

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-xxxxxxx@xxx.xxx.xx](mailto:freedom-of-information-xxxxxxx@xxx.xxx.xx)

May 2009

Dear Mr White

**Freedom of Information Requests 783, 784 & 785**

I am writing in response to your request for information regarding the Jobcentre Plus Diversity Challenge Toolkit, Pledge and the DWP Diversity Open Learning Pack which you requested on 2 May 2009.

A copy of the requested information is attached as follows:-

- Jobcentre Plus Diversity Pledge
- Jobcentre Plus Diversity Challenge including Action Plan
- DWP Diversity Open Learning Package

If you are not satisfied with our handling of your request please tell us why within two calendar months of the date of this letter. We will then arrange for someone to conduct an internal review of your request and our handling. The review will be conducted by another officer, usually of a senior grade. This person will have taken no part in the original handling. You will be advised of the decision in writing.

If you are still not content with the outcome of the internal review you have the right to apply directly to the Information Commissioner to look into the way your request has been handled. Please note that generally the Commissioner cannot make a decision unless you have first exhausted DWP's own complaints procedure. The Commissioner can be contacted at:

FoI Complaints Resolution  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Fax: 01625 545 510

email: [xxxx@xxx.xxx.gov.uk](mailto:xxxx@xxx.xxx.gov.uk)

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely  
DWP Central FoI Team

## Jobcentre Plus Diversity Challenge Pledge

This pledge applies to all Jobcentre Plus Senior Managers and sets out our commitment to deliver the Diversity Challenge Framework throughout Policy and Operational Directorates.

Diversity is about the business:

By 2011, 80% of the working age population will be made up of people who have a disability or are over 45 or are female or are from an ethnic minority group.

We need to ensure that we are responsive to the diverse needs of our customers, both now and in the future, if we are to contribute effectively to the Government's aspiration of increasing the employment rate from the current 75% to 80%.

The Diversity Challenge framework will support the adoption and implementation of legislative responsibilities covering race, disability and gender across the organisation. It will also promote best practice and raise awareness for age, religion or belief and sexual orientation. In addition it will help Jobcentre Plus to deliver against its Equality Schemes and mandatory business-planning objective, which in turn will lead to improvements in the delivery of our services to priority groups.

..... will

(Print name and Job Role)

- Accept responsibility for ensuring that the key messages about the challenge are communicated to our managers and staff.
- Support actions identified within my Operational Delivery Network or Directorate/Division to achieve the effective delivery of the Diversity Challenge, by the end of December 2007.
- Where appropriate, make links between actions contained in the Challenge with the mandatory business planning objective to "Deliver the Diversity Equality Schemes for our customers and our people"

.....  
(Signature)

.....  
(Date)

**The Diversity Challenge is a document published on the Jobcentre Plus internal intranet site and is for use by Jobcentre Plus staff only. This is a word version copy of the Diversity challenge document with all the internal hyperlinks removed.**

### **The Jobcentre Plus Diversity Challenge**

“By 2011, 80% of the working age population will be made up of people who have a disability or are over 45 or are female or are from an ethnic minority group”

We need to get diversity right, not just because we are committed to meeting our legislative responsibilities, but also because there is a strong business case. Supporting diversity in all that we do is therefore a necessity, not a choice, within our business so we can meet the needs of our increasingly diverse customers.

### **Diversity Challenge Frameworks**

The Diversity Challenge consists of two frameworks, one for people in Operations (COO Framework), and the other for people in Policy Directorates.

### **Diversity Challenge Conference**

This conference was held on 14 February 2007.

All managers who attended the conference were asked to sign the Diversity Challenge Pledge; this and other documents from the conference are available on request by contacting the Diversity Change Customer Service Team.

### **Annex A: Legal Requirements and useful websites**

Legislation governing each strand

Race	The Race Relations Act 1976 and the Race Relations (Amendment) Act 2000
Disability	The Disability Discrimination Act 1995 (DDA) as amended by the DDA 2005
Gender	The Equality Act 2006 (amendment to Sex Discrimination Act 1975)
Age	The Employment Equality (Age) Regulations 2006
Sexual Orientation (SO)	The Equality Act 2006 (amendment to Employment Equality (Sexual Orientation) Regulations 2003)
Religion or Belief (R/B)	The Equality Act 2006 (the Employment Equality (Religion or Belief) Regulations 2003)

More reading/information

- The DWP Race, Disability and Gender Equality Schemes 2008-2011
- The Jobcentre Plus Race, Disability and Gender Equality Schemes 2008-2011
- Jobcentre Plus Staff Diversity Network Groups
- Jobcentre Plus Diversity home page

- DWP Diversity and Equality intranet site

Links to Useful Websites:

- ACAS
- Equality and Human Rights Commission
- Stonewall
- Communities and Local Government
- Office for Disability Issues
- The Age and Employment Network
- Department for Business and Regulatory Reform

## Diversity Challenge Glossary

Accessible	Jobcentre Plus has a duty to ensure that all potential customers have equal access to services. We therefore have to make provision to enable customers from all diverse groups to access our services, for example interpreter services, accessible premises, alternative formats, use of intermediaries, etc
Adverse Impact	Unfavourable outcome, which can affect everyone equally.
Appropriate	Not all customers from a particular diverse group will have the same requirements therefore Jobcentre Plus must deliver services in a way that meets the individual needs of customers, ensuring equal access to services.
Assessed	Assessing is a systematic way of finding out whether a proposed policy or change affects different diverse groups differently. This may include obtaining and analysing data, and involving and consulting people.
Available	Jobcentre Plus must ensure that policies, processes and guidance are in place that support the individual needs of customers from diverse groups.
Consultation	Consultation is the gathering of views from diverse groups and customers when developing various policy and service delivery options.
Direct discrimination	Treating one person less favourably than another on the grounds of race, disability or gender. Direct discrimination is unlawful under diversity legislation.
Diverse group	Considering groups of people by common diversity strand, i.e. race, gender, disability, age, sexual orientation and religion or belief.
Diversity Characteristics	The descriptor from each diversity strand that a customer chooses to identify with, i.e. male or female, etc
Involve	Involvement should not be confused with Consultation. It requires an active engagement with stakeholders; for example, working together to identify barriers to our services, agreeing solutions and plans to take work forward. Involvement is particularly relevant to disability equality legislation.
Partnerships	Jobcentre Plus has a duty to promote diversity equality when working in partnership with any other public, private or voluntary organisations.
Principles	The principles of diversity equality sets out what Jobcentre Plus must do in order to comply with legislation, and meet our duties. These principles are

	<p>to:</p> <ul style="list-style-type: none"> <li>• monitor the outcome of our services</li> <li>• impact any change we plan to introduce</li> <li>• involve and consult with representatives of different groups</li> <li>• ensure that our services are accessible, available and appropriate for all the diverse groups we serve.</li> </ul>
Public sector duty	Duties, either general or specific, that Jobcentre Plus is legally bound to meet. The duties aim to make diversity equality a central part of the way we work, by putting them at the centre of policy-making, service delivery, regulation and enforcement, and employment practice.
Relevance	Refers to the fact that diversity equality will be more relevant to some policies or practices than others.
Responsibilities	The Chief Executive of Jobcentre Plus is accountable for ensuring that all its policies and services are compliant with the diversity legislation. This responsibility is discharged through Jobcentre Plus Directors who provide strong leadership in promoting diversity equality and ensuring the principles of the legislation govern all aspects of policy development, human resources and service delivery. This ensures that in mainstreaming diversity equality into Jobcentre Plus business, all members of staff have a responsibility for adhering to diversity legislation and promoting diversity equality.
Unlawful discrimination	Practices/actions that discriminate on the grounds race, disability, gender, age, sexual orientation, and/or religion or belief.

## **Chief Operating Office (COO) and Policy Directorates Frameworks**

### **Next Steps**

Operational Delivery Network Chairs should sign off completion of action plans by the end of December 2007.

A sign off process will be issued later in the year.

Customer Service Directors will have until 31 January 2008 to complete the sign off process.

## **Introduction to Chief Operating Office (COO) Framework**

“By 2011, 80% of the working age population will be made up of people who have a disability or are over 45 or are female or are from an ethnic minority group.”

