



Equality & Human Rights Training & Consultancy Support Guide

MCCR 2009

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1. INTRODUCTION

This guide is the product of a series of workshops and consultancies funded by the Equality and Human Rights Commission's interim grants programme, 2008-09. We are grateful to the Commission for their support.

The project's purpose was to improve the understanding of voluntary and public sectors in the area of equality opportunities in service delivery and employment, so they are more effective in their duty to eliminate discriminatory practices.

A project steering group was established to support the project. Members included:

Clare Tanimowo	BME Christian Association
Ruth Malkin	Manchester Disabled Peoples Access Group
David Thomas	Drugs and Race Unit, Black Health Agency
Mukti Bhattacharyya	
Khan Moghal	MCCR, CE
Hugh McWilliams	MCCR, Projects Manager
Kais Uddin	Clarent Ltd, Project Delivery

The key outputs of this project, as agreed with the EHRC, were:

- **5** one day training events for **50** individuals;
- **3** one day follow-up consultancy and action planning support for **3** organisations and up to **30** people, at client sites;
- **1** project conference after the training and consultancies
- **1** training and consultancy guide arising from the work of the project

The project delivered a combination of 10 workshops combined with consultancy support for Greater Manchester Passenger Transport Executive, the Manchester College and the Manchester Drugs and Race Unit. The outputs exceeded those agreed with the EHRC, with 240 participants in total.

The table in the Appendix 1 highlights the key issues, the nature of support provided and numbers of people that participated.

2. TRAINING GUIDE CONTENT AND FORMAT

When we designed this project we assumed that we would facilitate 5 workshops that would cover existing equalities legislation, the Equality Bill, the role of the EHRC, public sector equalities duties, equality impact assessments, and practical tools for assessing delivery of equality in both service delivery and employment.

Our thinking was based on the need for core information and guidance. In reality, networks and organisations had specific needs which we met by tailoring our work to meet these needs.

The range of issues covered was diverse and included:

- Physical access for disabled people
- Strategic commissioning
- Examining the merit of a generic or single approach to equality instead of equality strand specific approaches.
- Establishing equality and diversity internal teams
- Discussing whether equality law and the practice of faith were compatible
- How to influence public bodies to deliver their equality duties

The challenge of meeting these disparate requirements required us to rethink our approach. In many cases, this required expertise in specific areas, as well as process facilitation skills. This guide brings together some of the approaches used and focuses less on tools and more on information and processes and draws on the lessons learnt from the project. More material can be found on our website at http://www.mccr.org.uk/public/ehrc_mccr.htm.

Examples of our approaches are highlighted in appendices 2, 3 and 4. Appendix 2 illustrates the similarities between the three public equality duties and was used in some workshops where there was an interest in single equality schemes.

For Manchester College and GMPTe we developed exercises for internal teams to help them identify change. These are illustrated in appendix 3.

We used a different approach for our commissioning workshop. We put forward 8 bold action points at centre stage of the workshop in order to focus on equality proofing commissioning.

These are listed in appendix 4.

These exercises help to build consensus around what needs to change and are useful tools for use in workshops. Equality Legislation is dry at the best of times, so it is important to focus on change as this is what most people are looking for. These tools are a way of helping people to identify change without getting bogged down with legal terms or "strategy" and "policy",

The rest of this document covers the key knowledge areas and processes employed.

- Equality and Human Rights legislation
- Public Sector Equality Duties
- Unified Approach to Equality Impact Assessments

3. EQUALITY AND HUMAN RIGHTS LEGISLATION



We have laws in this country to protect us from discrimination, unequal treatment and to preserve our rights in relation to:

Age, Disability, Gender, Gender Identity, Race, Religion or Belief and Sexual Orientation

We also have human rights legislation that guarantees basic rights and freedoms for everyone. The Law is a cluttered patchwork. There Are 116 different Acts Of Parliament, regulations, and codes of practice and guidance, covering diverse issues ranging from equal pay, employment rights, human rights, gender recognition, race, disability, age, sex etc.

