

Making practice happen

**Practitioners' views on the most effective
specific equality duties**

**Report submitted to the
Equality and Human Rights Commission
by
Elizabeth Sclater**

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Introduction

In anticipation of the Equality Bill, confirmed in the Queen's Speech in November 2008, the Equality and Human Rights Commission (EHRC) is keen to capture the lessons learnt from implementing the specific duties (see *Appendix 1*) within the race, gender and disability equality duties. In particular, it sought to identify the specific duties that are most effective in achieving change, as well as the factors that support public sector organisations in driving change – not only in their organisations, but also with partners within and across sectors.

The results of the research will be used by the EHRC to support its recommendations to Government regarding the seven strand equality duty set out in the Equality Bill, particularly in relation to the specific duties to be set out in subsequent legislation.

Executive summary

Interviews with equality practitioners from a range of sectors confirmed that the specific duties were a lever for change within their organisations. Some acknowledged that, in some cases, implementing the specific duties might be perceived as a bureaucratic means towards compliance. However the vast majority were clear that implementing the specific duties has been fundamental in improving services to local people. As one respondent stated:

"It's not about process, but about making practice happen".

Key findings can be summarised as follows:

- The requirement for race, disability and gender equality schemes, and carrying out equality impact assessments (EqIA), provide a framework and focus for action
- The specific duty to involve disabled people has ensured a step change in policy and service development
- Employment monitoring, review and reporting duties, when undertaken rigorously and systematically, lead to transparency, accountability and appropriate action

- The Secretary of States' specific duty to report on disability across each sector has created a significant shift in central government's understanding and response to disability equality.

Respondents across all sectors identified that the specific duties were effective when:

- leadership is visible through ownership, accountability and support from elected members, Board and the Executive
- equality duties are embedded within other key improvement drivers of an organisation
- audit and inspection regimes have equality and diversity mainstreamed in their assessment criteria, and are addressed rigorously
- those tasked with leading on equality duties, corporately and within departments, are in a position to take a strategic overview.

Equality impact assessments are most effective when:

- carried out at the beginning of policy formulation and service review processes
- training is relevant, timely and targeted
- support is available to 'help with' not 'do for'
- guidance is clear, and templates are simple and straightforward
- monitoring and review of action plans is built into the performance management framework of an organisation and reported regularly to Executive and elected members / Board.

All respondents welcomed the Government's proposal to bring in a seven strand equality duty, recognising that 'harmonising up' the legislation to cover all strands will clarify responsibilities and facilitate implementation. That should result in all strands having the same requirements for involvement, assessment, review, monitoring and accountability. Respondents were clear that the duty should:

- be action focused and achievement orientated
- require annual, targeted, systematic steps to advance equality
- require annual, public reporting on achievements
- list specific duties with requirements to involve, monitor, evaluate, and be accountable

- extend the Secretary of States' reporting requirements to cover all strands (currently, only disability is covered)
- ensure that procurement is covered explicitly.

The rest of the report gives more detail of the respondents' views. Brief case studies to illustrate actions and achievements are attached as *Appendix 3*.

Methodology

Telephone interviews were conducted with 38 equality practitioners selected on the basis that their organisations were thought to be making progress in implementing the duties or had a significant national role. The group therefore does not represent a random sample from the public sector, but was chosen on the basis that they were the most likely to have relevant experience of implementing the duties.

The interviews took place between November and December 2008. Respondents were primed with questions in advance (see *Appendix 2*). Typically, interviews lasted between 45 and 60 minutes.

Respondents were drawn from local government, health, education, regional development agencies, criminal justice, fire and rescue services, central government departments and other national bodies. They were located in Wales and all regions of England.

In addition, seven members of the Department of Health *Primary Care Trust (PCT) Single Equality Scheme Programme* provided evidence at a group meeting held during the fieldwork period.

Finally, two roundtable discussions were held in Manchester and London to provide an opportunity for in-depth discussion with equality practitioners. Many of the issues raised were also reflected in feedback from individual respondents.

Respondents valued being contacted and were pleased to participate in the research. All those contacted were keen to be kept up to date with progress of the seven strand equality duty. They were willing to act as a future 'sounding board' for the Commission with regards the development of the Code of Practice and guidance.

Specific duties: A positive response

All respondents confirmed that the specific duties had played a crucial role in achieving change in their organisation. Most saw the requirements to develop equality schemes, undertake equality impact assessments (EqIA) – gather data, take account of the views of users, citizens and stakeholders and report on progress – as providing an essential framework and focus for action.

The specific duties are most effective when aligned with an organisation's strategic objectives and integrated into its key improvement frameworks. For example, equality impact assessment action plans not only provided evidence for Lewisham Council's achievement of level 5 (highest) of the Equality Standard for Local Government, they made a significant contribution to the overall assessment of the Council as a four star (highest) authority by the Audit Commission in 2007.

Respondents welcomed the move to develop outcome-based objectives in disability and gender equality schemes recognising that this has helped managers to understand that implementing the equality duties is not a box-ticking activity to comply with legislation. They were also clear that, in identifying such objectives, a process must be followed that is based on sound evidence from a wide range of data, the views of users and citizens, and effective stakeholder involvement.

A number of respondents, in consultation with the EHRC and previously with the Commission for Racial Equality, Equal Opportunities Commission and the Disability Rights Commission, have adapted their approach to identifying their functions for review. For example, the Department of Health, rather than carry out impact assessments on all functions, targets key processes and functions with anticipated high impact on people from particular equality strands (or across strands). It has found that this is more likely to achieve desired outcomes with efficient and effective use of resources. Another health trust, Lewisham PCT, has clearly set out such an approach in its Single Equality Scheme 2009 - 2011.

For more detail, refer to:

<http://www.lewishampct.nhs.uk/documents/1520.pdf>

Leadership was identified as one of the most important factors in ensuring that the needs, views and aspirations of all citizens were addressed by the public sector. Respondents stressed the role of elected and Board members as well as the Executive in providing visible ownership of, and accountability for, the Duties. Participants provided a number of examples including:

- identification of equality champions among elected or Board members and the Executive
- setting challenging equality targets for an organisation in employment and service delivery
- seeking and building on the views of staff at all levels
- implementing robust monitoring and reporting mechanisms.

Respondents also called for more consistency in implementing the duties across each sector. Equality professionals sometimes felt that central government and inspection agencies did not fully appreciate the potential of the specific duties to deliver change. Respondents were frustrated that equality and diversity did not have a higher profile in policy direction or assessment activity. They were keen to see central government departments (with regard to strategic direction) and inspection and audit (with regard to performance management and accountability) more effectively mainstreaming equality and diversity in their activities.

Equality impact assessments

The equality impact assessment (EqIA) process was seen as an essential part of sound evidence-based policy development, project management and improved service delivery.

Respondents recognised that, to be efficient and effective, an EqIA screening activity should be undertaken at the beginning of the process. Where a potentially high impact has been identified, a full EqIA should be undertaken and equality implications considered at each stage of the process, with progress regularly reported to a project board. This would ensure that any further action is relevant and proportionate.

