



**Equality and Diversity Toolkit for walking
for health schemes
June 2011**

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Introduction

This toolkit has been created for the use of people who organise services who want to know more about how to be inclusive in the services they provide and how they fulfil the legal obligations they have in relation to the Equality Act 2010. The toolkit aims to be practical and give key information to services on what their duties are but more importantly how they can make the most of their scheme and practically make a difference in making services inclusive.

In addition to this toolkit, Paths for All have developed a Disability Inclusion Training course in partnership with Scottish Disability Sport, and a toolkit for promoting walking for adults with learning disability.

Perceptions and Experiences

It is important to always remember that irrespective of who they are individuals behave as they do for a variety of reasons. Whether they are disabled, from a BME background, of a different religion for example, they still often join a walk for exactly the same reasons that your average, mainstream walker does. They may want to walk to:

- Improve fitness
- Meet new friends
- Undertake personal challenges
- Learn new skills
- To HAVE FUN and ENJOY themselves

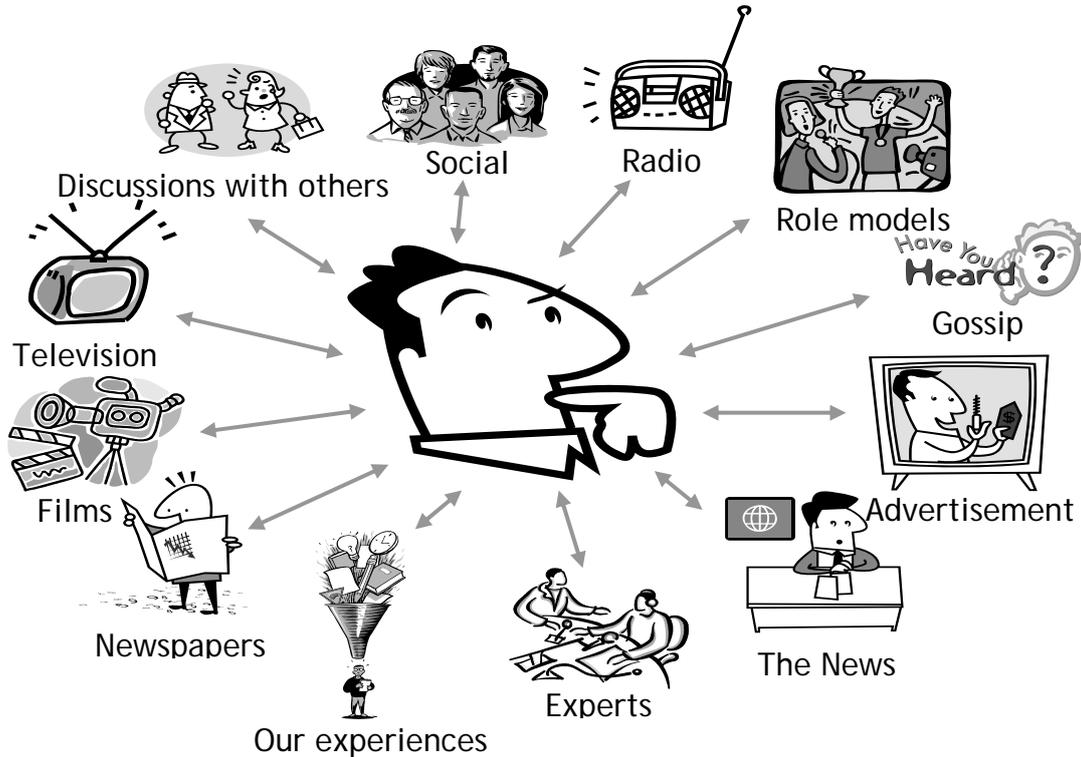
Being more active can help to improve confidence, raise self esteem, and facilitate the opportunity to take responsibility, make decisions, and cope with success and disappointments. Greater independence stems from increased physical and social mobility.

The inclusion of walkers with different characteristics, backgrounds and experiences should embrace the concepts of inclusive learning. By bringing communities together, and valuing and acknowledging individuality and difference, walk leaders, and scheme coordinators can create an exceptionally positive environment. Fairness and equity should be the norm and not the exception.

Fundamental to our understanding of how we interact with other people, who we may see as being 'different' to us (i.e. opposite sex to us, different gender to us, from a different BME group, with or without a disability (whatever the opposite to 'me' would be) is considering what our own experiences are

within different settings, and what lessons we may feel we have learned from that; and what our preconceived ideas are about people, before we have really got to know them. If we understand our baggage associated with preconceptions and prior experiences we are in a much better position to challenge those ideas which would benefit from change, and reinforce those which are appropriate.

