

Draft for consultation

HARINGEY COUNCIL

**EQUALITY PUBLIC DUTIES SCHEME
(2007 – 2010)**

**Equality & Diversity Team
Chief Executive's Service**

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1. INTRODUCTION

This document sets out an Equalities Scheme for Haringey Council. It is based on an approach to equalities work that integrates our response to equal rights legislation and regulations current in the UK, together with the public duties deriving from them. These include the:

- Sex Discrimination Act;
- Race Relations (Amendment) Act;
- Disability Discrimination Act;
- Employment Equality (Age) Regulations 2006;
- Employment Equality (Sexual Orientation) Regulations 2003;
- Employment Equality (Religion or Belief) Regulations 2003;
- Employment Act 2002.

This document will serve as the main strategic document that will govern equalities work in Haringey over the next three years.

2. BACKGROUND

Haringey produced its first Race Equality Scheme in 2002 following the Race Relations (Amendment) Act 2000, which made the production of the Scheme a specific duty on public authorities.

Since then, similar statutory duties have been created for disability and gender, and equal rights and anti-discrimination provisions have been extended to cover age, sexuality, religion and belief.

There is a move towards a generic approach to equality, such as this Scheme, which embraces the duties under all the anti-discrimination legislation, bringing them under a single strategic and operational framework.

Along with many other public authorities, we in Haringey are embarking on this route, driven by a number of factors:

- Structural and legislative changes at the national level;
- Similarities in the public duties relating to the equality strands;
- Their judgment about future trends.

2.1 Structural and legislative changes

The formation of the Commission for Equality and Human Right (CEHR) is under way and new body will formally come into being in 2007.

Established by a new Equality Act, which received Royal Assent in February 2006, the new commission will bring together and take on the work of the existing commissions, i.e. the Commission for Racial Equality (CRE), Equal Opportunities Commission (EOC) and Disability Rights Commission (DRC). In addition, CEHR will assume responsibility for promoting equality and tackling unlawful discrimination in three new strands, namely, age, religion or belief and sexual orientation. The new commission will also have responsibility for the promotion of human rights.

Two reviews, the Equalities Review, and the Discrimination Law Review are currently taking place, and the government is intending that the work of the two reviews will lead to a new Single Equality Act during the present Parliament. This will bring together all the legislation on discrimination into a single legal framework to tackle discrimination and inequality.

2.2 Trends

Together, the enactment of the Equality Act 2006, the creation of a single body, the Commission for Equality and Human Rights and the proposed further legislation to unify existing equalities laws have led many public

bodies including the existing equality commissions to accept that a generic approach, through a single equality scheme is the unavoidable way forward.

2.3 Similarities in equalities duties

Presently, there are general duties on public authorities, relating to equalities strands, disability, gender and race. These general duties have common as well as unique features, as illustrated below:

DISABILITY: Disability Discrimination Act 2005:

- Promote equality between disabled people and others;
- Eliminate unlawful discrimination based on disability;
- Eliminate harassment based on disability;
- Promote positive attitudes towards disabled people;
- Encourage participation in public life by disabled people;
- Positive action to take account of a disabled person's disabilities even where this involves a more favourable treatment of the disabled person.

GENDER: Sex Discrimination Act 1975:

- Eliminate unlawful discrimination based on gender;
- Promote equality between men and women.

RACE: Race Relations (Amendment) Act 2000:

- Eliminate unlawful racial discrimination;
- Promote racial equality;
- Promote good relations between people of different racial origin.

EMPLOYMENT: Equal Pay Act 1970

- Outlaws pay discrimination on grounds of gender where both sexes doing work of equal value

Details of the provisions of equalities and related legislation are given in appendix 1

The general thrust of equal opportunities policy in Haringey has for many years and to a large extent been informed by all the above.

In recent years, following the specific duties on race equality, the government has also introduced specific or public duties in two further strands of equality, namely disability and gender.

The public duties on these three strands, namely disability, gender and race are broadly similar in that they all include the duty to:

- Consult and involve;
- Impact assess proposals;
- Monitor outcomes;
- Provide information in accessible formats.

Given their similarities, we believe it makes sense to incorporate the common as well as their unique features under a single framework that can be applied to promote equality in general, making sure always, that all the existing six strands are covered.

The adoption of this Scheme will signal a move away from the need for a separate equality scheme for each of the equalities strands. The Scheme will complement the Council's general Equal Opportunities policy document. The Council's Equal Opportunities Policy Statement is set out in appendix 2 of this Scheme.

The Council Equal Opportunities Policy document, Achieving Equality, Respecting Diversity is available on Haringey's website, www.haringey.gov.uk

3. THE SCHEME

3.1 Approach and key features

The Scheme is built around the specific public duties of the three equalities strands, disability, gender and race, and applying them to all the strands, including the three new strands, age, religion and sexuality. This way, equality is promoted in all the six strands simultaneously within a single framework.

The Scheme features the following in a generic way:

- Arrangements for equalities impact assessment;
- Arrangements for equalities monitoring;
- Arrangements for consulting;
- Arrangements publishing outcomes;
- Arrangements for ensuring equal access to information;
- Staff Induction and training;
- Tackling harassment and Hate crime;
- Promoting positive attitudes among and towards all groups;
- Promoting good relation and social cohesion

3.2 Consulting on the Scheme

The Scheme, in this final form will be the product of an extensive consultation process which will involve a wide range of groups in Haringey, including strategic partners, Council staff and organisations covering the six equality strands covered in the Scheme. These will include among others:

- Council staff;
- The Local Strategic Partnership;
- The Race Equality Joint Consultative Committee;
- Haringey Women's Forum;
- Haringey Disabilities Consortium;

- Haringey Faith Forum;
- Haringey Age Concern;
- Gypsies and Irish Travellers
- Haringey Refugee Consortium
- Lesbian, Gay, Bisexual and Transgender(LGBT) Network

3.3 Action Plan

There is a Corporate Equalities Action plan which supports this Scheme. This is set out in appendix 5.

