Table of Contents

1. Introduction
2. Sefton Equalities Partnership
3. Scope of Policy
4. Core Values
5. Areas Covered By the Comprehensive Equality Policy
6. Equality Objectives
7. Promoting Equality of Access to Services
8. Promoting Good Relations: the Cohesion Objective
9. Commitment of the Council
10. Single Equalities Scheme
11. Local Strategic Partnership and Sefton Equalities Partnership
12. Policy Implementation Responsibilities
   - Members
   - Staff
13. Age Equality Policy Statement
   - Legislation
   - Employment: Recruitment and Selection
   - Pay and Benefits
   - Redundancy
   - Retirement
   - External Agencies and Suppliers
   - Service Delivery
   - Legislation
   - Employment: Recruitment and Selection
   - Service Delivery
15. Community Cohesion Policy Statement
   - Legislation
   - Employment: Recruitment and Selection
   - Service Delivery
16. Disability Equality Statement
   - Legislation
   - Employment: Recruitment and Selection
   - Service Delivery
   - ABILITY Network
   - Disability Equality Scheme
   - Education
   - Definitions
17. Fair Employment and Equal Pay Policy Statement
   - Legislation
   - Equal Pay
   - Fair Employment
18. Gender Equality Policy Statement
   • Legislation
   • Gender Equality Scheme
   • Employment
   • Flexible Working
   • Service Delivery

19. Gender Reassignment Equality Policy Statement
   • Legislation
   • Scope of the Policy Statement
   • Definitions
   • Employment
   • Exceptions
   • Privacy Statement
   • Support
   • Service Delivery

20. Hate Crime Policy Statement
   • Hate Crime Legislation
   • Hate Crime
   • Hate Incidents
   • Service Delivery
   • Employment

21. Human Rights Policy Statement
   • Legislation

22. Race Equality Policy Statement
   • Legislation
   • Race Equality Scheme
   • Race Equality Policy Statement
   • Employment
   • Service Delivery
   • Scope of the policy

23. Faith, Religion and Belief Equality Policy Statement
   • Legislation
   • Definition of Religion
   • Employment
   • Service Delivery

   • Legislation
   • Definition of Sexual Orientation
   • Employment
   • Service Delivery
Sefton Metropolitan Borough Council

Equality Policy Statement

Sefton Council recognises that disadvantage and discrimination exist in society and that people may experience more than one form of discrimination.

The Council is committed to striving to eliminate these inequalities and aims to be fair, reasonable and just in its responsibilities.

Sefton Council values the diversity of its workforce and the people and communities that make up the borough whether people live here or are visiting.

The Council is working towards ensuring its service delivery and employment practices are of the highest possible equality standard.

The Council commits itself to make its services, facilities and resources accessible and responsive to residents and visitors to Sefton. The Council will work towards ensuring that individual Human Rights are supported within its decisions, policies and practices and that people are not discriminated against on the basis of disability, race, gender, gender reassignment, age, religion and sexual orientation.

Sefton Equalities Partnership

Delivering Quality through Equality

"We want all members of our community to be able to fully participate in the economic, social and political life of Sefton"

The creation of Sefton Equalities Partnership in April 2006 represented a coordinated approach to the delivery of Equality and Diversity in the borough of Sefton. The multi–agency team based at Sefton CVS is working in partnership with the public, private and voluntary and community sector to deliver change.
The partners are:

- Sefton Metropolitan Borough Council
- Sefton Council for Voluntary Service
- Merseyside Police
- Merseyside Fire & Rescue Service
- NHS Sefton (Primary Care Trust)
- Connexions Greater Merseyside
- Greater Merseyside Learning & Skills Council
- National Probation Service, Merseyside
- Merseytravel
- One Vision Housing

Our priority is to enable all members of Sefton's diverse community to fully participate in the social, economic and political life of the borough, through improving access to services, increasing employment rates and promoting community cohesion with specific reference to key areas of the equalities agenda.

Scope of Policy

The policy includes all aspects of employment, service delivery, policies, decisions, functions and practices of Sefton Council. It applies to employees and candidates for employment with the Authority, with the exception of teaching staff, who are subject to the equality policies of their specific schools. Its principles apply to the provision and use of all services. It also applies to those contractors and partners who provide public services on behalf of the Council.
Core Values

The Comprehensive Equality Policy works towards achieving the implementation of the core value of equality agreed by Sefton Council in the Corporate Plan. "We want all members of our community to be able to fully participate in the economic, social and political life of Sefton"

Areas Covered By the Comprehensive Equality Policy

The Comprehensive Equality Policy is consistent with our Race, Disability and Gender Equality Schemes. It is broken down into sections that set out the Council’s policy statements for the following areas.

- Age
- Carers Rights
- Community Cohesion
- Disability
- Fair Employment and Equal Pay
- Gender
- Gender Reassignment
- Hate Crime
- Human Rights
- Race / Ethnicity
- Religion / Belief
- Sexual Orientation

The Comprehensive Equality Policy gives a clear framework within which all Members, employees, managers and trade unions can work to achieve equality and work towards making these Equality statements a reality. The Policy is holistic: structured to be read, understood and worked with as a whole.
Equality Objectives
Sefton Council Comprehensive Equality Policy

To achieve the core value of equality the council has adopted three equality objectives:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Promote good relations between people within a diverse community

Eliminating Unlawful Discrimination

There are four main forms of unlawful discrimination:

- Direct Discrimination
- Indirect Discrimination
- Institutional Discrimination
- Harassment or victimisation

All discrimination is unlawful unless there is a justified reason based on legal, moral or health and safety requirements. This can relate to a genuine occupational requirement in employment. For instance, it is justifiable to add “proficient British Sign Language Skills” to a job description for a member of staff who is likely to work with deaf customers, even though this indirectly discriminates against a larger proportion of non-deaf people and prevents them from applying.