Our opinions and perceptions are formed in a number of different ways. The information we gather from a range of sources and resources influence how we understand, interpret and react to people, situations, and issues:



Starting with an understanding of perceptions and experiences when thinking about diversity is important because ultimately the manner in which we react to people around us is tempered by our preconceptions.

We gather information about different issues from a range of different sources. Depending on our previous experiences of each of those sources of information we credit each with different levels of influence. A range of sources of information will have an impact on our opinions and perceptions, but to different extents. Research suggests that we are far more motivated to respond to someone based on information we have come across in the form of gossip than we are if the information is factual. **Sommerfeld et al. (2007)** www.learning-theories.com/social-learning-theory-bandura.html

The implications of this in relation to equality and diversity are two-fold:

- We need to be quite critical of the information we receive from different sources and resources, and compare and contrast it with information we have received from other places, which should perhaps be given slightly more consideration.

i.e. Don't always believe the information you read in the newspapers - for example the media representation of disabled people has often been one of pity, people from a BME background are often portrayed as criminals or scroungers etc.

- We have to recognise that as human beings we have a tendency to be more influenced by some elements of information than others

i.e. Gossip, social attitude and the media will often have more influence over someone's perceptions of an individual or event than other perhaps more reliable sources, e.g. our experiences, role models, experts within the area.

The Equality Act 2010

What you need to know about legislation

The Equality Act 2010 ('the Act') received Royal Assent in April 2010 and came into force on the 1st of October 2010. The Act (which was sometimes referred to as 'the Single Equality Bill'), replaces the more than 100 existing laws, regulations and statutory instruments which make up British anti-discrimination law.

The Act harmonises and in some cases extends protection from discrimination. It continues the proactive approach taken by the Race Relations (Amendment) Act 2000, the Disability Discrimination Act 2005 and the Equality Act 2006, which placed duties on public sector bodies to promote race, disability, and gender equality. Thus, the Act retains this focus on taking active steps to tackle discrimination and promote equality, and extends it to other protected grounds.

The Equality Act 2010 will undergo a phased implementation. Most of the provisions will come into force in October 2010. However, several very significant elements of the law will not come into force before April 2011 or April 2012, to allow organisations time to prepare for their implementation. These will be discussed further below.

Key Changes to Equality Law from October 2010

From October 2010, people will be protected from discrimination in employment and in the provision of goods, services and facilities on the basis of the following 'protected characteristics':

- Disability
- Gender reassignment
- Pregnancy and maternity
- Race – which includes ethnic or national origins, colour and nationality
- Religion or belief (including non-religious philosophical beliefs, like humanism)
- Sex (gender)
- Sexual orientation

In addition, there is protection from discrimination in employment on grounds of age. Protection from discrimination on grounds of age will be extended to include the provision of goods, services and facilities at a later point. Provisionally, this is expected to happen in April 2012.

In the Equality Act, discrimination can take the form of:

- Direct discrimination – when someone is treated less favourably than another person because of a protected characteristic
- Indirect discrimination – when a rule, policy or practice applies to everyone but particularly disadvantages people who share a protected characteristic.¹
- Discrimination arising from disability – when a disabled person is treated unfavourably because of something connected with their disability and this unfavourable treatment cannot be justified.²
- Harassment – unwanted conduct that has the purpose or effect of violating a person’s dignity, or which creates an intimidating or hostile, degrading, humiliating or offensive environment for that person.³
- Victimisation – occurs when someone is treated badly because they have done something in relation to the Equality Act, such as making a complaint, raising a grievance, etc.

In some limited cases, indirect discrimination or discrimination arising from disability can be justified using a test of ‘objective justification’, which means that the rule, policy, practice or treatment is a proportionate (reasonable) means to achieving a legitimate end.

Changes to the definition of some protected characteristics

There have been changes to the definition of disability and gender reassignment.

Disability is now defined as a physical or mental impairment that has a substantial and long-term adverse effect on a person’s ability to carry out normal day to day activities. The older definition of disability in the Disability Discrimination Act was similar, but made reference to impairment affecting a particular ‘capacity’, such as mobility, speech, hearing, etc. This is no longer required, which makes the definition of disability more flexible and makes it more likely that it will apply in a broader range of cases, particularly in relation to mental health. Some people, including those with cancer, multiple sclerosis and HIV/AIDS are still automatically protected from the point of diagnosis. People with severe disfigurement will be protected without having to show

¹ Does not apply to pregnancy or maternity, but provisions which place pregnant women or new mothers at a disadvantage would be considered to be indirect discrimination on grounds of sex.