For example, the North West Regional Development Agency (NWRDA) is embedding equality and diversity into all stages of project development from the concept phase through to development, appraisal and

evaluation of the project. All projects are screened for equality impact at concept stage with full EqlAs undertaken where appropriate during the development and appraisal process. No project is agreed for implementation, or any investment decision made, without an appropriate level of EqlA. The fact that these actions are now seen as an integral part of project development in the organisation ensures that the significant resources of the NWRDA can be effectively utilised to meet the needs of the citizens of the region. They also enable the Agency to meet its aims to ensure economic inclusion and participation by all.

Respondents across all sectors provided examples of how the duties, and EqlAs in particular, had improved policy development and service delivery in their organisations. Examples across sectors and equality strands are summarised below and given in more detail in *Appendix 3*.

- A north of England Mental Health Trust modified its catering policy when proposed changes were anticipated to have a negative impact on learning and neuro-disabled people
- Bristol City Council revised its taxi and licensing enforcement policy to focus on good practice and safety when a review of the service identified an over-representation of complaints from black and minority ethnic drivers
- The Metropolitan Police raised the number of women firearms officers when, following a review of the service, barriers to recruitment were removed
- Fenland District Council enhanced the quality of life for Muslim residents of a particular area by changing the day of refuse collection from their holy day, Friday, to Wednesday
- The Department of Children, Schools and Families strengthened the development of its Play Pathfinder Programme, to ensure the needs of disabled children were addressed, as well as recommending a wide range of play opportunities for boys and girls
- Hertfordshire Fire and Rescue Service used the disability duties to develop staff confidence to ask for adjustments, particularly when applying for promotion.

Factors leading to successful EqlAs

Respondents felt the most effective changes occurred when they had harnessed the organisation's established structures and processes. These included:

- ensuring accountability for the Equality Scheme action plan through the performance management framework of the organisation
- mainstreaming actions from EqlAs in the annual business planning process
- securing agreement that no key decisions are taken without an EqlA screening or full impact assessment.

Additionally, EqlAs are effective in service design and delivery when:

- they are based on sound evidence from undertaking:
 - comprehensive needs assessments
 - effective citizen, user and stakeholder involvement
 - sound quantitative and qualitative data analysis
- training is relevant, timely and targeted
- support is available to 'help with' not 'do for'
- guidance is clear, and templates are simple and straightforward
- monitoring and review of action plans is built into the performance management framework of the organisation, then reported regularly to the Executive, Board or to Elected Members.

Respondents recognised that there were still issues regarding the quality of EqlAs. As well as focusing on areas with high impact, support and timely, targeted training is still required. The following quote demonstrates how one equality lead provides that support:

"Our approach is to assure colleagues that this checking (EqlAs) is not about wasting time or witch hunting, looking to identify individuals who may be racist or sexist. It is rather to find out what the causes are for any disproportionate impact and do something about it ... this is about making intelligent management decisions in the knowledge that our services can have disproportionate impact across different groups. My mantra is: at the end of this (EqlA) process, you will still be making the decisions for which you are paid ... the

difference is that you will no longer be doing it in ignorance of some very important facts”.

Phil Jenkins, Welsh Assembly Government

The London Borough of Waltham Forest has introduced sampling of the EqIAs accompanying key decisions taken by cabinet as a mechanism of quality control. Results are reported monthly to the leader, portfolio holders and executive directors which has resulted in all taking an active role in ensuring high quality EqIAs are undertaken, particularly on high-profile decisions.

EqIA toolkits and guidance

All respondents had developed or revised toolkits and guidance tailored to meet the needs of their specific organisation. For example:

- Sussex Partnership Mental Health Trust has incorporated human rights and a risk matrix to identify key services for review
- The Wales NHS Centre for Equality and Human Rights revised toolkit allows for immediate remedial action to be taken if the potential for adverse impact is identified and can be addressed at the initial stage of the process, without proceeding to full impact assessment.

Data

Respondents reported that availability of data disaggregated by equality groups was an issue. Schools were particularly concerned that special educational needs (SEN), is used as a proxy for disability. They were pleased to note that in January 2009 the Department for Children, Schools and Families (DCSF) expect to report on commissioned research addressing this issue.

There was substantial evidence that qualitative data was gathered at local level with the involvement of local equality groups and the wider voluntary sector.

Up-to-date, easily accessible, national and regional equality data is essential. Respondents noted and welcomed the recent IDeA equality

data mapping report, *Measuring Equality at Local Level (September 2008)*; the data already available from the Government's Neighbourhood Renewal Programme; and the pending EHRC commissioned research to develop an equality measurement framework. Schools already had a wealth of data on achievement and some were using wider Local Education Authority (LEA) and Local Strategic Partnership (LSP) data to develop a more comprehensive picture of their local community.

There was a plea for additional support from the EHRC through the development of web-based information regarding recent and relevant, academic and other research across all strands.

Duty to involve: A key to culture change

Respondents have found great value in the specific duty to involve disabled people in policy and service development, and cited this as one of the most important factors in achieving changes in culture in their organisations as well as delivering improved services.

Whilst some organisations have retained a focus on disabled people's involvement following the development of disability equality schemes, others have extended involvement across the equality strands by developing and supporting community equality forums, or involving members of single strand communities in targeted activities. A short list of actions is given in this section. More detail is given in *Appendix 3*.

- NHS North East commissioned a local community network, the Equality Forum, to carry out the community consultation on its draft single equality scheme. It found this a more efficient and effective way of hearing 'new' and previously 'unheard' voices
- Nottingham City Council set up an Equality Reference Group to monitor and review progress on their sustainable community strategy, as well as performance in achieving Local Area Agreement targets
- Hull City Council trained disabled citizens to monitor planning applications. This led to improved changing facilities for disabled people and their carers in the town centre shopping development
- North Wales Hospital Trust involved disabled people in product redesign which improved access to wards for deaf people

- Woodheys Primary School, Sale successfully involved parents, children and community representatives in their sustainable, multi-faith, peace project which received national and international recognition
- The Crown Prosecution Service established a National Community Accountability Forum. Meeting four times a year, and with representation across all strands and senior CPS staff, its remit is to hold the service to account for the delivery of the equality scheme
- Lancashire County Council's Gypsy, Roma and Traveller (GRT) Education Service worked with GRT women across the County. Through their organisation of a successful GRT history month – with presentations and story telling in schools – the women have begun to challenge the negative stereotypes of their community
- Fenland District Council worked with learning-disabled young people to develop the Pink Flamingo Club which meets in a local pub. This has given the young people a regular place to meet, and confidence to participate in other community events
- The Mental Health Act Commission's programme 'Acting Together' involves commissioners and service users undertaking joint visits to particular facilities. This enabled commissioners to see the service from a user perspective and led to important service developments particularly with regard to patient safety
- Hertfordshire Fire and Rescue service have involved learning-disabled young people in delivering fire safety advice to their peers through story telling and theatre. This resulted in severely disabled young people overcoming their fears of the service, especially firemen and their equipment.

Respondents recognised that genuine involvement is time-consuming and labour intensive, not only for the public sector, but also for citizens and stakeholders. Adequate resources were needed in the voluntary and community sector to build capacity to achieve genuine involvement. Regular feedback on how views were used and changes were made is essential in order not to lose the trust of stakeholders.

Benefits can accrue when organisations redirect resources to citizen involvement, or pool resources across sectors within an area. For example, in developing its Gender Equality Scheme, Cornwall Mental Health Trust joined with other public sector partners across the region

to develop a programme of activities to help identify the experiences and views from users, citizens and stakeholders.