Direct Discrimination

Treating one person less favourably than another on grounds protected by equality and human rights legislation; e.g. their race or ethnicity, sexual
orientation or sexuality, religion or belief, gender or reassigned gender, disability or age.

**Indirect Discrimination occurs when**

A rule or condition that is applied equally to everyone

- Can be met by a considerably smaller proportion of people from a particular group
- Is to the disadvantage of that group
- Cannot be justified by the aims and importance of the rule or condition.

For example, a blanket policy of requiring all job applicants to hold a full driving license, even for jobs where no driving role is required will result in an indirect discrimination against disabled people.

This is because:

1. A considerably smaller proportion of disabled people hold driving licenses compared to non disabled people,

2. It is to the disadvantage of disabled people as they cannot apply for employment, and

3. It cannot be justified if there is no genuine occupational requirement to drive in the particular role.

**Institutional Discrimination**

Institutional discrimination occurs when, “An organisation’s processes, attitudes and behaviour amount to discrimination through unwitting prejudice, ignorance,
thoughtlessness and stereotyping, which disadvantages identifiable groups or individual people”. (Based on the definition of Institutional Racism within the Lawrence Inquiry Report, 1999).

**Harassment**

When unwanted conduct related to any of these prohibited grounds takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

**Victimisation**

Victimisation of a person is discrimination because they have asserted their rights under equality legislation

**Promoting Equality of Access to Services**

Equality of opportunity is defined in terms of service access, quality and outcome.

- Equality of access – can I get in?
- Equality of quality – will I be respected as an individual?
- Equality of outcome – will the answer always be no?

It can be measured by the collection and analysis of a service user equality profile within service monitoring processes service level access, satisfaction, complaints or outcomes. The Corporate Equalities Monitoring Guide sets out the guidance and processes by which services can successfully and effectively integrate and use equality profiles to demonstrate equality of opportunity. Equality of Opportunity does not necessarily mean that all individuals should or can be treated the same. It may be necessary for some individuals to receive
different assistance than others in order that they may achieve an equal level of service or opportunity.

**Promoting Good Relations: the Cohesion Objective**

Good relations exist in a community where people from diverse and different backgrounds have a sense of belonging, are valued and appreciated and have similar life opportunities. We work with our partners to promote cohesion by creating opportunities for people from different background to develop strong and positive relationships; be it in the workplace through a diverse workforce, through inclusive education in schools and colleges or through neighbourhood partnerships.

**Commitment of the Council**

To meet the Council’s corporate equality objectives within service delivery and as an employer the Council is committed to working towards reaching the highest standards contained within the ‘Equality Standard for Local Government’. A document published by the Employers’ Organisation for Local Government in partnership with the Equality and Human Rights Commission and the Local Government Association. The commitments are:

- Commitment to ensure that good equalities practice is implemented at the corporate, directorate, service area and employee level.
- Commitment to promote Community Cohesion
- Commitment to improve equality practice at both corporate and departmental level e.g. ensuring that structures are in place for mainstreaming.
- Commitment to the earmarking of specific resources for improving equality practice.
- Commitment to providing services fairly to all sections of the community.
Commitment to systematic engagement and consultation.
Commitment to engage with staff and service users.
Commitment to carry out equality impact assessments
Commitment to the identification of groups within the community whose needs/requirements are less well met by council services than those of other groups, through an impact assessment
Commitment to monitor its services to ensure they are inclusive.
Commitment to monitor equalities in procurement
Commitment to train and support staff to enable them to deliver inclusive services.
Commitment to audit and scrutinise its equality practice
Commitment to have mechanisms put in place to monitor progress
Commitment to audit and scrutiny using national and locally developed performance indicators
Commitment to community and workforce profiling; monitoring of service usage; equality action planning and equality target setting within all departments and service areas
Commitment to a fair employment and equal pay policy

Single Equalities Scheme

Sefton Council is aligned to the single equality scheme that has been developed with Sefton Equalities Partnership - with all the partners – which underpins:

- The council’s approach to achieving each of the commitments within its Comprehensive Equality Policy
- A strategic action plan for implementing the council and all partners equality and diversity policy
Local Strategic Partnership and Sefton Equalities Partnership

Sefton Equalities Partnership is a subgroup of the Local Strategic Partnership and the Board of the Equalities Partnership contains representatives of all the partner organisations that make up the Local Strategic Partnership. Sefton Council is committed to working in a strategic manner with all our partners to ensure that inclusion, equality and cohesion remain key objectives in all our work and service delivery with improvement focused through the Local Area Agreement.

This approach demonstrates the council and its partners commitment and determination to achieve “wellbeing” in socially inclusive and cohesive communities.

POLICY IMPLEMENTATION RESPONSIBILITIES

Members of the Council
Portfolio Holder
The Cabinet Member for Communities has the portfolio responsibility for equality within Sefton Council and will ensure that resources and leadership challenge are available to implement the Comprehensive Equality Policy and Corporate Equality Scheme.

The Council Executive
The Executive Members will ensure that all proposed decisions, policies and strategies within their portfolio have undergone an adequate equality impact assessment.

Scrutiny Commission Members
Scrutiny Commission Members will ensure that items on their work programme and ‘called-in’ items conform to equality duties.
Chairs of Regulatory Committees
Chairs of Regulatory Committees will ensure that all committee decisions are free from unlawful discrimination.

All Council Members
Council Members must work with constituents’ enquiries and representations without discrimination. Council Members are expected to comply with the Council’s Comprehensive Equality Policy whilst acting on behalf of Sefton Council.

STAFF

The Chief Executive
The Chief Executive has ultimate responsibility for equal opportunities within Sefton Council and will ensure that adequate resources and leadership challenge are available to fully implement the Single Equality Scheme.

The Director of Sefton Equalities Partnership
The Director of Sefton Equalities Partnership has lead responsibility for equal opportunities within Sefton Council and the wider partnership and will ensure that the objectives and commitments of the Comprehensive Equality Policy are integrated within the Community Plan and Corporate Plan.

