



April 2012

# Equality and Diversity Strategy 2012

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## Introduction

In 2009 we adopted our first Single Equality Scheme, which expires in 2012. The scheme was introduced prior to the implementation of the Equality Act 2010, which expanded the categories of people with protected characteristics that we have specific equality duties towards. In the Commission however, we voluntarily “levelled up” our duties, applying the same high standards across the diversity spectrum. The Single Equality Scheme contains seven corporate diversity outcomes and we developed an action plan in order to achieve these outcomes. The actions identified apply across the Commission, are related to the work that we do and are the responsibility of all business areas. Our performance against the action plan is good. We have achieved under each “outcome” and have fully reported on those achievements in our annual reports, which are published on our website.

Over the last few years the Commission has achieved a great deal in terms of raising awareness of equality and diversity as it impacts not just on our internal employment policies but on how we regulate the sector. There is now an enhanced understanding of the importance of recognising how taking account of equality and diversity when communicating with people can influence our interactions with people to achieve more positive outcomes. There is a confidence within our staff, which has been achieved through a big investment in training and active management. We have moved away from equality and diversity being viewed as a tick box exercise and we have a better understanding of the importance of treating everyone fairly, recognising that people do not fit into neat boxes and are in fact multifaceted.

In 2010, the Commission embarked upon a wide ranging strategic review in response to our funding settlement which reduced our budget by a third. This has resulted in quite significant staff reductions and changes to our structure and activities. In addition, the Equality Act 2010 has now been fully implemented. All of this coincides with the expiry of our Single Equality Scheme and it is the combination of these factors which require us to set out a new equality and diversity strategy, which builds on our achievements so far.

In our Single Equality Scheme we deliberately avoided setting outcomes for “diversity strands”, opting instead for inclusive outcomes that recognise that we are all individuals who may also share characteristics that are protected in law, but even if we do not, we all deserve to be treated fairly. This new strategy continues that approach and is also compliant with the Equality Act 2010.

## Equality Act Compliance

From 5 April 2011 the Commission is no longer required to produce an equality scheme as a result of the implementation of the Equality Act 2010. We do however require a framework so that we maintain the profile of equality and diversity and demonstrate how we are meeting the new equality duty. The duty consists of a general duty, which is underpinned by specific duties.

## The General Duty

In order to meet the general duty, we must, in the exercise of our functions, have due regard to the need to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

Foster good relations between people who share a protected characteristic and those who do not.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

These are the aims of the general duty and the duty will be properly discharged only when each of these requirements is properly taken into account. The Act explains that having due regard for advancing equality involves:

**Removing disadvantages suffered by people due to their protected characteristics.**

**Taking steps to meet the needs of people from protected groups where these are different to the needs of other people.**

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

## Due Regard

The following principles have emerged from case law over the last few years and remain relevant to the new duties;

- Those who are exercising the public body's functions must be aware of the duty and consciously have it in their minds
- The duty must be complied with when policy options are being developed and in making the final decision. The duty cannot be satisfied once the decision has been made.
- The duty is not just a box ticking exercise: it must be exercised in substance, with rigour and with an open mind in such a way that influences the final decision.
- The decision maker must have sufficient information available to them to be able to give proper regard to the duty and should request further information before reaching a decision if needed.
- The duty is a continuing duty and public bodies must have due regard to the aims when implementing and reviewing a policy not just when it is being developed and decided.

The Act states that meeting different needs involves taking steps to take account of disabled people's impairments when making decisions about policies or services. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

The broad purpose of the duty is to ensure that consideration of equality issues forms part of the routine, day to day decision making and operational delivery of public authorities and the purpose of the specific duties is to ensure better performance of the duty. The specific duties are therefore imposed on public authorities who are subject to the duty.

The general equality duty requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services, including internal policies, and for those issues to be kept under review.

## The Specific Duties

The specific duties require that we;

Publish information relating to people who share a protected characteristic who are affected by our policies and practices (this includes information about employees for public authorities with 150 or more staff).

Prepare and publish one or more specific and measurable equality objectives. Objectives have to be published no later than 6 April 2012 and at least every 4 years thereafter.

The regulations are not prescriptive about how we demonstrate that we are meeting our duties. However, a properly informed, rational view must be taken of the likely impact on equality. Therefore we will gather and consider information about who is going to be affected by a decision, policy or practice. We will ensure that the information is sufficient to enable us to assess the impact on people with different protected characteristics and if there is evidence of a possible negative impact, give proper consideration to the extent, nature and duration of the impact. If there is a greater negative impact on one or more of the protected groups than others then we will consider whether or not that impact can be eliminated, mitigated or justified. The detail about how we will do this is contained in our implementation plan which is currently being finalised

The regulations require that we publish information no later than 31 January 2012 and at least annually thereafter. We published our progress against the action plan in the Single Equality Scheme at the end of July 2011. We are also required to publish one or more equality objectives no later than 6 April 2012 and subsequently at intervals no greater than four years.

## Our Commitment to Equality and Diversity

The Charity Commission is committed to being a fair employer and a fair regulator. We want a workplace where everyone has equality of opportunity and we want equality of treatment for those that we regulate or otherwise come into contact with.

Our diversity vision is that “we should act inclusively, upholding equality law, treating everyone fairly, and seeking to provide and promote a culture which delivers the best outcomes for the diverse society in which and for whom we work”.

We have developed this equality and diversity strategy in line with our corporate strategic plan for 2012 – 2015. Our corporate values are contained within the plan and they underpin all that we do and govern our external and internal behaviour. Within those values is a commitment to fairness in which we state that “we must always act in an independent way with integrity and free from any bias, real or perceived. We value diversity and treat each other and our external stakeholders fairly”.

