

Tonbridge & Malling Borough Council
DRAFT EQUALITY STATEMENT 2009 – 2012

Foreword by David Hughes, Chief Executive of Tonbridge & Malling Borough Council and Mark Worrall, Leader of the Council

This is the first combined Equality Statement for Tonbridge & Malling Borough Council, which builds on work previously undertaken for the Council's separate equality schemes. The aim is to continue to make equality a reality in everything we do and to promote equality for the Borough's residents, businesses and visitors.

The Council recognises that it serves a diverse community and values the differences that exist between the people who live and work in the Borough. The Council aims to honour its commitment to inclusiveness in the delivery of services to the community, as a direct employer of staff, and through the various activities that it supports and funds. Every effort will be made to ensure that staff and members of the public are treated equitably and fairly, regardless of race, colour, ethnic or national origin, gender, marital status, sexual orientation, religion or disability and age.

We want to ensure that the Equality Statement reflects the changing needs of people who live and work in the borough and we welcome comments and suggestions throughout its development.

1. Introduction

All local authorities are currently subject to statutory equality duties relating to race, disability and gender. The duties require us to have due regard to a set of identified needs, to eliminate discrimination and promote equality of opportunity. Up until now, Tonbridge & Malling Borough Council has previously dealt with each of these three equality strands in separate three year schemes.

The Equality Statement combines the existing schemes relating to race, disability and gender into one document. This will support the process of mainstreaming equalities issues into all our policies and practices as well as ensuring that arrangements are in place to monitor and report on our progress against the action plan.

As the statement covers the next three years, we want to ensure that we deal with any new or emerging legislation in order to meet our legal duty to cover all equalities. For this reason the statement (and action plan) will be updated to incorporate changing policy or any additional contributions from the wide variety of partners we work with.

2. Legislation

The Equality Bill was introduced in the House of Commons on 24 April 2009 with the majority of the Bill expected to come into force in Autumn 2010. This will place a new Equality Duty on public bodies. It will continue to cover race, gender and disability but will be extended to cover age, sexual orientation, religion and belief, pregnancy / maternity and gender reassignment. As and when new legislation is agreed, we will update this policy to include any additional identified groups or issues and work to ensure that we eliminate discrimination and promote equality of opportunity.

For the purposes of this statement, therefore, minority issues are initially defined as relating to disability, race, and gender. This definition will be widened to include other minority issues as and when relevant legislation is enacted.

2.1 Legislation (Race issues)

In 2001, the Race Relations Act (2000) was amended and gave public authorities a new statutory duty to promote race equality. The aim was to help public authorities to provide fair and accessible services, and to improve equal opportunities in employment. In outline, the Race Relations Amendment Act places a general duty on the Borough Council to:

- eliminate unlawful racial discrimination
- promote equality of opportunity and
- promote good relations between people of different racial groups.
- identify the functions and policies that are relevant to race equality and say how we are going to assess and consult on the impact of our policies
- indicate our arrangements for monitoring our policies for any adverse

- impact on the promotion of race equality
- specify how the results of assessments, consultation and monitoring to identify any adverse impact on race equality will be published
- give details of our arrangements for ensuring that the public has access to information and services
- describe arrangements for training staff in their duty to promote race equality

In addition we are required to have in place arrangements for meeting employment duties under the Act, including:

- collecting and monitoring information on staff, job applicants, training and grievance and disciplinary procedures
- analysing data to remove patterns of inequality
- taking action to remove barriers and promote equality of opportunity
- publishing the results of monitoring each year.

2.2 Legislation (Disability Issues)

The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 places a General Duty on the Borough Council to:

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

2.3 Legislation (Gender Issues)

The Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006 places a "general duty" on the Borough Council to:

- Eliminate unlawful discrimination and harassment
- Promote equality of opportunity between men and women

As part of the duty, the Council is required to have due regard to the need to eliminate unlawful discrimination and harassment in employment and vocational training for people who intend to undergo, are undergoing or have undergone gender reassignment. For the purposes of this Scheme, the expression "transsexual people" is used to refer to those who are covered by these provisions.