Directors, Assistant Chief Executives and Heads of Service
Directors, Assistant Chief Executives and Heads of Service are responsible and accountable for ensuring that all staff under their control are able to work in an environment free from discrimination.
They are expected to lead by example and follow Sefton Council’s Single Equality Policy. Although Directors delegate specific duties to others, they will remain responsible for applying the Comprehensive Equality Policy to their service delivery and departmental plans.

**Sefton Equalities Partnership: Officers and Networks**

The Equalities Officers must develop and oversee the implementation of the Council’s Comprehensive Equality Policy in consultation with the equalities networks and ensure that it is compatible with the Council’s Statutory Equality Schemes and subsequent Equality Standards.

**Departmental Equality Leads: ESAT workbook leads**

Departmental Equality Leads will attend the ESAT briefing sessions and assist the Sefton Equalities Partnership in the implementation of the Comprehensive Equality Policy. The activity will be coordinated by these ESAT leads with key managers and other staff supporting delivery.

**Assistant Directors and Assistant Treasurers**

Assistant Directors and Assistant Treasurers must ensure that equality impact assessments are carried out on all service functions, decisions and policies developed by their division or sections.

**Service Managers, Line Managers, Team Leaders and Officers in Charge**

Service Managers, Line Managers, Team Leaders and Officers in Charge will support the work on the Equalities Standard as appropriate. The work for these managers will also include ensuring that staff access learning and development opportunities. Also to ensure that equality targets and actions are included as appropriate in staff PROs.
All Staff
All staff are expected to comply with the Council’s Comprehensive Equality Policy and supporting documents and training material whilst acting on behalf of Sefton Council. All staff will be supported by their manager to access equality and diversity training and learning from the training standard.
AGE EQUALITY POLICY STATEMENT

Legislation

The Employment Equality (Age) Regulations 2006 make it illegal to discriminate in employment by age. The legislation applies to all “workers” of any age, including employees and job seekers, agency and contract workers, office holders and those undertaking employment-related vocational training and some self-employed – however unpaid volunteers are not covered. Direct and indirect discrimination, harassment and victimisation are unlawful and employers can be held responsible for the actions of their employees.

Employment

Recruitment and Selection

Age and date of birth details do not appear on the main application form but are included in the diversity monitoring form, which is retained by the Personnel Department inline with Data Protection duties. All job descriptions and specifications are reviewed to ensure that they do not include criteria that would discriminate against a candidate on the grounds of age.

Pay and Benefits

In general entitlement to benefit and annual leave are not based on service criteria that extend beyond the 5-year continuous service criteria that is permissible under law.

Exemptions to this rule are allowed where it is possible to show that the exemption fulfils a reasonable business need, e.g. encouraging loyalty.
Under this exemption, Sefton Council retains a Long Service Award open to any employee who retires after completing 20 years continuous service.

**Redundancy**

Selection for redundancy within Sefton Council’s redundancy policy is not based on age related criteria. Sefton Council’s redundancy payments are based on age and length of service criteria. This is not ‘unlawful’ as the criteria mirror the payments that are set out in statutory scheme, and are therefore exempted from Age Discrimination Legislation.

**Retirement**

Retirement is a matter of Employee choice, as Sefton Council does not have a set retirement age.

**External Agencies and Suppliers**

Through it Procurement Policy, Sefton Council ensures that any External Agency or Supplier that it engages will provide services, goods or works complies with the requirements of age legislation.

**Service Delivery**

Although there is no statutory duty covering age discrimination in service delivery, Sefton Council makes every effort to promote equality in service delivery for people of all ages.

Sefton Council does restrict certain services by age, however this is only where services are legally designated for a particular group, such as Children’s, Adult’s or Older People’s Social Care.
Sefton Council includes children, young people and older people as specific groups within its Equality Impact Assessment process. This means that it considers the needs of these groups within its policies, decisions and when delivering its services.

Sefton Council monitors service access, satisfaction and complaints by age and it ensures appropriate age representation in all consultations. Any identified age related issues are fed back into service planning processes, helping to improve services to meet the needs of people of all ages.
CARERS EQUALITY POLICY STATEMENT

Legislation

The Carers' (Equal Opportunity) Act 2004 places the following duties upon local authorities in relation to the rights of carers

1. To inform a carer of their right to a Carer Assessment
2. The Carer Assessment must include consideration of whether the Carer
   a. Works or wishes to work
   b. Is undertaking, or wishes to undertake, education, training or any leisure activity.
3. If a local authority requests any local authority, local education authority, housing authority, or health authority to assist in the planning of a carer’s service the authority must give due consideration to the request

Key benefits from the legislation:

- Increased employability of carers who wish to return to work
- More carers being able to juggle work and care and remain in employment
- More opportunities for carers to access learning and training opportunities
- More opportunities for carers to lead a more fulfilled life

Employment

Sefton Council employees who are carers are supported through the Council’s flexible working policies.
Service Delivery

Sefton Council is working towards including carers as a specific group within its Equality Impact Assessment process. This means that the Council considers the needs of carers

- When developing or reviewing its policies
- In every decision it takes, and
- When assessing its service functions.

The Council has a dedicated Carer Service that carries out the following functions:

- Works with partner agencies to identify carers
- Undertakes carer assessments
- Produces information and hold events to raise awareness of carer rights
- Ensures that Council Staff receive appropriate training and information to be able to inform carers of their rights and signpost people to the Carer’s Service

Sefton Council and its partners have set a priority objective within the Healthier Communities and Older People’s Partnership to promote improved quality of life and empowerment for older people and their carers.

Sefton Children and Young Peoples Partnership also recognise that children and young people can be left with the role of carer for family members; and will act to ensure that young carers are identified and that their families receive appropriate support.
COMMUNITY COHESION POLICY STATEMENT

Legislation

The Race Relations (Amendment) Act 2000 places a general duty on Local Authorities to promote good relations between people from different racial Groups The Education and Inspections Act 2006 places a duty on governing bodies of schools in England to promote community cohesion.

