

Wirral Council Equality and Diversity Policy - DRAFT

Vision

Wirral Council's vision is to work closely with its partners to ensure that everyone living, visiting and working in the borough will be treated fairly and with respect regardless of their race, gender, age, disability, sexual orientation or faith.

Mission Statement

The Council is committed to providing access to all of its services in a fair and equal way. It also pledges to develop an inclusive recruitment and selection procedure aimed at creating a strong and diverse workforce. This two-pronged approach ensures that we work towards removing barriers to our services and actively promote and support diversity. This mission statement will be carried out in close working relationship with our partners on the Local Strategic Partnership.

Legislative context

Wirral Council is committed to ensuring that the work it does is firmly underpinned by all of the current legislation. The legal framework is viewed as the starting point: as the biggest employer and provider of services in the borough we will work towards building a culture that values diversity and equality, by recognising and appreciating individual needs and differences. This policy is relevant to the developing and changing circumstances in the borough. It will be reviewed and adapted each time government legislation, best practice and the local communities develop and change. The legislative framework for this policy is as follows:

- Equal Pay Act 1970, 1975, Amendment 1984
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Act 1975 Amendment 1982
- Race Relations Act 1976 Amendment 2000. Amendment Regulations 2—3
- Employment Act 1989
- Disability Living Allowance and Disability Working Allowance 1991
- Management of Health and Safety at Work Regulations 1992
- Asylum and Immigration Appeals Act 1993
- The Criminal Justice and Public Order Act 1994
- Race Relations Remedies Act 1994
- Disability Discrimination Act 1995. Amendment 2005
- Employment Rights Act 1996
- Asylum and Immigration Act 1996
- Protection from Harassment Act 1997
- Human Rights Act 1998
- National Minimum Wage 1998
- Employment Relations Act 1999
- Immigration and Asylum Act 1999
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Disability Rights Commission Act 2000
- The Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Special Educational Needs and Disability Act 2001
- Employment Equality (Sexual Orientation) Regulations 2003

- Employment Equality (Religion or Belief) Regulations 2003
- The Gender Recognition Act 2004
- Employment Equality (Age) Regulations 2006
- Sexual Orientation Regulations 2007

This legislation drives the employment practice and service delivery within the Council. The Council has a wide range of policies and procedures that cover employment practice. These policies are subject to review using a rolling programme of equality impact assessments. Services are subject to a wide range of inspection regimes and service-led equality objectives are contained within the action plans for the race equality scheme, disability equality scheme and gender equality scheme.

Race

The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, makes it unlawful to discriminate directly or indirectly against someone on racial grounds. (under the Act, 'racial grounds' means by reason of race, colour, nationality, or ethnic or national origins.)

Definitions are:

Direct racial discrimination:

Under the Act it is unlawful for an employer to treat an employee or potential employee less favourably on the grounds of their race, colour, ethnicity or national identity. This is also the case for the provision of services. However, in some cases it is possible to undertake positive action to address under-representation in the workforce and to support the procurement of services for and to customers from black and ethnic minority communities.

Indirect racial discrimination:

This is defined as when an employer imposes an apparently neutral provision, criterion or practice as a condition of employment, that would put persons of one (racial) group at a particular disadvantage compared to persons of another (racial) group unless the employer can show that the provision, criterion or practice is proportionate means of achieving a legitimate aim"

Racist Incident:

A racist incident is any incident that is perceived to be racist by the victim or any other person (McPherson Report).

Institutional racism:

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 racist stereotyping which disadvantages people of a particular cultural or ethnic origin.

The Race Relations (Amendment) Act 2000 places a general duty on Wirral Council to:-

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

The general duty is supported by a series of specific duties in the areas of policy-making, service delivery and employment. They are the basic steps the authority must take to meet the general duty. Under the specific duties covering policy and service delivery the authority must publish a Race Equality Scheme (RES).

