissioning**

Progressing the equality agenda in Cheshire East requires working in partnership with local primary care trusts, the police and fire and rescue services and the voluntary and community sector. Local strategic partnerships (LSPs) will often be the natural vehicle for such partnerships. Narrowing equality gaps and improving the life chances of different groups will require a pooling of evidence, resources and action planning.

Of particular importance will be a robust process for equality impact assessments (EIAs) and the implementation of action plans, equality proofing procurement and commissioning and monitoring access.

## **8.6 To have an effective performance framework and demonstrate continuous improvement**

These equality priorities will inform and influence the development of service implementation action plans. This will shape our equality and diversity agenda for the next scheme due to be published in April 2010 and cover the 2010 to 2013 period.

The Council has set out its intention to be confirmed as an achieving Council under the Equality Framework for Local Government. The priorities in the Interim Single Equality Scheme and the next three year scheme will confirm the Council's achieving status and show areas of excellence assessed by the peer review

## 9 Equality strands and Council Commitments

This is an Interim Single Equality Scheme. It is important to look at the different aspects of diversity separately and in detail as outlined below. This will help us to recognise and respect the many varied and extensive needs of our community.

<b>AGE</b>	<ul style="list-style-type: none"><li>• <b>Cheshire East has an age structure slightly older than that of England and Wales and has an aging population. 17% of the population were over 65 at the time of the 2001 Census. This had risen to 18% in 2007 and is forecast to reach 26% by 2026. (Cheshire East Population Forecasts).</b></li><li>• <b>The number of older people (aged 65+) has increased by 20% from around 54,200 in 1991 to 64,800 in 2007. The increase was greater in the Congleton area (29%) than in the Crewe &amp; Nantwich (19%) and the Macclesfield area (15%).</b></li><li>• <b>A higher proportion of older people living in income-deprived households live in the Macclesfield area.</b></li><li>• <b>Rates of claimants of Disability Living Allowance were higher amongst 60 - 69 year olds than any other 10-year age group. (Department of Work and Pensions 2009)</b></li></ul>	<p>We are committed to promoting equality of opportunity for younger and older people. We recognize that society can have negative attitudes, stereotypes and myths about youth, ageing, younger and older people. These attitudes and beliefs can lead to both younger and older people being socially and economically disadvantaged, excluded and marginalized. We believe that younger and older people have the right to equality of opportunity and that they make a significant and valuable contribution to the community of Cheshire East</p> <p>Age equality means securing the equal participation in society of people of every age, securing a balance between equality of opportunity and respect for difference.</p> <p><b>We will</b></p> <ul style="list-style-type: none"><li>• <b>Promote positive images of younger and older people</b></li><li>• <b>Challenge patronising or discriminating attitudes</b></li><li>• <b>Provide support, assistance and care to older and younger people to enable them to lead independent lives</b></li><li>• <b>Support older and younger people according to their individual need</b></li></ul>
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<b>Disability</b>	<ul style="list-style-type: none"> <li>• In Cheshire East nearly one in four people suffer from a long term illness which limits their day to day activities; this figure is similar to that of England and Wales.</li> <li>• Just over fourteen percent of the working age population in Cheshire East are disabled. This figure is lower than both the North West (19.6%) and England &amp; Wales (18.2%).</li> <li>• Four percent of the total population were claiming Disability Living Allowance. Five percent of the working age population were claiming Incapacity Benefit/Severe Disablement Allowance and of these people, four out of ten were claiming for mental health or behavioural related disorders.</li> <li>• Suicide rates across Cheshire East were lower than the North West and England. The rate is highest in the Crewe and Nantwich area.</li> <li>• Ten percent of the adult population in Cheshire East are un-paid carers, of these people nearly one in six provide more than fifty hours of care per week.</li> </ul>	<p>We are committed to promoting equality of opportunity and eliminating discrimination for disabled people.</p> <p><b>We will</b></p> <ul style="list-style-type: none"> <li>• Remove barriers to access, particularly to housing, employment and services, information and buildings</li> <li>• Encourage good practice in the private sector through our procurement and commissioning arrangements and enforcement powers</li> <li>• Support employees with caring and domestic responsibilities who may need to work part time or flexible hours or work from home</li> <li>• Uphold the Social Model of disability and our guiding principles in our role in procurement and in our partnership duties</li> <li>• Promote positive images of disabled people</li> <li>• Make the environment as safe as possible and challenging antisocial and bullying behaviour against disabled people</li> <li>• Provide support assistance and care to disabled people to enable them to lead independent lives and according to their individual need</li> <li>• Enable disabled people's active participation</li> <li>• Involve disabled people in the changes and improvements we make</li> <li>• Consult with disabled people on issues affecting them rather than with people acting on their behalf</li> </ul>
