



**BRINGING EQUALITY
TO PERTH AND KINROSS**

THE THREE PUBLIC SECTOR DUTIES

GUIDANCE FOR STAFF

AUGUST 2007

INTRODUCTION

BRINGING EQUALITY TO PERTH AND KINROSS

THE THREE PUBLIC SECTOR DUTIES

There are three key Acts that set out the duties of those in the public sector for bringing equality to Scotland. These acts are the:

- Race Relations Amendment Act
- Disability Discrimination Act
- Gender Duty Act

This brief guide sets the general and specific duties that these acts establish. It is our statutory obligation to ensure that we meet these duties. This guide is provided to ensure staff are fully briefed on these duties and can contribute fully to the Council's commitment to bring equality of opportunity to all children and young people within Perth and Kinross.

The guide also includes an update on the statutory duties with regard to Religious Observance.

It is expected that all schools will meet the statutory duties as set out in legislation.

Thank you.

Chris Webb
Head of Education Services

RACE

General Duties

All staff should have due regard to the need to:

- Eliminate unlawful racial discrimination
- Promote equality of opportunity
- Promote good relations between persons of different racial groups.

Specific Duties

We have published a **Race Equality Scheme**. It sets out the functions and policies that are relevant to the general duty on race and arrangements for:

- assessing and consulting on the likely impact of proposed policies on the promotion of race equality
- monitoring policies for any adverse impact on the promotion of race equality
- publishing the results of such assessments, consultation and monitoring
- ensuring public access to information and services which it provides
- training staff in connection with the duties imposed by the Race Equality Duty.

The Council is required to monitor by reference to racial group staff in post and applicants for employment, training and promotion. Where we employ 150 or more full-time staff we must also monitor the numbers who receive training, benefit or suffer detriment from performance assessment reviews, are involved in grievance procedures, are the subject of disciplinary procedures or cease employment.

There is a requirement for all schools to prepare a **race equality policy**, and have and fulfil arrangements to:

- assess the impact of its policies, including its race equality policy, on pupils, staff and parents of different racial groups, including, in particular, the impact on attainment levels of pupils.
- monitor the impact of the operation of such policies on such pupils, staff and parents, including, in particular, their impact on attainment levels of pupils
- take steps to publish annually the results of its monitoring.

Where the race equality policy is prepared by an education authority, that authority should ensure that each school under its management complies with the arrangements in the race equality policy.

DISABILITY

General Duties

All staff should have due regard to the need to:

- Promote equality of opportunity between disabled persons and other persons
- Eliminate discrimination that is unlawful under the Disability Discrimination Act 1995
- Eliminate harassment of disabled persons that is related to their disabilities
- Take steps to take account of disabled persons' disabilities, even where that means treating disabled persons more favourably than other persons
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life.

Specific Duties

As a Council we must involve disabled people in the development of a **Disability Equality Scheme** which demonstrates how it intends to fulfil its general and specific duties and which includes a statement of:

- The way in which disabled people have been involved
- The methods for impact assessment
- Steps which the authority will take towards fulfilling its general duty (the Action Plan)
- The arrangements for gathering information in relation to employment and, where appropriate, its deliver of education and its functions
- The arrangements for putting the information gathered to use, in particular in review the effectiveness of its action plan and in preparing subsequent DES.

Within 3 years of the Scheme being published, take the steps set out in its action plan and put into effect the arrangements for gathering and making use of information.

Publish an annual report containing a summary of the steps taken under the action, the results of its information gathering and the use to which it has put the information.

From December 2008, Scottish Ministers will have to publish reports every 3 years that:

- Give an overview of the progress made by public authorities in relation to disability equality
- Set out proposals for co-ordination of action by public authorities so as to bring about further progress on disability equality.

GENDER

General Duties

All staff should have due regard the need to:

Eliminate unlawful discrimination and harassment

Promote equality of opportunity between men & women.

Specific Duties

The Council must prepare and publish a **Gender Equality Scheme**.

The Scheme must set out the overall objectives the public body has set to allow it to meet its general duty. The public body must consider the need to have an objective to address the causes of any unequal pay for men and women staff related to their sex. The scheme must also set out the actions it has taken or intends to take to:

- Gather information on the effect of its policies and practices on men and women, in particular the extent to which they promote equality between male and female staff, and the extent to which the services it provides and the functions it performs take account of the needs of men and women
- Make use of the information it has gathered to meet the duty and review the effectiveness of its scheme and the actions taken
- Assess the impact of its policies and practices on men and women, and use the results to
- inform its work
- Consult employees, service users, trade unions and others
- Achieve the objectives it has set.

We must put the scheme, and the actions identified, into effect within three years. We must report annually on the actions we has taken. We must review the scheme and publish a revised scheme within three years .

We must publish an **equal pay policy statement**, and report on this every three years.

Scottish Ministers must publish reports every three years, in addition to the Scottish Executive's equality scheme and equal pay statement. These reports will set out the priority areas which Ministers have identified for advancement of equal opportunities across the public sector, and provide a summary of progress made in these priority areas by the public sector.

SUMMARY FOR SCHOOLS

General Duties

In relation to each area, all staff should have due regard to the need to:

Race

- Eliminate unlawful racial discrimination
- Promote equality of opportunity
- Promote good relations between persons of different racial groups.

Disability

- Promote equality of opportunity between disabled persons and other persons
- Eliminate discrimination that is unlawful under the Disability Discrimination Act 1995
- Eliminate harassment of disabled persons that is related to their disabilities
- Take steps to take account of disabled persons' disabilities, even where that means treating disabled persons more favourably than other persons
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life.

Gender

- Eliminate unlawful discrimination and harassment
- Promote equality of opportunity between men & women.

Specific Duties

There is an expectation that all schools will prepare appropriate policies on race, disability and gender, and have and fulfil arrangements to:

- assess the impact of its policies, on pupils, staff and parents, including, in particular, the impact on attainment levels of pupils
- monitor the impact of the operation of such policies on such pupils, staff and parents, including, in particular, their impact on attainment levels of pupils
- take steps to publish annually the results of its monitoring.

RELIGIOUS OBSERVANCE

Overall Duties

Scotland is a society with a longstanding Christian tradition. We can expect Scotland to become increasingly diverse in the range of faith and belief traditions represented. Religious observance in schools in Perth and Kinross needs to be developed in a way which reflects and understands this diversity. It should be sensitive to our traditions and origins and should seek to reflect these but it must equally be sensitive to individual spiritual needs and beliefs, whether these come from a faith or non-faith perspective.

Religious observance should be an inclusive, valuable and meaningful educational experience for all children and young people at all stages of primary and secondary school. It should build on Scotland's strong Christian traditions without compromising them, and also promote the understanding and acceptance of other faiths and beliefs.

Every school should provide opportunities for religious observance at least six times in a school year, in addition to traditional celebrations central to the life of the school community, and preferably with greater frequency. The school community should be involved in making decisions about frequency.

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