



Stonewall
SCOTLAND

GETTING STARTED

SINGLE EQUALITY SCHEMES

**HOW TO MAKE YOUR SINGLE
EQUALITY SCHEME TRULY INCLUSIVE
OF YOUR LESBIAN, GAY, BISEXUAL
AND TRANSGENDER SERVICE
USERS AND STAFF**



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INTRODUCTION TO SINGLE PUBLIC DUTY – ARE YOU READY?

The Westminster Government committed in its 2005 General Election manifesto to introduce a GB-wide Equality Bill in this Parliament. The

purpose of this Equality Bill is to review, simplify and modernise discrimination law. To make this happen, the Discrimination Law Review (DLR) was launched in February 2005. The DLR's consultation in 2007 saw 4000 responses and the government published its response in July 2008. In this response, the government set out its commitment to simplify and strengthen the law and recognised that the various pieces of legislation which have been introduced over the past four decades had created legislation which was complex and hard to understand. One of the key recommendations was the introduction of a new equality duty for public bodies. As with the existing duties, the implementation process will require organisations to produce a scheme which identifies how the organisation will tackle discrimination and promote equality. It also sets out the actions that will be taken to achieve this. The production of a single equality scheme is the most effective way to do this. If you wish to read more, the government response to the DLR is available at:

http://www.equalities.gov.uk/publications/government_response_to_the_consultation.pdf

Stonewall Scotland has received numerous enquiries about the new single public duty and how to produce a single equality scheme to help prepare for the new duty. Organisations which work with Stonewall Scotland are keen to find out about the benefits of a single equality scheme and how an organisation can produce a single equality scheme which is truly inclusive.



Up until now, the three statutory duties of the public sector to promote equality have created an equalities hierarchy as equality strands which were covered by a statutory duty became a higher priority than those which did not. This was confirmed in a 2006 Scottish Government stocktake review of all local authorities in Scotland which put lesbian, gay, bisexual and transgender (LGBT) equality as the lowest priority of the six equality strands (age, disability, gender, race, religion and belief and sexual orientation). This evidence formed the basis for specific, targeted work with public services in Scotland. Stonewall Scotland's Good Practice Programme has been commissioned by the Scottish Government to look at the way that local services, such as the police, fire services and councils, provide for lesbian, gay, bisexual and transgender people in their area. This guide to producing a single equality scheme is one of a suite of guidance documents and tools which will be developed by Stonewall Scotland for public services in Scotland.

In this document we will consider how a single equality scheme will help your organisation to prepare for the forthcoming statutory single duty which covers all equality strands. We will also look at what that duty might mean practically for your organisation and we will set out what you should start to think about to demonstrate your commitment to LGBT equality.

This document is designed to be read in conjunction with the 'Getting Started Route Map', and it may be useful to read this document before preparing your single equality scheme, as it sets out some of the issues and barriers that LGBT people face when accessing services.

Many of the organisations who are working with Stonewall Scotland have already begun to consider these issues and many are keen to demonstrate their commitment to equality through a single equality scheme. This guidance provides useful key steps and issues to consider to help ensure that LGBT people are equally represented in policies and practices as both service users and employees.

IS A SINGLE PUBLIC DUTY A GOOD IDEA?

Stonewall Scotland welcomes the forthcoming reformation of the current framework of anti-discrimination legislation, which is often complex, uneven and difficult to understand. There are currently three existing duties which cover race, disability and gender, however, the government has set out its intention to introduce the Equality Bill, which will extend these existing public duties to include sexual orientation, gender reassignment, age and religion and belief.

This presents the opportunity to 'level-up' legislative protections, extending protection from discrimination in areas such as employment and the provision of goods and services to those currently without such safeguards. It is essential that there is no regression of the levels of protection already established in existing legislation. We believe that a single public duty could have a transformative effect on lesbian, gay, bisexual and transgender people's lives in the areas where they have often faced discrimination, by encouraging public bodies to actively accommodate the needs of lesbian, gay, bisexual and transgender service users in the design and delivery of public services.

