



CORPORATE EQUALITIES POLICY

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January 2004

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Perth & Kinross Council Corporate Equalities Policy

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Perth & Kinross Council Equalities Policy Statement

- Perth & Kinross Council is committed to equality of opportunity both as a service provider and as an employer. The Council values the diversity of the communities in this Council area and works towards providing services that are inclusive and accessible. This Council recognises that social inclusion and promoting equality of opportunity and good relations between different groups can only be achieved by incorporating equalities into the planning and implementation processes for all our Council Services.
- By working in partnership to promote equality this Council believes that we will make better use of all available resources. This in turn can lead to increased satisfaction by service users and service providers.
- We recognise that discrimination, victimisation and harassment is unlawful and unacceptable and we will take action to prevent this occurring and if this does occur we will take the agreed and appropriate action to deal with those who seek to undermine our positive approach to promoting equality of opportunity.
- This Council also recognises that, when used appropriately, positive action strategies can help to counteract the adverse impact of past discrimination or other causes of disadvantage. We will therefore ensure that opportunities continue to be identified to enable us to implement positive action strategies to make our services more inclusive.
- This Equalities Policy reflects the categories included in Schedule 5 to the Scotland Act 1998, namely, race (including race, colour, nationality – including citizenship, ethnic or national origins, including Gypsy Travellers), gender, marital status, gender reassignment, disability, religion or belief, sexual orientation, age, language, social position and personal attributes. However, Perth & Kinross Council takes a broad view of equalities, and believes that all people have the right of access to information, services and opportunities to participate whether they are included in the categories stated in the relevant legislation or whether they have the potential to be disadvantaged due to their location, house-hold make-up, employment status or personal circumstances.
- This policy also responds to the requirements of the Local Government in Scotland Act 2003 including the key element of this Act that requires equality to be mainstreamed through all services and in the workplace. This includes ensuring that equal opportunities requirements are reflected in planning, designing and improvement actions at a corporate and service level.

1. INTRODUCTION

1.1 What does this document do?

The purpose of this document is to set out the statutory requirements placed on this Council by the relevant and related legislation and codes of practice, which cover service delivery and employment. This policy also identifies the strategies we will employ to meet these duties.

This policy applies to Elected Members, employees including staff representatives. Trade Union representatives are encouraged to support and comply with this policy. This policy will also inform members of the public and relevant regulatory bodies about this Council's commitment to equality of opportunity and set out roles and responsibilities.

Partners, contractors and all those in the private, public and voluntary sector who carry out Council functions or work, including all those organisation and individuals who supply goods or services to, on behalf of, or in partnership with the Council - will be informed that the Council intends to work in line with the principles stated in this policy and it is intended that they also will adopt these principles as governing principles for the work they carry out with or on behalf of the Council.

Compliance with equality of opportunity is compatible with our obligations under European Union rules and regulations, Best Value, Value for Money and other national policies and strategies and other Council policies and strategies.

1.2 Why do we need an Equalities Policy?

- To state and publish this Council's ongoing commitment and approach to equality of opportunity and social inclusion in relation to service delivery and employment matters
- To identify how this Council will meet all the statutory requirements of the relevant legislation
- To identify how those carrying out Council functions, in partnership with the Council or by contract and suppliers of goods and services, can enable us to meet the requirements of the general duty in relation to race
- To enable this Council to identify positive actions to promote equality of opportunity and good relations between people of different racial groups
- To enable this Council to develop performance indicators in relation to equality

- To enable this Council to put a framework in place that will provide a means to manage the implementation of the policy and related strategies, review progress, monitor outcomes and report on progress
- To enable this Council to respond to regulatory frameworks, for example, Audit Scotland, Community Scotland, Her Majesty's Inspectors, and other statutory bodies

1.3 Summary of Legislative Framework

The Perth & Kinross Council Race Equality Scheme 2002 - 2005 was published in November 2002. This includes a Corporate Equality Assessment Framework to enable all functions and policies to be assessed in relation to the equality categories covered by legislation. This includes assessing and consulting on proposed policies. The Race Equality Scheme includes an action plan to enable the Council to carry out assessments and meet the General and Specific duties arising from the Race Relations (Amendments) Act 2000.