² Applies only to disability.

³ Does not apply to sexual orientation or religion or belief, but actions which may be construed as harassment on these grounds would be likely to be considered indirect discrimination.

that the disfigurement has a substantial adverse effect on day to day activities.

Gender reassignment is now defined as applying to a person who is proposing to undergo, is undergoing or has undergone a process to change their sex. Under the new law, the person no longer has to show that they are under medical supervision.

Improved protection for disabled people

Under the Disability Discrimination Act, disabled people were protected on grounds of their disability, but in practice this protection was eroded by case law. The Equality Act 2010 restores and clarifies this protection, and also extends protection from indirect discrimination to disabled people.

People who experience discrimination because of their association with a disabled person are now protected under the law. This means that carers have improved protection in both employment and in access to facilities and services.

Improved Protection through use of Assumption and Association

People are protected from discrimination if they have a protected characteristic, but also if they are *assumed* to have it (even if the assumption is incorrect) or if they *associate* with someone who has it. 'Association' protects carers from discrimination. Previously, people were protected from discrimination on the basis of assumption or association in relation to some characteristics but not others – now this extends to all the protected characteristics.

Reasonable adjustments- What is it?

Both employers and service providers are required to make reasonable adjustments to meet the needs of disabled people. Reasonable adjustments may take the form of changes to policy, processes or the built environment or to providing auxiliary aids or services. If a building cannot be made accessible through reasonable adjustments, providing the service at a different venue may be a reasonable adjustment.

Reasonable adjustments are required wherever disabled people (employees, potential employees, customers/service users or potential customers/service users) would otherwise be at a substantial (non-trivial) disadvantage compared with non-disabled people.

What is 'reasonable' will depend upon consideration of all the circumstances, including the cost of the adjustment, the effectiveness and potential benefit it might bring to the individual and to others, the organisation's resources and the practicality of the changes.

The Equality Act 2010 extends the requirement for reasonable adjustments by requiring service providers to take an anticipatory approach to reasonable adjustments. This means taking proactive steps to identify and address barriers to the access and inclusion of disabled customers and service users in advance (this provision previously existed in the educational sector only).

If an adjustment is considered to be reasonable, failure to make the reasonable adjustment cannot be legally justified.

Positive action- What is it?

The Equality Act 2010 clarifies and extends the provisions for positive action in employment or in the delivery of services. Some individuals or groups of

people with protected characteristics have experienced disadvantage or exclusion, or are under-represented in employment or in the uptake of particular services or activities. They may also have specific needs which need to be met in order to encourage greater participation or inclusion. Positive action refers to a range of activities which can be undertaken to encourage participation and inclusion of people from these under-represented groups, or to meet their specific needs.

The law clarifies that in situations when a person or organisation reasonably thinks that people who share a particular characteristic experience disadvantage, have needs which are not being met, or where their participation in a service is disproportionately low, they can take proportionate action to encourage participation or to meet the particular needs.

Options for positive action in employment have been extended – see the section below on employment.

Provisions relevant to employment

There are a number of changes which impact on employment. These are described in the Acas guide, [The Equality Act -- What's new for employers?](#)

Some of the significant changes which impact recruitment and employment are:

- Extending protection from associative discrimination to those who care for disabled or older people, which has implications for flexible working and leave arrangements;
- Restricting the circumstances when you can ask health-related questions in recruitment before an individual has been offered a job;
- Extension of employment tribunal powers so that employment tribunals can make recommendations that an organisation takes steps to eliminate or reduce the effect of employees beyond the claimant;
- Banning pay secrecy clauses, and permitting equal pay claims to be made even when no comparator can be found; and
- Clarification and extension of options for positive action, particularly in recruitment, where under-representation can be taken into account if two candidates for a job are otherwise equally matched.

In recruitment, you can only ask health-related questions prior to offering the individual the post when necessary to help you to:

- Decide whether you need to make any reasonable adjustments in the interview, assessment or selection process;

- Decide whether the applicant can carry out a function that is essential ('intrinsic') to the job;
- Monitor diversity of applicants for jobs;
- Take positive action to assist disabled people (eg, the guaranteed interview scheme);
- Assure yourself that a candidate has the disability where there is a genuine occupational requirement that the postholder has that disability.