Important changes have taken place in the way public bodies like Jobcentre Plus need to operate in relation to diversity and equality. The first changes appeared when the Race Relations (Amendment) Act 2000 was introduced and we responded by completing the Race Equality Scheme Challenge. We now need to respond to similar legislation for disability and gender equality. The first step to meeting the responsibilities of the legislation was when we published our Disability and Gender Equality Schemes and Race Equality Scheme Progress Report. Lesley Strathie, along with Ministers, launched the schemes in December 2006.

The next step is to make our schemes a reality. We will do this by meeting the Diversity Challenge.

Set against a series of questions the Diversity Challenge will help:

- Jobcentre Plus to focus on its responsibilities and baseline where it is against the requirements of diversity legislation;
- To make improvements to the delivery of our services to priority customer groups and ensure our services are accessible, available and appropriate for all our customers;
- Jobcentre Plus to contribute to the government's aspiration of increasing the employment rate from 75% to 80%; and
- Deliver the mandatory business planning objective on diversity.

Although legislation currently places a duty on us to promote equality in respect of race, disability and gender, the Jobcentre Plus Board has agreed that it would help to promote best practice to extend this principle to age, religion or belief and sexual orientation as we expect similar legislation will apply to these areas soon.

At the Jobcentre Plus National Conference in February 2007 Lesley Strathie and Matthew Nicholas signed a pledge accepting responsibility for delivering the Diversity Challenge throughout Jobcentre Plus. Senior Managers attending the conference each signed an individual pledge accepting responsibility for implementing the Diversity Challenge in their business area.

### **Governance and Monitoring**

The Operational Delivery Board has agreed that Customer Service Directors are accountable for ensuring that the Diversity Challenge is implemented in their region/country. However, the governance sits within each Operational Delivery Network (ODN) with assistance from Regional Performance Managers and External Relations Managers.

The COO infrastructure is varied, providing services at National, Regional and District levels, therefore the approach is to give ODN Chairs and members as much flexibility as possible in terms of how they work together to manage and complete the Diversity Challenge.

A monitoring and evaluation strategy will be published in the summer to establish progress on the Diversity Challenge.

### **Next Steps and Support**

From May 2007 ODN's need to respond to each of the questions included in this Diversity Challenge by gathering supporting evidence and developing action plans that demonstrate how work is being taken forward. An example of an action plan that you could use has been provided.

Support will be provided by Partnership Division's, Diversity Business Partners who will help the ODN's to develop and deliver their plans. ODN Chairs should sign off completion of action plans by the end of December 2007. A sign off process will be issued later in the year.

### **Chief Operating Office (COO) Framework**

The Diversity Challenge will help you to identify where you are already meeting the requirements of legislation and where there are gaps. We have included guidance, and hypertext links to valuable sites and additional information at Annex A, to help you answer the questions. However, this guidance is not exhaustive and you may find other sources of information to help you.

This framework concentrates on service delivery. It does not apply to the responsibilities Jobcentre Plus has as an employer.

Question 1 and Guidance

Question 2 and Guidance

Question 3 and Guidance

Question 4 and Guidance

Question 5 and Guidance

Question 6 and Guidance

Question 7 and Guidance

Question 8 and Guidance

Question 9 and Guidance

### **Chief Operating Office (COO) Framework Question 1**

What have you done to identify the diversity characteristics of potential customers in your geographic area?

The Challenge is to

Identify who you need to work with in your area; this will provide the foundation upon which you will be able to complete this framework.

- You meet this Challenge – if you regularly review and analyse relevant data that tells you about the potential customers in your geographic area go to question 2.
- If not – refer to guidance below

#### **Guidance**

To find out what the diversity characteristics of your customers are look at the 2001 census for England and Wales. For Scotland use census for Scotland. However as this information is becoming out of date you should also consider other more up to date sources, such as:

- Your Local Authority including the Local Education Authority
- The Home Office database for refugees (NAS)
- Welsh Refugee Council
- Communities and Local Government



- Learning and Skills Council
- Citizens Advice Bureau and other local welfare rights organisations
- Neighbourhood Statistics
- Gypsies and Travellers Guidance
- Information on race which may already be available in Districts that completed the Race Equality Scheme Challenge in 2003/2004.

Please note that this list is not exhaustive.

You should also consider the level of detail that will be of most use. For example, some Regions may find that older people or certain ethnic groups are concentrated in specific districts. If this is the case, in order to develop appropriate action plans, you may want to break down this information by Districts or Local Authority Wards.

## **Chief Operating Office (COO) Framework Question 2**

How do you involve and consult with local organisations and individuals that represent the diverse customer groups identified in your geographic area?

The Challenge is to:

Involve and consult with appropriate local organisations and individuals so that you identify and agree solutions to existing barriers to your services and prevent the creation of new ones.

- You meet this Challenge - if you involve and consult appropriate customer groups and individuals, consider their views, feedback to them, and act on and evaluate ongoing consultations go to question 3.
- If not –refer to guidance below

### **Guidance**

Jobcentre Plus already consults in a number of different ways and this helps to identify existing barriers to services and stops us creating new ones.

Involvement and consultation are different. Put simply, consultation is asking customers or representative groups, what they think about what you are planning to do. Involvement is asking those people what it is we should be doing. For example, when thinking about whether services are accessible, available and appropriate you may initially involve customers by asking about their experiences and what, if anything, you could do to make them better.

Once you have collected this information, you may then consult with them on what, exactly, you are planning to do.

You must ensure that groups and individuals you work with are appropriate and that there is evidence to support decisions to work with them.

The lead for involvement and consultation sits with External Relations Managers and Regional External Relations Managers.

DWP guidance on consulting, engaging with and involving our stakeholders is available

## **Chief Operating Office (COO) Framework Question 3**

How do you know that your services are accessible, available and appropriate to all diverse groups of customers in your geographic area?

The Challenge is to:

Make services accessible, available and appropriate and ensure you have identified how best to meet the needs of our diverse customers.

- You meet this Challenge if you can confirm that all services meet the criteria above go to question 4.
- If not –refer to guidance below

#### Guidance

This activity is central to meeting the Diversity Challenge. Examples for ensuring services are accessible, available and appropriate are as follows. You should ensure that:

- staff have the skills, knowledge and understanding to deal fairly and equally with all customers;
- information is available at the right time and place and is provided in appropriate formats, for example Braille or other languages;
- that customers can contact us in a style that suits their needs and abilities, for example Textphones are switched on and staff trained to use them, clerical claim forms are issued if they are easier for the customer to complete and check, and equipment is inspected regularly to ensure it is working, i.e. hearing induction loops ;
- where services are being under used by certain groups, action is being taken to establish reasons why and solutions implemented. For example, if females do not apply for a particular training course establish the reasons, and identify any potential solutions.

To help you identify what more needs to be done you should consider guidance, and feedback from customers, such as that identified through involvement and consultation activity at Question 2.

In addition you may want to refer to the following documents/publications:

- Customer surveys and Ethnic minority booster survey,
- Customer Corporate Affairs
- Disability Discrimination Act (DDA) guidance
- Discrimination Guidance
- Office for Disability Issues
- Customer Service A-Z

#### **Chief Operating Office (COO) Framework Question 4**

How do you analyse any information you have to identify whether any groups are disadvantaged when using your services?

The Challenge is to:

Ensure that services are working effectively for your diverse customer groups.

- You meet this Challenge - if you are satisfied that you can confirm all services are analysed to identify any potential disadvantage to customers go to question 5.
- If not – refer to guidance below

#### Guidance

Based on the information you already have available you should consider some or all of the following:

- which groups are successfully using your services and how often;
- which customer groups make the most complaints and why;

- whether services are suitable, and take into consideration the differing needs of each customer group, for example recognition of the abilities of disabled people or communication difficulties for speakers of other languages. In doing this you should speak to your District/Regional Performance Manager to establish what local performance information is available. For example, if you are getting fewer older people into work, there may be an issue about how your services fit their needs. You can also use:
  - evidence from the Mystery Shopper results;
  - evidence from any local customer surveys you may carry out;
  - any local records of customer complaints, compliments and suggestions collected as part of the “Tell us what you think” process.
 You may be unable to obtain all this information for each diversity group. Do not set up new processes or systems for capturing any missing data. Throughout the 2007 – 08 operational year Partnership Division will be developing a process for gathering information.

### **Chief Operating Office (COO) Framework Question 5**

How do you ensure that the potential impact of any proposed change is assessed against diversity legislation?

The Challenge is to:

Equality Impact Assess proposed changes. This will help you consider whether a change could adversely impact some diverse groups, and to consider whether the change promotes diversity equality.

