



**NATIONAL PROBATION SERVICE**

for England and Wales

Cumbria

# **CUMBRIA PROBATION**

## **Single Equality Scheme**

**2009 – 2012**

**Updated October 2009**

## CONTENTS

Foreword	4
Executive Summary	5
<b>Part 1</b>	
<b>Section 1</b>	
Introduction to the Single Equality Scheme	6
About Cumbria Probation	6
Our Aims, Values and Principles	7
Our Communities	8
<b>Section 2</b>	
The Single Equality Scheme in Context	9
Legal Framework	9
Governance	9
<b>Section 3</b>	
Key issues for Equality in Service Delivery and Employment	10
Case Management Systems	10
Community Engagement	10
<b>Section 4</b>	
Gathering the Data	11
Gaps in the Data	13
Ethnicity Equality and Inequality	13
Disability Equality and Inequality	14
Gender Equality and Inequality	16
Transgender Equality and Inequality	17
Religion and Belief Equality and Inequality	17
Age Equality and Inequality	17
Sexual Orientation Equality and Inequality	18
Rural Inclusion	18

<b>Section 5</b>	
Involvement and Consultation in the development of the Scheme	19
Community Group Consultation	19
Equality and Diversity Reference Group	19
Senior Management Team (SMT)	19
Cumbria Probation Board	19
Benchmarking and External standards	19
<b>Section 6</b>	
A risk assessment of Cumbria Probation’s functions and policies for relevance to equality	20
<b>Section 7</b>	
Equality in Employment	25
<b>Section 8</b>	
Equality Impact Assessments	28
<b>Section 9</b>	
Public Access to our Information and Services	29
<b>Section 10</b>	
Procurement and Partnerships	30
<b>Part 2 – Single Equality Scheme Action Plan 2009 – 2012</b>	
1. Governance	31
2. Leadership	37
3. Offenders	39
4. Victims	43
5. Local Communities	44
6. Employees	46
<b>Appendices</b>	
Appendix A – Summary of Equality Legislation	50
Appendix B - Impact Assessment	55

## **Foreword by the Chair and Chief Officer of Cumbria Probation**

We are delighted to present the first Single Equality Scheme for Cumbria Probation.

This Scheme sets out the framework for achieving our vision to pursue excellence in service delivery and to make Cumbria Probation an employer and provider of choice. It is a public commitment of how we plan to meet the duties placed upon us by The Race Relations (Amendment) Act 2000; Disability Discrimination Act 2005 and the Sex Discrimination Act as amended by the Equality Act 2006. By incorporating our individual schemes for race, disability and gender equality, and actions relating to age, religion and belief and sexual orientation into one overarching scheme, we are creating a coherent framework for promoting equality and diversity within Cumbria Probation.

Promoting equality and valuing diversity however is more than just a statement of how we will meet our statutory requirements. It is an integral part of the way we conduct our business and how we can make a real and positive difference to the lives of all those who are affected by what we do.

In this Single Equality Scheme we set out our commitments for tackling inequality and discrimination. Implementation of the Scheme will take place over the next three years and every member of staff will have a contribution to make to meet these objectives. Delivery of the actions outlined is essential to maintaining the confidence of our employees, partners, service users and the communities we serve, and working with our recognised Trade Unions is central to delivering this aspiration. The Single Equality Scheme sets out how we will build the seven diversity strands into our policy development, employment practices and the provision of services to offenders and victims.

We are not complacent about the challenges ahead and we recognise that there is still a considerable amount to achieve. We are committed to monitoring our performance rigorously and reporting on progress regularly to ensure that the Scheme continues to be relevant, and we will set fresh targets as we move forward.

Richard Rhodes  
Board Chairman

Annette Hennessy  
Chief Officer

## **Executive Summary**

The Single Equality Scheme (SES) describes publicly how Cumbria Probation will meet the duties placed upon us by equality legislation.

We are committed to conducting our activities with regard for each person's unique value and potential. We welcome constructive suggestions on how we can bring about continuous improvement, and we aim to deliver high quality criminal justice services to the communities of Cumbria, in conjunction with our partners.

The SES is based around seven aspects of equality, known as equality strands, and these are race, gender, transgender, disability, age, sexual orientation, and religion and belief. The scheme covers the period 2009 – 2012, highlighting our responsibilities as a provider of services to offenders and communities and as an employer. We view the seven equality strands as complementing one another, rather than as a set of competing demands.

Cumbria is a complex landscape shaped by its unique history and geography. Many people think of Cumbria as the Lake District, renowned for being a place of natural beauty where many people visit, and aspire to live. Cumbria is a safe place to live, and recorded crime is low. However, there are also significant challenges across Cumbria in terms of isolated communities and areas of severe deprivation, with very little public transport and limited availability of public services. This does require us to work imaginatively in finding ways to meet the different needs of individuals and communities across the county.