Changes to the public sector equality duty – Expected in 2011

The Equality Act 2010 will extend the general duty on public bodies, requiring that, in the exercise of their functions, public bodies have due regard to the need to:

- Eliminate discrimination, harassment and victimisation;
- Advance equality of opportunity, and
- Foster good relations between people who share a protected characteristic and people who do not share it.

This new 'general duty' will extend to all the protected characteristics. The current proposal is that this duty would come into effect in April 2011, but the timescale may change.

Until the new public sector duties come into effect, the existing duties will continue to apply.

The Equality Act clarifies the definition of 'public functions', which is particularly relevant when public bodies commission services from private or voluntary sector organisations or invest public funds in private sector organisations. The Equality Act clarifies that in such cases, the general duties as outlined above would be expected to transfer to the body which is providing the service or public function, so that they would be expected to carry out this function in accordance with these requirements. This will have implications for governing bodies of sport, and for any organisation working in partnership with local authorities or other public bodies to deliver services.

Public bodies will also be subject to a series of specific duties, which will include duties around identifying and making progress toward equality objectives, consulting and involving diverse groups, equality impact assessment, procurement, monitoring and reporting. The power to lay specific duties on Scottish public bodies is devolved to Scottish Ministers, which means that the details of the specific duties are likely to differ between the home countries.

Where to find further information

The Government Equalities Office has published a series of short, user-friendly guides on what the Equality Act 2010 means for you as an individual and for organisations. They can be accessed at

http://www.equalities.gov.uk/equality_act_2010/equality_act_2010_what_do_i_n.aspx

The EHRC has published non-statutory guidance on the provisions of the Equality Act which can be found here:

<http://www.equalityhumanrights.com/legislative-framework/equality-bill/equality-act-2010-guidance/>

Defining Discrimination

Prejudice

Prejudice can be described as conscious or unconscious thoughts, irrational feelings, attitudes and opinions that are biased. They are based on judgements people make about others without having sufficient information to make such a judgement. We can have prejudiced views about many things in life as well as people. Prejudice can relate to pre-judged, pre-conceived thoughts, feeling or attitudes.

Prejudice is based on incorrect information, misinformation or a lack of information. Our prejudices are learnt and reinforced from a variety of sources such as family, friends, peers, school, history and the media.

Prejudices are usually negative. For some people it is about a fear of the unknown.

Stereotyping

Stereotyping is the process of labelling or making generalisations about a group of people based on a particular characteristic or a certain type of behaviour. The stereotype or label makes all other attributes and qualities invisible, and often leads people to assume that other people from that group will also display that same characteristic or behaviour.

Stereotyping is often negative and is used to justify discrimination.

Disadvantage

As a result of discrimination, some groups in society are deprived of some or all resources. This means that the individuals in that group can be regarded as being 'disadvantaged'.

Empowerment

This is an enabling process, providing information, skills, opportunities which result in people having more control over their lives.

Discrimination

Discrimination means treating an individual or group of people unfairly because of a particular characteristic, e.g. gender, disability, age, ethnic origin, skin colour, nationality, sexuality and/or religious belief. The treatment usually results in a negative, disempowering experience such as exclusion or blocked opportunities. Discrimination can also be described as putting prejudices into practice.

Discrimination can either be indirect or direct, and can be intentional or unintentional – it does not matter, the effects are the same.

Discrimination has been legally defined through a series of legislative acts, including the Race Relations Act, the Sex Discrimination Act, the Disability Discrimination Act and the Equality Act 2006.

In April 2010, the Equality Act 2010 received Royal Assent. The Equality Act 2010 is a new law which harmonises where possible, and in some cases extends, protection from discrimination. It applies throughout Great Britain and will replace the existing anti-discrimination legislation. Most provisions of the Equality Act 2010 will be implemented in October 2010, with others to follow in 2011 and 2012. The definitions of discrimination provided here will take effect in October 2010.

Discrimination refers to unfavourable treatment on the basis of particular characteristics, which are known as the '**protected characteristics**'. Under the Equality Act 2010, the protected characteristics are defined as **age, disability, gender reassignment, pregnancy and maternity, race (which includes ethnic or national origin, colour or nationality), religion or belief, sex (gender) and sexual orientation.**

Direct discrimination

Direct discrimination can be described as less favourable treatment on the grounds of particular characteristics such as sex or gender, gender reassignment, pregnancy or maternity, race, disability, age, religious or philosophical belief (or the lack of such belief), sexual orientation. Direct discrimination may also involve situations where reliance on a formally neutral criterion affects one group only, even if that was not the intention.