- You meet this Challenge - if you can confirm that Equality Impact Assessments are undertaken and published in line with guidance go to question 6.
- If not – refer to guidance below

#### **Guidance**

You should ensure that all parts of the business undertake Equality Impact Assessments for any changes. This is an important tool in ensuring that services are accessible, available and appropriate for our diverse customers and promoting diversity equality.

[Click here for full guidance on Equality Impact Assessments.](#)

### **Chief Operating Office (COO) Framework Question 6**

How will diversity and equality principles be promoted in all your Partnerships?

The Challenge is to:

Ensure that diversity is incorporated into any partnership activity. For example, that it is included in any terms of reference or service level agreements that are signed up to with Partners. This includes public, private and voluntary sector organisations.

- You meet this Challenge - if you are satisfied that diversity is covered in all your partnership activities go to question 7.
- If not –refer to guidance below

#### **Guidance**

Jobcentre Plus Approach to Partnerships guidance will help you to answer this question

### **Chief Operating Office (COO) Framework Question 7**

How has the Diversity Challenge been incorporated into every aspect of your 2008-09 business plan?

The Challenge is to:

Ensure business plans for 2008 - 09 incorporate actions that enable you to continually meet diversity legislation.

- You meet this Challenge – if you can confirm that diversity is being mainstreamed into day-to-day activity through business planning go to question 8.
- If not –refer to guidance below

#### **Guidance**

The principles of the Diversity Challenge should be incorporated into the Business Planning process in order to mainstream diversity into our everyday business. We will provide the business-planning steer to strategy colleagues and you will need to refer to this in order to complete your plans for diversity for 2008-09.

### **Chief Operating Office (COO) Framework Question 8**

How will you ensure that your people are informed about your action plans?

The Challenge is to:

Ensure that details of diversity and equality activity are made available to colleagues across your Districts/Regions/Countries and Business Areas.

Colleagues need to be fully aware of activity being taken forward to meet our legislative responsibilities.

- You meet this Challenge – if the information you have gathered, and details of your action plans are available and accessible to colleagues across the organisation go to question 9.
- If not –refer to guidance below

#### **Guidance**

To ensure that everyone knows about and can contribute to the development of your action plans you should explore how best this could be done. For example you could decide that a dedicated intranet site may be the best place to publish this information.

You should also develop a communications strategy, which will ensure that regular updates are provided and that key stakeholders, both internally and externally can be notified of developments.

### **Chief Operating Office (COO) Framework Question 9**

What activity have you identified in your action plans in relation to diversity learning and development?

The Challenge is to:

Ensure that people have the skills and knowledge to eliminate unlawful discrimination and promote equal opportunities and good relations between all diverse groups. Colleagues also need to be made aware of their own personal responsibilities for Diversity and Equality.

- You meet this Challenge – if you can confirm that your people are fully aware of their diversity and equality responsibilities in terms of both their personal and service delivery roles.
- If not -refer to guidance below

#### Guidance

Training is central to our responsibilities under diversity legislation.

You must ensure that all your people have access, as a minimum, to the following information and training products:

- Teamtalk
- The DWP Race, Disability and Gender Equality Schemes 2008-2011
- The Jobcentre Plus Race, Disability and Gender Equality Schemes 2008-2011
- Equality Impact Assessments Toolkit
- The DWP Diversity Toolkit
- Details of local customers groups and organisations, and any feedback gathered as part of involvement and consultation activity
- Diversity and Equality Action Plans
- Procedures for providing materials in alternative formats and translation services, (DWP Corporate Customer Affairs)
- Local/centralised procedures for setting up and using equipment, for example, induction loops and text phones

This list is not exhaustive.

You must also arrange, where appropriate, for training sessions specific to the diversity characteristics of your customers, and potential customers, to be delivered to support your people. For example where feedback from staff and customers indicate that impairment specific training would support understanding of customers' needs i.e. for people with mental health problems.

## **Policy Directorates Diversity Challenge introduction**

“By 2011, 80% of the working age population will be made up of people who have a disability or are over 45 or are female or are from an ethnic minority group. “

Important changes have taken place in the way public bodies like Jobcentre Plus need to operate in relation to diversity and equality. The first changes appeared when the Race Relations (Amendment) Act 2000 was introduced and we responded by completing the Race Equality Scheme Challenge. We now need to respond to similar legislation for disability and gender equality. The first step to meeting the responsibilities of the legislation was when we published our Disability and Gender Equality Schemes and Race Equality Scheme Progress Report. Lesley Strathie, along with Ministers, launched the schemes in December 2006.

The next step is to make our schemes a reality. We will do this by meeting the Diversity Challenge.

Set against a series of questions the Diversity Challenge will help:

- Jobcentre Plus to focus on its responsibilities and baseline where it is against the requirements of diversity legislation;
- To make improvements to the delivery of our services to priority customer groups and ensure our services are accessible, available and appropriate for all our customers;
- Jobcentre Plus to contribute to the government's aspiration of increasing the employment rate from 75% to 80%; and
- To deliver the mandatory business planning objective on diversity.

Although legislation currently places a duty on us to promote equality in respect of race, disability and gender, the Jobcentre Plus Board has agreed that it would help to promote best practice to extend this principle to age, religion or belief and sexual orientation as we expect similar legislation will apply to these areas soon.

At the Jobcentre Plus National Conference in February 2007 Lesley Strathie and Matthew Nicholas signed a pledge accepting responsibility for delivering the Diversity Challenge throughout Jobcentre Plus. Senior Managers attending the conference each signed an individual pledge accepting responsibility for implementing the Diversity Challenge in their business area.

### **Governance and Monitoring**

Heads of Division are accountable for ensuring that the Diversity Challenge is implemented within their Divisions.

A monitoring and evaluation strategy will be published in the summer to establish progress on the Diversity Challenge.

### **Next Steps and Support**

From May 2007 Heads of Division need to respond to each of the questions included in this Diversity Challenge by developing appropriate actions and gathering supporting evidence that demonstrates how work is being taken forward.

As well as guidance on the intranet, expertise and support will be provided through the Diversity Change – Customer Service Team

Heads of Division should sign off completion of the Diversity Challenge by the end of December 2007. A sign off process will be issued later in the year.

## **Diversity Challenge – Policy Directorates Framework**

The Diversity Challenge will help you to identify where you are already meeting the requirements of legislation and where there are gaps. We have included guidance, and hypertext links to valuable sites and additional information to help you answer the questions. However, this guidance is not exhaustive and you may find other sources of information to help you. This framework concentrates on service delivery. It does not apply to the responsibilities Jobcentre Plus has as an employer.

- Question 1 and Guidance
- Question 2 and Guidance
- Question 3 and Guidance
- Question 4 and Guidance
- Question 5 and Guidance

### **Policy Directorates Diversity Challenge Question 1**

How do you ensure that the potential impact of any proposed change is assessed against diversity legislation?

The Challenge is to:

Equality Impact Assess proposed changes. This will help you consider whether a change could adversely impact some diverse groups, and to consider whether the change promotes diversity equality.

- You meet this Challenge - if you can confirm that Equality Impact Assessments are undertaken and published in line with guidance go to question 2.
- If not – refer to guidance below

#### **Guidance**

You should ensure that all parts of the business undertake Equality Impact Assessments for any changes. This is an important tool in ensuring that services are accessible, available and appropriate for our diverse customers. Full guidance on Equality Impact Assessments

### **Policy Directorates Diversity Challenge Question 2**

How do you analyse any information you have to identify whether any groups are disadvantaged by your policies/strategies?

The Challenge is to:

Ensure that policies/strategies are working effectively for diverse customer groups.

- You meet this Challenge – if you are satisfied that you can confirm all services are analysed to identify any potential disadvantage to customers go to question 3.
- If not – Refer to guidance below

#### **Guidance**

Based on the information you already have available you should consider the appropriateness of policies/strategies. You can use information gathered through:

- mystery shopper activity;
- customer surveys; and
- records of customer complaints, compliments and suggestions collected as part of the “Tell us what you think” process.

You may be unable to obtain all this information for each diversity group. Do not set up new processes or systems for capturing any missing data.

Throughout the 2007 – 08 operational year Partnership’s Division will be developing a process for gathering information.

### **Policy Directorates Diversity Challenge Question 3**

How has the Diversity Challenge been incorporated into every aspect of your 2008-09 business plan?

