



# Equality and Diversity Policy

January 2010

(revised to reflect legislation changes  
- October 2010)



# Equality and Diversity Policy

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# ***Equality and Diversity Policy 2010***

## **INTRODUCTION**

South Gloucestershire Council provides a wide range of services and is one of the largest employers in the area. The actions and decisions of the council affect the lives of everyone in South Gloucestershire and the council believes that the proactive implementation of a comprehensive Equality and Diversity Policy will benefit every individual and organisation with whom we work. The Council is committed to treating everyone fairly, to challenging inequalities and to promoting equality of opportunity for all and we are committed to shaping our services and employment practices accordingly.

This comprehensive Equality and Diversity Policy outlines how we will translate our corporate commitment and statutory responsibilities into objectives and actions which will benefit every resident and employee. In particular it takes account of:

- Legislation relating to race, sex, disability, sexual orientation, religion or belief, age, gender reassignment, pregnancy and maternity and marriage and civil partnership.
- The Equality Framework for Local Government which provides a guiding framework within which we will work to challenge and improve our practices on an ongoing basis.

The appendices are an integral part of this Policy. Appendix 1 sets out the current legislative framework (appendix 1 has been updated since the adoption of this policy so that it reflects current legislation) and appendix 2 provides a description of groups at risk of discrimination or exclusion. We will continue to work with community based equalities groups in implementing this Policy.

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### **THE COUNCIL'S COMMITMENT**

**Our future vision is that South Gloucestershire is “A great place to live and work”. South Gloucestershire is a place in which we take great pride, where our communities, organisations and businesses work in partnership within an outstanding natural environment to bring about sustainable success and well-being for all. The South Gloucestershire Partnership has agreed a 20 year vision for the area and we are committed to delivering this vision:-**

*“By working in partnership, our vision is for everyone who lives and works in South Gloucestershire to fulfil their potential, enjoy an excellent quality of life and support others in their communities whilst protecting the environment”*

**The Council Plan sets out the Council's corporate aims and core values for meeting our area's vision and “Equality of Opportunity for all” is clearly set out as one of our core values. South Gloucestershire Council works for all communities and individuals. Our aim is to:-**

- **Encourage mutual respect for all of our residents;**
- **Recognise and work with every diverse group;**
- **Give high quality inclusive services and facilities;**
- **Make sure our employment policies and practices are fair;**
- **Challenge harassment and discrimination.**

The Council considers that a key factor in achieving equality is to value and treat all people with dignity and respect. Our approach is three fold:

- To recognise that people, whether as communities or individuals, will have specific needs that need to be recognised and addressed in order for them to develop their full potential;
- To acknowledge that the majority view is not always right and the rights of minorities will need to be protected;
- To mainstream equalities into all aspects of our policy development, service delivery and employment practices.

We will measure our progress against this Policy, national legislation, the Equality Framework for Local Government and related action plans and we will report our progress on an annual basis to the Council.

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### **THE COUNCIL'S AIMS**

The Council's aims are to:

- **Welcome and celebrate diversity**

Provide support for community activities which promote mutual understanding and community cohesion.

Promote positive images of people from all sections of the community in Council publications.

Analyse census and other data and conduct research to maintain up to date baseline information and profiles of the communities we serve.

Use appropriate and effective consultation methods to enable people at risk of discrimination and exclusion to influence the Council's decision-making, policy and practice.

Work collaboratively with community based equalities groups and representatives in identifying needs, developing policy and overcoming barriers to services.

Take action to promote and implement equality of opportunity for all.

- **Provide high quality inclusive services and facilities**

Take appropriate steps to ensure as far as possible that all service users have equal and independent access to services.

Ensure that any additional needs of service users are met and that they have opportunities to develop their full potential.

Provide clear information about our services in a variety of formats on request.

Ensure that physical and social barriers to accessing public facilities and services are removed or otherwise overcome.

Involve service users in the review and development of services.

Develop protocols and other guidance which recognise and help to meet the specific needs of diverse groups and individuals.

Use Equality Impact Assessments and systematic user and resident surveys to ensure that our services do not discriminate and to analyse the reasons for any apparent under or over usage of services.

Ensure that equalities issues are addressed within service reviews and service audits so that resources can be targeted to meet the identified needs.

Work with contractors and other providers to ensure that relevant equalities issues are addressed within the procurement framework.

Act promptly and appropriately if we receive any complaints about the way we provide services.

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- **Ensure employment policies and practices are fair and equitable**

Ensure that we select applicants for jobs solely on the basis of their relevant experience, qualifications and skills.

Ensure that an individual's Physical or Mental Disability or Mental Ill Health, Race, Colour, Creed, Nationality, Ethnic or National Origin, Sex, Marital, Civil Partnership or Parental Status, Pregnancy or Maternity, Gender Re-assignment, Sexual Orientation, Age, Religion or Belief is not a barrier to recruitment or career progression.

Promote the recruitment and retention of a more diverse workforce through publicity, improving physical access, workplace support and other reasonable adjustments.

Promote and implement positive action to ensure that we encourage and utilise the widest pool of talent to create a diverse workforce. This includes making the best use of training schemes, work placement and other access to work initiatives.

Monitor the Equal Pay Policy and Procedures.

Produce an annual employment report which compares our recruitment and workforce profile to that of the South Gloucestershire population. The report will include promotion, training opportunities and take up, pay grades, the impact of personnel policies and exit from employment.

### **Challenge harassment and discrimination in the wider community**

Provide community leadership in promoting tolerance, understanding and respect.

Work closely with service providers, the police, other enforcement agencies and the community to take action to encourage reporting of harassment, reduce hate crime and to achieve successful prosecutions. We will continue to do this work through the Partnership Against Hate Crime.

Deal robustly with any incidents of harassment or discrimination within the Council or its services.