All respondents were keen to see the specific duty to involve extended to all equality strands under the seven strand equality duty.

Secretary of State duty

Three-year reports from across Whitehall were published for the Secretary of State (SoS) specific duty for the disability equality duty during the research period. Drawing together examples of progress on disability equality across each sector has been a major exercise for government departments. Not only has it raised the awareness of key issues across departments, but it has also helped to clarify the importance of integrating and mainstreaming the agenda in all central government activities.

The Secretary of State duty has created a significant opportunity to showcase good practice within sectors which colleagues across sectors have been eager to share, despite the time and resources required to compile the detailed evidence.

It is felt the Secretary of States' requirements should be extended to cover all strands, ensuring that sufficient time is allowed to develop high quality reports.

For an overview of the Secretary of States' reports, visit:
<http://www.officefordisability.gov.uk/docs/sos-summary.pdf>

The Duties as a means of enhancing partnership work

The government has made it clear that, at local level, it expects public sector organisations to be working together to improve the lives of their most vulnerable citizens. Many of these citizens are members of equality groups who experience deprivation and discrimination.

Consequently the EHRC was keen to see whether, and how, the Duties were being used to encourage and enhance partnership work.

Formal involvement of users, citizens and stakeholders was seen as an ideal mechanism for promoting joined-up activity across a borough or region. This has the potential to avoid consultation / engagement fatigue amongst residents. Working jointly on such activities has helped to cement and strengthen relationships.

Joint working has also developed confidence in partners to share knowledge, skills and experience. For example, the Car Parks Manager of a SW England district council, having learnt from and valued the involvement of disabled people in the review of his service, is now acting as an EqIA mentor for colleagues from adjacent district councils.

NHS North East has built on the specific duties to develop a single equality scheme framework for the region with agreed high-level objectives and localised action plans. This has provided effective strategic focus across the region and avoided duplication.

Collecting employment information

Respondents in all sectors recognised the tremendous resource that organisations have in their staff – not least their role in delivering quality services.

Progress was reported in collecting, analysing and using equality employment data. It was generally felt that employment monitoring, review and reporting duties undertaken rigorously and systematically enables accountability, transparency and action where required. The employment duties were found to be a helpful performance management tool. As one respondent from the criminal justice sector put it:

“ ... (the duties have)... helped us in knowing where we are as an organisation on equality in employment ... across the breadth of the experience; through application, entry, experience and exit ... because it's quite a comprehensive detailed duty, it's helped us track our own performance and account for it ... it's helped to keep the spotlight on equality in employment in the context where some people think equality in employment is done”.

The challenges identified in collecting information on equality in employment included:

- Overcoming staff suspicion regarding personal data collection, particularly around disability, through a sensitive and careful approach. It was felt there is significant under-reporting in this area
- Disaggregating data by type of impairment, while maintaining the principles of data protection
- Finding meaningful ways to describe the diversity of the workforce when very small numbers are involved
- Managing the use of different criteria for describing staff equality groups within and across sectors (for example, ethnicity)
- Improving representation in a 'static' workforce through innovative 'apprenticeships' and similar schemes
- Understanding the impact of sector and organisational restructuring, especially within the health sector. This has brought short-term challenges but also opportunities for longer-term solutions. For example, data collecting systems can be revised to capture better disaggregated data to give a fuller picture of the workforce
- Ensuring that employment duties are not undermined through use of agency or other 'short term' recruitment processes. This was a particular issue for respondents from the health sector.

All specific duties effective

Overall, there was a view that all the specific duties were necessary to achieve change, with no one duty seen as less effective than the others. Most negative comments related to interpreting how the duties were to be implemented. Most frustration was expressed with the race duty requirement to assess all functions. It would appear that, in the early years of implementation, there was limited understanding of the importance of assessing relevance and proportionality of the function or policy under review.

As more experience is gained, equality professionals, in consultation with the EHRC, are taking a more pragmatic approach, with assessment resources focused on those areas that are likely to have significant impact on improving people's lives and promoting equality of opportunity.

Overall impact of the specific duties

Respondents were clear that the specific duties had made a positive impact on policy and service delivery in their organisations. They stressed the value of involvement, assessment, setting objectives, monitoring and accountability as key activities in delivering excellent services, and in promoting equality of opportunity for all. Equality impact assessments (EqIAs) remain a key tool for evidence-based policy and service development.

The involvement of local people in helping to shape services is crucial. While it is recognised that there is still much to do across the public services, disabled people's involvement has provided a spotlight on generic and specific services to meet their needs. It has also provided a catalyst for wider participation across all equality strands. Significant local and national accountability mechanisms have been developed across the country to the extent that there is a strong plea for the extension of the involvement duty to all strands.

There remain many challenges in taking forward the employment duties, not least developing confidence in collecting and using reliable data. Some of the public sector organisations contacted had recently undergone organisational review. They identified that publishing the results of EqIAs, conducted throughout the process, had contributed to transparency and sustained the trust of staff at a stressful time.

The specific duties have played a part in developing and deepening relationships within sectors and across areas. Informed by the priorities of local people from across the equality strands, it has led to more effective joined up service delivery and efficient use of targeted resources.

The Secretary of States' duty to report progress in Disability Equality across their sectors has provided a valuable opportunity to showcase good practice as well as help to mainstream and 'join up' the agenda across Whitehall departments. Again, respondents would like to see this extended to all strands.

It is clear from this research that positive change is happening as a result of the specific duties. However equality professionals are not complacent and recognise much still needs to be done. They are willing to work in partnership with the Commission and the public sector improvement bodies to develop the Codes of Practice and guidance for the seven strand equality duty. Such a partnership across the public sector will contribute to achieving a fairer society with equal opportunity for all.

Key challenges in implementing the specific duties

There were no surprises regarding the key challenges arising from the implementation of existing duties. All respondents raised the significant differences in specific duties across the three strands. Whilst the move to developing outcome-orientated objectives in the gender and disability equality schemes was welcomed, it is not always easy to manage staff perceptions. They find it burdensome and bureaucratic to deal with three separate schemes. There was evidence of equality leads across all sectors moving to develop single schemes covering all strands.

It takes time to fully grasp what compliance with the equality duties might look like. Formal action by the EHRC, and previously by the three Commissions, as well as case law, has helped to provide clarity.

Challenges identified in implementing the race, gender and disability duties include:

- Weak leadership on, or lip service to, equality and diversity
- Failure to recognise that equality is about equal life chances for all, and not about being politically correct or having employment quotas
- Failure to recognise that embedding equality and diversity within performance management is key to improved service delivery for all citizens
- Identifying the key areas of policy and service of the organisation where EqIAs are essential and the level at which they should take place
- 'Over bureaucratisation' of the process can hamper the achievement of desired outcomes
- Muddle and confusion can result from a lack of clarity and joined-up thinking in codes of practice and guidance

- Lack of disaggregated equality data and different reporting criteria make comparisons difficult (even meaningless) within and across sectors
- Incomplete performance assessments by external audit and inspection, due to insufficient focus on equality and diversity in assessment criteria.

Potential of the Equality Bill: What needs to be in place

The proposal of a new bill bringing in a seven strand equality duty has been welcomed across all sectors. Although there is substantial knowledge, skills and experience in the areas of the race, disability and gender duties, managers will need time to 'get up to speed' in the new areas of age, sexual orientation and faith, religion and belief. Clear guidance on these is essential and should be developed in partnership with those experienced in implementing the current specific duties across the public sector, as well as representatives from the strands concerned.