The approach to implementation is built around the arrangements set out in paragraph 3.1 and covers age, disability, gender, race, religion, and sexual orientation.

3.4 Disability Equality Statement

Haringey has produced a Disability Equality Statement, which should be read in conjunction with the Scheme, of which it is an essential and integral part. This can be found separately on Haringey Council's website.

4. OUR OBJECTIVES

As part of our Equal Opportunities policy, we will be working to carry out the public duties under the various equal rights laws.

In these regards, Haringey Council will work to ensure that in carrying out its functions it will give due regard to the duty to:

- i. Promote equality of opportunity for disabled people, men and women, people of different racial and ethnic backgrounds, around age, sexual orientation, religions and faith.

- ii. Eliminate discrimination that is unlawful.
- iii. Encourage and involve all sections of the community, whether they be ethnic/racial groups; disabled people; men or women; religious/belief communities; lesbian, gay, bisexual, transgender people; young and older people, in public life, and in consultation and decisions on matters that may affect their lives;
- iv. Eliminate harassment whether based on a disability, a person's gender; sexual orientation; race, ethnicity; age or religion.
- v. Promote positive attitudes towards groups, whether they be disabled, ethnic or racial groups, men or women, young or older people, lesbian or gay, bisexual and transgender people; religious or belief groups;
- vi. Promote good relations and social cohesion between and among all people living or working in the London Borough of Haringey.

5. OUR METHODS AND TOOLS

This section of the Equality Scheme sets out how we will ensure that we carry out the equalities public duties set out in this Scheme, and the tools that we will use to do so.

5.1 Mainstreaming of Equalities

At the heart of our approach to this work is mainstreaming of equal opportunities.

Mainstreaming is an approach whereby we endeavour to ensure that equalities considerations covering age, disability, gender, race, religion or belief and sexual orientation, are integral to everything we do as a Council.

This is especially so where they relate to or impact on service provision, employment, community involvement and the need to promote social cohesion.

5.2 Carrying out Equalities Impact Assessment

We will continue to make equal opportunity a prime consideration when formulating strategies, policies and plans that govern operations in the Council. That is why we shall carry out an equalities impact assessment of key strategies, policies, plans etc, when they are being developed. Equalities Impact Assessment will be an integral part of the process of formulating strategies, policies and plans relating to our work as a Council. Our purpose will be to carry out an in-depth analysis of key proposals from equalities perspectives in order to identify if, where and how they might adversely affect any of the groups. Where potential significant disproportionate adverse impacts are identified, then authors of the proposals would have a duty to address these before the proposals are finalised and submitted for consideration for a formal decision. In this way, the Council will ensure that equalities issues are routinely incorporated into policy analysis but action taken to address any significant potential adverse effects on any group before a proposal is formally adopted. This will apply not only to direct Council activities but also to activities we carry out in partnership with other agencies or carried out on behalf of the Council under contractual arrangements with external providers.

Guidance on equalities impact assessment and the Form are available on Harinet or from the Equalities Unit.

5.3 Involving the Community: Consultation

By consultation we mean, a dialogue with the community that leads to a decision. We see it as underpinned by three principles:

- a two-way, open and accessible process, to gather the views of the community so that they may inform on the Council's decisions
- a vehicle which will enable communities, individuals, organisations and businesses to participate in decisions about issues that affect their lives.
- giving considered response to the issues raised and reporting back to the people consulted;

We regard community consultation as an essential element in the process of developing a strategy, policy or a plan. For this reason, Haringey Council is committed to involving the community in a meaningful and productive way in this process. We will use consultation not only to secure wider community legitimacy for what we are doing but also as part of the impact assessment process to find out directly from our residents, service users and other stakeholder, what they think of a proposal, how they think it will affect them, and what measures the Council might need to take to avoid or reduce potential adverse effects the proposal might have. We are committed to actively seeking out and involving all sections of the community, and shall take steps to ensure that where the issue requires it, opportunities will be provided so that all groups, be they based age, disability, gender, on race, religion/faith and sexual orientation are either invited or separately consulted.

We will not consider consultation to be fully carried out until the three key elements highlighted above are present, i.e. consult, give due consideration to the issues raised, and give feedback. We believe that in this way, the Council will be more responsive to the needs to the community in its diversity.

Haringey's arrangements for consultation are set out in the "Consultation Strategy and Mechanisms" can be obtained from Harinet or from the Corporate Consultation Team.

5.4 Monitoring, reporting and acting on equalities results

Monitoring the effects of strategies, policies and plans are in fact having is and will continue to be an essential function in ensuring that we fully comply with our equalities public duties in regards to all the strand of equalities, age, disability, gender, race, religion or belief and sexual orientation. Our monitoring function will have three key objectives:

- i. To establish with evidence, whether strategies, policies, plans etc, are producing their intended results.
- ii. To identify if and where they are producing any significant disparities in outcome, whether in terms of benefits or detriments in relation to the population size of each group.
- iii. To use the information obtained to set targets for corrections and improvements where necessary.

We will continue to develop and use appropriate and relevant equalities indicators to measure our performance on equalities across the strands. These will include:

- At the Council-wide level, measuring corporate equalities health using the Best values Equalities Indicators. These will be supplemented with local indicators to measure the level of satisfaction with Council services. These will be measured mainly through the annual survey of residents. We will seek to disaggregate the results of the survey by the six equalities strands, age, disability, gender, race, religion or faith and by sexual orientation.
- The use of service-specific performance indicators to measure equality outcomes.