Disability

The Disability Discrimination Act (DDA) 1995 protects people with disabilities from unfair treatment and discrimination in employment, provision of goods, facilities and services, selling, letting or managing lands and services. It makes it a duty for employers and service providers to make reasonable adjustments to make their services accessible to people with disabilities.

Definitions are:

Disability:

Part 1 of the Act defines a disabled person as being someone with a 'physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'.

Employment provisions:

Part II of the Act contains the employment provisions which apply to employers with 15 or more employees. The provisions, including those that require employers to consider making changes to the physical features of premises that they occupy, have been in force since December 1996.

Access to Goods and Services:

Part III of the Act gives disabled people important rights of access to everyday services that others take for granted. The duties under Part III have come into force in three stages:

- Since December 1996 it has been unlawful to treat a disabled person less favourably because they are disabled.
- Since October 1999, service providers have had to consider making reasonable adjustments to the way they deliver services in order that disabled people can use them
- Since October 2004, service providers have been required to either remove, alter or provide a reasonable way of avoiding physical features that make it impossible or unreasonably difficult for disabled people to use a service.

The 1995 Act was amended by the Disability Discrimination Act 2005, which now places a general duty on public bodies, when undertaking their functions to have due regard to the need to:

- Promote equality of opportunity between disabled persons and other persons
- Eliminate unlawful discrimination
- Eliminate unlawful harassment
- Promote positive attitudes towards disabled persons
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons and;
- Encourage participation by disabled persons in public life.

Under the specific duties covering policy and service delivery the authority must publish a Disability Equality Scheme (DES). These amendments came into effect on the 3rd December 2006 apart from primary schools, community special schools or foundation special schools maintained by a local education authority where the date they must publish their disability equality schemes by 3rd December 2007.

Gender

The Sex Discrimination Act 1975 makes it unlawful to discriminate against women or men, of any age on the grounds of their sex. The provisions of this Act have been amended by the Sex Discrimination Act 1986, to extend the legislation to small businesses, and the Sex Discrimination (Gender Reassignment) Regulations 1999 in order to include outlawing discrimination against transsexuals and those who claim to have no gender. The Equal Treatment Directive which sets out the European Framework of Equality legislation confirms new regulations which came into force on 1 October 2005.

The Equality Act 2006 amends the Sex Discrimination Act 1975 to place a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need to:

- Eliminate unlawful discrimination and harassment
- To promote equality of opportunity between men and women

This is known as the 'general duty' and will come into effect on 6 April 2007. The duty is intended to address the fact that, despite 30 years of individual legal rights to sex equality, there is still widespread discrimination – sometimes intentional, sometimes unintentional – and persistent gender inequality. Policies and practices that seem neutral can often have significantly different effect on women and on men, often contributing to greater inequality and poor policy outcomes.

The general duty is enforced by judicial review. In addition, from 2007, the Commission for Equality and Human Rights (CEHR) will have the power to issue compliance notices in connection with a breach of the general duty and these are enforceable in the courts. The CEHR and EOC also have the power to issue compliance notices in respect of the specific duties.

Age

Under the EU Employment Directive (2000 78 EC) it became illegal to discriminate in employment and vocational training on the grounds of age on October 1 2006.

Sexual Orientation

The Employment Equality (Sexual Orientation) Regulations 2003 outlaw discrimination and harassment on grounds of sexual orientation in workplaces in Great Britain, both in the private and public sector. In particular they define sexual orientation as orientation towards the same, the opposite, or both sexes. This means that protection is also afforded to heterosexual people under these regulations. They cover all aspects of the employment relationship including recruitment, pay, working conditions, training, promotion, dismissal and references

Faith, Religion and Belief

The Employment Equality (Religion or Belief) Regulations 2003 outlaw discrimination and harassment on grounds of religion or belief in workplaces in Great Britain, both in the private and public sector. They cover all aspects of the employment relationship including recruitment, pay, working conditions, training, promotion, dismissal and references.

