supporting Voluntary and Community organisations in their work with people from Black and Minority Ethnic backgrounds, people with disabilities, people suffering from discrimination because of their age and gender, or because they are gay, lesbian, bisexual or transgender, migrant workers, gypsies and travellers, and Faith groups representing diverse communities

EQUALITY AND DIVERSITY: WHAT IT MEANS AND HOW TO DO IT. A TOOLKIT FOR THE VOLUNTARY AND COMMUNITY SECTOR IN HAMPSHIRE

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FOREWORD

Hampshire Voluntary Sector Consortium is a network of organisations that provide support services for voluntary organisations and community groups across the whole range of voluntary and community activity in the county. It was set up in 2006 as part of the ChangeUp programme to implement Hampshire’s Infrastructure Development Plan for the voluntary sector.

The Diversity Network Project is a Consortium initiative. Funded by Capacitybuilders, it aims to improve the way in which Hampshire’s voluntary sector organisations, particularly those providing support to small local organisations, respond to the needs of communities and individuals who face barriers to full participation in their local community. The project has been successful in building links between groups and individuals across the different equality and diversity strands. We now want the knowledge and good practice that has been developed to be shared by all support providers and front line organisations.

This toolkit aims to provide reference material on the seven equality strands – gender, race, disability, lesbian, gay and bisexual people, transgender people, religion and belief, and age - and a good practice resource that will help voluntary and community organisations in Hampshire to improve the way we all promote equality and diversity, and reach out and engage with people and groups from all communities across the county.

I urge you all to use the toolkit as a learning resource, and as a basis for developing policy and practice so that your organisation can live up to the values of equality and diversity for the benefit of all Hampshire’s diverse communities.

Diana Wooldridge
Chair
Hampshire Voluntary Sector Consortium
May 2008
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Salma Ahmed, Tunde Bright Davies and John Palmer
North Harbour Consulting
May 2008
PART 1
CHAPTER 1: HOW TO USE THIS TOOLKIT

Our aims

Our first aim in writing this toolkit is to provide people working for voluntary organisations and community groups in Hampshire with the basic information you need to understand and apply the principles of equality and diversity in your work.

Our second aim is to provide tools that will help develop your equality and diversity policies and practices through learning and self-assessment within your work groups.

Structure of the toolkit

Many publications of this kind are more like research reports than learning documents, and are written in a formal style. Our objective has been to produce a document that is written in Plain English and that is set out in an ‘easy to follow’ format.

In Part 1 of the toolkit we provide an entry-level introduction to Human Rights and the ‘Seven Equalities Strands’ explaining what they are and why they are important.

In Part 2, we have suggested practical steps that you can take to develop policies and practices that will help to ensure that your organisation is open to everyone, and that your members, service users, volunteers, employees, and trustees feel respected and valued regardless of who they are, where they come from, and what their differences might be from you and from each other.

At the end of the toolkit there are two appendices that give you the answers to our quiz questions, suggestions for further reading if you want to find out more about any aspect of equality and diversity, and contacts if you want to talk to someone or obtain advice.

Where to start

You do not have to read the whole of this toolkit at once, although the more you have read the better your understanding of equality and diversity issues will be. But Chapter 2: Introduction to Human Rights, Equality and Diversity is essential reading. Also contained in Chapter 2 you will find a quiz which will test what you already know. As you read further into the toolkit, you can come back to this quiz to see if your knowledge has increased.

Once you have looked at Chapter 2, we suggest that you then work your way through the chapters on the seven equality strands. We explain what the seven equality strands are in the next chapter.

Chapters 3 – 9 have a similar layout. They start with an explanation of what the law says about the particular equality strand that is being covered. They give examples of situations where the law may apply that could affect you, and they provide examples and scenarios for discussion. Finally, each chapter gives some suggestions for follow-up action, a list of further reading, and contacts if you want to get more advice.
Part 2 of the toolkit is then all about putting what you have learned into practice. You may find that your organisation is already performing quite well under some equality strands, but not very well under others. Part 2 will help you to develop a more even performance across all the equality strands. Or it might show that you have not really started to think about equality and diversity at all – in which case, the toolkit will help you to discuss what equality and diversity mean to your organisation.

Chapter 10: Bringing it all together contains a check list that will help you test how committed your organisation is to promoting equality and diversity policies, and it will address all of the key issues as you develop your Equality and Diversity Policy.

Chapter 11: Engaging with diverse communities will then help you to think about how your policies can be applied in different kinds of situation:

- it looks at how your group can work with diverse communities and groups that you might not have contact with at present;
- it gives advice for voluntary organisations and community groups that are providing a service to help them ensure that the service is available to everyone; and
- it gives advice to organisations that are providing information, advice and support to other voluntary and community sector organisations to ensure that their services are genuinely inclusive and relevant to diverse communities and groups.

After Chapter 2, you can work through the toolkit at your own pace, but over time, you should try to cover it all.

No two organisations are the same, and we do not think that a ‘one size fits all’ approach to developing policy and good practice is the right way to go about things. So we have tried to provide a framework for you to work within that you can adapt to your own organisation’s needs.

We hope that the toolkit will make you think about what is special in your organisation, and about the practical steps that you can take to make your organisation, and the activities and services it provides, welcoming and respectful for everyone in your local community.
PART I
CHAPTER 2: INTRODUCTION TO HUMAN RIGHTS, EQUALITY AND DIVERSITY

What are Human Rights?

Human rights are:

“... basic rights and freedoms, to which everyone is entitled, either morally, legally or officially. They are designed to limit the power of the state. Human rights include the right to a fair trial, freedom of speech, thought and conscience, and freedom from torture and slavery.”

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly in 1948 as a response to the atrocities of the Holocaust and the Second World War. A European Convention on Human Rights was first adopted at an international conference in Rome in 1950, and additional rules were added between 1952 and 1966.

Until recently, people in the United Kingdom had to complain to the European Court of Human Rights in Strasbourg if they felt their rights under the European Convention had been breached. The Human Rights Act 1998 made these human rights part of our own law, and now courts here in the United Kingdom can hear human rights cases.

The Human Rights Act 1998 covers:

- absolute rights, such as protection from torture;
- limited rights such as the right to liberty which can be constrained in some circumstances – for example by the courts in criminal cases; and
- qualified rights, which include the right to respect for private and family life, religion and belief, the right to freedom of expression, assembly and association, the right to peaceful enjoyment of property, and to some extent the right to education.

Public bodies can only interfere with qualified rights if what is done is allowed in law, is done to uphold some other aspect of the human rights legislation such as prevention of crime or protection of the public, or is necessary to uphold democracy or some pressing social need.

The recognition of human rights results in people being treated fairly, with dignity and respect by public bodies of all kinds.

The Equality and Human Rights Commission was established as part of the Equality Act in 2006. We shall say more about the EHRC later in this chapter.

---

1 The Hansard Society’s citizenship education website for young people: http://hansardsociety.org.uk/blogs/citizenship_education/

What is Diversity?
People of many different nationalities, ethnic groups, cultures, religious or non-faith backgrounds, and of different age, gender, impairment, household type, sexual orientation and transgender status now live in Britain. That is what makes it a diverse society.

Changes in the make-up of our population, the effects of migration, economic and social change, and changes in our concept of personal freedom, mean that what is perceived as the 'traditional British Citizen' is changing: By 2010 only 20% of the UK working population will be white, male, able-bodied and under 45. People from ethnic minorities already make up 7.9% of the UK population and in London it is 31%.

Embracing diversity means being open to differences between people, and celebrating difference so that everyone’s talent is recognised and everyone has the opportunity to actively participate within society.

Diversity is about valuing and respecting these differences and making sure that your volunteers, staff members, service users and members of the public are valued by understanding and respecting these differences in the way your organisation works.

Diversity is wider than equal opportunities because it is about relationships between organisations and people. It is also about creating environments that everyone can be included in and can thrive in.

What is Social Exclusion?
Social exclusion refers not only to poverty and low income but to their causes and consequences. People are said to be 'socially excluded' when they experience a combination of linked problems such as unemployment, low educational attainment, low skills, low incomes, poor housing, high crime, bad health and family breakdown.

People can also be socially excluded if they are seen as being different in some way, or when they face barriers that other people do not face that prevent their access to goods and services, or their participation in social and community life.

People can be identified as different and can be socially excluded because of their age, culture, ethnic origin, faith, gender, impairment, household type, nationality, sexual orientation or transgender status – and indeed for many other reasons. We give examples of this kind of social exclusion in the chapters that follow.

---

3 Making Diversity Happen, NCVO, 2003
Social inclusion therefore means reducing the inequalities that the least advantaged groups face compared with the rest of society.

Britain is becoming a more diverse country, and therefore voluntary organisations and community groups need to ensure that their policies and practices embrace diversity and social inclusion, and do not discriminate against anyone. By doing this, voluntary organisations will benefit by being able to:

- meet the different needs of people living in their local communities;
- attract more service users; and
- recruit staff and volunteers with a wider range of talent and different perspectives.

**What is Social Cohesion?**

Since the 1950s Britain has developed significant ‘visible minority’ communities. The policy of ‘multiculturalism’ was intended to protect and celebrate diversity, with minority languages, religions and cultural practices encouraged and minority rights set in legislation. However, this approach is now being questioned on the grounds that locally, it has encouraged culturally and geographically distinct communities. The key conclusion of the report on the civil disturbances in Oldham, Burnley and Bradford in 2001 was that people from different groups were not mixing and were leading ‘parallel lives’; and that more needed to be done to bring communities together.

Social cohesion is therefore seen as the process that ensures that different groups of people have a shared vision of their future and a sense of belonging, where people’s differences are celebrated and valued, where people from different backgrounds have the same life opportunities, and where strong and positive relationships are being developed through work, in schools and within neighbourhoods.

“Integration and cohesion are sometimes seen as meaning the same thing. We do not agree. Both are processes and both share much in common, but cohesion is principally the process that must happen in all communities to ensure different groups of people get on well together; while integration is principally the process that ensures new residents and existing residents adapt to one another.”

Integration or ‘inclusion’ to use the term that we prefer does not mean the same thing as ‘assimilation’. Assimilation means that one cultural group absorbs other groups so that people from different backgrounds lose their separate identities. Inclusion means that people retain their identities but adapt to each other while respecting each others’ needs and wishes. Action that promotes social cohesion is important in bringing this about, so voluntary organisations have an important role to play in promoting inclusion and achieving social cohesion in the way that they work.

---


5 This is a summary of the recommendations of the Final report of the Commission on Integration and Cohesion: Our Shared Futures available from: http://www.integrationandcohesion.org.uk/Our_final_report.aspx

6 Our Shared Futures, Chapter 3
What are Equalities?

Equalities can be described as all the work individuals and organisations carry out to promote equal opportunities and tackle discrimination. Equality is about recognising that inequalities exist and making sure that everyone is treated fairly.

Equalities work is wider than equal opportunities work. Its aims are to make sure that:

- equality is central to all policy development and practice;
- employment and other services are genuinely accessible to everyone;
- everyone has individual needs and the right to have these needs respected without discrimination; and
- discrimination is identified, challenged and stopped.

Overall, equalities are about developing a framework within which people are treated differently according to their needs but with equal respect and fairness.

Diversity, social cohesion and equality are interlinked. We are all different. As a community we are increasingly diverse. Yet we all share a common humanity. Our common humanity makes us equal in worth, rights and responsibilities.

“There is only one race – the human race”.

There is therefore a fundamental relationship between equality, diversity and human rights. Through implementing a human rights approach, organisations put their volunteers, employees and trustees, as well as the users of their services at the heart of their organisation’s mission and activities. When services are designed with the user in mind, it encourages recognition that people are entitled to be treated fairly, with dignity and respect.

A voluntary organisation or community group performing strongly here would see these outcomes:

- service provision that better meets the needs of individual users;
- service users who feel that their human rights and personal dignity have been respected and protected; and that
- there is increased choice in service provision.

In summary, diversity is about valuing and respecting differences between people and taking these on board within your organisation, whereas equalities is about ensuring fairness, equality and social justice within your policies and practices.

The seven equality strands and what the law says

There are seven equality strands and (currently) ten principal pieces of equalities legislation outlawing discrimination and promoting equality of opportunity for people from the seven equalities groups.

---

7 Mohandas Karamchand Gandhi (1869 - 1948)
The seven equality strands are:
- Sex equality
- Race equality
- Disability equality
- Equality for Lesbian, gay and bisexual people (LGB)
- Equality for transgender people
- Religion and belief equality
- Age equality

The ten most important pieces of legislation covering equalities issues are, in chronological order:
- The Equal Pay Act 1970
- The Race Relations Act 1976 and Race Relations (Amendment) Act 2000
- The Disability Discrimination Act 1995 and 2005
- The Human Rights Act 1998
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Religion or Belief) Regulations 2003
- European Commission Goods & Services Directive 2004/113
- The Equality Act 2006
- The Employment Equality (Age) Regulations 2006

The specific requirements of each Act will be covered in the following chapters.

Each of these laws outlaws five types of discrimination.

1. **Direct discrimination** - This arises where people are treated less favourably than others in the same or similar circumstances on grounds of their race, colour, nationality, ethnic or national origin, religion or belief, gender, disability, sexual orientation and age.

   **Examples**
   - Refusing to employ or dismissing a pregnant woman even though she has the required skills and experience to do the job.
   - An employer limiting promotion to certain ethnic groups.
   - A housing provider allocating a poorer property to a disabled applicant because of their disability.
   - An employer requiring a full driving licence, when what they actually need is a person with an ability to travel easily. This requirement will exclude disabled people who cannot drive, but may have an assistant whom they employ to drive them around.

2. **Indirect discrimination** – This occurs when there is a requirement or a condition placed on the provision of employment, goods or services which disadvantages particular groups of people on grounds of their race, religion or belief, gender, impairment, age or sexual orientation and which cannot legitimately be justified.
3. **Victimisation** – This occurs when a person is treated less favourably or discriminated against because:

- they have pursued or intend to pursue a legal case under the equalities legislation and the person against whom they take out the case treats them unfairly;
- they have given evidence or information in a legal case;
- they have alleged that discrimination has occurred.

4. **Harassment** – This is commonly defined as conduct which violates a person’s dignity, is unreasonable, unwelcome and offensive, and which creates an environment which is intimidating, hostile or humiliating.

5. **Instructions or pressure to discriminate** – It is unlawful to give instructions to a person to commit an unlawful act of discrimination or to put pressure on a person to discriminate. It is also unlawful to aid a person to discriminate.

These five types of discrimination apply to all seven equality strands, and we refer to them again in later chapters.

### The Equality and Human Rights Commission

The Equality and Human Rights Commission (EHRC) was set up in 2006. Its mission is to eliminate discrimination, reduce inequality, protect human rights and build good relations, ensuring that everyone has a fair chance to participate in society.

It brings together into a single organisation all the separate bodies that previously championed particular aspects of equalities legislation including the Commission for Racial Equality (CRE), the Equal Opportunities Commission (EOC) and the Disability Rights Commission (DRC).

### EHRC and the Voluntary and Community Sector

Advice on race equality issues that your organisation might previously have obtained from the CRE, for example, can now be obtained from the EHRC. Cases of discrimination that might previously have been taken up by one of the separate organisations will also be taken up by the EHRC.

---

**Examples**

- An employer asking for specific height requirements before an applicant who has all the necessary qualifications and experience is offered a job.
- Setting language tests where literacy and fluency in English is not necessary to do a job.
- Insisting that academic qualifications must have been gained in the UK.
- Social landlords asking for lengthy periods of local residence before they will give a tenancy to a housing applicant.
As a voluntary and community organisation, you must operate within all the equalities legislation just as you would any other legislation. There are no opt-outs. That means that it is important that you understand what the law says about equality and discrimination.

It also means that you need to develop policies that cover each of the main equalities strands, and you should try to ensure through some form of monitoring that you carry out these policies in practice. That is what the following chapters will help you to achieve.

It is also important for voluntary and community organisations to have a basic knowledge of the Human Rights Act, which is often the basis for many frontline organisations’ work whether they realise it or not. You can obtain more detailed information at: http://www.equalityhumanrights.com/en/yourrights/humanrights/pages/humanrights.aspx

How much do you already know about Equality and Diversity?

Below is a quick quiz to test your knowledge on equalities. It should take no more than 10 minutes to complete.

1. How many people in the UK are disabled?
   a. 1 in 5
   b. 1 in 25
   c. 1 in 55
   Answer: ____________

2. What percentage of disabled people are wheelchair users?
   a. 50%
   b. 15%
   c. 5%
   Answer: ____________

3. What percentage of disabled women and men are employed?
   a. 43% of women and 50% of men
   b. 40% of women and 32% of men
   c. 63% of women and 70% of men
   Answer: ________________

---

Examples

- Producing a community newsletter might include lobbying and campaigning which comes under ‘The right to freedom of expression’.
- ‘The right to protection from torture and inhuman and degrading treatment’ underpins those community groups that support asylum seekers or women experiencing domestic violence.
- Groups campaigning for the homeless or working with families are supporting the ‘right to respect for your private and family life (and) your home’.

---

8 This quiz is reproduced courtesy of RAISE, and is based on a group task carried out at the RAISE Equalities Workshop, February 2008
4. What is the largest ethnic minority in Britain?
   a. Caribbean, African or other black descent
   b. Indian
   c. Pakistani and Bangladeshi
   Answer: 

5. Black African graduates are 7 times more likely to be unemployed after graduating than their white counterparts?
   a. True
   b. False
   Answer: 

6. It is against the law to run a course for men only?
   a. True
   b. False
   Answer: 

7. In what year were pubs and bars no longer able to refuse to serve women at the bar?
   a. 1968
   b. 1976
   c. 1982
   Answer: 

8. When could a woman apply for a loan or credit in her own name?
   a. 1962
   b. 1981
   c. 1975
   Answer: 

9. It is legal to discriminate against transgender people in the provision of goods and services?
   a. True
   b. False
   Answer: 

10. When did the Civil Partnership Act come into force enabling same sex couples to obtain legal recognition of their relationship?
    a. 2005
    b. 2001
    c. 1995
    Answer: 

You can find the answers to this quiz in Appendix 1.