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### **DELIVERY MECHANISM**

The council will use the Equality Framework for Local Government as its key delivery mechanism. In so doing, we will produce a Corporate Equalities Action Plan aimed at raising the council's standards in line with that of the Equality Framework for Local Government. The standards and targets for achievement are set out below:

The Equality Framework for Local Government details five Performance Areas:

1. Knowing your communities and equality mapping
2. Place shaping, leadership, partnership and organisational commitment
3. Community engagement and satisfaction
4. Responsive services and customer care
5. A modern and diverse workforce

The Equality Framework for Local Government details three Levels of Achievement:

1. **'Developing'** – equivalent to Levels 1 & 2 of the old 'Equality Standard'.
2. **'Achieving'** – equivalent to Level 3 of the old 'Equality Standard'.
3. **'Excellent'** - equivalent to Level 5 of the old 'Equality Standard'.

South Gloucestershire Council achieved Level 4 of the old 'Equality Standard' in November 2009 and is therefore classified as **'Moving Towards Excellence'** - this is a transitional stage that will be phased out by 2011 since all authorities at Level 4 are expected to start working to the **'Excellent'** stage of the Framework.

A 'developing' authority has the following characteristics:

- Councillors and officers understand the significance of equality of opportunity in creating local areas that people want to live and work in. They provide clear and visible leadership in building partnerships to address inequality.
- It has demonstrated clear plans to undertake equality mapping and understands the profile and needs of communities of interest in its locality.
- It has publicly committed to improving equality outcomes and the elimination of discrimination in both service delivery and employment based on race, gender, disability, age, religion and or belief and sexual orientation and other areas of disadvantage.
- It is compliant with all legal requirements, including having all the public duty equality schemes in place.
- It has systems in place at corporate and service and or unit levels to ensure the delivery, review and scrutiny of its equality and cohesion priorities.
- Key internal and external stakeholders and community members are involved in and consulted on equalities issues.
- It has earmarked specific resources for improving equality practice.
- It is carrying out both retrospective and prospective equality impact assessments.
- It is clear about its workforce profile and has plans to ensure equal pay and to improve representation where appropriate.

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An 'achieving' authority has the following characteristics:

- Councillors and officers take direct and personal responsibility for promoting greater equality and test themselves on progress by the outcomes they achieve.
- It has undertaken equality mapping and has a good understanding of its communities, including the extent of inequality and disadvantage. It has used the information to inform corporate and service priorities.
- It has set stretching equality priorities in consultation with partners in the public, voluntary and community sectors and these are reflected in its sustainable community and other relevant strategies, local and multi-area agreements, and local targets.
- It works with partners in the public, voluntary and community sectors to develop joint equality strategies.
- It uses equality impact assessments (EqIAs) to review all major corporate and service changes in policy and regularly conducts service and employment EqIAs.
- It has set appropriate corporate and service and or unit objectives to address persistent inequalities and to narrow the gap related to race, gender, disability, sexual orientation, age, religion and or belief, or other areas of inequality for service delivery based on impact assessments and consultation with internal and external stakeholders and partners.
- It has set appropriate corporate and service and or unit employment and pay-related objectives for race, gender, disability and age, religion and or belief and sexual orientation.
- Equality objectives are integrated into the local authority's business and service planning processes.
- All relevant data on service access is monitored against the equality strands.
- There are good practices of delivery in all the sections of the council, with few adverse impacts found in impact assessments. Where adverse impacts have been found these have been mitigated.
- Key stakeholders and community members, including those who are vulnerable and marginalised, are able to scrutinise and challenge performance on equalities issues.
- It has developed information and monitoring systems that allow it to disaggregate data where appropriate and to assess progress in achieving objectives and targets. It reviews them in the light of changing needs, when necessary.

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An 'excellent' authority has the following characteristics:

- Councillors and officers have a reputation for championing equality issues and ensure that the equality issues relevant to their communities are embedded in their sustainable community strategy, strategic plans, local area agreements (LAAs) and local delivery plans.
- It works with all strategic partners and the voluntary and community sector, acting as an advocate to achieve defined equality outcomes.
- It has good evidence of the equalities profile of the community based on national and local data that is regularly reviewed.
- It is measuring progress on equality outcomes, is able to disaggregate data on relevant performance indicators and can demonstrate real outcomes that have improved equality in services and employment.
- It identifies the changing nature of its communities and their expectations and then prioritises its activities and explains its decisions.
- It provides good customer care by ensuring that services are provided by knowledgeable and well-trained staff who understand the needs of their communities.
- It has improving satisfaction and perception indicators from all sections of the community and staff.
- Equality groups are integrally involved in community engagement programmes.
- There are forums for all equality stakeholders to share experiences and evaluate the authority's progress.
- All parts of the authority can show tangible progress towards achieving outcomes which address persistent inequalities and narrow the gaps.
- It has implemented action for equal pay outcomes and demonstrates progress on under-representation, flexible working, access to training and development. It promotes an inclusive working culture based on respect.
- It reviews its equality strategy and public duty equality schemes every three years and seeks innovative improvement challenges.
- Through its achievements, it is an exemplar of good practice for other local authorities and agencies and works with others to share best practice.

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### **RESPONSIBILITY FOR THE POLICY AND ITS IMPLEMENTATION**

The ultimate responsibility for implementing this Policy and achieving change lies with Executive Councillors and Chief Officers. Successful progress will involve the participation of all members and employees who are expected to ensure that the following principles and standards are applied to the employment practices and services which the Council provides. Corporate and departmental working groups will support them in this work.

#### **Mainstreaming**

- Develop and implement corporate and departmental action plans to achieve the aims of the Equality and Diversity Policy.
- Identify resources to improve sustainable equalities practice.
- Set relevant targets and performance indicators based on an analysis of consultation and data.

#### **Training**

- Ensure staff and councillors have the necessary knowledge and skills to implement the Equality and Diversity Policy.
- Ensure that all employees understand what equality means in the context of customer care and service provision and are equipped to implement good practice.
- Ensure that all managers understand the requirements of our employment policies as they relate to equalities.