There was a strong plea that the text of the Bill, the Code of Practice and the guidance for the seven strand duty should focus on action and be oriented towards outcomes. Guidance should highlight the importance of aligning equality objectives with the business objectives of the organisation. In the words of one respondent:

"... require annual, targeted, systematic steps to further equality and report publicly on achievements. Specific duties would then flow from this".

All respondents were clear that the specific duties must include some form of assessment. EqlAs should be seen as a mechanism for evidence-based policy and service development. All confirmed the need to keep the requirements for a scheme and make it simple, straightforward and based on:

- comprehensive needs assessments and research
- effective citizen, user and stakeholder involvement
- sound quantitative and qualitative data.

In the words of another respondent:

“ ... involve, monitor, evaluate, and be accountable”.

Procurement

A number of respondents raised the importance of embedding and strengthening equality and diversity considerations in procurement. The Department of Health report *Beyond procurement: connecting procurement practice to patients* (June 2007) gives good practice guidance on integrating equalities into healthcare. It highlights, through a series of case studies, what can be achieved and the challenges that still exist.

Regional development agencies (RDAs) – led by the London Development Agency (LDA), the lead RDA on equality – have also undertaken substantial work in the area of supplier diversity as part of sustainable procurement activities. They have focused their procurement activity across a number of areas, and provided opportunities for suppliers to meet potential clients to explore requirements and ‘match’ skills. These have been channelled most notably via *Compete For* and *Diversity Works for London* and a number of supplementary programmes that include working with small and medium size enterprises (SMEs) to be ‘fit to supply’.

Guidance

Respondents recommended that guidance for the public sector on implementing the new specific duties should also include:

- Linking specific duties to
 - the main business of the organisation
 - the public sector equality performance frameworks being developed by IDeA and Police Improvement Agency
- Highlighting the potential of EqIAs to act as a service improvement tool
- Using simple straightforward examples of toolkits, templates and case studies

- Harnessing learning from the Department of Health, London Development Agency and other good practice to develop specific guidance on procurement
- Information about, analysis and interpretation of, current equality data at national and regional level.

A regularly updated EHRC webpage on recent multi- or specific strand research (in-house and academic) would be valuable when developing policy at all levels.

Appendix 1

Specific equality duties: Race, disability and gender

Race

- Publish a race equality scheme which identifies all functions / policies that are relevant to race equality
- Assess and consult on the likely impact proposed policies will have on the promotion of race equality (“race equality impact assessment”)
- Monitor policies for adverse impact
- Publish the results of the impact assessments, consultation and monitoring
- Make sure the public have access to information and services
- Train staff on both the general and specific duties
- Public bodies must also review their race equality scheme every three years.

Disability

Publish a Disability Equality Scheme that includes:

- involvement of disabled people in development of scheme
- gathering and using information in particular to review the effectiveness of the action plan and in preparing subsequent schemes
- a method for impact assessment actions to meet general duty (the action plan)
- within three years of the scheme being published, take the steps set out within the action plan (unless it is unreasonable or impracticable to do so).

Report annually.

Review and revise the scheme every three years.

Secretaries of State must produce a report every three years on the progress of disability equality within its policy sector.

Gender

Publish a gender equality scheme and action plan, including objectives, which includes:

- Collecting and using information to meet the duties
- Using the information to review the effectiveness of its implementation of the duty and to prepare subsequent schemes
- Information on how the public authority will gender impact assess existing and new policies and practices
- Consider the need to take action on all the causes of the gender pay gap
- Consulting relevant employees, service users and others (including trades unions)
- Indicating how the objectives will be achieved

Report annually.

Review their scheme at least every three years.

Appendix 2

Interview questions

1 In your experience, which parts of the race, gender and disability specific duties have you found to be most effective in achieving change in equality issues in your organisation? What are the reasons behind this? (interviewees are to be given a list of the specific duties.)

2 In your experience, which parts of the race, gender and disability specific duties have you found to be least effective in achieving change in equality issues in your organisation? What are the reasons behind this?

3 Can you identify any good examples where the equality duties have led to a change in policy and practice across your organisation? Please talk through the steps involved in this process.

4 Would you be able to provide any information on your equality impact assessment methodology? (Interviewees will be assured this is for research and not for compliance purposes)

5 Please give an example of a recent EqIA which led to a positive change or outcome, and another one which you were not so pleased with.

6 In your experience what are the factors that can help to ensure that equality impact assessments play an effective role in service design and delivery? Please give any examples to illustrate your comments.

7 What progress do you feel has been made in relation to the area of equality data collection, analysis and interpretation in your organisation? Can you give an example of how this information is used in policy and service development?

8 Do you feel the duties have enabled you to better engage with stakeholders?

9 Can you give any examples of where disabled people's involvement has influenced policy and service development?

10 Can you give any examples of where the duties are being used as a mechanism for enhancing partnership work across a geographical area?

Appendix 3

Specific duties: Case studies

Health

EqlA leads to strengthening of strategic review

The Department of Health undertook a strategic review of its Cancer Strategy in 2007. Although this review demonstrated improvements in cancer outcomes over the previous ten years, the EqlA identified the need for health service professionals to have a deeper understanding of the impact of certain cancers on different equality groups. For example, it highlighted that more could be done to address key issues for people from some black and minority ethnic communities, learning disabled people, and lesbians and gay men. These specific issues have been clarified in the revised strategy with health professionals encouraged to address them when implementing the strategy at regional and local level.

The Cancer Reform Strategy and EqlA can be viewed at:

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/dh_081006

EqlA leads to improved gender balance of Mental Health Act area commissioners

In 2005, while working with the Equal Opportunities Commission to 'pilot' the proposed gender duty recommendations, the Mental Health Act Commission (MHAC) looked at the gender balance of its commissioners. Whilst the overall balance was even, there was a preponderance of men as area (better paid) commissioners and a majority of women as local (lower paid) commissioners.

The MHAC undertook an EqIA of the recruitment process. As a result, changes have been made to job descriptions to encourage more women to apply for area commissioner positions.

Human resources and equality staff reviewed the job description and person specification with an eye to gender bias both in terms of language and content. This included discussing with commissioners what had attracted them to, or put them off, applying for the different roles.

As a result of feedback, job descriptions and person specifications were simplified, removing content that was not essential. For example, they removed *ability to chair meetings* from the area commissioner role, and amended *experience of presenting reports at Board level* for both roles. It was felt that the first criterion was not essential and, with regard to the second, successful candidates could be trained and supported to make Board presentations once in post. Their rationale was that people with the ability to fulfil the role should not be discouraged from applying because of lack of experience, and this lack of experience was likely to affect women more than men.

Commissioners to the MHAC are appointed by the national Appointments Commission. Previously, all appointments had been based on open competition. Therefore the MHAC sought and gained agreement of the Appointments Commission for internal recruitment, allowing transfers between the roles, which saw several women move from being local to area commissioners (and at least one man moving from area to local commissioner). This was then followed by open recruitment in late 2007 for vacancies in both roles.

Monitoring shows progress is being made.

Joint visits with service users and commissioners lead to improved services

The duty to involve disabled people has created a real cultural change in the Mental Health Act Commission. In the programme '*Acting Together*', commissioners and service users undertake joint visits to particular facilities. These have enabled commissioners to see the service from the user's perspective. Users with physical disabilities have highlighted some

key access issues such as suitable bathing facilities and the provision of appropriate chairs on wards.