It is not possible to justify this type of discrimination other than on very narrow grounds in relation to age.

Indirect discrimination

Indirect discrimination when a provision, criterion or practice is applied to an individual or group that would put persons of a particular characteristic at a particular disadvantage compared with other persons. In British law, indirect discrimination can occur on grounds of age, disability, gender reassignment, race, nationality or ethnic background, religion or belief, sex/gender or sexual orientation. It does not apply to pregnancy or maternity, but provisions which place pregnant women or new mothers at a disadvantage would be considered to be indirect discrimination on grounds of sex.

Indirect discrimination typically arises when practices are apparently neutral, and often results from structural causes. This is because apparently neutral

practices may unintentionally perpetuate the consequences of past discrimination.

There are some situations where indirect discrimination may be objectively justified (see Objective justification).

Discrimination based on perception or association

People are protected from discrimination if they are assumed to have a protected characteristic (even if the assumption is incorrect) or if they associate with someone who has it (if, for example, they are a carer for an older person, or they are the partner of a transgender person). This protection now extends to all characteristics.

Discrimination arising from disability

When a disabled person is treated unfavourably because of something connected with their disability and this unfavourable treatment cannot be justified, this is unlawful. This type of discrimination only relates to disability.

For example, if a shop owner refuses to allow a visually impaired person with a guide dog to enter the shop because there is a policy not to permit dogs in the shop, this would be considered to be discrimination arising from disability.

Objective justification

Treatment which is indirectly discriminatory or discrimination arising from disability may be justified if it can be shown that the provision, criterion or practice is a proportionate means to achieving a legitimate end. Purely budgetary considerations alone can never serve as objective justification, although financial considerations contribute to the determination of 'proportionate'.

Case law suggests that there is a broad range of potentially acceptable grounds (legitimate aims) of justification. However, the requirements for determining proportionality are quite strict. In order to be 'proportionate', the means chosen to achieve the aim must:

- Be appropriate, in that it is suitable for achieving the aim;
- Be necessary, in that another measure with a lesser effect or no disparate effect would not be effective.

A means which is merely convenient or preferred is not necessarily proportionate.

An objective justification must correspond to a real need and must be based on factors unrelated to the grounds of discrimination.

Harassment

Harassment is defined as unwanted conduct that has the purpose or effect of violating a person's dignity, or which creates an intimidating or hostile, degrading, humiliating or offensive environment for that person. Under the Equality Act 2010, harassment does not apply to sexual orientation or religion or belief, but actions which may be construed as harassment on these grounds would be likely to be considered indirect discrimination.

Victimisation

It is unlawful to treat a person less favourably because he or she has made allegations or brought proceedings under the anti-discrimination legislation, or because they have helped another person to do so. To do so would constitute victimisation.

Key Facts on Equality and Diversity in Scotland and UK

Demographics

- 21% of the Scottish Population have a disability
- 1 in 3 households have someone with a disability or long term illness
- 2.5% of Scottish Population are of BME background
- 7% are lesbian, gay, transsexual or transgender

Participation in physical activity

- Disabled people have some of the lowest levels of physical activity participation
- One in ten (10%) disabled people surveyed reported that the Leisure Industry treats them better; whilst a similar number reported that the sector treats them worse on average than non-disabled people
- 80% of walkers are female
- Women are under represented in all other forms of physical activity with only 35% of women reaching PA guidelines
- Only 18% of BME individuals reach recommended physical activity levels

Social situation

- Disabled people are 10% more likely to live in a SIMD area.
- Low paid workers are 50% more likely to be women
- Women's average pension is 53% less than men's
- 66% of unpaid carers are women
- The pay gap between men and women stand at 21%
- A male from BME background with the same education as a white person earns on average 13-20% less
- Black men are 10 times more likely to be diagnosed with schizophrenia, 3 times more likely to be sectioned, and are overrepresented in secure units.
- Two fifths of people from an ethnic minority are likely to live in poverty which is twice as many as white people.
- 50% of BME children live in low income families compared to 25% white children.
- 1 in 5 LGBT individuals have experienced bullying the figure is higher among younger people.