#### **Monitoring progress**

- Use self-assessment, internal audit and the scrutiny process to assess progress against the Equality Framework and the Single Equality Scheme, and report this on an annual basis to the council.
- The Equality and Diversity Action Team (EDAT) and individual departments will produce annual progress reports and update action plans to ensure continued attainment of the various levels of the Equality Framework for Local Government.
- Progress reports on the results of monitoring will be reported to Cabinet, and made available on the council's website and via appropriate channels of access.
- Continue to involve people who are at risk of discrimination and exclusion in monitoring the impacts of our policy and practice.

#### **Continuous improvement**

- Draw on research, government guidance and benchmarking with other local authorities to share, adapt and implement best practice.
- Review and update targets in the light of local need, experience and new legislation.

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Senior members and officers meet on a regular basis with community groups through the **Corporate Equalities Forum** (CEF). South Gloucestershire Council has established the CEF to work in partnership with communities. Its role is to review strategic policy and services in relation to the application of equalities best practice and have a direct impact on the council's decision-making process. It will also monitor and review the council's performance on implementation of its Equality and Diversity Policy.

The cross-departmental Corporate **Equalities and Diversity Action Team** (EDAT) will continue to co-ordinate the following action to support the achievement of the Equality and Diversity Policy and the Corporate Equality Action Plan.

- Promote a corporate perspective on equalities issues including the implementation of new equalities directives and legislation.
- Work with others to monitor progress against the Equality Framework for Local Government and report progress to the council's Executive.
- Co-ordinate cross-departmental initiatives which actively promote the Equality and Diversity Policy
- Sponsor and promote appropriate training to implement the Equality and Diversity Policy.

Each council department operates an active **Departmental Equalities Working Group** to support the mainstreaming and implementation of good equalities practice within all council services. This can include undertaking specific Equality Impact Assessments, considering the results of research and user satisfaction surveys and supporting staff at an operational level to improve equalities practice. Each department is represented on EDAT and the appropriate Chief Officer and Executive Member attends the Corporate Equalities Forum when relevant to the agenda.

The **HR Strategy Group** will continue to maintain an overview of employment practices and will:

- Regularly monitor and review our selection procedures and criteria and change them if there is any evidence that they discriminate against anyone.
- Provide or commission training and guidance to make sure staff understand their legal responsibilities for employment and promote best practice.
- Review and update personnel policies and practices in the light of new equalities directives and legislation.

These working groups will be supported and advised by officers working on equalities issues. These include the Equalities Officers, EDAT Representatives, the Manager of the Travellers Unit and Personnel Managers.

## **SUMMARY OF CURRENT LEGISLATION AND ASSOCIATED EQUALITIES DUTIES**

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**NB.** This appendix has been updated since the adoption of this policy so that it reflects current legislation

### **THE EQUALITY ACT 2010**

#### **INTRODUCTION**

The Equality Act 2010 has brought together and replaced the major pieces of Equal Opportunities legislation as well as bringing together around 100 other instruments within **a single Act**. It covers the same groups that were protected by previous equalities-based legislation and refers to these as “Protected Characteristics”.

The nine “Protected Characteristics” as set out in the Equality Act 2010 are:

1. Age
2. Disability
3. Gender Reassignment
4. Marriage and Civil Partnership
5. Pregnancy and Maternity
6. Race
7. Religion or Belief
8. Sex
9. Sexual Orientation

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### **TYPES OF DISCRIMINATION**

The Equality Act 2010 defines the following different types of discrimination.

<b>Direct Discrimination</b>	This occurs when a person is treated less favourably because of a protected characteristic they have.
<b>Indirect Discrimination</b>	This occurs when a condition, rule, policy or practice that an organisation has in place disadvantages people who share a protected characteristic - even if the condition, rule, policy or practice is applied to everyone.
<b>Discrimination arising from Disability</b>	This occurs when a disabled person is treated unfavourably because of something connected with their disability and the unfavourable treatment cannot be justified.
<b>Associative Discrimination</b>	This occurs when a person is treated less favourably than another person because they associate with another person who possesses a protected characteristic.
<b>Victimisation</b>	This occurs when someone is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act.
<b>Perceptive Discrimination</b>	This occurs when a person is treated less favourably than another person because others think they possess a protected characteristic – even if the person does not actually possess that characteristic.
<b>Harassment</b>	This is unwanted conduct related to a protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.
<b>Third Party Harassment</b>	This is when an employee faces unwanted conduct related to a protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual by people who are not employees of the organisation.

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### **THE EQUALITY ACT 2010 - PROTECTED CHARACTERISTICS**

#### **Age**

The Equality Act protects people of all ages.

Special exceptions apply for people close to retirement age, and in this situation an employer would not have to show that the age limit they are using is objectively justified – an organisation can decide not to employ someone because of their age if within 6 months of applying for the job, they will be 65 or older, or will be over their organisation's normal retirement age if that is higher than 65.

Age is the only protected characteristic that allows the justification of direct discrimination.

The Equality Act continues to allow employers to have a default retirement age of 65.

#### **Sex**

Both men and women are protected under the Act.

#### **Sexual Orientation**

The Act protects bisexual, gay, heterosexual and lesbian people

#### **Marriage and Civil Partnership**

The Act protects people who are married or in a civil partnership.

Single people are not protected.

#### **Race**

'Race' includes colour, nationality, and ethnic or national origins. A racial group can be made up of two or more different racial groups, for example, Black Britons.

'Ethnicity' is where a group has a long shared history and cultural tradition, come from a common geographical area, descend from a small number of ancestors, have a common language or literature and a common religion.

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### **Disability**

The Equality Act protects anyone who has, or has had, a disability; for example, if a person has had a mental health condition in the past that met the Act's definition of disability and is harassed because of this, it would be unlawful.

The Act defines disability as a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities.