- The use of indicators relating to new initiatives, strategies, plan etc, included in Business Plans, to measure impact on groups.

Service delivery and employment equalities monitoring will continue to be ongoing and the results reported in accordance with the reporting cycle current in Haringey, published and disseminated. Again we will seek to disaggregate the results along the six equalities strands.

Arrangements for equalities monitoring are set out in Equalities Indicators and Monitoring Procedures: A Working Guide to Equalities Monitoring, available on Harinet or from the Equalities Unit.

5.5 Ensuring Equal Access to Information

We recognise that our residents, whatever their race, ethnicity, gender, age, religion, belief or sexual orientation, have a right to equal access to information about the services we provide, how to access them and about their Council.

In recognition of this right, we are committed to providing relevant information about the Council and our services in a way that make it accessible to all sections of the community. For example, where necessary, we will provide information in minority languages to enable residents who do not speak English to access it. Where a translated version is not immediately available, we will provide access to opportunity to request a translation of any key strategy or policy document.

We will also, where necessary, provide information in formats that make it possible or easier to access by people who may be deaf, blind or have a hearing or visual impairment. We will also take steps to ensure that at public meeting or at consultation meetings, where necessary, translators, including Signers will be available to facilitate communication for those who need them. To meet these commitments, the Council will continue to provide a translation and interpreting service which will cover a range of minority languages

spoken in the Borough and a range of provision to meet the communication needs of people who may be blind, deaf or have hearing or visual impairment.

Arrangements for ensuring equal access to information are set out in the Guide to Translation & Interpreting, which can be found on Harinet or obtained from the Translation & Interpreting Unit.

5.6 Publishing and disseminating outcome information

We recognise that all our residents have a right to know and comment on how well we are performing as a Council, including the extent to which we take their views into account when we make decisions. That is why we accept that we have a duty to feedback to our residents in their diversity, results of statutory audits and other performance inspections and the results of public duty processes such as impact assessment, consultation and equalities outcome monitoring.

For this reason, we shall continue to ensure that we publish and disseminate such results of audits and inspections, impact assessments, consultation and equalities outcome monitoring as are relevant and will enable Haringey residents to judge our performance.

In carrying out this commitment, we shall be mindful of the need to ensure that the same information is disseminated to all groups, where necessary and practicable, using a targeted approach, appropriate language and suitable communication format tailored to meet specific groups' needs.

A Guide to publishing and disseminating can be found on Harinet or obtained from Press and Communication.

5.7 Inducting and training our employees

Achieving equality and valuing diversity are core values as well as key strategic objectives to which the Haringey Council has a long-standing commitment and is which it is working hard to realise.

Members and staff at all levels have a role to play in helping us realise this objective, and of course, also to fulfil our public duties under all the equal rights laws and regulations. That is why we believe that appropriate training underpinned by an awareness of this commitment and relevant equal opportunities issues and the implications they have both for their service areas and their individual functions, is a vital part of staff and organisational development work in Haringey.

The need for robust and relevant equalities training across the functions of the Council is recognised even more so now in light of the various equalities legislation and public duties now in or coming into force.

In response, equalities and diversity issues will be even more deeply and more comprehensively embedded into our induction and annual corporate training programmes.

Induction and training will continue to have substantial equalities components so that staff are enabled to develop and sustain a level of equalities awareness and the skills and knowledge need they need to enable the Council realise its objective of building a borough in which everyone, irrespective of their age, disability, gender, race, religion and sexuality feel equally served, valued at peace with their neighbours and enabled to achieve.

Arrangements for staff training and development are set out in annual Corporate Training Programme, which can be found on hairnet or obtained from OD&Learning.

5.8 Tackling Harassment and Hate Crime

Haringey is one of the most diverse boroughs in the United Kingdom in terms of ethnicity, culture, age, religion and life style. Haringey Council is committed to building and promoting a one Haringey Community in which everyone living, working or simply having fun in the area feels safe and free to go about their business without harassment or fear of harassment or other forms of hate crime.

For this reason, the Council does not tolerate harassment or any other form of hate crime either in its workforce or in the community at large, and is committed to tackling these wherever they may occur.

5.8.1 Tackling Harassment in the workforce

In order to afford protection to all, Haringey Council has adopted for its workforce, a policy on harassment and bullying which defines harassment as “inappropriate action, behaviour, comments or physical contact that causes offence or is objectionable. This includes inappropriate behaviour which makes the recipient feel threatened, humiliated or patronised, and/or creates and intimidating environment. It can be direct or indirect, verbal or physical”.

The Council considers harassment whether on grounds age, disability, ethnic origin, gender, race, religion or belief, or nationality, sexual orientation, marital status, health status, membership of a union or personal dislike totally unacceptable behaviour that will attract the Council’s grievance and disciplinary procedure against a perpetrator, an outcomes of which could be dismissal.

To make the policy effective, staff are encouraged to report any occurrence of harassment they may witness, and offer supporting evidence in any investigation; make a complain if they feel they are being or have been harassed, and managers have a responsibility to set good example and ensure that complains are dealt with speedily and seriously and ensuring that the workplace is free from harassment or bullying.

A copy of the Council’s policy harassment and bullying can be obtained from personnel officers in Directorates or from the Council’s website, www.haringey.gov.uk

5.8.2 Tackling Harassment in the community

Harassment in the community is dealt through action under the Council's Anti-Social Behaviour Strategy. This defines anti-social behaviour to cover a range of behaviour "from low-level nuisance to harassment, which can damage the quality of life and interfere with the ability of people to use and enjoy their home or community"

Examples include verbal abuse and harassment, including on grounds of age, disability, gender, race, religion or belief and sexual orientation.