Sefton Council recognises that an integrated and cohesive community is one where:

1. There is a clearly defined and widely shared sense of the contribution of different individuals and different communities to a future vision for a neighbourhood, city, region or country

2. There is a strong sense of an individual’s rights and responsibilities when living in a particular place – people know what everyone expects of them, and what they can expect in turn

3. Those from different backgrounds have similar life opportunities, access to services and treatment

4. There is a strong sense of trust in institutions locally to act fairly in arbitrating between different interests and for their role and justifications to be subject to public scrutiny

5. There is a strong recognition of the contribution of both those who have newly arrived and those who already have deep attachments to a particular place, with a focus on what they have in common
6. There are strong and positive relationships between people from different backgrounds in the workplace, in schools and other institutions within neighbourhoods.

Sefton Council has set a specific Community Cohesion Objective within this policy, to promote good relations between people in a diverse community. The council are committed to ensuring that Sefton is a stronger community, where real freedom and equality exist for all. A Sefton that recognises people’s different needs, situations and goals and removes the barriers that limit what people can do and can be by reaching out to underrepresented groups and hearing all voices by:

- Reject the politics of hatred, and will not support extreme views and attitudes;
- Value all people and see the differences that the people in our community bring as something that will support the community in developing;
- Support the right and freedom of people to live and work in our community as long as they respect other people's freedoms;
- Believe in a community spirit that involves and includes everyone, and we will foster and promote it to the benefit of all;
- Reject hate crime in all its forms

**Employment**

Sefton Council supports community cohesion through the employment of a diverse workforce, which reflects the diversity of the community it provides services to. Working with a diverse range of colleagues helps to challenge discriminatory values by giving staff and members the opportunity to learn about different cultures, lifestyles, and experiences whilst coming to recognise that each individual, although they belong to wider communities or group, is unique person.
Training programmes are designed to be reflective of the diversity of the community and seek to challenge stereotypical beliefs, ignorance, prejudice and discriminatory attitudes by the use of non-discriminatory language, images and information.

Homophobia, disablism, sexism, transphobia, racism and religious bigotry are disciplinary offences under this Policy.

**Service Delivery**

Sefton Council works with partners to identify and address areas of tension in the community. The Council will promote cohesion, through its departments and partnership, by identifying opportunities to bring people from different backgrounds together to contribute to improvements in the social, economic and natural environment, and thus promote inclusion and wellbeing.

The Council will support schools in meeting their duty to promote Community Cohesion and encourage schools to follow government guidelines and codes of practice.
DISABILITY EQUALITY POLICY STATEMENT

ABILITY Network

This Council is committed to the ABILITY network for people with disabilities and to the employment, retention and advancement of disabled people within our work place. We undertake to work with Trade Union Disability Champions and disabled employees, in our workplaces to ensure that we maintain and maximise our commitment towards the principles of the Positive about Disabled People Symbol (known as the “two ticks” symbol).

We will actively involve our employees and their representatives in maintaining the goals of the Positive about Disabled People “two ticks”. We will encourage our entire workforce, using the appropriate training at all levels, to ensure equality for all disabled people. We will seek to use suppliers and services that are also progressing towards equality for people with disabilities.

Legislation

The Disability Discrimination Act 1995 makes it illegal to discriminate against disabled people in employment, access to goods, facilities and services, and in the management, buying or renting of land or property.

Employers have a duty to take reasonable steps to reduce or remove any substantial disadvantage caused to a disabled employee or job applicant by any of the employment arrangements or any physical feature of the premises. This is the duty to make ‘reasonable adjustments’.

Service provider’s duties are: not to refuse service, not to provide a worse standard of service, and not to offer service on worse terms. Service providers have a duty to make reasonable adjustments to the way in which goods, facilities
and services are provided in order to make them more accessible to disabled people.

The Special Education Needs And Disability Act 2001 sets a duty on schools and local authorities to:

- Plan to increase physical and curriculum access for disabled pupil
- Provide and advertise parent partnership services
- Provide mechanisms for resolving disputes over SEN between parents and schools, without diluting the parents' right of appeal to the SEN Tribunal

The Disability Discrimination Amendment Act 2005 places a general duty on public authorities to:

- Promote equality of opportunity between disabled persons and other persons
- Eliminate discrimination that is unlawful under the Act
- Eliminate harassment of disabled persons that is related to their disabilities
- Promote positive attitudes towards disabled persons
- Encourage participation by disabled persons in public life; and
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

Public authorities also have specific duties under the Disability Discrimination Act 2005 to:

- Publish a Disability Equality Scheme demonstrating how it intends to fulfil its general and specific duties
- Involve disabled people in the development of the Scheme
- Ensure the Scheme includes a statement of:
Sefton Metropolitan Borough Council
Comprehensive Equalities Policy

- The way in which disabled people have been involved in the development of the Scheme
- The authority’s methods for impact assessment
- Steps which the authority will take towards fulfilling its general duty (the “action plan”)
- The authority’s arrangements for gathering information in relation to employment, and, where Sefton Council Comprehensive Equality Policy deems appropriate, its delivery of education and its functions
- The authority’s arrangements for putting the information gathered to use, in particular in reviewing the effectiveness of its action plan and in preparing subsequent Disability Equality Schemes

Within three years of the Scheme being published, a public authority must take the steps set out in its action plan (unless it is unreasonable or impracticable for it to do so) and put into effect the arrangements for gathering and making use of information.

Public authorities must also publish a report containing a summary of the steps taken under the action plan, the results of its information gathering and the use to which it has put the information.

**Disability Equality Scheme**

Sefton Council has developed and will maintain a Disability Equality Scheme in accordance with the specific duties of the Disability Discrimination Act 2005 and from 2009 will form part of the Single Equality Scheme for Sefton.