If you have got most of the answers right, well done as you already have a good knowledge of equalities. If you haven’t done so well, or if you struggled with answering any of the questions, don’t worry as this toolkit is designed to increase your understanding of equality and diversity issues, and help you implement best practice.
PART I
CHAPTER 3: SEX EQUALITY

What does the law say?
The Sex Discrimination Acts 1975 & 1985 make it unlawful for people to be discriminated against on the grounds of their gender and marital status.

Genuine Occupational Qualifications
The Sex Discrimination Act 1975 makes provision for discrimination in certain circumstances. It allows a person’s gender to be a genuine occupational qualification for a job. However, it will be up to the employer to demonstrate that being of a particular gender is an essential requirement for the job.

Example
- A women-only employment policy for recruiting staff to work in a women’s refuge, or for modelling or acting work where people have to be of a particular gender. This is achieved through creating a ‘Genuine Occupational Qualification’ that requires a woman worker.

Positive Action
The Sex Discrimination Act 1975 also allows for positive action training in the community and within the workforce for people of a particular sex where they are under-represented in certain trades or jobs.

Example
- setting up specific training bodies for engineering or construction trades where women are under-represented.

It also allows employers to encourage people of a particular sex to apply for jobs where there is under-representation or no representation. Positive action should not be confused with positive discrimination. Positive discrimination is illegal under the Act.

Equal Pay
The Equal Pay Act 1970 makes it unlawful for employers to discriminate between women and men in their employment contracts (including their pay, conditions and contractual benefits such as pensions, sickness benefits, child care allowances etc).

Example
- Women working full time earn on average 17% less per hour than men working full time. For women working part-time the pay gap is 36% per hour.
- One in five single female pensioners risk being in poverty in their retirement.
- On average retired men have between £50 to £100 per week more private pension income than women of the same age.
The Fawcett Society⁹ - a charity that campaigns for equality between women and men in the UK on pay, pensions, poverty, justice and politics, and from whose website the example given above is taken, says there are three key reasons why pay gaps occur between the sexes:

- there is direct discrimination by employers who pay women less than men to do the same job;
- women and men tend to work in different trades and women are paid less even if the jobs require similar skill levels (e.g. a nurse is paid less than a police officer); and
- Britain’s culture of long working hours means that if people want to thrive in their jobs, having childcare commitments will hold them back. As women are the main carers of children, their pay, job opportunities and career prospects are affected by their family responsibilities.

Sex discrimination and the voluntary and community sector

If your organisation has anyone working for you under an employment contract, equal pay and equal terms and conditions of employment between men, women and transgender people are very important issues.

You need to be aware of what the sex discrimination, gender reassignment (see Chapter 7) and equal pay laws and regulations say, and ensure that you do not discriminate against your employees.

If necessary, seek employment and human resources advice from your local Council of Voluntary Service, the Advisory, Conciliation & Arbitration Service (ACAS), Equality Direct, or from a business support organisation such as Business Link.

ACAS is an organisation devoted to preventing and resolving employment disputes and has a particularly important role. Its aim is:

“… to improve organisations and working life through better employment relations.”

ACAS provides up-to-date information, independent advice and training, and works with employers and employees to solve problems and improve performance¹⁰.

Equality Direct also gives free advice to employers on a wide range of equality issues¹¹.

The Gender Equality Duty for the Public Sector

All public sector organisations have a statutory duty to promote gender equality since the Gender Equality Duty came into effect in April 2007. This duty applies to all central and local government organisations, plus public bodies such as the fire service, police, NHS, schools and ‘quasi-governmental’ organisations like Job Centre Plus, Learning and Skills Council, or Capacitybuilders.

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⁹ To find out more, go to: http://www.fawcettsociety.org.uk/

¹⁰ To find out more, go to: http://www.acas.org.uk/

¹¹ To find out more, go to: http://www.equalitydirect.org.uk/
The Gender Equality Duty also applies to the voluntary and community sector or private companies where they are ‘fulfilling public functions’. This means that if your voluntary organisation or community group is providing a public service under contract to a public body (e.g. your local authority) then you must take steps to:

- eliminate unlawful sex discrimination and harassment; and
- promote equality of opportunity between women and men.

**Examples**

- voluntary and community groups who are under contract or grant aided from their local authority to deliver specific services to members of the public or their local communities;
- a private prison transport company that takes prisoners from prison to the courts;
- A community transport scheme that is contracted to take older people or people with disabilities to a day centre or for medical treatment.

It also means that you must try to take account of the different needs of women and men when developing your policies and providing services.

A similar duty in relation to disability equality was introduced in 2006. See Chapter 5 for further details.

---

**Some scenarios for group discussion**

In this section of Chapter 3, we describe some situations that might arise in your organisation so that you can discuss how you would approach solving them in group discussions. This will help to increase your understanding of the sex equality and equal pay laws, and it will also help you to develop policies for your organisation.

**Scenario 1**

A voluntary organisation employs men and women on the same pay scales where they are carrying out the same duties. Men and women also have the same employee benefits. However, one of the women is now pregnant. The management committee says that it thinks it is unreasonable that it has to pay for maternity pay in addition to the cost of employing maternity cover.

- Can the committee make her redundant or prevent her from returning to work at the end of her maternity leave?
- What advice would you give this committee?
Scenario 2
This charity is recruiting a new chief officer. The best candidate is a woman who says that she has child care responsibilities and would like to negotiate flexible working arrangements. The recruitment panel decides to offer the job to the second best candidate who is less experienced because he is able to work during normal office hours. Is this legal?
- What action should the charity have taken?
- Can the woman challenge the decision? If so, how?

Scenario 3
Two people approach a community group that runs several minibuses as part of a rural transport scheme to see if they can obtain a job as a driver. The man is encouraged to apply and is then offered a job. The woman is told that the job is not suitable for her even though she has a clean driving licence and some experience of driving minibuses. Therefore she does not apply. Later, she finds out from a friend that a man has been offered the job that she was discouraged from applying for.
- Has the charity acted illegally?
- What penalties could the charity face?
- What would you advise the woman to do?

Scenario 4
A manager in a voluntary organisation regularly carries out performance appraisals on the team that he leads and uses these as a basis for a training needs assessment. A young female member of his team who is keen to develop her career asks if she can go on a ‘training for potential managers’ course which she knows that one of her male colleagues has already been on. The manager refuses, and says that the course is not suitable because she is an office worker and not a manager.
- Is the manager allowed to do this?
- What should the organisation do?

Scenario 5
A male member of staff, Andrew, known as ‘Randy Andy’ to his friends who see him as a bit of a lad, has been making personal advances to female members of staff and commenting about their clothes and what they get up to in their spare time. Most of the women ignore these remarks, but one young woman, Celia, finds them offensive. Her embarrassed reaction is making Andrew pick on her more than the others. Celia does not want to report this to her line manager because he sometimes goes to the pub at lunchtime with Andrew, and she is also worried that her manager might take Andrew’s side.
- What should Celia do?
- What should the organisation do when it becomes aware of what is going on?
If you find it hard to reach a conclusion about any of these scenarios, contact your local Council for Voluntary Service or one of the specialist organisations listed in Appendix 2 for advice.

**Self-Assessment**

If you want to know how you are doing, we have provided you with a self-assessment questionnaire that will help you to find out how well your organisation is doing in promoting sex equality and what more you need to do in order to be able to say that your performance is ‘excellent’. Go to Chapter 10.

Basically you should:

- make a commitment to equality and non-discrimination for women, men and transgender people in your Equality and Diversity Policy;
- get to know the law and what is seen as good practice, starting with the material that we have included here;
- think about how the law affects your organisation, your volunteers, workers, committee members and service users;
- ensure that your Equality and Diversity Policy covers all the legal requirements;
- think about how you can monitor women, men and transgender people, whether they are staff, volunteers or service users; and
- if you know there are gaps in your policy or in how you put your policy into practice, don’t just leave it, but develop a plan for getting it right.

**Sources of additional information**

For definitions of unlawful discrimination under the two Sex Discrimination Acts see: The Gender Equality Duty Code of Practice.

For more information about gender equality go to

- **The Fawcett Society**
  [http://www.fawcettsociety.org.uk](http://www.fawcettsociety.org.uk)

- **The Women’s National Commission**
  [http://www.thewnc.org.uk](http://www.thewnc.org.uk)
  The Women’s National Commission is an independent umbrella advisory body giving the views of women to the government. It aims to ensure that women’s views are taken into account by the government and are heard in public debate.

- **The Women and Equality Unit**
  [http://www.womenandequalityunit.gov.uk](http://www.womenandequalityunit.gov.uk)

- **Equality and Diversity Forum**
  [http://www.edf.org.uk](http://www.edf.org.uk)

There are more contact details in Appendix 2.
PART I
CHAPTER 4: RACE EQUALITY

What does the law say?

The first Race Relation Act was passed in 1965 making racial discrimination in housing unlawful following the first ‘race riots’ in Notting Hill, and at a time when it was not uncommon to see signs in the front windows of a lodging house saying:

“No Blacks or Irish”.

The law was amended in 1968 to include education and employment. By 1975 the government realised that the law needed to address the continuing unequal status of Britain’s ethnic minorities with more comprehensive legislation.

The Race Relations Amendment Act 1976, which is the foundation of current race equality legislation, makes it unlawful to discriminate against a person on the grounds of race, colour, nationality, ethnic or national origin.

The 1976 Act outlaws discrimination in housing, education, employment and vocational training, residential and commercial tenancies, and in the way that goods and services are provided.

The Race Relations Amendment Act 1976 was again updated in 2000 to include recommendations contained in the 1988 Macpherson report following the racist murder of Stephen Lawrence.

William Macpherson concluded that the police were institutionally racist in their lines of investigation which resulted in Stephen Lawrence’s murderers being acquitted.

Macpherson defines the term ‘institutional racism’ in his report as:

“... the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people.”

The Race Relations Amendment Act 2000 was the government’s legislative response to the Stephen Lawrence inquiry report and was an historic step forward in a number of respects. It expanded the scope of the 1976 Act to include all the functions carried out by public authorities.

Example

- The Police were previously covered by the 1976 Act as employers. Under the 2000 Act, the delivery of services by the Police is covered, and Chief Constables are responsible for the conduct of officers in their service and can be prosecuted for their actions.
The Race Relations Amendment Act 2000 requires every public authority to promote race equality in the provision of its services, in the way it manages its business and in the way it manages its people. One of the specific duties given to public authorities under this law is that they must produce a Race Equality Scheme which says how they are going to take forward the requirements of the Act.

A Race Equality Scheme must include:

- a race equality policy which is signed by the head of the organisation e.g. the chair and/or chief executive; and
- a race equality action plan which must cover:
  - staff training;
  - ethnic monitoring of employees, committee members, volunteers and service users;
  - recruitment, retention and progression of staff from black and minority ethnic communities; and
  - processes to deal with discrimination and racial harassment.

The scheme should also cover the authority’s dealings with migrant workers and refugees.

The Equality and Human Rights Commission is responsible for enforcing race equality laws. The Commission can take legal action against any person or organisation that has discriminated against someone on the grounds of race.

### Legislation for Gypsy, Roma and Irish Travellers

Since the 1988 landmark case of CRE v Dutton, Romany Gypsies, who form the majority of the estimated 300,000 Gypsies and Roma in Britain, have been recognised in law as a distinct ethnic group for the purposes of the Race Relations Act 1976. Irish Travellers were similarly recognised as a distinct ethnic group in the O’Leary v Allied Domecq case in 2000.

This means that all Romany Gypsies and Irish Travellers, whether they are nomadic, partly nomadic, or settled in housing or caravans on public or private sites, are protected from unlawful racial discrimination and harassment. Public authorities and other organisations carrying out public functions are bound by the duty to promote race equality and must take account of the interests and needs of Gypsies and Irish travellers when carrying out their work.

### What is race discrimination?

Unlawful race discrimination can arise in five different ways, as a result of:

- direct discrimination;
- indirect discrimination;
- victimisation;
- harassment;
- pressure to discriminate unlawfully.
Direct discrimination

If you treat a person less favourably than someone else, you are discriminating against them. If the discrimination is on racial grounds – that is, on grounds of race, colour, nationality or ethnic or national origin, it is unlawful. Direct discrimination cannot be justified on any legal basis. The fact that you have treated someone less favourably on racial grounds is all that counts.

Example

- If your business has a dress code requiring all female staff to wear skirts, this could be indirectly discriminatory. There is no business case for such a rule, nor is there any other way of justifying it. It could discriminate against women from some communities that observe religious or cultural requirements to keep their legs covered.

Indirect discrimination

Indirect discrimination is less obvious than direct discrimination. It occurs when a formal requirement or a condition or a practice – even an informal practice – that applies equally to everyone puts people from a particular racial group (or groups) at a disadvantage, and there is no good business reason for it. In other words, indirect discrimination takes place when a seemingly unbiased policy or practice that has nothing to do with race has a racially biased outcome, and cannot be justified.

Example

- If you refuse to consider applications from Bangladeshi job applicants because you assume they will want long holidays, you are probably guilty of unlawful discrimination. Your motives for discriminating are immaterial and no explanations as to why it happened will make any difference.

Victimisation

The Act protects anyone who is victimised for bringing (or intending to bring) a complaint of racial discrimination, or for giving evidence in someone else’s complaint.

Example

- If a white worker agrees to be a witness in her Asian colleague’s racial discrimination case and is subsequently penalised in any way, she may have a case of victimisation against her employer.

Harassment

Harassment and segregation on racial grounds are forms of direct discrimination. However, since July 2003, harassment on grounds of race, ethnic or national origins is expressly prohibited by the Act and can be treated as a separate type of race discrimination.
pressurising someone to discriminate unlawfully

It is also unlawful to instruct or pressurise a person to discriminate unlawfully. The Act protects the person who has been disadvantaged because they have refused to carry out instructions that they believe will discriminate against someone else on racial grounds.

some scenarios for group discussion

In this next section of Chapter 4, we describe some situations that might arise in your organisation so that you can discuss how you would approach solving them in group discussions. This will help to increase your understanding of the race equality laws, and it will also help you to develop policies for your organisation.

example

- If white workers in a factory make racist jokes in front of black and Asian workers, this is racial harassment. If the organisation has appropriate race equality policies the white workers may be liable for disciplinary action. If the organisation does not have such policies, then it may be liable in law for the harassment caused by their workers on the grounds that they have not taken the necessary steps to prevent it occurring.

Scenario 1

A community group that provides home care to people who are disabled has a client who refuses to receive services from one of the carers who is African, and will only accept white carers.

- Should the care group go along with his wishes, or refuse him a service?
- The scenario is not straightforward – the client is in his own home.

Scenario 2

A junior manageress working in a strategic post for a large charity is the only black manageress in her section. She supervises three white members of staff. Two of them object to being managed by a black woman and have threatened to resign if she is not moved. The charity decides to move her to another section where staff do not object to her being their manager.

- Is the organisation guilty of racial discrimination?
- If so, what kind of discrimination is it?

Scenario 3:

A boy brings a racist magazine published by the British National Party (BNP) into the changing room of the youth football club where he is a member. It contains nasty cartoons of Asian and black people.

- What action should the football club take?

scenario 1 is reproduced courtesy of RAISE.
**Scenario 4**
A man born in Scotland with a broad Scottish accent took out a formal complaint of racial discrimination against the employer because he said the employer had sacked him because of his nationality. The employer said that as England and Scotland have a shared national passport the question of nationality did not arise.
- Who was right?

**Scenario 5**
A black African employee applied for the post of equal opportunities manager in his organisation. He was assessed as having the skills and ability for the job. However, his application was rejected because, unknown to him, the post was open only to permanent staff at higher grades than his. Monitoring data showed that the organisation had no permanent black African employees at the grades in question.
- Would the job applicant have a good case to take to an Industrial Tribunal?
- What decision might the Industrial Tribunal come to?

**Examples of action you could take**
- invite people from these communities to visit you, and go to see them to find out what their needs are;
- use national and local BME\(^{13}\) media such as The Voice, Asian Times, community newsletters etc to publicise your work;
- place promotional flyers in places where you know ethnic minorities, migrant workers and refugees congregate: e.g. places of worship, specialist food shops and restaurants, community centres, cultural events, English classes etc;
- monitor who is using your services from BME communities (see Chapter 10);
- carry out a race equality impact assessment [see Chapter 10] – these have proved to be so successful for public bodies that the same process has been extended to cover all areas of equalities including disability, gender, age, religion and faith, and sexual orientation.

**Things your organisation may wish to consider**
- Does our committee have members from ethnic minority backgrounds?
- Do we have any staff or volunteers from ethnic minorities?
- Are they aware of our organisation and our aims and objectives?
- Do ethnic minorities use our services?
- Are we culturally sensitive to the needs of BME communities?
- Are we doing enough to promote our organisation to minority communities?
- Does our organisation give welcoming messages in the form of flyers or pictures, or does our organisation appear unwelcoming?

We have not repeated the questions, but you could ask yourselves exactly the same things in each of the following chapters.