Other relevant legislation includes:

Race Relations Act 1976 and as amended
 in the Race Relations (Amendment) Act 2000
 Race Relations Act 1976 (Statutory Duty) (Scotland) Order 62/2002
 Sex Discrimination Act 1975 as amended
 Disability Discrimination Act 1995
 Human Rights Act 1998
 Equal Pay Act 1970 as amended
 Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended
 Ethical Standards in Public Life etc (Scotland) 2000
 The Employment Act 1989
 The Employment Rights Act 1996
 Pregnant Workers Directive
 Maternity and Paternity Regulations 1999
 The Employment Act 2002
 Prevention of less fair treatment for Fixed Term
 and Part-time workers
 Article 119 of the Treaty of Rome – Equal Treatment Directive 76/207
 Equal Pay Directives
 Amsterdam Treaty 1998

Relevant legislation that applies to specific Services or provides for rights for service user includes:

Housing (Scotland) Act 2001
 Education (Disability Strategies and Pupil's Records) (Scotland) Act 2002

Standards in Scotland's Schools etc Act 2000
Special Educational Needs and Disability Act 2001
Carers Recognition and Services (Scotland) Act 1995
Regulation of Care (Scotland) Act 2001
Chronically Sick and Disabled Persons Act 1970
Adults with Incapacity (Scotland) Act 2000
Children (Scotland Act) 1995
European Convention on Human Rights
Protection from Harassment Act 1997
European Charter for Minority Languages

The power to legislate on equality is reserved by the UK Parliament. The Scotland Act 1998 gives the Scottish Parliament powers to encourage equality as well as to impose duties on public authorities. An example of this is the Specific Duties relating to Race Relations Act 1976 (Statutory Duty) (Scotland) Order 62/2002.

It should be noted that this policy includes all other related, subordinate and relevant current and future legislation. This includes future amendments to existing legislation and regulations and relevant Codes of Practice, which are produced by the Government Commissions including the Commission for Racial Equality, Equal Opportunities Commission, Disability Rights Commission, the Scottish Human Rights Commission and the proposed single body Commission for Equalities and Human Rights.

2. EQUALITIES POLICY AIMS

The main aim of the policy is to state and publicise Perth & Kinross Council's commitment to equality of opportunity and create a foundation for the management of equality of opportunity at a corporate and service level. Specifically this includes:

- To promote equality of opportunity, social inclusion and good relations between different racial groups
- To implement strategies and procedures to enable the Council to identify barriers to equality of opportunity and social inclusion in service delivery, access to services and information and employment
- To enable recommendations and solutions to be identified to ensure compliance with legislation
- To develop information systems to enable the Council to identify community and employee profiles and indicators of any adverse impact
- To develop performance indicators and procedures to enable outcomes to be identified and progress to be measured

- To identify examples of good practice in this and other organisations and share this with our services and partners
- To enable partners, contractors and suppliers of goods and services to identify and adopt this Council's stated approach to equality in the work they carry out for or on behalf of this Council
- To identify positive actions to increase levels of representation of underrepresented groups at all levels
- To promote partnership working in relation to equality of opportunity
- To identify their roles and responsibilities for elected members and employees in relation to the implementation of the Corporate Equalities Policy

3. PRINCIPLES

3.1 Assessment of Impact

All existing functions, policies, procedures and strategies that will affect people as service users, members of the public or employees, should indicate that they have been assessed for impact. The assessment for impact is to ensure that functions and policies are inclusive and do not cause a detriment to some groups, as this is contrary to the legislative requirements.

All relevant new policies should be assessed and consulted on to identify the likely impact of a proposed policy to ensure it is inclusive. This Council will put in place an easily accessible recording system for its impact assessments, consultations and monitoring and of any changes made to policies as a result of assessment and consultation.