The Challenge is to:

Ensure business plans for 2008 - 09 incorporate actions that enable you to continually meet diversity legislation.

- You meet this Challenge – if you can confirm that diversity is being mainstreamed into day-to-day activity through business planning go to question 4.
- If not – Refer to guidance below

#### **Guidance**

The principles of the Diversity Challenge are to be incorporated into the Business Planning process in order to mainstream diversity into our everyday business. We will provide the business planning steer to strategy colleagues and you will need to refer to this in order to complete your plans for diversity for 2008-09.

### **Policy Directorates Diversity Challenge Question 4**

How will you ensure that your people are informed about this work and any subsequent actions?

The Challenge is to:

Ensure that details of diversity and equality activity are made available to colleagues across your Division. Colleagues need to be fully aware of activity being taken forward to meet our legislative responsibilities.

- You meet this Challenge – if information you have gathered, and details of your actions are available and accessible to colleagues across the organisation go to question 5.
- If not – refer to guidance below

#### **Guidance**

To ensure that everyone knows about, and can contribute to the development of this work and subsequent actions, you should explore how best this could be done. For example you could decide that a dedicated intranet site may be the best place to publish this information.



You should also develop a communications strategy, which will ensure that regular updates are provided and that key stakeholders, both internally and externally can be notified of developments.

### **Policy Directorates Diversity Challenge Question 5**

What activity have you identified in your plans for addressing the Challenge in relation to diversity learning and development?

The Challenge is to:

Ensure that people have the skills and knowledge to eliminate unlawful discrimination and promote equal opportunities and good relations between all diverse groups. Colleagues also need to be made aware of their own personal responsibilities for Diversity and Equality.

- You meet this Challenge – if you can confirm that your people are fully aware of their diversity and equality responsibilities in terms of both their personal and service delivery roles.
- If not- Refer to Guidance below

#### **Guidance**

Training is central to our responsibilities under diversity legislation.

You must ensure that all your people have access, as a minimum, to the following information and training products:

- Teamtalk
- The DWP Race, Disability and Gender Equality Schemes 2008-2011
- The Jobcentre Plus Race, Disability and Gender Equality Schemes 2008-2011
- Jobcentre Plus Disability and Gender Equality Schemes and Race Equality Scheme Progress Report 2007
- Equality Impact Assessment Toolkit
- The DWP Diversity Toolkit
- Details of customer groups and organisations, and any feedback gathered as part of involvement and consultation activity
- Divisional Diversity Actions Plans, as identified at question 4
- Procedures for providing materials in alternative formats and translation services, (DWP Corporate Customer Affairs)
- Procedures for setting up and using equipment, for example, induction loops and text phones.

This list is not exhaustive.

You must also arrange, where appropriate, for training sessions specific to diversity equality to be delivered to support your people. For example where feedback from staff or customers indicates that impairment specific training would support understanding of customers' needs, i.e. for people with mental health problems.

## Diversity Challenge – COO Framework Example Action Plan

	Action to be taken	Ownership	Timescales	Dependencies	Outputs
Question 1 – What have you done to identify the diversity characteristics of potential customers in your geographic area?					
Question 2 – How do you involve and consult with local organisations and individuals that represent the diverse customer groups identified in your geographic area?					
Question 3 – How do you know that your services are accessible, available and appropriate to all diverse groups of customers in your geographic area?					

Question 4 – How do you analyse any information you have to identify whether any groups are disadvantaged when using your services?					
Question 5 - How do you ensure that the potential impact of any proposed change is assessed against diversity legislation?					
Question 6 – How will diversity and equality principles be promoted in all your Partnerships?					
Question 7 – How has the Diversity Challenge been incorporated into every aspect of your 2008-09 business plan?					

Question 8 – How will you ensure that your people are informed about your action plans?					
Question 9 – What activity have you identified in your action plans in relation to diversity learning and development?					

# **Module 1 – Equality Legislation – What’s Different now?**

## **Learning Objectives**

The Open Learning has the following key learning objectives. You might find it useful to review these objectives when you have completed your learning to make sure that you have covered them all.

On completing this Open Learning you will be able to:

- Identify what Equality Legislation is already in place.
- Identify the positive policies and processes that DWP already has in place.
- Identify the changes in Equality legislation that will take place in 2006 and 2007.

Some links to external sites have also been provided to allow you to test yourself on the different areas as well as links to the diversity toolkit and additional information that you may find useful.

**Duration of Open Learning Module: 1 hour**

## **Important information – how to access links**

This module contains several links to internal and external websites, which provide you with:

- An opportunity to test your knowledge.
- Additional information to help you develop further understanding of the legislation changes.

When working through the module, it is important that you access the links by opening a new window.

To open a new window:

- Right click on the link (mouse users) OR select the link, shift + F10 (keyboard shortcut).
- Select ‘hyperlink’ from the drop down menu.
- Select ‘open a new window’.

Once you have completed the quiz or viewed the information you require, close the window and continue with the open learning module.

Accessing the links in this way will ensure that you do not exit the open learning module unintentionally.

## **Introduction**

Diversity and Equality underpins everything the Department for Work and Pensions (DWP) does. The DWP [Diversity and Equality Policy](#) states that discrimination on any grounds will not be tolerated.

## **Current Race Legislation**

The Race Relations (Amendment) RRA Act 2000 first introduced the concept of a positive duty on all public bodies to work to achieve race equality.

Current Race legislation means that public authorities, including DWP, must aim to:

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

DWP has a Race Equality Scheme in place setting out its equality strategy and action plan.

DWP is committed to race equality and to ensuring all staff are aware of acceptable and unacceptable behaviour.

Now have look at the [DWP Race Equality Scheme](#).

## **Race – some facts**

- The word race did not exist in the English language until the 16th century.
- In 2002/03, adults from a 'Mixed race' or Asian background were more likely than those from other ethnic groups to be victims of crime in England and Wales. Almost half (46 per cent) of adults of mixed race had been the victim of a crime in the previous 12 months.
- White respondents were more likely than people from ethnic minority groups to say that there was more racial prejudice now in Britain than five years ago – 49%, compared with 32% of Asian respondents, 29% of respondents of mixed race, and 20% of black respondents.

- 90% of all of Gypsy and Irish Traveller planning permission applications are initially rejected compared to 20% overall.
- All Gypsies and Irish Travellers living on local authority or privately owned sites pay rates, rent, gas, electricity and all other associated charges, measured and charged in the same way as neighbouring houses.

## **Race Quiz**

Now complete the [quiz](#) to test your knowledge on this subject.

## **Current Race legislation**

If you are interested in finding out more the following sites are useful.

[Commission for Racial Equality](#)

[Institute of Race Relations](#)

[Race Learning Zone](#)

## **Equality – Legislation Changes 2006/2007**

From 1 October 2006 it became unlawful to discriminate on the grounds of age in employment and vocational training.

Additionally, between December 2006 and April 2007, changes to equality legislation will take place for:

- Disability.
- Gender.
- Sexual Orientation.
- Religion or Belief.

These changes will affect your responsibilities as a DWP member of staff and when dealing with our customers.

Module 2 is designed to look at these more specifically.

We'll now look in detail at each area affected by the 2006/2007 legislation changes.

## **Age legislation**

Before October 2006 there was no existing legislation dealing with age discrimination in Great Britain.

The government did however publish a Code of Practice in June 1999: Age Diversity in employment to highlight how some employers tackled age discrimination and set out good practice in employment.

On 1 October 2006, the government introduced legislation making it unlawful to discriminate on the grounds of age in employment and vocational training.

### **Age – some facts**

- By 2025 it's predicted that half the adult population will be aged over 50 years.
- The proportion below the age of 16 has generally decreased over the last thirty years.
- Those in age group 16-19 years are most put off applying for a job because of their age.
- One in five older workers are self-employed.
- One in two aged 50 plus own their home outright.
- Rates of work-related illness are generally higher in older (age 45 plus) people of working age (source HSE).
- Those in age group 30-39 are least happy about their work and leisure time balance.

### **Legislation Changes 2006/2007 – Age**

The government introduced age discrimination legislation on 1 October 2006, The Employment Equality (Age) Regulations 2006.

It outlines:

- Direct and indirect discrimination, victimisation and harassment in employment and vocational training became illegal.
- Age based recruitment, selection and promotion is unlawful.



