

HM PRISON SERVICE – SINGLE STAFF DIVERSITY AND EQUALITY SCHEME



Home Office



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Foreword



I am very pleased to introduce the first Single Staff Diversity and Equality Scheme, which encompasses the employment duties of our Race Equality and Disability Equality Schemes and includes the new employment duties for our Gender Equality Scheme.

Our annual staff surveys tell us consistently that staff are proud to work for the Service. We remain committed to being an employer of choice for existing staff and to making anyone who is considering joining us feel openly welcomed and supported throughout their career within the Service.

We believe that all staff should be treated with dignity, fairness and respect. We strive to be a place where people want to work, where they feel valued and where we all – individually and organisationally – benefit from the strength and depth that a diverse workforce offering equality of opportunity brings.

This new scheme is part of the way we are seeking to live up to that aim of being a fully inclusive and supportive employer. To do that, this scheme extends our commitments beyond the public sector duties of race, disability and gender, to include sexual orientation, age, and religion or belief. I am proud that, as a service, we are able to articulate such ambitions.

To help us achieve our ambitions, we need to ensure that our policies and procedures are open and free from bias. Monitoring across a wide range of diversity issues, including those that are not immediately obvious, is one way of helping us ensure that we are developing an inclusive culture. One of the crucial steps forward that the scheme identifies is improving monitoring in areas such as disability, sexual orientation, and religion or belief. We need to create a climate that makes staff feel comfortable and able to respond to monitoring surveys.

I hope this scheme shows how far the Service has developed in demonstrating its commitment to building a place where people want to work that is not only free from harassment, discrimination and bullying, but one where all staff feel encouraged and supported as individuals, regardless of their personal circumstance or background. Valuing each others' contribution and respecting our differences will enable us to do our jobs more effectively in our work with offenders.

Delivery of actions from the scheme will take place over the next three years and allow us to make further progress.

A handwritten signature in black ink, appearing to read 'Phil Wheatley', followed by a checkmark.

Phil Wheatley
Director General

Vision statement

Her Majesty's Prison Service is committed to providing the very best prison (custodial) services to fulfil our statement of purpose of protecting the public and delivering effective prisoner regimes. To succeed in that, we must set the highest standards of professionalism and integrity for all staff, built on mutual respect and an understanding of the contribution each of us makes.

We live and operate in a diverse society where talent and commitment are not restricted to any particular group of people. Our success depends on recognising and developing that talent wherever it is. We recognise that success for us is dependent on inclusion and focusing on what we contribute to the Service's work. Success for us also means that these values of professionalism, integrity, decency and respect will be consistent and integral to the experience for anyone who deals with any member of Prison Service staff.

Decency remains crucial to our work and we cannot deliver fairness and tackle discrimination for prisoners unless we also embrace decency in our relationships with each other. We commit ourselves to a policy of zero tolerance of discrimination, harassment or bullying on any grounds.

Inclusion, decency and fairness are not optional for us, they are integral to our business. Everyone has a right to be treated with dignity and to work in an environment free from abuse and offensive behaviour. Each of us has a responsibility to take action to support our commitment by challenging all forms of prejudice and acting as positive role models.

Valuing each others' contribution and respecting our differences will enable us to do our job more effectively, to make the Prison Service a place where we want to work, improving the service for offenders.

1. Governance and responsibility

The overall responsibility for delivery of this scheme lies with the Prison Service Management Board (PSMB) in line with legal requirements.

The governance of the scheme throughout its three-year duration will be provided through a PSMB group endorsed by the Board. This group will undertake the dual role of review body and assessment panel for the scheme. The reporting structure for the scheme will entail formal minutes of the group being forwarded to the PSMB on a quarterly basis; and a further six-monthly progress report on implementing the scheme and its annual review report will be copied to the PSMB, the Home Office and all key internal and external stakeholders.

Administration and co-ordination of the scheme will rest with the Staff Diversity and Equality Team within the Personnel Management Group. This will be done through the development of a reporting framework and action plan, which will prioritise actions and include a scheme Risk Register.

This scheme is a live three-year document, which will be further developed, reviewed and promoted through a series of planned consultation and communication events as part of the scheme's communication plan.

2. Context of HM Prison Service Single Staff Diversity and Equality Scheme

The Prison Service is Her Majesty's Prison Service for England and Wales, and is an executive agency of the Home Office. It excludes those functions that have been transferred to the National Offender Management Service (NOMS).

The Service's scheme is an associate scheme within the overarching Home Office single equality scheme. The role of the Service is reflected in the Home Office's function of managing offenders, to protect the public and reduce re-offending.

This scheme has been developed to reflect the core aims of the Service and to further ensure that its strategic objectives on achieving equality of opportunity and decency are met. The foundations of this scheme are integral to the following.

HM Prison Service's statement of purpose

Her Majesty's Prison Service serves the public by keeping in custody those committed by the courts. Our duty is to look after them with humanity and help them lead law-abiding and useful lives in custody and after release.

HM Prison Service's five-year strategy

The Prison Service Management Board (PSMB) published the Prison Service's five-year business strategy, *Securing the Future* in 2004. The strategy sets out the priorities for the Service for this period and defines a clear vision of the Service's commitment to achieving decency, equality and value for money.

The strategy's statement of purpose links the Service's business objectives and priorities, which are to treat prisoners humanely and decently and to be a provider of excellence and choice, with the need to ensure that staff have the right leadership, organisation and support to carry out their work effectively.

Our People Strategy

Our People Strategy (PS) recognises that people make the difference between success and failure; people make it happen. They are the key principles that the Service has adopted to inform the way we work. Our PS will come alive in every prison and at headquarters through local people plans and will help us to achieve our goal to provide excellent prison services and be the provider of choice.

There are seven pillars to our PS, representing the key principles that we adopt to inform the way we work together and deliver our success. Diversity and equality at the core of each pillar:

- **Enjoy** – a place where people want to work.
- **Involve** – a place where people are involved in how the Service is developed and run.
- **Communicate** – a place where the wheels of communication keep turning.
- **Recognise** – a place where people get credit where it's due.
- **Empower** – a place where decisions are taken at the right level.
- **Enable** – a place where people have the tools to do the job.
- **Support** – a place where people have strong, focused, central support.

A number of projects are helping us to deliver our PS, including Pay and Performance Recognition (PPR), Professionalising the Prison Service (PPS), the HR Operating Model (HROM), Competencies and Performance Assessment (CPA), HR Standards Review and Diversity Delivering Benefits (DDB).

This scheme is a key deliverable within the DDB project.