In the planned Equality Bill, the three equality duties for race, gender and disability duties are due to be harmonised into one new duty, which will cover all seven equality strands: age, disability, gender, gender identity, race, religion or belief and sexual orientation.

The earliest that these changes will come into full force is the end of 2011. Until then it is important that public bodies continue to meet their existing obligations and use the duties to improve the impact of their work. In order to prepare for the new duty public bodies should also start collecting information on the groups covered by all seven equality strands.

Below is a highlight of some of the areas of legislation.

Age

Employers cannot discriminate against individuals in the workplace or in vocational training.

Disability

People who are disabled or have mental impairment have rights that protect them against discrimination, in employment or provision of services., employers and service providers have to make adjustments to meet needs.

Gender / Gender Identity

Women, men and transgender people should not be treated unfairly because of their gender, because they are married or because they are raising a family.

Race

Regardless of place of birth, the colour of someone's skin, or where their parents came from, people are protected against racial discrimination, in employment or the provision of services.

Religion or Belief

People have a right to be treated fairly at work, or in accessing public services, regardless of their religion or belief.

Sexual Orientation

People who are gay, lesbian, bisexual or straight are protected at work, including protection against harassment.



Equality Act 2006

This established the Equality and Human Rights Commission (EHRC) by merging the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission.

The EHRC is responsible for promoting equality and diversity and works towards eliminating discrimination on the usual grounds (including religion and belief, sexual orientation, age, gender, disability, race and gender reassignment).

The Act also creates a duty on public authorities to promote equality of opportunity between men and women by requiring public bodies to produce a Gender Equality Scheme.



SINGLE EQUALITY BILL

The legislation aims to harmonise existing anti-discrimination and equality legislation and will update and extend existing provisions where appropriate. The purpose of the Bill and its accompanying package of measures are to strengthen protection, advance equality and declutter the law. The Government intends to:

1. Introduce a new Equality Duty on the public sector
2. End age discrimination
3. Require transparency
4. Extend the scope of positive action
5. Strengthen enforcement

The *three existing public sector equality duties* require public authorities to tackle discrimination and promote equality for race, disability and gender.

The *new Equality Duty* on public bodies will bring together the three existing duties and extend to *gender reassignment, age, sexual orientation and religion or belief*.

4. PUBLIC SECTOR EQUALITY DUTIES

The duties are unique pieces of equality legislation. They give public body's legal responsibilities to demonstrate that they are taking action on race, disability and gender equality in policy-making, the delivery of services and public sector employment.

- Race Relations (Amendment) Act 2000 requires Race Equality Impact Assessments
- Disability Discrimination Act 2005 places similar duties on promoting equality for disabled people (since December 2006)
- Equality Act 2006 requires promotion of equality between women and men (since April 2007)

In addition to the above, the following legislation requires most public bodies to eliminate discrimination on specific grounds. Conducting an Equality Impact Assessment can help to demonstrate how a body is eliminating discrimination in these areas:

- Employment Equality (Religion and/or Belief) Regulations December 2003
- Employment Equality (Sexual Orientation) Regulations December 2003
- Employment Equality (Age) Regulations October 2006
- Equality Act 2006 prohibits religion/belief discrimination and sexual

Orientation discrimination when providing goods, facilities and services
(From April 2007 in Britain)

There are three separate duties for race, disability and gender but they are similar in their spirit and intention. Where differences do exist between the different duties, these reflect the differing nature of discrimination faced by different groups and the lessons learned from the introduction of earlier duties.

The 'general duties' to eliminate discrimination and promote equality apply to the vast majority of public bodies in Great Britain. In some circumstances, they also extend to some public service providers from the private and voluntary sectors.

In addition to the general duties, the majority of key public bodies (such as all government departments, inspectorates, health bodies, local authorities, police services and educational institutions) are also subject to a series of 'specific duties'. These are a series of steps that they must take to enable them to meet their overall legal obligations under the general duties.

The duties are summarised below:

General Duties

Eliminate unlawful discrimination and harassment

- Promote equality of opportunity
- Promote positive attitudes
- Encourage participation by individuals / groups in public life

Specific Duties

The specific duties are the means through which to meet the objectives of the general duties.