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\(^{13}\) BME means 'Black and minority ethnic'. The term was originally used to describe people living in Britain of African, Caribbean, South Asian or other Asian origin. Its use has now broadened to include people that have common experience of discrimination because of their race and are not from the majority white community.
Self-Assessment

If you want to know how you are doing, we have provided you with a self-assessment questionnaire that will help you to find out how well your organisation is doing in promoting race equality and what more you need to do in order to be able to say that your performance is ‘excellent’. Go to Chapter 10.

Sources of additional information

- **CLEAR (City Life Education and Action for Refugees)**
  http://www.clearproject.org.uk

- **CROSS-LINK Central and Eastern European Association**
  http://www.cross-link.org
  The association offers practical advice and support, as well as social activities for Test Valley residents of Central or Eastern European origin.
  Contact: ania.kinross@cross-link.org

- **EMLD - Hampshire Ethnic Minority Learning Disability Project**
  http://www.hants.gov.uk/education/ema/ema-projects.htm
  The project provides a two-way link between the service providers and BME individuals and families affected by learning disability.

- **EMPATHY (Southampton)**
  Email: empathysoton@yahoo.co.uk

- **PRENO - Portsmouth Race Equality Network Organisation**
  http://www.preno.org.uk

- **The Federation of Romany Gypsy and Irish Travellers Southern Network**
  http://www.gypsy-association.com/se-network.html
  Contact:
  John Johnson (Chair)
  Email: info@gypsy-association.com
  Tel: 07727 077 930

- **Friends, Families and Travellers (FFT)**
  http://www.gypsy-traveller.com
  FFT works towards a more equitable society where everyone has the right to travel and to stop without fear of persecution because of their lifestyle. The organisation provides advice, information and other services to Gypsies/Travellers across the UK
- **EU Welcome**
  [http://euwelcome.org/default.aspx](http://euwelcome.org/default.aspx)
  EU Welcome helps arrivals in Southampton (and beyond) from the new A8 countries of the EU
  Contact:
  Email: euwelcome@yahoo.co.uk
  Tel 07786 392886

- **Equality and Diversity Team, Hampshire County Council**
  [http://www3.hants.gov.uk/equality/contact-us-ed.htm](http://www3.hants.gov.uk/equality/contact-us-ed.htm)

- **Stronger Communities and Equalities Team Southampton City Council**
  Tel 023 8083 2655

- **Equality and Diversity Team, Portsmouth City Council**
  Contact:
  Rajni Bali,
  Community Worker
  Tel 023 8068 8196
  Email: rajni.bali@eastleigh.gov.uk

- **Eastleigh Race Equality Forum**
  Contact:
  Rajni Bali,
  Community Worker
  Tel 023 8068 8196
  Email: rajni.bali@eastleigh.gov.uk

- **Basingstoke Diversity Forum**
  [http://basingstoke.gov.uk/community/ethnicminorities/diversity+forum.htm](http://basingstoke.gov.uk/community/ethnicminorities/diversity+forum.htm)
  For information:
  Islam Jalaita
  Community Development Officer (BME)
  Tel : 01256 845325
  Mob : 07876137916
  Email: islam.jalaita @basingstoke.gov.uk

- **Reading Council for Racial Equality**
  [http://www.rcre.org.uk](http://www.rcre.org.uk)
  Tel 0118 9510 279

- **Equality and Human Rights Commission (incorporating the Commission for Racial Equality)**
  [http://www.equalityhumanrights.com](http://www.equalityhumanrights.com)

- **BME Mental Health Community Development Officers**
  Contact the Diversity Network Project at Community Action Hampshire, telephone 01962 854971, or your local District/Borough Council.

There are more contact details in Appendix 2.
What does the law say?

The Disability Discrimination Act 1995 makes discrimination against people with impairments (i.e. ‘disabled people’) unlawful in employment, education and the provision of goods, facilities and services.

The legislation covers people with physical, sensory and learning impairments, people with mental health issues, and people with health issues such as cancer, diabetes, multiple sclerosis and heart conditions; and people with severe disfigurements.

The 1995 Disability Discrimination Act defines disability as a physical or mental impairment which has a substantial and long-term (at least 12 months) adverse effect on his or her ability to carry out normal day to day activities.

Normal activities are everyday things like eating, washing and walking. However, they must affect one of the 'capacities' listed in the 1995 Act which include mobility, manual dexterity, speech, hearing, seeing and memory.

The Disability Rights Commission widened this definition to include within the term disability:

“... any condition that arises from physical disability or impairment, or a long-term illness or condition that substantially limits normal day to day activity including but not restricted to: walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, or performing manual tasks.”

Employers and everyone who provides services to the public have a duty to take reasonable measures to make sure that they do not discriminate against disabled people.

Landlords and other people who are responsible for letting or selling property have to ensure that they do not unreasonably discriminate against disabled people.

Other disability laws brought in since 1995 mean that:

- it is against the law for an employer to treat a disabled person less favourably, without good reason, because of their disability;
- employers and service providers must make reasonable adjustments for disabled people, such as providing extra equipment or help, or making changes to their working arrangements or the way they provide their services;
- service providers (including small and medium sized businesses or voluntary organisations) have to make reasonable adjustments to their premises to overcome physical barriers to access for disabled people;
- employers and service providers must conduct disability access audits and make necessary adjustments in their access arrangements and in the circulation areas within their premises. In deciding what is a reasonable adjustment, factors such as how practical is it for the service provider to undertake the measures, what are the financial and other costs involved, and what resources the service provider has will be taken into account.
The Disability Discrimination Act 1995 Act has been significantly extended by the Disability Discrimination Act 2005. This law requires public bodies to promote equal opportunities for disabled people and it also allows the government to set minimum standards so that disabled people can use public transport easily.

**The Social Model of Disability**

In the fight to promote equal rights for disabled people, leading disability organisations advocate the ‘Social Model of Disability’ as a way of thinking about the barriers that people with impairments face in their everyday lives.

Traditionally, disabled people have been seen as having a medical condition. Therefore disabled people, their families, friends and carers have seen the disabled person’s impairment as a problem which they have to make the best of and get on with. Disabled people are expected to accept that they will not be able to do many things that others take for granted. This is known as the ‘Medical Model of Disability’.

The Social Model turns this view on its head by recognising that everyone is equal regardless of whether they have impairments or not. In the Social Model of Disability, disability is caused by the barriers that exist within society and the way society is organised, which discriminate against people with impairments and exclude them from involvement and participation.

Adopting the Social Model of Disability will enable your organisation to see beyond a person’s impairment and to consider all the factors that prevent disabled people from accessing employment opportunities and services. This in turn will help you to put in place measures to overcome the barriers that a disabled person may face.

**Accessibility**

The terms ‘accessible’ and ‘accessibility’ are frequently used when discussing the needs of disabled people. These terms include not only accessibility in the physical environment, but also access to information and communication services, access to social welfare services, personal support, work and transportation.

**Independent Living**

The concept of ‘independent living’ is also important in discussing disability. Independent living is defined as the ability for disabled people to exercise self-determination, have choices and control over their lives, and have equal access to economic, social and cultural life.

**The Disability Equality Duty for the Public Sector**

Since 2006, all public sector organisations have a duty to

- eliminate harassment and unlawful discrimination against disabled persons;
- promote positive attitudes towards disabled persons;
- encourage participation by disabled persons in public life; and
- promote equality of opportunity between disabled persons and other persons.

The Disability Equality Duty includes all public sector organisations such as central and local government, schools, health trusts or emergency services. Each public sector organisation must comply with these duties and publish a Disability Equality Scheme which includes:
• a statement showing how disabled people have been involved in developing the scheme;
• an action plan including practical details of how improvements will be made for disabled people;
• a statement of the arrangements for gathering information on how the public organisation has performed in meeting its targets on disability equality.

The public organisation must also produce an annual report showing what steps the organisation has undertaken to fulfil the duty, the results of the information-gathering exercise, and how this information has been used.

The Equality and Human Rights Commission is responsible for enforcing disability legislation and the Disability Equality Duty. The Commission can take legal action against public bodies if they have discriminated against disabled people or not fulfilled their duty.

Positive Discrimination

The legislation allows positive discrimination in favour of disabled people in certain circumstances. Employers are able to put in place arrangements which favour disabled people.

Example

- Voluntary organisations and community groups that were set up to assist disabled people may discriminate in favour of disabled job applicants and employees.

Disability discrimination

Example

- An organisation restricted use of the disabled toilet to those with a visible impairment or mobility issues. Managers had not appreciated that people with hidden impairments may also need the additional space of a disabled toilet - e.g. people with diabetes may need extra space and privacy to inject; people with colostomy bags may need the space and privacy to empty bags.

Good practice

Example

- A high-street bank located in an old building had an entrance glass door which was very wide and heavy. The bank has introduced a push button, which opens the door. Alternatively if you push or pull on the door it is also power assisted and opens very easily.

Example

- A school had a well laid out disabled toilet but used it as a general toilet and the additional space required for transferring from a wheelchair was used for storing spare tables. The need for a wheelchair user to be able to make a ‘side transfer’ from chair to toilet was explained and the head teacher removed the tables immediately.
Some scenarios for group discussion

In this final section of Chapter 5, we describe some situations that might arise in your organisation so that you can discuss how you would approach solving them in group discussions. This will help to increase your understanding of the disability laws, and it will also help you to develop policies for your organisation.

If you find it hard to reach a conclusion about any of these scenarios, contact your local Council for Voluntary Service or one of the specialist organisations listed in Appendix 2.

Example

- A woman had severe spinal pain if she sat up for long periods. Her employer facilitated her work by allowing her to use an orthopaedic bench at her desk rather than a chair. She used voice recognition software on the PC because she could not type when lying on the bench.

Scenario 1

A young female volunteer at an old people’s day centre enjoys working there, but feels ill at ease with one of the older men who is disfigured and disabled. She says that she can’t go near him.

- What action do you think the centre manager should take?

Scenario 2

A regular user of a community transport scheme has asked for a copy of the group’s annual report in Braille or on an audio tape or CD Rom. The group says that the report is only available in a standard format.

- Is this reasonable?

Scenario 3

One organisation interpreted the requirement for a percentage of parking spaces for blue badge holders to just mean visitors and customers and not employees. One of their employees with cerebral palsy was obliged to park off site.

- Was the organisation correct in its interpretation of the requirements?
- What action could the disabled person take?
- What should the employer do?
Things your organisation may wish to consider

- Does your organisation have any disabled people working for it?
- How do you know?
- Do you have disabled members or service users?
- How do you know?
- Are your premises accessible for people with a range of different kinds of impairment?
- Can disabled people use your services or join in your activities?
- Are you doing enough to promote your organisation to disabled people?
- Are the people who are involved in your organisation sensitive to the needs of disabled people?

Practical steps your organisation can take

- Provide accessible information – where to go to get leaflets converted, what formats should be considered; what to do if a person with communication difficulties (deaf, speech impaired, etc) comes through the door.
- Think about the customer service aspects of welcoming disabled people. Talk to the person, don’t patronise, don’t pity. If you do not know how to meet a person’s needs – ask them. Do not ask personal questions or pry into what is ‘wrong’ with them.
- Think about physical assess issues, including issues for wheelchair users, visual impairments, mental health system users etc. How can your organisation provide an alternative reasonable adjustment if your service is not accessible?

Self-Assessment

If you want to know how you are doing, we have provided you with a self-assessment questionnaire that will help you to find out how well your organisation is doing in promoting equality for disabled people and what more you need to do in order to be able to say that your performance is ‘excellent’. Go to Chapter 10.

Basically you should:

- make a commitment to equality and non-discrimination for disabled people in your Equality and Diversity Policy;
- get to know the law and what is seen as good practice, starting with the material that we have included here;
- think about how the law affects your organisation, your volunteers, workers, committee members and service users;
- ensure that your Equality and Diversity Policy covers all the legal requirements;
- think about how you can monitor disabled people whether they are staff, volunteers or service users; and
- if you know there are gaps in your policy or in how you put your policy into practice, don’t just leave it, but develop a plan for getting it right.
Where to go for more information

- **Southampton Centre for Independent Living**
  [http://www.southamptoncil.co.uk](http://www.southamptoncil.co.uk)
  SCIL is a democratic membership organisation run and controlled by disabled people. They are committed to campaigning for the full civil rights of disabled people whilst supporting disabled people to make use of current provisions available to enable them to live independently.

- **The Hampshire Coalition of Disabled People**
  [http://www.hcodp.co.uk](http://www.hcodp.co.uk)
  HCODP is an umbrella organisation for many groups run by disabled people in Hampshire.

- **EMLD - Hampshire Ethnic Minority Learning Disability Project**
  The project provides a two-way link between the service providers and BME individuals and families affected by learning disability.

- **The Equality and Human Rights Commission**
  [http://www.equalityhumanrights.com](http://www.equalityhumanrights.com)

There are more contact details in Appendix 2.
Who are lesbian, gay and bisexual people?

Lesbian, gay and bisexual people (LGB people) are diverse and come from all communities - they can be from black and minority groups, disabled people, women, older people or young people.

You cannot necessarily tell if someone is lesbian, gay or bisexual from their appearance.

It is generally believed that between 5% and 7% of the population (i.e. 3.6 million people in the UK) are lesbian and gay. Although there are no firm figures for how many men and women are bisexual, LGB people nonetheless make up a significant proportion of our local communities.\(^14\)

It is therefore important for voluntary organisations to be aware of LGB issues and to provide services and employment opportunities for LGB people.

What the law says

Over the past 10 years there have been many changes to the legislation which affects LGB people. This ranges from an equal age of sexual consent, civil partnerships, outlawing discrimination in the workplace and in the provision of goods and services.

The three key pieces of legislation on sexual orientation are:

- Employment Equality (Sexual Orientation) Regulations 2003;
- The Equality Act (Sexual Orientation Regulations 2007); and

The Employment Equality (Sexual Orientation) Regulations 2003 prevent employers and office holders from discriminating against someone on the grounds of their sexual orientation, whether they are lesbian, gay, heterosexual or bisexual. Here the discrimination can be on the grounds of actual or perceived sexual orientation or by association with someone of a different sexual orientation.

Examples of discrimination

- Refusing to employ someone because they are lesbian or gay
- Not protecting workers from abuse and harassment from their colleagues

The Domestic Violence, Crime and Victims Act 2004 recognises that same-sex couples experience domestic violence and gives them the same rights as other men and women.

\(^{14}\) Statistics from the Lesbian and Gay Foundation, A guide to your rights (2007/08 edition) and the Department of Health’s publication: Reducing health inequalities for lesbian, gay, bisexual and transgender people - briefings for health and social care staff.
The Equality Act (Sexual Orientation Regulations 2007) covers matters outside employment law. This law gives protection from discrimination on the grounds of sexual orientation in the provision of goods, facilities and services, education and exercise of public functions.

This legislation is a major step in ensuring equality for lesbians, gay men and bisexual people and is on a par with the legal protections provided to people on grounds of sex, race and religion or belief.

The Civil Partnership Act 2004 gives same-sex couples rights to form a civil partnership and gain legal recognition of their relationship. It has many similarities to marriage in terms of rights and obligations.

Good practice in working with LGB people

The Commission for Social Care Inspection\(^\text{15}\) says that lesbian, gay and bisexual people want to:

- feel safe and be treated fairly;
- be valued for who they are;
- be given the support and services to live the life they choose;
- be able to live different kinds of lifestyles.

LGB people are more likely to ‘come out’ or disclose their sexual orientation if they feel they are made welcome and that their rights are respected.

The welcoming environment must be backed with an equalities policy that states that fair and non-discriminatory services and employment opportunities will be provided to all service users and employees.

Good communication with LGB people, as with other people, is important as it will encourage people to get involved with your voluntary organisation and will promote better outcomes for your work.

Using language that respects LGB people and that acknowledges same-sex relationships and gender identity issues will enable people to ‘come out’ or disclose their sexual orientation without fear of reprisals.

Voluntary organisations and community groups can promote equality for lesbian, gay and bisexual people by:

- ensuring that staff, volunteers and committee members respect and value them and their relationships, and deal with any issues that arise including tackling discrimination;
- by making sure that their policies and practices don’t leave out or exclude lesbian, gay or bisexual people;
- by training staff, volunteers and committee members on sexual orientation equality;
- making them feel welcome and able to talk freely about themselves;
- helping them to remain in contact with their communities, friends and relatives; and
- listening to what they have to say and acting upon their suggestions or views.

\(^\text{15}\) The Commission for Social Care Inspection (2007), Putting People First: Equality and Diversity Matters
Most organisations do not carry out sexual orientation monitoring of their workforce, volunteers or service users as this is seen as a sensitive and confidential issue. They are therefore not aware of whether they are employing or providing services to LGB people within their communities. The Equality and Human Rights Commission advocates the monitoring of sexual orientation and a question on sexual orientation is included within their Equality Monitoring Form (see Chapter 10).

Monitoring sexual orientation will enable organisations to identify gaps and weaknesses in service delivery and employment practices; and enable organisations to put together an action plan to meet the needs of all service users, volunteers and employees.

Scenarios for group discussion

We describe two situations that might arise in your organisation so that you can discuss how you would approach solving them.

Scenario 1

John and James go into a pub for a drink. They are sitting at a table by themselves, when three men come over to them demanding that they leave ‘or else’. John complains to the barman, who says that there is nothing that he can do as the men are regulars. John and James leave the pub without finishing their drinks.

- Is the barman correct?
- Is the pub breaking the law?
- What action should the pub manager have taken?

Scenario 2

Juliette is a lesbian, and she has attended social events at her workplace with her partner. She hears about a vacancy for promotion and is interested in applying. Her colleague, Anna, is also interested in applying for the post. They both have the same qualifications and experience. However, Juliette is told not to apply for the job because it is felt that ‘someone like her’ would not fit in with the management team, who are all men. Anna is offered the job.