3. Why a single scheme and what benefits will it bring to the Service?

Single scheme benefits

The Service has made good progress in addressing race equality, with particular emphasis on prisoner-focused work. Through the development of this scheme, the Service is setting out how it intends to further meet its corporate vision of developing a culture of decency and equality of opportunity in all that it does. This scheme will broaden and further define equality priorities for the Service within the areas of race, disability, gender, sexual orientation, age, and religion or belief, with specific focus on staff.

The scheme approach will not only ensure compliance with a host of equalities legislation now placed on the Service, but will also ensure that, with respect to meeting its employment duties, this work will now be better co-ordinated and managed through one document rather than through a series of new schemes. This approach is being endorsed by the Home Office and also reflects the development of a single Commission on Equality and Human Rights (CEHR). The CEHR has replaced the Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission.

Furthering 'decency at work'

The last 30 years have seen a dramatic change in the diverse composition of the Service's workforce, which now, more than ever, needs to be skilled enough to understand and communicate with an increasingly diverse prisoner population which we manage. With a multi-disciplinary workforce of 49,455 staff (as of 28 February 2007) and a prisoner population that topped in excess of 80,000 in December 2006, in 128 prisons across England and Wales, the Service is one of the largest employers within the criminal justice system. We therefore recognise that, in

order to remain an employer of choice, we must also continue to value the diverse make-up of our employees.

Decency at work is not about having a workforce that only responds to equality and fairness when it is asked to or reminded, nor about preferential treatment and placing people within stereotypical groups. It is about how all staff are treated and whether they feel valued for the qualities they bring to the workplace. Diversity in employment promotes the benefits that cultural differences can bring to the workplace, which in turn help to shape and deliver a common goal or work objective. Every staff member has the right to access the same benefits, support and development opportunities to that of his or her colleague, based on talent and individual merit.

When promoting staff decency and diversity as part of this scheme, we will also require individual ownership and buy-in from all staff. This will be achieved through creating transparency in decision-making, communicating how discrimination can impact in the workplace and providing clear evidence to all on why, at times, positive action is necessary to redress an imbalance.

4. The aims, objectives and outcomes of HM Prison Service Single Staff Diversity and Equality Scheme

Aims

Staff diversity is about professionalism in the workplace and not additional to the business requirements of HM Prison Service. Through this Single Staff Diversity and Equality Scheme the Service will look to integrate diversity and embed its actions as a business priority across the Service, so that staff will become more confident, competent and supported about promoting a positive culture of respect and decency within all aspects of carrying out their duties.

Objectives

- Reflect and demonstrate our recognition that people make it happen, as identified in the seven pillars of our PS.
- Seek to embed and measure key behaviours across the organisation to improve the way colleagues value and respect each other. In turn, this should support our actions to improve decency for prisoners.
- Actively demonstrate to all internal and external stakeholders, through actions, why the Service should be viewed as an employer of choice.
- Ensure that best practice on equality in employment becomes day-to-day business practice, and provide management information on staff diversity to inform policy and decision-making.

- Implement a delivery framework, which identifies, implements and embeds good practice in diversity management in the HR Operating Model, so that the requirement to meet the needs of diverse staff becomes a business priority.
- Create a work environment that provides opportunities for staff to learn, develop and nurture talent so that diversity is seen as our organisational strength.

Outcomes

The Service will look to achieve the following cultural change by the end of this three-year scheme, reflecting the seven pillars of our PS and delivered through a further Staff Diversity and Equality Scheme Action Plan:

- ✓ **Diversity and equality to be embedded within business**

Equality of opportunity and achieving diversity will be considered as integral parts of the business framework. There will be a defined business need for achieving and managing diversity, which will be incorporated to improve overall business performance across the Service.

- ✓ **Increased staff confidence in approaching and understanding decency at work**

Staff will feel more comfortable about expressing their views and opinions on areas of diversity in a way that is both sensitive and constructive. There will be a shared sense of ownership of 'decency at work', and staff will be able to see the benefits of having a diverse workforce and the added expertise it brings when working with diverse prisoners.

- ✓ **Managers will view managing difference as an integral part of their role**

To manage a colleague who requires specific support will be seen as an opportunity to learn and to shape the culture of the team as a whole. It will also be recognised and formally acknowledged as management development.

✓ **Unacceptable behaviour will be challenged and its impact addressed**

A sense of ownership and duty will be instilled among all staff that will view discrimination in all of its forms as unprofessional behaviour that impacts on their shared values and team work ethic. The workplace will be an environment where all colleagues will have the right to fair treatment even if one person takes a stand to uphold the rights on behalf of another.

✓ **The Prison Service will be viewed as an employer of choice**

Management and staff will understand the business benefits to ensuring decency at work and valuing diversity. This will be helped by greater transparency in decision-making on why key areas of diversity are prioritised, which in turn will enable all staff to better focus their attention on how their individual development and support needs can be met. Thus, through inclusion, it will create a sense of pride among employees who will view the Service as an employer they want to work for and that they can recommend to others.

5. Meeting the legal duties placed on the Service

In developing this scheme the Service will look to ensure compliance on all areas of equality as a requirement of the following key legislation. *(Please see Annex for a detailed overview of legislation.)*

Race Relations (Amendment) Act 2000

The **Race Relations (Amendment) Act (RRAA) 2000** came into force in April 2001, placing a statutory duty on public authorities to have due regard to the need to eliminate unlawful racial discrimination and to promote good relations between persons of different racial groups.

There is a specific duty to publish a **Race Equality Scheme**, which the Service published as an associate scheme to the Home Office Race Equality Scheme in May 2005. This scheme is developed to complement the Service's Race Equality Scheme by elaborating further on how it intends to meet the employment duties placed on HM Prison Service under the RRAA.

Disability Discrimination Act 2005

The **Disability Discrimination Act (DDA) 2005** amends the DDA 1995 to place a statutory duty on all public authorities, when carrying out their functions. There is a specific duty to publish a **Disability Equality Scheme**, which the Service published as an associate scheme to the Home Office Disability Equality Scheme in December 2006.

This scheme further ratifies the Service's Disability Equality Scheme and incorporates its work within this one single scheme. It sets out to elaborate further on how the Service intends to meet the employment duties placed on it under the DDA 2005.

We will give due weight to the need to promote disability equality in proportion to its relevance to particular decisions or employment functions.

Equality Act 2006: gender equality duty

The Equality Act 2006 amends the **Sex Discrimination Act (SDA) 1975** to place a statutory duty on all public authorities, when carrying out their functions. There is a specific duty to publish a **Gender Equality Scheme** by April 2007.

This scheme addresses the need for the Service to publish its work on gender equality in employment within this one scheme, and as such this is an associate scheme to the Home Office Single Equality Scheme.

This general duty comes into effect on 6 July 2007. The weight that the Service gives to gender equality will be proportionate to its relevance to a particular employment function – as is the case for the statutory duties in relation to race and disability.