- However, it may be possible to objectively justify age discrimination where there is a genuine occupational requirement. For example, when casting for a particular character role in a play or film or at pubs etc when serving alcohol.
- It may affect all employment benefits practices currently based on seniority or length of service, eg Annual Leave.
- Provides exemption for provision of life assurance to cover retired workers.
- Introduces a national default retirement age of 65 making compulsory retirement below 65 unlawful unless objectively justified.
- Introduces the concept of planned retirement and duty to consider procedure.

## **Age Quiz**

Now complete the quiz to test your knowledge on this subject.

Answer true or false to the following statements:

1. Chronological age determines health and age brings illness and disease. True/False?
2. Older workers have less physical strength and endurance. True/False?
3. Younger workers are more productive. True/False?
4. Age is associated with loss of cognitive capacity. True/False?

## **Age Quiz**

### **Answers**

1. False – health is influenced by a number of factors, particularly lifestyle, amount of exercise and nutrition, and although risk of disease may increase with age, there are many actions, which both individuals and employers can take which minimise these risks.
2. False – Physical strength and endurance is specific to individuals; some older workers may be more physically able than their younger colleagues.
3. False – productivity is influenced by a number of factors including, for example, days lost to absence, which has been shown to be lower in older workers.

4. True – Some cognitive functions are thought to deteriorate with age. However, decline with increasing age is not inevitable. There are vast individual differences in cognitive functions at all ages, and there is some evidence older workers may be able to prevent or compensate for any decline in these functions.

(Source: Health & Safety Laboratory – ‘Facts and misconceptions about age, health status and employability’).

### **Legislation Changes 2006/2007 – Age**

If you are interested in finding out more about age, the following sites are useful.

[Age and the Workplace – ACAS](#)

[Age Positive](#)

[Diversity and Equality – Age](#)

### **Current Disability legislation**

The Disability Discrimination Act (DDA) 1995 makes it illegal to discriminate on the grounds of disability in the fields of:

- Employment.
- Education.
- Provision of goods, services and facilities.
- Buying or renting land or property.

### **Current Disability Legislation**

If you are interested in finding out more information have a look at the current disability legislation now.

[Disability Learning Zone](#)

### **Disability – some facts**

- There are approximately 10 million adults in the UK covered by the DDA, about 18% of the population.
- By 2010, 40% of the UK population will be over 45 – the age at which the incidence of disability begins to increase significantly.
- 19% of the working population are people of working age who have a disability.
- One in four people may have mental health problems during their life.
- In the 2001 Census, one in six people in the UK (10.3 million) living in a private household reported having a limiting long-term illness.
- Between March 2001 and March 2004 the number on the register of deaf people increased by 4,700 (9%). Since 1989 there has been an overall increase of 17,100 or 45%.
- At 31 March 2003 155,000 people were on the register of partially sighted people, an increase of 6,500 (about 4%) since March 2000.
- 25% of all registered blind people who had an additional disability were also recorded as deaf or having a hearing impairment.
- In Autumn 2001 35% of unemployed people with a disability had been unemployed for at least a year compared to 21% for those without disabilities.

## **Legislation Changes 2006/2007 – Disability**

### **The Disability Equality Duty**

The duty came into force on 4 December 2006.

The new duty is aimed at tackling discrimination, and ensuring that public authorities build disability equality into everything that they do.

The Disability Equality Duty applies across all public sector activity including:

- Service delivery.
- Policy making.
- Procurement and performance management.

The Disability Equality Duty applies to all public authority functions unless explicitly excluded by legislation. This includes:

- Government departments and executive agencies.
- Ministers.
- Local authorities.
- Governing bodies of colleges, universities and schools.
- NHS trusts and boards.
- Police and fire authorities.
- The Crown Prosecution Service and the Crown Office.

Public authorities must be able to show that they have taken account of the Disability Equality Duty in decision-making.

People with disabilities or the Disability Rights Commission can seek judicial review if it appears that the Disability Equality Duty has not been considered.

The Act requires all public authorities to carry out their functions with due regard to the need to:

- Promote equality of opportunity between people with disabilities and other people.
- Eliminate discrimination that is unlawful under the Act.
- Eliminate harassment of people with disabilities that is related to their disability.
- Promote positive attitudes towards people with disabilities.
- Encourage participation in public life from people with disabilities.
- Take steps to meet the needs of people with a disability, even if this requires more favourable treatment.

The Act also gives new powers to the Secretary of State, or in Scotland the Scottish Ministers, to introduce regulations setting out more specific duties which can help public authorities in meeting their general duty. The main aspect of the specific duties is the requirement to produce a Disability Equality Scheme.

## **Providers of premises**

From December 2006, controllers of premises will have new duties to make reasonable adjustments.

## **Providers of transport services**

From December 2006, providers of services in respect of transport vehicles will have new duties to make reasonable adjustments.

## **Disability Quiz**

Now complete the [quiz](#) to test your knowledge on this subject.

If you are interested in finding out more about disability, the following sites are useful.

[Disability Rights Commission](#)

[Royal Association for Disability and Rehabilitation](#)

[Disability equality: a priority for all](#) (this document provides a series of useful examples of the 'Disability Equality Duty in practice', which help you develop a deeper understanding of the legislation requirements).

[Diversity and Equality – Disability](#)

## **Current Gender legislation**

Current gender legislation is the [Sex Discrimination Act 1975](#).

### **Gender – some facts**

- More boys are born each year than girls, but there are more women than men in the overall UK population: 30.3 million females 28.9 males (mid 2002 – census figures).
- Nine out of ten lone parent families are headed by women.
- 45% of pregnant women suffer discrimination in the workplace.
- 75% of working women are still found in just five occupational groups.

- 44% of employed women work part time compared with 11% of men.
- UK fathers work the longest average weekly hours in Europe.
- 30 years after introduction of the SDA discrimination still occurs.
- 75% of the three million self-employed people in Spring 2003 were male.

## **Gender Equality Duty**

From April 2007, the Gender Equality Duty will require public authorities to promote gender equality and eliminate sex discrimination.

The changes mean that, instead of depending on individuals making complaints about sex discrimination, the duty places a legal responsibility on public authorities to demonstrate that they treat men and women fairly.

Therefore the onus will be on the organisation to promote equality rather than on individuals to highlight discrimination.

The duty will affect policymaking, public services and employment practices eg recruitment and flexible working.

## **Gender Quiz**

Now complete the [quiz](#) to test your knowledge on this subject.

If you are interested in finding out more about gender, the following sites are useful.

[Equal Opportunities Commission](#)

[Diversity and Equality – Gender](#)

[Gender Learning Zone](#)

## **Current Sexual Orientation legislation**

The [Employment Equality \(Sexual Orientation\) Regulations 2003](#) came into force in December 2003. These were amended in 2005 to include regulations covering Civil Partnerships.

## **Sexual Orientation – some facts**

- The Local Government Act 2003 repealed section 28, legislation that offended many gay and lesbian people by stigmatising their lifestyles.
- Section 28 was an amendment to the United Kingdom's Local Government Act 1986, enacted by the Local Government Act 1988 and repealed in November 2003.
- The amendment stated that a local authority "shall not intentionally promote homosexuality or publish material with the intention of promoting homosexuality" or "promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship".
- The Adoption and Children Act 2002 aims to ensure that same-sex couples can apply jointly to adopt a child.
- In November 2002, the Crown Prosecution Service (CPS) launched a Public Policy Statement aimed at combating homophobic violence. The statement gave a strong message that homophobic crimes are not acceptable, incidents should be reported and those responsible will be prosecuted.
- Since April 2003 parents of young children have the right to request a flexible working pattern. Same-sex partners, where one is the biological parent, may also request to work flexibly if they have responsibility for the upbringing of the child.

## **Legislation Changes 2006/2007 – Sexual Orientation**

### **The Equality Act 2006 (amendment to Employment Equality (Sexual Orientation) Regulations 2003)**

The Government intends to introduce regulations to make it unlawful to discriminate on the grounds of sexual orientation "in the provision of goods, facilities and services and in the exercise of public functions".

For DWP, this is in effect an extension of those principles to cover delivery of our services to customers as well as staff.

### **Sexual Orientation Quiz**

Now complete the quiz to test your knowledge on this subject.

1. True or false – Nero married another man?
2. When were sexual relations between men outlawed in the uk? 1750, 1886, 1900 or 1920?