Service users are also helping to shape the Commission's monitoring of Community Treatment Orders following changes to the Mental Health Act in 2008.

Wales NHS Centre for Equality and Human Rights develops streamlined EqIA process.

The NHS Centre for Equality and Human Rights' (CEHR) recently revised *Equality Impact Assessment Toolkit* integrates a human rights approach. The revision strengthens the process requiring organisations to assess the relevance and priority of the policy for impact assessment. It provides a more robust means of deciding whether a policy needs to proceed to full impact assessment or some other action is necessary. The toolkit allows immediate remedial action to be taken if a potential adverse impact is identified that can be addressed at the initial stage of the process, without proceeding to full impact assessment.

For more information about the toolkit and work of the centre visit:

<http://www.wales.nhs.uk/sites3/home.cfm?OrgID=256>

Improving data collection

The NHS Centre for Equality and Human Rights (CEHR) hosted a patient equality monitoring project which is due to complete at the end of January 2009. The project has:

- developed a minimum data set that is inclusive of all six equality strands
- facilitated the necessary technical changes to be made to the patient information systems operating across NHS Wales
- delivered training on data collection for front line staff.

Pilots have been undertaken before mandating the service to collect the data in 2009.

It is anticipated that these data will be fundamentally important to the assessment of policy impact on different groups. A key challenge for organisations will be to ensure that these data are analysed and used to inform service design and delivery.

View patient monitoring at:

<http://www.wales.nhs.uk/sites3/page.cfm?orgid=256&pid=12616>

Welsh acute hospital trust involves deaf people to improve access to wards

Access to the paediatric and maternity wards relied on verbal communication via intercom which had been identified as a barrier for deaf service users. There was also no way to alert ward staff that a visitor or service user may be deaf or require assistance.

To find a solution the equalities department at the Trust brought together deaf users, ward and estates staff and the intercom design company. Deaf users were fully supportive of the need for ward security and worked to enable staff and designers understand the barriers to communication.

The designers were able to test a number of ideas and came up with a range of solutions to improve communication. For example, illuminated assistance buttons and the inclusion of a text box with access instructions. In addition, the users commented on the poor general signage for the intercoms and advised on better pictorial signage.

The intercom will be piloted in the hospital and it is expected that recommendations will be made to roll out the new design further. Feedback from the design company indicated that this was the first time they had been asked to look at accessibility of intercoms.

To build on this knowledge and understanding of communication issues and the barriers faced by users accessing services, a programme of deaf awareness training is under way which includes staff on wards where the new intercom is being piloted.

NHS North East takes a partnership approach to deliver an effective Single Equality Scheme

NHS North East has worked together across all its 23 organisations to develop a single equality scheme framework. A working group from its equality leads' network developed the framework and priorities which have been used by individual trusts to guide local actions. Huge benefits have accrued – for example, avoiding duplication through sharing of data, skills and expertise, and undertaking joint consultation / involvement activities.

A performance framework of high level actions has been developed as part of the scheme which NHS North East will monitor across all trusts. Progress on equality data collection is one of the actions.

NHS North East has encouraged all trusts within the region to report equality and diversity progress to their Boards on an annual basis. This serves to raise the profile of equality and diversity and to secure resources for the work.

The NHS North East EqIA toolkit, recently revised to include human rights, is available for all trusts to use if they wish.

The Single Equality Scheme remains a 'living' document. The Trust held a major conference in November 2008 drawing in staff from the whole region, and commissioned a third sector group to provide feedback from the community. The outcomes from these activities will feed into the scheme's action plans.

Some members of its equality leads' network have been involved as assessors with the Health Care Commission's race equality 'spot check' programme. This contributes to the *Standards for Better Health* which forms part of every acute trust's *Annual Health Check*.

For further information about NHS North East's equality work visit:
<http://www.northeast.nhs.uk/what-were-doing/equality-diversity/>

Needs of people with learning and neuro-disabilities are met when catering policy is changed

As part of a review of its catering service, a north of England mental health trust proposed to reduce the hours of catering across all sites. Initial screening indicated that some users of learning disability and neuro-rehab services might have difficulty accessing the alternatives of vending machines.

A full EqIA was carried out with the catering manager, drawing in service users for their views and advice. This led to a significant change in the original proposal. Fewer catering hours would be cut and there was a firm commitment to make the vending machines fully accessible. All involved considered this a positive outcome.

NHS Norfolk takes a partnership approach in providing interpretation and translation services for the County

NHS Norfolk has been a key player in developing the Interpretation and Translation service in Norfolk (INTRAN) – a partnership between the Trust, the County Council and 30 other agencies across the region. This approach provides economies of scale, an ability to respond quickly to specific need as well a speedy barometer of key emerging community issues. INTRAN trains community-based interpreters providing local employment. For example, it provides regular interpreting sessions at two GP surgeries in Thetford.

In 2007, INTRAN was recognised as an example of social cohesion good practice by the Department for Communities and Local Government and has received two national awards for procurement.

For further information visit: www.ilsupport.com/intran

Lewisham Primary Care Trust develops a single equality scheme directly linked to reducing health inequalities in the borough

Action points in the Lewisham Primary Care Trust's (PCT) *Single Equality Scheme 2008 - 2011*, are directly linked to achieving real improvements in the health and well-being of the local population. To meet their over-arching aim to reduce health inequalities based on national and local data and the views and involvement of local people, the scheme's action plan focuses on five service areas: mental health, learning disability services, cancer, immunisation and cardio-vascular services. Over the three years of the scheme, the trust will also identify and take action on the specific health and healthcare needs of lesbians, gay men and members of faith communities.

The actions within the scheme are underpinned by seven key objectives and related outcomes by which the trust will measure its progress. These objectives will help to ensure that equality and diversity is mainstreamed across the organisation, and that staff at all levels understand and are supported in their role to deliver good health outcomes for all.

For further information visit:

<http://www.lewishampct.nhs.uk/documents/1520.pdf>

Education

Sustained involvement to improve disabled pupils' confidence and achievement

Woodheys Primary School in Sale, Trafford is an *Ofsted* 'outstanding' school in many areas, that has won local, national and international awards for social inclusion and the environment. Consulting and involving parents was a key element of their success.

The school has many years' experience of involving disabled children and their parents in the life of the school. The following is an example of sustained involvement.

Putting the school motto '*Together everyone achieves more*' into practice, staff consulted a physically disabled pupil, S, and her mother

about how the school could support her in getting the most out of a forthcoming adventure holiday. This ensured a really positive experience that enhanced S's confidence and she returned to school, according to the Head, '*a transformed child*'.

After progressing to secondary school, S was invited back to her primary school to comment on access for disabled children and adults. This resulted in many changes around the school, from car parking arrangements to the design of the waste bin in the toilet for disabled people. S is now on long-term work experience at the school and is involved in all aspects of classroom support.

As well as helping to design the new accessible outdoor activity trail, S is also beginning to support a vulnerable disabled pupil and his concerned parent to maximise the opportunities available to disabled children at the school.

Having S regularly involved with the school over many years has enriched and deepened staff understanding of disability. It has also increased pupils' learning about disability, as well as providing a role model for other disabled pupils.

