

# General

## **Human Rights Act (1998)**

Gives “further effect” in UK law to the rights contained in the European Convention on Human Rights. The Act makes it unlawful for any public body to act in a way which is incompatible with the Convention, unless the wording of an Act of Parliament means they have no other choice. It also requires UK judges take account of decisions of the Strasbourg court, and to interpret legislation, as far as possible, in a way which is compatible with the Convention.

### **Basic interpretation:**

- 1) Treat everyone as you would wish to be treated: fairly, with respect and without discrimination.
- 2) Be open in all your work, while respecting justifiable confidentiality. Only ask for personal information if you really need it and do not disclose it to others without good reason.
- 3) Make sure all decisions (especially those that deny someone something) can be seen to be fair and reasonable: ensure everyone involved has had an opportunity to state their case; explain clearly why the decision has been taken; and explain how the decision can be reviewed.
- 4) Never express opinions about people – orally or on paper, on computer or elsewhere – that cannot be substantiated by the facts.

## **Equality Act 2006**

Equalities and Human Rights Commission replaced the three existing equality bodies – the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission. It strengthens existing equalities legislation such as including additional powers to prevent discrimination on the grounds of religion and beliefs, and sexual orientation in the provision of goods, facilities, services, education and the exercise of public functions; and preventing discrimination on the grounds of age. The Act introduced a “gender duty” on public authorities requiring them to promote equality of opportunity between men and women. It also extended the “prohibition of sex discrimination to cover all public functions in line with the Race Relations Act and the Disability Discrimination Act.”

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

# Equalities communities

## **Age**

### **The Children Act (1989)**

Local Authorities have a general duty to safeguard and promote the welfare of children within their area who are in need. They must assess a child's needs and promote the upbringing of children by their own families if safe to do so. They must work in partnership with parents and carers.

### **The Children Act (2004) / Every Child Matters**

Provides a wider strategy for improving children's lives requiring improved cohesive collaboration among agencies / universal services which every child accesses, and

more targeted services for those with additional needs. It places a duty on services to ensure that every child, whatever their background or circumstances, to have the support they need to: 1) be healthy; 2) stay safe; 3) enjoy and achieve through learning; 4) make a positive contribution to society; 5) achieve economic well-being.

### **Age Discrimination Legislation (2006)**

Makes it illegal for employers to discriminate against employees, trainees or job seekers because of their age and ensures that all workers, regardless of age, have the same rights in terms of training and promotion. The regulations cover direct discrimination, indirect discrimination, harassment and victimisation; and include all workers and those taking part in or applying for employment-related training including further and higher education courses.

## **Black and Minority Ethnic**

### **Race Relations Act (1976)**

Prevents discrimination on the grounds of race, colour, nationality, ethnic and national origin in the fields of employment, the provision of goods and services, education and public functions. The Act also established the Commission for Racial Equality to review the legislation.

### **Race Relations Amendment Act (2000)**

Requires named public authorities to review their policies and procedures; to remove discrimination and the possibility of discrimination; and to actively promote race equality. Nothing is taken away from the 1976 Act, but the amended duties are more enforceable and include a positive duty to promote racial equality; public authorities are required not only to address unlawful discrimination where it occurs, but also to be pro-active in preventing it from occurring. Recognises more robust definitions of direct and indirect discrimination, harassment and victimisation. Includes requirements under both General and Specific duties for public bodies. Included under 'Specific' Duties: public bodies are required to develop and publish Race Equality Schemes to measure the impact of policies and practice.

### **Gypsy and Travellers Housing Act (2004)**

Places a duty on local housing authorities to undertake regular assessments of the accommodation needs of 'gypsies and travellers' either living in, or resorting to their area. Local housing authorities are required to include the needs of 'gypsies and travellers' in any housing strategy they produce.

### **Immigration, Asylum and Nationality Act (2006)**

All employers in the UK are required to make basic employment checks on every person they intend to employ and to undertake document checks once a year for those employees who have limited leave to enter or remain in the UK. All potential employees must provide documents of proof, i.e. passport, residents' permit, Application Registration Card.

### **Racial and Religious hatred Act (2006)**

Creates an offence of inciting, or 'stirring up' hatred against a person on the grounds of their religion.

## **Disabled People**

### **Mental Health Act (1983)**

Covers the reception, care and treatment of people suffering mental health, the management of their property and other related matters. In particular, it provides the legislation by which people suffering from a mental health disorder can be detained in hospital and be assessed or treated against their wishes, unofficially known as "sectioning." Its use is reviewed and regulated by a special health authority known as the Mental Health Act Commission (MHAC).

### **Disability Discrimination Act (1995)**

The DDA makes it unlawful to discriminate against disabled people in: recruitment; employment; access to goods facilities and services; management, buying or renting of land or property; provision of education. Rather than an onus on disabled people having to request provision legislation requires that providers take an anticipatory approach to meeting needs of disabled people.

The Act defines a disabled person as someone who has:

"a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities".

The duties were introduced in three stages, from:

- December 1996: it has been unlawful to treat disabled people less favourably for a reason related to their disability.
- October 1999 there has been the requirement to make "reasonable adjustments" for disabled people, such as providing extra help or making changes to the way services are delivered.
- October 2004 there has been the requirement to make other "reasonable adjustments" to the physical features of premises to overcome barriers to access.

The Disability Rights Commission was established in 1999.

### **Disability Discrimination Act (2005)**

The Act requires public bodies to promote equality of opportunity for disabled people. It also removes the requirement in the DDA that a mental illness must be 'clinically well recognised' before it can count as an impairment. People with HIV, cancer and multiple sclerosis are covered by the DDA.