Poverty

- In UK 10% richest are 100 times richer than the poorest 10%
- 17% of households are deprived

The 17% poorest households are made up by:

- 40% non working families without children
- 26% working families without children
- 13% Non working families with children
- 11% Working families with children
- 10% People of pension age

Case Studies- To help understand how the law works

Question: A group of deaf senior citizens want to walk regularly with a walking group. When trying to join they are informed by scheme coordinator that they could only join if they bring along an appropriate number of carers. Is this a reasonable request?

Answer: NO - This would be considered direct discrimination unless it could be objectively justified. Could be a Health & Safety issue, if the walking scheme had a policy which covered ALL groups then they could justify this position.

Question: Raymond wants to join a health walk. Because of his disability he uses an electric wheelchair as he has difficulties in walking long distances. The walk leader informs him that the route the group uses is not suitable for a wheelchair and suggests that Raymond joins a different walk. Is this reasonable under the EQUALITY ACT 2010?

Answer

NO – discrimination arising from disability must make reasonable adjustment. What is reasonable can be discussed and this might include talking about different routes being offered on different days of the week. If a different day is suitable to Raymond this might be one possibility but if Raymond wishes to walk on that particular day, then it would be reasonable for the scheme to change the route.

Question: A 40 year old man with epilepsy recently experienced a seizure while on a walk and the walk leader had to call for an ambulance. On returning to the walk a week later he was refused taking part on Health & Safety grounds. Is this action reasonable under the EQUALITY ACT 2010?

Answer

NO – This would count as less favourable treatment. One solution would be to ask him to provide the walk leader with information about what the walk leader needs to do in the case of a seizure. Using the Health Walk Agreement cards can help walk leaders to discuss such situations with walkers.

Question:Janice, a black woman is joining a health walk and overhears a walk leader making racially abusive comments. It makes Janice feel humiliated and degraded. Janice approaches the walk leader and makes it clear that she feels the conduct is wrong. She is told that she is oversensitive. Another walker joins her in her complaint and both are told that if they do not like it they can leave. What can Janice do? What can the supportive walker do?

Answer: Janice can take a claim of harassment. Janice can also claim victimisation and so can the walker supporting her.

Question:A walking scheme decides to organise a singles walk, promoting it as an opportunity to meet the person of your dreams. The walk leader wrongly assumes Phillip is gay and tells him that he cannot attend. What can Phillip do?

Answer: He can claim that he is being discriminated against, as the walk leader thinks he is gay when he is not. This is direct discrimination because of sexual orientation. If Phillip were in fact gay he could claim discrimination on the same basis.

Question: June is a Walking Scheme Coordinator, and is looking forward to a promised promotion. In the course of conversation she tells her Manager that her daughter, who lives at home has a disability. This leads to her Manager thinking that June will not have time to concentrate on her new job as she is a woman who is caring for her daughter. What can she do?

Answer: June can claim sex discrimination based on the fact that her treatment is less favourable because she is a woman. June can also claim discrimination by association because of her association with a disabled person.

Question: Jamal is a devout Muslim who finds that the local walks are only run on Fridays at 12.00. This disadvantages him as he cannot attend then because he has to go to the mosque. What can he do?

Answer: This will be indirect discrimination and the health walks need to show a good reason for only holding walks on Fridays. They may be able to offer him a walk at another time, in which case there will be no indirect discrimination.

Question: Jim is 25 and a walk leader. At an event he is not allowed to represent his walking scheme as the management think he looks too young and not representing the “average walker”. What can Jim do?

Answer: Jim has been discriminated against and could claim age discrimination.

It is however ok to have a particular age as a target group for a walking scheme provided there is a good reason for this such as the low activity rates among older people.

Question: A new walk starts in an area with a large Asian community and is for Asian people only. Is this legal?

Answer: Yes, Ethnicity is a protected characteristic and there is a proven underrepresentation in physical activity among this group so this would be considered good practice as it is targeting a previously excluded group, addressing prior discrimination and is a positive action measure. The same would be if it was a group from another protected characteristic such as women; lgbt individuals, disabled people etc.

Question: A blind woman joins a paid walk run by a Local Authority. She complains because she has to pay for herself and her guide. She feels she is being discriminated against because she in effect has to pay twice as much as a non-disabled person for the same session. Is this situation unlawful under the EQUALITY ACT 2010?

Answer This situation is unlawful – Discrimination on grounds of disability/less favourable treatment, guides should not have to pay. Disabled people should not have to pay for their reasonable adjustment.