Commitment

To develop work in line with the policy statement the council is committed to reaching the highest standards contained within the Equality Standard for Local Government. The commitments are: -

Service delivery commitment

- To incorporate the Equality and Diversity policy as a key theme within all major strategic documents, for example the Sustainable Community Strategy, the Corporate Plan and the Local Area Agreement
- To assess organizational, departmental and individual requirements required for compliance with legislation through service planning
- To ensure that robust mechanisms are put in place in order to consult with staff, community groups, and key stakeholders. This will be supported by developing a robust relationship with the third sector
- To establish mechanisms for responding to harassment across all six strands of the Equality Standard
- Ensure equal access to service delivery by setting any required equality targets within departments and service areas as a standard part of the business planning process
- To manage this policy through a process of self-assessment, scrutiny, audit and equality impact assessment.

Employment commitments

- To develop fair employment and equal pay policies
- To ensure recruitment procedures use non-discriminatory practices
- To carry out job evaluation and an equal pay review
- To ensure that publicity for job vacancies cover a range of publications and therefore do not restrict the range of applicants
- To provide application forms and job descriptions that are clearly set out and available in a range of formats
- To develop suitable personnel information monitoring systems to meet statutory monitoring duties
- To ensure procedures are consistent with Employment Codes of Practice
- To develop staff training on equality issues

How we will do this

Wirral Council will aim to deliver this comprehensive equality policy in the most practical ways possible and will use the following methods:

The council will aim to reach the highest level of the Equality Standard for Local Government which is level 5. The standard ensures that we have the correct structures and working

practices in place in order to meet the challenges contained within this policy. The corporate equalities and inclusion group will act as the main body for the monitoring and development of the authority through the different levels of the standard.

Wirral Council will work with its key partners on the Local Strategic Partnership in order to ensure that best practice in the field of equalities is consistently carried out by all partners. In this way we will be gaining the best blanket coverage of the borough in striving towards our vision to make the Wirral a fair and equal place to live, work and visit.

Wirral Council recognizes the importance of the Local Area Agreement and the Sustainable Community Strategy documents in communicating our commitment to the equalities agenda. We will therefore ensure that equalities is a cross cutting theme throughout the four blocks and that outcomes and priorities take full account of the need to comply with equalities legislation.

Consultation

Consultation will be carried out in conjunction with Wirral Voice who represent the third sector across the borough. All of our consultation work will be carried out using the community engagement toolkit and will be integral to the success of the community engagement strategy. This strategy and toolkit have been developed with our key partners on the local strategic partnership.

Wirral Council – Equality Policy Statements

These statements set out briefly our commitment to working through the six strands of the equality standard.

Race Equality Policy Statement

Wirral's Race Equality Scheme sets out the council's commitment to ensuring that our staff, customers and service users are not discriminated on the grounds of race, colour or nationality, to do this we will:

- The council has developed a Race Equality Scheme as a strategy and action plan to achieve race equality we will continue to monitor its progress across the following areas: eliminating unlawful racial discrimination, promoting equality of opportunity, and promoting good relations between people from different racial groups.
- Recognize that black and minority ethnic communities are not homogenous. Different communities and individuals within these communities will have different needs and we will work to ensure that these needs are not defined by stereotyping or presumptions.
- Ensure that the council fully identifies and considers the rights and needs of black and minority ethnic people when planning and delivering services.
- Consult and work with in partnership with black and minority ethnic communities when developing policies and practices with equality implications
- Promote a culture in which there is respect for others, an understanding between different communities and an appreciation of racial and cultural difference
- Ensure that all individuals, regardless of race, ethnic or national origins, have the same rights of access to employment and that this will be reviewed periodically to reflect the changing culture of Wirral and the Council.