This is a form of legally enforceable ‘gender mainstreaming’ – that is, systematically identifying and addressing gender equality issues throughout policy development, service design and delivery, monitoring and employment.

Gender reassignment discrimination and harassment in access to goods and services will also be unlawful under the European Goods and Services Directive by 21 December 2007. The gender equality duty requires public authorities to take action to prevent unlawful discrimination on grounds of sex. The SDA 1975 was amended to include protection from discrimination on grounds of gender reassignment in the context of employment and vocational training. This is independent of any consideration of equality between transsexual and non-transsexual people.

Women and men, including transsexual and transgender people, will experience different forms of disadvantage depending on their age, ethnicity, colour, religion and belief, sexual orientation, marital or civil partnership status, and whether or not they have a disability. We will therefore research whether particular groups of women or men are experiencing particular disadvantages and take actions to address this.

The Service has included these groups in its commitment to promoting gender equality in employment within this scheme.

Equality Act 2006: religion or belief

The Equality Act 2006 also extends the prohibition on discrimination on grounds of religion or belief to cover the provision of goods, facilities and services, education, the use and disposal of premises, and the exercise of public functions as well as the existing prohibition in relation to employment and vocational training.

There are no statutory general or specific equality duties in relation to this diversity strand, but this scheme includes the commitment, when carrying out our employment functions, to the need to promote religion or belief equality in proportion to its relevance to particular decisions or employment functions.

Equality Act 2006: sexual orientation

The Equality Act 2006 also extends the prohibition on discrimination on grounds of sexual orientation to cover the provision of goods, facilities and services, education, the use and disposal of premises, and the exercise of public functions as well as the existing prohibition in relation to employment and vocational training.

Employment Equality (Sexual Orientation) Regulations 2003

These Regulations apply to employment – including recruitment, terms and conditions, promotions, transfers, dismissals and vocational training.

They make it unlawful on grounds of sexual orientation to discriminate directly against anyone –that is, to treat them less favourably than others because of their actual or perceived sexual orientation.

Exceptions may be made in very limited circumstances if there is a genuine occupational requirement for the worker to be of a particular sexual orientation in order to do the job. The Regulations do not extend to sexual preferences and practices.

There are no statutory general or specific equality duties in relation to this diversity strand, but this scheme includes the commitment, when carrying out our employment functions, to the need to promote sexual orientation equality in proportion to its relevance to particular decisions or employment functions.

Civil Partnership Act 2004

The **Civil Partnership Act 2004** came into force in December 2005.

'Civil partnership' is a new legal relationship, which can be registered by two people of the same sex. It gives same sex couples the ability to obtain legal recognition for their relationship.

Civil partners have equal treatment to married couples in a wide range of legal matters. Persons who are civil partners get equal treatment to married people under the SDA 1975.

Employment Equality (Age) Regulations 2006

This legislation came into force on 1 October 2006. These Regulations prohibit direct and indirect discrimination, harassment and victimisation on grounds of age within employment and vocational training.

There are no statutory general or specific equality duties in relation to this diversity strand, but this scheme includes the commitment, when carrying out our employment functions, to the need to promote age equality in proportion to its relevance to particular decisions or employment functions.

6. Going beyond compliance – the key challenges on staff diversity and equality

Employment and addressing staff decency

Gender

Currently 35 per cent of the Service's staff are female (as of 28 February 2007) out of a workforce of 49,455. This 35 per cent (17, 298 staff) is broken down as follows:

- Senior operational manager grades: 25 per cent are female (72 staff) out of a total of 305.
- Senior manager grades: 35 per cent are female (203 staff) out of a total of 576.
- Unified staff: 22 per cent are female (5,744 staff) out of a total of 27,367.
- All administration grades: 77 per cent are female (6,132 staff) out of a total of 7,964.
- Senior Civil Service (SCS) grade: 19 per cent are female (6 staff) out of a total 33.
- Between 1 October 2005 and 30 September 2006, 1,422 female staff left the Service, 47.5 per cent of 2,991 overall leavers (excluding retirement). The leaving rate is 9 per cent per year for female staff as compared with the overall leaving rate of 6 per cent.

The Service is making good progress to address representation and career development for female staff through a variety of internal development programmes. However, at senior operational grade and SCS grade more work is needed to address a fairer balance. Ensuring representation at unified grades, especially within specialist operational roles, is also needed.

Further challenges facing the Service on gender equality are issues around equal pay, greater need to monitor work–life balance, and preparing management to better understand the support and equality needs of transsexual staff. There is also a new opportunity to explore joint partnership work with the Equal Opportunities Commission (EOC) on addressing sexual harassment.

Race

Key challenges also remain in continuing to meet the recommendations of the joint HM Prison Service and Commission for Racial Equality Action Plan, as well as the recommendations from the Mubarek Inquiry, both of which remain a priority for the Service.

Currently, 6 per cent of the Service's staff are from black and minority ethnic (BME) groups (as of 28 February 2007). This 6 per cent is broken down as follows:

- Senior operational manager grades: 3 per cent are BME (8 staff) out of a total of 305.
- Senior manager grades: 4 per cent are BME (24 staff) out of a total of 576.
- Unified staff: 5 per cent are BME (1,256 staff) out of a total of 26,367.
- All administration grades: 7 per cent are BME (545 staff) out of a total of 7,964.
- SCS grade: 6 per cent are BME (2 staff) out of a total of 33.
- Between 1 October 2005 and 30 September 2006, 253 BME staff left the Service, 8.45 per cent of 2,991 overall leavers (excluding retirement). The average leaving rate for BME staff is 7 per cent per year as compared with the overall leaving rate of 6 per cent.

This continues to highlight that recruitment, promotion and retention is a big area of work and will remain a key priority for the Service. This is already reflected as a Key Performance Target.

A key area of work, which may influence retention rates, is a growing understanding within the Service of the need to develop wider awareness on the impact of race equality in employment among all staff groups, coupled with the need for:

- better line-management training;

- ensuring that BME staff have access to general training; and
- bespoke positive action schemes.

Disability

Currently, 3 per cent of the Service's staff (as of 28 February 2007) have identified themselves as having a disability (1,605), an increase of 78 compared with the previous year. This 3 per cent is broken down as follows:

- Senior operational manager grades: 2 per cent are disabled (6 staff) out of a total of 305.
- Senior manager grades: 3 per cent are disabled (16 staff) out of a total of 576.
- Unified staff: 3 per cent are disabled (719 staff) out of a total of 26,367.
- All administration grades: 4 per cent are disabled (346 staff) out of a total of 7,964.
- SCS grade: 3 per cent are disabled (1 member of staff) out of a total of 33.
- Between 1 October 2005 and 30 September 2006, 106 disabled staff left the Service, 3.54 per cent of 2,991 overall leavers (excluding retirement). The average leaving rate is 7 per cent of disabled staff per year as compared with the overall leaving rate of 6 per cent.