It is important to note that public services already have a legal obligation to outlaw direct and indirect discrimination based on a person's sexual orientation thanks to the Equality Act (Sexual Orientation) Regulations 2007. It is particularly important to note that indirect discrimination is covered. This occurs when a provision or practice is applied generally but results in people of a particular sexual orientation being put at a disadvantage. This applies even if the negative impact is unintentional. So if an organisation does nothing to understand barriers to accessing a service or how an LGBT person might experience the service differently, it could be leaving itself open to a legal challenge.



WRITING SINGLE EQUALITY SCHEMES

A single integrated public duty will help public authorities to deliver better, more customer-focused services while ensuring equality of access to publicly-funded services for all, including lesbian, gay and bisexual people. Such an approach will make delivery of a public duty much easier for the staff of such authorities. As public services are funded by taxpayers, including lesbian, gay, bisexual and transgender taxpayers, service providers should be expected to meet the needs of all their service users.

A single equality scheme is based on the requirements of a statutory duty and it outlines a public authority's action plan, normally over a three-year period. It is much the same as a topic specific plan but it incorporates all strands of diversity. Like the forthcoming legislation, it can help to simplify complex schemes and can make a real and positive difference to the lives of all those who come into contact with your organisation.

Systematically setting out an action plan on how your organisation aims to achieve equality for all sends a very important message and demonstrates your commitment to being accountable for the inclusion of your LGBT staff and service users. As a service provider, it is important to think more strategically about applying the principles of diversity in everything that your organisation does.

A number of public bodies, including Lothian and Borders Police and NHS Scotland boards, have already adopted an across-the-board single equality scheme which includes sexual orientation. When such a scheme is adopted, there should be no 'watering down' of the existing protections. Instead, organisations should strive to opt for the 'highest common denominator' approach, keeping the maximum level of protection enshrined in existing law and extending this to all communities. In their single equality scheme for 2005-2008 Lothian and Borders Police set out to raise the other strands to the standard set by the Race Relations Amendment Act 2000.

WRITING SINGLE EQUALITY SCHEMES

ADVANTAGES AND DISADVANTAGES

Many organisations have expressed concern about producing a single equality scheme, worrying it will dilute existing protections or that it will not adequately cover the needs of LGBT people. People have also expressed concern that LGBT people's needs are not always fully understood in organisations and that attitudes towards LGBT equality are not as far advanced as other, more established, equality strands. This could mean LGBT issues will not be properly included and any inclusion will be tokenistic. Other people see the public duties and their implementation devices (single equality schemes) as rigid mechanisms which are difficult to administer effectively across the organisation. There is also considerable confusion around who is responsible for the scheme at different levels. With current schemes, the responsibility often falls to one person, usually in HR, to take overall operational responsibility of the action plans and schemes. And of course, there are still people who don't see the need for LGBT people to be included at all.

A good, well thought-out single equality scheme can actually answer most of the concerns raised above. It is Stonewall Scotland's view that a robust single equality scheme is a positive step forward as it drives LGBT inclusion and equality to the next stage and helps with practical delivery as it aligns equality objectives with an organisation's overall strategic plan. A single equality scheme also ensures LGBT issues will be considered throughout all stages of policy design, budget planning, service delivery and HR. It provides a useful structure for staff and helps everyone to understand why LGBT equality is essential. A single equality scheme will go some way to tackling the issue of multiple identities (e.g. people who may fall into more than one of the equality strands; a black lesbian or an older gay man) which are not captured under current individual schemes, and it can facilitate a meaningful identification of equality priorities.

WRITING SINGLE EQUALITY SCHEMES

STRUCTURING A SINGLE EQUALITY SCHEME



The single public duty is likely to require actions which are standard to all duties, such as Access to Information, Bullying and Harassment, Publications and Complaints. However, we have outlined below specific issues where additional information for sexual orientation and gender identity may be useful for you to consider when preparing your single equality scheme.

There are a few different ways to structure your single equality scheme and it will be a decision for your organisation to consider carefully. You will probably wish to consider how your single equality scheme will substantiate its commitment to all equality strands and how it will meet each of the requirements, ensuring that no single strand receives lesser consideration. One way of structuring your single equality scheme action plan is to retain separate strategies for the different equality strands along with 'generic' sections which apply to all equality areas. This will ensure that the differing needs and priorities are clearly identified and that there is no dilution of protections. Another option is to link the single equality scheme to your organisational strategy, dividing the scheme into sections, each relating to the aims of the organisation. This will ensure that the actions taken under your single equality scheme are in keeping with the general direction of the organisation and that it fits neatly into the existing structures.