For more information about the work at Woodheys Primary School, visit: <http://www.woodheys.trafford.sch.uk/index.php>

Developing a disability equality scheme in a secondary school helps staff and students address discrimination across all strands

In developing its disability equality scheme, Framwellgate School in Durham – an 11-18 comprehensive with a roll of 1200 – set up a disability equality group of 11 members drawn from pupils, governors, parents, as well as teaching, support and administrative staff. The majority of group members have a disability or care for a disabled child.

The group's first step was to review policy documents from the perspective of the 2005 Disability Discrimination Act requirements. From the start, the group decided to take a measured approach. This ensured wide engagement and involvement, it also gave enough time to draft and redraft text that was jargon free and pupil friendly. The pupil represen-

tatives sought regular feedback from their peers through supported focus groups. The active involvement of the parents meant that the policy documents were accessible to all stakeholders.

By taking time, the school felt that it gained a much better understanding of its duties and responsibilities, together with a more thorough appreciation of disability and its impact on pupils, parents and staff. It was only after this initial review work, that the group felt able to develop its action plan to support the disability equality scheme. This now has wide ownership across the school and is integrated into the business of the organisation.

A significant outcome has been the development and self-confidence of the student members. Seen as equal members of the group, receiving formal notice and minutes of meetings, having time out of lessons to attend meetings, being invited to chair meetings should they wish, has changed vulnerable and shy young people into confident, involved pupils. They have:

- successfully bid to the governors for money to implement the action plan
- developed and presented a fully-costed business plan to the group and were confident to change direction following their own later risk assessment
- evaluated and bought products for the school (disability awareness posters) having negotiated with staff for their display in key areas – for example, achievement centre and library
- secured funds from school business manager for refurbishment of the peer support meeting room.

At its meeting to review and amend the Disability Equality Scheme action plan (November 2008), the group decided to widen the terms of reference to include gender and race issues, as well as any other issue where people may experience discrimination from prejudice-driven behaviour (for example, homophobic bullying).

The local education authority has worked closely with schools across the county developing a useful head teachers' guide to implementing equality and diversity duties. It can be viewed at:

<http://www.durham.gov.uk/durhamcc/usp.nsf/pws/Education+and+Learning+-+Equality+Diversity+Cohesion+in+Schools>

Strengthening central government policy through equality impact assessment

The Department for Children, Schools and Families (DCSF) undertook an equality impact assessment (EqIA) of the proposal to invest in 30 Play Pathfinders between 2008 and 2011. The aim is to improve the play opportunities in disadvantaged areas across the country by developing inclusive, supervised play parks and refurbishing existing sites. Beyond the pathfinders, there will be an offer of capital investment for every local authority in England by 2010-11.

As the Pathfinder Programme was being developed, officials carried out an extensive review of the research literature and sought the views of children, young people and their carers. This was critical in widening the understanding of the policy makers. For example, talking to disabled children, young people and their parents highlighted the importance of soft play areas and the provision of accessible toilets. Talking to girls confirmed that, as well as rough and tumble areas, girls also wanted quiet places '*where we can sit and talk*'.

These and other findings were built into the project design and ensured the programme was inclusive and took account of different needs.

The full EqIA can be viewed at:

<http://www.dcsf.gov.uk/des/docs/PlayEQUIA.doc>

Further case studies promoting disability equality in the education sector can be found in the Secretary Of State Disability Equality Report which can be viewed at:

<http://www.dcsf.gov.uk/des/docs/2008%20Secretary%20of%20State%20Report.pdf>

Local authority

Taxi and private hire licensing service EqlA changes enforcement policy, promotes driver safety and renews drivers' trust in the local authority

A review of feedback and complaints to the taxi and private hire licensing service of Bristol City Council identified a number of complaints from drivers who felt that they were not being treated fairly by the Council. The majority of drivers were from black and minority ethnic (BME) communities. There was a perception that, while the Licensing function was strong on enforcement, there needed to be better communication with BME drivers and awareness raising among drivers of the regulatory framework governing the trade.

By carrying out a race equality impact assessment of the service, the manager was keen to identify actions that could be taken to improve service delivery, minimise the need for enforcement and promote better relations between drivers and the council.

An analysis of the data revealed that there had been significant changes over the years in those applying for licenses: from white working class men (with badges often handed down from father to son) to BME drivers, many of whom speak English as a second language.

Issues of communication and understanding of regulations became apparent. Officers needed to be pro-active in explaining the rules and regulations regarding taxi / private hire licensing, recognising that BME drivers, in particular, were less likely to have access to this information through family / trade connections. Enforcement action against drivers brought before the Public Protection Committee negatively affected the drivers' perception of the council, yet drivers needed to understand why the breaches had occurred and what their individual responsibilities were.

The policy was revised as a result of the EqlA to emphasise promotion and prevention. This led to the following actions:

- Accessible information was produced on rules and regulations
- Equality and diversity training delivered for the Public Protection Committee members and enforcement officers

- Ethnic monitoring of drivers was introduced
- Improved support for drivers who experienced racial harassment.

The service now reports fewer enforcement actions and increased trust from drivers. When they do come before Committee, most drivers now accept that it is on the basis of sound evidence.

Training disabled people to comment effectively on planning applications leads to incorporation of 'Lifetime Homes' standards in redevelopment plans

Substantial regeneration work is under way in Hull, funded by central and local government investment. Overseen by the Council, the work is planned and delivered in partnership with public and private agencies.

A review of the local authority's planning guidance was included as part of the council's EqIA programme, supporting the Council's objective to create an accessible city. The Council established *Hull Access Improvement Group* (HAIG) a practitioners' group of disabled people trained in reading planning documents and able to provide training to other disabled people.

Following the revised planning guidance, the regeneration partnership (Gateway) undertook extensive public consultation (including consultation with HAIG), and agreed to a significant change in policy: to incorporate '*Lifetime homes*' standards into the planning requirements for the redevelopment. Concerns about resistance from developers have not materialised; they did not object to implementing these standards provided the requirement is built in at the design stage of any new project.

District council creates an inclusive community forum to involve residents in shaping and improving services

Responding to the duty to promote good relations among people of different groups, Fenland District Council developed a representative community forum drawn from its diverse population. Subsequently, specific sub-groups were established from the forum to address

individual issues: for example, the 'out' and 'trans' forum, the Travellers forum, and learning disability forum. There is a very good working relationship among members of the community forum which was demonstrated by their active involvement in the very successful 2008 multicultural festival.

EqlA results in an inclusive information and communications policy and supports social cohesion

The EqlA of Fenland District Council's information and communication services has resulted in key changes. The review identified a range of needs for accessible information, not only with regard to community languages – as well as Braille or Moon (a symbol-assisted language used by some visually impaired people) – but also the need to address low literacy among the local population as a whole.

Actions stemming from the review included the provision of service information on CD or audio tape which made a big difference with increased take up of, and satisfaction with, services.

Comprehensive equality monitoring in relation to service take-up, introduced at the same time, has ensured that information is gathered by geographic area *and* equality group. This information is used to identify gaps in service and inform service development and change. For example, consultation with users of parks and open spaces has led to the provision of basketball and netball courts. This was a specific request by members of migrant communities from Eastern Europe. Seeing games being played in the parks led to an interest in, and take-up of, these sports by other local people. This has made a significant contribution to social cohesion in the area.