To support progress in delivering gender equality duties, the Borough Council must:

- set out its gender equality objectives within a three year scheme
- consider the need to include objectives to address the causes of any gender pay gap
- gather and use information on how the Council's policies and practices affect gender equality in the workforce and in the delivery of services
- consult stakeholders (i.e. employees, service users, trade unions) and take account of relevant information in order to determine its gender equality objectives
- assess the impact of its current and proposed policies and practices on gender equality
- implement actions set out in the scheme within three years
- report on the scheme every year and review the scheme at least every three years
- ensure that the Council has due regard to the need to eliminate unlawful discrimination and harassment in its employment practices and actively promotes gender equality within its workforce. This includes discrimination and harassment of transsexual people on grounds of their gender reassignment.

In addition, the Borough Council as an employer is also bound by a number of Regulations on: sexual orientation (2003), religion and belief (2003), sex discrimination (2005), and age (2006).

3. Equality Statement 2009-2012 - Policy Statement

The Equality Statement seeks to fulfil the above legislative requirements regarding race, disability and gender.

3.1 Service Delivery

All the Council's residents and customers are entitled to receive the same quality and level of service. The Council will promote diversity by:

- Consulting local people, groups and representatives to ensure the Council understands their needs; including groups that might be regarded as harder to engage through traditional forms of consultation
- Encouraging everyone to make use of the services to which they are entitled
- Providing accessible information about the services available
- Ensuring staff are trained in diversity issues and to provide an appropriate and informed response to all service users
- Delivering services in ways that are appropriate to local needs
- Providing suitable interpreting services where necessary, and ensuring that Council buildings are accessible
- Ensuring any complaints of discrimination are dealt with speedily and fairly

- Requiring those who provide services on behalf of the Council to have policies in place that result in services that are sensitive to the needs of all sections of the community
- Encouraging organisations in receipt of Council grants to have policies in place that are sensitive to the needs of all sections of the community
- Ensuring that eligibility criteria for concessions, rebates etc are used only where they are necessary and relevant.

Any incident considered to be discriminatory will be investigated via the Complaints Procedure (for members of the public) and the Grievance Procedure or Anti Harassment Policy (for staff).

If there is evidence of deliberate discrimination by a Council employee, that employee will be subject to action under the Disciplinary Policy. Unintended discrimination will be regarded as an important counselling or training issue.

3.2 Employment

The Council recognises that it is unlawful to discriminate against people on the grounds of sex, sexual orientation, gender reassignment, race, religion or belief, or disability. As an employer, the Council recognises that staff are its major asset and will strive to ensure that every job applicant or employee is treated fairly in all employment matters.

The Council will select, appoint and promote individuals solely on the basis of merit. It will treat all its employees with dignity and respect and it will provide a working environment free from unlawful discrimination, harassment or victimisation. Any complaints of discrimination will be investigated and dealt with under the Anti Harassment Policy or Grievance Procedure.

This policy applies to all employment matters and its effectiveness will be monitored by gathering information on existing staff, and on regular monitoring of recruitment, training and promotion records.

3.3 Responsibility

All Members of the Council support this statement and will work towards the promotion of diversity and the elimination of discrimination in all the Council's activities. The Cabinet Member for Community Development is the nominated "Champion" for equality issues. The Chief Executive will have overall responsibility for implementing this policy. The Council's Chief Officers will ensure compliance with this policy within the services they manage. Implementation of this policy will be monitored through the Council's Performance Management Framework.

A Diversity Steering Group has been established to review the practices of all services provided by the Council. The Group is comprised of senior representatives from each of the Borough Council's services and front line staff working in services which have been assessed as having high priority in terms

of diversity issues. The Diversity Steering Group researches good practice, monitors, and advises on the implementation of equality obligations.

The Steering Group is kept abreast of current best practice through continual research and through participation, as a member, of the “Kent Equalities Network” - a Kent-wide public sector professional group. As an active member of the Kent Equalities Network the Council benefits from sharing best practice and may receive advice from the “Network” as a “Critical Friend” when requested.

The impact of diversity issues upon existing policies will be considered and this consideration will be extended to any new policies that are developed in future. Service usage will be monitored in those functions considered relevant to the commitment to improving diversity practice.