Question: Neighbours Sam and Samantha want to join a walk. Samantha has a learning disability and as a result of this Sam and Samantha are told that the walking groups are not open to them and they are refused to join. Are Sam and Samantha discriminated against?

Answer

Both Sam and Samantha are discriminated against. For Samantha, this is on the grounds of her disability. Sam is discriminated against by association i.e. he is associated with someone with a disability.

Question: Sarah who has tourettes is a walk leader. Her tourettes is most often displayed in the form of tics/ movements but occasionally her tourettes is also with sounds when she repeats words. She is taken off the rota of walks after a walker complains that Sarah has been rude and disrespectful. Is this discrimination?

Answer: The exclusion would be unlawful discrimination **arising** from disability unless the walk leader could demonstrate that he/she did not know of Sarah's disability or could demonstrate that its action was justified.

Identifying Barriers: A Checklist.

This list should help you identify barriers to access that might exist for people in joining your walks. The list is not exhaustive, but designed to encourage a flexible approach to further questioning of the inclusiveness of your services.

Question	Yes	No
Do you ensure that volunteers and scheme coordinators have the necessary training to deliver to a varied audience including disabled and/or BME individuals		
Are the routes you take inclusive for all and accessible for disabled walkers?		
Do walks provide opportunities for all to take part?		
Are walks responsive to walker diversity?		
Do you target specific groups that have low participation such as disabled people, BME people, women, etc		
Do staff, walk leaders, scheme coordinators recognise and allow for the additional time required by some disabled walkers to take part?		
Are pathways and parking arrangements safe, Are routes accessible, convenient, attractive and connected? (see Walk Leader Manual p20)		
Do walk leaders and scheme coordinators seek to remove barriers to learning and participation?		
Can you provide information in a variety of formats and languages if asked?		
Do you ensure that information is presented to groups in a way which is user friendly for people with disabilities		
Do you provide information in other languages, simple language, symbols, large print, audio or Braille for individuals who may have difficulty with standard printed information?		

Equality and Diversity Policy (SAMPLE POLICY)

Nb. This policy is a sample, and will need to be tailored to your own walking scheme/organisational structure.

Everyone involved with delivering a service should be concerned with good practice, with fairness and inclusion, and with ensuring that opportunities to participate are fair for all, regardless of who we are, where we come from, what our beliefs or social backgrounds are. Being an equitable organisation is an essential prerequisite for government funding and it underlies our organisation's strategic objectives.

Equality is about fairness, including equality of opportunity. It means recognising and respecting cultural and social diversity. Being equitable means treating everyone fairly and according to their needs, which is not always the same thing as treating everybody the same.

From October 2010, people will be protected from discrimination in employment and in the provision of goods, services and facilities on the basis of the following 'protected characteristics':

- Disability
- Gender reassignment
- Pregnancy and maternity
- Race – which include ethnic or national origins, colour and nationality
- Religion or belief (including non-religious philosophical beliefs, like humanism)
- Sex (gender); and
- Sexual orientation

In addition, there is protection from discrimination in employment on grounds of age. Protection from discrimination on grounds of age will be extended to include the provision of goods, services and facilities at a later point. Provisionally, this is expected to happen in April 2012.

1. Statement of Intent

1. **X** will endeavour through our policies, procedures, actions and decision-making to ensure that no employee, volunteer or member receives less favourable treatment on the grounds of race, gender, disability, sexual orientation, religious or political belief, age or social background. We are committed to promoting equality and diversity and equal opportunity in all our work.

2. Purpose of the Policy

1. **X** recognises that certain sections of the community have been affected by past discrimination and may be denied the opportunity to participate equally and fully in society at all levels.
2. This policy has been produced to prevent/tackle any potential/current discrimination or other unfair treatment, whether intentional or unintentional, direct or indirect, against its employees, members and volunteers.

3. Actions

1. **X** will produce and maintain an action plan to ensure the intent of this policy is delivered.
2. All areas of the organisation will be affected by this action plan, which will be incorporated in to the overall business delivery plan, itself reviewed and updated on an annual basis.
3. **X** recognises that, in some cases, to achieve the principle of equality, unequal effort is required and, if appropriate, will consider positive action to tackle under-representation.

4. Legal Requirements

Additional to the intent set out within this policy, **X** recognises its obligations in relation to the Equality Act 2010.