Our corporate strategic plan commits us to building an open and effective organisational culture where all staff are free from discrimination, bullying or harassment: a culture where diversity is fully embraced and promoted and where there is equality of opportunity.

We understand that diversity is central to achieving the organisational culture that we are committed to. In the Commission, this means respecting and valuing the differing skills and experiences we all bring to the workplace, as well as being aware of the additional challenges faced by some groups. We recognise the diversity of our existing workforce, whether on the basis of gender, age, culture, religion, language or personal circumstances and is committed to building on the richness of the perspectives, experience, knowledge and skills that this diversity brings to the organisation.

A diverse network of employees, more reflective of the wider community is better able to understand and meet the challenges of regulating a diverse charitable sector. Workplace diversity creates a more inclusive and supportive work environment, better team work and greater organisational effectiveness. It increases productivity, encourages greater creativity and different ways of thinking for improved decision making.

## Equality Strategy

Our new strategy continues aims to mainstream equality and diversity, building on progress made so far, ensuring that delivery of our objectives and the demonstration of expected behaviours is the responsibility of everyone.

## Principles at the Heart of the Equality Strategy

### **Fair treatment of our staff, including the creation of equal opportunities for all.**

This includes ensuring that all of our employment policies are fair and free from bias, but more importantly that they are implemented fairly. This means, amongst other things, that there is consistency and fairness in decision making and performance management and it means that we treat each other fairly and appropriately.

### **Fair treatment of those that we regulate or otherwise come into contact with.**

All of the people we deal with are entitled to fair and equal treatment. We should at all times be mindful of bias and ensure that our decisions are based on the evidence we see. This means taking the perceptions of others into account, when we are dealing with people from different groups.

## Bringing the Strategy to Life

Our strategy will become a reality only when we are all responsible and accountable. We are all individually responsible for behaving in a fair and inclusive way and we are all responsible for ensuring that our working environment is free from bias and unacceptable behaviour. This includes taking responsibility for eradicating bullying and harassment from our working environment and not standing by when we witness behaviour which we know is unacceptable. Inherent in this is a culture in which it is safe to challenge.

We are all responsible for playing our part in delivering our equality and diversity outcomes and we are all accountable for any failings.

Our commitment to improvements in our performance towards the diversity of our staff and those we regulate is part of our duty to deliver equality outcomes. In future we will set a limited number of equality objectives that address the biggest and most pressing issues facing the Commission and the impact that these might have on those that we employ, regulate and otherwise come into contact with. We will continue to publish information about our activities, including employment statistics.

## Top level Objectives

Promoting equality in employment.

Promoting equality in regulation.

Our two top level objectives link to our corporate strategic plan. They reflect our values and our commitment to treating each other and our stakeholders fairly and without bias. Beneath these objectives sit activities; the things that we will do to make our equality strategy a reality. The activities set out in our implementation plan ([insert link](#)) are derived from the knowledge we have gained from the operation of the Single Equality Scheme.

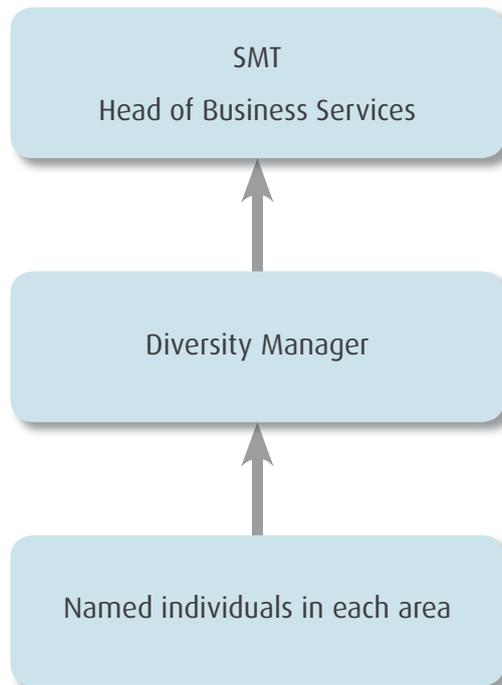
## Delivering Against the Objectives

All of the Commission's staff are responsible for our equality and diversity activity and performance as it is our behaviour that drives the cultural environment. It is also true, however that the key activities identified in our implementation plan place a greater responsibility on some areas of the business than others. The responsibility for those activities rests with those business areas. It is their responsibility to build appropriate activities into their business planning processes and to report on progress.

## Managing Equality and Diversity

Our network of "Diversity Advisers" will maintain the profile of equality and diversity in their work areas. A more detailed description of their activities is contained in the implementation plan. Our Diversity Manager will coordinate equality and diversity activity, keep abreast of legislative changes, provide expert advice on occasion and pull together information from across the business to meet our annual reporting duties.

The Commission will now move to collaborative management of equality and diversity, where all business areas, managers and staff are responsible for the delivery of equality objectives. Heads of Functions and Divisions will be responsible for leading this work, ensuring that equality and diversity is considered in our day to day work and is a standard agenda item at team meetings. The Diversity Manager will compile the annual report for publication and will continue to report on activity to the Board. Equality and diversity progress and issues will be discussed by the SMT once per quarter and more often should the need arise. The Head of Business Services will take the lead for equality and diversity at the SMT.



### The Diversity Steering Group

The DSG will continue to be chaired by a senior manager and its membership will now include the Board level Diversity Champion, Chief Executive, SMT members, a t4rades union representative, Staff Diversity Forums as well as other individuals such as the Diversity Manager and the Head of Customer Service. We will retain the quarterly meeting schedule and all meetings will focus on progress in respect of the activities to achieve the objectives, including any equality analysis undertaken. All DSG members will also canvass the wider Commission and bring any topical issues to the DSG.