The involvement of all employees is essential for the success of this policy. All employees have a responsibility not to discriminate against any groups or individuals and to ensure service users and fellow employees are treated with dignity and respect. All existing employees will be trained in diversity issues and new recruits will be advised of this Policy when they undergo their induction training. Behaviour or actions which do not comply with this policy will be considered a disciplinary matter.

4. External Partnerships

We have a complex web of partnerships within which we play an active role. These cover areas such as crime, economic regeneration and health. In all of our partnership working with other public, private or voluntary organisations we take account of our general duty to promote equality.

We have signed up to the Kent Partners Compact which provides a single set of unified and agreed principals for voluntary, community and statutory partners for the commissioning of services, consultation and funding.

5. Procurement

We are required to ensure that public money is not spent on practices that lead to unlawful discrimination, but it is used instead to support and encourage equality of opportunity and good relations. Providers and potential providers of goods and services need to be aware of this legal duty, since it has implications for them.

The Council enters into many contracts with service providers ranging from national companies to small local voluntary organisations. Our aim is to assess the potential contractor’s attitude and approach to equal opportunities.

We will review the questions we ask potential contractors to assess their attitude and approach to equalities and undertake an analysis of our findings against current questions asked. The review will take account of advice and guidance

produced by the Commission for Racial Equality / Equalities and Human Rights Commission on race equality and procurement in local government.

6. Access to information about the Council and its services

We recognise that some people may have difficulty in accessing information which we provide. The Council uses Language Line, mini-com and hearing loops to make our services as inclusive as possible. Access issues may include those people with English as an additional language. Whilst we acknowledge, in line with the Government's paper "Guidance for Local Authorities on Translation of Publications" that translation of publications is not always appropriate we are mindful that anyone requiring assistance should have a clear point of contact to offer assistance in the first instance. In such cases individuals or organisations should either telephone 01732 876157 or email: corporate.communications@tmbc.gov.uk

7. Arrangements for training staff

All staff should behave in a non-discriminatory way. This may involve training on race issues, cultural awareness and disability issues for staff who have contact with our residents and customers in general. Further professional and technical training is provided for staff who need to acquire specific skills or knowledge to enable them to perform their role in respect of this policy.

8. Monitoring and Review

The Council is committed to equality action planning. The Diversity Steering Group is tasked with producing and monitoring the Equality Statement. Management Team monitors progress towards the achievement of this scheme at yearly intervals. The scheme will be reviewed annually and will be updated in the light of any issues emerging from monitoring, consultation and future legislation on diversity issues.

9. Consultation

The Council is committed to consulting representative groups on relevant diversity issues. The Council recognises that there will be a different means of consultation for different groups. Consultations may involve face to face meetings, advisory groups, surveys, consultative panels, internet discussions and other methodologies identified as best practice. For the purposes of internal consultation the Council has established an internal consultee group, which is broadly representative of the Council's workforce.

10. Arrangements for assessing compliance with equality duties

It is important to establish and maintain data collection systems as a basis for subsequent monitoring of service provision to ensure services are provided equally and fairly and no particular group is discriminated against. Individual

services will be responsible for maintaining the systems; the Diversity Steering Group will be responsible for monitoring the outcomes.

The Diversity Steering Group will report to the Management Team, Policy and Overview Committee, Cabinet and full Council at least once a year. Further to this report the Borough Council will prepare an annual review of progress and will publish this review on the website and in hard copy.

Within the Equality Statement there is an Action Plan which sets out how we intend to address equalities duties over the next three years. This will be kept under review.

11. Assessing and consulting on proposed policies

The following criteria are applied by the Diversity Steering Group when assessing for any likely equality impacts within our policies:

- Is there evidence of higher or lower uptake or participation by different groups?
- Is there any evidence that different groups have different needs, experiences, issues or priorities in relation to a particular policy?
- Is there an opportunity to promote equality or good relations by altering the policy?
- Have consultations with relevant groups, organisations or individuals indicated that particular policies, functions or duties create problems that are specific to them?

To help us establish the impact of a policy we will take the following into account as appropriate:

- existing research and statistics
- specially commissioned research
- consultation with individuals and special interest groups
- consultation with front-line staff that are part of the function which will be affected by the policy
- survey data.