There is a business need to better monitor disability in the workplace, not just to collate statistics on the percentage of disabled staff but to ensure that those staff who declare a disability are given every opportunity to receive the right support in the workplace. The need to develop greater staff confidence in declaring their disability is a priority for the Service, and this can only be achieved by publicising the support arrangements available and ensuring that management are consistent in their approach to, and decision-making on, disability support.

Age

Although the question of age is included within recruitment monitoring, it does not appear alongside equal opportunities monitoring. Given the current legal requirement, better employment monitoring is now needed to inform management

decisions and provide information for analysis purposes, so as to ensure that staff are not discriminated against on age grounds during recruitment, applications for training, career progression, access to benefits, and so on.

Continuation of work beyond the retirement age of 65 will also be an issue for the Service in terms of providing senior management with relevant guidance on making the right business decisions, given the requirement for using discretion on retention balanced with a legal requirement not to discriminate.

Sexual orientation

The need for equal opportunities monitoring on sexual orientation within recruitment is a business case that has been made and it will be addressed within this scheme. This decision will help determine what impact sexual orientation has on the Service, in terms of recruitment, career development, access to training, access to benefits, and harassment.

The Service's GALIPS (Gays and Lesbians in Prison Service) staff network currently has a membership of 2,167 (as of 31 January 2007), which is broken down into 657 full members, 1,412 associate members and 98 honorary members. This full membership of 657 is broken down as follows:

- 1.67 per cent are senior manager grade (11 staff).
- 5.18 per cent are manager grade (34 staff).
- Combined figures for all managers – 6.85 per cent (45 staff).
- 61.12 per cent are other unified staff (402 staff).
- 6.09 per cent are all administration grades (40 staff).
- At SCS grade, 3.13 per cent are full members (1 member of staff) out of a total 32.

The figures available also show that 100 full members did not list their occupation on their application form. This, although a personal choice, reflects on the current low confidence among some of our staff about identifying their role or position within the Service.

We will look to use employment monitoring on sexual orientation as the foundation on which to carry out further research, will strive to embed good practice in employment and will seek to address any forms of homophobia whether direct or indirect.

Religion or belief

The need for equal opportunities monitoring on religion or belief within recruitment is another business case that has been made and it will form part of the work within this scheme. Legislation paves the way for individuals to observe their religion or belief in the workplace as long as it is reasonably practicable and does not cause impact to others in an adverse way. The rights of those choosing not to observe a faith or belief are also protected. Therefore, management and staff will require better information on culture and religion to raise awareness, coupled with the Service providing clearer guidance and policies on addressing religion or belief in the workplace.

Employment monitoring on religion or belief is timely, given the issues that can find their way into the workplace shaped by global and national tensions being played out in the media. Better monitoring will determine the impact that religion or belief has in the workplace and its impact on staff relations with each other and, most importantly, their interaction with prisoners from specific faiths.

Operational responsibility and service delivery

This scheme does not cover work with prisoners, visitors and operational responsibilities. A large part of this work is covered under the responsibility of the National Offender Management Service (NOMS). NOMS was established in 2005 to provide an opportunity to deliver a more strategic approach to the end-to-end management of offenders.

NOMS commissioning arrangements will see service level agreements and contracts established with a wide range of offender management services. It is important that the legislative responsibilities are delivered during the provision of these services, whether HM Prison Service or other suppliers in the public, private, voluntary or community sectors provide them.

Further information on the Home Office's work on addressing diversity and equality within offender management is included within the overarching Home Office Single Equality Scheme.

Involving key stakeholders

In developing this scheme, the Service sought to engage trade unions, policy leads, staff support networks, external agencies and, most importantly, diverse staff. This was achieved through four task groups, each looking at a particular area of equality legislation, and recruited and co-ordinated by the Personnel Management Group at Prison Service headquarters. The task groups were made up of key stakeholders for each diversity strand, and our staff will continue to play a central role in further shaping this live scheme.

If we are to achieve equality and diversity, the Service recognises that any scheme must have ownership and buy-in from our staff, which in turn will have a beneficial effect on prisoners, visitors, partnership agencies and all those who come into contact with the Service. In further developing this scheme, we remain fully committed to continuing with this approach of involving key stakeholders at all levels of the Service. *(Further information on this can be found within the 'Communication and promotion' section of this scheme on page 27.)*

7. HM Prison Service Staff Diversity and Equality Scheme Action Plan

The work areas listed below are by no means comprehensive and are meant to provide an indication as to the overall approach being taken by the Service in addressing staff diversity and equality. Actions to address prisoner and visitor equality is part of our work with the National Offender Management Service (NOMS).

Scheme objective met: Reflect and demonstrate our recognition that people make it happen as identified in the seven pillars of our People Strategy.			
PS pillars met: Communicate and Enable – action 1.1; Empower and Enable – actions 1.2, 1.3.			
Work area	Purpose	Top three core actions (to address race, disability, gender, sexual orientation, age and religion or belief)	Responsibility
1. Management of staff diversity and equality	The Service is looking to further champion ‘staff decency’ in order to provide an environment in which the contribution and needs of all staff are recognised and valued. Key to this work is the need for the Service to set a clear direction in a way that ensures the rights of staff are communicated, understood and upheld by those with management responsibility.	<p>1.1 Re-write Prison Service Order (PSO) 8010 Equal Opportunities Policy and the Equal Opportunities and Diversity Standard through the co-ordination of a high-level steering group developing projects to cover the following:</p> <ul style="list-style-type: none"> ■ Draw up a specific and concise policy focused on all equalities legislation covered within this scheme, the key values and principles of the Service, and employee rights and management responsibility. ■ Develop supporting guidance on legislation, Service-specific case studies, community outreach and engagement, etc. <p>1.2 Commission four projects integral to the delivery of PSO 8010 Equal Opportunities and Diversity Standard, to cover scheme areas including the following:</p> <ul style="list-style-type: none"> ■ Review the Equal Opportunities and Diversity Standard – to assess management responsibility and the various delegated diversity roles for delivering, co-ordinating and providing consistency on staff diversity and equality at headquarters directorates/groups, area office and establishment levels. ■ Develop a Service-wide ‘diversity awareness’ training strategy. ■ Develop an ‘employment equality health check’ procedure (Impact Assessments). ■ Publish a communication and promotion guidance manual (see <i>further information contained within this Action Plan</i>). <p>1.3 Develop and deliver a Prison Service Management Board ‘awareness programme’ on all equality areas covered within the scheme, highlighting key challenges for the Service.</p>	<p>Head of Staff Diversity and Equality Team</p> <p>By April 2008</p> <p>Head of Staff Diversity and Equality Team</p> <p>By April 2008</p> <p>Chair of PSMB Group on Diversity and Equality</p> <p>By October 2007</p>