To respond to the requirements of the Race Relations (Amendment) Act 2000, to have a Race Equality Scheme and action plan in place by November 2003. The Council has developed a corporate Equalities Assessment Framework. The purpose of this framework is to enable the assessment of functions and policies in relation to race, gender and disability and other relevant equality categories.

The Corporate Equalities Assessment Framework enables services to comply with the duty to assess and consult on relevant new policies to ensure there is no adverse impact on any community group or employees.

All reports to Committee should identify whether or not there are any equalities implications in the same way they are required to identify any financial implications. Reports to Committee should clearly indicate how the equality implications will be addressed.

3.2 Promoting Equality

It is no longer adequate for Services to take actions to avoid unlawful discrimination. The Race Relations (Amendment) Act 2000 places on this Council a statutory duty to ensure that actions are taken to promote equality of opportunity and good relations between different racial groups.

This means implementing specific actions to ensure that no groups are excluded from accessing information about services or from accessing services. This may include identifying who is currently accessing services and whether the take-up reflects the profile of the permanent and temporary community in this Council area. If there is no take-up of services by some groups initiatives need to be implemented to ensure there are no barriers to access and that the services provided are appropriate for all groups in the community.

Positive Action: The relevant equalities legislation allows for positive action by employers to overcome the effects of past discrimination. It allows for training and encouragement where few or no members of a group have been doing particular work in the preceding 12 months. An example of a positive action is an advertisement that encourages applications from under-represented groups, but it should be made clear that selection will be on merit.

Celebrating Diversity: As part of our core business we should identify and support opportunities to raise awareness and celebrate the diverse cultures in this Council area including in our work with partners, contractors and suppliers of goods and services.

4. Management of the Policy

4.1 Implementation of the Policy

The Corporate Equalities Policy will be published and made available for the public, Elected Members, employees, partners and those who carry out work, or supply goods and services for or on behalf of the Council.

To ensure the effective implementation of the Equalities Policies an Equalities Strategy will be developed. Guidance will be provided for Services to enable them to progress this work on Equalities. Corporate and Service level action plans will be developed against which performance and progress will be reviewed annually.

Performance indicators will be determined corporately with targets set and measurement carried out at Service level. Performance reports will be submitted through the existing service planning and performance reporting process.

4.2 Roles and Responsibilities

Equality is mandatory for the organisation and therefore everyone working for or with Perth & Kinross Council has responsibilities in relation to promoting equality of opportunity and good relations between different groups.

Successful implementation of the Equalities Policy will depend on a partnership between the Council and the community and should involve:

- | | | |
|---|---|---|
| Elected Members | - | to comply with the Equalities Policy |
| | - | to provide leadership and support |
| | - | to engage with the local community |
| | - | to provide a scrutiny role |
| Executive Directors | - | to comply with the Equalities Policy |
| | - | to provide leadership and support to enable Services to comply with the Equalities Policy |
| | - | to oversee and monitor compliance with the Equalities Policy |
| Employees and staff representatives | - | to comply with the Equalities Policy |
| | - | to challenge existing cultures and traditions |
| | - | to engage with the community |
| Partners/Contractors Providers of Goods and Services to and for the Council | - | to comply with the Equalities Policy |

Elected Members

As part of their Scrutiny role for equalities, Elected Members have responsibility for ensuring that reports before Committee identify any relevant equalities implications and clearly indicate how the equalities implications will be addressed. Training will be provided for Elected Members to enable them to provide leadership and support to encourage compliance with the Corporate Equalities Policy and enable them to develop their engagement with all groups in the local community.

Corporate Management Team

The Corporate Management Team (CMT) has the lead responsibility for ensuring the equalities policy, legislation and related duties are complied with both in service delivery and employment matters.

Executive Directors have responsibility to ensure that the Equalities Policy and related strategies are effectively implemented throughout their Service.