11.1 Assessment of the impact of policies and functions on the promotion of equality

The Diversity Steering Group has undertaken an “impact assessment” of all council policies and functions. The Borough Council has reached a view that the following policies and functions do have implications for equality:

Policies

- The Corporate Performance Plan
- The Sustainable Community Strategy
- The Community Safety Strategy

- The Environmental Health & Housing Service Enforcement Policy
- The Housing Strategy / Housing Investment Programme
- The Leisure and Arts Strategy
- Prosecution Policy
- Anti-Fraud and Corruption Policy
- Customer Services Strategy
- Housing and Council Tax Administration Strategy
- The Local Development Framework
- All Personnel policies of the Council
- Communications Strategy
- Capital Plan
- Procurement Policy

Functions

- all housing and homelessness functions
- the processing of applications for Housing and Council Tax Benefit
- benefit fraud prevention
- the provision of grant aid
- the processing of applications for discretionary housing payments
- the processing of applications under the Planning Acts
- all forms of customer services and communication with the public
- all regulation, licensing and enforcement functions
- public health partnerships
- all leisure facilities/provision
- the Summer Playscheme and Activate programme
- representation on sports development groups and partnerships
- representation on community development groups and partnerships
- all interactions with business
- property and facilities management
- the personnel function
- the provision of grant aid

Monitoring the uptake of our services by different groups helps us in evaluating our progress towards meeting equality duties. The timetable for future monitoring is set out in the Action Plan.

12 Ethnicity within the borough

The 2001 Census identified that within the borough there are relatively few people from ethnic minority groups. Over 98% of all residents are described as White British, White Irish or White Other. Of a total resident population (107,561) 103,400 are within the ethnic group White – British. Of all other ethnic groups the largest identified ethnic group is White - Other (1,876).

The 2001 Census did not identify a separate ethnicity heading for Gypsy and Traveller residents, it is anticipated that the 2011 Census will make such provision.

| Ethnic Group | Percentage | Population |
|---------------------------------|------------|------------|
| White – British | 95.89 | 103,142 |
| White – Irish | 0.65 | 696 |
| White – Other | 1.74 | 1876 |
| Mixed – White & Black Caribbean | 0.18 | 194 |
| Mixed – White & Black African | 0.06 | 63 |
| Mixed – White & Asian | 0.31 | 333 |
| Mixed – Other | 0.15 | 166 |
| Asian – Indian | 0.27 | 287 |
| Asian – Pakistani | 0.05 | 53 |
| Asian – Bangladeshi | 0.08 | 87 |
| Asian – Other | 0.10 | 112 |
| Black – Caribbean | 0.07 | 77 |
| Black – African | 0.04 | 47 |
| Black – Other | 0.02 | 23 |
| Chinese | 0.20 | 220 |
| Other Ethnic Group | 0.17 | 185 |

Our latest available estimated household data for the Gypsy and Traveller ethnic group is from a jointly commissioned local authority report *“Gypsy and Traveller Accommodation Assessment -2005”*

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| Gypsy and Traveller households - on authorised sites | 23 |
| Gypsy and Traveller households - on un-authorised sites | 21 |

In addition to this above data we are mindful that since the accession of new Member states in Europe in 2004 and 2007 this data may not fully reflect current ethnic makeup within the borough. It may be that there are a variety of migrant workers living and working within the borough, perhaps some itinerant agricultural workers, others on a more settled basis. Whilst, obtaining data on these community members is difficult we will continue to liaise with the County Council Asylum & Migration Corporate Policy Unit in order to better understand the size and needs of this community.

The Council is a participating member of the West Kent Racial Incident Reporting Line. Any complaints or reports of a racist incident are investigated.

Ethnicity within the Borough Council workforce is regularly reviewed. We aim to maintain a diverse workforce that reflects the composition of the borough as a whole.

13. Disability Issues

The Council has adopted the “Social Model” of disability. This defines disability in terms of the reactions of society and the barriers that prevent disabled people

from participating rather than in terms of individual personal impairment. Our approach to this is summarised in the table below (which has been inspired by the Declaration of the European Congress of Disabled People, Madrid 2002).