The 2005 Act recognises the '**Social Model of disability:**' whereby people are disabled because of attitudes and society's frameworks hence disadvantage, social exclusion and poverty experienced by many disabled people is not the inevitable result of their impairments or medical conditions, but rather stems from attitudinal, social, political and environmental barriers.

### **Disability Equality Duty (2006)**

Public bodies have to consider the impact of their work on disabled people, and take action to tackle disability inequality. This should mean that disabled people have better employment opportunities and do not come across discrimination when, for example, using a service.

Under the general Duty public bodies must 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 impairments;

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 when that involves treating disabled persons more favourably than other persons. Included under 'Specific' Duties: public bodies are required to develop and publish Disability Equality Schemes to measure the impact of policies and practice.

### **Mental Health Act (2007)**

Changes from the 1983 act include:

Change to the definition of mental disorder; more robust testing in order to detain persons; broadening the group of practitioners authorised to support persons; gives patients the right to make an application to displace their nearest relative; increases supervised community treatment; ensures age-appropriate services; places a duty on the appropriate national authority to make arrangements for help to be provided by independent mental health advocates.

## **Faith**

### **Religion or Belief Employment Regulations (2003)**

Covers discrimination, harassment and victimisation in work and vocational training on grounds of perceived as well as actual religion or belief (i.e. assuming - correctly or incorrectly - that someone has a particular religion or belief). Also covers association, i.e. being discriminated against on grounds of the religion or belief of those with who you associate (for example, friends and/or family).

### **Religion and Belief, Goods, facilities and Services – Equality Act (2006)**

Prohibits discrimination against a person because of their religion or belief (including lack of religion or belief) when providing goods, facilities, services, public functions, or education, and in management and disposal of premises. The guidance sets out the effect of the law and the exceptions provided. There are some exceptions which allow charities and other organisations whose purpose is related to religion or belief to serve particular communities.

### **Racial and Religious hatred Act (2006)**

(See BME section)

## **Gender**

### **Equal Pay Act (1970)**

Prohibits any less favourable treatment between men and women in terms of pay and conditions of employment. The term 'pay' is interpreted in a broad sense to also include, on top of wages, things like holidays, pension rights, company perks and bonuses.

### **Sex Discrimination Act (1975)**

Deems sex discrimination generally unlawful in employment, training and related matters (where discrimination against married persons is also dealt with), in education,

in the provision of goods, facilities and services, and in the disposal and management of premises. The Act established the Equal Opportunities Commission to help enforce the legislation and to promote equality of opportunity between the sexes generally. The Act applies to men, women and gender reassignees.

### **Gender Duty (2007) – the Equality Act (2006)**

Places a general duty on public bodies when carrying out their public duties to have due regard of the need to:

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

The Gender Equality Duty gives public authorities a legal responsibility for demonstrating that they are taking pro-active steps to ensure the fair treatment of women and men in policy-making, services and employment. The duty will also apply to some public service providers from the private and voluntary sectors.

Included under 'Specific' Duties: public bodies are required to develop and publish Gender Equality Schemes ensuring policies and practice allow for the different needs of women and men to ensure fair treatment.

### **Lesbian, Gay and Bisexual**

#### **Sexual Orientation Employment Regulations (2003)**

Covers discrimination, harassment and victimisation in work and vocational training. It is unlawful to deny people jobs because of prejudice about their sexual orientation. Regulations enable individuals to take effective action to tackle harassment, and to have an equal chance of training and promotion, whatever their sexual orientation. The Regulations also cover perceived sexual orientation and association, i.e. being discriminated against on grounds of the sexual orientation of those with whom you associate (for example, friends and/or family).

#### **Sexual Orientation, Goods, facilities and Services – Equality Act (2006)**

Provides protection from sexual orientation discrimination outside the workplace. It makes sexual orientation discrimination unlawful in the provision of goods and services (e.g. shops and hotels), in the exercise of public functions (e.g. in the delivery of health services), in education and in the rental or sale of premises.

### **Transgender**

#### **Sex Discrimination Act (1975)**

(See gender section)

#### **Gender Reassignment Regulations (1999)**

Extends the Sex Discrimination Act (1975) to prevent discrimination against transsexual people on the grounds of in pay and treatment in employment and vocational training. It suggests aspects of good practice for employers and employees on the issues that may be encountered in accommodating an individual for whom gender reassignment grounds exist in the workplace.

# **Socially Excluded groups**

## **Rehabilitation of Offenders Act (1974)**

Affecting ex-offenders' employment opportunities. Under certain circumstances, it enables them to 'wipe the slate clean' of their criminal record once a period of time has lapsed from the date of conviction. Provided they have not been re-convicted for another offence, their conviction is 'spent' and for the purpose of employment it can be treated as though it never existed. This means that if the ex-offender is asked on an application form, or at an interview, if they have a criminal record they are entitled to answer 'no'. It is illegal for an employer to discriminate against the ex-offender on grounds of their spent conviction. With certain exceptions an ex-offender is not obliged to mention a spent conviction in any context, including when applying for a job, or obtaining insurance, or in civil proceedings.

## **Domestic Violence, Crime and Victims Act (2004)**

Introduces new powers for the police and courts to deal with offenders, while improving support and protection that victims receive. Includes provision for vulnerable adults and recognition of a victims code of practice.

## **Drugs Act (2005)**

The act brings about new police powers to test for class A drugs and more. It increases the effectiveness of the Drug Interventions Programme by getting more offenders into treatment. Introduces a new civil order that will run alongside anti-social behaviour orders for adults to tackle drug related anti-social behaviour. Enhances police and court powers against drug offenders. Clarifies existing legislation in respect of magic mushrooms.