These are:

- Produce and publish a separate equalities scheme for race, disability and gender
- Produce an action plan, which will detail the steps required to ensure compliance
- Identify functions, policies and services and carry out an impact assessment for relevance, taking account of the different strands of legislation, i.e. age, race, disability and sexual orientation
- Publish the results of impact assessments, consultation and monitoring
- Ensure public access to information and services
- Ensure the workforce understand their responsibilities under the equalities duties
- Consult and involve stakeholders from the outset
- Identify how best to gather and analyse evidence to check progress
- Detail how the evidence will be used
- Implement the various equalities schemes
- Review effectiveness on an ongoing basis

Appendix 1 highlights common features of the 3 public duties

The 5 key steps that can help public bodies achieve better outcomes and meet the duties are:

1. Gather information on how your work affects different racial groups, disabled people and men and women, including transsexual men and women.
2. Consult employees, service users, trade unions and other stakeholders, and involve disabled people.
3. Assess the impact of your policies and practices.
4. In the light of this evidence decide what your priorities for taking action should be.
5. Take the action that will deliver the best outcomes in race, disability and gender equality.



People interested in assessing whether a public body is meeting its equality duties should ask the following questions:

- Have equality schemes been published for race, disability, gender and other equality areas? How detailed are schemes?
- Has an action plan been published? Will actions make a measurable impact?
- Have impact assessments been carried out in relation to policies, procedures and services? How detailed are these and are the conclusions based on evidence?
- Has the body consulted widely with stakeholders, internal and external? Who was consulted and how?
- Has the body published the results of impact assessments, consultations and monitoring? How up-to-date are these?
- Does the body collect and analyse information on services, employment patterns by equality groups, impact of policies and procedures, if so, is the data relevant and robust?
- How does the body review progress and is progress measured and published? How much has changed over a three year period. Are changes substantive?

5. EQUALITY IMPACT ASSESSMENTS

An equality impact assessment (EIA) is a tool for identifying the potential impact of a public body's policies, services and functions on its service users and staff.

EIA are a requirement of anti-discrimination and equalities legislation. They are mandatory. EIA places equality at the centre of policy development and review and service delivery and employment practices. A typical equality impact assessment process focuses on:

- initial screening
- scoping and defining
- information gathering
- making a judgement
- action planning
- publication and review

Equality impact assessments can achieve the following:

- increased participation with customers and therefore more transparency in relation to policy and service development
- changes to the culture of public decision making
- a more proactive approach to the promotion of equality, at the heart of public policy

How are they carried out?

The process involves developing or reviewing:

- policies, strategies, procedures
- functions, projects
- services and organisational change

At the end of the process public bodies are required to publish summary reports to let people know the outcome of the assessment.

When are they carried out?

The Race Equality Scheme, Gender Equality Scheme and the Disability Equality Duty are all statutory requirements that set out the relevance of the public body's key functions, policies and services.

There should be a timetable for conducting equality impact assessments for all existing functions, policies and services. This should set out when the impact assessment will need to be conducted. However, in line with the statutory requirement, the body must conduct



impact assessments as soon as a relevant new policy, function or service is considered. It should be an integral part of policy development.

Who are the target equality groups?

EIA can be used to focus on specific equality strands. This can help promote equality of opportunity for a particular group. For instance, certain sections of the community may be known to experience more disadvantage than others. They may be adversely affected by a policy or service or omitted from the benefits of a policy or service. This needs to be carefully considered in the context of the EIA process.

There are a range of different equalities target groups. The EIA focuses on these groups to try to find out whether or not they are benefiting from a strategy, policy, service, project or function.

These groups stem from the existing legislation in the United Kingdom that covers discrimination. The groups and target areas include:

- age
- sexuality
- faith or belief
- race
- ethnicity
- disability
- gender

Many public bodies are now carrying out unified EIA, instead of considering issues such as race, gender or disability separately. Unified or generic approaches can reduce the bureaucracy associated with EIA but such an approach must not be approached as a "tick box" exercise.