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| Recognising people as rights holders | and away from disabled people as objects of charity |
| Recognising people with disabilities as independent citizens and consumers | and away from disabled people as recipients of care |
| Disabled people being independent decision makers, taking responsibility for the issues which are of concern to them | and away from professionals taking decisions on behalf of disabled people |
| Removing barriers, revising social norms, policies, cultures and promoting accessible environments | and away from focus on individual impairments |
| Emphasis on ability and the provision of active support measures | and away from labelling people as dependents or unemployable |
| Designing a flexible world for many | and away from designing economic and social processes for the few |
| Inclusion of disabled people into the mainstream | and away from unnecessary segregation in employment, education and other spheres of life |
| Inclusion of disability policy in the planning of services and service-delivery | and away from disability policy as an issue that only relates to specialist services or are bolted on as an afterthought |

The Council is committed, as far as is possible and practical, to actively working towards the removal of barriers that may prevent disabled people from contributing equally to society and accessing Council services or achieving their potential and contributing to the role and functions of the Council.

The Council aims to give applicants with a disability the fullest range of possible career opportunities, the opportunities to demonstrate their suitability for the job and to make the workplace suitable for them if they are selected. Where necessary job content and the working environment will be adjusted to enable people with disabilities to work with the maximum convenience and efficiency. The Council will ensure that where an existing employee becomes disabled the appropriate reasonable adjustments are made such that they may be retained within the workforce wherever practical.

The Council embraces the principles of inclusive design when undertaking reviews of the existing physical environment and for all future developments. Whenever it invests capital in new or refurbished premises, every reasonable effort will be made to provide for the needs of staff and members of the public with disabilities.

The Council aims to promote disabled access to buildings by ensuring compliance with the terms of the Disability Discrimination Act 1995 within its application of Building Regulations.

14 Gender Issues

The Council is required to comply with the Equal Pay Act 1970. This means that the Council needs to ensure that men and women are paid equally for work that is the same or broadly similar, or where the work done is different but considered to be of equal value or worth in terms of demands such as effort, skill and decision making.

In 2005 the Council engaged an independent consultant from the South East Employers Organisation to undertake an equal pay audit. This review scrutinised the Council's pay structure to ensure that there was no gender bias.

The Council acknowledges that it is generally unlawful to provide single-sex recreational facilities. However, the exception in section 35(1)(c) of the Equal Opportunities Act does allow such facilities to be provided where one sex would be "seriously embarrassed" at the presence of the opposite sex, or would be in a "state of undress". A recent Council survey has confirmed that a significant number of participants at the Council's Ladies Only Swim sessions at Tonbridge Pool would be unwilling to continue to swim in the presence of the opposite sex. The Council has therefore decided to continue to provide these sessions in line with its corporate priority of promoting healthy living for all.

The gender equality duty is bound by existing UK law which protects transsexual people from discrimination in work and vocational training, but not in regards to goods, facilities and services.

The law defines transsexual people as those undergoing, intending to undergo, or having already undergone gender reassignment. It does not apply to those individuals who may identify themselves as transgender, androgynous or who cross dress.

**Equality Statement Action Plan
2009 – 2012**

| Action | Lead | Completion Date |
|---|---|-----------------|
| 1. Attend meetings of and liaise with representative organisations and groups dealing with equalities issues. | Diversity Steering Group | Ongoing |
| 2. Ensure the Borough Council's key strategy documents and plans comply with equalities legislation and ensure Member reports address equalities issues where this is relevant to the issue being considered. | Diversity Steering Group | Ongoing |
| 3. Investigate all complaints / reports of discrimination concerning the authority or an employee of the authority. | Chief Executive / Directors | Ongoing |
| 4. Review corporate publications and service publications / website to include culturally diverse images / information where appropriate. | Media & Communications | Ongoing |
| 5. Ensure the criteria for the provision of grant support and funding comply with Borough Council's Diversity Statement. | Chief Executive | 2010 |
| 6. Review the Council's guide on "Consulting with Hard to Reach Groups" in the light of any best practice recommendations which come forward. | Chief Executive | 2010 |
| 7. Monitor and promote the use of the "Racial Incident" reporting line. | Diversity Steering Group/Community Safety Partnership | Ongoing |
| 8. Monitor data on equalities (including gender) relating to staff and employment practices and report to Management Team and Members as required. | Diversity Steering Group/Management Team/ Members | Annual Report |
| 9. Utilise the Staff Survey to probe staff perceptions of the treatment of minority residents and customers. | Central Services Director/Management Team | |
| 10. Address any issues of inequality arising from staff surveys. | Diversity Steering Group | Annually |
| 11. Review the use and marketing of Language Line. | Diversity Steering Group | 2010 |
| 12. Ensure the Borough Council's procurement practices take proper account of equalities issues and are | Diversity Steering Group /Procurement Officer Study Group | 2010 |