- What sort of behaviour is taking place here?
- Is it lawful?
- How could Juliette challenge her employer’s behaviour?

Things your organisation may wish to consider

Listed below is a checklist adapted from the Commission for Social Care Inspection of the steps that you can take to ensure your services treat lesbian, gay and bisexual people equally:

- senior staff need to develop an action plan that promotes equality and tackles sexual orientation discrimination;
- you need to decide how to involve lesbian, gay or bisexual service users in your work;
- ensure that all your policies and paperwork include lesbians, gay and bisexual people - e.g. your recruitment policies;
- ensure that your diversity and equality training includes sexual orientation equality;
- inform staff, volunteers and service users about the changes you are making and the reasons;

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16 Scenario 2 is adapted from Hampshire County Council pamphlet, Equality and Diversity Awareness
• ensure your information and publicity material includes lesbian, gay and bisexual people;

• obtain information about other local organisations that can offer support, advice and advocacy for lesbian, gay and bisexual people;

• consult your staff, volunteers and service users on the services you provide and how they can be made better for lesbian, gay and bisexual people;

• think about asking your staff and volunteers whether they are willing to go on a list of people who are lesbian, gay and bisexual ‘friendly’ and let everyone know who is on the list.

You could adopt a similar approach in the other equality strands, although we have not repeated this advice in the other chapters.

Self-Assessment

If you want to know how you are doing, we have provided you with a self-assessment questionnaire that will help you to find out how well your organisation is doing in promoting equality for lesbian, gay and bisexual people and what more you need to do in order to be able to say that your performance is 'excellent'. Go to Chapter 10. The self-assessment questions listed in the previous chapters, applied to LGB people, are also relevant.

Where to go for more information

• **The Lesbian and Gay Foundation** (2007) *A guide to your rights for lesbian, gay and bisexual people*  
  [http://www.lgf.org.uk](http://www.lgf.org.uk)  
  They provide information, advice and services to lesbian, gay and bisexual people. This publication provides up to date information on LGB people’s civil and legal rights.

• **Stonewall**  
  [http://www.stonewall.org.uk](http://www.stonewall.org.uk)  
  Stonewall is a leading charity campaigning for LGB rights and provides information and support services. Runs an information bank through its website.

• **Albert Kennedy Trust**  
  [http://www.akt.org.uk](http://www.akt.org.uk)  
  This organisation supports lesbian, gay and bisexual homeless young people.

• **Broken Rainbow**  
  [http://www.broken-rainbow.org.uk](http://www.broken-rainbow.org.uk)  
  Support organisation for lesbian, gay and bisexual people experiencing domestic violence.
• **Healthy Gay Hampshire**  

  The gay men’s HIV prevention organisation for the three Primary Care Trusts of North Hampshire, Mid Hampshire and Backwater Valley and Hart, also working with partner organisations to increase awareness of the sexuality and homophobia issues and to increase accessibility of services to the gay community.

• **Department of Health Sexual Orientation and Gender Identity Advisory Group**  

  Dr J Fish (2006), *Core training standards for sexual orientation: Making National Health Services inclusive for lesbian gay and bisexual people: Briefings for health and social care staff*

  Stonewall (2007), *Being the gay one: Experiences of lesbian, gay and bisexual people working in the health and social care sector*

• **Commission for Social Care Inspection**  
  [http://www.csci.org.uk/about_us/publications.aspx](http://www.csci.org.uk/about_us/publications.aspx)

  The Commission for Social Care Inspection has produced a number of booklets on equalities including helping staff to improve their services for lesbian, gay and bisexual people.

There are more contact details in Appendix 2.
PART I
CHAPTER 7: EQUALITY FOR TRANSGENDER PEOPLE

Who are transsexual or transgender people?

A new equality strand has emerged since 2007 that refers to the rights of transgender or transsexual people. Before this date transgender issues were largely included within the sexual orientation equality strand, and organisations working with lesbian, gay, bisexual and transgender people were referred to as LGBT groups. Since the 2007 legislation, transgender people are treated as a separate category in terms of equality and diversity.

Transgender people have usually been through a process known as ‘gender reassignment’. The term gender reassignment or ‘transition’ refers to the process that a person goes through to present themselves permanently in their new gender. This usually includes a regime of specialist psychiatric evaluation, hormone treatment, real-life experiences and sometimes reconstructive surgery.

The definition of transgender includes both male to female and female to male gender reassignment.

Transgender people are not to be confused with ‘cross-dressers’ who wear the clothes of the opposite gender, usually for sexual or emotional gratification.

Hampshire-based Chrysalis, an organisation that provides counselling, advice and support for transgender people, recommends the use of the word transgender (rather than transsexual) as the word transgender:

“… is often preferred by transsexuals as their condition has nothing to do with sexual preference but everything to do with crossing the gender divide.” (However) “… some transvestites are claiming this definition as a blanket cover for their cross dressing preferences.”

What the law says

Most of the current legislation including consumer law in England and Wales applies equally to both genders as it is asexual. For example, the Housing Acts refers to the tenant, occupier or resident and do not discriminate between males and females. As most of the legal terms refer to the title of the legislation and not to the person’s gender, it can be argued that, in most cases, transgender people are covered by human rights and equalities legislation.

17 To learn more, go to http://www.equalityhumanrights.com/en/forbusinessesandorganisation/publicauthorities/Gender_equality_duty/Pages/Genderequalitydutydocuments.aspx where Meeting the gender duty for trans-sexual staff: Guidance for public bodies working in England, Wales and Scotland is available.

18 See Chrysalis website: http://www.chrysalis-gii.co.uk
However, there are five laws that promote equality and prevent discrimination against transgender people:

- the Sex Discrimination Act 1975 & the Sex Discrimination (Amendment) Act 1985;
- the Gender Reassignment Regulations 1999;
- the Gender Recognition Act 2004;

The Sex Discrimination Act 1975, the Sex Discrimination (Amendment) Act 1985 and the Gender Reassignment Regulations 1999 make it unlawful to treat an employee or prospective employee 'less favourably on grounds that he or she intends to undergo, is undergoing or has undergone gender reassignment'.

It is also unlawful to treat an employee’s time off for gender reassignment less favourably than a routine sickness absence.

The comparison will be made as to how the employer treats or would treat an employee or prospective employee who is not a transgender person.

However, there are exceptions to this general rule:

- Genuine Occupational Qualifications where a person from a particular gender is required for a specific post (see Chapter 3 for further details);
- the post involves working in someone’s private home and reasonable objection can be demonstrated by the employer because the work involves intimate contact with the householder/occupant – for example a care worker or nursing staff.

The Gender Recognition Act 2004

Under the Gender Recognition Act 2004, transgender people can gain legal recognition of their newly acquired gender providing they apply to the Gender Recognition Panel and meet the specific criteria laid down within the Act. The criteria are as follows:

- they have had or have gender dysphoria – the personal experience of gender identity disorder;
- have lived in the acquired gender for two years ending at their date of application;
- they intend to live permanently in the acquired gender; and
- they have provided medical reports containing specific information to the Gender Recognition Panel.

If their application is successful, the person’s acquired gender is legally recognised and they will receive a full gender recognition certificate (GRC). The GRC allows the person to be treated for all purposes as a person of their acquired gender, including any name change.

The Act also outlaws individuals in specific circumstances from disclosing the fact that someone has applied for a GRC and from disclosing someone's gender prior to obtaining the GRC. These disclosures are a criminal offence.
The European Commission Goods & Services Directive 2004/113

These regulations extend the Sex Discrimination Acts by introducing legal protection against discrimination and harassment on grounds of sex and gender reassignment in the provision of goods, facilities, services and premises (including housing).

The regulations also place new statutory duties on public bodies to tackle discrimination and harassment against transgender people. Previously transgender people were only covered in the employment and training field. They will now be protected against unlawful discrimination and harassment in the provision of goods and services as well.

Good Practice in the work place

Most voluntary organisations will have an equal opportunities or equalities policy in place. It is important to make sure that the policy includes tackling discrimination and promoting equality for transgender people in terms of their recruitment, employment, volunteering, governance and service delivery opportunities.

The Equality and Human Rights Commission advocates the monitoring of transgender people and a question on transgender is included within their Equality Monitoring Form. (This is similar to the Commission’s approach on the other six equality strands – see Chapter 10). Monitoring will enable organisations to identify gaps and weaknesses in service delivery and employment practices; and enable organisations to put together an action plan to meet the needs of all service users, volunteers and employees.

Recruitment and Employment

There are usually very few circumstances where an employer would need disclosure, and questions relating to a person’s transgender when recruiting staff or volunteers should not be asked or answered.

Chrysalis suggests that, unless it is mentioned by the person being interviewed, or there is an exceptional reason for the need to disclose whether a person is transgender in a recruitment interview, the information should be considered private and no questions should be asked.

In assisting employees to transition, good managers will discuss with their employees the best way to proceed. This will allow the employee to say how their employer can help them in the workplace. The issues for discussion could include the following:

- whether the employee should stay in their present position or move to a different location within the organisation;
- the timescale involved from first taking medication to changing name and the transition through the surgery;
- how and when to inform colleagues and service users that do not already know – whether the person will inform them or whether the organisation will do it on their behalf;
- whether the organisation is geared up to make changes in its company records, insurances etc;
- what the organisation requires as a dress code, if they have one for other staff;
- at what point the transgender person will want to use the facilities provided for the new gender.
Example of Good Practice

- Rachel informed her company that she was a transgender person. After explaining this to her Chairman, it was decided that a plan should be drawn up to make the transition smooth for both Rachel and her employer. This was helped by Rachel, who enlisted the support of a specialist organisation and had a plan of action of her own, which was flexible and able to fit in with the company’s plans.

Frequently asked questions and answers on the employment of transgender people

Q: Does a transgender person have to tell colleagues?
A: No, they do not. The ones the transgender person works with closely will see the changes taking place and it is hoped that they will be supportive. As for other people in the organisation that would be up to the transgender person to make a choice.

Q: What about any service users the transgender person may have?
A: If the transgender person has service users who they meet in person then it would be good practice for the employer to inform them unless the transgender person wishes to do this. This should be discussed and agreed between the transgender person and the employer.

Q: When does a transgender person start using single sex facilities?
A: There is no easy answer to this and this will need to be agreed between the person and the employer. It could be at any point along the path to transition – for example when the person is permanently dressed in their new gender or when they have the appearance of their new gender. It is not acceptable for the employer to ask the employee to use the disabled facilities for an extended period.

Q: What if service users do not want the transgender person to deal with them – is their job on the line?
A: What should happen once the transgender person has told the service users what is happening is for the employer to interview them and ask them if they are happy with the transgender person continuing as their contact with the organisation. Those that do not wish to continue with the transgender person should be offered a new contact person or carer. There is no question of the job being on the line if the service user does not want the transgender person to deal with them.

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19 We are grateful to Chrysalis for allowing us to use these questions from their website
Self-Assessment

This is a new and still developing area of equality and diversity practice, and relatively few organisations have yet developed policy and practice in this field. If you want to know how you are doing, we have provided you with a self-assessment questionnaire that will help you to find out how well your organisation is doing in promoting transgender equality and what more you need to do in order to be able to say that your performance is ‘excellent’. Go to Chapter 10.

Basically you should:

- make a commitment to equality and non-discrimination for transgender people in your Equality and Diversity Policy;
- get to know the law and what is seen as good practice, starting with the material that we have included here;
- think about how the law affects your organisation, your volunteers, workers, committee members and service users;
- ensure that your Equality and Diversity Policy covers all the legal requirements;

- think about how you can monitor transgender people whether they are staff, volunteers or service users; and
- if you know there are gaps in your policy or practice, don’t just leave it, but develop a plan for getting it right.

Where to go for more information

- Chrysalis [http://www.chrysalis-gii.co.uk](http://www.chrysalis-gii.co.uk)
  Hampshire-based Chrysalis is an organisation that provides counselling, advice and support for transgender people.

- The Gender Trust [http://www.gendertrust.org.uk](http://www.gendertrust.org.uk)

- The Gender Identity Research Education Society [http://www.gires.org.uk](http://www.gires.org.uk)

- Press for Change [http://www.pfc.org.uk](http://www.pfc.org.uk)

  for information and for publications on transgender good practice including: Meeting the Gender Duty for Transsexual Staff - Guidance for public bodies working in England, Wales and Scotland

There are more contact details in Appendix 2.
CHAPTER 8: RELIGION AND BELIEF

What does the law say?

The Employment Equality (Religion or Belief) Regulations 2003 outlaw discrimination (direct or indirect), harassment or victimisation in employment and vocational training on the grounds of religion or belief.

Part 2 of the Equalities Act 2006 prohibits discrimination against a person because of their religion or belief (including lack of religion or belief) when providing goods, facilities, services, public functions, or education, and in management and disposal of premises.

The Racial and Religious Hatred Act 2006 which came into effect in October 2007 creates an offence of using threatening words or behaviour to stir up religious hatred. Offences can be written, spoken, broadcast or published words or actions. Religious hatred includes hatred against a group defined by their religious belief or lack of religious belief.

The Race Relations Act 1976 covers Jews and Sikhs because they are recognised as ‘racial groups’.

How are religion and belief defined?

The 2003 Regulations define religion or belief as:
“… any religion, religious belief, or similar philosophical belief”.

Factors taken into account in deciding what is, or is not, within this definition of religion or belief include;

- collective worship; or
- a clear belief system; or
- a profound belief affecting a way of life, or world view.

The definition does not cover beliefs such as political beliefs or fanatical beliefs such as being a football supporter. However, a broader definition was used in the Equalities Act 2006 than in the 2003 legislation, so that a philosophical belief that included shared beliefs such as animal rights activism, and also people who define themselves as Humanists or Atheists, or with no religion or belief are also covered.
Exceptions

The Employment Equality (Religion or Belief) Regulations 2003 allow an employer, when recruiting for a post, to treat job applicants differently on grounds of religion or belief if being of a particular religion or belief is a Genuine Occupational Requirement for that post. There is also an exception where the employer has an ethos based on religion or belief, and being of a particular religion or belief is a genuine occupational qualification for the job.

An employer may also rely on this exception when promoting, transferring or training people for a post, and when dismissing someone from a post, where a genuine occupational requirement applies to the post.

A genuine occupational requirement cannot be used to justify victimisation or harassment.

There are also exceptions to the Equalities Act 2006 that allow charities and other organisations whose purpose is related to religion or belief to serve particular communities. There are also exceptions in public functions, including education.

Types of religious discrimination

Example of direct discrimination

- During an interview, a Christian woman refers to the church that she regularly attends. Although she has the skills to do the job successfully, the interviewer does not employ her because she does not like the idea of working alongside someone who believes in God and might want to talk to her about her beliefs.

Example of indirect discrimination

- A chief executive introduces a ‘no headwear’ rule for all staff. This would put Sikh men who wear a turban and Jewish men who wear a kippah at a disadvantage. This is an example of indirect religious discrimination, and would need to be justified otherwise it would be unlawful.

Example of possible discrimination and victimisation

- A woman who works in a bank wears a crucifix around her neck where it can be seen by her customers. Her manager asks her to remove it as there is a rule against wearing jewellery, and it is not part of the uniform. She refuses on religious grounds, and is given a job in the back office. [This may be discrimination]. She decides to leave.
- A colleague who supported her when she was defending her right to wear the crucifix was later refused promotion on the grounds that she was a troublemaker. [This may be victimisation].

Example of harassment

- A man who is an atheist is targeted by his Christian colleague, who believes that she must try to convert him to her religion. She leaves religious texts on his desk and tries to engage him in conversations about Christianity whenever there is a coffee break. The man complains to his employer, who tells him to ignore her.
Things your organisation might want to think about

Marginalised black and minority ethnic communities have often used religion and belief as a way of expressing their identities. These often show up in things like diet and dress. Where possible, employers should try to accommodate these differences. Employers can be cited as unlawfully discriminating either directly or indirectly if they refuse to do this without reasonable justification. We give some examples below.

- **Dress** – employers with strict regulations about dress code or uniforms may need to make adaptations to incorporate garments that are worn or not worn for religious reasons unless it impinges on health and safety.

- **Dietary requirements** – work establishments offering meals should cater for staff that because of religion or belief may only eat certain food or food prepared in a specific way, e.g. halal, kosher and vegetarian food.

- **Prayer days and religious holidays** – employers should where possible allow employees time and annual leave to celebrate religious festivals or to worship.

- **Prayer times** – as above but so as not to treat some members of staff more favourably than others, prayer times may need to be taken as part of the break times, but these could be at a different time than the usual break times.

- **Prayer rooms and somewhere to wash feet and hands** should be offered where possible. There should be somewhere quiet for people to pray.

Organisations that promote a positive attitude towards diverse religions and beliefs will most likely reap dividends, encouraging a diverse workforce, bringing in additional skills and experiences, enlarging the ‘market’ for the voluntary organisation or community group’s work, all of which will strengthen the organisational ethos of inclusion.

Some scenarios for group discussion

**Scenario 1**

A man wears dreadlocks due to his religious beliefs. He applies for a job as a cook, but is told he cannot work in the kitchen unless he has his hair cut.

- Is the employer right?
- Is this covered by rules governing religion and belief or is this a health and safety issue?
- Would it be relevant to find out whether this employer employs men or women with long hair in the kitchen?
- If so, what rules are there for men and women with long hair?
- Are there rules for all staff about keeping the hair covered up while working in the kitchen?
- What should the employer do?

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20 Scenario 1 is adapted from one that is used in Hampshire County Council’s pamphlet, Equality and Diversity Awareness.
Scenario 2
A publicly funded religious school turns down an application from a well qualified pupil on the grounds that her parents are not members of that faith.
- Is the school allowed to do this?
- Which legislation might apply to this case?