Scheme objective met: Create a work environment that provides opportunities for staff to learn, develop and nurture talent so that diversity is seen as our organisational strength. PS pillars met: Empower and Enable – actions 2.1, 2.2; Communicate and Enjoy – action 2.3.			
Work area	Purpose	Top three core actions (to address race, disability, gender, sexual orientation, age and religion or belief)	Responsibility
2. Training and development	The Service, through its People Strategy, has set out its objectives to develop a modern, skilled and professional workforce. Integral to this is the need to communicate the core values of this scheme and ensuring that equality and fairness are shared by staff at all levels in the Service.	<p>2.1 Develop an ‘awareness-raising’ staff diversity training programme for the Service on work areas within the scheme, which is:</p> <ul style="list-style-type: none"> ■ delivered within establishments; ■ co-ordinated and quality-assured at area level; and ■ centrally evaluated and reviewed at headquarters. <p>2.2 Through the use of the Training and Development Group’s Quality Assurance Framework and Self Assessment Review process, equality-proof and quality-assure existing and future training and curriculum areas offered in-house within the Service.</p> <p>2.3 Ensure that the HR Operating Model:</p> <ul style="list-style-type: none"> ■ addresses equal opportunities monitoring categories as covered within the scheme; ■ is broken down in terms of training applications made, successful and denied; and ■ ensures that the planned administration and delivery of training scheduled to transfer to the Shared Service Centre (SSC) in the next couple of years addresses new scheme equal opportunities monitoring areas. 	<p>Head of Training and Development Group; Head of Staff Diversity and Equality Team; and Head of Race Equalities Action Group</p> <p>Head of Training and Development Group</p> <p>Head of Personnel Management Group</p>
			<p>By April 2008</p> <p>By April 2008</p> <p>By June 2008</p>

Work area	Purpose	Top three core actions (to address race, disability, gender, sexual orientation, age and religion or belief)	Responsibility	Time frame
<p>3. Mainstreaming, review and implementation framework <i>(continued)</i></p>		<p>3.3 Inform area office business planning and the Risk Register development process so as to:</p> <ul style="list-style-type: none"> ■ plan and prioritise commitment to delivering key objectives contained within the Service's scheme; and ■ ensure that prioritised objectives are reflected within establishment Diversity Action Plans; with ■ individual establishment progress monitored, reviewed and reported on as part of the annual business planning process. 	<p>Head of Staff Diversity and Equality Team</p>	<p>By August 2008</p>

Work area	Purpose	Top three core actions (to address race, disability, gender, sexual orientation, age and religion or belief)	Responsibility	Time frame
<p>4. Communication and promotion (<i>continued</i>)</p>		<p>4.3 Produce, publish and promote a scheme 'best practice toolkit' to:</p> <ul style="list-style-type: none"> ■ provide directorates, groups and establishments with practical guidance on addressing equal opportunities in the workplace; ■ include training material on the scheme that is useful for staff induction purposes; ■ provide specific job descriptions and a model work-plan for key diversity staff; ■ incorporate best practice information on establishments leading on equal opportunities; and ■ cover relevant case scenarios, addressing information on staff diversity flow-chart, signposting to internal and external points of contact/information, relevant PSO and briefing on key equalities legislation, etc. 	<p>Head of Staff Diversity and Equality Team</p>	<p>By January 2009</p>

Scheme objective met: Ensure that best practice on equality in employment becomes day-to-day business practice, and provide management information on staff diversity to inform policy and decision-making. PS pillars met: Communicate, Enjoy and Recognise – actions 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7.								
Work area	Purpose	Core actions (to address race, disability, gender, sexual orientation, age and religion or belief)	Specific actions to address			Responsibility	Time frame	
			Gender	Race	Disability			Wider equalities
5. Policies and procedures	The Service will ensure that all of its policies and procedures are compliant with employment legislation and that this requirement and complex legal duty is communicated in a way that is understood by those who come into contact with the Service. In short, it will require all employment and wider policies to be equality-proofed	5.1 Provide feedback to the Operational Policy Group on all: <ul style="list-style-type: none"> ■ new and revised headquarters policies under-going Impact Assessments on considerations needed on all employment duties covered in the scheme; and ■ agree a programme and time frame of critical policies to be impact assessed. 	5.3 Review the implementation and take-up of 'family friendly' policies across the Service: <ul style="list-style-type: none"> ■ flexible working; ■ reduced hours; ■ long hours culture; ■ shift patterns; ■ caring responsibilities; ■ job rotation; ■ career breaks; and ■ salary sacrifice scheme. 	5.5 Ensure that race equality within employment functions and policies will continue and be further supported by wider equality areas covered within this scheme (<i>see 'Core actions'</i>).	5.6 Assess the development, co-ordination and review of staff emergency egress procedures, with a focus on disability, within directorates, groups, area offices and establishments.	5.7 Review and revise policy and guidance in light of EU Regulations and UK legislation: <ul style="list-style-type: none"> ■ staff uniform and dress code on religious items of faith (wearing of Sikh Kirpan, Muslim Hijab, Rastafarian Tam, etc); ■ staff access to religious provisions/facilities at work; 	Actions 5.3, 5.4, 5.6, 5.7 – Head of Personnel Management Group Actions 5.1, 5.2, 5.5 – Head of Staff Diversity and Equality Team	By September 2008 By April 2008

Work area	Purpose	Core actions (to address race, disability, gender, sexual orientation, age and religion or belief)	Specific actions to address				Responsibility	Time frame
			Gender	Race	Disability	Wider equalities		
5. Policies and procedures <i>(continued)</i>		<p>5.2 Review PSI 39/2005 on monitoring employment functions to cover:</p> <ul style="list-style-type: none"> ■ scheme areas and instigation of 'employment equality health checks'; ■ development of a template and guidance on carrying out 'employment equality health checks'; and ■ delivering training to all HR business partners, governors and key nominated diversity advisers. 	<p>5.4 Review and revise procurement and contracting to reflect:</p> <ul style="list-style-type: none"> ■ zero tolerance (abuse of staff); ■ contract compliance and legislative duties; ■ procurement of staff uniform (decency); and ■ facilities and resources: re-role of male to female prisons (showers/toilet facilities). 			<ul style="list-style-type: none"> ■ governors and HR business partners considering post 65 yrs+ request for continuing employment; ■ civil partnerships and pension rights; and ■ age and career progression, redundancies, medical retirement and annual leave. 		