Service Management Team

Service Management Teams should ensure that equality matters are integrated into policy development, decision-making, service planning and delivery and employment matters .

Service Managers

Managers will be responsible for ensuring that service and employment functions, policies, practices or procedures comply with the commitment in the equalities policy and ensure changes are implemented.

Employees

All employees have responsibilities as well as rights in relation to implementing the Corporate Equalities Policy. Training will be provided for employees, together with guidance and information to enable everyone to positively promote equality of opportunity and good relations between different groups.

Employees will be encouraged to identify any functions, policies, practices or procedures that do not comply with this Corporate Equalities Policy and the relevant legislation.

Partners, Contractors and Suppliers

We will work with partners to ensure good equalities practice is shared and that they adopt the principles of equality to enable them to comply with the Equalities Policy. Partners, Contractors and Suppliers of goods and services will be encouraged to comply with the specific requirements of the Commission for Racial Equality Code of practice on Race and Procurement in Local Government. This in turn will enable this Council to meet its statutory responsibilities and duties.

Public, Private and Voluntary sector partners, contractors and suppliers will be asked to provide evidence on how they are meeting the general and specific duties to enable us to comply with our duty to eliminate unlawful discrimination, promote race equality and good relations between different racial groups.

Organisations in receipt of Council Grants

All organisations receiving grants will be asked to provide evidence of how they are complying with the Perth & Kinross Council Corporate Equalities Policy in relation to their service delivery and employment matters.

4.3 Communication and Consultation

Communication

All internal communication mediums will continue to be used to communicate information about equalities to Elected Members and all employees. This will include objectives, targets and actions.

An Equalities Virtual Officer intranet site is being developed and equalities information will continue to be included in internal newsletters, Management team briefings and employee briefings on equalities and training sessions will be developed and delivered.

Equality Updates, PKC News and other available mediums for communicating will be used to provide information to members of the public.

In addition, all internal and external communication mediums will be assessed to ensure they comply with the commitments expressed in the Corporate Equalities policy.

We will communicate the outcomes we are working towards and progress made to achieve those outcomes. This will include publishing monitoring information and data as required by the general and specific duties and good practice in equality.

Consultation

Consultation will be carried out with the public and employees including Trade Unions as relevant, including in relation to the likely impact of proposed policies. Consultation mechanisms will continue to be developed to ensure that our arrangements for ensuring access to information and services are effective.

4.4 Training and Development

Human Resources will carry out a training needs analysis and establish a training strategy to ensure Elected Members and all employees receive appropriate levels of training to enable them to carry out their roles effectively and deliver on their responsibilities in relation to equality.

5. Policy Review

The Corporate Equalities Policy will be reviewed annually to ensure it reflects changes to legislation and as otherwise required ensuring it reflects good equalities practice.

6. Further Reference – Good Practice recommendations

Commission for Racial Equality Code of Practice on the duty to promote race equality in Scotland

Commission for Racial Equality Code of Practice Race Equality and Procurement in Local Government

Disability Rights Commission Code of Practice Rights of Access Goods, Facilities, Services and Premises

Disability Rights Commission Code of Practice on Employment

Equal Opportunities Commission Code of Practice, Equal Opportunity Policies, Procedures and Practices in Employment

The Equal Opportunities Commission Code of Practice, Equal Pay

The Business Case for Age Diversity, The Employers Forum on Age Diversity Champions Scheme, Stonewall

Stephen Lawrence Inquiry: Home Secretary's Action Plan, The Home Office

Tackling Religious Discrimination: practical implications for policy-makers and legislators, The Home Office

Chartered Institute of Personnel Development Code of Conduct on Equal Opportunities

Perth & Kinross Council Race Equality Scheme 2002-2005

Perth & Kinross Council Corporate Equality Assessment Framework

Perth & Kinross Council Employment and Disability Awareness Guide 2003

Further information is available on the Equalities Virtual Office site on the intranet.

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January, 2004