The central aim of the strategy is to secure an environment in which residents of Haringey whatever their age, disability, gender, race or ethnicity, religion or belief or sexual orientation, are able to live their lives free from nuisance, harassment and anti-social behaviour.

The Anti-Social Behaviour Strategy supports the wider Safer Communities Strategy, with vision to have a safer Haringey where residents, visitors and workers can have an improved quality of life without the fear of being subjected to anti-social behaviour".

Both the Anti-Social Behaviour Strategy and the wider Safer Communities Strategy are partnership initiatives involving the Council, the Police and other statutory agencies and the community.

The Council's responsibilities on anti-social behaviour are delivered by the Council through the Anti-Social Behaviour Team (ASBAT), which is committed to providing a service that is sensitive and responsive to the needs and aspirations of the community, taking full account of the diversity of the community.

A copy of the Anti-Social Behaviour Strategy and the Safer Communities Strategy can be obtained from the Safer Communities Team or from the Council's website, www.haringey.gov.uk

Also, the Anti-Social Behaviour Team can be contacted on 0845 671 1177

5.9 Promoting positive attitudes towards all sections of our diverse community

Research has shown that our attitude towards people who are different from us can be influenced by our preconceived ideas about them, often not based on facts or reality, and fuelled by negative media portrayals and biased reporting. Often the behaviour of one individual is used to stereotype and stigmatise an entire group. This compounds ignorance and prejudices, and is at the heart of irrational fear and even hatred of people who are different from us. This is the attitude which drives hate crime and other forms of negative thoughts by one group or other about other groups in society. In extreme cases, this manifests itself in harassment and attack on a person because, for example, that person is of a different racial or ethnic origin, nationality, gender, religion, or is a lesbian or gay person or old or young.

As said earlier in this document, this kind of behaviour is unacceptable in a civilised society and certainly not tolerated in Haringey, both in the Council and in the Haringey Community at large. In Haringey, we will go further than simply deploring, condemning or taking action against negative attitudes and behaviour against any person or group on the basis of who or what they are. We shall be proactive in promoting inter-group tolerance, understanding and respect. In this regard, we will continue to use public events to promote positive images and attitudes about and towards to sections of our diverse community. These will include events to promote positive images, good attitudes and understanding of all sections of Haringey community. These include:

- Disabled people;
- Racial /ethnic groups;
- Women and men;
- Older people;
- Young people;

- Lesbian and Gay men, bisexual and transgender people
- Religious or Faith groups

Events such as International Women’s Day and Black History Month, Haringey Peace Week and Holocaust Memorial Day are well established in Haringey, as are events about older people and disabled people.

Such events will be open to all sections of the community and the emphasis will be on promoting the positive and challenging negative and stereotypical assumptions.

We shall also use a communication strategy that promotes the benefits of diversity and the contribution each section of the community is making to enrich the economic social and cultural life of the borough, debunk and rebut myths and misinformation about any section of the community.

5.10 Promoting good relations and social cohesion

A key feature of Haringey is the diversity of its population. It has been described affectionately by some people as the humanity in its microcosm, in that practically every nationality and culture in the world can be found in some number and form in this borough.

Like any other place in the country, Haringey has its problems, but the borough is encouraged by and proud of the fact that despite its diversity and the inherent potential for inter-group conflicts, a recent research has confirmed the anecdotal views that people on the whole get on well with each other and; there is a degree of social interaction between groups which should give rise to optimism about community cohesion in the borough. Jointly with the community, the Council has worked hard over many years to bring this about this positive state of affairs.

5.10.1 Linking with the national agenda

Community Cohesion is now a national political agenda to which local authorities are expected to respond.

Presently in Haringey, and independently of this agenda, there are activities across the Council and in the community that are going on that correspond to the themes and aims of community cohesion. However, these activities are carried out without co-ordination under a 'Community Cohesion banner'. We will build on these in response to the community cohesion agenda.

Initially:

- i. We will carry out a Council and community wide mapping exercise to identify, group and promote the best of those activities as good practice.
- ii. We will analyse the findings of the Policy Studies Institute (PSI) research project on social cohesion in the Tottenham area and draw out policy implications for the Council.
- iii. Based on ii above, we will develop a corporate approach to Community Cohesion, which guide future work in this area.

5.11 Promoting equality through procurement

As a Council, we are committed to promoting equality through the procurement service. Our approach in this regard consists of three types of action:

5.11.1 Through promoting equality of opportunity to council contracts

We are seeking to do this by opening up the supply chain so that more local businesses can have the opportunity to successfully tender for council contracts. The Corporate Procurement Team will continue to work with local business umbrella organisations such as the Chamber of Commerce, Ethnic Minorities Business Forum, and local small businesses to promote awareness of the Council tendering process.

5.11.2 Through influence on the people we do business with

This will continue to apply whether in partnerships or contractual arrangements for the provision of good, services or works on behalf of the Council. In this regard, the Council will continue to operate a tender process that is fair, accessible and embedded with equalities criteria that are essential elements in the Pre-Qualification Questionnaires (PQQ) and in contract performance monitoring.

5.11.3 Through equalities impact assessment of contract specifications

We believe that it is essential that goods, services or works provided on behalf of the Council must not only meet the fit-for-purpose and value-for-money criteria, but must also account of the needs of users in their diversity. This may mean taking account of the needs of ethnic groups, women, children and young people, older people, lesbians and gay men, bisexual and transgender as well as religion or belief groups. For this reason officers will be encouraged to carry out equalities impact assessment of draft contract specifications to check that they meet the needs of those should benefit from purpose of the contract, and amend the draft specifications where necessary in order to ensure this outcome, before the contract is presented for approval.