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<b>Gender</b>	<ul style="list-style-type: none"> <li>• <b>10% of the adult populations of Cheshire East are unpaid carers. Of these, nearly 1 in 6 provides more than 50 hours care per week (Census 2001).</b></li> <li>• <b>The % of unemployed females who are long-term unemployed is higher than the male rate (Census 2001).</b></li> <li>• <b>Lone parents in Cheshire East are 7.5 times more likely to be female than male (Census 2001).</b></li> <li>• <b>Women are significantly more likely than men to work for less than 30 hours per week whereas men are significantly more likely than women to work for more than 49 hours per week. (Census 2001).</b></li> <li>• <b>Women are more likely to claim Disability Living Allowance than men. (Department of Work and Pensions 2009)</b></li> </ul>	<p>We are committed to combating sex discrimination and sexism promoting the equality of women, men and people who are transgender.</p> <p>We recognize that society has stereotypes for women, men and people who are transgender and they can lose opportunities because of these stereotypes</p> <p><b>We will</b></p> <ul style="list-style-type: none"> <li>• <b>Support employees with caring and domestic responsibilities who may require to work part time, flexible hours or work from home.</b></li> <li>• <b>Work in partnership with other agencies to eliminate sexual harassment, sexual violence domestic abuse and other hate crimes</b></li> </ul>
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<b>Race</b>	<ul style="list-style-type: none"> <li>• Four out of five residents in 2008 felt that people from different backgrounds get on well together in their local area.</li> <li>• A very high proportion of residents say they are white British (96%) Estimates suggest that 93.4% of Cheshire East's population is White British. 2.9% are White Other, whereas 3.6% of Cheshire East's population is non-white. 1.4% of the population is Asian, 0.9% mixed, 0.8% Chinese or other and 0.6% Black</li> <li>• Over the last five years Cheshire East has experienced a high number (6,272) of workers registering on the Worker Registration Scheme, second only to Manchester within the North West. The majority of the workers were Polish (83%), with many working in or around Crewe.</li> <li>• Around one in ten visitors to the Customers Services desks within Crewe were from people who identified themselves as Foreign Nationals. Of these the largest group were Polish nationals (63%), followed by Slovaks (6%), Asians (6%) and Iraqi/Kurds (5%).</li> <li>• Within the area there is also a presence from the Gypsies and Traveller community. Research</li> </ul>	<p>We recognise that black and minority ethnic people experience discrimination on the basis of colour, race, nationality, religion, and ethnic origin. This discrimination manifests itself in areas such as housing, employment, education and access to services. The Council will take all necessary measures to prevent and tackle racial harassment and assist black and minority ethnic people freedom from harassment</p> <p><b>We will</b></p> <ul style="list-style-type: none"> <li>• Gain a better understanding of all ethnic and faith groups, their background and needs and how we respond to them</li> <li>• Encourage dialogue between different racial groups on our services</li> <li>• Promote activities that celebrate diversity generally and foster understanding and respect for the culture and faith of all our residents</li> <li>• Encourage all ethnic groups to exercise their rights as citizens and participate in the democratic process</li> <li>• Support the voluntary and community sector to promote good race relations</li> <li>• Counter myths and misinformation that may undermine good community relations</li> <li>• Promote the active participation of minority communities in shaping the future of Cheshire East</li> <li>• Ensure that our employees, contractors and</li> </ul>
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	<p>suggests that over half felt that they had been treated unfairly because of their ethnic background, with around 15% considered themselves to have a disability</p> <ul style="list-style-type: none"> <li>• Crewe and Nantwich (former district boundary) has the highest number of new National Insurance registrations. Annually since 2004/5 Crewe and Nantwich has seen more registrations than the two former districts of Macclesfield and Congleton combined. Nationally, Poles are the largest migrant group.</li> </ul>	<p>partners fully understand the principles of good race relations</p>
Religion and Belief	<ul style="list-style-type: none"> <li>• More than 80% of Cheshire East residents are Christian (Census 2001), higher than the national average.</li> <li>• 3,275 people are from the Buddhist, Hindu, Jewish, Muslim or Sikh faiths (Census 2001), but demographic changes since the last Census are expected to have increased this number.</li> <li>• Immigration from Eastern Europe, particularly Poland in the Crewe area, is expected to have also increased the numbers of Roman Catholics.</li> </ul>	<p>We recognise that people can face discrimination because of attitudes in society towards the faith communities to which they belong. Faith-based hate crime is a new phenomenon developing a character that is distinct from race hate crime</p> <p>We also recognise that a persons religious beliefs may mean that they have different needs, demands and expectations, which require flexibility on the part of a service provider or employer.</p> <p>We are committed to eliminating discrimination on the basis of religion or belief</p> <p><b>We will</b></p> <ul style="list-style-type: none"> <li>• Work with faith groups within our community to gain a better understanding of their needs</li> <li>• Work with faith groups to promote equality and</li> </ul>