'Impairment' covers, for example, long-term medical conditions such as asthma and diabetes, and fluctuating or progressive conditions such as rheumatoid arthritis or motor neurone disease. A mental impairment includes mental health conditions such as bipolar disorder or depression, learning difficulties such as dyslexia and learning disabilities such as autism and Down's syndrome. Some people, including those with cancer, multiple sclerosis and HIV/AIDS, are automatically protected by the Act. People with severe disfigurement will be protected without needing to show that it has a substantial adverse effect on day-to-day activities.

There is a legal requirement to make reasonable changes to the way things are done; this could include changing a policy, making changes to the built environment, such as making changes to the structure of a building to improve access, and providing auxiliary aids and services, such as providing information in an accessible format, an induction loop for customers with hearing aids, special computer software or providing additional support for employees or customers using a service.

Where a service is delivered from a building that cannot be made accessible through reasonable adjustments, it may be a reasonable adjustment to provide the service at a different venue, including a home visit.

### **Gender Reassignment**

The Act provides protection for transsexual people.

A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender.

The Act does not require a person to be under medical supervision to be protected – so a woman who decides to live permanently as a man but does not undergo any medical procedures would be covered.

Transgender people such as cross dressers, who are not transsexual because they do not intend to live permanently in the gender opposite to their birth sex, are not protected by the Act.

It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured. Medical procedures for gender reassignment such as hormone treatment, should not be treated as a 'lifestyle' choice.

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### **Pregnancy and Maternity**

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination.

It is unlawful to take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment.

It is unlawful to discriminate against a woman because she is breastfeeding. Women to whom an organisation is providing goods, facilities and services should be able to breastfeed should they so wish.

### **Religion or Belief**

Religion includes any religion. It also includes a lack of religion, in other words people are protected if they do not follow a certain religion or have no religion at all.

A religion must have a clear structure and belief system.

Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.

Denominations or sects within a religion can be considered a protected religion or religious belief.

Political beliefs would not be protected.

Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

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### **Positive Action**

For all groups of people with characteristics protected under the Equality Act to benefit equally from employment and services provided by organisations, some groups may need more help or encouragement than others. This is because some groups are disadvantaged or under-represented, or have different needs from the population as a whole due to past or present discrimination or exclusion or particular experiences.

The Equality Act allows employers and service providers to take action that may involve treating one group more favourably where this is a **proportionate way** to help members of that group overcome a disadvantage or participate more fully, or in order to meet needs they have that are different from the population as a whole. This is called 'positive action'.

Positive action can be taken when three conditions are met:

1. The organisation must reasonably think that a group of people who share a protected characteristic:
  - suffer a disadvantage linked to that characteristic
  - have a disproportionately low level of participation in this type of employment, service or activity, or
  - need different things from this employment or service from other groups.

'Reasonably think' means that the disadvantage, low level of participation or different needs can be seen (detailed statistical or other evidence of this does not need to be shown).

2. The action taken is intended to:
  - meet the group's different needs
  - enable or encourage the group to overcome or minimise that disadvantage, or
  - enable or encourage the group to participate in that activity.
3. The action taken is a **proportionate way** to increase participation, meet different needs or overcome disadvantage. This means that the action is appropriate to that aim and that other action would be less effective in achieving this aim or likely to cause greater disadvantage to other groups.

Positive action is always voluntary – not compulsory

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### **Pre-employment health-related checks**

The Equality Act limits the circumstances when employers can ask health-related questions before offering an individual a job. Up to this point, employers can only ask health-related questions to help them to:

- decide whether any reasonable adjustments need to be made for the person to the selection process
- decide whether an applicant can carry out a function that is essential ('intrinsic') to the job
- monitor diversity among people making applications for jobs
- take positive action to assist disabled people
- ensure that a candidate has the disability where the job genuinely requires the jobholder to have a disability

Once a person has passed the interview and have been offered a job (whether this is an unconditional or conditional job offer) the employer is permitted to ask appropriate health-related questions.

### **Equal Pay**

This is designed to prevent discrimination between men and women in respect of their terms and conditions of employment, including pay. In most circumstances a challenge to pay inequality and other contractual terms and conditions has to be made by comparison with a real person of the opposite sex in the same employment. However, the Equality Act allows a claim of direct pay discrimination to be made, even if no real person comparator can be found.

### **Pay Secrecy**

The Act makes it unlawful for an employer to prevent or restrict employees from having a discussion to establish if differences in pay exist that are related to protected characteristics. It also makes terms of the contract of employment that require pay secrecy unenforceable because of these discussions.

An employer can require their employees to keep pay rates confidential from some people outside the workplace, for example a competitor organisation.

### **Occupational requirements**

If an employer can show that a particular protected characteristic is central to a particular job, they can insist that only someone who has that particular protected characteristic is suitable for the job. This would be an 'occupational requirement'. For example, a women's refuge may want to say that it should be able to employ only women as counsellors. Its client base is only women who are experiencing domestic violence committed by men. This would probably be a genuine occupational

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requirement

### **Obeying another law**

An employer can take into account a protected characteristic where not doing this would mean they broke another law. For example, a driving school must reject a 19 year old who applies for a job as a driving instructor because to offer them a job – even if they are the best candidate – would involve breaking the law because a driving instructor must be aged at least 21.

### **Exceptions**

There are exceptions that only apply to some employers:

A religion or belief organisation, may be able to say that a job requires a person doing the job to hold a particular religion or belief if, having regard to the nature or context of the job, this is an occupational requirement and it is objectively justified. For example, a Humanist organisation which promotes Humanist philosophy and principles would probably be able to apply an occupational requirement for its chief executive to be a Humanist.

An organised religion (or, when not an organised religion but a job is for the purposes of an organised religion) may be able to say that a job or role requires a person to have or not have a particular Protected Characteristic or to behave or not behave in a particular way. If:

- a job or role exists for the purposes of an organised religion, such as being a Minister or otherwise promoting or representing the religion, and
- because of the nature or context of the employment, it is necessary to avoid conflict with the strongly held religious convictions of a significant number of the religion's followers or to conform to the doctrines of the religion by applying a requirement to the job or role.