Scenario 3
Scouts take an oath to do their duty by God and the Queen.
- In what way might this breach the Equalities Act 2006?

Scenario 4
A woman employed in a care home for older people is sometimes asked to help prepare food for parties. She is quite willing to help out, but asks if she can be excused from making ham sandwiches because of her faith. On one occasion, she is the only member of staff on duty and the care home manager insists that she makes the food that the residents want to eat. This includes ham sandwiches. The worker refuses and is disciplined by her manager the next day.
- Can the manager do this?
- What remedy might the woman have?

Scenario 5
A Muslim worker asks his manager if he can take all his annual leave in one go because he wants to travel to Mecca to take part in the Hajj. His employer says that if he lets this worker take all his leave at once, everyone else would also want long holidays, so he refuses permission.
- Is this lawful?
- What action could the worker take?
- What should the organisation have done?

Self-Assessment
If you want to know how you are doing, we have provided you with a self-assessment questionnaire that will help you to find out how well your organisation is doing in promoting religious and belief equality and what more you need to do in order to be able to say that your performance is 'excellent'. Go to Chapter 10.

If you find it hard to reach a conclusion about any of these scenarios, contact your local Council for Voluntary Service or one of the specialist organisations listed in Appendix 2.
Sources of additional information

- **Hampshire Interfaith Network**
  
  [http://www.hants-interfaith.org/links.htm](http://www.hants-interfaith.org/links.htm)

  Email: info@hants-interfaith.org

- **Portsmouth Interfaith Forum**
  

  Contact: Taki Jaffer (Inter Faith Coordinator), PRENO
  
  Tel: 023 9287 7189

- **Southampton Council of Faiths**
  

  Tel: 07092 009851

- **The Interfaith Network for the UK**
  

- **The Equality and Human Rights Commission**
  
  [http://www.equalityhumanrights.com](http://www.equalityhumanrights.com)

There are more contact details in Appendix 2.
CHAPTER 9: AGE EQUALITY

What the law says

Age discrimination is the most common form of discrimination in the UK according to research carried out in 2004 by the University of Kent on behalf of Age Concern. Their research showed that 29% of people they surveyed said that they had experienced it, compared to 24% who said gender discrimination was the most common.

The Employment Equality (Age) Regulations 2006 are the only legal provisions referring to age discrimination. The regulations cover people of all ages including both young and older people. The Regulations only apply to employment and vocational training. They make it unlawful for employers and those involved in training to discriminate against a person on the basis of his or her age.

The regulations cover:
- access to help and guidance, recruitment, promotion, career development, employment termination, pay and benefits. Upper age limits for unfair dismissal and redundancy have been removed;
- job applicants, employees, crown employees (except those serving the Armed forces and reservists), police officers and civilian employees in the armed forces;
- office holders such as judges, and members of the clergy and applicants & members of Trades Unions and professional associations;
- people seeking qualifications from a qualifications body such as the Law Society;
- applicants and students on vocational courses or government training programmes;
- applicants and students in further and higher education;
- people registered with employment agencies; and
- applicants and members of occupational pension schemes.

Individuals, employers, vocational training providers, employment agencies, and occupational pension schemes are all liable under the Regulations and must not discriminate on grounds of age.

These regulations do not cover the provision of goods, services, facilities or public services, so there is no legal protection against age discrimination in these fields. Nevertheless, it is good practice for voluntary organisations and community groups to adopt policies that seek to promote equality and counter age discrimination throughout all their areas of activity (including the provision of goods, services and facilities).

The legislation adopts similar definitions of discrimination as the other equality strands - direct and indirect discrimination, harassment and victimisation.

There are exceptions to the legislation. These include Genuine Occupational Qualifications, positive action, and the National Minimum Wage where the age bands for younger employees are allowed as they have been objectively justified in making it easier for younger people find work.
The regulations also allow service-related pay and benefits to continue. However, pay and benefits relating to service criteria of more than five years must be justified, and it will be down to the employer to prove it is essential.

**Retirement Age**

The law introduces a national default retirement age of 65. This makes compulsory retirement below 65 years unlawful unless it can be objectively justified by employers. This will be reviewed in 2011.

All employees have the right to request that they work beyond the default retirement age or any other retirement age set by their organisation. All employers have a duty to consider these requests, but do not have to agree to a worker continuing beyond the age of 65.

Age Concern England is seeking a judicial review against the government as they argue that by allowing compulsory retirement at the age of 65, the regulations do not comply with European Law. This case has been referred to the European Court of Justice and a ruling is awaited.

The regulations allow pension schemes to continue running as they do now and they do not affect state pensions because to unravel existing pension schemes would take a lot of time and effort and would discourage employers from providing good pensions.

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21 Situation at March 2008. For more information, go to: [http://www.ageconcern.org.uk](http://www.ageconcern.org.uk)
ACAS guidelines on promoting age equality in the workplace or training

- Make sure that equalities policy and action plans cover age, and discuss with your employees how they can help to tackle age discrimination.
- Monitor your workforce including thinking about who is likely to retire and when, and consider flexible working arrangements for older workers.
- Wherever possible, advertise in a cross-section of the media so that you are reaching out to all age groups with your vacancies.
- Avoid specifying minimum/maximum length of experience unless it is absolutely necessary for the job.
- Only ask for a date of birth on your equalities monitoring form and not on the application form to ensure that it is not seen by the interview selection panel. Use competence/skills based application forms.
- Train staff who will interview prospective employees or candidates for promotion not to stereotype or discriminate on grounds of age.
- Monitor your recruitment selection process. Check whether you need to take positive action to recruit under-represented age groups to your workforce.
- Make sure training is open to everyone regardless of a person’s age, especially for older workers.
- Set the same standards of performance regardless of the employee’s age. Also when writing up performance appraisal meetings, avoid stereotypical comments such as ‘does well for her age’.
- Review your redundancy policy to ensure that you do not discriminate on grounds of age and bear in mind that ‘last in, first out’, or length of service to select employees for redundancy are likely to be discriminatory.

Self-Assessment

This is a new and still developing area of equality and diversity practice, and relatively few organisations have yet developed policy and practice in this field. If you want to know how you are doing, we have provided you with a self-assessment questionnaire that will help you to find out how well your organisation is doing in promoting age equality and what more you need to do in order to be able to say that your performance is ‘excellent’. Go to Chapter 10.

Basically you should:

- make a commitment to age equality in your Equality and Diversity Policy;
- get to know the law and what is seen as good practice, starting with the material that we have included here;
- think about how the law affects your organisation, your volunteers, workers, committee members and service users;
- ensure that your Equality and Diversity Policy covers all the legal requirements;
- think about how you can monitor older people whether they are staff, volunteers or service users; and
- if you know there are gaps in your policy or in how you put your policy into practice, don’t just leave it, but develop a plan for getting it right.
Where to go for more information

- **Age Concern Hampshire**
  [http://www.ageconcernhampshire.org.uk](http://www.ageconcernhampshire.org.uk)
  Freephone: 0800 328 7154
  Chris Perry,
  Director
  Email: chrisjperry@ageconcernhampshire.org.uk

- **Age Concern Portsmouth**
  Tel: 023 9286 2121

- **Age Concern Southampton**
  [http://www.ageconcernsouthampton.org.uk](http://www.ageconcernsouthampton.org.uk)
  Tel: 023 8036 8636
  Email: acsouthampton@btconnect.com

- **ACAS**
  Helpline: 0845 747 4747
  [http://www.acas.org.uk](http://www.acas.org.uk)

- **The Age Partnership**
  Helpline: 0845 715 2000
  Email: apg@trgeuropeplc.com

- **Department for Business, Enterprise & Regulatory Reform**
  For more information on pensions see the guide entitled *The Impact of Age Regulation on Pension Schemes*:

- **The Equality and Human Rights Commission**
  [http://www.equalityhumanrights.com](http://www.equalityhumanrights.com)

There are more contact details in Appendix 2.
Using this chapter of the Toolkit

Human rights, equality and diversity affect many areas of your organisation’s work. There are laws and regulations in place that are intended to help you to promote equality, respect diversity and tackle discrimination. But there are also gaps. The fact that providers of goods and services, and public authorities, can still in theory discriminate against older people is an example of this. But even if the law is still evolving, that does not mean that voluntary organisations and community groups should not aim to treat everyone in a way that respects their individuality as human beings.

The key question is: how does your organisation bring all this information and experience together to promote diversity and tackle discrimination?

The answer is for all organisations of whatever size to develop a holistic approach to diversity and equalities through:

- writing a set of guiding principles for your organisation in an \textbf{Equality and Diversity Mission Statement};
- developing an \textbf{Equality and Diversity Policy} which says how you intend to put these principles into practice;
- \textbf{writing an action plan for putting the policy into practice}; and then
- \textbf{monitoring how well you are carrying out your policies in practice}.

This chapter is designed to give you the tools to do this.

First, we will help you to develop your Equality and Diversity Mission Statement, your key policies, and your methods for monitoring your performance. We will give you some examples of good practice by other voluntary organisations, and we will tell you where you can get advice or more information.

Then we will show you how to monitor your employees, volunteers and service users, and carry out a self-assessment of your current performance in promoting equality for each of the groups that have been covered in Chapters 3 to 9. Using these tools, you will be able to assess your performance against each equality strand, and overall and build this into the process for developing your Mission Statement and your Equality and Diversity Policy.
The Equality and Diversity planning process in outline

- Setting out the principles in a Mission Statement
- Writing an Equality and Diversity Policy
- Carrying out the equality and diversity self assessment. This includes consulting volunteers, staff and service users
- Identifying the main areas of weakness
- Assessing ‘How are we doing’ in relation to the principles set out in the Mission Statement and the Policy
- Writing an Action Plan
- Identifying the main areas of weakness
- Assessing ‘How are we doing’ in relation to the principles set out in the Mission Statement and the Policy
- Training volunteers and staff
- Putting principles and policies into practice
- Monitoring performance, change in the law and good practice
- Monitoring performance, change in the law and good practice

Repeat this process for continuous improvement
Developing an Equality and Diversity Mission Statement

The Equality and Diversity Mission Statement aims to clarify the way your organisation wishes to work. It should be unique to your organisation and not copied from someone else. It is your public commitment to promoting equality and tackling discrimination and will ensure that everyone involved with your organisation knows where you stand on diversity and equalities issues. It should build on your organisation’s existing values and vision and put its approach to diversity and equality in context.

Developing an Equality and Diversity Policy

If you already have an equal opportunities policy you could treat this as a starting point, but you will need to adapt it to take on board the scope of the human rights, equality and diversity agenda including issues like age, transgender and faith.

Your Equality and Diversity Policy will be a statement about

- how you are going to keep your commitments to quality and diversity; and
- what action you are going to take to promote equality and tackle discrimination.

Good equality and diversity policies are usually in two parts.

The first part is the policy statement which sets out your commitment to promoting equality, including areas that go beyond the current legislation.

- It should state your principles and values, and why it will benefit your organisation to implement an equality and diversity approach.
- It should say that it comes from the management committee and that staff, volunteers and trustees all have responsibilities for carrying it out.
- It should describe all the areas affected by the policy.
- It should describe the process for accountability and for monitoring its effectiveness.

An example of voluntary sector Equality and Diversity Mission Statement

WRVS is one of the UK’s largest voluntary service organisations dedicated to tackling social isolation throughout England, Scotland & Wales.

WRVS is committed to becoming an organisation which is inclusive and values difference by seeking to ensure that its services are relevant and accessible to all.

We recognise that all people with different backgrounds, cultures, skills and experiences bring fresh ideas and perceptions that benefit the organisation and all of its stakeholders.

WRVS is working to embrace difference, listen to and meet the changing needs of its users, staff, volunteers, partners and stakeholders.

WRVS’s board of trustees, chief executive, executive directors and management team are committed to diversity and will actively support its permeation through the organisation.

Source: Making Diversity Happen, NCVO, Nov 2003
The second part is the action plan or implementation plan. The action plan should set out clearly the following:

- how the organisation will ensure that the policy is carried out;
- what is expected of employees, volunteers, trustees, partner organisations and suppliers in all aspects of their work.

Make sure your policy covers the seven equality strands; and make sure your policy covers all your main activities. Say how the action plan will be monitored, audited and reviewed.

Your Equality and Diversity Policy should not be a stand alone document. It should refer to other policies and say how equality and diversity will be promoted through them. There should be references to your recruitment and selection policy and procedures and other employment policies such as grievance and disciplinary procedures, pay policy, tackling harassment and bullying policies, and your training policy and volunteering policy.

There should be statements about how your organisation will ensure that the activities and services that it provides are open to all, and the way this will be ensured.

It is critical that for your Equality and Diversity Policy to be fully integrated into your organisation’s culture there needs to be strong and clear leadership on this issue. Leadership needs to come from the management committee, as well as from senior staff members or volunteers.

You will need to think carefully about how ownership of the policy can be achieved throughout your organisation. Staff and volunteers need to ‘own’ the policy, and they need to be aware of their responsibilities to implement and actively promote it.

When reviewing or developing these policies, wide consultation should take place within the organisation, with service users and with your partner organisations and funders. Otherwise there is a danger of a lack of commitment and ownership as well as possible opposition.

A good way of developing or reviewing your equalities policy is to set up an equalities working group made up of staff, committee members and (ideally) service users. It may also be appropriate to work on the policy with external agencies such as your local Council for Voluntary Service and one or more of the specialist organisations listed in Appendix 2.

We have given an example of an Equality and Diversity Policy below. There are references to the policies of other voluntary organisations at the end of this chapter.
Winchester Area Community Action
Diversity Policy

The Organisation
Winchester Area Community Action (WACA) is the Council of Voluntary Service for the Winchester District and is committed to the promotion of positive voluntary action for all.

Statement of Values
WACA opposes discrimination of all forms, whether or not barred by legislation, and seeks to ensure that equality of opportunity and a recognition of the value of diversity are reflected in all its activities.

Diversity Policy
This policy aims to ensure that WACA creates equal opportunities for all potential and actual members of WACA, its Trustee Board, staff, volunteers, users of its services and organisations with which it works. Its success will depend on everyone having a full understanding of diversity and equal opportunities and cooperating in the policy’s implementation.

WACA acknowledges the many different groups that make up the Winchester District and will take steps to ensure that this diversity is reflected in the following ways:

WACA Trustee Board
WACA will seek to ensure that the members of the Trustee Board reflect the diversity of the district’s population and the wide range of agencies who work in the voluntary sector. Equal Opportunities and diversity will be an essential part of induction for all Trustees.

Volunteers
WACA believes that everyone has the right to volunteer and that volunteering should be accessible to all.

All volunteers working with WACA will be expected to adhere to the policy and support its implementation. Equal opportunities and diversity will be included as part of the induction programme for new volunteers.

Organisations
All organisations with which WACA works are expected to have a commitment to equal opportunities and to support and help us to implement this policy. No form of discrimination will be accepted by WACA. WACA will undertake to help organisations understand the importance of equal opportunities as part of good practice. WACA’s Diversity Policy will be available on request to other organisations in the district.

Members
All organisations who take up membership of WACA will be sent a copy of this policy. WACA will ensure that all members have equal access to the benefits of membership and that none is prevented from becoming a member as a result of discrimination on WACA’s part.

Users
Copies of WACA’s Diversity Policy will be available to everyone using WACA’s services.

Continued ….
Publicity

WACA will endeavour to provide information on its services to the whole of the local community and will work towards making its publicity accessible to all. WACA’s Values Statement will reflect its commitment to equal opportunities and diversity and will be displayed prominently in the reception areas of both The Winchester Centre and the Mobility Services office.

Monitoring and Evaluation

The policy will be reviewed annually in order to evaluate its effectiveness and that it complies with current legislation. The review will be carried out by a working group, chaired by a Trustee and with a volunteer co-opted on to it. Central Services will collate information from the recruitment monitoring forms and this will be presented to the group who will use the results as an indicator that our recruitment policies are complying with this policy.

Training

Equal opportunities and diversity training will be available to all staff, volunteers and Trustees as appropriate. Equal opportunities will form an integral part of any training which WACA organises.

Ratified by the WACA Board of Trustees
9 January 2003
Updated July 2007

Self-Assessment – How are we doing?

On the following page we have provided you with a self-assessment questionnaire that will help you to find out how well your organisation is doing in promoting equality and what more you need to do in order to be able to say that your performance is ‘excellent’ when compared with your Mission Statement and your Equality & Diversity Policy.

You should use this questionnaire for each of the equality strands, rather than trying to cover them all in the same assessment. After all, you may be doing very well on sex equality, but you might not have given any thought to religion and belief, or equality for transgender people. If you try to cover everything at once, you will not learn very much about your strengths and weaknesses.
PLEASE COMPLETE A SEPARATE ASSESSMENT SHEET FOR EACH EQUALITY STRAND. To complete this assessment: read each statement in the left hand column carefully; then decide to what extent it applies to your organisation; tick the column that applies; do the same thing for all the statements; then add up your column and total score at the end.

<table>
<thead>
<tr>
<th>WRITE THE NAME OF THE EQUALITY STRAND HERE:</th>
<th>We have not yet started</th>
<th>We have made a start but need to make improvements</th>
<th>We have made good progress but still need to improve</th>
<th>We are doing well and could share our knowledge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column Score</td>
<td></td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>We have made a positive commitment to equality for this group in our work, and this is included in our Mission Statement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>We have a good working knowledge of discrimination law and understand what ‘good practice’ means in this field</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>We have carried out an assessment of how the law in this field affects our organisation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>We have consulted our volunteers, employees, service users and funders about the way we ensure that we do not discriminate against this group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>We have policies and procedures in place that cover all the legal requirements in this field</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>We monitor our performance in implementing our policies in this field</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>We are aware of the gaps in our policies and procedures and have developed an action plan and timetable to fill the gaps</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

COLUMN SCORES

TOTAL SCORE
How is our organisation performing?