Sefton Council will ensure that its Disability Equality Scheme is integrated into its Corporate Equality Scheme.
Employment

Sefton Council will adopt policies and practices that will ensure Disabled people receive full and equal consideration throughout the Council’s recruitment process, terms of employment, transfer or training opportunities, benefits, dismissal and redundancy processes.

Sefton Council is a “two-tick” Positive about Disabled People symbol holder. Jobcentre Plus gives the two-tick symbol to employers who have agreed to take action to meet the following five commitments:

1. To interview all disabled applicants who meet the minimum criteria for a job vacancy and consider them on their abilities.
2. To ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what can be done to make sure they can develop and use their abilities.
3. To make every effort when employees become disabled to make sure they stay in employment.
4. To take action to ensure that all employees develop the appropriate level of disability awareness needed to make these commitments work.
5. Each year to review the five commitments and what has been achieved, plan ways to improve on them and let employees and Jobcentre Plus know about progress and future plans.

In order to enable a Disabled person to do a job, Sefton Council will look to make changes that could be made to the workplace and working practices and to make any reasonable adjustments.

The Council will take positive steps to ensure the retention of staff who acquire impairments whilst in employment. The Council will ensure that key issues raised
by the staff support group for disabled people are addressed across the organisation.

The Council will promote a positive attitude towards disabled people by using positive language, images, examples and role models when delivering training or promoting its image as an employer.

Sefton Council includes a disability question within its diversity monitoring form and uses disability monitoring information to promote equality of opportunity in employment and training for disabled people through the positive action development plan.

Service Delivery

In policy development, decisions, service planning and delivery, the Council will:

- Continue to develop full engagement with people with disabilities in the design and production of policies and the delivery of services in Sefton.
- Ensure that Disabled people have access to the same information about services as non-disabled people by providing all information available in accessible formats.
- Ensure that Disabled people receive the same quality of service or access as nondisabled people and that individuals do not receive a different quality of service due to differing impairments.
- Provide auxiliary aids or services that enable Disabled people to use a service and overcome physical barriers by providing a service by a reasonable alternative method.
- Change practices, policies and procedures that make it impossible or unreasonably difficult for Disabled people to use a service.
- Undertake Disability Access Audits of the services and facilities open to the public and take reasonable steps to remove, alter, or provide
reasonable means of avoiding physical features that make it impossible or unreasonably difficult for disabled people to use a service

- Take positive steps to ensure that the take-up of services by Disabled people are at least in proportion to their representation in the community
- Work towards ensuring that services are accessible and inclusive and that work will be undertaken within all Departments by all
- Directorates to enable Disabled people to be integrated into mainstream services.
- Give Disabled People the right to an independent advocate to represent their views to the Council in respect of the services they receive, and ensure that wherever possible resources are made available for this.

The Council will ensure that the resource implications of the disability equality duties are taken into account in Corporate and Departmental financial planning.

The Council will use its leadership role within the local community to facilitate and support events, projects and partnership working that:

- Promotes equality of access for disabled people to employment, education and training
- Encourages disabled people to engage in public life.

**Education**

Sefton Council is committed to ensuring that both Disabled children and adults have a right to a choice of mainstream educational and other service provision.

The Council will provide and advertise parent partnership services. The Council will provide mechanisms for resolving disputes over Special Education Needs between parents and schools in accordance with the requirements of the Special Education Needs and Disability Act 2001.
Definitions

Sefton Council works to the Social Model of disability. This states that ‘Disability is not caused by an individual’s particular impairment, but the way in which society fails to meet their needs.’

The Council recognises that people are not disabled by their impairments but by informational, attitudinal, organisational, and environmental barriers that exist in society.

The Council has adopted the terms ‘Disabled Person’ and ‘Disabled People’ as they best reflect the social model of disability.

Under this policy a disabled person includes anyone with a physical or mental impairment that has a substantial and long-term adverse effect upon his or her ability to carry out normal day-to-day activities.

Physical impairment includes weakened of a part of the body caused through illness, by accident or congenitally. For example, blindness, deafness, heart disease or the paralysis of a limb.

Mental impairment can include learning disabilities and all mental illnesses which are well recognised. For example, those specifically mentioned in the World Health Organisation’s International Classification of Diseases are very likely to be included.

Substantial does not have to be severe but is more than minor or trivial. Long-term adverse effect means one that has lasted or is likely to last more than 12 months.
FAIR EMPLOYMENT AND EQUAL PAY POLICY STATEMENT

Legislation

The Equal Pay Act 1970 places a duty on employers to eliminate discrimination between women and men in the same employment in pay and other terms and conditions of their contracts of employment such as piecework, output and bonus payments, holidays and sick leave.

Equal Pay

Sefton Council is committed to equal pay across all departments through its free from bias pay structure.

Sefton Council has signed up to the National Single Status Agreement negotiated between the National Joint Council (NJC) for Local Government Services and Local Government Trades Unions and will address any inequality in pay through its pay and grading review process.

The Council uses Equality Impact Assessments within its decisions making process to ensure that all decisions on staffing issues are consistent with its pay and grading review process.

Fair Employment

The council is committed to fair employment and training policies, which promote equality of opportunity and do not discriminate against job applicants and employees in relation to age, gender, disability, ethnicity, sexual orientation or religion.

The Council will:
• Ensure that publicity for vacancies does not unfairly restrict the range of applicants
• Regularly review application forms and job descriptions to ensure that they are clear and explicit
• Monitor employment process to promote equality of opportunity and feed this information into the positive action development group
• Engage in employment equality assessment of the local labour market
• Set employment equality targets for recruitment, staff retention and workforce profiles.
• Develop a programme of equality training to support the Corporate Equality Objectives
• Ensure appropriate inclusion of equality issues within the staff appraisal system
• Make all employment procedures consistent with current legislation and employment Codes of Practice
• Adopt Local Government Workforce Strategies.

Occupational Segregation

Sefton Council acknowledges that some occupations have been traditionally restricted along gender lines – occupational segregation - leading to inequalities in employment opportunities based on gender.