The final option is to base your scheme on the functions of the organisation. The Equality and Human Rights Commission (EHRC) has opted for this option. A mapping exercise of your organisation's existing functions will help to identify your key areas of activity, i.e. governance, management, consultation, staff training etc. This ensures every area of the organisation's functions will be properly included and that no area of activity is left out. It will also help to identify service user journeys and staff experiences, which will in turn help with your Equality Impact Assessment (EQIA) process (see EQIA section). Your single equality scheme should not sit in isolation from your other organisational policies and plans; if they are linked to and take account of your existing policies then they can strengthen and influence each other.

WRITING SINGLE EQUALITY SCHEMES

RELEVANT CONSULTATION AND INVOLVEMENT

One of the key groups of people you will wish to engage will be those responsible for implementing the scheme. Getting their buy-in is essential, and they will probably be familiar with previous schemes. You will also wish to engage early on with the experts in the different strands, from HR to service delivery – each of these strand experts will have a unique view on what needs to be covered and the difficulties that may be encountered. It will be important to ensure that the process makes sense at a delivery level – this will help with implementation and also with the EQIA process. With this in mind, you may wish to establish a working group to take the process forward. It is important to ensure that there is representation from the following groups of people:

- *Senior leaders*
- *Staff from all departments*
- *Staff at all levels*
- *Staff representing all types of positions*
- *Service delivery experts*
- *Service users (if possible, or feedback from service users)*
- *Network groups/staff associations and unions*

Relevant engagement with those who will be affected by the single equality scheme is also important to the success of the scheme. However, the method of consultation will need to be carefully considered, taking into account capacity issues, both internally and externally. Consultation and involvement with equality groups can be difficult to achieve, and this is particularly true with LGBT people. Because of the invisibility of LGBT people and limited capacity across Scotland to develop support networks, it can often be difficult to 'find' LGBT people to consult with. In many instances LGBT groups that do exist around the country will be of a peer support nature and have a social dimension, as social groups can decrease feelings of isolation and provide people with a sense of community and safety in numbers. This type of support is very important but it often means these groups have a less 'political' focus and may be less inclined to want to contribute to a 'community consultation'.

With these capacity issues in mind, it is worth remembering that the onus should not be on the service user to feed in their concerns or thoughts about a service – the onus is on the organisation to understand the needs and issues affecting all its service users, and your organisation should be committed to that process in various ways – not relying solely on consultation with various groups.

There are three national LGBT organisations which represent the needs of LGBT people in Scotland, and these organisations cover different aspects of LGBT people's lives. LGBT Youth Scotland works to include LGBT young people in all aspects of Scottish life – they ensure that young peoples' voices are heard and taken into account by services and agencies that they work with. The Equality Network aims to increase the involvement of LGBT people and communities in the government's policy-making process. Stonewall Scotland campaigns and lobbies for legislative change and works with employers and the public sector to improve services and workplaces for LGBT people.



The wide ranging knowledge which exists within the LGBT sector can help organisations to understand the issues that affect LGBT people in their everyday lives. Although there are resource implications for the sector, engagement and consultation with these organisations can often give you the information needed to ensure your organisation is considering the needs of all of your service users and staff. However, these organisations should be viewed as supplementary to your own efforts and not as a 'quick fix'. Stonewall Scotland is working to ensure that all public services have access to advice and guidance that is relevant and useful, and provides organisations with the information and confidence to take full ownership of LGBT issues and barriers as they arise.

It should also be noted that the issues that affect gay women are often different from those that affect gay men. For example, a recent survey by Stonewall, the Gay British Crime Survey 2008 found that gay men who have experienced a hate incident are more likely to have reported it to the police than lesbians. The only real way to discover complexities you may not be aware of is to ask. However, it is not always as straightforward as it sounds; we recommend that organisations who wish to involve and consult with the LGBT community read the 'community engagement' section of the 'Getting Started Route Map', which was produced by Stonewall Scotland earlier this year. This sets out top tips for engagement of the LGBT community.



WRITING SINGLE EQUALITY SCHEMES WHOSE RESPONSIBILITY?