A specimen of the Pre-Qualification Questionnaire (PQQ) can be obtained from Corporate Procurement Team on 0208 489 2123.

A separate checklist for equality impact assessment of contract specifications is currently being developed, and when adopted, will be a useful addition to the Council's toolkit for promoting equality in procurement

6. LINK WITH THE EQUALITY STANDARD

Haringey Council has adopted the Equality Standard for Local Government. The Equality Standard is a nationally agreed self-assessment framework that sets standard criteria to help local authorities to assess how well they are performing on equal opportunity, covering all the six equality strands, age, disability, gender, race, religion or belief and sexuality.

This Scheme represents a general approach equal opportunity, which like, the Equality Standard covers all the six equality strands.

We will link the two by using the Equality Scheme to promote equality in the six strands and use the Equality Standard framework and criteria to assess and grade our overall performance across the Council.

We recognise however, that there may be occasions when we may need to report separately on each strand. When such request is made, we will extract the related information and report on the particular strand requested. Other than that, performance reports will ordinarily cover all the six strands in this Scheme.

Haringey is currently assessed to be at Level 2 of the Equality Standard and working towards Level 3 and 4 in 2007. The Scheme will promote equality in general and help the Council to meet its targets on the general Equality Standard as well as meet targets on indicators on any specific strands, for example, the Race Equality Best Value Performance Indicators.

7. IMPLEMENTATION AND PERFORMANCE MANAGEMENT

As well as helping the Council to meet its public equalities duties, this Equality Scheme will also serve as a device for furthering mainstreaming of equal opportunities in Haringey. Implementation of the Scheme rests with Business Unit managers and will be carried out through the Business Planning Framework including budgets, covering generic plans as well as specific equalities initiatives at service levels. Equality Officers will provide strategic direction, advice and support. It will be performance managed like any other Council function, through the Council's performance management framework.

7.1 Through generic business plans

A key aspect of the mainstreaming approach to equalities is the use of the planning framework and process to embed equalities objectives into generic plans throughout the Council.

At the beginning of the planning year, each service develops a business plan setting key priorities, objectives and delivery plans for that year. These should include provisions and timescales for carrying out the public duty set out in this Scheme. For example, for each of their plans, services would need to set out how and when they will carry out equalities impact assessment; consult on the plan; monitor the equalities outcomes of the plan and the reporting cycles; informing the public about the plans and their equalities outcomes post implementation.

7.2 Through specific equalities initiatives

In addition to generic business plans, services will be expected to use specific programmes to tackle identified inequality and disadvantage experienced by groups; contribute to tackling harassment and hate crime, promoting positive image of diversity and groups and to promoting social cohesion of the borough. These too should be identified and planned for, resourced and included in the business plan. Service managers will be primarily responsible for developing, implementing and performance managing plan and

programmes to achieve the objectives of this Scheme. Equalities Officers will advise and support managers in this task.

7.3 Co-ordination and control

Council-wide co-ordination and control of implementation and performance will be carried out by the appropriate functional corporate units and working groups and overseen by the Equalities Management Team, which will be the corporate reporting centre.

We would welcome your comments on any aspects of this Scheme. Please send your comments to: The Equalities Team, Haringey Council, 3rd Floor, Wood Green Library, Wood Green, London N22 6DX. Alternatively, you can email your comments to: equalities @haringey.gov.uk

Equalities Legislation

- **Age**
- **Disability**
- **Gender**
- **Race**
- **Religion or belief**
- **Sexuality**
- **Human Rights**
- **Other Legislation**

Introduction

Haringey council has, in line with many other authorities, decided that our duties under the RR(A)A should as far as practicable be extended to all those areas where we can identify that there has been, or may still be, inequality or discrimination. This approach is also consistent with likely future legislative requirements.

Our equality scheme therefore encompasses age, disability, gender, race, religion and sexuality. It acknowledges that some people may experience multiple disadvantages. It seeks to focus on what we have in common, as well as recognising different needs and circumstances.

1. Age

Employment Equality (Age) Regulations 2006

From 1 October 2006 it will be unlawful to discriminate against people at work because of their age. The new regulations cover recruitment, terms and conditions, promotions, transfers, dismissals and training. There is already legislation to protect people against discrimination on the grounds of sex, race, disability, gender reassignment, sexuality and religion or belief. There is already legislation to protect people against discrimination on the grounds of sex, race, disability, gender reassignment, sexuality and religion or belief. The new regulations should pose few difficulties in organisations where people are treated fairly and with consideration. The regulations cover recruitment, terms and conditions, promotions, transfers, dismissals and training. They do not cover the provision of goods and services.

The regulations make it unlawful on the grounds of age to:

- discriminate directly against anyone – that is, to treat them less favourably than others because of their age – unless objectively justified;
- discriminate indirectly against anyone – that is, to apply a criterion, provision or practice which disadvantages people of a particular age unless it can be objectively justified;
- subject someone to harassment. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive

environment for them having regard to all the circumstances including the perception of the victim;

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

Employers could be responsible for the acts of employees who discriminate on grounds of age. We will ensure that our staff are trained and developed to understand and implement the regulations. Upper age limits on unfair dismissal and redundancy will be removed.

There will be a national default retirement age of 65, making compulsory retirement below 65 unlawful unless objectively justified. Our employees will have the right to request to work beyond 65. We have a duty to consider such requests.

Lawful discrimination

There are limited circumstances when it is lawful to treat people differently because of their age.