- Work to adopt the existing race hate crime recording system to incorporate a record of the number of hate crimes incidents against people

Disability Equality Policy Statement

Wirral Council's Disability Equality Scheme sets out the Council's commitment to promoting equality of opportunity between disabled people and other people by adopting the Social Model of Disability. This means removing the barriers disabled people face, in particular with regard to education, employment and services. An integral part of this process is the involvement of disabled people.

Recognising that social disadvantage and exclusion is not an inevitable consequence of people's medical condition or impairment, but rather that people are disabled by society's negative attitudes and treatment of disabled people. This can limit their opportunities and choices and prevent disabled people from taking part fully in the life of their community. Such discrimination stems from prejudiced attitudes and beliefs about the abilities, skills or characteristics of disabled people and can make disabled people more vulnerable to discrimination, hostility and inappropriate treatment.

In particular we will:

- Continue to support disabled groups and networks
- Consult and involve disabled people, groups and residents
- Support disabled people to make choices about their own lives
- Protect vulnerable disabled people from abuse
- Continue to respect disabled people's dignity

As part of this the Council has subscribed to the Employment Service's two ticks 'Positive about disabled people' scheme.

The Council is committed to the Workstep programme which aims to provide support in jobs for disabled people who have more complex barriers to finding and keeping work but who, with the right support, are able to make a valuable contribution in their jobs and where appropriate develop and progress to open employment.

The Council is committed to ensuring that all of its buildings are regularly monitored for accessibility and that a programme of access improvements is put into place in order to meet its obligations contained within the Disability Discrimination Act. It will not discriminate against a person if the workplace is not yet accessible. In order to address this, the council will endeavour to overcome these barriers by providing any reasonable adjustments where appropriate to do

Work to adopt the existing race hate crime recording system to incorporate a record of the number of hate crimes incidents against people

Gender Equality Policy Statement

Wirral Council recognizes the work that needs to be done to comply with the duty to publish a gender equality scheme by April 2007. This work requires all public bodies to demonstrate that they treat men and women fairly. Public bodies will have to design services with the different needs of women and men in mind. It will require us to set gender equality goals in consultation with our service users and employees and to take

action to achieve them. Although there is only protection in law for transsexual people, it would be best practice for Wirral to afford the same protection to all transgender people. We will follow the Merseyside Police by defining transgender as “a generic term commonly used to cover those people who do not conform to the existing social and cultural classifications of men and women. It embraces transsexual people, transvestites, cross dressers, intersex people and others whose gender is not easily defined”

In order to comply with this legislation we will:

- Collect information about the proportions of men and women using services and employed at different levels in the organization
- Take steps to promote a gender balance at all levels in the workforce. This point includes the promotion of flexible working practices
- Develop clear action points to promote equal pay within the workforce
- Consult employees and stakeholders as appropriate when setting equality goals and actions
- Conduct and publish gender impact assessments for all major employment, policy and service developments
- Demonstrate how gender impact assessments have been prioritized
- Train staff in connection with the duties imposed by the Act
- Produce a document detailing our gender equality goals and action plans linked to these goals
- Monitor progress and publish annual reports
- Review gender equality goals and actions every three years

Sexuality Orientation Equality Policy Statement

This equality statement recognizes that employment and service delivery procedures and practices should not be based on the assumption that everyone is or should be heterosexual. Lesbian, gay and bisexual people experience discrimination because of attitudes and practices. Lesbian, gay and bisexual people who are open about their sexual orientation, and also people who are not open about their sexual orientation but are assumed to be lesbian, gay or bisexual may face discrimination when trying to gain access to education, training, job opportunities and mainstream services.

This statement recognizes that everyone has the right to define their own sexual orientation and that discrimination on the grounds of sexual orientation is unacceptable. There is a need to confront and challenge the effects of homophobia and disadvantage by encouraging the participation of lesbian, gay and bisexual people in reviewing, planning and developing services.