Scheme objective met: Implement a delivery framework, which identifies, implements and embeds good practice in diversity management in the HR Operating and Delivery Model, so that the requirement to meet the needs of diverse staff becomes a business priority: PS pillars met: Communicate, Enjoy and Recognise – actions 6.1–6.11.							
Work area	Purpose	Core actions (to address race, disability, gender, sexual orientation, age and religion or belief)	Specific actions to address			Responsibility	Time frame
			Gender	Race	Disability		
6. Monitoring and data	The Service has invested in a new Shared Service Centre (SSC) which opened in May 2006. Throughout 2007, all transactable HR procedures, including employee recording, will transfer to the SSC.	6.1 Re-design the current Employment Equal Opportunities Monitoring Form so as to cover and sensitively address new scheme areas. 6.2 Expand the current Staff Ethnicity Review and publish an annual 'Staff Diversity Review' to cover all the scheme areas.	6.4 Assess attendance management and monitoring of: <ul style="list-style-type: none"> holidays; sickness; special leave; maternity leave; paternity leave; adoption leave; operating in a 'Keeping in Touch Scheme'; pro-active healthcare, e.g. IVF; and review of gender transitional related absences (sick records cleansing, ensure records are kept centrally to maintain confidentiality). 	6.7 Review of staff ethnic monitoring: <ul style="list-style-type: none"> correct recording/classification across the Service to be investigated and addressed to ensure we are using the 16 + 1 ethnic monitoring categories. 	6.8 Improve capture and monitoring of information relating to staff disabilities, including: <ul style="list-style-type: none"> reasonable adjustments made, and not made; workforce disability monitoring; disability leave; and grievances on disability within HR processes. 	6.10 Revise the staff Equal Opportunities Monitoring Form to cover: <ul style="list-style-type: none"> sexual orientation; religion and belief; previous names request to be removed to respect transsexual staff confidentiality (except security check request); married and next of kin question to reflect civil partnerships; and 	Actions 6.3, 6.5 – Head of Staff Diversity and Equality Team Actions 6.1, 6.2, 6.4, 6.7, 6.8, 6.9, 6.10, 6.11 – Head of Personnel Management Group Action 6.6 – Head of Pay and Employee Relations Group By April 2008 By September 2008 By April 2008

Work area	Purpose	Core actions (to address race, disability, gender, sexual orientation, age and religion or belief)	Specific actions to address				Responsibility	Time frame
			Gender	Race	Disability	Wider equalities		
<p>6. Monitoring and data <i>(continued)</i></p>	<p>This centralised approach to employment monitoring will greatly improve the Service's ability to record and monitor its work to support, develop and implement equality.</p>	<p>6.3 Develop benchmarking on employment equalities with public sector agencies deemed as best practice.</p>	<p>6.5 Develop a project on monitoring the impact of gender in the workplace to include:</p> <ul style="list-style-type: none"> ■ male ■ female; and ■ transsexual. <p>6.6 Progress equal pay by:</p> <ul style="list-style-type: none"> ■ providing an equal pay audit update; and ■ reviewing benefits and non-monetary awards. 	<p>6.9 Assess and plan for a health and safety at work assessment of operational staff in order to ensure staff have the ability and support available to carry out their roles and responsibilities.</p>	<p>6.11 Assess attendance management and monitoring of sexual orientation and take-up of:</p> <ul style="list-style-type: none"> ■ special leave; ■ paternity leave; ■ IVF; ■ adoption leave; and ■ pre-fresh start (five days' marriage leave). 			

Scheme objective met: Actively demonstrate to all internal and external stakeholders, through actions, why the Service should be viewed as an employer of choice.							
PS pillars met: Enjoy and Recognise – actions 7.1–7.15.							
Work area	Purpose	Core actions (to address race, disability, gender, sexual orientation, age and religion or belief)	Specific actions to address			Responsibility	Time frame
			Gender	Race	Disability		
7. Recruitment and retention	The Service needs to visibly demonstrate its commitment to promoting itself as an employer of choice, by communicating information on under-representation, available staff support, 'family friendly' policies, development opportunities and work benefits.	<p>7.1 Carry out a pilot scheme to fully review recruitment so as to ascertain whether policies and procedures are being applied fairly and consistently without impacting on diverse staff groups.</p> <p>7.2 Extend current guidance on outreach and recruitment on race, to cover 'positive action checklists' on lesbian, gay, bisexual and transsexual (LGB&T) and disabled applicants on a wider range of jobs within the Service.</p>	<p>7.8 Carry out an analysis on:</p> <ul style="list-style-type: none"> ■ work location; ■ the use of secondary skills within recruitment competencies; ■ redundancies; ■ fixed-term contracts; and ■ representation of female staff within specialist operational roles. <p>7.9 Prison Officer Entry Level (POELT):</p> <ul style="list-style-type: none"> ■ Monitor and review the take-up of part-time and job-share training contracts awarded to candidates. 	<p>7.11 Carry out a London Area Exit Interview Pilot and ensure that it is fully evaluated so as to inform decisions on the appropriate corporate approach to take in order to address retention of BME staff.</p> <p>7.12 Positive action schemes to:</p> <ul style="list-style-type: none"> ■ ensure schemes are supported by the PSMB; 	<p>7.15 Explore the promotion of and signing up to the Jobcentre Plus 'Workstep Programme' designed to place disabled people into employment, as signed up to by the Civil Service.</p>	<p>Actions 7.1, 7.3, 7.8, 7.13, 7.15 – Head of Staff Diversity and Equality Team</p> <p>Actions 7.2, 7.4, 7.5, 7.6, 7.7, 7.9, 7.10, 7.11, 7.12, 7.14 – Head of Personnel Management Group</p>	<p>By April 2009</p> <p>By April 2009</p>

Work area	Purpose	Core actions (to address race, disability, gender, sexual orientation, age and religion or belief))	Specific actions to address				Responsibility	Time frame
			Gender	Race	Disability	Wider equalities		
7. Recruitment and retention (continued)		<p>7.3 Improve exit monitoring to capture any issues related to disability, race, LGB&T, age, gender, and religion or belief.</p> <p>7.4 Review and make available corporate recruitment publicity and a statement to ensure that the Service is seen as an employer of choice for current under-represented groups within our workforce.</p>	<p>7.10 Development programmes should:</p> <ul style="list-style-type: none"> ■ identify and address 'progression beyond administration grades'; and ■ explore and address the availability of development programmes and schemes for part-time and job-share staff. 	<ul style="list-style-type: none"> ■ present information and statistics used to justify programmes; ■ communicate to area managers, heads of group, governors and their Senior Management Teams; ■ require a more proactive role for line managers in approaching BME staff; and ■ information on take-up of positive action schemes and their successful completion communicated widely across the Service. 			<p>Actions 7.1, 7.3, 7.8, 7.13, 7.15 – Head of Staff Diversity and Equality Team</p> <p>Actions 7.2, 7.4, 7.5, 7.6, 7.7, 7.9, 7.10, 7.11, 7.12, 7.14 – Head of Personnel Management Group</p>	<p>By April 2009</p> <p>By April 2009</p>