3. How many lesbian, gay and bisexual people are estimated to be a percentage of the population? 1-3%, 5-7%, 8-10%, or 11-12%

4. What is a civil partnership?:

- A way of working with others irregardless of sexual orientation?
- A legal relationship between same sex couples?
- A legal relationship between couples irregardless of sexual orientation?

## **Sexual Orientation Quiz**

### **Answers**

1. 'Civil relationships' are not as new as we might believe. Nero, one time Emperor of Rome, married two men in legal ceremonies, with at least one spouse accorded the same honours as an empress.

2. 1886 – The Criminal Law Amendment Act of 1885, outlawing sexual relations between men (but not women), is given Royal Assent by Queen Victoria of the United Kingdom.

3. The Government is using the figure of 5-7% of the population which Stonewall feels is a reasonable estimate. However, there is no hard data on the number of lesbians, gay men and bisexuals in the UK as no national census has ever asked people to define their sexuality.

4. Civil partnership is a new legal relationship for lesbian and gay couples, aged 16 and over. It enables same-sex couples to gain legal recognition for their relationship.

If you are interested in finding out more about sexual orientation the following site is useful.

[Diversity and Equality – Sexual Orientation](#)

## **Current Religion or Belief legislation**

[The Employment Equality \(Religion or Belief\) Regulations 2003](#) came into force in December 2003.



## **Religion or Belief – some facts**

- In the 2001 census 76.8% of the population reported having some religious affiliation.
- Of the religions recorded in this census:
  - 71.6% were Christian.
  - 2.7% were Muslim.
  - 1% were Hindu.
  - 0.6% were Sikh.
  - 0.5% were Jewish.
  - 0.3% were Buddhist.
- In the same census 15.9% stated they had no religion.
- Within each world religion many branches share a historical background and usually have similarities in doctrines, practice and/or organisation.

There are also different branches or sects within various religions which are dissimilar:

- Islamic: Sufi, Sunni, Shi'a, Ahmadiyya.
- Christianity: Roman Catholic, Eastern Orthodox, Protestant.
- Buddhist: Mahayana, Hinayana, Vajrayana.

## **Legislation Changes 2006/2007 – Religion or Belief**

[The Equality Act 2006 \(amendment to the Employment Equality \(Religion or Belief\) Regulations 2003\).](#)

The Government intends to introduce regulations to make it unlawful to discriminate on the grounds of religion or belief “in the provision of goods, facilities and services and in the exercise of public functions”.

For DWP, this is in effect an extension of those principles to cover delivery of our services to customers as well as staff.

## **Religion or Belief Quiz**

Now complete the quiz to test your knowledge on this subject.

Answer true or false to the following statements:

1. The Hajj is designed to demonstrate the Islamic ideal of equality of all Muslims. True/False?
2. Hanukkah is the Jewish festival of Renewal. True/False?
3. The Sikh holy book is called the Avesta. True/False?
4. Pope Julius 1 set the date of Christmas as 25 December to replace a Pagan celebration on that date. True/False?

## **Religion and Belief Quiz**

### **Answers**

1. True – The Hajj is designed to demonstrate the equality of Muslims emphasised for example by the simple clothing worn by all pilgrims.
2. False – Hanukkah is the Jewish festival of Lights.
3. False – The Sikh holy book is called the Guru Granth Sahib and Sikhs honour it as a living Guru.
4. True – Pope Julius 1 set the date of Christmas as 25 December to Christianise the Pagan celebrations held at that time of year. (Source: BBC Website – Religion and Ethics).

If you are interested in finding out more about religion or belief, the following sites are useful.

[BBC site – Religion and Ethics](#)

[Diversity and Equality – Religion or Belief](#)

[Religion or Belief Learning Zone](#)

## **Legislation Changes 2006/2007 – Commission for Equality and Human Rights**

### **The Equality Act 2006**

From October 2007, the Commission for Equality and Human Rights will replace the Equal Opportunities Commission, the Commission for Racial Equality and Disability Rights Commission.

It will have responsibility amongst other things for promoting the importance of equality and diversity, encouraging good practice, enforcing equality law as well as working towards the elimination of unlawful discrimination and harassment covering race, sex, disability, religion or belief, sexual orientation and age.

If you are interested in finding out more the following site is useful.

[The Commission for Equality and Human Rights.](#)

### **Review your learning**

Now revisit the Learning Objectives for this module and review your own learning.

Diversity and Equality – What does it mean for me?

Prejudices are based on a variety of reasons and a lack of information or ignorance can sometimes fuel this.

Understanding some of the differences between groups and many of the similarities can help us make informed decisions.

The next module, Diversity and Equality – What does it mean for me? explores this in more detail and you will get a chance to identify how the changes in law affect your diversity and equality rights and responsibilities.

## **Module 2 – Diversity and Equality – What does it mean for me?**

### **Learning Objectives**

The Open Learning has the following key learning objectives. You might find it useful to review these objectives when you have completed your learning to make sure that you have covered them all.

On completing this Open Learning you will be able to:

- Identify your responsibilities as an employee.
- Identify your responsibilities as a line manager.
- Identify what influences your attitudes about diversity and equality and how you can help change these attitudes if required.
- Identify what an equality scheme is and why they have been put in place within the Department.

### **Duration of Open Learning Module: 1 hour**

### **Important information – how to access links**

This module contains several links to internal and external websites, which provide you with:

- An opportunity to test your knowledge.
- Additional information to help you develop further understanding of the legislation changes.

When working through the module, it is important that you access the links by opening a new window.

To open a new window:

- Right click on the link (mouse users) OR select the link, shift + F10 (keyboard shortcut).
- Select 'hyperlink' from the drop down menu.
- Select 'open a new window'.

Once you have completed the quiz or viewed the information you require, close the window and continue with the open learning module.

Accessing the links in this way will ensure that you do not exit the open learning module unintentionally.

## **Introduction**

Tackling discrimination helps attract, motivate and retain good staff and enhances an organisation's reputation and productivity.

## **What is Equal Opportunity?**

Equal Opportunity is primarily concerned with ensuring people from different groups have access to equal opportunity in the provision of goods, services and employment.

## **What is Diversity?**

Diversity is about respecting and understanding differences and similarities, and is underpinned by Equal Opportunities.

### [Diversity and Equality – DWP Statement of Commitment](#)

As you can see all staff and customers are covered by this commitment.

Equal Opportunities legislation ensures protection against:

- Discrimination (direct and indirect).
- Harassment.
- Bullying.
- Victimisation.

The Diversity and Equality policy ensures we are all treated in a fair and appropriate way.

## ***Equality Legislation – What does it mean for me?***

### **Your Rights and Responsibilities**

Current legislation and the fact that DWP as an employer has a Diversity and Equality Policy in place. This gives you certain Rights and Responsibilities as an employee.

### **Diversity and Equality – Rights**

Now list what you believe your rights are as a DWP employee.

### **Diversity and Equality – Rights**

Compare your list to the one below.

As a DWP employee you have a right:

- To work in an environment free from discrimination, harassment, bullying and victimization.
- To have equal access to learning and development, career development, and promotion opportunities.
- To complain without fear of victimisation when you think you have been discriminated against, harassed or bullied.

In return you can expect others to deal with you to the same standards.

### **Diversity and Equality – Responsibilities**

Now list what you believe your responsibilities are as a DWP employee.

### **Diversity and Equality – Responsibilities**

Compare your list to the one below.

As a DWP employee you must not discriminate against, harass, bully or victimise anyone on any grounds including race, disability, gender, sexual orientation, colour, age, ethnicity, AIDS/HIV positive status, marital status, religion or similar philosophical belief, responsibility for dependants, trade union activity or having a political belief.

This list is not exhaustive. Disciplinary action will be taken against you if it is proved you have discriminated against, harassed, bullied or victimised another individual. All employees must feel confident in approaching managers with any complaints of harassment, discrimination, bullying or victimisation and that these complaints will be dealt with promptly, seriously, impartially, sensitively, and confidentially.

You also have a responsibility to be aware of the [Standards of Behaviour](#) DWP have put in place. All employees are expected to comply with these standards.

## **Legislation Changes 2006/2007**

There are several changes to existing legislation, which will come into effect in 2006 and 2007.

### **The Employment Equality (Age) Regulations 2006**

On 1 October 2006 legislation outlawing age discrimination in employment and vocational training came into force.

### **Disability Discrimination Act 1995 (DDA) (as amended by the DDA 2005)**

Since 4 December 2006, public sector bodies have had a duty to promote equality of opportunity for disabled people – the Disability Equality Duty.