Employment may be refused to a person because:

- they are male or female,
- they are a transsexual person,
- they are married or in a civil partnership, including taking into account who they are married to or in a civil partnership with (such as someone who marries a divorced person whose former spouse is still alive),
- they manifest a particular sexual orientation, for example, a gay or lesbian or bisexual person who is in a relationship with a same-sex partner.

The requirement must be crucial to the job or role, and not merely one of several important factors. The job or role must be closely related to the purposes of the religion, and the application of the requirement must be proportionate.

- An employment service provider may be able to say that a person must have a particular Protected Characteristic to do vocational training, if the training leads to work for which having that characteristic is an occupational requirement.
- An educational establishment like a school or college, may be able to say that someone has to be of a particular religion or belief, or must be a woman.
- Recruiting to the civil, diplomatic, armed or security and intelligence services and some other public bodies, can specify what nationality a person has to be.
- Recruiting for service in the armed forces, may be able to exclude women and

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transsexual people if this is a proportionate way to ensure the combat effectiveness of the armed forces. In addition, age and disability are, in effect, not Protected Characteristics in relation to service in the armed forces. Disability can also be a reason to refuse someone work experience in the armed forces.

### **THE PUBLIC SECTOR EQUALITY DUTY**

The Equality Act 2010 has replaced the three previous separate Duties (covering Race, Disability and Gender) with a single Public Sector Equality Duty. This single Equality Duty encompasses the following 7 protected characteristics:-

1. Age
2. Disability
3. Gender Reassignment
4. Race
5. Religion or Belief
6. Sex
7. Sexual Orientation

The Public Sector Equality Duty states that a public authority must, in the exercise of its functions, have due regard to the need to:-

- 1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010;**
- 2. Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; this means:-**
  - removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
  - taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
  - encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3. Foster good relations between persons who share a protected characteristic and persons who do not share it; this means:-**
  - tackling prejudice.
  - promoting understanding.

### **European Equal Treatment Directive 1976**

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

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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.

### **Human Rights Act 1998**

This incorporates the European Convention of Human Rights into UK law and applies to public authorities such as the council. As a result the positive rights and freedoms guaranteed under the European Convention have become directly enforceable in UK courts and tribunals. Cases should be brought within one year. From 2nd October 2000 courts and tribunals have to interpret discrimination law in accordance with the European Convention on Human Rights. Areas of UK law where there is not already a remedy for discrimination (e.g. on grounds of sexual orientation) are likely areas for challenge under the Human Rights Act.

### **Local Government Act 2000**

This places a general duty on the local authority to promote or improve the economic, environmental and social well-being of their area supported by the power to do anything which they consider is likely to contribute to this.

## **GROUPS AT RISK OF DISCRIMINATION AND EXCLUSION**

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The Council's preferred approach to equalities is to recognise that diverse groups and individuals within the community have a right to have their specific needs recognised and addressed. We therefore seek to take a holistic approach and one which can recognise that an individual may face more than one form of disadvantage or discrimination. The legal framework requires specific work and the purpose of this section is to provide context and demographic information on each of the main equalities 'strands'. It is important to note that with regard to demographic information, several surveys have been conducted by numerous agencies over recent years, and the council intends to implement an equalities mapping exercise during 2010 which will result in the existence of comprehensive up-to-date data which will be used to inform service delivery, employment practices and partnership work.

## **COMMUNITY ENGAGEMENT**

Our key equalities partners are:

- Disability Equality Network (DEN)
- South Gloucestershire Chinese Association
- South Gloucestershire Asian Project (SGAP)
- Support Against Racist Incidents (SARI)
- Partnership Against Hate Crime
- Educational Action Combating Homophobia (EACH)
- Anglo-Polish Society
- Central and Eastern European Society
- Lesbian, Gay and Bisexual (LGB) Forum
- South Gloucestershire Senior Citizen's Forum
- South Gloucestershire Faith and Belief Forum

## ***Equality and Diversity Policy 2010***

### **Age**

Age discrimination can affect both young and older people, particularly when they apply for jobs. The age structure in South Gloucestershire is broadly similar to the national picture. According to the 2001 Census, 20.8% of the local population are under 16 years old and 39,188 (or 16% of the population) are aged 16-29. The older population is growing. 14.4% of the local population are aged 65 or over, of whom 8,409 were aged 80 or over in the 2001 Census.

The highest proportions of children are found in areas of newer housing, with Dodington and Bradley Stoke Sherbourne wards having the highest proportions of under 16 year olds.

Young adults are similarly concentrated in new housing areas, particularly Bradley Stoke, but also more established urban areas like Patchway, Filton, Yate West and Dodington. The highest concentrations of population aged 65 and over are found in established housing areas for example Alveston, Westerleigh, Downend, Winterbourne and Staple Hill.

There are several organisations that represent older people, such as the South Gloucestershire Senior Citizen's Forum<sup>1</sup> and we will continue close working relationships with them. They can provide advice and guidance, as well as assisting with communication and providing multi agency problem solving assistance.

There are a variety of forums, which can allow young people to have a say. In addition to the South Gloucestershire Youth Forum<sup>2</sup>, there are schools councils, some geographic forums and specific initiatives with looked after children, young carers, young mothers and disabled young people. There is a consultation post for under 13s which is funded by the Children's Fund and work undertaken by youth workers and local authority and voluntary sector youth projects.

### **Caring Responsibilities**

There are 24,100 people in South Gloucestershire who have a caring responsibility according to the 2001 census. Of these 6,200 look after someone for more than 20 hours per week. About 60% of carers are women. These caring responsibilities are often not recognised by the person's employer or may prevent a person from working. Carers often struggle to get information about their rights and the necessary assessment and support for themselves as carers.

