

Achieving for Children equality and diversity policy

Introduction

Achieving for Children's commitment to equality and diversity is enshrined in Achieving for Children's values framework which states that: ***Achieving for Children will champion inclusion and value diversity***. This means that we respect cultural difference and value diversity in order to enrich our organisation and meet the needs of the communities we serve, and we identify and address inequalities¹.

As an organisation, we are focused on providing equality of opportunity and tackling discrimination, harassment and intimidation. We are also focused on achieving the highest standards in service delivery, decision-making and employment practice. Equality of opportunity for children, young people and families and the workforce is an important part of our commitment to equality and diversity.

Background and context to the equality and diversity policy

Achieving for Children recognises its responsibilities under equality and diversity legislation and implements its duties as set out under the Equality Act 2010².

The Act covers nine protected characteristics on the grounds upon which discrimination is unlawful³.

- **Age** - referring to a person belonging to a particular age (eg. 32 year olds) or range of ages (eg. 18-30 year olds);
- **Disability** - a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities;
- **Gender reassignment** - the process of transitioning from one gender to another;
- **Marriage and civil partnership** - marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters;
- **Pregnancy and maternity** - pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection

¹ Borough profiles for both Kingston and Richmond can be found in the appendix to this policy

² Details of equality and diversity legislation can be found in the appendix to this policy

³ Details of different types of discrimination can be found in the appendix to this policy

against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding;

- **Race** - refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins;
- **Religion or belief** - Religion has the meaning usually given to it, but belief includes religious and philosophical beliefs including lack of belief (eg. atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition;
- **Sex** - a reference to a man or to a woman; and
- **Sexual orientation** - whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Achieving for Children will not tolerate less favourable treatment on the grounds of any of the protected characteristics or on any other grounds that cannot be justified.

Aims of the policy

Achieving for Children will:

- aim to eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- aim to advance equality of opportunity between those who share a relevant protected characteristic and those who do not share it;
- foster good relations between those who share a relevant protected characteristic and those who do not share it, and promote community cohesion between the different communities across both Kingston and Richmond; and
- ensure we meet our duties under the Equality Act 2010. We are committed to improving equality practice for children, young people and families in Kingston and Richmond and for staff in Achieving for Children, and will make adequate resources available to do this.

Objectives of the policy

To ensure:

- services are easily accessible and are capable of responding to the different and changing needs of our children, young people and families;
- we are able to identify and take action to combat discrimination in service delivery on the grounds of any of the protected characteristics, or on any other ground, which cannot be justified;
- vulnerable children, young people, families and carers are identified and supported;
- economic inequalities are addressed in partnership with other organisations;
- the heritage and diversity of the boroughs of Kingston and Richmond is celebrated;

- consultation and engagement activities are effective and inclusive of all children, young people and families in the boroughs of Kingston and Richmond;
- equality is promoted in partnerships, procurement and when commissioning our services;
- we are able to identify and take action to combat discrimination in employment practice on the grounds of any of the protected characteristics, or on any other ground, which cannot be justified; and
- Achieving for Children's workforce is committed to equality and reflective of the diverse communities it serves.

Implementing the policy

We will do this by:

1. ensuring the Achieving for Children Joint Committee and Achieving for Children Management Board oversee and scrutinise our progress against the Equality Duty;
2. ensuring our staff are aware of the Equality and Diversity Policy and receive appropriate training;
3. monitoring all areas of employment, including recruitment, promotion, training opportunities, pay, grievances and disciplinary action, to ensure there is equal treatment for all employees and that action is taken where any disparity is found;
4. ensuring that all contractors and organisations providing services on our behalf have rigorous and appropriate equality policies covering employment and service delivery which meet the requirements of the Public Sector Equality Duty;
5. linking with performance improvement plans, external/internal inspections and reviews that cover equality performance in services areas as part of wider improvement measures;
6. ensuring that equality objectives and targets are regularly set, monitored and reviewed as part of the business planning process, and an Equality Analysis (EA) schedule is established and all actions resulting from EAs are monitored. We will report our progress against the Public Sector Duty as set out in the Equality Act on an annual basis as part of the review of the Achieving for Children Business Plan;
7. ensuring that all service restructures or reorganisations, and all new services, policies or functions are subject to EA, and all services delivered by Achieving for Children carry out an EA as appropriate on regular basis; and
8. working with children, young people and their families to help develop, monitor and review our policies, practices, functions and services.