### **The Equality Act of 2006 (amendment to the Sex Discrimination Act 1975)**

From April 2007 it will become law for the public sector to promote equality of opportunity between men and women – the Gender Equality Duty.

### **The Equality Act of 2006 (amendment to Employment Equality (Sexual Orientation) Regulations 2003)**

There is existing legal protection from discrimination on the grounds of sexual orientation for employees. The Government intends to introduce regulations to make it unlawful to discriminate on the grounds of sexual orientation “in the provision of goods, facilities and services and in the exercise of public functions”. For DWP, in effect, this is an extension of those principles to cover delivery of our services to customers as well as staff.

### **The Equality Act 2006 (the Employment Equality (Religion or Belief) Regulations 2003)**

There is existing legal protection from discrimination on the grounds of religion and belief for employees. The Government intends to introduce regulations to make it unlawful to discriminate on the grounds of religion and belief “in the provision of goods, facilities and services and in the exercise of public functions”. For DWP, in effect, this

is an extension of those principles to cover delivery of our services to customers as well as staff.

In addition the Equality Act 2006 establishes the Commission for Equality on Human Rights.

All of these changes impact on your role within the Department:

- As an employee.
- As a line manager.
- On how you do your job.

These changes in legislation reinforce the existing policies the Department has in place and how you are expected to behave, ie your responsibilities.

### **As an employee**

- You should expect not to be discriminated against because of your race, age, disability, gender, sexual orientation or religion or belief. In addition the Department will not tolerate discrimination on any other grounds.
- You must not discriminate on the grounds of race, age, gender, disability, sexual orientation or religion or belief and/or any other grounds in your dealings with colleagues, customers or partners.
- You must ensure that your own behaviour is consistent and appropriate. This includes:
  - respecting all colleagues and not deliberately excluding any individuals from activities;
  - dealing with people with an open mind, not assuming or avoiding issues but at the same time not asking intrusive questions about an individual's personal life;
  - not displaying or distributing material which could be regarded as being offensive;
  - not using offensive words to describe a person or telling offensive jokes;
  - not making physical contact with someone in a way which is unwelcome or unwanted;
  - not making a person feel humiliated, intimidated or threatened;



- behaving in a manner that respects an individual's known sensitivities and beliefs and taking account of the diversity of colleagues and customers.

In return you can expect others to deal with you to the same standards.

### **As a line manager**

- You must not discriminate against your staff.
- You must make sure that the Department Standards of Behaviour are followed to ensure that there is no discrimination by or against staff in carrying out their duties.
- You should carry out HR policies and processes following Departmental procedures eg selection, as these have been developed in line with the legislative requirements.
- You must be able to recognise and take action to prevent unacceptable conduct.
- You should deal with people with an open mind, not assuming or avoiding issues but at the same time not asking intrusive questions about an individual's personal life.
- You must deal appropriately with complaints of harassment, discrimination and bullying in the workplace by colleagues and customers.
- You must consider applications for special leave, annual leave and alternative working patterns in terms of equal access for all.
- You should implement internal disciplinary, unsatisfactory work performance/attendance and appeals procedures where appropriate.
- You must ensure that your own behaviour is consistent and appropriate.

This includes:

- Acting as a role model and challenging the inappropriate behaviour of others, regardless of grade.
- Treating all colleagues equally and not deliberately excluding any individuals from activities.

### **In your job**

## **Age legislation**

Age legislation introduced on 1 October 2006 makes it unlawful for the first time to discriminate against workers, employees, job seekers and trainees because of their age.

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

- Discriminate directly against someone unless objectively justified.
- Discriminate indirectly against someone unless objectively justified.
- Subject someone to harassment.
- Victimise someone because they made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on grounds of age.
- Discriminate against someone, in certain circumstances, after the working relationship has ended.

In particular Jobcentre Plus employees have a duty to ensure that they do not discriminate against their customers in their role as advisers of employment and vocational training.

For example:

- Discriminate directly against anyone.

Whilst being interviewed, a job applicant says that she took her professional qualification 30 years ago. Although she has all the skills and competencies required of the jobholder the organisation decides not to offer her the job because of her age.

This is direct discrimination.

## **Justified age discrimination**

It may be possible to objectively justify age discrimination where there is a genuine occupational requirement. For example, when casting for a particular character role in a play or film or at pubs etc when serving alcohol.

Talk with your colleagues and line manager and identify ways you can ensure you do not discriminate against colleagues or customers on grounds of age in your working location.

If you are interested in finding out more the following sites are useful.

[Age Positive](#)

[Age Concern](#)

[Diversity and Equality – Age](#)

## **In your job**

The Race Relations (Amendment) Act 2000 took existing anti-discrimination legislation one step further by placing general duties on public bodies – the Race Equality Duty.

In the same way, we must now consider how our policies and services can promote equality of opportunity for:

- People with a disability – the Disability Equality Duty.
- Men and women – the Gender Equality Duty.

## **The Disability Equality Duty**

The Disability Equality Duty applies across the full range of public sector activity, including service delivery, policy-making, procurement and performance management. It requires public servants to consider the impact of their work on people with a disability, and to take action to tackle inequality.

The Disability Equality Duty has four key elements, which requires all public authorities to carry out their functions with “due regard” to the need to:

- Eliminate unlawful disability discrimination and disability related harassment.
- Promote equality of opportunity for people with a disability, including more favourable treatment to take account of people’s disabilities.
- Promote positive attitudes towards disabled people with a disability.
- Encourage people with disabilities to participate in public life.

The requirement to have ‘due regard’ recognises that the disability equality duty is not the only factor public authorities need to think about. For example, a public authority should only fill positions with appropriately qualified candidates.

However the duty to encourage people with disabilities to participate in public life requires the authority to consider what steps might make the appointment process

more accessible to these candidates. Considering where to advertise the position so that people with disabilities will see it and how it might encourage people with a disability to apply. This is true of policy-making and service delivery as well as employment.

It will be necessary to show that you have taken account of the duty in the way you carry out your work, as people with a disability or the Disability Rights Commission would be able to seek judicial review against the department if it appeared that the duty had not been considered.

The Office for Disability Issues has produced [guidance for civil servants](#) on the duties imposed by the Disability Discrimination Act, including the Disability Equality Duty.

Example:

For example in order to:

- Promote equality of opportunity between people with disabilities and other persons.

The Pension Service is looking at how to improve access to text phones and working with The Royal National Institute for the Deaf (RNID) to ensure that pension centres reach the Louder than Words standard.

### **Promoting equality**

Now find out what's been put in place within your location to promote equality of opportunity for people with a disability. You should talk with both your colleagues and line manager.

If you are interested in finding out more the following sites are useful.

[RNID – Louder than Words](#)

[DWP – Accessibility Standards](#)

[Diversity and Equality – Disability](#)

### **The Gender Equality Duty**

The Gender Duty requires all public authorities to carry out our functions with due regard to the need to:

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

This means following a series of steps known as 'specific duties'. This includes setting gender equality goals and consulting service users, customers and employees.

For example in order to:

- Eliminate unlawful discrimination and harassment.

A customer applies for a vacancy at a local greengrocer's and on submitting an application is told that they do not want a woman as it is a man's job because heavy lifting is involved. This would be direct discrimination.

## **Promoting equality**

Now find out what's been put in place within your location to promote equality of opportunity between men and women. You should talk with both your colleagues and line manager.

If you are interested in finding out more the following sites are useful:

[Diversity and Equality – Gender](#)

[Equal Opportunities Commission](#)

## **Sexual Orientation legislation**

The Government also proposes to introduce regulations, through the Equality Act 2006, that prohibit discrimination on grounds of sexual orientation in the provision of goods, facilities and services.

This means that no matter what role you have within the Department you must ensure you do not discriminate against any of your customers, including contractors and other partners on grounds of sexual orientation.

## **Religion or belief legislation**

Also through the Equality Act 2006, the Government proposes to introduce legislation that prohibits discrimination on grounds of religion or belief in the provision of goods, facilities and services.

This means that no matter what role you have within the Department you must ensure you do not discriminate against any of your customers, including contractors and other partners on grounds of religion or belief.

## **Sexual Orientation and Religion or belief Discrimination**

Talk with your colleagues and line manager and identify ways you can ensure you do not discriminate against colleagues or customers on grounds of sexual orientation or religion or belief in your location.