The Council has implemented several family friendly employment policies but recognises there is further work to be done.

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<sup>1</sup> For further information, visit: <http://www.southglos.gov.uk/Communities/Equalities/cef.htm>

<sup>2</sup> For further information, visit: <http://www.southglos.gov.uk/ChildrenYoungPeopleFamilies/YouthServices/YouthForum/>

## ***Equality and Diversity Policy 2010***

### **Disability**

Disabled people experience discrimination and prejudice in our society and are often prevented from achieving their full potential. In particular, disabled people are held back by negative attitudes as people do not recognise the positive contribution disabled people can make if they are given appropriate opportunities.

Disability takes many forms and includes sensory, physical, intellectual and mental health impairments. Consequently we need to have different ways of making sure disabled people have access to jobs and to our services. We will work towards improving understanding about the needs and potential of disabled people among other local employers and service providers.

Information from the 2001 Census shows us that 14.5% (approximately 36,250) of South Gloucestershire residents considered that they were 'limited in their daily activities'. This compares with 18.2% across England and Wales.

In October 2006 the number of disabled people employed by South Gloucestershire council was reported as 2.55%. This represents a huge increase over recent years and the percentage is continuing to increase.

The steering group for the Disability Equality Network (DEN)<sup>3</sup> is now set up. This is a group of disabled people and organisations of and representing disabled people in South Gloucestershire with a remit to:

- empower, enable and support disabled people living and working in South Gloucestershire and their organisations to achieve greater choice and control over their own lives and to put the views of disabled people forward to all those providing services to and involved in disabled people's issues.
- promote disability equality principles and practice (as stated in the Disability Discrimination Act 2005 and South Gloucestershire Council's Disability Equality Scheme/Single Equality Scheme), to challenge discrimination against disabled people and to equalise opportunity and treatment for disabled people from the services they receive.

There is also an active Disabled Employees Group for council employees and Disability Confident is the council's programme to support disabled people into meaningful work within the council and employers across South Gloucestershire<sup>4</sup>.

The Council is committed to the social model of disability. Disabled people have created this model of disability. The model recognises that disabled people have impairments/conditions that can hamper them at certain times. However the model states it is not these impairments which disable people, but the way society is arranged; that is the barriers that exist in society; barriers of attitudes, of economics, of the way things are organised and of the built environment.

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<sup>3</sup> For further information, visit: <http://disabilityequalitynetwork.blogspot.com/>

<sup>4</sup> For further information, visit: <http://www.southglos.gov.uk/NR/exeres/c120264a-e4e4-4c3b-a79d-3b66a78a162b>

## ***Equality and Diversity Policy 2010***

### **Gender**

In South Gloucestershire, 50.5% of the population are female and 49.5% are male.

Women make up 55% of the over 65 population and 68% of the over 75 population.

75% of men are in good health compared to 70% of women.

The working age population in South Gloucestershire is 153,000. Of this 52% are male and 48% female.

On average, men in South Gloucestershire earn 30% more than women, £524 compared to £370 (gross weekly pay of full time workers). The hourly rate of pay for men is 22% more than for women, £12.65 compared to £9.82

There are 20,600 economically inactive people in South Gloucestershire, 60% of which are women. 21% of economically inactive women wanted a job compared to 18% of economically inactive men.

Men make up 69% of job seeker allowance claimants in South Gloucestershire.

Nearly twice as many women provide 50 or more hours of care a week than men.

There are significant differences in the working patterns of men and women living in South Gloucestershire:

- Only 3% of men work part time as an employee compared with 26% of women.
- 60% of men work full time as an employee compared with 32% of women.
- 12% of men are self employed compared to 4% of women.
- 10% of women look after home or family compared to 0.5% of men.

There are significant differences in the occupation patterns of men and women in South Gloucestershire:

- 19% of men are managers and senior officials compared to 11% of women.
- 13% of men work in professional occupations compared to 7% of women.
- 28% of women work in secretarial or administrative occupations compared to 6% of men.
- 20% of men work in skilled trades occupations compared to 2% of women.
- 11% of women work in personal service occupations compared to 1% of men.
- 13% of women work in sales and customer service occupations compared to 4% of men.
- 12% of men work as process, plant and machine operatives compared to 2% of women.

South Gloucestershire Council employs 9545 staff, 76% are women and 24% are male:

- 33% of women work full time compared to 80% of men.
- 67% of women work part time compared to 20% of men.
- 29% of senior management posts are filled by women (excluding schools).

## ***Equality and Diversity Policy 2010***

- 40% of women are in the top 5% of the Council's earners (excluding schools)<sup>5</sup>.

The Council funds and supports the annual International Women's Day.

Our Children's and Young People's Department<sup>6</sup> has a range of gender related initiatives e.g. strategies to address issues around teenage mothers, black Caribbean boys and underachieving boys in lower socio-economic groups. Future initiatives include continuing improvement in mathematics and science for girls and literacy for boys.

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<sup>5</sup> For further information, visit: <http://www.southglos.gov.uk/Resources/Publications/COS/08/0400/COS-08-0264>

<sup>6</sup> For further information, visit: <http://www.southglos.gov.uk/NR/exeres/91608662-2159-4df7-9db4-ccacf8a99a6a>

## Equality and Diversity Policy 2010

### Race

South Gloucestershire has a small but growing number of black and Asian minority ethnic (BAME) residents. The 2001 Census<sup>7</sup> shows the ethnic composition of this unitary authority is as follows:

Total population: 245, 641

White British	95.8%
White Irish	0.6%
White other	1.2%
Black and other ethnic minority	2.4%

The composition of the 2.4% Black and other ethnic minority population is as follows:

Mixed:	
White and Black Caribbean	12.4%
White and Black African	2.8%
White and Asian	9.2%
Other mixed	7.7%
Asian or British Asian:	
Indian	18.6%
Pakistani	5.5%
Bangladesh	2.0%
Other Asian	5.6%
Black or Black British:	
Caribbean	10.0%
African	4.2%
Other Black	1.9%
Chinese	13.1%
Other ethnic group	7.0%

<sup>7</sup> For further information, visit: <http://www.ons.gov.uk/census/index.html>

## ***Equality and Diversity Policy 2010***

Whilst the 2001 Census shows a total of 2.4% Black and Minority Ethnic (BME) people are residing in South Gloucestershire, a Housing Needs Survey conducted in 2003 shows 4.2% BME people living in the area. All agencies expect the figure shown in the next Census to be higher. Indeed, according to an estimate published by the Office of National Statistics in 2008 using an experimental statistical model, the Black and Minority Ethnic population of South Gloucestershire is 6.9%

This figure still does not account for the numbers of Gypsy/Travellers within the population as the Census had no category for this group. Local monitoring shows thirty four families are resident on Council pitches, three dozen live on private pitches and approximately a dozen reside in housing. The council's Traveller Unit comes into contact with approximately 200 families each year, including those in transit. The council is in the process of preparing the Gypsy and Traveller Development Plan Document (DPD)<sup>8</sup>. The Council officer with responsibility for the Traveller Unit has direct links with local gypsies and travellers of Irish heritage and is recognised by them as a credible advocate to represent their views.

There is a corporate BME Employee Network that contributes to a wide range of relevant issues within the authority.

Three Group Support Workers receive funding to work with and represent Asian, Somali and Chinese communities.

The Partnership Against Hate Crime (PAHC)<sup>9</sup> has been established to support those victims of hate crime in South Gloucestershire.

An extract from our 'Viewpoint'<sup>10</sup> survey tells us that approaching three in five (57%) of 'Viewpoint' panel members believe that their local area is a place where people from different backgrounds get on well together. Conversely just 8% disagree. Males are also significantly more likely to agree than females (61% compared to 53%) that their area is a place where people of different backgrounds get on well together. To further probe issues of community cohesion all panel members were asked to what extent they agree or disagree that people in their area are victimised because of their skin colour, ethnic origin or religion. Fewer than one in ten (9%) agree that people in their area are victimised because of their skin colour, ethnic origin or religion while nearly half (49%) disagree. In 2006 fewer than one in ten respondents (8%) felt that people in their area were victimised in this manner while 56% disagreed.

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<sup>8</sup> For further information, visit: <http://www.southglos.gov.uk/NR/exeres/2d641ae2-ca5d-4c36-abcc-77b8835232a1>

<sup>9</sup> For further information, visit: <http://www.safersouthglos.org.uk/HateCrime/HateCrime-WhatWillSaferSouthGlosDo-.htm>

<sup>10</sup> For further information, visit: <http://www.southglos.gov.uk/NR/exeres/f1fa0e54-a674-4b73-8f41-a1e8492bbe60>

## ***Equality and Diversity Policy 2010***

### **Faith**

For many members of the communities and individuals that we serve, religious belief will constitute their deepest conviction and will inform all aspects of their life. Within South Gloucestershire there are representatives of every world religion. We have communities of every Christian denomination, as well as Muslims, Sikhs, Buddhists, Jews, Hindus, Baha'i and many others. This imposes a duty upon us to learn to understand what others believe and to value and respect other people's freedom to express their belief and convictions.

We respect the fact that everyone has the right to practise their religious beliefs and we will do what we can to take account of specific religious needs.

The South Gloucestershire Faith and Belief Forum<sup>11</sup> has been set up to promote harmonious relations between people of different faiths and involve them in the civic life of the area. The basis for this group is a commitment to improve the quality of life for local people by working together on agreed projects, demonstrating partnership between different faiths.

### **Sexual Orientation and Gender Identity**

Sexual orientation is a sensitive issue and is a subject many people choose to keep a private matter and this should be respected. There is no hard data on the number of lesbians, gay men, bisexuals and transgendered people in the UK. However, the Government is using the figure of 5-7% of the population and Stonewall<sup>12</sup> agree that this is a reasonable estimate. This means that across the area, we have approximately 15,000 residents who identify as being LGBT – the largest minority group in South Gloucestershire.

Prejudice against certain forms of sexuality has been institutionalised in our society for centuries but legislation and culture are slowly changing although not at the same speed. There is a responsibility upon individual employees and the organisation to challenge those who use derogatory language around sexuality or display such behaviour both in the community of South Gloucestershire and in the organisation.

The South Gloucestershire Lesbian, Gay & Bisexual Forum (SGLGBF)<sup>13</sup> is the main channel that the Council uses for engagement and consultation with LGB groups. Set up almost ten years ago, it is a champion for equal rights and underpins the need to ensure a safe environment where people can access services without fear of discrimination.

Our Partnership Against Hate Crime (PAHC) work to address issues of homophobic hate crime through its Homophobic Case Review Panel. The Council also commissions work from a VCS organisation *Education and Action Challenging Homophobia*

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<sup>11</sup> For further information, visit: <http://www.southglosfaithforum.org.uk/joomla/index.php>

<sup>12</sup> For further information, visit: <http://www.stonewall.org.uk/>

<sup>13</sup> For further information, visit: <http://www.sglgbf.org.uk/>

## ***Equality and Diversity Policy 2010***

(EACH)<sup>14</sup> and this organisation has provided training for our managers on related issues.

### **Our Future Population**

The population has grown by over 20% in the past 20 years, to approximately 252,000. The area is expected to continue to grow and by 2011 it is expected that:-

- The number of households will increase by over 7,000 to 111,000
- The number of people over 65 will increase by 24%
- 12,000 people will be 80+
- The number of 15 – 24 year olds will increase by nearly 12,000 to 38,000
- 60% of the Authority's total population lives in the built up areas immediately adjoining Bristol, namely Filton, Patchway, Bradley Stoke, Kingswood, Downend, Staple Hill and Hanham, a further 19% live in the towns of Yate, Chipping Sodbury and Thornbury and the remaining 20% live in the more rural areas of South Gloucestershire.
- Our minority ethnic population is not large (4.2%) and is mostly located in our urban areas.