Work area	Purpose	Core actions (to address race, disability, gender, sexual orientation, age and religion or belief)	Specific actions to address				Responsibility	Time frame
			Gender	Race	Disability	Wider equalities		
7. Recruitment and retention <i>(continued)</i>		<p>7.5 Develop measures to address diversity within the officer Job Simulation Assessment Centre (JSAC) procedure, scenarios and assessor briefings/training.</p> <p>7.6 Develop core diversity competencies within the 'Professionalising the Prison Service' programme in order to assess the past performance/ track record of managers before being progressed to each level of the management JSAC.</p>	<p>7.13 Review staff progression and carry out an analysis of temporary promotions, acting up, honorariums and managed moves offered to staff, broken down into race and ethnicity.</p> <p>7.14 Assess mentoring and coaching schemes to review the effectiveness and take-up of schemes across the Service.</p>					

Work area	Purpose	Core actions (to address race, disability, gender, sexual orientation, age and religion or belief)	Specific actions to address				Responsibility	Time frame
			Gender	Race	Disability	Wider equalities		
7. Recruitment and retention <i>(continued)</i>		7.7 Review all development and promotional programmes designed to address under-representation, to ensure equality of opportunity for diverse staff seeking access.						

Scheme objective met: Seek to embed and measure key behaviours across the organisation to improve the way colleagues value and respect each other. In turn, this should improve decency for prisoners. PS pillars met: Enjoy, Involve and Recognise – actions 8.1–8.12.								
Work area	Purpose	Core actions (to address race, disability, gender, sexual orientation, age and religion or belief)	Specific actions to address				Responsibility	Time frame
			Gender	Race	Disability	Wider equalities		
8. Support and anti-discriminatory practice	As a progressive organisation, the Service acknowledges that further work is needed to identify and address discrimination in all its forms.	8.1 Review the current PSO and grievance and discipline so as to: <ul style="list-style-type: none"> ascertain how complaints of discrimination on equality grounds are being monitored, and how they are being investigated, formally and informally; monitor outcomes centrally within the Service in order to review implementation of outcomes; and survey staff to assess confidence and ideas for improvement in the procedure. 	8.5 Assess the impact of sexual harassment by: <ul style="list-style-type: none"> developing and delivering a sexual harassment survey; and reporting on findings so as to inform policy and decision-making. 	8.7 Review complaints by: assessing whether a disproportionate number of complaints (formal/informal) are made either by or against BME staff and managers.	8.9 Develop partnership working with the Home Office Disability Support (HODS) staff network, to explore the relationship in supporting the wider staff decency agenda included within this scheme.	8.11 Develop partnership working with the GALIPS staff network to explore the relationship in supporting the wider staff decency agenda included within this scheme.	Actions 8.1, 8.7 – Head of Personnel Management Group and Head of Staff Diversity and Equality Team	By September 2008
		8.6 Assess the Service's access to a gender (the Civil Service transsexual support network) by: <ul style="list-style-type: none"> measuring the level of staff and management accessing the network; 	8.8 Develop partnership working with the BME staff support network (RESPECT), to explore the relationship in supporting the wider staff decency agenda included within this scheme.	8.10 Assess the impact of disability discrimination by: <ul style="list-style-type: none"> developing and delivering a discreet staff survey on disability at work; 	8.12 Address abuse of staff by: <ul style="list-style-type: none"> reviewing the 'zero tolerance' policy aimed at visitors, contractors and agencies; and monitoring its implementation and enforcement across the Service. 	Actions 8.2, 8.4 – Head of Training and Development Group	By April 2008	
			8.6 Assess the Service's access to a gender (the Civil Service transsexual support network) by: <ul style="list-style-type: none"> measuring the level of staff and management accessing the network; 			Action 8.3 – Head of Staff Diversity and Equality Group and Head of Race Equalities Action Group	By April 2009	
						Actions 8.5, 8.6, 8.8, 8.9, 8.10, 8.11, 8.12 – Head of Staff Diversity and Equality Team	By September 2008	

(continued)

Work area	Purpose	Core actions (to address race, disability, gender, sexual orientation, age and religion or belief)	Specific Actions to address				Responsibility	Time frame
			Gender	Race	Disability	Wider equalities		
<p>8. Support and anti-discriminatory practice <i>(continued)</i></p>	<p>It recognises the real challenges such large institutions and is prepared to continue with its drive to implement cultural change and fully realise its organisational responsibility.</p>	<p>8.2 Inform and shape the investigations training to address:</p> <ul style="list-style-type: none"> ■ staff decency issues and victimisation of diverse groups; and ■ increasing staff confidence within the procedure so as to aid integrity and transparency. 	<p>Gender</p> <ul style="list-style-type: none"> ■ assessing the range of publicity and awareness within the Service; and ■ exploring future potential areas for joint working and partnership working. 	<p>Race</p>	<p>Disability</p> <ul style="list-style-type: none"> ■ reporting findings so as to inform policy and decision-making; and ■ increasing staff confidence in declaring their disability, and equipping management to better support disabled staff. 	<p>Wider equalities</p>		

Work area	Purpose	Core actions (to address race, disability, gender, sexual orientation, age and religion or belief)	Specific Actions to address				Responsibility	Time frame
			Gender	Race	Disability	Wider equalities		
8. Support and anti-discriminatory practice <i>(continued)</i>		8.3 Explore the use of mediation at a local level to resolve staff complaints on all areas.						
		8.4 Integrate staff decency and equality within the '12 Behavioural Competencies' included within the Service's Competence Framework.						

Annex: Legislative overview

General duties under the Race Relations (Amendment) Act 2000

There is a specific duty to publish a Race Equality Scheme, which the Service published as an associate scheme to the Home Office Race Equality Scheme in May 2005. This scheme is developed to complement the Service's Race Equality Scheme by elaborating further on how it will meet the employment duties placed on it under the **Race Relations (Amendment) Act (RRAA) 2000**.

The RRAA came into force in April 2001, placing a statutory duty on public authorities to have due regard to the need to eliminate unlawful racial discrimination and to promote good relations between persons of different racial groups.

The RRAA imposes both general and specific duties on most public employers. Specific duties cover policy, service delivery and employment.

The general statutory duty has three parts:

- eliminating unlawful racial discrimination;
- promoting equality of opportunity; and
- promoting good relations between people of different racial groups.