Roles and responsibilities for implementing, monitoring and reviewing equality and diversity

1. The Achieving for Children Management Board are responsible for ensuring that Achieving for Children are operating with a legal and contractual framework.
2. The Achieving for Children Chief Executive has overall responsibility for driving forward Achieving for Children's work on equality and diversity relevant to the functions and services they deliver and
3. The Director for Standards and Improvement has overall responsibility, alongside the Achieving for Children Equalities Working Group, for supporting managers and employees in driving forward all of Achieving for Children's work on equality and diversity and in meeting its equality duty.
4. The Achieving for Children Joint Committee will be expected to provide challenge to ensure that that Achieving for Children Board and Chief Executive are fulfilling their roles effectively.
5. This policy will be reviewed on 1 April 2016 by the Achieving for Children Equality Lead to judge its effectiveness, or updated sooner in accordance with changes in legislation.

Date created	24 January 2014
Signed by:	Ian Dodds, Director of Standards and Improvement - 24 January 2014 David Groves, Chair Achieving for Children Board - 6 February 2014
Equality Analysis completed (yes/no):	Not applicable

Appendix

Borough profiles

Kingston upon Thames

Kingston upon Thames is a clean, safe and healthy borough, where many families enjoy an excellent quality of life. Kingston has a vibrant culture, outstanding schools, a resilient local economy and strong voluntary and community sector. It also has a high quality residential environment and a wealth of parks and open spaces. This makes Kingston a destination of choice for people who come to our borough to work, live and study, and for leisure and business.

According to the Census of 2011, Kingston has a population of 160,400 – the third smallest of any London Borough (after the City of London and Kensington and Chelsea). Nearly a quarter of residents are aged between 0 and 19. After peaking in 2009, the number of live births in Kingston per year has stabilised, and stood at 2,289 in 2011. ONS and the GLA predict that this number will stay above 2,100 births per year until 2021. Furthermore, the rise of 13% in the number of households with dependent children (Census 2011) is almost twice the percentage rise in the whole of England; this will require a significant increase in primary and secondary school places.

The 2011 Census estimated that 25.5% of the population came from Black, Asian and Minority Ethnic (BAME) groups, compared to 15.5% in 2001, and the borough is predicted to become more ethnically diverse over the next decade. However, Kingston remains less ethnically diverse than London as a whole, where over 40% of the population are from BAME groups. Kingston has significant numbers of Koreans, Tamils and Arabs relative to the size of its population. The borough also has the tenth highest percentage in England and Wales (10.7%) of households with multi-ethnicity partnerships.

The school age population is estimated to be even more ethnically diverse: according to the 2012 Spring School Census, 35.7% of children living and attending a state school in Kingston came from BAME groups and 32% spoke English as an additional language. The same Census recorded at least 143 first languages other than English within Kingston's school population.

Kingston ranks as the third least deprived of all 33 London boroughs according to the 2010 Index of Multiple Deprivation. However, there are extremes of advantage and disadvantage across the borough: for example, Kingston contains super output areas ranked within both the 2% most deprived and 2% least deprived in England for income deprivation affecting children.

In terms of child poverty, children are classified as living in poverty if their family is in receipt of out of work benefits or tax credits where their income is less than 60% of national median income. Of the 4,995 children estimated to be living in poverty in Kingston, the majority (70.9%) were part of lone parent families. The 2011 Census showed that 39% of lone parents in Kingston were unemployed and the vast majority (90.4%) were female.

Welfare reforms are also likely to significantly affect families in Kingston. Changes to eligibility for child benefit will impact heavily on middle income earners and single earner households. Tightening of housing benefits will severely test the extent to which people can afford to live in a borough such as Kingston, where housing costs are high. These issues will put additional pressure on families and may increase demand for services provided by the council and its partners.

Richmond upon Thames

Richmond upon Thames is a prosperous, safe and healthy borough, where many families enjoy an excellent quality of life. It has exceptional local amenities, including outstanding schools, beautiful parks and open spaces, renowned sporting venues, internationally important heritage sites, and a vibrant arts and cultural scene. This makes the borough a very attractive place to live, work, study and visit.