EqlA of complaints improves services to Muslim residents as well as Travellers and their families

A review of Fenland District Council's complaints service revealed that a significant number of Muslim residents from a particular part of the District were concerned about the refuse service. A particular issue was

the collection of refuse on Fridays, holy days for Muslims. By involving the local residents and staff in discussions about the service, an agreement was reached to switch the collection day in that area to Wednesdays. There have been no further complaints and residents have indicated significant improvement to their quality of life.

The same review highlighted issues regarding the refuse collection on Travellers sites. There was no recycling taking place: all refuse was mixed together, and different materials were not separated into the bins provided. To resolve this, equality staff worked with the recycling team to provide relevant information to all Travellers in the area. This included leaflets with pictures of everything that can be placed within each bin, general refuse and recycling. This action has resolved all concerns and, in addition, the children are using the pictures to share this learning in their schools.

EqIA of council tax and housing benefit in Rotherham results in improved take-up of service by black and minority ethnic communities

After attending an equality and diversity training session, the service manager and his team reviewed take-up of council tax and housing benefit applications through an analysis of monitoring data. Comparing this with census and other local population data identified low numbers of applications from black and minority ethnic (BME) residents – and the Pakistani community in particular. Actions from the review were:

- Provision of council tax and housing benefit information in relevant community languages
- Targeted outreach through welfare rights service, community groups and local advice centres.

A take-up campaign has closed the gap in applications across community groups. Regular monitoring and analysis is carried out to ensure any new and emerging communities are also aware of the service.

EqlA of regeneration services provides targeted help for women entrepreneurs

As part of the review of Rotherham's regeneration strategy, staff looked at the take-up of business start-up advice. Women were under-represented in using the service. As a result, staff worked with the Chamber of Commerce, the Council's *Inward Investment and Regeneration Team* and the economic development theme board of the local strategic partnership to encourage women to develop and carry through their ideas. Innovative '*Dragon's Den*' type programmes have proved successful in helping local women realise their ambitions.

Fire and rescue services

Hertfordshire Fire and Rescue Service use the disability duties to support dyslexic staff

Because the fire service has not traditionally been seen as an office- or paper-based service, it was suspected that a disproportionate number of staff was dyslexic. Hertfordshire Fire and Rescue Service (Herts FRS) brought together a working group representing all aspects of the service: human resources, training, health and safety, IT and dyslexic fire fighters to develop guidance and advice. The work of the group will enable the organisation to:

- raise awareness about the impact of dyslexia across the service
- identify where reasonable adjustments can be made
- develop staff confidence to ask for adjustments
- build a body of resources to support dyslexic staff – for example, in the application process for promotion.

EqlA helps to inspire and encourage applications to reflect the local community

Herts FRS recruits fire fighters once a year. This lengthy, multi-stage process can take up to six months. It involves a written application,

psychometric and other written tests, physical tests, a medical and an interview. Following a review of the recruitment process, the service has instigated 'positive action days' before recruitment starts. It also carries out equality monitoring across all six equality strands to identify patterns of progress through the recruitment process.

Monitoring and review of these stages has enabled the service to identify barriers to progress at each stage and explore what can be done to redress them. For example, women disproportionately fail on upper body strength, and BME recruits disproportionately fail on written tests.

On positive action days, potential recruits can test their strength and use simulation to experience working at height and in confined spaces. They also have a chance to go through some of the required written work. The day has a focus to inspire and encourage applications. Some candidates will go away determined to build up strength to apply at a later date; others will be less stressed by the required written work having had a chance to realise what is involved. Others will understand that the service is not for them.

These actions are constantly under review to ensure improved diversity among fire fighters in Herts FRS.

Criminal justice sector

EqlA identifies good practice to support staff in major organisational change

In 2007, the London Probation Service underwent a major organisational review. One expected outcome was a reduction in staff numbers via redundancy. EqlAs were carried out at the project proposal stage on two large groupings of staff that were likely to be affected, one with senior staff and one with administrative and corporate centre staff.

Both EqlAs identified that there might be a negative impact on women, black and older staff, with a definite impact where a particular role was being deleted from structure. Fewer jobs would be available, particularly at senior management level. Many older staff had been in post for a number of years and had no recent experience of job application and interview.

A programme of support was made available to all staff applying for posts in the new structure. This focused on briefings about the assessment centre process as well as job application and interview techniques. For those not successful, further support was given in the development of CVs and career advice during the period of redundancy notice.

A review of the recruitment process for senior staff following the restructure revealed an increase in black senior managers and no negative impact on women or disabled staff. Moreover, a more equal balance had been achieved between women and men among administrative staff.

The EqIA has given the service a deeper understanding of the workforce which will continue to be monitored regularly.

Metropolitan Police use EqIA to sustain and improve community relations during sensitive operations

While considering its response to the increase in knife crime across London, the Met carried out an EqIA and identified the likelihood of high impact on black and minority ethnic communities of any action they might take. At the same time, it knew these communities were keen to see action being taken. The EqIA led to the development of an improved strategy to manage the officer interface with the community. Actions included:

- Increased community engagement and involvement in operational activities
- Members of the local community being part of street operations, leafleting, listening to local people, explaining police procedures
- Specific training for operational staff to improve the experience of stop and search of all concerned. It was particularly important to ensure those questioned felt they were being treated with respect and also understood the reasons for the police action.

Metropolitan Police overcome barriers to recruiting women as firearms officers

A review of the Metropolitan Police's workforce revealed women to be under-represented in the specialist firearms operational command unit. Consultation with its Diversity and Citizen Focus Directorate Gender Strand identified several barriers: the written application process, the job-related fitness test which disadvantaged women, lack of information and guidance, myths about the department and, in some cases, lack of support.

Actions to overcome these barriers included the development of a scheme whereby female firearms officers were trained to mentor female applicants and support them through the whole process as soon as they expressed an interest in applying. This ensured that applicants had strong role models from the outset.

It was acknowledged that the difference between men's and women's physiologies required different training techniques to achieve the high fitness standards. So the Occupational Health Department arranged bespoke training programmes that equipped the women to pass the job-related fitness test. The test was not changed in any way: the women who passed did so under the same conditions as the male applicants.

Coaching was provided on how to complete application forms in accordance with the national competencies. Personal development courses were arranged to show the women how to compile and follow a personal action plan. This resulted in an increase in the number of women in the firearms team from 10 to 25 over a two-year period.

Regional development agencies

EqlA helps to shape Wales' transport strategy

An EqlA had a major impact on the formulation of *One Wales: Connecting the nation*. As a result, this strategy, unlike its predecessors, ensures that the development of transport in Wales will take the needs of a diverse range of users into account, enabling greater social inclusion through improved accessibility.

This strategy explicitly addresses the key principle of equality of access to transport, and how people can access physical sites, services and facilities. It also emphasizes the importance of planning – especially when developing new sites, facilities and services where accessibility should be a core consideration.

A thorough review of data and research was undertaken, and local people were involved through the development of an advisory group representing all equality strands. These identified high-level issues which will be taken forward in national and local transport plans including:

- the importance of continued engagement with the wider community
- the comparative costs of different modes of travel
- the need for joined-up service provision reflecting the needs of users
- the need to improve actual and perceived safety and security of the transport system, and
- the importance of getting street design right.