The separate public duties still apply and will only be repealed in favour of a single duty after the enactment of the single equalities bill.

Equality Impact Assessment Form: Hackney Council

Equality Groups	Positive Impact	Negative Impact	Relevance to Legislation - What does it involve or impact on?			
			Eliminating discrimination & harassment		Promoting equality of opportunity	
Age			Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Disability			Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
			Promoting positive attitudes toward disabled people			
			Yes <input type="checkbox"/> No <input type="checkbox"/>			
			Encouraging participation by disabled person in public life			
Gender			Yes <input type="checkbox"/> No <input type="checkbox"/>			
			Taking steps to take account of people's disabilities even where that involves treating disabled people more favourably than others persons			
Race			Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
			Promoting Good Race Relations?			
			Yes <input type="checkbox"/> No <input type="checkbox"/>			
Religion/ Belief			Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Sexual Orientation			Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other Groups			Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Equality Impact Assessment – Process Flow Chart Open University Equality Impact Assessment Toolkit

Stage 1:
Identifying policies

Produce a list of all functions, policies and procedures and decide on the approach for your Unit/Office

Stage 2:
Undertaking screening for each policy

Identify main aims of each policy

Decide if policy is equality relevant

Yes

No – end process, review in future

Collect and analyse data

Stage 3:
Prioritising and planning

Decide whether H, M or L relevance to help you prioritise

Record findings and produce action plan

Is there evidence of adverse impact?

Yes

No – ensure monitoring in place, review in future

Stage 4:
Undertaking full impact assessment

Analyse data and evidence in greater depth

Assess likely impact

Consider alternatives and/or mitigate adverse impact

Consult formally

Decide whether to amend and other actions

Make monitoring/involvement arrangements

Publish report

Appendix 1 Project Summary and Outcomes

	Background	Issue	Support Provided	Outcomes
1	Manchester Drugs And Race Advisory Group (DARAG) and Manchester Drugs and Race Unit (MDRU)	DARAG advises and supports the MDRU on matters of policy, provision and practice within the city in relation to drug and alcohol needs of BME drug users, families, carers, and communities.	Single Equality approach to commissioning and service delivery. Improving Equality in Service Delivery and Employment across Drug and Alcohol Services.	Consultancy and advice (1 day and half day workshop
2	Black & Minority Ethnic Christians Association	The association is a group of Manchester based black churches.	Equality and Human Rights, with a focus on religion, immigration, and general advice on raising the association's profile	Consultancy and workshop
3	Manchester BME Network	The Manchester BME Network members were interested to learn about equality laws in general and disability discrimination in particular.	Improving Equality in Services and Employment Services for Disabled People	workshop
4	VCS and Health Forum Manchester Race and Health Equalities	The Voluntary sector is keen to ensure that equality duties and best practices are applied in the development of strategic commissioning.	Equality Commissioning.	Proofing
5	GM Equalities and Human Rights Parliament	This Network aims to put diversity on the public sector agenda across Greater Manchester	The workshop was designed to help participants to understand, and use, equality legislation to scrutinize public sector implementation of equality duties.	Workshop
6, 7	GM EHRC Conference Scrutiny workshops	The Voluntary and Community sector plays an important role in ensuring that public bodies are delivering equality in services and employment. The sector is playing a greater role in service delivery but needs to retain a role as critical friend of public bodies with respect to equality and diversity delivery.	The importance of scrutiny and accountability.	2 workshops
8	GM Equality and Human Rights Conference	This was the joint conference of MCCR and GMCVO, funded by the EHRC.	Equality & Human Rights	Conference and 4 different workshops, each run twice.
				<ul style="list-style-type: none"> ■ Participants learned about ■ The Single Equality Bill – key developments ■ Understanding Human Rights ■ Pan Equality working – working better together ■ Importance of Scrutiny and accountability – what role for the community