South Gloucestershire is relatively affluent, but there are some hidden pockets of deprivation at a sub ward level, mainly in urban areas.

### **Equality Bill**

The Government published a single Equality Bill for Great Britain on 27<sup>th</sup> April 2009. If passed, this will bring disability, sex, race and other grounds of discrimination within one piece of legislation. The Bill completed its Commons Committee stage on 7th July 2009. Royal Assent is expected in Spring 2010, and assuming the Bill is passed, it is expected to come into force in Autumn 2010. However, the Government envisages that some parts will be delayed until Spring 2011 and beyond.

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<sup>14</sup> For further information, visit: <http://www.eachaction.org.uk/>

## **GLOSSARY**

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### **Disability**

Disability results from the disadvantage or restriction of activity caused by contemporary social organisation which takes little or no account of people who have impairments, and thus excludes them from participation in the mainstream of society. Disability is not caused by an individual's particular impairment, but by the way in which society fails to meet their needs.

### **Discrimination**

Discrimination is about actions. People may hold a number of prejudices but when they act on these it becomes discrimination: treating one person less favourably than another based on negative ideas about a particular group of people. Direct discrimination is defined as treating a person less favourably than another on the grounds that are not justifiable. This includes but is not limited to gender, marital status, caring responsibilities, race, colour, nationality, ethnic origin, disability, sexuality, religion or belief, age, or previous criminal convictions. Direct discrimination is nearly always intentional. Indirect discrimination involves applying a condition or requirement to everyone which as a result adversely affects one group significantly more than another. Indirect discrimination is often institutional or part of 'taken for granted' attitudes.

### **Equal Opportunities**

Ensures that no one job applicant, employee or client receives less favourable or unsuitable treatment than another because of skin colour, ethnic origin, gender, marital status, disability, sexual identity, religion or belief, age, or previous convictions. Equal opportunities means that all people have equal access to jobs, services and activities.

### **Equality Standard**

The Equality Standard is the national framework for assessing the progress of local councils in achieving equalities. The Local Government Association in conjunction with the various Equality Commissions prepared it. South Gloucestershire Council adopted the Equality Standard in July 2002. Supporting action plans and progress reports are available on the Council internet site.

### **Ethnic group**

The group we belong to because of nationality, colour, culture or language. Everybody belongs to an ethnic group – English, Welsh, Jewish etc. Ethnic does not equal black only.

## ***Equality and Diversity Policy 2010***

### **Fundamental Service Review**

Cross-cutting detailed reviews that challenge the need for delivery of services and identify how to deliver them most effectively.

### **Harassment**

A range of behaviour that is unwanted and uninvited, that is viewed as unacceptable and that makes the recipient feel upset, threatened, humiliated or vulnerable. It is an expression of power or domination of one person or group of people over another. Harassment may undermine the recipient's self-confidence and cause them to suffer stress.

### **Hate Crime**

Hate crime is any offence, which is committed against a person or property that is perceived by the victim or any other person to have taken place because of their race, ethnic origin, nationality or national origins; religion; gender; sexual orientation or disability

### **Impact Assessment**

A systematic way of assessing the potential or actual (differential or adverse) impact of a current or proposed policy or practices upon a particular group of people. This may include obtaining and analysing data and undertaking consultation. Both the Equality Standard and the Race Relations Amendment Act require these assessments.

### **Impairment**

The word 'impairment' is used to describe the ground upon which people are disabled. Examples of impairments are physical or sensory conditions, emotional/mental distress, a learning difficulty.

### **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 minority ethnic people.

### **Positive Action**

A structured approach to training and development which enables disadvantaged individuals and employees to reach a level of capability so that they can compete on equal terms.

## ***Equality and Diversity Policy 2010***

### **Prejudice**

Pre-judging, usually without having correct or complete information, or on hearsay. Prejudice is about attitudes and beliefs. The most accurate definition which goes to the root of the word is “unfavourable opinion or feelings formed beforehand without knowledge or reason”. Racial prejudice is where such unfavourable opinions or feelings relate to a particular group based on colour, race or ethnicity.

So both white and black people can be prejudiced in Britain. Prejudice is not ‘natural’ (you are not born with it) or ‘inherited’ or hereditary, but part of our environment formed by a socialisation process, caused by suspicion, fear and insecurity.

### **Race Equality Scheme**

This sets out the specific steps, which the Council is taking to ensure racial equality. It is a mandatory requirement of the Race Relations Amendment Act 2000 and includes specific legal duties to eliminate discrimination, promote equality of opportunity and good race relations.

### **Racist incident**

A racist incident is any incident which is perceived to be racist by a victim or any other person.

**BACKGROUND PAPERS**

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The council's website provides comprehensive background papers relating to all departments as well as corporate activity:

<http://www.southglos.gov.uk/NR/exeres/29af5c18-414b-482d-a3a5-14fa9fc92896>

The council's intranet provides comprehensive background papers relating to personnel policy and procedures.

**NATIONAL AND REGIONAL CONTACTS:**

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**The Commission for Equality and Human Rights (CEHR)**

**Stonewall**

**Women and Equality Unit**

**Advisory, Conciliation and Arbitration Service (ACAS)**

**Department for Trade and Industry**

**Disability Equality Network (DEN)**

**South Gloucestershire Chinese Association**

**South Gloucestershire Faith Forum**

**South Gloucestershire Asian Project (SGAP)**

**Education Action Challenging Homophobia (EACH)**

**Partnership Against Hate Crime (PAHC)**

**Support Against Racist Incidents (SARI)**

**South Gloucestershire Senior Citizen's Forum**

**Lesbian, Gay and Bisexual Forum**

**CYP Partnerships**