Sefton Council will monitor its workforce by gender, and take steps to address occupational segregation through workforce planning, training and education.
GENDER EQUALITY POLICY STATEMENT

Legislation

The Sex Discrimination Act 1975 makes it unlawful to discriminate by gender against any person, either directly or indirectly, in the areas of employment, training, education, in the provision of goods, facilities and services, and in the disposal and management of premises.

The Sex Discrimination Act 1975 makes it unlawful to discriminate against a married person, either directly or indirectly, in the areas of employment and training.

The Equality Act 2006 places a general duty on public authorities to:

- Promote equality of opportunity between men and women;
- Eliminate discrimination and harassment that is unlawful under the Acts
- Public authorities also have specific duties under the Equality Act 2006 to:
- Prepare and publish a Gender Equality Scheme showing how the Council intends to fulfil the general and specific duties and setting out its gender equality objectives
- Consult employees, service users and others (including trade unions) in preparing the Scheme
- Take into account any information it has gathered or considers relevant as to how its policies and practices affect gender equality in the workplace and in the delivery of its services.
- In formulating its overall gender equality objectives, consider the need to have objectives to address the causes of any gender pay gap.
- Ensure that the scheme sets out the actions the Council has taken or
• intends to take to:
  o Gather information on the effect of its policies and practices on men and women, in employment services and performance of its functions
  o Use the information to review the implementation of objectives
  o Assess the impact of its current and future policies and practices on gender equality.
  o Consult relevant employees, service users and others (including unions)
  o Implement the scheme objectives.
  o Implement the scheme and their actions for gathering and using information within three years of publication of the scheme, unless it is unreasonable or impracticable to do so.
  o Review and revise the scheme at least every three years and report on progress annually.

**Gender Equality Scheme**

Sefton Council has developed with partners through the Sefton Equalities Partnership a Gender Equality Scheme in accordance with the specific duties of the Equality Act 2006.

This scheme will link to the Single Equality Scheme for Sefton as it is developed through 2009.

**Employment**

Sefton Council will not discriminate by gender or marital status in its employment functions, such as recruitment and selection, access to training, selection for redundancy etc, unless there is a genuine occupational requirement to do so.
In line with legal requirements Sefton Council offers, maternity leave, paternity leave, maternity support leave, flexible Special leave, Parental leave, Adoption leave and a Career Break Scheme.

**Flexible Working**

Sefton Council has worked with partners through the Sefton Equality Partnership to produce a guide on flexible working and is promoting this information through the organisation.

Parental, carer and adoption arrangements are free from sexual orientation bias.

**Service Delivery**

Sefton Council will not discriminate by gender in service delivery, unless there is a legal, moral or decency justification to provide ‘single sex’ services to one gender.
GENDER REASSIGNMENT EQUALITY POLICY STATEMENT

Legislation

The gender equality duty means that from April 2007 public authorities will be required to have due regard to the need to eliminate discrimination and harassment on grounds of gender reassignment in the fields of employment, vocational training (including further and higher education).

In addition all the Articles of the Human Rights Act 1998 are relevant, but in particular articles:

• Article 8, the right to respect for private and family life
• Article 12, the right to marry
• Article 14, the prohibition of discrimination
• The Sex Discrimination (Gender Reassignment) Regulations 1999 extends the Sex Discrimination Act 1975 to cover discrimination on the grounds of gender reassignment in relation to pay, treatment in employment and vocational training.
• The Gender Recognition Act 2004 allows transsexual and intersex people to apply for full legal recognition in their acquired gender. Once a person has a full gender recognition certificate for their new gender they have the same legal rights as a person of that gender.

Scope of the Policy Statement

This policy statement covers transsexual people and intersex people.
Definitions

Gender dysphoria is a recognised medical condition where someone is profoundly unhappy or uneasy about their own gender (masculinity or femininity) because it conflicts with their biological sex. Transsexual people believe they are born in a body of the wrong sex.

Intersex people may have both male and female sexual characteristics or intermediate sexual characteristics. An intersex person may suffer gender dysphoria if they feel the gender they were ascribed at birth conflicts with their true gender identity.

Gender reassignment is the process, undertaken under medical supervision, of reassigning a person’s gender by changing physical, social or other characteristics.

Employment

Sefton Council will not discriminate against a person for the purpose of recruitment or employment training, benefit and pension rights on the grounds that the individual is a transsexual or intersex person intending to undergo, undergoing or having at sometime undergone gender reassignment.

Exceptions

Discrimination in employment on grounds of gender reassignment may occasionally be permitted where:

- A particular gender is a requirement for a job, e.g. women’s domestic violence worker
- The job involves conducting intimate searches
- The job involves working in someone's home.

Temporary exceptions may apply during the transition process where:

- Individuals have to share accommodation
- Personal care services are provided to vulnerable individuals.

In relation to exceptions, Sefton Council will assess each situation carefully and act reasonably in the circumstances, e.g. considering alternatives such as reassigning duties.

**Privacy Statement**

If someone has undergone gender assignment prior to joining the authority (or a new department within the authority), Sefton Council will not disclose their transsexual history.

Sefton Council understands that disclosure could constitute a criminal offence in the case of someone who has obtained a gender recognition certificate. Sefton Council does not include gender reassignment questions within its recruitment or service equality monitoring forms.

In line with the Criminal Record Bureau's (CRB) Policies, people who have undergone a gender reassignment do not have to include previous names on the CRB Disclosure Application form.

However, Sefton Council expects applicants who have undergone a gender reassignment to send details of their previous identity in a separate letter directly to the ‘Sensitive Casework Manager’ within the CRB, who will then check the data sources held against both current and previous names.
Sefton Council will ensure information on how and when to make contact with the sensitive casework manager at the CRB is readily available within its guidance on completing the CRB Disclosure Application form.”

**Support**

Sefton Council’s recognises gender dysphoria and will support an employee through their real life test and gender reassignment process. Contact Sefton Equalities Partnership for guidance and advice.