**Interpreting our total score for each equality strand**

<table>
<thead>
<tr>
<th>Score Range</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 to 10</td>
<td>We are doing very well, but should keep this area of work under review by monitoring changes in the law and good practice.</td>
</tr>
<tr>
<td>11 - 14</td>
<td>We are doing quite well, but need to review any areas of weakness and develop an action plan for improvement; we also need to monitor changes in the law and good practice.</td>
</tr>
<tr>
<td>15 - 21</td>
<td>There are significant gaps in our understanding of this equality strand. We need to ensure that we have understood all our responsibilities in this field, and that we have identified the gaps in our policies. Then we need to develop an action plan for improvement. We may need to take advice on where we are going wrong.</td>
</tr>
<tr>
<td>22 - 28</td>
<td>Our performance is not very good. We may be breaking the law. We need to review how the law affects us; develop new policies to make sure that we are not guilty of discrimination; and we must develop an action plan for improvement. We will need to take advice on where we are going wrong.</td>
</tr>
</tbody>
</table>

**Simple rules for self-assessment**

If you are familiar with PQASSO or similar quality assurance systems for voluntary organisations you will have carried out self-assessments previously. If you have not, here are some simple rules to follow.

- Self-assessment means that you and the other people in your organisation have to look at the way you are doing things and your standards of performance.
- The aim is to find out what you are doing well, what you are not doing well, and what you are not doing at all.
- You have to be honest. If you are not, then there is no point in doing it.
- Being honest means being self-aware as an organisation – it does not mean that you have to tell everyone else how well or how badly you are doing.
- Being honest is the best way of finding out where your weaknesses are. Finding this out is the starting point for doing something about them.
- Remember that most public bodies and major charities are also developing equality and diversity policies or schemes, and are monitoring how well they are doing. If you receive money from one of these organisations, they will expect you to take equality and diversity seriously, and they may expect you to have policies and be carrying out monitoring and self-assessment exercises like this one.
- Your first self-assessment will give you a picture of how well you are doing under each of the equality headings. It will also give you an idea of what you should be aiming to achieve next.
- Decide what are the priorities – the next section of the toolkit will help you with this. Then if you are not sure about what to do next, find someone who can advise you like your CVS, your local authority equalities section or one of the specialist organisations that we have listed in the earlier chapters and in Appendix 2.

- If you find that you cannot answer some of the questions, then you probably need more information. In a small organisation this should not be too difficult, but in a larger one there may be several different people that you need to talk to in order to get a complete picture of what is going on. Or you may need advice.

**Assessing your overall performance on equality and diversity**

Once you have begun to assess your performance on each of the equality strands, you can begin to think about your overall performance.

On the following page we have included a blank score sheet on which you can record your overall score for each equality strand. When you add up the scores, you can then compare them with the checklist opposite.

Once you have gone through the initial self-assessment, you need to list and prioritise the areas where you need to take action under each equality heading.

---

### Equality and Diversity Overall Performance Checklist

<table>
<thead>
<tr>
<th>Interpreting our score for equality and diversity overall</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>49 - 70</td>
<td><strong>Advanced Performer:</strong> We are doing well, but should act on areas of weakness we have identified, and keep our work under review by monitoring the law and good practice.</td>
</tr>
<tr>
<td>71 - 98</td>
<td><strong>Making Progress:</strong> We are doing quite well, but need to review our areas of weakness and develop an action plan for improvement; we also need to monitor changes in the law and good practice.</td>
</tr>
<tr>
<td>99 - 147</td>
<td><strong>Just started:</strong> There are significant gaps in our understanding of the law and good practice. We need to ensure that we have understood our responsibilities and identified the gaps in our policies and practice. We need to develop an action plan for improvement. We may need advice on where we are going wrong.</td>
</tr>
<tr>
<td>148 - 196</td>
<td><strong>Not performing:</strong> We may be breaking the law. We are almost certainly not following good practice. We need to carry out an urgent review of how the legislation and regulations affect us; develop our policies and practices to make sure that we are not guilty of discrimination; and develop an action plan for improvement. We may need to take advice on where we are going wrong.</td>
</tr>
<tr>
<td>Diversity Strand</td>
<td>Score</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Sex Equality</td>
<td></td>
</tr>
<tr>
<td>Race Equality</td>
<td></td>
</tr>
<tr>
<td>Equality for Disabled People</td>
<td></td>
</tr>
<tr>
<td>Equality for LGB People</td>
<td></td>
</tr>
<tr>
<td>Equality for Transgender People</td>
<td></td>
</tr>
<tr>
<td>Equality in Religion and Belief</td>
<td></td>
</tr>
<tr>
<td>Age Equality</td>
<td></td>
</tr>
<tr>
<td>OVERVIEW OF OUR PERFORMANCE</td>
<td></td>
</tr>
</tbody>
</table>
Developing an action plan

Once you have an Equality and Diversity Policy that everyone can own you need to ensure that it is put into practice and monitored. We give an example below of a list of things to think about, and on the following page, a checklist to help you ensure that your policy covers the important issues. This is adapted from the equality and diversity guidelines issued by Winchester Area Community Action and the National Association for Voluntary and Community Action. The questions can be built into a form that allows each question to be answered ‘Yes’ or ‘No’, with a space for comments after.

10 things to think about

1. Ask yourself whether your organisation has a Mission Statement, and if so whether it makes a commitment to promoting equality and respecting diversity in all areas of your work. If not, then writing a new Mission Statement should be your top priority.

2. List the areas of equality and diversity you are good at, even if there are still things that you could improve, and put these low down on your list of priorities.

3. Then list the things you are not so good at or what you are not doing at all, and make these your top priorities.

4. Decide what you can reasonably achieve in a given period of time – say, the next six months – and use this knowledge to decide which areas of work you will tackle first.

5. Decide what information you need to work through these tasks. What information do you need from inside your organisation? What information do you need from other people?

6. Decide what advice you need and where to get it.

7. Make sure that you have got enough resources to complete this plan in the way you want to. If not, then revise the plan to make it less ambitious.

8. Decide who is going to be doing each piece of work.

9. Set up an equality and diversity working group to share information and monitor progress. One or two members of your management committee should be on this group.

10. Remember: an action plan describes what you want to do and how you want to do it. But things may not work out quite as you expect - keep the plan under review and adapt it.
<table>
<thead>
<tr>
<th>GOVERNANCE</th>
<th>Yes</th>
<th>No</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Is specific reference made to equality in your organisation’s Mission Statement?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Does your organisation have an Equality and Diversity Policy, and is it endorsed at the highest level of the organisation?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Is your policy statement well publicised across the organisation and made known to all new and potential employees and to member/potential member organisations?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Is there an action plan in place to implement the policy?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Do you report on your progress in your annual report?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Do your trustees receive regular monitoring reports on the implementation of the plan?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Does your Board of Trustees or management committee reflect the diversity of the local voluntary and community sector?</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STAFFING AND EMPLOYMENT</th>
<th>Yes</th>
<th>No</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Do managers have the skills and knowledge to implement and provide leadership on the policy?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Are training opportunities available to staff, volunteers and trustees to ensure they are aware of their rights and responsibilities in this area?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Does your organisation have an agreed recruitment and selection process which includes equality issues?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Do you take account of part-time workers’ hours when arranging staff meetings, training days etc?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Do you have clear procedures relating to: maternity pay; parental and carers’ leave; paternity leave; part-time workers; flexible working?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Do you have an equal pay statement?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Are employment rights communicated to staff (e.g. in a staff handbook?)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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22 This checklist combines ideas from the National Association for Voluntary and Community Action (NAVCA) and Winchester Area Community Action (WACA).
<table>
<thead>
<tr>
<th>STAFFING AND EMPLOYMENT (CONTINUED)</th>
<th>Yes</th>
<th>No</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Do you take account of religious holidays other than Christian ones?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Do you allow flexible working around time off for religious observances?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WORKING WITH DIVERSE COMMUNITIES</th>
<th>Yes</th>
<th>No</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Do you take positive steps to engage with organisations that may experience marginalisation?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Do you challenge institutions, organisations and practices that are discriminatory?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MONITORING</th>
<th>Yes</th>
<th>No</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Does your monitoring system separate data about your workforce on the basis of the seven equality strands (sex, race, faith, disability, sexual orientation, transgender and age)?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Do you monitor service users on the basis of the seven equality strands (sex, race, faith, disability, sexual orientation, transgender and age)?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NETWORK ORGANISATIONS</th>
<th>Yes</th>
<th>No</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Are your members required to have an equal opportunities policy?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Do you offer advice, guidance and training on equalities issues?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Does the voluntary and community sector reflect the diversity of the community in your locality?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Equalities Monitoring

The Equality and Human Rights Commission advises that all organisations should undertake equalities monitoring in order to comply with current equalities legislation and to positively promote equality and diversity. The Commission’s equalities monitoring form is reproduced at the end of this section. We recommend that you photocopy and use this form for monitoring purposes in your own organisation.

Monitoring who your service users, staff and volunteers (including committee members) are can be a sensitive issue. You may feel that you already deal openly with people, that you do not discriminate against them, and that you do not want to pry into their personal backgrounds. Also, you may not want to routinely take down personal information. However, it is essential to carry out equalities monitoring because it will enable you to know the backgrounds of your workforce, your volunteers and your service users.

Equalities monitoring will:

- help you to find out existing talents or new skills through identifying groups of people previously under-represented within your organisation;
- help you to assess whether your policies and actions have had a positive impact on your organisation;
- provide important information to help you identify whether or not there may be deliberate or unconscious discrimination going on within your employment or volunteering practices or in relation to your service delivery.

Questions to ask about your monitoring information

Through monitoring you may discover that you currently do not employ any disabled people or older people. Or you may find that there are people living and working in your area that are not using your organisation’s services and facilities. You will then need to analyse why this is the case and take action to redress it.

- Are certain groups under-represented because of how and where you advertise your vacancies?
- Do your recruitment and selection criteria disadvantage or discriminate against certain groups?
- Are your premises inaccessible?
- Do your staff discourage applications from certain groups of people?
- Why are some people promoted and others not?
- Is your team of staff and volunteers representative of your local communities?
- Do the people who use your organisation’s services and facilities come from all the diverse communities in your area?

Remember that collecting information is not an end in itself. You must regularly analyse and question the data. Monitoring will only bring about positive change if it is used to identify gaps in service provision or identify barriers that people face or where they do less well.
Once issues are identified you will have a strong evidence base for taking action that will lead to greater equality for disadvantaged people.

Remember that monitoring is an on-going process of asking questions, investigating what’s happening and deciding on what you need to change. You will then need to monitor the effects of any change to see what else needs to be done and to ensure that any improvements that you make are sustainable.

Commitment to equalities monitoring is needed at all levels. Your management committee should be responsible for making sure that monitoring is done, and that it is taken seriously. Everyone in your organisation will need to be clear why monitoring is taking place, and its value, so that they can explain it to your volunteers and your service users.

**Remember that confidentiality is important and that you must adhere to the Data Protection Act 1998 when collecting, storing, analysing and publishing personal data.** Under no circumstances should you reveal a person’s identity. Make it clear to people that the information they provide is given voluntarily, that it is strictly confidential, and tell them what you will do with the information. Otherwise they may not want to complete your monitoring form.

Monitoring sexual orientation probably raises issues of confidentiality more than some of the other equality strands. **If information is gathered about sexual orientation (e.g. on application forms) it is essential that the information is detached from the application form and stored anonymously.** The Equality and Human Rights Commission advises that sexual orientation, along with the other equality strands, should be monitored but that organisations need to be clear why they are doing it and how they will use the information to promote equality for gay men, lesbians and bisexual people and tackle discrimination.

**Indeed, no equalities monitoring forms should be stored on employee or volunteer personnel files, or on service user case records. They should always be detached from the application form or case records and securely stored in a way that preserves people’s anonymity.**

The Equalities and Human Rights Commission equalities monitoring form is shown on the next page.
<table>
<thead>
<tr>
<th>Gender</th>
<th>✓ the box</th>
<th>Age</th>
<th>✓</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td></td>
<td>Under 26</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td>26 - 50</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>51 to 65</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>66 or over</td>
<td></td>
</tr>
<tr>
<td></td>
<td>✓ the box</td>
<td>Ethnicity</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>✓ the box</td>
<td>White</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>✓ the box</td>
<td>Mixed Background</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>✓ the box</td>
<td>British</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>✓ the box</td>
<td>White and Black Caribbean</td>
<td>✓</td>
</tr>
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**The Equality & Human Rights Commission Equalities Monitoring Form** (continued)

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**Definition of Disability**

The Disability Discrimination Act 1995 protects disabled people. It defines a person as disabled if they have a physical or mental impairment which has a substantial and long term (i.e. has lasted or is expected to last at least 12 months) adverse effect on the person’s ability to carry out normal day-to-day activities.

Do you consider yourself to have a disability according to the terms given in the Disability Discrimination Act 1995? Yes or No?  

| YES | NO |

If Yes, indicate the type of impairment(s) which applies by placing a ✓ in the box next to the disability in the table below.

- Physical impairment such as difficulty using your arms or mobility issues which mean using a wheelchair or crutches
- Sensory impairment such as being blind/having a serious visual impairment or being deaf/having a serious hearing impairment
- Mental health condition such as depression or schizophrenia
- Learning disability (such as Down’s syndrome or dyslexia) or cognitive impairment (such as autism or head-injury)
- Long-standing illness or health condition such as cancer, HIV, diabetes, chronic heart disease or epilepsy
- Other such as disfigurement

If Other please specify here

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Equality Impact Assessments

Equality Impact Assessments are comprehensive and systematic ways of evaluating how well you are applying your policies in order to ensure that you are identifying and tackling discrimination in your organisation.

The Race Relations (Amendment) Act 2000 requires all public bodies to carry out a Race Equality Impact Assessment. They have proved to be so effective in practice that the principles have been extended to cover all the seven equality strands.

Remember, voluntary organisations that are carrying out functions on behalf of a public body may also be expected to carry out Equality Impact Assessments.

The key aim of the Equalities Impact Assessment is:

- to identify what effect an existing or proposed activity might have on specific equalities groups; and
- to assess whether these actions have a negative impact on any of the equalities groups.

By carrying out an Equalities Impact Assessment you can obtain a profile of how your policies, services or activities will affect different equalities groups.

An Equalities Impact Assessment is carried out by completing a specially designed form. The length and complexity of the forms will depend to some extent on what type and size of organisation you are running.

You will also need to consider the best way to complete the form depending on what resources and structures your organisation has. There are four steps in completing these forms.

1. Identify the key aims of your organisation, its staffing and any other issues that affect your work or your service users. (This can be done at a specially convened meeting of committee members and senior staff).

2. Take each equalities group in turn and identify what issues and barriers exist to equality that need to be addressed and what action your organisation will need to tackle these issues or remove these barriers – then agree timescales for the work to be carried out.

3. Record any other relevant information at the end of the form, together with a summary of the action points agreed.

4. Set a date for reviewing progress - you may want to write a report on progress to your management committee for endorsement of your work.

The Social Inclusion Partnership for the South East (SIPSE) has developed an Equalities Impact Assessment Template. This is quite a long document and we do not have space to reproduce it here. You can download a copy from the Community Action Hampshire website: http://www.action.hants.org.uk
Where to go for more information

- **National Council for Voluntary Organisations (NCVO)**  
  [http://www.ncvo-vol.org.uk](http://www.ncvo-vol.org.uk)
  
  *Making Diversity Happen: A guide for Voluntary and Community Organisations.* This is a practical guide for voluntary and community organisations with case studies and checklists.
  
  *Creating an Equal Opportunities Policy*

- **British Institute of Human Rights (BIHR)**  
  Report of NCVO/BIHR Roundtable: *Human Rights and the VCS*  

- **National Association for Voluntary and Community Action (NAVCA)**  
  [http://www.navca.org.uk/localvs/equalities](http://www.navca.org.uk/localvs/equalities)
  
  Three useful publications/resources are:
  
  *Measuring Effectiveness: a self evaluation toolkit for the national network of Councils for Voluntary Service*
  
  *NAVCA Equalities Resources* – This is a list of their useful equalities and diversity publications
  
  List of the organisations working across the equality strands and web links to these organisations

- **Regional Action & Involvement South East (RAISE)**  
  
  The key publications are:
  
  *Raise Equalities Toolkit* and the Equalities Training course slides and handouts.
  
  RAISE has an equality and diversity section on their website which includes the toolkit, links to key equalities and diversity organisations and the contact details of their Equalities & Diversity Manager:
  
  *Sacha Rose*  
  Tel: 01483 500772  
  Email: sacha@raise-networks.org.uk
  

- **The Social Inclusion Partnership for the South East (SIPSE)**  

- **Community Action Hampshire**  
  [http://www.action.hants.org.uk](http://www.action.hants.org.uk)
  
  For information about the Hampshire Diversity Network Project and further information about this toolkit contact Frances Candler, Diversity Network Officer
  
  Tel: 01962 857 357  
  Email: frances.candler@action.hants.org.uk
• **Winchester Area Community Action (WACA)**
  [http://www.waca.org.uk](http://www.waca.org.uk)
  You can obtain more information about WACA’s Equality & Diversity Policy and its approach to equalities from
  Elizabeth McKerracher, Deputy Chief Executive or Hilary Fellows, Training Manager:
  Tel: 01962 842293
  Email: [waca@waca.org.uk](mailto:waca@waca.org.uk)

• **Hampshire County Council**
  Amjid Jabbar, Equality and Access Officer
  Recreation and Heritage Department
  Hampshire County Council,
  Tel: 01962 846269 / 01962 826700
  Email: [amjid.jabbar@hants.gov.uk](mailto:amjid.jabbar@hants.gov.uk)

• **Suffolk Association of Voluntary Organisations (SAVO)**
  [http://www.savo.co.uk](http://www.savo.co.uk)
  SAVO is an umbrella organisation whose mission is to support, inform, represent and develop voluntary action in Suffolk. They have a very good Equality & Diversity Policy and Procedures. This document together with their Mission, Values and Vision Statement can be obtained from their website.