Specific employment duties are:

- to monitor by ethnicity staff in post and applicants for jobs, promotion and training;
- to monitor by ethnicity and analyse grievances, disciplinary action, performance appraisal, dismissals and other reasons for leaving; and
- to publish annually the results of our ethnic monitoring.

General duties under the Disability Discrimination Act 2005

There is a specific duty to publish a Disability Equality Scheme, which the Service published as an associate scheme to the Home Office Disability Equality Scheme in December 2006. This scheme further ratifies the Service's Disability Equality Scheme and incorporates its work within this one single scheme. It sets out to elaborate further on how the Service will meet the employment duties placed on it by the **Disability Discrimination Act (DDA) 2005**.

The DDA 2005 amends the DDA 1995 to place a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between disabled persons and other persons;
- eliminate discrimination that is unlawful under the Act;
- eliminate harassment of disabled persons that is related to their disabilities;
- promote positive attitudes towards disabled persons;
- encourage participation by disabled persons in public life; and
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

We will give due weight to the need to promote disability equality in proportion to its relevance to particular decisions or employment functions.

General duties under the Equality Act 2006

Gender equality

There is a specific duty to publish a **Gender Equality Scheme** by April 2007. This scheme addresses the need to publish the Service's work to address gender equality in employment within this one scheme.

The **Equality Act 2006** amends the Sex Discrimination Act (SDA) 1975 to place a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need to:

- eliminate unlawful sex discrimination and harassment; and
- promote equality of opportunity between men and women.

This general duty comes into effect on 6 July 2007. The weight that the Service gives to gender equality should be proportionate to its relevance to a particular employment function – as is the case for the statutory duties in relation to race and disability.

This is a form of legally enforceable ‘gender mainstreaming’ – that is, systematically identifying and addressing gender equality issues throughout policy development, service design and delivery, monitoring and employment.

Unlawful discrimination under the SDA and the general duty means:

- direct or indirect discrimination against women and men in employment and education; in goods, facilities and services; and in the exercise of public functions;
- harassment, sexual harassment and discrimination on grounds of pregnancy and maternity leave;
- discrimination on grounds of gender reassignment in employment and vocational training; and
- direct or indirect discrimination in the employment field on the grounds that a person is married or a civil partner.

Gender reassignment discrimination and harassment in access to goods and services will also be unlawful under the European Goods and Services Directive by 21 December 2007. The gender equality duty requires public authorities to take action to prevent unlawful discrimination on grounds of sex. The SDA 1975 was amended to include protection from discrimination on grounds of gender reassignment in the context of employment and vocational training. This is independent of any consideration of equality between transsexual and non-transsexual people.

Women and men, including transsexual and transgender people, will experience different forms of disadvantage depending on their age, ethnicity, colour, religion and belief, sexual orientation, marital or civil partnership status, and whether or not they have a

disability. We will therefore consider whether particular groups of women or men are experiencing particular disadvantages.

The Service has included these groups in its commitment to promoting gender equality in employment within this scheme.

Religion or belief

The **Equality Act 2006** also extends the prohibition on discrimination on grounds of religion or belief to cover the provision of goods, facilities and services, education, the use and disposal of premises, and the exercise of public functions as well as the existing prohibition in relation to employment and vocational training.

There are no statutory general or specific equality duties in relation to this diversity strand, but this scheme includes the commitment, when carrying out our employment functions, to have due regard to:

- the elimination of direct or indirect discrimination on grounds of religion or belief (that is, because individuals follow, are perceived to follow, or do not follow a particular (or any) religion or similar belief); and
- the promotion of equality of opportunity between people of different religions or beliefs or people with no religious allegiance.

The weight that the Service gives to religious equality should be proportionate to its relevance to a particular employment function – as is the case for the statutory duties in relation to race, disability and gender.

Sexual orientation

The **Equality Act 2006** also extends the prohibition on discrimination on grounds of sexual orientation to cover the provision of goods, facilities and services, education, the use and disposal of premises, and the exercise of public functions as well as the existing prohibition in relation to employment and vocational training.

There are no statutory general or specific equality duties in relation to this diversity strand, but this scheme includes the commitment, when carrying out our employment functions, to have due regard to:

- the elimination of direct or indirect discrimination on grounds of sexual orientation; and
- the promotion of equality of opportunity for lesbian, gay and bisexual people.

Employment Equality (Sexual Orientation) Regulations 2003

These Regulations apply to employment – including recruitment, terms and conditions, promotions, transfers, dismissals and vocational training.

They make it unlawful on grounds of sexual orientation to discriminate directly against anyone – that is, to treat them less favourably than others because of their actual or perceived sexual orientation. Unlawful discrimination under these Regulations means:

- discriminating directly or indirectly against anyone – that is, to apply a criterion, provision or practice that disadvantages an individual because of their sexual orientation without a good reason;
- subjecting someone to harassment. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them;
- victimising someone because they have made a complaint or allegation or have given evidence against someone else in relation to a complaint of discrimination on grounds of sexual orientation; and
- discriminating against someone, in certain circumstances, after the working relationship has ended.

Exceptions may be made in very limited circumstances if there is a genuine occupational requirement for the worker to be of a particular sexual orientation in order to do the job.

Within the Regulations, sexual orientation is defined as:

- orientation towards persons of the same sex;
- orientation towards persons of the opposite sex; or
- orientation towards persons of the same sex and the opposite sex.

The Regulations do not extend to sexual preferences and practices.

The weight that the Service gives to equality in relation to sexual orientation will be proportionate to its relevance to a particular employment function – as is the case for the statutory duties in relation to race, disability and gender.

Civil Partnership Act 2004

The **Civil Partnership Act 2004** came into force in December 2005.

'Civil partnership' is a new legal relationship, which can be registered by two people of the same sex. It gives same sex couples the ability to obtain legal recognition for their relationship.

Civil partners have equal treatment to married couples in a wide range of legal matters, including:

- employment benefits;
- most state and occupational pension benefits;
- income-related benefits, tax credits and child support; and
- recognition under intestacy rules.

Persons who are civil partners get equal treatment to married people under the SDA 1975.

Employment Equality (Age) Regulations 2006

The **Employment Equality (Age) Regulations 2006** came into force on 1 October 2006. These Regulations prohibit direct and indirect discrimination, harassment and victimisation on grounds of age.

There are no statutory general or specific equality duties in relation to this diversity strand, but this scheme includes the commitment, when carrying out our employment functions, to have due regard to:

- the elimination of direct or indirect discrimination on grounds of age; and
- the promotion of equality of opportunity between people of different ages.

The weight that the Service gives to age equality will be proportionate to its relevance to a particular employment function – as is the case for the statutory duties in relation to race, disability and gender.