It is not unlawful to discriminate on the grounds of age if:

- there is an objective justification for treating people differently, for example, it might be necessary to fix a maximum age for the recruitment or promotion of employees (this maximum age might reflect the training requirements of the post or the need for a reasonable period of employment before retirement)
- where a person is older than, or within six months of, the employer's normal retirement age, or 65 if the employer doesn't have one, there is a specific exemption allowing employers to refuse to recruit that person.
- the discrimination is covered by one of the exceptions or exemptions given in the regulations, for example pay related to the National Minimum Wage
- there is a genuine occupational requirement (GOR) that a person must be of a certain age, for example, if you are producing a play which has parts for older or younger characters.

To make sure age discrimination is eliminated in our workforce we will assess our policies and strategies using our EIA's.

- recruitment, selection and promotion
- training
- pay, benefits and other conditions
- bullying and harassment

- retirement.

Also we will consider the make up of our workforce and whether positive action is required to tackle any age imbalance.

2. Disability

Disability Discrimination Act 1995 (DDA) 1995 and Disability Discrimination Act (DDA) 2005

The DDA establishes legal rights for disabled people and makes it unlawful for public authorities to discriminate unreasonably against disabled people in the provision of services and employment. The Disability Discrimination Act 2005 has established similar positive duties for disabled people to those set out in the Race Relations Act.

The Disability Discrimination Act 1995 requires all employers and service providers to make reasonable adjustments to service delivery in order to improve disabled people's access to goods, services and employment. This Act introduced a range of measures to eliminate discrimination on grounds of disability. It protects any person who has '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'. 'Long-term' means for 12 months or more, or for the remainder of the person's life.

People protected by the Act include those who have severe disfigurements, progressive conditions (including HIV) or long-term illnesses. The Act also covers people who have a disability but counter its effect with medication or artificial aids. For example, the definition of a disabled person used in the Act would include an asthmatic person whose condition is controlled by medication, a diabetic person and a person who is deaf but uses a hearing aid. The Disability Discrimination Act covers employment, access to goods, facilities and services, public transport, education and selling land/property. The issues around employment and access to services are particularly important for local authorities.

Employment

These provisions affect employers with 15 or more staff.

- It is unlawful for an employer to treat someone with a disability less favourably than a non disabled person because of his or her impairment, unless this treatment is objectively justified. This provision covers all aspects of employment from recruitment and training to promotion and dismissal.
- Employers must make reasonable adjustments to help someone with a disability to do their job, eg they must

make adjustments to any procedure/practice or any physical feature which may place a disabled person at a disadvantage.

- People who feel that they are suffering discrimination on the grounds of their disability can complain to an Employment Tribunal, which could result in compensation.

Access to goods, facilities and services

- It is unlawful to discriminate against someone with a disability by refusing to provide a service, offering a substandard service or discriminating in the terms on which the service is provided (whether it is provided for payment or not).
- Since October 1999, organisations have had to make reasonable adjustments to the way in which goods, facilities and services are provided in order to make them accessible to people with disabilities. This applies to practices, policies, procedures and auxiliary aids. Services must be provided by alternative means if necessary.
- From October 2004, service-providers have to make 'reasonable adjustments' to the physical features of their premises to overcome physical barriers to access. The definition of 'reasonable adjustments' depends on factors such as the type of service provided, the likely cost in relation to size and resources, and the amount of disruption.
- A complaint from a service-user could lead to civil proceedings in the County Court, resulting in the award of damages.

Other points to note

- It is unlawful to victimise a person who brings proceedings under this Act.

The Disability Discrimination Act 2005 extended the 1995 Act to cover public functions (such as enforcement and benefits) and introduced a duty to promote the equality of disabled people. This is supported by a new statutory code of practice, to which public agencies must have due regard in order to:

- Eliminate unlawful disability discrimination
- Eliminate unlawful disability harassment
- Promote equality of opportunity for disabled people

- Take steps to take account of disabled persons' disability even where that involves treating disabled people more favourably than other persons.

[This was already a provision of the DDA 1995, and is the only form of positive discrimination that is legal under UK law. However, the expectation is that positive discrimination should be avoided if a reasonable adjustment can be made without it.]

The Disability Equality Duty for the public sector December 2006 (DED)

There is a general duty which applies to all public authorities, plus additional specific duties to support the majority of public authorities in achieving the outcomes required by the general duty.

The basic requirement for a public authority when carrying out their functions is to have due regard to do the following:

- promote equality of opportunity between disabled people and other people
- eliminate discrimination that is unlawful under the Disability Discrimination Act
- eliminate harassment of disabled people that is related to their disability
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- take steps to meet disabled people's needs, even if this requires more favourable treatment.

The Disability Discrimination Act's requirement to make reasonable adjustments recognises that equality of opportunity cannot be achieved merely by treating disabled and non-disabled people in the same way. The DED recognises this by requiring public authorities to give due regard to the need to treat disabled people more favourably. This is distinct and unique to disability discrimination in equality law. For example, providing additional dedicated services or facilities to enable disabled people to access mainstream services on equitable terms. It is also notable that unlike other anti-discrimination laws, the Act does not restrict positive discrimination in favour of disabled people in any way. This is because under the Act only disabled people are protected against discrimination, and not those who are not disabled.

These provisions are thus significantly different from those in the race and gender equality laws. Public authorities including Haringey Council will therefore need to consider very carefully the distinctive approach that is required in order to combat discrimination and promote equality in relation to disability.

'Due regard' means that authorities should give due weight to the need to promote disability equality in proportion to its relevance.

The general duty will come into force on 4 December 2006 and all public authorities should be prepared by then.

3. Gender

Sex Discrimination Act 1975

This Act outlaws sex discrimination. It defines:

- direct sex and marriage discrimination
- indirect sex and marriage discrimination.