The strategy and its EqIA can be viewed at:

<http://wales.gov.uk/topics/transport/wts/?lang=en>

Development agency uses the procurement process to influence good practice

The board of a regional development agency has taken a strong lead in ensuring the implementation of the equality duties across the organisation. For example, in order to meet its objectives to be more accessible and inclusive, it was keen to see equality and diversity mainstreamed in the organisation's procurement processes.

In order to meet the public service duties arising out of equality legislation, the e-procurement process advises potential suppliers that the agency considers it essential that those wishing to provide it with services are able to demonstrate that they have taken all reasonable steps to allow equal access and equal treatment in employment and service delivery. Targeted questions seek to confirm how all potential suppliers demonstrate they achieve this.

To support this process, the agency has taken the following actions:

- gained equality assurance accreditation through a recognised external body
- developed an e.procurement website which widened access to its tendering opportunities
- encouraged its suppliers in the region to seek equality assured accreditation
- joined an EU-wide supplier diversity network.

This e-procurement process enables the agency to monitor all tender applications to confirm the make-up of organisations wishing to provide it with services. It can subsequently identify any gaps in its supplier base and consider how these may be addressed most appropriately.

The Equality Act in practice: An unusual case study **by Kate Hinton, KH Equalities**

This brief resume is based on a longer case study entitled 'A transgender story: From birth to secondary school' published as a chapter in 'Invisible boundaries: Addressing sexualities equality in children's worlds'. Trentham Books, 2008 ISBN 978-1-85856-430-2

As the Inspector for Equality and Diversity within Children and Young People's Services, I was alerted, in June 2007, to concerns about J's transition to secondary school. These came from the Headteacher of her primary school and my PE colleague. I learned that from an early age that J, although outwardly female, had felt strongly that she wanted to be a boy. This was later diagnosed as Gender Identity Disorder. During her time at Primary school her wishes had readily been met. However, there were serious concerns as to whether the secondary school would be able to continue this.

A particular issue was J's very strong desire to do PE with the boys. The PE department was worried about this, both on health and safety grounds and because the sports councils, especially the Football Association, advised that after the age of 11 boys and girls should not play mixed sport.

I met J and also attended multi-agency casework meetings at which J's requests were clarified. I contacted a range of national bodies in the sporting field, the Equal Opportunities Commission, the DfES and transgender agencies. None of them were able to give a clear lead, largely because they had not come across such a young transgender child. The youngest age I managed to find official information about was 16. I did have some very helpful conversations with transgender agencies, such as Mermaids and Gendered Intelligence, and was well supported by the local Gay Advice agency.

After careful reading of the legislation and taking advice from the County Council Health and Safety and Legal teams, I and my PE colleague came to the conclusion that there were no strong grounds for not meeting J's request and that, under current legislation, it could constitute discrimination not to do so. We, therefore, strongly advised the school

and PE department to include J in boys' sport. I also used the legislation and other published material as the basis of briefing notes for the school about working with a transgender pupil.

The school agreed that for Year 7, in the first instance, J would do PE with boys, would have separate changing and toilet facilities and would be referred to as 'he', despite having to be identified as female on the school admission list.

After a year, with tremendous support from the form tutor, all the arrangements, including those for boys' PE, were working so well that they have been continued for a second year.

Without doubt, this would not have been possible without the legislative framework. It is unlikely that I would have been in post and the case for potential transsexual discrimination could not have been made.

Main legislation: Equality Act 2006

Supported by: Gender Reassignment and Recognition 2004
Equality Act (Sexual Orientation) 2007

Appendix 4

Useful websites

Below are some useful links to public sector websites which provide information about equality schemes, equality impact assessment toolkits and guidelines, as well as equality and diversity projects. They are listed by sector.

Health

Department of Health

<http://www.dh.gov.uk/en/Managingyourorganisation/Equalityandhumanrights/index.htm>

10 steps to your SES: a guide to developing a Single Equality Scheme

http://www.dh.gov.uk/en/Managingyourorganisation/Equalityandhumanrights/browsable/DH_066006

Mental Health Act Commission

<http://www.mhac.org.uk/?q=node/36>

London Borough of Lewisham Primary Care Trust

http://www.lewishampct.nhs.uk/equality_and_diversity

Sussex Partnership Mental Health Trust

<http://www.sussexpartnership.nhs.uk/about-us/equality-diversity-and-human-rights/>

NHS North East

<http://www.northeast.nhs.uk/what-were-doing/equality-diversity/>

NHS Norfolk/INTRAN

<http://www.ilsupport.com/intran/>

Wales NHS Centre for Equality and Human Rights

<http://www.wales.nhs.uk/sites3/home.cfm?OrgID=256>

Local government

London Borough of Lewisham

<http://www.lewisham.gov.uk/CouncilAndDemocracy/PoliciesAndStrategies/>

London Borough of Waltham Forest

<http://www.walthamforest.gov.uk/index/legal/equal-oppo.htm?>

Bristol City Council

<http://www.bristol.gov.uk/ccm/navigation/community-and-living/equality-and-diversity/>

Leeds City Council

http://www.leeds.gov.uk/Council_and_democracy/Equality_and_diversity.aspx

Rotherham City Council

<http://www.rotherham.gov.uk/graphics/YourCouncil/Equalities+and+Diversity/>

Fenland District Council

<http://search.fenland.gov.uk/kbroker/cambridgeshire/fenland/a2z/search.lsim?ha=1112&type=1&title=Equal+opportunities+and+diversity&provider=7&qt=%2Bequal+%2Bopportunities+%2Band+%2Bdiversity>

Hampshire County Council

<http://www3.hants.gov.uk/equality.htm>

Education

Department of Children Schools and Families

<http://www.dcsf.gov.uk/des/>

Durham County Council

<http://www.durham.gov.uk/durhamcc/usp.nsf/pws/Education+and+Learning+-+Equality+Diversity+Cohesion+in+Schools>

Woodheys Primary School

<http://www.woodheys.trafford.sch.uk/index.php>

Lancashire County Council: Traveller, Gypsy and Roma
achievement service

http://www.lancsngfl.ac.uk/projects/ema/index.php?category_id=-1

Fire and rescue services

Hertfordshire Fire and Rescue Service

<http://www.hertsdirect.org/yrccouncil/hcc/fire/eqdre2>

Criminal justice sector

Crown Prosecution Service

<http://www.cps.gov.uk/publications/equality/index.html>

Metropolitan Police Service

http://www.met.police.uk/dcf/diversity_s.htm

Regional development agencies

London Development Agency

<http://www.lda.gov.uk/server.php?show=nav.00100g001003>

Northwest Regional Development Agency

<http://www.nwda.co.uk/who-we-are/operational-policies/equality-and-diversity.aspx>

Secretary of States' reports

<http://www.officefordisability.gov.uk/working/ded.asp>

Improvement agencies

IDEA/knowledge/equality and diversity

<http://www.idea.gov.uk/idk/core/page.do?pagelId=5145172>

Measuring equality at local level, September 2008

<http://www.idea.gov.uk/idk/aio/8873228>

Police Improvement Agency

<http://www.npia.police.uk/en/9328.htm>

Procurement projects

Department of Health

<http://www.mosaic.nhs.uk/>

LDA/Compete for

<http://www.lda.gov.uk/server.php?show=ConWebDoc.2438>

LDA/Diversity Works

<http://www.lda.gov.uk/server/show/ConWebDoc.867>

Welsh Assembly Government

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