According to the 2011 Census, Richmond upon Thames has a population of 187,000, of which 44,000 (24%) are aged between 0 and 9. The local birth rate is predicted to rise from 2935 live births in 2011 to 3100 live births in 2021. The workforce is generally well qualified with high levels of household earnings. The Office of National Statistics reports that the average annual pay in Richmond upon Thames is £48,395, making the borough one of the least deprived areas in London and in the country. No areas in the borough are ranked in the most deprived 20% of all local authority areas in England.

The 2011 Census reported that 14% of the borough population came from Black, Asian and Minority Ethnic (BAME) groups, compared to 40.1% in London. The largest BAME population in the borough is Indian, with the majority residing in the Heathfield ward. Compared to the England and Wales as a whole, the borough has an above average number of residents from other European Union countries: 14.5% living in the borough compared to an average of 5.7% in England and Wales. The school-age population is more ethnically diverse than the whole resident population: according to the 2012 School Census (state schools only), 22.5% of pupils in primary schools and 25.6% of pupils in secondary schools were from a BAME group.

There are small pockets of relative deprivation in the borough in Ham, Heathfield, Castelnau, Mortlake and Hampton North. In terms of child poverty, children are classified as living in poverty if their family is in receipt of out-of-work benefits or tax credits where their income is less than 60% of national median income. The Department of Work and Pensions estimated in 2011 that 4,290 children in Richmond upon Thames were living in poverty. These families are also likely to be particularly affected by welfare reforms. Changes to eligibility for child benefit will impact heavily on middle income earners and single earner households.

Tightening of housing benefits will severely test the extent to which people can afford to live in a borough such as Richmond upon Thames, where housing costs are high. These issues will put additional pressure on families and may increase demand for services provided by the Council and its partners.

Equality and Diversity legislation

The new Equality Act came into force on 1 October 2010. The Equality Act 2010 brings together over 116 separate pieces of legislation into one single Act. Combined, they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

The Act simplifies, strengthens and harmonises the previous legislation to provide a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society. The nine main pieces of legislation that have merged are:

- the Equal Pay Act 1970;
- the Sex Discrimination Act 1975;
- the Race Relations Act 1976;
- the Disability Discrimination Act 1995;
- the Employment Equality (Religion or Belief) Regulations 2003;
- the Employment Equality (Religion or Belief) Regulations 2003;
- the Employment Equality (Sexual Orientation) Regulations 2003;
- the Employment Equality (Age) Regulations 2006;
- the Equality Act 2006, Part 2; and
- the Equality Act (Sexual Orientation) Regulations 2007.

The Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations) came into force on 10 September 2011. The Regulations set out the specific public sector equality duties that certain public bodies must comply with. The aim of the specific duties is to help public bodies comply with the general duty to promote equality in the workplace contained in the Equality Act 2010, which has been in force since 5 April 2011.

General Equality Duty

The general single equality duty requires public bodies, in the exercise of their functions, to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between those who share or have different protected characteristics. The duty explains that having due regard for advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and

- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Types of unlawful discrimination

- **Direct discrimination** is where an individual is treated less favourably than another because of a protected characteristic. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim;
- **Indirect discrimination** is where a condition, rule, or practice is applied that applies to everyone but particularly disadvantages people who share a protected characteristic and it cannot be shown to be a proportionate means of achieving a legitimate aim.
- **Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. Staff will be able to complain of behaviour that they find offensive even if it is not directed at them and the complainant need not possess the relevant characteristic themselves. It does not matter whether or not this effect was intended by the person responsible for the conduct.
- **Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).
- **Perceptive discrimination** is where an individual is directly discriminated against or harassed because others think that the individual has a particular protected characteristic. It applies even if the person does not possess the characteristic (other than marriage and civil partnership, and pregnancy and maternity).
- **Discrimination arising from disability** is when a disabled person is given unfavourable treatment where the reason for the unfavourable treatment is not the disability itself, but something that arises in consequence of the disability. Unlike direct discrimination, in this case, there is no need for the disabled person to compare themselves with anyone else; they just need to show that they were treated unfavourably and that this treatment was linked to their disability.
- **Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as customers. For an employer to be liable:
 - the harassment must have occurred on at least two previous occasions;

- it must be aware that the previous harassment has taken place; and
 - it must have failed to take reasonable steps to prevent harassment from happening again.
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- **Victimisation** occurs when an employee is subjected to a detriment because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Act; and
 - **Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared to someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.