As ever, leadership and senior level buy-in is crucial for success and sustainability of a single equality scheme. It is often useful to ensure a senior member of staff takes overall responsibility for the implementation of the scheme and has the responsibility of sign-off; this demonstrates to staff and service users the level of commitment that the organisation places on equality. It also enables individuals throughout the organisation to challenge negative attitudes and behaviours – which will help to change the overall culture and climate of an organisation and embed equalities throughout all its functions. So, for instance, the introduction to the Lothian and Borders Police single equality scheme was written by the Chief Constable, and in the introduction he reiterates the commitment to equality: 'I am fully committed to maintaining the drive towards promoting the ethos of diversity and to ensuring that equality of opportunity is a common feature in all aspects of our business.'

ASK YOURSELF

- Should we set up an implementation group to ensure progress?*
- Does the working group properly reflect the staff and service users?*
- Does the working group properly reflect all the functions of the organisation?*
- Will a senior manager chair the group?*



WRITING SINGLE EQUALITY SCHEMES

EQUALITY IMPACT ASSESSMENTS (EQIA)

When carrying out EQIAs organisations often think that the process is about evaluating the needs of ‘others’. However, we need to stop seeing EQIA as a method to include ‘others’ or people who are ‘different’. The reality is that the population of Scotland is very diverse and organisations need to ensure that their services reflect that diversity. In a population of 5.2 million, 52% are women, 20% have a disability and an estimated 6% are lesbian, gay or bisexual. We are living in a time when people are living longer, it is estimated that by 2031 there will be a 58% rise in the numbers of people who are over 65. There are a variety of faiths and religions represented in Scotland and a growing ethnic minority population. People can be discriminated against for many reasons. The diversity of Scotland does not only fall into these six strands and within these recognised strands no group is homogeneous, which is why the EQIA process must reflect the needs of individuals. We are not all the same and so our needs differ.

EQIA is simply a process of determining who uses your services and whether those services are open and accessible to everyone. EQIA is not about political correctness – it is about making sure your service is reaching everybody and that it is doing what it is designed to do. The most difficult thing about good policy making and effective service delivery is truly understanding the needs of the people you serve.

Good EQIAs can be hard to get right – if you do not fully understand the needs or barriers facing a group of your service users, it is very difficult to assess whether your policy has an impact. For example, if the police did not know that for many LGBT people, a historical mistrust of the police could prevent them from reporting an incident, then they would not know to take account of this when impact-assessing their policies and procedures. This would mean that important initiatives such as Third Party Reporting, which has been introduced across Scotland to tackle this very issue, would not have been implemented. Similarly, if a housing provider did not know that a tenant may be less likely to report the homophobic or transphobic element of a bullying or harassment complaint, the provider would not have a full picture of the complaint and may not take the correct steps to address the problem.

EQIAs should be carried out for all policies which affect people. However, a healthy measure of common sense should be applied when carrying out EQIAs, as a policy or practice will not always impact on LGBT people more negatively than any of your other service users or customers. But sometimes there will an issue or barrier for LGBT people which needs to be considered.

ASK YOURSELF

- Do you know who does and doesn't access your services?*
- What is the impact of your policy?*
- Do you understand the issues and barriers?*
- What steps are you going to take to combat these?*

Stonewall Scotland is currently working on an online tool to help organisations understand how their services and policies may impact on LGBT people.

WRITING SINGLE EQUALITY SCHEMES

GATHERING EVIDENCE AND DATA COLLECTION

There will inevitably be a considerable amount of data generated as a result of the single equality scheme, and advanced planning, as well as a systematic approach to gathering and storing data, is necessary.

There may be resource issues which arise from this in terms of collecting, managing and analysing the data. However, your organisation may already have access to some useful collected data such as staff attitude surveys, recruitment and retention statistics. If these have previously asked about sexual orientation, they will be very useful in building a picture of the organisation. Some strands are much further ahead in terms of gathering information and evidence to support the schemes – again, it will be useful to gather evidence from the other strands. It can often seem difficult to measure progress, outcomes and impacts when it comes to equalities, as progress often takes many years. Gathering evidence which charts your progress as an organisation is very helpful. Over the next few years, The Good Practice Programme at Stonewall Scotland will be helping organisations to benchmark and chart their progress. This will help with single equality schemes in the future and will provide an incentive to move forward with LGBT inclusion and equality.