**Service Delivery**

Sefton Council will not discriminate through the delivery of its services against an individual who is a transsexual or intersex person intending to undergo, undergoing or having at sometime undergone gender reassignment Sefton Council will use consultation, equality impact assessment and staff training to ensure that services meet the need transsexual and intersex people and to ensure that the identity and human rights of transsexual and intersex service users are respected.
HATE CRIME POLICY STATEMENT

Hate Crime Legislation

The Crime and Disorder Act 1998 created a number of new racially and religiously aggravated offences. The Criminal Justice Act 2003 introduced tougher sentences for offences motivated by hatred of the victim’s sexual orientation (this must now be taken into account by the sentencing court as an aggravating factor, in addition to race or religious hate motivation).

Section 146 of the Criminal Justice Act 2003, imposes a duty upon courts to increase the sentence for any offence (for example, assault or criminal damage) aggravated by hostility based on the victim’s disability (or presumed disability).

The Racial and Religious Hatred Act 2006 makes it a criminal offence to use threatening words or behaviour with the intention of stirring up hatred against any group of people because of their race, religious beliefs or their lack of religious beliefs.

Any incident, which constitutes a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate of a person’s actual or perceived.

- Race, colour, ethnic origin, nationality or national origins
- Religion
- Gender or gender identity
- Sexual orientation
- Disability
Hate Crime

Hate crime can take many forms including:

- Physical attacks – such as physical assault, damage to property, offensive graffiti, neighbour disputes and arson
- Threat of attack – including offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate and unfounded, malicious complaints
- Verbal abuse or insults – offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace

Hate Incidents

A hate incident is any incident whereby the perpetrator’s prejudice against any identifiable group of people is a factor in determining who is victimized.

Service Delivery

Sefton Council works with partners in the Sefton Hate Crime Group to effectively record, respond to and reduce the number of hate crimes and hate incidents within the Borough.

The Hate Crime Group co-ordinates the third party reporting system for hate crime and actions to support the victims of hate crime and to reduce the impact of hate crime in Sefton.

Sefton Council will not tolerate hate crime or hate incidents against its staff or service users and will take appropriate action against all such incidents.
Employment

Any harassment, bullying, victimisation or discrimination by staff, which is perceived by the victim or another person to be motivated by prejudice or hate against a person’s actual or perceived, race, colour, ethnic origin, nationality or national origins, religion, gender or gender identity, sexual orientation or disability, will be recorded as a hate incident and dealt with under the Council’s disciplinary processes.
HUMAN RIGHTS POLICY STATEMENT

Legislation

The Human Rights Act 1998 makes it unlawful for a local authority to behave in a way that is not compatible with the provisions of the European Convention on Human Rights.

Human rights must be explicitly considered in policies and procedures, in decisions, in employment and in service delivery. Human Rights protects under law:

- Right to life
- No torture, inhuman or degrading treatment
- No slavery or forced labour
- Liberty and security of the person
- Fair trail or hearing within a reasonable time
- No punishment without law and no retrospective penalties
- Respect for family life home and correspondence
- Freedom of thought, religion and conscience
- Freedom of expression
- Freedom of assembly and association
- Right to marry and start a family
- Prohibition on discrimination
- Restriction on political activity of aliens
- Prohibition of abuse of rights
- Limitation on the use of restrictions on rights
- Protection of property
- Right to education
- Right to free elections
Any interference with an individual’s rights must be proportionate to the intended aim and must not be arbitrary or unfair. Even if a particular policy or action, which interferes with an individual’s human rights, is aimed at achieving a legitimate aim (for example the prevention of crime), this will not be justified if the means used to achieve the aim are excessive in the circumstances.

Sefton Council will consider human rights in all its policies and decisions. Human rights are included in the Council’s Equality Impact Assessment process used to access the impact of decisions, policies and services upon the community.

Where the Council is faced with the necessity to interfere with an individual’s human rights the decision will only be taken if the interference can be justified in accordance with the law or is necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Where the Council makes the justified decision to interfere with an individual’s human rights it will do so in proportion to the legitimate aims of the decision, for example the decision to remove a child from its family will only be taken if a full assessment of the circumstances show this to be the legitimate course of action to protect the child from an abusive or harmful situation.
RACE EQUALITY POLICY STATEMENT

Legislation

The Race Relations Act 1976 makes it unlawful to discriminate against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin, either directly or indirectly, in the areas of employment, training, housing, education, in the provision of goods.

The Race Relations (Amendment) Act 2000 places a general duty on local authorities to promote race equality by:

- Eliminating unlawful racial discrimination
- Promoting equality of opportunity, and
- Promoting good relations between people from different racial groups

Public authorities also have specific duties under the Race Relations (Amendment) Act 2000 to prepare and publish a Race Equality Scheme setting out how the Council intends to fulfil the general and specific duties:

- Monitor existing services and policies relevant to the general duty, for any adverse impact and act on the results.
- Conduct assessments of the potential impact of proposed policies related to any of the prioritised services and policies, and consult.
- Publish the results of monitoring, of impact assessments, and of consultation.
- Ensure that all sections of the community have access to information about all council services and access to the service they require.
- Arrangements for training staff on issues that are relevant to the general duty
• In employment, profile by race and monitor the following groups, setting out what action will be taken if any of the monitoring procedures suggest the possibility of adverse impact.
  o Staff in post
  o Applicants for jobs
  o Applicants for training
  o Applicants for promotion
  o Employees who receive training
  o Employees ‘performance assessment’.
  o Grievance and disciplinary action
  o Those who cease Council employment

• In education ensure that maintained schools have a Race Equality Policy; monitor and assess the impact of school policies on Parents, Children and Staff; and provide equality in employment.
• Review and revise the scheme at least every three years and report on progress annually.

Race Equality Scheme

Sefton Council will develop and maintain a Race Equality Scheme in accordance with the specific duties of the Race Relations (Amendment) Act 2000. This work will be integrated into the Single Equality scheme for Sefton during 2009.