• **The National Association for the Care and Resettlement of Offenders (NACRO)**
  NACRO won the Gold Standard Award for their Equality and Diversity Scheme at last year’s British Diversity Awards. The Equality and Diversity Policy and Equality and Diversity Scheme are not available online, but copies can be obtained from:
  Kulbir Shergill, Head of Equality Strategy
  Tel: 0117 9104990
  Email: [kulbir.shergill@nacro.org.uk](mailto:kulbir.shergill@nacro.org.uk)

• **Citizens Advice**
  [http://www.citizensadvice.org.uk/index/aboutus/equality_diversity_strategy.htm](http://www.citizensadvice.org.uk/index/aboutus/equality_diversity_strategy.htm)
  Publishes an Equality Scheme that all CABs should follow, and Fair Accessible Inclusive Relevant: The Citizen’s Advice equality and diversity strategy 2004 – 2008 on its website

There are more contact details in Appendix 2.
PART 2
CHAPTER 11: ENGAGING WITH DIVERSE COMMUNITIES

Why engage with diverse communities?

Whether your organisation runs activities for its members, is a service provider, a campaigning group, or gives support to other groups, promoting equality and valuing diversity means reaching out to groups and communities that you may not have had much contact with in the past.

As the NCVO guide to diversity points out, voluntary organisations and community groups do not always treat people fairly in spite of their charitable ethos. Nor do they take the care that they should in opening themselves up to everyone in their community.

“… most of us do not have the resources to carry out dedicated equalities work and the effort required is disproportionate given the other needs that we are trying to meet.”

This view, shared with us by a senior manager in a voluntary organisation in Hampshire, appears to be saying that doing equalities work is difficult so let us not bother because then we can get on with our real work. But what is the voluntary sector’s real work if it is not about ensuring that its activities and services are available to everyone?

It is not enough to say ‘We are here if you need us’, or ‘Our doors are open to everyone’ if large sections of the local community do not know who we are or what we do, or if the way we operate is insensitive to their needs. This gets very close to institutional discrimination.

So here are five reasons why engaging with diverse communities is essential as a fundamental part of the voluntary sector’s work.

1. Any organisation whose work is intended to benefit the community – and that is why most voluntary organisations and community groups are in business - needs to engage with all sections of the community.

2. If you use volunteers or have paid workers, recruiting from all sections of the community is the best way of getting good people. It is also a legal requirement.

3. If you are providing goods, services and facilities to the public, you need to engage with diverse communities if you want to be an effective organisation that is meeting community and user needs. Otherwise you are working in a vacuum. You could also be breaking the law in respect of the seven equality strands.

4. Most funders now require you to have equality and diversity policies. They also want to know how you put them into practice, how you monitor your work, and the ways in which you consult people from diverse communities. So engaging with diverse communities is not only an essential part of achieving your Equality and Diversity Mission Statement, but a way of retaining your funders’ support.

5. Over and above the legal and practical reasons for doing it, however, there is one over-riding reason: Why wouldn’t you want to engage with diverse communities if you want your voluntary organisation or community group to be successful? It’s the right thing to do!
Steps in engaging with diverse communities

Funded through the Black and Minority Ethnic Awareness Project (BMAP)\(^{23}\), Winchester Area Community Action (WACA) in partnership with Community Action Hampshire and Community First East Hampshire developed a toolkit for engaging with local BME communities\(^{24}\). With a little simplification and a few adaptations, this staged approach can also be used as a basis for engaging with diverse communities more generally.

1. Find out about the diverse communities in your area.
2. Identify how and where you can engage with diverse communities.
3. Think about what issues that you need to be aware of.
4. Develop local initiatives in engaging diverse communities.
5. Capacity building to improve resources for diverse communities.

Mapping diverse communities

There are three ways in which you can find out about the diverse communities in your area:

- through statistical information such as the 2001 Population Census, and reports published by local authorities and specialist agencies;
- through organisations that are working with particular communities on a day to day basis.
- through existing local knowledge.

Statistics


This information is also available on the Hampshire County Council website at: [http://www3.hants.gov.uk/planning/factsandfigures](http://www3.hants.gov.uk/planning/factsandfigures) together with valuable additional information, such as the report on ‘The demographic future of Hampshire’.

Much of the information about race, faith and migration has been brought together, updated and supplemented by anecdotal evidence in a series of district based reports put together through the Diversity Network Project\(^{25}\). However, there is little or no statistical information about disability, sexual orientation or transgender people that is easily accessible nationally or locally.

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23 BMAP (2006) was developed under the Government’s ChangeUp initiative to strengthen the BME voluntary and community sector in Hampshire. To find out more go to: [http://www.action.hants.org.uk/index.php?id=50](http://www.action.hants.org.uk/index.php?id=50)

24 Engaging with your local Black and Minority Ethnic Communities: Making it happen – good practice guidance. Winchester Area Community Action and partners. 2007, funded by ChangeUp

25 Contact Frances Candler at Community Action Hampshire on 01962 857 357 for more information
Organisations with specialist knowledge

There are many Hampshire-based and national organisations that have a very good working knowledge about each of the communities represented in the seven equality strands, and we have given their names and contact details at the end of each chapter and in Appendix 2. Where there is statistical information, they will either have analysed it already - and this saves you the trouble - or they can tell you who has done so.

Local knowledge and expertise

You may also be able to get help from people or organisations who are already working in your geographical area. For instance, there are community development workers in most Hampshire Districts. Both Basingstoke and Deane and Eastleigh Borough Councils have appointed Community Development Officers whose role is to reach and support individuals and groups from minority communities in their areas. In addition a network of Community Development Workers, established in response to a Department of Health initiative 'Delivering Race Equality in Mental Health Care', supported by Hampshire County Council and other partners, is working with BME communities in most Hampshire districts, responding to local needs. Other organisations, including voluntary and community organisations, also employ community development workers.

Contacting groups with specialist or local knowledge

You may be able to find out about organisations that have specialist knowledge or that work with one of the equality groups in your area by going to the e.VOLve website: http://www.evolve.org.uk e.VOLve is the interactive website for voluntary organisations serving Hampshire and the Isle of Wight. e.VOLve is still under development, so bear in mind that not all the organisations you might want to contact are listed. You could also find out who is working with equalities groups in your area through your local Council of Voluntary Service.

The Diversity Network Project

The Diversity Network Project has coordinated a series of meetings throughout Hampshire since August 2007. These meetings have brought together people from a range of organisations working with BME and Faith groups, migrant workers, Gypsies and Travellers, and asylum seekers. The meetings have provided an opportunity to share local knowledge and experience, and to obtain a better understanding of individuals and groups who might not be currently using our services. Local issues have been identified, action points suggested and recommendations made to address local priorities. These have been summarised in district reports, which have also updated statistical information with anecdotal local knowledge and provide a more detailed picture of the diverse groups living or working in our local communities. You can find these reports on the Community Action Hampshire website at: http://www.action.hants.org.uk/index.php?id=70
The Project is now focusing on establishing links with these emerging groups and communities and on helping voluntary and community organisations to support and provide services for them. The Project has strong links with statutory bodies - local government, the police, Primary Care Trusts etc - working with the same groups and can give you up to date information about developments in your area.

**How and where to engage with diverse communities**

It is probably more important for you to know how and where to engage with people from any of the diverse communities than it is to know how many people there are in that community. That is another reason why making contact with one of the organisations that already works with the groups is a good way to start.

The types of organisation that you could approach include:

- specialist organisations working with the particular equality group in your locality or elsewhere in the county – see Appendix 2;
- specialist networks (e.g. Hampshire Coalition of Disabled People; Diversity Network Project; Hampshire Interfaith Network, Southern Network of Gypsy and Traveller Groups, Cross-link: Central, Eastern and European Association for Migrant Workers, etc);
- councils of voluntary service;
- voluntary sector advice services;
- neighbourhood and community development workers;
- local authority education services;
- local authority equality and diversity teams;
- NHS Primary Care Trusts and diversity coordinators.

**Three issues you need to be aware of**

- **Cultural sensitivity** – before you make contact with a new group, find out about their culture, customs and the kind of language that you can and cannot use with them. Innocent actions might cause offence, not just to people from different parts of the world and of different faiths, but also to LGB or transgender people.

**Example**

A first time mother who had just suffered the loss of her new born baby and undergone a serious operation was deeply upset when the hospital refused to let her husband stay with her. In her previous country it was traditional that members of the immediate family would care for the patient all the time in hospital.

**Questions to ask**

We are a voluntary group that [describe your activities] and we would like to make sure that our activities are open to [e.g. disabled people].

- Could you advise us on what steps we should take?
- Do you have any local contacts in the area we work?
- Do you know anyone who might be interested in joining our management committee or being consulted about our work?
- Is this something we should do as a single organisation, or would it be better if we got a group of organisations together to reduce the load on you?
Past experience of discrimination – The experience of past discrimination, harassment or abuse may influence how you are seen.

Example
A voluntary sector advice agency in an area with a significant Muslim population discovered why few people from this community used its services when they found out that women did not like asking advice about personal or family issues because some of the advisers were men, and none of the advisers were Muslims who understood their culture.

Overload on specialist equality groups – We have suggested that a good way of engaging with diverse communities is through specialist groups but you need to be aware of two things:

- many of these are relatively small groups that are heavily dependent on a small staff team or a small group of volunteers;
- few of these groups are specifically funded – if they are funded at all – to assist the wider voluntary and community sector with their equality and diversity work.

Any assistance they give you is probably due to their goodwill. Do not abuse it.

Example
Public sector and voluntary organisations in one county tried to involve a small number of prominent BME and diversity organisations in more than 100 different surveys and consultation initiatives in an 18 month period. A Chinese community organisation that was approached said that they wanted to help but were overwhelmed by the volume of requests.

Developing local initiatives

Making contact – We have already discussed the way in which you can make contact with people from diverse communities through specialist voluntary agencies. This can be augmented in a number of other ways:

- invite people from these communities to visit you, and go to see them to find out what their needs are;
- use national and local media, including local radio, or local newspapers and newsletters to publicise your work;
- place promotional flyers in places where you know diverse communities congregate, including:
  - places of worship
  - colleges offering English language classes
  - libraries, where migrant workers use the internet facilities and borrow books in their first language
  - specialist food shops and restaurants
  - community centres, Gypsy and Traveller sites, pubs and clubs identified with particular groups, etc.
The Hampshire BME engagement toolkit suggests four other ways in which local initiatives could be organised that have a wider application to all of the diversity strands.

**Tip:**
- In addition to Race Hate crime prevention posters does your organisation display similar posters for gay men and lesbians?

**Social events** - are a good way for people from different communities to network and make contact with each other and with your organisation. Contacts made at a social event can mature into friendships or good working relationships between individuals and groups.

**Example**
A group has recently formed and obtained funding to organise multi-cultural family fun events where there is story telling, dance, drumming, traditional dress and food from around the world. The committee members include people from Kenya, Tanzania, India and China. They are supported by their local Council of Voluntary Service.

**Out-reach services** – If you find that there are barriers that prevent people from particular communities coming to your premises, offer to provide your service in the places where these communities meet. This is particularly important for diverse communities in rural areas where low population density and transport problems create a feeling of isolation.

**Active promotion of diversity to the local community** – Spread information about diverse communities and cultures through literature, your website, exhibitions and events. See if there are ways of making volunteering in, or support for, your organisation attractive to communities that you have not previously worked with. Organise ‘exchange visits’ where someone from your organisation spends a week in another organisation, and invite someone from that organisation to spend time in yours so that you can each tell your own communities about the other.

**Local diversity networks** – As you build up your list of contacts in diverse communities, you could initiate or support the formation of a local diversity network in your area that draws some of them together. This has been done in other places and has begun to make a real difference. Do remember to work in partnership with local authorities, the health service, the police and other organisations who might already be working in this area.

Many Councils of Voluntary Service have been instrumental in setting up diversity networks in different parts of the country. This is a natural extension of the CVS engaging with local BME communities, and is happening here in Hampshire. About two years’ ago Winchester Area Community Action identified a need for more in-depth support to small, loose groupings of people from ethnic minorities. With BMAP funding, a community development worker was appointed who was able to provide that support, helping with organising events and enabling groups to access funding. A mixed forum of service providers including local government and people from the communities themselves was set up, and there are now plans to hold an open meeting for the wider BME community to discuss the launch of a BME network.
Other Hampshire Examples:

- **Eastleigh Race Equality Forum** was established in 2000. Set up by the police working with Eastleigh Borough Council, and now chaired by someone from the local BME community, it is a safe and open forum where local residents can discuss issues of concern with statutory agencies.

- **The Basingstoke Diversity Forum** was set up 3 years' ago, supported by the Borough Council, Hampshire County Council and Basingstoke Voluntary Services. It now has members representing more than ten different cultural groups.

There is no single model for this and in Hampshire, as elsewhere, it will not work unless there is a partnership approach involving community development workers funded or employed by Hampshire County Council, district councils, the Primary Care Trusts, and the voluntary sector.

**Where to go for more information**

- **Eastleigh Race Equality Forum**
  

  For information:
  Email: communitydevelopment@eastleigh.gov.uk
  Tel: 023 0868 8196

- **Basingstoke Diversity Forum**
  
  [http://basingstoke.gov.uk/community/ethnicminorities/diversity+forum.htm](http://basingstoke.gov.uk/community/ethnicminorities/diversity+forum.htm)

  For information contact the Community Development Team on:
  Tel: 01256 844844

- **Winchester Area Community Action (WACA)**
  
  [http://www.waca.org.uk](http://www.waca.org.uk)

  You can obtain a copy of Engaging with your local Black and Minority Ethnic Communities: Making it happen – good practice guidance from Winchester Area Community Action.

  Tel: 01962 842 293
  Email: waca@waca.org.uk

- **Community Action Hampshire**
  
  [http://www.action.hants.org.uk](http://www.action.hants.org.uk)

  For information about the Hampshire Diversity Network Project and further information about this toolkit contact:

  Frances Candler, Diversity Network Officer,
  Tel: 01962 857 357
  Email: frances.candler@action.hants.org.uk

- **Hampshire County Council**
  
  For information about HCC’s Recreation and Heritage Department initiatives to encourage participation from BME communities, contact:

  Amjid Jabbar, Equality and Access Officer
  Hampshire County Council, Recreation and Heritage Department
  Tel: 01962 846 269 / 01962 826 700,
  Email: amjid.jabbar@hants.gov.uk

There are more contact details in Appendix 2.
APPENDIX I
ANSWERS TO THE QUIZ QUESTIONS

This appendix gives the answers to the quiz questions set in Chapter 2, plus some additional information.

Equalities Quiz

1. How many people in the UK have a disability?
   a. 1 in 5
   b. 1 in 25
   c. 1 in 55

   Answer: 1 in 5

   The report ‘Improving Life Chances of Disabled People’ explains that there are around 11 million disabled adults, using the widest definition. This equates to 1 in 5 adults.

2. What percentage of people with disabilities are wheelchair users?
   a. 50%
   b. 15%
   c. 5%

   Answer: 5%

3. What percentage of disabled women and men are employed?
   a. 43% of women and 50% of men
   b. 40% of women and 32% of men
   c. 63% of women and 70% of men

   Answer: 43% of women and 50% of men

   A higher proportion of disabled men are unemployed than disabled women. (Equal Opportunities Commission, September 2003). While some disabled people may not be in a position to work, it is most likely that these figures reflect discriminatory practices and attitudes and ignorance of the fact that, for example, employers do not necessarily need to pay for the adjustments or equipment that disabled people need as employees. Instead, this is often paid for by the employment scheme known as ‘Access to Work’ which can pay for necessary equipment, practical help and support.

4. What is the largest ethnic minority in Britain?
   a. Caribbean, African or other Black descent
   b. Indian
   c. Pakistani and Bangladeshi

   Answer: Caribbean, African or other Black descent
The largest ethnic minorities in Britain are those of Caribbean, African or other Black descent (1.14 million). The next largest ethnic groups are Indians (1.05 million), and Pakistani and Bangladeshis (1.03 million). Overall ethnic minority groups represent 7.9% of the UK population.

5. Black African graduates are 7 times more likely to be unemployed after graduating than their white counterparts?
   a. True
   b. False

   Answer: True

6. It is against the law to run a course for men only?
   a. True
   b. False

   Answer: False

No, it is NOT against the law to provide a course for men only, providing there is evidence that they are under-represented in a particular field. Under the Sex Discrimination Act it is lawful to take such positive action. For example, if a college is concerned about the low male enrolments on care courses, it can lawfully advertise and run an access or taster course for men only, designed to increase their confidence and examine some of the barriers they might face in a non-traditional role.

Similar positive action is also lawful under the Race Relations (Amendment) Act if there is evidence that black and minority ethnic people are under represented in a particular field. However, positive discrimination is unlawful.