8	Greater Manchester Passenger Transport Executive	GMPTA carries out GMPTA policies, delivering subsidized public transport either by providing and managing facilities itself or by contracting with bus, tram and train operators to provide them.	We approached GMPTA with the view to supporting them in furthering equality and diversity in transport service delivery and employment. After 4 meetings the PTE decided to set up a new Equality and Diversity Group. "Subsequent to the workshop, the following activities have been generated:	Advice support and delivery of a workshop.	and 11 We helped to establish an internal organisation wide equality and diversity group and helped to set the agenda for this group. It meets now regularly to advance equality and diversity.
9	Manchester College	In August 2008, City College Manchester and MANCAT came together to form The Manchester College. It provides further, higher and adult education.	We approached the Manchester College with the view to supporting them in furthering equality and diversity in education and employment. After 2 workshops and several meetings, the College decided to establish a new Equality and Diversity Group.	Consultancy and workshop (1)	15 We helped to establish an internal organisation wide equality and diversity group and helped to set the agenda for this group. With out help, this group will develop equality actions to support the new 3 year college strategy. "We found your approach to be both thorough and responsive. We know that we requested an approach that was different from your usual format but you reacted to this very well and the preparatory meetings we held with you were particularly useful in ensuring we got the most from the programme" Jack Carney Senior Vice Principal
10	Manchester College				10 240
Total number of participants.					

Appendix 2: A checklist for developing single equalities schemes that comply with the requirements of current public duties

Race Gender Disability

Meeting the General Duties

1. Eliminate unlawful discrimination	Yes	Yes	Yes
2. Due regards to gender (including gender reassignment)	Yes		
3. Eliminate unlawful harassment	Yes	Yes	
4. Promote equal opportunity and good relations	Yes	Yes	
5. Encourage participation, positive attitudes, take steps to take into account a person's disabilities	Yes		Yes

Meeting Specific Duties

6. Develop scheme/ policy re general and specific duties	Yes	Yes	Yes
7. Involve and Consult	Yes	Yes	Yes
8. Monitor	Yes	Yes	Yes
9. Impact Assessment of policies and practices	Yes	Yes	Yes
10. Objectives for any gender pay gap	Yes		
11. Periodic Review	Yes	Yes	Yes

General Duty came into force: Race: 31 May 2002; Disability: 4 December 2006; Gender: 6 April 2007.

Group Work Exercise Manchester College

It is 2015 and the college is recognised as the most outstanding in delivering equality and diversity for all. What key changes did you make to improve access to education, educational attainment and equality in employment practice, for the diverse populations you serve?

Group Work Exercise GMPTe

Across the equality strands, how are we doing in the following areas?

- Clear Strategy, Policies, and Action Plans
- Assessment and Monitoring
- Tangible improvements to date
- Consultations with equality stakeholders

Both exercises generated a number of specific action points that these organisations are taking forward.

The first exercise is useful as it is future looking and enables people to think beyond immediate concerns. It is a non-threatening way of brainstorming ideas.

The second exercise is far more specific and requires participants to critically assess existing practices.

1. Better ethnic (and other equality) monitoring data in the NHS, and for greater use to be made of this data in order to justify its collection at GP level, referrals, hospital data.
2. Use of the data to assess needs, health outcomes, satisfaction and to inform commissioning.
3. PCTs and other commissioners to bite the bullet and commission services for different ethnic groups, where this is seen as necessary and desirable.
4. Increased spend per capita on groups whose needs are not met or for whom the services are of poor quality and difficult to access.
5. Support and investment in ethnic minority providers so that they compete with larger white providers.
6. Developing the skills of commissioners by introducing a new competency – ability to interact effectively with diverse groups.
7. A supplier development programme for minority providers and a compact with BME providers.
8. Full implementation of equality enactments, not just ticking boxes.

The above action points were presented to a diverse audience in our commissioning workshop.

This was the first slide presented in order to focus on action for change in a difficult subject area.

Words such as “policy” and “strategic” often turn people off, whereas a bold set of ideas allows everyone to be involved in the debate. The workshop has inspired key networks to come together with a view to drafting a BME focused commissioning strategy for the NHS.