Race Equality Policy Statement

Sefton Council will promote Race Equality for its staff and service users and is committed to meeting all its responsibilities under the Race Relations Act 1976 and Race Relations (Amendment) Act 2000.
In seeking to achieve this commitment, Sefton Council will tackle racial discrimination in the workplace, in service provision to customers and in the policies and practices of the Council.

**Employment**

Sefton Council will not discriminate by race or ethnicity in its employment functions, such as recruitment and selection, access to training, selection for redundancy.

The Council will promote a positive attitude towards racial and ethnic diversity by using positive language, images, examples and role models when delivering training or promoting its image as an employer. Sefton Council includes an ethnicity question within its diversity monitoring form and uses ethnic monitoring information to promote equality of opportunity in employment and training.

**Service Delivery**

Sefton Council will ensure that people from all racial and ethnic groups have access to quality services that meet the diverse needs of the people of the borough and are free from racial discrimination.

It is Council Policy that all public information produced is available in different formats on request. (Large print, on tape, translated, in Braille etc).

The Council will ensure that people from all ethnic groups receive equality of service access, quality and outcome.

Take positive steps to ensure that the take up of services by ethnicity is at least in proportion to ethnic representation in the community.
Ensure all local ethnic groups have the opportunity to engage and participate in service consultation activity. Sefton Council will ensure that the Council’s procurement, service level agreements, and grant funding process eliminate unlawful racial discrimination, promote racial equality, and build good race relations.

**Scope of the policy**

This race equality policy statement covers:

- All ethnic groups, including White, Mixed Race, Black, Asian, Chinese and other ethnic groups such as Gypsies and Travellers and people from EU accession states.
- Asylum seekers
- Refugees
- Economic migrants
FAITH, RELIGION AND BELIEF EQUALITY POLICY STATEMENT

Legislation

Article 9 of the Human Rights Act 1998 Freedom Of Thought, Conscience And Religion states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change one’s religion or belief and freedom, either alone or in community with others and in public or private, to manifest one’s religion or belief, in worship, teaching, practice and observance. Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

The Employment Equality (Religion) Regulations 2003 make it illegal to discriminate on grounds of faith, religion or belief (or the lack of) in employment.

The Equality Act 2006 makes it illegal to discriminate on grounds of religion or belief (or lack of religion or belief) in the provision of goods, facilities and services, in education, in the use and disposal of premises, and in the exercise of public functions.

Definition of Religion

Under this policy faith, religion and belief is defined as any faith, religion, religious belief, or similar philosophical belief. This does not include political beliefs.

Sefton Council understands it is an individual’s right to define their own faith.
However, Sefton Council will not support an individual or group who claim that their religious beliefs give them the right to incite religious hatred or who claim that their religious beliefs give them the right to interfere with the human rights of others unless that claim is justified by legislation.

**Employment**

Sefton Council will not discriminate in recruitment, employment and training on the grounds of faith, religion or belief, or the lack of faith, religion or belief.

Sefton Council will work towards enabling employees at all levels in the workforce to feel safe in being open about their faith, religion or belief systems. Religious discrimination is unacceptable and is a disciplinary offence.

Sefton Council will take positive steps in conditions of employment to respect and take account of the rights of employees to follow the observances of their chosen faith, religion or belief system.

Sefton Council will ensure that staff have access to appropriate training and guidance to support the delivery of services that respect the cultural and religious diversity of the community.

**Service Delivery**

Sefton Council will ensure that all information, publicity and advertising over which it has control or influence is not prejudiced and uses positive images and language to counteract the effects of religious discrimination.

Sefton Council includes faith, religion and belief within its Equality Impact Assessment process to ensure that people do not receive a different quality of
service due to their faith, religion or belief as a result of the Council decisions, policy developments, service planning or delivery.
SEXUAL ORIENTATION EQUALITY POLICY STATEMENT

Legislation

The Employment Equality (Sexual Orientation) Regulations 2003 make it illegal to discriminate on grounds of sexual orientation in employment.

The Equality Act 2006 makes it illegal to discriminate on grounds of sexual orientation in the provision of goods, facilities and services, in education, in the use and disposal of premises, and in the exercise of public functions.

*Insert sentence from Ruth on Goods and Services Act 2007*

Definition of Sexual Orientation

Under this policy sexual orientation is defined as:

- Orientation towards persons of the same sex (lesbians and gay men)
- Orientation towards persons of the opposite sex (heterosexual)
- Orientation towards persons of the same sex and the opposite sex (bisexual)

Employment

Sefton Council will not discriminate in recruitment, employment and training on the grounds of actual or perceived sexual orientation.

Sefton Council will work towards enabling employees at all levels in the workforce to feel safe in being open about their sexual orientation.
The Council does not assume that its entire workforce is heterosexual and ensures that all employment benefits, pensions and flexible working arrangements are free from sexual orientation bias and support the rights of civil partners.

Homophobia and discrimination, harassment and victimisation on the grounds of sexual orientation, assumptions about a person’s sexual orientation or because a person associate with someone of a particular sexual orientation, including ‘outing’ for malicious reasons, are unacceptable and included as disciplinary offences within the Council’s disciplinary policy.

Sefton Council will ensure that staff have access to appropriate training and guidance to support the delivery of services that respects diversity in sexual orientation.

**Service Delivery**

Sefton Council will ensure that all information, publicity and advertising over which the council has control or influence uses positive images and language to counteract the effects of homophobia and promote equality for lesbians, gay men and bisexual and heterosexual men and women.

Sefton Council includes sexual orientation within its Equality Impact Assessment process to ensure that people do not receive a different quality of service due to their sexual orientation, as a result of the Council decisions, policy developments, service planning or delivery.

The Council will ensure that the rights of civil partners are respected in all policies, decisions, service planning and delivery processes.
INSERT “TRANSLATION AVAILABLE ON REQUEST STATEMENT”