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Equality, Diversity and Community Planning

Introduction and Context

The Scottish Government defines Equality and diversity in the following terms;-

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

Diversity is about recognising and valuing difference in its broadest sense.

Equality and Diversity are interdependent. There is no equality of opportunity if difference is not recognised and valued.”

There is overwhelming evidence that social injustice is widespread and that every day people face disadvantage and/or discrimination on the basis of sex and gender, race and nationality, sexual orientation, class, disability, HIV status, age, religion or belief, lifestyle, relationship status or responsibility for dependants. Such injustice is long standing. Inequity is often experienced as a denial of rights, participation and access to services. Discrimination is not innate or inevitable but is created by society and can be diminished.¹

National available evidence suggests that the negative effects of the recession and decreased public spending are being especially felt by younger people, disabled people and by some and minority ethnic groups² and people on lower incomes e.g. lone parents.

Locally the West Dunbarton Area has continued to suffer from high unemployment and high levels of deprivation compared to the rest of Scotland. Information is contained in the [West Dunbartonshire Social and Economic Profile](#).

Equality and Diversity and Community Planning

Community planning is increasingly central in planning and delivering services; at the same time legislative change brought by the Equality Act 2010 (EA) has added a driver and an opportunity, to make services more effective through better and more inclusive design, targeting and monitoring/review.

¹ Adapted from the ‘Altering Attitudes’ training pack 2001

² [The Position Of Scotland’s Equality Groups Revisiting Resilience In 2011](#), Scottish Government, 2011.

Services previously delivered by public sector organisations are now delivered by partnerships, and it is worth considering the reason for the existence of public services that;-

“Fairness is not an additional cost on the public sector. Fairness is why we have a public sector”³

Fairness is part of the equality and diversity equation and services are increasingly being modeled as person centered; given the factors noted above ensuring that the approach to equalities, diversity and fairness is rigorous and has positive practical effects is more important than ever.

Please see **Appendix 1** for some key concepts in equalities.

Legal aspects

Under the Equalities Act 2010 (EA) and the Public Sector Equality Duty (PSED), Councils have a legal duty when exercising their functions to have due regard to the need to;-

- eliminate discrimination,
- to advance equality of opportunities for Protected Equalities Groups and
- foster good relations between such groups and others.

The EA has a strong emphasis on involving protected groups in how services are planned and delivered; see diagram below from the Equality and Human Rights Commission (EHRC)



³ Peter Latchford, [Fair Questions](#), the Guardian, 2008

Keeping the components in mind when we are planning and delivering services will help ensure that we give proper weight to equality and diversity considerations.

A central tool for ensuring that service and decisions are fair is the Equality Impact Assessments (EIA) which helps the Council and other public bodies to:-

- fulfil Legal requirements
- meet business needs
- and ethical considerations

Please refer to Equality Information note 2 and the Council Guidance on the [Equality and Diversity pages](#) of the website for more information.

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 came into force on May 27th 2012; these specific duties are designed to help listed public sector organisations including Councils, the police, fire and rescue, and health boards meet the general duty by stipulating specific things that must be done. Please see Equality Information Note 1.

The Human Rights Act 1998 (HRA) is the other law that has most direct bearing on equalities. A human rights perspective can bring into play the rights of others not traditionally considered to be covered under equality law (e.g. the rights of children and parents). You can visit the [Scottish Human Rights Commission website](#) for more information. Please see **Appendix 2** for more information.

Partnerships

Public sector partners who are involved in partnership working are responsible for meeting the PSED under the EA within their partnership role. Partnership activity is one of their functions and is therefore covered by the PSED.

The Single Outcome Agreement ('SOA') has been subject to an Equality Impact Assessment, to help ensure that the approach taken is informed by equality and diversity considerations. The SOA will be replaced by a Local Outcome Improvement Plan in October 2017.

The more that partnerships work in a joined up way the more it will be that equality and diversity are supported, and discrimination or breaches of human rights are avoided.

Advice and Support

You can address enquires to policy development officer based in the community planning and policy team community.planning@west-dunbarton.gov.uk

1. Equality/Equity

Equality as it is generally used is about achieving fair outcomes. Equality is not about creating a society where all people are the same or that all people are treated the same but one in which all people are treated fairly (different people have different needs or have advantages or disadvantages compared to other groups) and in which diversity and difference are respected. This can also be referred to as equity.

2. Diversity

There is diversity within all human populations; height, weight, beliefs, eye colour, educational background, poverty wealth etc. Diversity has a special meaning when it is paired with equality, often being used as a goal rather than as referring to a state of affairs e.g. working towards making public sector workforces more reflective of the people they serve, and ensuring services reflect the diverse needs of communities.

3. Inequality

When thinking about inequality it should be noted that this can be broken down into inequality of outcome or inequality of opportunity; an example of the first would be lower rates of educational achievement among boys compared to girls in schools. An example of the second would be there being a situation in a school where teachers in a school constantly assumed that boys were not capable of doing well academically and did not teach them properly.

4. Equality of opportunity

Equality of opportunity can be defined as having the legal rights, combined with the opportunity to access employment, education, health services, civic and political participation unhindered by either accidental or deliberate barriers, that impact on the following aspects of a person's identity/circumstances differential;

- Race
- Sex
- Disability
- Sexual Orientation
- Age
- Belief & Religion
- Gender Re Assignment
- Pregnancy/Maternity
- Marriage/Civil Partnership

The above are recognised in law (the Equality Act 2010, the "EA") as protected characteristics, however other areas not covered by the EA are often considered in terms of equality including;

Social or economic class
Health
Caste

It is important to remember that Equal Opportunities can only be understood if we accept that there are unfair and counter productive inequalities in society, and that it legitimate to challenge these.

5. Positive Action

Implementing an employability programme for 16-24 year olds is an example of a positive action measure aimed at helping a particularly disadvantaged group in the labour market. The Council takes part in the positive about disabled people scheme ('double tick' scheme). Under this widely used scheme, a disabled job applicant is guaranteed an interview if they meeting essential criteria for a job, they are not guaranteed a job; all appointments must be on merit alone.

Rights under the HRA are;-

- the right to life
- freedom from torture and degrading treatment
- freedom from slavery and forced labour
- the right to liberty
- the right to a fair trial
- the right not to be punished for something that wasn't a crime when you did it
- the right to respect for private and family life
- freedom of thought, conscience and religion, and freedom to express your beliefs
- freedom of expression
- freedom of assembly and association
- the right to marry and to start a family
- the right not to be discriminated against in respect of these rights and freedoms
- the right to peaceful enjoyment of your property
- the right to an education
- the right to participate in free elections
- the right not to be subjected to the death penalty

Absolute and qualified Rights

The right not to be tortured or inhumanly or degradingly treated or punished - confers an "absolute" right with no exceptions. All the other rights are qualified e.g. the violation of the right to life is "permitted" if a death results from the use of force which was no more than absolutely necessary to make a lawful arrest.

The right to freedom of peaceful assembly can be restricted if this is necessary in the interests of public safety or the prevention of disorder. The European Court has interpreted the Articles as imposing positive obligations on states and "emanations of the state" e.g. the Police, Councils and other public authorities to confer rights, not just negative obligations not to interfere with rights.

Rights and Responsibilities

Most rights are not absolute and may be limited where it is necessary to achieve a legitimate aim and if the limitation is proportionate to that aim. The court seeks to strike a "fair balance between the general interest of the community and requirements of protection for the individual's human rights".