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| up dated to reflect any changes in such requirements. | | |
| 13. Undertake and review the outcomes of equalities monitoring of applications for House Renovation Grants, Disabled Facilities Grants and housing advice. | Director of Health and Housing | Annual report to Diversity OSG |
| 14. Consider any specific health issues for minority groups arising from joint working with health partners. | Health Action Team | Ongoing |
| 15. Undertake and review the outcomes of the monitoring of the success rates of minority applicants for planning permission. | Director of Planning, Transportation and Leisure/ Diversity Steering Group | Annual report |
| 16. Undertake and review the outcomes of the monitoring of the level of minority applicants for the Leisure Pass scheme. | Director of Planning, Transportation and Leisure/ Diversity Steering Group | Annually |
| 17. Review the level of minority participation in the Summer Playscheme and Activate. | Director of Planning, Transportation and Leisure/ Diversity Steering Group | Annually |
| 18. Review the satisfaction levels, as expressed in customer surveys, of minority participants at council run, Indoor and Outdoor, sports and leisure facilities and implement appropriate improvements identified. | Director of Planning, Transportation and Leisure/ Diversity Steering Group | Annually |
| 19. Undertake and review the outcomes of the monitoring of the success rates of minority applicants for housing and Council Tax Benefit. | Director of Finance | Annually |
| 20. Scrutinise equality best practice in other authorities (including those with Beacon Status) and adopt any appropriate practices. | Diversity Steering Group | Ongoing |
| 21. Review and update the Borough Council's personnel policies to ensure they comply with equalities legislation, in particular the Equalities Bill 2009. | Central Services Director | 2010 |
| 22. Work with the Kent Police and other partners in the Community Safety Partnership to identify the level of "hate crime" towards minorities and the means by which to reduce this. | Diversity Steering Group /Community Safety Partnership | Ongoing |
| 23. When there are changes to service provision, undertake | Diversity Steering Group | Ongoing |

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| Equalities Impact Assessments to ensure equalities issues are taken properly into account in their design and implementation. | | |
| 24. Review the outcomes of the monitoring of applications for House Renovation Grants and Disabled Facilities Grants. | Director of Health and Housing | Annually |
| 25. Ensure that customer user panels for the Council's leisure facilities represent the interests of relevant minority users. | Director of Planning, Transportation and Leisure/ Diversity Steering Group | Ongoing |
| 26. Liaise with KCC to promote the maintenance of pavements and walkways to ensure that they are in a good state of repair and free from hazards for those with mobility problems. | Director of Planning, Transportation and Leisure/ Diversity Steering Group | Ongoing |
| 27. Review and resolve any accessibility issues in connection with Polling Stations. | Chief Executive | Ongoing |
| 28. Analyse patterns for part time staff and those with caring responsibilities and consider strategies for addressing any imbalances. | Central Services Director | 2009 |
| 29. Analyse the return rates of women on maternity leave and identify whether they are returning to jobs at the same level of pay and responsibility. | Chief Executive | Annual report to Management Team and Members |
| 30. Scrutinise all service provision to ensure compliance with any legislative changes introduced to protect transsexual people against discrimination in the provision of goods, facilities and services. | Diversity Steering Group | Ongoing |
| 31. Achieve an appropriate standard under the new Equality Framework. | Diversity Steering Group | Dec 2010 |
| 32. Provide Mental Health Awareness Training for the Voluntary and Community Sector. | Diversity Steering Group | Dec 2009 |
| 33. Support Tonbridge & Malling Access Group and monitor and maintain the online Access Guide as necessary. | Diversity Steering Group | Ongoing |