		<p>cohesion within our communities</p> <ul style="list-style-type: none"> <li>• Challenge stereotypes and improve knowledge about faiths and beliefs</li> <li>• Promote harmony and understanding between different faith groups with the view of promoting community cohesion</li> <li>• Challenge discrimination on the grounds of religion and belief</li> <li>• Promote equality for employees and service users, regardless of their religion or belief</li> <li>• Provide responsive and appropriate services for all sections of the community</li> <li>• Create an environment free from harassment and victimisation for faith groups</li> <li>• Improve communication, participation and engagement with faith groups</li> <li>• Challenge behaviours, attitudes and practices which cause offense or isolate faith groups</li> </ul>
<b>Sexual Orientation</b>	<ul style="list-style-type: none"> <li>• Around six percent of the adult population are estimated to be lesbian, gay or bisexual. Across Cheshire East this equates to 17,700 adults. Between 2006 and 2008 there were 276 civil partnerships across Cheshire.</li> <li>• Survey results of lesbian, gay and bisexual people indicate that around half would expect to face barriers to selection as a local government candidate in the North West for either the Labour or Liberal Democrat Party. Selection to the Conservative party was felt to be even more difficult with</li> </ul>	<p>Cheshire East Borough Council is committed to combating discrimination faced by lesbians, gay men and bisexual people. We want to ensure equality of opportunity for lesbians, gay men and bisexual people across services and employment.</p> <p><b>We will</b></p> <ul style="list-style-type: none"> <li>• Eliminate and act against homophobic and discriminatory attitudes and behaviours in the workplace and services</li> <li>• Take advice from lesbians, gay men and bisexual people to ensure that policies, procedures and services are inclusive and</li> </ul>



	<p>nine out of ten respondents expecting to face barriers to selection in the North West.</p> <ul style="list-style-type: none"> <li>• In addition, nine out of ten would expect to face barriers to becoming a school governor in the North West, the worst of all nine English regions.</li> <li>• Older lesbian, gay and bisexual people have differing living and family arrangements than heterosexual people; they are two and half times more likely to live alone and they are four and a half times less likely to have children to help when needed. This will inevitably place a higher reliance on formal services and care. However, fear of discrimination and fear of disclosure – or ‘outing’ – often prevents such groups from accessing such services.</li> </ul>	<p>effective</p> <ul style="list-style-type: none"> <li>• Respect the rights of individuals to be open about their sexual orientation</li> <li>• Tackle homophobia, challenge stereotyping and improve knowledge about lesbians, gay men and bisexual people</li> <li>• Make the environment as safe as possible and challenge antisocial or bullying behaviour against lesbian, gay men and bisexual people</li> <li>• Monitor and evaluate policies and procedures</li> <li>• Ensure that the recruitment, employment and promotion of our employees is inclusive and fair for lesbians, gay men and bisexual people</li> <li>• Work with groups to promote and raise awareness of the lesbians, gay men and bisexual community</li> </ul>
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## **10 Legal Issues**

The list below provides a round-up of all the current equality and diversity legislation that the council must comply with.

### **Civil Partnerships Act 2004**

This Act provides legal recognition and parity of treatment for same-sex couples and married couples, including employment benefits and pension rights.

### **Disability Discrimination Act 1995**

This Act outlaws discrimination of disabled people in employment, the provision of goods, facilities and services or the administration or management of premises.

### **Disability Discrimination Amendment Act 2005**

This Act introduces a positive duty on public bodies to promote equality for disabled people.

### **Employment Equality (Age) Regulation 2006**

This protects against discrimination on the grounds of age in employment and vocational training. It prohibits direct and indirect discrimination, victimisation, harassment and instructions to discriminate.

### **Employment Equality (Religion & Belief) Regulation 2003**

This directive protects against discrimination on the grounds of religion and belief in employment, vocational training, promotion and working conditions.