ASK YOURSELF

- *What support will staff need to help them handle the data?*
- *Do you need to update your systems to hold the information?*
- *How will the information be analysed?*
- *What methods will be used to ensure anonymity?*
- *How will you show what progress you are making?*

WRITING SINGLE EQUALITY SCHEMES

MONITORING

It is often worse to get monitoring wrong than not to monitor at all.

Monitoring your service users is not an easy task, and it is crucial that the climate is right. We have found that often, monitoring before your organisation is ready can be a bit like running before you can walk.

Preparing for a public duty and a single equality scheme will involve setting up the monitoring of your service users and staff – if you don't monitor, you won't know who your service users and staff are and what progress you have made. But even though it is an important part of any single equality scheme, organisations may not be in a position to monitor straight away. In these circumstances it is reasonable for a single equality scheme to state the intention to monitor and the steps which must be taken first.

As a first step it may be useful to state that you intend to monitor, why you want the information, and what it will be used for. This will help you, your service users and staff to understand the purpose of the exercise, which will be key to gaining trust when communicating to staff and service users why you are monitoring. Your organisation may also wish to produce some guidance or training materials around equalities monitoring and set an attainable date for having this guidance rolled out. Make sure your organisation considers the lessons learnt from monitoring of other strands such as ethnicity and acts on these. The security and safety of the information that you gather is essential, and you may wish to consider the systems you have in place for storing and coding the information. Organisations who have attempted to gather this information in the past have found these systems are crucial to building the trust and confidence of those being monitored, whether they are staff or service users. These tips might be helpful when planning your actions for your single equality scheme,

ASK YOURSELF

- Are the reasons for monitoring well thought-out?***
- Is the intention to bring about real, positive change?***
- Do you have a system which can encode the information?***
- Did you communicate the reasons you are asking about people's sexual orientation beforehand?***
- Did you set out what will happen to the information and who will have access to it?***

WRITING SINGLE EQUALITY SCHEMES

HOW DO I JUDGE THE CLIMATE OF OUR ORGANISATION?

We often refer to the ‘climate’ of an organisation; we say the climate has to be right to monitor and that leadership is needed to change the ‘climate’ of the organisation. What we really mean here is that an organisation has to be ready to embrace the changes to its overall ethos it needs to make to become truly inclusive. The single equality scheme is a positive step towards making those changes. Other things that can indicate a good climate are set out below. This is not an exhaustive list, but if you can answer ‘yes’ to these questions throughout your organisation, then it would indicate a fairly good climate – but that’s not to say there isn’t more work to do. However, it is a helpful indicator and can be useful to show where an organisation should be heading.

ASK YOURSELF

- Do we consult with LGBT people about how services are provided?*
- Do our service plans reflect issues relating to LGBT people?*
- Do we know if our service is responsive to the needs of LGBT people?*
- Do we encourage people to tell us about poor service and provide guidance about how to complain?*
- Do we actively promote equality of access and service provision?*
- Do we use positive images of LGBT people in our promotional material?*
- Do our managers challenge prejudice?*

EMPLOYMENT ISSUES

If your organisation would like advice on employment issues, help facilitating working environments where lesbian, gay and bisexual staff can be themselves, or assistance understanding and complying with employment equality legislation please see the Workplace section of the Stonewall Scotland website, or contact Nicola Swan, the Scottish Workplace Officer on **0131 557 3628** or email:

nicola.swan@stonewallscotland.org.uk

PUBLIC SERVICES

If you are a public service and you would like further support and advice on making your services more LGBT inclusive for your service users, please see the Good Practice section of the Stonewall Scotland website, or contact Gillian Miller, the Policy Manager on **0131 557 8188** or email: ***gillian.miller@stonewallscotland.org.uk***

The Good Practice Programme has recently expanded its support resources and now has a policy officer dedicated to helping local authorities. If you work within a local authority and you would like support and advice on making your services more LGBT inclusive, please contact Heather Noller, the Policy Officer, on **0131 557 8182** or email: ***heather.noller@stonewallscotland.org.uk***

ACKNOWLEDGEMENTS

This guidance was produced by Stonewall Scotland as part of the Good Practice Programme, which is funded by the Scottish Government.