Direct sex or marriage discrimination occurs when someone treats a person less favourably on the grounds of his or her sex or marital status. The courts have decided that sexual harassment can also amount to direct discrimination. Indirect sex or marriage discrimination arises when someone applies a requirement or condition which, although applied equally to men and women (or to married and single people), is:

- a. one that fewer women (or men, or married or single people) can comply with
- b. not justifiable, irrespective of the sex or marital status of the person to whom it is applied
- c. to the detriment of that person.

Victimisation

Victimisation happens when someone is made to suffer because they have asserted their rights under the Sex Discrimination or Equal Pay Acts. This too is defined as discrimination. The Sex Discrimination Act has been extended to protect transsexuals. In some circumstances, it may protect people against discrimination on the grounds of their sexuality.

Exceptions

There are certain exceptions to the Act. In rare cases an employer can reserve a job for members of one sex or the other, eg for reasons of decency or privacy. It is important to note, however, that strength or physical stamina cannot usually be used as a reason for reserving jobs for men.

The Act also allows employers and others to provide extra training etc in jobs or work areas where there has been under-representation of one gender in the previous 12 months. However, discrimination at the point of selection for jobs or promotion is illegal, as are quotas.

Equal Pay Act 1970

This Act gives individuals the right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where both people are doing:

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

Civil Partnerships Act 2004

- The Act creates a new legal relationship of civil partnership, which two people of the same-sex can form by signing a registration document. It also provides same-sex couples who form a civil partnership with parity of treatment in a wide range of legal matters with those opposite-sex couples who enter into a civil marriage.
- Important rights and responsibilities will flow from forming a civil partnership, helping same-sex couples to organise their lives together.

4. Race

Race Relations Act 1976 and Race Relations (Amendment) Act 2000

The Race Relations (Amendment) Act 2000 was developed from the report into the Stephen Lawrence Inquiry. The Act strengthened and extended the Race Relations Act by placing on all public authorities a new positive duty to promote race equality and good race relations as well as outlawing racial discrimination in any of the authorities' functions. It covers employment and provision of goods, facilities and services.

Race Relations Act 1976

The Race Relations Act 1976 outlaws discrimination on grounds of race, colour, nationality (including citizenship), and ethnic or national origin. This Act defines two kinds of discrimination - direct and indirect. **Direct** race discrimination happens when someone treats another person less favourably than others would be treated in similar circumstances, and this is on the grounds of race, colour etc. racial harassment, or

segregating a person from others on racial grounds, may also constitute less favourable treatment. **Indirect** race discrimination happens when someone applies to another person a requirement or condition which, even though it might be applied equally to people of all racial groups, is unfair because:

- a. a considerably smaller proportion of a particular racial group can comply with the requirement
- b. it is to the detriment of the person who cannot comply with it
- c. it cannot be shown to be justified on any other grounds.

Victimisation happens when someone is made to suffer because he or she has asserted his or her rights under the Race Relations Act. This too is defined as discrimination.

Exceptions

There are certain exceptions to the Act. For example, on rare occasions an employer can offer a job to someone of a particular race when the employment in question is for the purposes of a private household, or where being of a particular racial group is a genuine occupational qualification for the job. The Act also allows employers and others to provide extra training etc in jobs or work areas where there has been under-representation of one racial group in the previous 12 months. However, discrimination at the point of selection for jobs or promotion is illegal, as are quotas.

Race Relations (Amendment) Act 2000

The Race Relations (Amendment) Act gives public authorities, including councils, a general duty to:

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

The general duty can be enforced by judicial review (JR) proceedings in the High Court. Anyone can take these proceedings. The Commission for Racial Equality (CRE) can assist individuals in seeking JR, and it can take JR proceedings in its own right.

5. Religion

From 2 December 2003, when the Employment Equality (Religion or Belief) Regulations came into force, it became unlawful to discriminate against workers because of religion or similar belief. The regulations also cover providers of vocational training. These Regulations apply to vocational training and all facets of employment including recruitment,

terms and conditions, promotions, transfers, dismissals and training. They make it unlawful on the grounds of religion or belief to:

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

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

6. Sexuality

From 1 December 2003, when the Employment Equality (Sexual Orientation) Regulations came into force, it became unlawful to discriminate against workers because of sexual orientation. The Regulations also cover providers of vocational training. It takes account of the Civil Partnership Act 2004 (in force from 5 December 2005) and the connected amendments to the Employment Equality (Sexual Orientation) Regulations. These Regulations apply to all employment and vocational training and include recruitment, terms and conditions, promotions, transfers, dismissals and training.

They make it unlawful on the grounds of sexual orientation to:

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

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

7. Human Rights

Human Rights Act 1998

The Human Rights Act incorporates into UK law the rights and freedoms guaranteed by the European Convention on Human Rights, a treaty which has been signed by the United Kingdom. The Convention guarantees individuals a range of political rights and freedoms against interference by the state. Countries which have signed the treaty may not infringe, without proper justification, an individual's right to privacy; freedom of religion, expression, association and assembly; or the right to marry and found a family.

Article 14 of the Convention specifically outlaws discrimination on the following grounds:

- sex
- race
- colour
- language

- religion
- political or other opinion
- national or social origin
- association with a national minority
- property
- birth.

Article 14 also protects people from discrimination on 'any grounds' and the grounds of 'any other status'; this therefore covers other areas of equalities such as age, disability and sexuality.

8. Other Legislation

Gender Recognition Act 2005, requires all employers, service providers and public authorities to ensure that transgender persons who have a gender recognition certificate, to be recognised as their re-assigned or social gender. This includes ensuring that they receive services appropriate to their re-assigned or social gender.