If you are interested in finding out more the following sites are useful.

[Diversity and Equality – Sexual Orientation](#)

[Diversity and Equality – Religion or Belief](#)

## **Attitudes**

The changes in legislation mean that as an individual you have responsibilities in law therefore it is essential you have a full understanding of your diversity and equality rights and responsibilities.

All of your responsibilities, old and new, are influenced by your attitudes, especially your attitudes to diversity and equality issues.

So to understand how to effectively take these responsibilities forward within your job you need to understand about attitudes.

What are attitudes? Record your thoughts about what attitudes are.

The Oxford English dictionary defines attitudes as: “a relatively lasting set of beliefs or opinions in a subject which leads a person to behave in a particular way”.

Our attitudes come from our core beliefs, values and prejudices and ultimately influence all our behaviour.

Attitudes are not necessarily fact based.

## **Core beliefs and Values**

Our core beliefs and values often come from childhood experiences in school, from religion and from our parents or guardians.

## **Prejudices**

Prejudice is an unreasonable or unfair dislike or preference.

We all have some kind of prejudice. These can come from our core beliefs and such places as the media, peers and even gossip.

Now take some time to think about prejudices you have. Listed below are some groups to think about, or use your own examples.

- Older/younger people.
- People with a disability.
- People of a different religion or belief.
- Gay or lesbian people.

Think about your answers to the following questions when you come into contact with a person from these groups.

What do you think?

What do you feel?

What do you do?

How might your behaviour affect your communication with this person?

- Older/younger people?
- People with a disability?
- People of a different religion or belief?
- Gay or lesbian people?

Core beliefs, values and prejudices are all part of who you are.

It's only when they influence your behaviour in a way that means you are not fair in your dealings with your colleagues and customers that you must identify how you can change these attitudes and behaviours.

How to help stop people acting on Prejudice?

List the skills you believe could help stop people acting on prejudices they may have.

## **Skills to help stop people acting on prejudice**

### **Empathy**

Empathy is not sympathy. Empathy means putting yourself in the other persons place and imagining how he/she may feel in the circumstances.

### **Understanding**

Understand your own attitudes and behaviours as honestly as you can.

### **Awareness**

Raise your awareness of your attitudes and behaviours and the effects they can have on others.

### **Sensitivity**

Increase your sensitivity to both people and situations.

### **Consequences**

Always ask yourself – what are the likely consequences of my attitudes/behaviours?

### **Wish to be fair**

Cultivate a genuine wish to be fair.

*The Equal Opportunities Handbook third edition Phil Clements & Tony Spinks ISBN 0 7494 31190*

## **Strategies to help challenge unacceptable behaviour**

Remember you are responsible for your behaviour and your behaviour directly affects all your relationships with colleagues and customers. The Department has Standards of Behaviour, which clearly state that discrimination is not tolerated in DWP.

It sets out expectations of employees at work and in some aspects of their private life.

Breaches of any of these standards may result in disciplinary action.



There are a number of strategies for you to consider when you need to challenge unacceptable behaviour.

- Do nothing.
- Change the situation.
- Change yourself.
- Try to get the other person to change.
- Confront constructively.
- Make a Formal Complaint if dealing with your complaint informally does not resolve the issue.

## **Do Nothing**

Can be considered as the easy option. By taking this option the behaviour is not challenged and could continue or indeed escalate.

You may choose to do nothing because you:

- Believe the behaviour a one-off occurrence.
- Have no investment in the relationship.
- Are worried about hurting feelings.
- May fear the consequences.

If you witness a discriminatory incident at work, you have a duty of care to others to challenge such behaviour and practice.

## **Strategies to help challenge unacceptable behaviour**

If you choose to do nothing you may build up negative feelings about yourself.

If you do not make it clear early on to the offender that you find the behaviour offensive, it may mean that they continue repeating the unacceptable behaviour.

Others may see you as colluding with the unacceptable behaviour.

If you have management responsibilities you must always do something to challenge unacceptable behaviour.

Finally remember if you choose to do nothing there may be consequences to deal with later if the situation does escalate.

## **Change the situation**

Remember it is not the intent behind a person's behaviour, but how you feel on the receiving end that is important in law. As a DWP employee you have the right to work in an environment that is free from:

- Discrimination.
- Harassment.
- Bullying.
- Victimisation.

If the unacceptable behaviour continues you may be able to defuse the situation either by taking a few quiet moments for yourself or seeking further advice.

## **Change yourself**

Changing yourself is about re-examining your own attitudes and behaviours and identifying where your own prejudices lie and taking action to change these if required.

## **Try to get the other person to change**

By confronting and challenging unacceptable behaviour you give the other person an opportunity to examine their attitudes and behaviours, which may result in them choosing to make changes.

## **Confront constructively**

Managers should support staff when they seek to confront constructively as part of their duty of care and responsibility under Diversity and Equality legislation and policy.

It is generally believed to be in the best interest of all parties to resolve problems informally wherever possible.

Further advice to support you during the process can be obtained from the [Employee Assistance Provider](#).

There are a series of steps to take to confront a person in a constructive way.

- Identify the behaviour that is causing the problem.
- Identify the effect of the behaviour on you, or potentially on others.
- Consider when to confront.
- Confront the person.
- Consider the outcome.
- Identify the behaviour that is causing the problem.

Concentrate on the behaviour not the person ie what have they done or said.

Never label them in a judgmental way eg racist.

- Identify the effect of the behaviour on you, or potentially on others.

Does the behaviour have a direct or indirect effect on you/others?

- Consider when to confront.

Timing of any constructive confrontation is vital.

It may be legitimate to confront the behaviour when it happens or it may be better to leave it for a short while so that emotions are not so high. Any discussion required should take place in private.

- Confront the person.

Communicate clearly with the person. Describe their behaviour and the effect it is having on you.

Allow them time to respond to what you have told them and then listen to what they have to say.

Stay calm.

- Consider the outcome.

The person you are confronting may respond to you in a number of ways and you need to choose how to respond.

They may acknowledge their behaviour and agree to change.

The person may not understand how their behaviour is causing you a problem.

They may not care that their behaviour is causing you a problem.

- Making a formal complaint.

If dealing with your complaint informally does not resolve the issue, you may consider making a formal complaint in writing within 15 working days of the event or last incident taking place. Making a formal complaint follows the same stages as the grievance procedure

## **Attitudes**

You might want to discuss with your line manager how you can take some further learning and development forward about attitudes.

## **Legislation Changes 2006/2007 – DWP approach**

The new equality legislation requires DWP to take action to tackle inequality/discrimination and to promote equality.

## **DWP Equality Schemes**

The new legislation requires DWP, as a public authority, to publish a disability equality scheme by 4 December 2006 and a gender equality scheme for April 2007. There is also an existing requirement to provide a progress update on the race equality scheme, last produced in 2005.

The DWP Executive Team decided that the Department would publish its equality schemes on 1 December 2006.

This will include:

- New equality schemes for disability and gender.
- A race progress update.
- Updates on the action we have taken on age, sexual orientation and religion and belief.

## **What is an Equality Scheme?**

An Equality Scheme:

- Is a written document describing a complete picture of what an organisation is doing to promote equality for both staff and customers.
- It must be published and must set out how a public authority plans to meet diversity and equality requirements in law.
- It is designed to be a logical and consistent strategy for addressing discrimination and promoting Equality linked to a timed action plan.

## **Contents of an Equality Scheme**

The minimum contents of an Equality Scheme are:

- A baseline listing all the relevant functions, policies and activities of the organisation.
- Details of the organisation diversity goals.
- An action plan.
- Details of customer and staff involvement in producing the scheme.
- Details of monitoring the effectiveness and results of the scheme.
- Details of the specific requirements of the duties in the legislation.

Now have a look at the Disability Equality Scheme and the Gender [Equality Scheme](#) in place for your area of the business.

What do they mean for you as an employee?

What do they mean for you if you are a line manager?

What do they mean for you when working with your customers?

Discuss these questions with your colleagues and your line manager. (Remember the DWP Executive Team decided that the Department would publish its Equality Schemes on 1 December 2006).

## **Equality Impact Assessments**

It will be mandatory to carry out Equality Impact Assessments as part of the legislative requirements for race, disability and gender.

See the [Equality Impact Assessment Tool](#) for full information and advice.

## **Review your learning**

Now revisit the Learning Objectives for this module and review your own learning.