### **The Employment Equality (Sex Discrimination) Regulations 2005**

This introduces new definitions of indirect and indirect discrimination, harassment, explicitly prohibits discrimination on the grounds of pregnancy or maternity leave, and sets out the extent to which it is discriminatory to pay a woman less than she would otherwise have been paid due to pregnancy or maternity issues.

### **Employment Equality (Sexual Orientation) Regulation 2003**

This directive protects against discrimination on the grounds of sexual orientation in employment, vocational training, promotion, and working conditions.

**Equal Pay Act 1970 (Amended)**

This gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and the woman are doing like work, work related as equivalent under an analytical job evaluation study, or work that is proved to be of equal value.

**Equality Act 2006**

This establishes a single Commission for Equality & Human Rights which replaces the three existing commissions. It introduces a positive duty on public sector bodies to promote equality of opportunity between men and women and eliminate sex discrimination. It protects against discrimination on the grounds of religion and belief in terms of access to goods, facilities and services.

**Gender Recognition Act 2004**

The purpose of this Act is to provide transgender people with legal recognition in their acquired gender.

**Race Relations Act 1976**

This Act prohibits discrimination on racial grounds in the areas of employment, education and the provision of goods, facilities and services and premises.

**Race Relations Amendment Act 2000**

This places a statutory duty on all public bodies to promote equal opportunity, eliminate racial discrimination and promote good relations between different racial groups.

**Race Relations Act (Amendment) Regulation 2003**

This introduces new definitions of indirect discrimination and harassment, new burden of proof requirements, continuing protection after employment ceases, new exemption for a determinate job requirement and the removal of certain other exemptions.

**Racial and Religious Hatred Act 2006**

This Act seeks to stop people from intentionally using threatening words or behaviour to stir up hatred against somebody because of what they believe.

**Sex Discrimination Act 1975**

This Act makes it unlawful to discriminate on the grounds of sex. Sex discrimination is unlawful in employment, education, advertising or when providing housing, goods, services or facilities. It is unlawful to discriminate because someone is married, in employment or advertisements for jobs.

**Framework Convention for the Protection of National Minorities**

The Framework was to become active in 1998. The broad aims of the Convention are to ensure that the signatory states respect the rights of national minorities, undertaking to combat discrimination, promote equality, preserve and develop the culture and identity of national minorities, guarantee certain freedoms in relation to access to the media, minority languages and education and encourage the participation of national minorities in public life.

The Framework Convention for the Protection of National Minorities defines a national minority implicitly to include minorities possessing a territorial identity and a distinct cultural heritage.

**Sex Discrimination (Gender Reassignment) Regulations 1999**

This Act seeks to prevent sex discrimination relating to gender reassignment. It clarifies the law for transgender people in relation to equal pay and treatment in employment and training.

**Equal Treatment Directive (EC Directive 76/207/EEC)**

This provides that there will be no discrimination whatsoever on grounds of sex, either directly or indirectly, by reference in particular to marital or family status. Similar provisions exclude discrimination on grounds of sex in the conditions for access to all jobs or posts, whatever the sector or branch of activity and to training. The principle of equal treatment with regard to working conditions, including dismissal, has the effect of guaranteeing men and women 'the same conditions without discrimination on the grounds of sex'. The Directive can be directly relied upon by employees within the public sector regardless of whether or not its provisions have been incorporated into UK law.

**Directive on Racial and Ethnic Discrimination**

The Council of Ministers agreed this Directive on 6 June 2000 which will provide a minimum level of protection against racial discrimination common to all Member States. It prohibits racial discrimination not only in employment but also in education, social security, healthcare, access to goods and services and ensures that victims will have the right of redress in all Member States. Member States have three years from the entry into force of the Directive in which to take the necessary measures to implement it.

### **Anti Discrimination Directive**

The Member States of the EU reached agreement on this Directive aimed at combating discrimination in the employment field, including age discrimination, in Autumn 2000. It requires Member States to prohibit direct and indirect discrimination in employment and extends to recruitment, promotion, vocational training and working conditions, including dismissal and pay. The Directive does provide a defense to direct discrimination on grounds of age: differences of treatment will not constitute direct age discrimination if they are “objectively and reasonably justified by a legitimate aim” and “the means to achieve it are appropriate and necessary”. Member States are required to implement legislation prohibiting discrimination on grounds of religion and sexual orientation by late 2003 and on grounds of age by late 2006.

### **Protection from Harassment Act 1997**

This legislation was predominantly aimed at “stalking” but it has implications for employers and employee behaviour in the work place. The Act states that a person must not pursue a course of conduct which amounts to harassment and which he or she knows or ought to know amounts to harassment. Such harassment is defined as “alarming the person or causing the person distress”. A “course of conduct” must involve conduct on at least two occasions. The test is whether a reasonable person in possession of the same information would have thought that the behaviour constituted harassment.