5. Discrimination, Harassment and Victimisation terms explained

Discrimination can take the following forms:

Direct discrimination

Direct discrimination can be described as less favourable treatment on the grounds of particular characteristics such as sex or gender, gender reassignment, pregnancy or maternity, race, disability, age, religious or philosophical belief (or the lack of such belief), sexual orientation. Direct discrimination may also involve situations where reliance on a formally neutral criterion affects one group only, even if that was not the intention.

It is not possible to justify this type of discrimination other than on very narrow grounds in relation to age.

Indirect discrimination

Indirect discrimination when a provision, criterion or practice is applied to an individual or group that would put persons of a particular characteristic at a particular disadvantage compared with other persons. In British law, indirect discrimination can occur on grounds of age, disability, gender reassignment, race, nationality or ethnic background, religion or belief, sex/gender or sexual orientation. It does

not apply to pregnancy or maternity, but provisions which place pregnant women or new mothers at a disadvantage would be considered to be indirect discrimination on grounds of sex.

Discrimination based on perception or association

People are protected from discrimination if they are assumed to have a protected characteristic (even if the assumption is incorrect) or if they associate with someone who has it (if, for example, they are a carer for an older person, or they are the partner of a transgender person). This protection now extends to all characteristics.

Discrimination arising from disability

When a disabled person is treated unfavourably because of something connected with their disability and this unfavourable treatment cannot be justified, this is unlawful. This type of discrimination only relates to disability.

Harassment

Harassment is defined as unwanted conduct that has the purpose or effect of violating a person's dignity, or which creates an intimidating or hostile, degrading, humiliating or offensive environment for that person. Under the Equality Act 2010, harassment does not apply to sexual orientation or religion or belief, but actions which may be construed as harassment on these grounds would be likely to be considered indirect discrimination.

Victimisation

It is unlawful to treat a person less favourably because he or she has made allegations or brought proceedings under the anti-discrimination legislation, or because they have helped another person to do so. To do so would constitute victimisation.

6. Responsibility, Implementation and Communication

The following responsibilities will apply:

1. The Executive Board is responsible for ensuring that this Equality and Diversity Policy is followed.
2. The Chief Executive has the overall responsibility for the implementation of the Equality Policy.
3. A specific member of staff, designated by the Chief Executive, has the overall responsibility for achieving the equality action plan as this will form part of their work programme.
4. All employees, volunteers and members have responsibilities to respect, act in accordance with and thereby support and promote the

- spirit and intentions of the policy and, where appropriate, individual work programmes will be amended to include equality related tasks.
5. The Equality Policy will be implemented immediately following Board agreement and, at a corporate level, will result in the following:
 6. A copy of this document will be available to all staff (both permanent and contract), members and volunteers of **X**.
 7. **X** will take measures to ensure that its employment practices are non-discriminatory.
 8. No job applicant will be placed at a disadvantage by requirements or conditions which are not necessary to the performance of the job or which constitute unfair discrimination.
 9. A planned approach will be adopted to eliminate barriers which discriminate.
 10. Ensure that consultants and advisers used by X can demonstrate their commitment to the principles and practice of equality and that they abide by this policy.
 11. The Equality Policy will be communicated in the following ways:
 1. The Equality Policy will be part of the staff handbook and reference will be made to it in the Code of Conduct.
 2. It will be covered in all staff and volunteer induction training.
 3. All members will be made aware of the policy's existence when they join and a summary of any revisions will be published in **X** member communications.
 4. It will be available on the X Website.
 5. At time of review, a mechanism will be put in place to allow all staff, members and volunteers to be part of the process.

7. Monitoring and Evaluation

1. Once approved, the policy will apply for 3 years before a formal review takes place, unless any proposal to the Board, or legislation change, requires an interim review and/or amendment.
2. The equality action plan, created to ensure the intent of the policy is delivered, will be reviewed by the Chief Executive and the member of staff with the responsibility for its implementation, on a six-monthly basis.
3. On an annual basis, statistical information will be produced by the Chief Executive for the Board, and will be published internally and externally, to show the impact of the action plan.

8. Disciplinary and Grievance Procedures

1. The principles of equality outlined in this policy sit within the wider ethical framework as delineated in the **X** Code of Conduct.
2. In accordance with the **X** Code of Conduct an employee, volunteer or member who believes he/she has suffered inequitable treatment within

the scope of this policy may raise the matter through the **X** Complaints and Dispute Resolution Policy.

3. Appeals of initial findings are provided for through the **X** Appeals Policy.

Date:.....

Signature:Chief Executive

Signature:.....

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