Sex Discrimination (Gender Reassignment) Regulations 1999

The Sex Discrimination (Gender Reassignment) Regulations 1999 clarify GB law relating to gender reassignment. They are a measure to prevent discrimination against transsexual people on the grounds of sex in pay and treatment in employment and vocational training. This reflects a ruling by the European Court of Justice that the dismissal of an employee undergoing gender reassignment is contrary to the European Equal Treatment Directive. The UK (and all Member States) is obliged to implement such European law.

The effect of the Regulations is to insert into the Sex Discrimination Act 1975 a provision which extends the Act, insofar as it refers to employment and vocational training, to include discrimination on gender reassignment grounds.

Thus, for the purposes of employment and vocational training, discrimination on grounds of gender reassignment constitutes discrimination on grounds of sex, and is contrary to the Sex Discrimination Act.

Employers who breach the Sex Discrimination Act 1975 in respect of discrimination on gender reassignment grounds will be liable in the same manner they would, for example, for discrimination against a woman on grounds of sex.

Employment Act 2002

- Work and parents
- Dispute resolution in the workplace

- Employment Tribunal procedures
- Equal Pay questionnaire
- Fixed term work directive
- Right to time off work for union learning representatives
- Work focussed interviews / working – age benefits
- Data sharing provision

Equality Act 2006

The Equality Act will make provision for the establishment of the **Commission for Equality and Human Rights (CEHR)**; to dissolve the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission; to make provision about discrimination on grounds of religion or belief, age, sexual orientation; to impose duties relating to sex discrimination on persons performing public functions; to amend the Disability Discrimination Act 1995; and for the first time provide institutional support for human rights.

The Equality Act 2006 has made it illegal, with regard to gender, sexuality and religion/belief, to exclude people unfairly, from having access to goods and services. It is already illegal to discriminate on the grounds of race and disability. Best customer practice would mean extending this to ensure that people are not excluded unfairly because of their age. In effect this will mean that all of the council's universal services should aim to be accessible to all and that targeted services (i.e. for older people, children with special educational needs etc.) should take account of service users' different needs. These new legal duties are in line with what is already a best practice aim for Haringey.

It is also illegal under a variety of UK laws to discriminate against employees on the basis of their gender, race, disability, religion/belief and sexual orientation, except where there is a genuine occupational reason to do so. This will be extended to **Age** in 2006.

APPENDIX 2

Haringey Council's Equal Opportunities Policy Statement and Aims

The Council's Equal Opportunities policy states:

“Throughout its work, Haringey Council is committed to reflecting the full diversity of the community it serves, and to promoting equality of opportunity for everyone. We accept that the Council is not free of unintended institutional discrimination. We will work to eliminate it.

We aim to ensure equal access to our services by all citizens on the basis of need, and to provide services in a manner that is sensitive to the individual whatever their background. We will represent the needs of our diverse communities to other agencies and make equal opportunities a key guiding principle in all our work with our partners. We will ensure that our workforce reflects the community we serve, and will take positive action to realise our equality of opportunity policy.

We are committed to eliminating discrimination on grounds of age; disability; colour, ethnic origin, national origin or race; gender; HIV status; marital status; religious belief; responsibility for dependants; sexuality, and unrelated criminal conviction.

It is the responsibility of every employee of the Council to uphold and implement this policy”.

(Policy and Strategy Committee 30th January 2001)

Aims of the policy

- To promote and demonstrate fairness and equality of opportunity in the provision of services;
- To promote and demonstrate fairness and equality of opportunity in the employment of staff;
- To achieve measurable progress against agreed targets in mainstreaming equal opportunities throughout the Council and in all our operations.

Glossary of Terms

Term	Stand for
BVPI	Best Value Performance Indicators <i>(National indicators for assessing performance of local authorities on a broad range of activities and functions)</i>
CEHR	Commission for Equality and Human Right
CRE,	Best Value Performance Indicators
DRC	Disability Rights Commission
DDA 1995	Disability Discrimination Act 1995
DDA 2005	Disability Discrimination Act 2005
EOC	Equal Opportunities Commission
ESLG	Equality Standard for Local Government <i>(A Framework for assessing performance of local authorities on equal opportunity)</i>
PQQ	Pre-Qualification Questionnaires <i>(Part of the procurement process, it sets out criteria for assessing tenders; Haringey's has detailed equal opportunities section)</i>
RR (A) A 2000	Race Relations (Amendment) Act 2000
SDA 1975	Sex Discrimination Act 1975

APPENDIX 4

Consultation List

September 2006 - October 2006

Internal

- Equalities Officers
- Equalities Management Team
- Equalities Forums
- Human resources
- OD&L
- Trade unions
- Chief Executive Management Board
- Executive Advisory Board

Community

Issue/Strand	Group consulted
AGE	Age Concern
AGE and DISABILITY	<ul style="list-style-type: none">• Cypriot elderly and disabled group• Disabled tenants forum• Haringey Phoenix Group• Mencap Pathway Haringey• Haringey Consortium of Disabled People and Carers
DISABILITY	<ul style="list-style-type: none">• Welfare to Work• Mobility Forum• Winkfield Resource Centre• Haringey Disability Consortium
GENDER	Chestnut community centre
GENDER and RACE	<ul style="list-style-type: none">• Asian Women's Association• Women's Forum /ZORA young women's group• African Women's Welfare

	<p>Group</p> <ul style="list-style-type: none"> • Greek Cypriot Women's Organisation • Somali Women's Association • NISSA Trust
RACE	<ul style="list-style-type: none"> • Race Equality Joint Consultative Committee (REJCC) • Racial Equality Council • London Asian African Caribbean Centre (LAACC)
RELIGION	<ul style="list-style-type: none"> • Haringey Peace Alliance • Haringey Faith Forum
SEXUAL ORIENTATION	Lesbian, Gay, Bisexual and Transgender (LGBT) network