Wirral Council recognizes that the lesbian, gay and bisexual communities have different needs and that these needs should not be defined by stereotyping or presumptions. In order to do this we will:

- Work towards enabling lesbian, gay and bisexual employees at all levels in the workforce to feel safe in being open about their sexual orientation
- Take positive steps in conditions of service to take account of the rights of lesbian, gay and bisexual employees, including recognition of their needs as partners, having partners, and as parents and carers

- Ensure that existing equality and diversity training courses and induction include anti-homophobic awareness and its impact on the organisation policy and activities of the council.
- Ensure that information, publicity and advertising over which the council has control and or influence is non homophobic and uses positive images and language to counteract the effects of homophobia. Where appropriate the images and language used should promote equality for lesbian, gay and bisexual people.
- In policy development, service planning and delivery, the council will ensure that people do not receive a different quality of service due to their sexual orientation.
- Work to adopt the existing race hate crime recording system to incorporate a record of the number of hate crimes incidents against people.

Age Equality Policy Statement

Ageism is the discrimination against people based on assumptions and stereotypes about their age. Ageism can be directed at individuals of any age but is often targeted at younger or older people. Definitions of young and old change over time according to social, political and economic factors and the stereotypes are based on perceived notions of an individual's ability and potential. In order to address age discrimination the council will:

- Continue to support mechanisms that work with old and young people such as the Older People's Parliament and the Youth Forums
- Provide services for young and older people to meet their particular needs included provision targeted specifically at youth groups and older people's groups
- Develop access to decision making arenas that takes account of access needs of young and older people (venues, time etc.)
- Ensure that young people and older people are effectively represented in all consultation that the council undertakes with the voluntary and community sectors
- Work towards ensuring that young and older people have their views taken into account separately from those of families and carers, and provide independent advocates where necessary
- Work to adopt the existing race hate crime recording system to incorporate a record of the number of hate crimes incidents against people

Faith, Religion and Belief Equality Policy Statement

This equality statement recognizes that employment and service delivery procedures and practices should not be based on the assumption that everyone is or should belong to a specific faith, religion or belief. People who follow faiths, religions and beliefs may experience discrimination when trying to gain access to education, training, job opportunities and mainstream services because of attitudes and practices.

The statement recognizes that everyone has the right to follow their own chosen faith religion or belief and that discrimination on the grounds of belief systems is unacceptable. There is a need to confront and challenge the effects of discrimination and disadvantage by encouraging the participation of people from faith communities in reviewing, planning and developing services

Wirral Council recognizes that faith communities are not homogenous. Different communities and individuals in the communities have different needs. Needs should not be defined by stereotyping or presumptions.

To achieve this, the council will:

- Work towards enabling employees at all levels in the workforce to feel safe in being open about their faith, religion or belief systems
- Take positive steps in conditions of employment to respect and take account of the rights of employees to follow the observances of their chosen faith, religion or belief system
- Make provisions for religious awareness training in existing diversity training courses
- Ensure that all information publicity and advertising over which the council has control and/or influence is not prejudiced and uses positive images and language to counteract the effects of religious discrimination
- In policy development service planning and delivery the council will ensure that requirements according to their faith, religion or belief will be taken into account.
- Work to adopt the existing race hate crime recording system to incorporate a record of the number of hate crimes incidents against people who belong to a particular faith, religion or belief system.

Community Cohesion and Social Inclusion

Wirral Council believes that this policy and the procedures and performance management systems that support it will help to create cohesion with all members of its workforce and will help us to deliver better services to all of the residents of Wirral in a socially inclusive way. The policy acknowledges that equalities legislation exists in a number of areas and that as a council we want to go further with our equalities agenda than the existing legislation. This means that not only will we provide our employment practice and service delivery in a way that is fair by the groups covered by legislation we will also ensure that other vulnerable groups are catered for. We will use our understanding of deprivation through analysis of data to support the needs of those people with mental health problems, poor literacy, poor health and other social problems.

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