The Act also makes it a criminal offence to pursue a “course of conduct” including speech, which causes someone else to fear that violence will be used against them. Again this conduct must take place at least twice. The criminal penalty for this harassment is six months imprisonment or a maximum fine of £5000 and/or being made subject to a restraining order.

Employees who are victims of harassment may sue for damages for stress and anxiety and for financial loss. The Act provides employees with both a criminal and a civil remedy for bullying at work which comes within the statutory definition of harassment.

### **Human Rights**

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Article 14 of the European Convention on Human Rights gives people the right to enjoy their other human rights without discrimination on such grounds as sex, race, colour, language or religion.

## **11. Training and development**

Equality and diversity training and development will be available for all employees and councillors and will be fully integrated into the councils learning and development program, with additional development available based on job requirements.

## **12. Complaints**

If a member of the public feels that they have suffered harassment or been treated unfairly by the Council because of their sex, colour, race, nationality, ethnic group, regional or national origin, age, marital status, disability, political or religious belief, sexual orientation or class, they should report this without fail to the Council's complaints officer. We have a separate procedure dealing with complaints. Complaints by staff will be dealt with under the grievance or dignity at work policies, as appropriate.

We encourage our employees and others with serious concerns about any aspect of malpractice within the organisation, to come forward and voice those concerns through the Whistleblowing Policy. The main aim of the Whistleblowing Policy is to allow employees and others to speak without fear about actual or potential wrongdoing/malpractice.

We take all external and internal complaints seriously and will not tolerate any form of discriminatory behaviour. Complaints about councillors will be investigated using the Members' Code of Conduct and our Standards Committee. Monitoring complaints is also another way of gathering information to see how we are meeting our equality duties. We will report annually on complaints made and action taken as part of monitoring the Council's Interim Single Equality Scheme.

## **13. Partnerships and procurement**

### **Partnerships**

Where partnerships do not have a separate legal identity and are therefore not bound by the general duty in legislation, we will apply our own duties and ensure that the work of partnerships promotes equalities. All partnership working arrangements that the council participates in will be subject to EINA to ensure that there are no adverse impacts on a particular community as a result of the partnership activity or governance arrangements.

### **Procurement**

We have published guidance to ensure that contractors and suppliers meet our legal requirements to promote equality and diversity. This will cover equality and the need to ensure that contractual arrangements are accessible to small and medium sized enterprises and the voluntary

sector. Potential contractors and suppliers are required to provide information on their approach to equality and evidence that they have relevant systems in place for legal compliance.

#### **14. Publishing and monitoring results**

Each directorate will develop equality implementation plans, which address the needs of communities, and the common issues which cut across them irrespective of age, race, disability, gender, religion and belief and sexual orientation. In this way, the equality and diversity agenda is being embedded systematically in our strategic and business planning processes. These plans will be monitored through the corporate performance framework.

##### Measuring our approach to equality

The Council is developing a new Equality Impact Assessment (EIA) methodology. The EIA's examine how a policy, procedure or service may have an unequal impact on different groups of people. It will enable service managers to improve proposed or existing provision. An EIA is a way of deciding whether a policy or service has a "positive, negative or neutral impact" on some sections of society. It is also to be used to test future policies or services. The impacts enable us to take into account the needs of women, men or transgender people, black and ethnic minority groups, disabled people, people's religion or belief, sexual orientation or age. In order to ensure a consistent approach to equality impact assessments we are producing a toolkit for people who are responsible for carrying out these assessments.

The Chief Executives Department will be developing monitoring systems within the corporate performance framework which will monitor and manage the completion and outcomes of EIA's and ensure that they are improving services and meeting the needs of our communities. Where gaps and adverse impact are found through the equality impact assessment process, action plans will be developed and included in the annual service plans and work programmes. Where there is insufficient data available about the impact of the service on groups, the first stage will be to establish monitoring and feedback mechanisms to obtain it on a regular basis through the Council's performance framework.

##### Equality performance

When mainstreaming equality and measuring outcomes, we must achieve real improvements. Each directorate is therefore required to develop directorate single equality scheme implementation plans which demonstrate the following:

- evidence of measurable improvements in access for all under-represented groups;

- implementation of the requirements of equality related legislation; and
- evidence of measurable improvements in respect of providing services that meet the needs of all groups in the communities the directorate serves.