7. In what year were pubs and bars no longer able to refuse to serve women at the bar?
   a. 1968
   b. 1976
   c. 1982

   Answer: 1982

The law was changed following a legal action brought by two women after they had visited a wine bar where they were told to sit at a table and be served from there. The case went to the Court of Appeal who decided that sex discrimination had taken place because the women were denied the opportunity to drink where men drank and to mix with other people who were drinking in the wine bar.

8. When could a woman apply for a loan or credit in her own name?
   a. 1962
   b. 1981
   c. 1975

   Answer: 1981
The right for a woman to apply for a loan or credit was established by a legal case brought by a woman who had problems when she went to buy a three-piece suite. She paid a deposit and applied for credit to repay the balance. She was told that for her to get credit her husband would have to sign a guarantee form. This would not apply in reverse, i.e. she would not have to be a guarantor for her husband if he applied for credit. The Court of Appeal decided that this was unlawful sex discrimination.

9. It is legal to discriminate against transgender people in the provision of goods and services?

a. True
b. False

Answer: False

It is illegal to discriminate against transgender people in employment or training, or in the provision of goods, services or facilities.

10. When did the Civil Partnership Act come into force enabling same sex couples to obtain legal recognition of their relationship?

a. 2005
b. 2001
c. 1995

Answer: 2005

The Civil Partnership Act 2004 came into force on 5 December 2005. The Act enables same-sex couples to obtain legal recognition of their relationship. Couples who form a civil partnership have a new legal status, that of ‘civil partner’.

Civil partners have equal treatment to married couples in a wide range of legal matters, including:

- tax, including inheritance tax
- employment benefits
- most state and occupational pension benefits
- income-related benefits, tax credits and child support
- duty to provide reasonable maintenance for your civil partner and any children of the family
- ability to apply for parental responsibility for your civil partner’s child

We are grateful to RAISE, who have allowed us to reproduce this quiz, which is based on a group task carried out at a RAISE Equalities Workshop in February 2008.
APPENDIX 2
FURTHER READING AND USEFUL CONTACTS

GENERAL INFORMATION ON EQUALITY AND DIVERSITY

- The Equality and Human Rights Commission
  The EHRC is a non-departmental public body established under the Equality Act 2006. It is “... working to eliminate discrimination, reduce inequality, protect human rights and to build good relations, ensuring that everyone has a fair chance to participate in society.”

  It incorporates into a single body the Equal Opportunities Commission, the Commission for Racial Equality, and the Disability Rights Commission and also takes on responsibility for the other aspects of equality: age, sexual orientation, transgender and religion or belief, as well as human rights. EHRC can provide information and advice on all seven equality strands.

  A list of EHRC publications can be found at: http://www.equalityhumanrights.com/en/publicationsandresources/Pages/default.aspx

  Information about the national and regional Helplines can be found at: http://www.equalityhumanrights.com/en/Pages/contactus.aspx

  There is a page for those who give advice and information to others at: http://www.equalityhumanrights.com/en/foradvisers/pages/default.aspx

- NCVO (National Council for Voluntary Organisations)
  http://www.ncvo-vol.org.uk

  Hann, C (2003), Making Diversity Happen: A Practical Guide for Voluntary and Community Organisations with Case Studies and Checklists, NCVO


- NAVCA (National Association for Voluntary and Community Action)
  http://www.navca.org.uk/localvs/equalities

  NAVCA is the umbrella body for Councils of Voluntary Service. It publishes two useful publications/resources:


  NAVCA Equalities Resources – This is a PDF file giving a list of useful equalities and diversity publications and also a list of the organisations working across the equality strands and web links to these organisations.
• **BIHR (British Institute for Human Rights)**

  Human Rights and the VCS: Report of NCVO/BHRI Roundtable

• **Equality and Diversity Forum**
  [http://www.edf.org.uk](http://www.edf.org.uk)

  A network of national organisations committed to progress on age, disability, gender, race, religion and belief, sexual orientation and broader equality and human rights issues.

• **Equality Direct**
  [http://www.equalitydirect.org.uk](http://www.equalitydirect.org.uk)

  Equality Direct gives free advice to employers on a wide range of equality issues.

  Tel: 0845 600 3444
  Textphone: 0845 600 3444.

  Telephone helpline available at the cost of a local call between 9.00am to 4.30pm, Monday to Friday.

• **RAISE (Regional Action & Involvement South East)**

  RAISE has an equality and diversity section on their website which includes the toolkit and links to key equalities and diversity organisations.

  Contact:

  Sacha Rose
  Equalities & Diversity Manager
  Tel: 01483 500772
  Email: sacha@raise-networks.org.uk

  Information about the ChangeUp Additional Support Programme in the South East Region can also be found on the RAISE website at:

• **Community Action Hampshire**
  [http://www.action.hants.org.uk](http://www.action.hants.org.uk)

  For information about the Hampshire Diversity Network Project and further information about this toolkit, and to subscribe to the DNP e-bulletin featuring regular updates on Equality and Diversity matters, contact:

  Frances Candler, Diversity Network Officer,
  Beaconsfield House,
  Andover Road,
  Winchester, SO22 6AT
  Tel: 01962 857 357
  Email: frances.candler@action.hants.org.uk
• **Winchester Area Community Action (WACA)**
  http://www.waca.org.uk

  Engaging with your local Black and Minority Ethnic Communities: Making it happen – good practice guidance

  Plus other information about WACA’s Equalities & Diversity policy and equalities checklist, contact Elizabeth McKerracher, Deputy Chief Executive.

  The Winchester Centre,
  68 St George’s Street,
  Winchester,
  Hants, SO23 8AH
  Tel: 01962 842293
  Email: waca@waca.org.uk

• **Hampshire County Council**
  http://www3.hants.gov.uk/equality/contact-us-ed.htm

  This website gives links to all the county’s equality and diversity policies plus contacts. The following publications are available:

  Equality & Diversity Awareness – a simple guide on equality and diversity and how this affects our local community, customers, staff and members of the public

  Diverse Staff – Different Stories - This DVD shows examples of how Hampshire County Council aims to improve job opportunities.

  Contacts:
  Equality and Diversity Manager,
  Tel: 01962 847789
  Email: equality.diversity@hants.gov.uk

• **Citizens Advice**

  Publishes an **Equality Scheme** that all Citizens’ Advice Bureaux should follow, and **Fair Accessible Inclusive Relevant: The Citizen’s Advice equality and diversity strategy 2004 – 2008** on its website at:


• **Suffolk Association of Voluntary Organisations (SAVO)**
  http://www.savo.co.uk

  SAVO is an umbrella organisation whose mission is to support, inform, represent and develop voluntary action in Suffolk. Their document:

  Equality & Diversity Policy and Procedures

  together with their Mission, Values and Vision Statement can be obtained from their website.

• **NACRO (The National Association for the Care and Resettlement of Offenders)**
  http://www.nacro.org.uk/publications/index.htm

  NACRO won the Gold Standard Award for their Equality and Diversity Scheme at last year’s British Diversity Awards.

  Equality and Diversity Policy and Equality and Diversity Scheme are not available online, but copies can be obtained from:

  Kulbir Shergill, Head of Equality Strategy,
  Tel: 0117 9104990
  Email: kulbir.shergill@nacro.org.uk
Good Practice Note on Equality & Diversity, Nov 2007

This publication highlights the Housing Corporation’s statutory obligations and their implications for housing associations. It highlights the equalities legal framework and sets out the issues housing associations need to consider when developing their equality and diversity policies, as well as how housing associations can benefit from implementing equalities policies.

Housing Association Disability and Gender Action Plans

This document sets out the regulatory requirements placed on housing associations arising from the Housing Corporation’s disability and gender equality schemes and actions plans.

NB Housing Corporation closed Nov 08 but these publications are still available at website address given above.

Advisory, Conciliation & Arbitration Service (ACAS)

ACAS works to improve employment relations between employers and employees by improving the performance of organisations and working life. ACAS provides up-to-date information and independent advice on a wide range of employment-related matters including issues of equality and discrimination in the employment field across all seven equality strands.

Their South East Regional Office Address is:
Suites 3-5, Business Centre,
1-7 Commercial Road, Paddock Wood,
Kent, TN12 6EN.
Tel: 01892 837 273
National helpline tel: 0845 7474747

For definitions of unlawful discrimination under the two Sex Discrimination Acts see: The Gender Equality Duty Code of Practice at:
http://www.equalityhumanrights.com/en/Pages/default.aspx

For more information about gender equality go to

• The Fawcett Society
  http://www.fawcettsociety.org.uk.
  The Fawcett Society campaigns for equality for women and men in the UK on pay, pensions, poverty, justice and politics.

• The Women’s National Commission
  http://www.thewnc.org.uk
  The Women's National Commission is an independent umbrella advisory body giving the views of women to the government. It aims to ensure that women's views are taken into account by the government and are heard in public debate.

• The Women and Equality Unit
  http://www.womenandequalityunit.gov.uk

• Equality and Diversity Forum
  http://www.edf.org.uk
RACE EQUALITY

- CLEAR (City Life Education and Action for Refugees)
  http://www.clearproject.org.uk

- CROSS-LINK Central and Eastern European Association
  http://www.cross-link.org
  The association offers practical advice and support, as well as social activities for Test Valley residents of Central or Eastern European origin.
  Contact: ania.kinross@cross-link.org

- EMLD - Hampshire Ethnic Minority Learning Disability Project
  The project provides a two-way link between the service providers and BME individuals and families affected by learning disability.

- EMPATHY (Southampton)
  Email: empathysoton@yahoo.co.uk

- PRENO - Portsmouth Race Equality Network Organisation
  http://www.preno.org.uk

- The Federation of Romany Gypsy and Irish Travellers Southern Network
  http://www.gypsy-association.com/se-network.html
  Contact:
  John Johnson (Chair)
  Email: info@gypsy-association.com
  Tel: 07727 077 930

- Friends, Families and Travellers (FFT)
  http://www.gypsy-traveller.org
  FFT works towards a more equitable society where everyone has the right to travel and to stop without fear of persecution because of their lifestyle. The organisation provides advice, information and other services to Gypsies/Travellers across the UK.

- EU Welcome
  http://euwelcome.org/default.aspx
  EU Welcome helps arrivals in Southampton (and beyond) from the new A8 countries of the EU
  Contact:
  Email: euwelcome@yahoo.co.uk
  Tel: 07786 392886

- Equality and Diversity Team, Hampshire County Council
  http://www3.hants.gov.uk/equality/contact-us-ed.htm
• **Stronger Communities and Equalities Team**  
  Southampton City Council  
  Tel 023 8083 2655

• **Equality and Diversity Team, Portsmouth City Council**  
  [http://www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)

• **Eastleigh Race Equality Forum**  
  Contact:  
  Rajni Bali,  
  Community Worker  
  Tel 023 8068 8196  
  Email: rajni.bali@eastleigh.gov.uk

• **Basingstoke Diversity Forum**  
  [http://basingstoke.gov.uk/community/ethnicminorities/diversity+forum.htm](http://basingstoke.gov.uk/community/ethnicminorities/diversity+forum.htm)  
  For information:  
  Islam Jalaita  
  Community Development Officer (BME)  
  Tel : 01256 845325  
  Mob : 0787 6137916  
  Email: islam.jalaita@basingstoke.gov.uk

• **Reading Council for Racial Equality**  
  [http://www.rcre.org.uk](http://www.rcre.org.uk)  
  Tel: 0118 9510 279

• **Equality and Human Rights Commission (incorporating the Commission for Racial Equality)**  
  [http://www.equalityhumanrights.com](http://www.equalityhumanrights.com)

• **BME Mental Health Community Development Officers**  
  contact the Diversity Network Project at Community Action Hampshire, or your local District/Borough Council.

• **Department for Communities and Local Government**  
  Race Equality Scheme – Progress Report and 2008 Forward Look  
  Published in March 2008, this report on the Race Equality Scheme sets out the current status of work in the Department for Communities and Local Government to promote race equality and identifies the next steps.

• **The Race Equality Foundation**  
  [http://www.reu.org.uk](http://www.reu.org.uk)  
  The Race Equality Foundation promotes race equality in social support (what families and friends do for each other) and social care (what ‘workers’ do for people who need support). The Foundation publishes a number of useful reports, available from its website.
DISABILITY

- Southampton Centre for Independent Living (SCIL)  
  http://www.southamptoncil.co.uk  
  SCIL is a democratic membership organisation run and controlled by disabled people. They are committed to campaigning for the full civil rights of disabled people whilst supporting disabled people to make use of current provisions available to enable them to live independently.

- The Hampshire Coalition of Disabled People  
  http://www.hcodp.co.uk  
  HCODP is an umbrella organisation for many groups run by disabled people in Hampshire.
  
  Tel: 023 8020 2650 (24 hour answer phone when the office is unattended)
  Email: info@hcodp.co.uk

- EMLD - Hampshire Ethnic Minority Learning Disability Project  
  The project provides a two-way link between the service providers and BME individuals and families affected by learning disability.

- Disability Alliance  
  http://www.disabilityalliance.org/links6.htm  
  This website gives a long list of disability-led organisations with other information and publications.

- Directgov  
  Has a website for people who wish to make contact with a disability organisation. It lists organisations by type of disability. The categories are: blind or visually impaired people; deaf and hearing impaired people; mental health; communication difficulties; physically disabled people; education and training support.
  and The Disability Equality Duty:
  and Department for Work and Pensions:
  http://www.dwp.gov.uk/employers/dda/whats_in.asp

SEXUAL ORIENTATION

- The Lesbian and Gay Foundation (2007) A guide to your rights for lesbian, gay and bisexual people  
  http://www.lgf.org.uk  
  They provide information, advice and services to lesbians, gay and bisexual people. This publication provides up to date information on LGB people’s civil and legal rights.

- Stonewall  
  http://www.stonewall.org.uk  
  Stonewall is a leading charity campaigning for LGB rights and provides information and support services. Runs an information bank through its website.
Albert Kennedy Trust http://www.akt.org.uk
This organisation supports lesbian, gay and bisexual homeless young people.

Broken Rainbow http://www.broken-rainbow.org.uk
Support organisation for lesbian, gay and bisexual people experiencing domestic violence.

Healthy Gay Hampshire http://www.healthygayhampshire.com/index.html
The gay men's HIV prevention organisation for the three Primary Care Trusts of North Hampshire, Mid Hampshire and Backwater Valley and Hart, also working with partner organisations to increase awareness of the sexuality and homophobia issues and to increase accessibility of services to the gay community.

The Commission for Social Care Inspection has produced a number of booklets on equalities including helping staff to improve their services for lesbian, gay and bisexual people.

Dr J Fish (2006), Core training standards for sexual orientation: Making National Health Services inclusive for lesbian gay and bisexual people: Briefings for health and social care staff
Stonewall (2007), Being the gay one: Experiences of lesbian, gay and bisexual people working in the health and social care sector

TRANSGENDER

Chrysalis http://www.chrysalis-gii.co.uk
For local advice, support, information and training on transgender issues in Hampshire contact:
Diane Yexley, Chair
Email: chair@chrysalis.gii.org

The Gender Trust http://www.gendertrust.org.uk
The largest UK charity on gender identity issues.
National helpline open to all individuals & organisations for help and support:
Tel: 0845 231 0505
GIRES (Gender Identity Research Education Society)
http://www.gires.org.uk
See their website for details on transgender issues and their publications including:
Dr Stephen Whittle, Employment Discrimination, Manchester Metropolitan University and Transsexual People
Contact: Bernard Reed, Chair
Tel: 01372 801554

Press for Change
http://www.pfc.org.uk
This organisation campaigns for respect and equality for all transgender people.

Department of Health Sexual Orientation and Gender Identity Advisory Group
The Department of Health is currently working with external stakeholders on the development of a new strategy to promote equality and eliminate discrimination for Lesbian, Gay, Bisexual and Transgender (LGBT) people in health & social care (as both service users and employees). A Sexual Orientation and Gender Identity Advisory Group is assisting with the development and delivery of a programme of work.

RELIGION AND BELIEF

Hampshire Interfaith Network
http://www.hants-interfaith.org/links.htm
Email: info@hants-interfaith.org

Portsmouth Interfaith Forum
http://www.portsmouthinterfaith.org.uk/index.html
Contact: Taki Jaffer (Inter Faith Coordinator), PRENO
Tel: 023 9287 7189

Southampton Council of Faiths
http://www.southampton-faiths.org/
Tel: 07092 009851

The Interfaith Network for the UK
http://www.interfaith.org.uk/

AGE

Age Concern Hampshire
http://www.ageconcernhampshire.org.uk
Contact: Freephone: 0800 328 7154
Chris Perry,
Director
Email: chrisjperry@ageconcernhampshire.org.uk
- **Age Concern Portsmouth**  
  Contact:  
  Tel: 023 9286 2121

- **Age Concern Southampton**  
  [http://www.ageconcernsouthampton.org.uk](http://www.ageconcernsouthampton.org.uk)  
  Contact:  
  Tel: 023 8036 8636  
  Email: acsouthampton@btconnect.com

- **The Age Partnership**  
  Helpline: 0845 715 2000  
  Email: apg@trgeuropeplc.com

- **Later Life**  
  The Later Life website contains a section on working after retirement and the barriers that people face.

- **ACAS**  
  Helpline: 0845 7474747  
  [http://www.acas.org.uk](http://www.acas.org.uk)

- **Department of Business, Enterprise & Regulatory Reform**  
  This site contains the guidance: The Impact of Age Regulation on Pension Schemes
supporting Voluntary and Community organisations in their work with people from Black and Minority Ethnic backgrounds, people with disabilities, people suffering from discrimination because of their age and gender, or because they are gay, lesbian, bisexual or transgender, migrant workers, gypsies and travellers, and Faith groups representing diverse communities.