

## Diversity and Equality

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### 1. Introduction

The Kent Local Involvement Network (Kent LINK) will embed diversity and equality throughout the LINK's business and activities, in fact in all that they do. Also the LINK will endeavour to ensure that, in its area, health and care commissioners and providers embrace diversity and will challenge discrimination.

LINK Participants will come into contact with a range of individuals, particularly when involved in community engagement.

A guide to assist the LINK and its participants is being developed to help in fulfilling these principles.

- Being responsive to the needs of different groups and individuals within society
- Challenging discrimination on the grounds of
  - Age
  - Gender or transgender
  - Disability including: deaf people blind people, people with a learning disability, people with a mental illness, people with living with HIV and those diagnosed with a health condition limiting their ability
  - Race, colour, nationality, national or ethnic origin, being a traveller or gypsy
  - Religious beliefs or non-belief, or other beliefs

- Marital status, family circumstances, or caring responsibilities
- Sexual orientation
- Income, employment status or housing circumstances
- Any other ground that cannot be shown to be justified.

## **2. Definitions of Diversity and Equality**

Diversity and equality cover such a large remit that it is often challenging to provide a precise definition. For the purpose of this guide we will be using the Department of Health's definitions of Diversity and Equality. These are:

### **a) Diversity**

"Diversity is about the recognition and valuing of difference in its broadest sense. It is about creating a working culture and practices that recognize, respect, value and harness difference for the benefit of the organization and the individual."

The essence of managing diversity is valuing the differences between people and harnessing those differences to add value, both for the individual and any group they may work in.

### **b) Equality**

'Equality is about creating a fairer society where everyone can participate and has the opportunity to fulfil their potential.

All public organisations have 'equality of opportunity' policies that state the organization will not tolerate discrimination on the grounds of gender, marital status, race, religion, disability, sexuality, age or any other inappropriate basis.

## **3. Legislation**

Appendix 1 contains a summary of the relevant legislation.

## **4. Engaging with Diverse Communities**

Engaging with diverse communities in LINK work will:

- Allow people to express their views about how to make services more accessible and relevant to them
- Encourage people to become involved
- Ensure the LINK reflects their views, needs and equality for all.

There are many groups who are traditionally difficult to engage with for a number of reasons. Different sections of the community, particularly diverse or minority groups may have views or needs that are different from the more vocal majority. The views or needs of the group will remain unheard if they are not actively engaged. The LINK will establish which particular groups within the local community may be difficult to involve and find ways of reaching them. KMN will be able to help with local information and contacts to representative groups.

Examples of such groups or communities follow and detail on how to engage such groups will be contained in the guidance for LINK Participants:

- Rural communities
- Children and young people
- Black and Minority Ethnic Communities (BME)
- People with disabilities
- People with no permanent home.

**Principles by which the LINK and its participants will work include the following:**

- Taking action to eradicate discrimination and inequality while working in communities and when employing others to deliver services on behalf of Kent LINK
- Supporting staff and participants in a range of opportunities to attend training to assist personal development
- Carrying out our duties and fulfil our obligations under current legislation
  - Disability Discrimination Act 1995
  - Race Relations Act 1976 and amended 2000
  - Sex Discrimination Act 1975
  - The Employment Equality Sexual Orientation Regulations 2003
  - The Employment Equality (Religion and Belief) Regulations 2003
  - Employment Equality (Age) Regulations 2006
  - Equal Pay Act 1970 to stop disadvantage and to provide equality of opportunity
- Following national and local guidelines that seek to ensure equality of opportunity, eradicating discrimination and promoting good relationships
- Addressing negative stereotype images or attitudes

- Ensuring community engagements events are accessible to all in a cohesive environment
- Ensuring community consultations are accessible to all and are diverse in nature
- Responding to the needs of people experiencing discrimination by social, economic or geographic disadvantage
- Promoting positive images of diverse communities
- Acknowledging barriers exist which prevent participation and address those issues to increase involvement
- Recognising and supporting the differentiation in language both spoken and signed
- Acknowledging other communication aids as appropriate
- Supporting campaigns and activities for achieving equality for all people
- Dealing promptly and effectively with reported incidents of discrimination, sexual harassment, intimidation, bullying or violence
- Supporting the growth of minority groups and networks and providing resources for the group's sustainability.

### Legislation dealing with Diversity and Equality

#### Disability Discrimination Act 1995

- The Disability Discrimination Act 1995 (DDA) gives disabled people rights in the areas of employment, goods and services and buying or renting land or property. The DDA defines disability for the purposes of the Act: *'There must be a mental or physical condition which has a substantial and long-term adverse affect on the **individual's ability to carry out normal day-to-day activities.**'*
- From December 2006 the DDA was amended to place a duty on all public bodies to promote disability equality.
- Since December 1996 it has been unlawful for service providers to treat disabled people less favourably than other people for a reason related to their disability.
- From 1 October 1999 service providers had to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services.
- From 1 October 2004 service providers had to consider making reasonable adjustments to the physical features of their premises to overcome physical barriers to access.
- From 1 December 2006 the Act has extended the definition of disability to cover persons with progressive conditions of HIV, multiple sclerosis and cancer. People with mental illness will be protected in the same ways as everyone else by removing the requirement that their illness be clinically recognised.

#### The Race Relations Act 1976

This Act makes racial discrimination unlawful on the grounds of:

- Colour
- Race
- Nationality (including citizenship)
- Ethnic or national origin in the areas of:
  - Employment
  - Training
  - Goods

- Facilities
- Services

### **The Race Relations (Amendment) Act 2000**

The Act placed a general duty on public authorities in performing their functions to have due regard to the need to promote race equality. The new public duty to promote race equality is not optional and health organizations have to meet it.

Under the Race Equality Scheme, public authorities will have to:

- Assess whether their functions and policies are relevant to race equality
- Monitor their policies to see how they affect race equality
- Assess and consult on policies they are proposing to introduce
- Publish the results of their consultations, monitoring and assessments
- Make sure that the public have access to the information and services they provide
- Train their staff on the new duties

In support of this general duty there was also a specific duty to publish a race Equality Scheme setting out the organisations overall strategy for promoting race equality and a practical action plan for achieving it.

### **Sex Discrimination Act 1975**

This act makes it unlawful to discriminate on the grounds of sex in the areas of employment, goods, facilities and services and marital status in employment.

Sexual harassment may be unlawful sex discrimination under the Sex Discrimination Act 1975.

There is no hard and fast definition of sexual harassment. The European Code of Practice on sexual harassment broadly describes it as:

*“Unwanted conduct of sexual nature, or other conduct based on sex affecting the dignity of men and women at work”.*

### **The Employment Equality (Sexual Orientation) Regulations 2003**

This legislation makes discrimination on the grounds of sexual orientation in employment or vocational training unlawful and is intended to encourage tolerance and protect the dignity of people.

Sexual orientation is defined as have a sexual attraction to:

- persons of the same sex (lesbians and gay men)
- persons of the opposite sex (heterosexual)
- persons of both sexes (bisexual)

### **The Employment Equality (Religion and Belief) Regulations 2003**

This legislation makes discrimination in employment or vocational training on the grounds of religion and belief unlawful. Religion or belief is defined as meaning 'any religion, religious belief or similar philosophical belief'.

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

The Regulations provide protection against age discrimination in employment, training and adult education, for people of all ages. Age discrimination occurs when a person is treated less favourably because of their age, and this is used as a basis for prejudice against and unfair treatment of that person.