CPS acknowledges that striving for equality means recognising and valuing diversity. We want our policies to be well-informed and evidence-based, and our practices to be effective. In the development of our policies and practices, we will seek information and evidence from a variety of sources, and consult appropriately to ensure we meet the needs of the communities we serve.

CPS will use Equality Impact Assessments to ensure that we comply with our legal obligations and that we continue to improve our policy development and implementation.

The involvement of our employees, trade unions and staff groups is essential therefore in driving forward equality and diversity issues.

Robust governance arrangements underpin this SES. Managers are responsible for outcomes as detailed within their specific business areas.

The most important elements of the SES are the action plans which set out what will be done and how actions will be achieved.

We will continue to work with local communities and partners in developing our work within the area of equality and diversity.

## **Section 1**

### **Introduction to the Single Equality Scheme**

This is the first Single Equality Scheme (SES) for Cumbria Probation. It builds on our previous Race, Disability and Gender Equality Schemes. The Single Equality Scheme consists of a strategy and action plan to promote equality in relation to the services we provide and for us as an employer for the period 1 April 2009 to 31 March 2012.

For Cumbria Probation, valuing diversity means more than simply complying with statutory requirements. Equality and diversity are intrinsic to delivering our services, achieving fair, equitable and transparent employment practices and are essential if we are to maintain the confidence of the communities we serve.

Our Single Equality Scheme also identifies how we meet the requirements of a number of statutory duties relating to Race, Disability and Gender to eliminate discrimination, promote equality of opportunity and promote good relationships within our organisation and with our external partners. These consist of both general and specific duties, the purpose of which is to help public sector organisations address the inequalities that some groups in our society face.

The Race, Disability and Gender Equality Duties require public sector organisations to have due regard to the need to eliminate discrimination and to promote equality. There are significant similarities across the three duties, for example to consult on the impact of proposed policies. There are also a number of specific equality requirements within each area. For example a need to promote good race relations or a positive attitude toward disabled people. The power to enforce these duties lies with the Commission for Equality and Human Rights. Cumbria Probation aspires to meet these standards for all seven of the diversity strands, not just those required by law. There is also developing legislation on the 'new equality strands' covering religion or belief, sexual orientation and age.

The SES is structured to demonstrate compliance with Equality legislation, whilst the Action Plan sets out a practical work programme incorporating all of the functions of Cumbria Probation. The SES is a 'live' document which will be subject to the service's governance and performance management systems.

### **About Cumbria Probation**

Cumbria Probation is proud to serve the communities of Cumbria. We are a key partner in delivering a valued, excellent level of service in managing offenders in custody and in the community, contributing to reduce re-offending and protecting individuals and communities from harm.

Cumbria Probation has a full time equivalent of 179 staff which equates to a headcount of 219 staff. Geographically, we are the third largest probation area in England and Wales – approx 2,600 square miles. (Figures correct as at 28/02/09)

As well as the Headquarters at Wetheral just outside of Carlisle, there are eight other sites. There are probation offices in Carlisle, Penrith, Whitehaven, Workington, Kendal and Barrow, and there are a small number of probation staff based at HM Prison Haverigg, a category C prison. There is also an Approved Premises for offenders which provides accommodation for up to 24 residents.

In 2007-08 there were 2609 commencements from court. Of these, 2208 were for supervision in the community and 401 were custodial sentences. During the same period there were 435 releases from prison subject to licence and completed 1793 Standard Delivery Reports (SDRs) and 663 Fast Delivery Reports (FDRs).

Our business is to work with offenders in custody and in the community to reduce the harm they cause, and to support them to become useful, members of society. This work is done in conjunction with the prison service, as the National Offender Management Service (NOMS), situated within the Ministry of Justice

## **Our Aims**

The overall aims of NOMS and Cumbria Probation are to:

- ◆ Protect the public
- ◆ Reduce re-offending
- ◆ Deliver proper punishment of offenders in the community
- ◆ Ensure offenders' awareness of the effects of crime on victims and communities
- ◆ Rehabilitate offenders

## **Our Mission Statement is as follows:**

*"The National Probation Service in Cumbria is committed to conducting all its activities with regard for each person's unique value and potential. We will value constructive discourse and seek to use it to bring about continuous improvement. We will value quality and seek excellence in our work"*

## **Cumbria Probation's values and principles relating to equality and diversity are:**

- To recognise that Equality and Diversity underpins and is integral to all the work that we do
- To treat all service users, providers, employees, partners and the wider community with dignity and respect at all times
- Respect that all individuals are entitled to live, work and learn in an environment that is without bias, discrimination and harassment
- All employees have equal access to learning and development opportunities
- We train and develop staff in the promotion of equality through a positive learning culture which values different experiences and skills and addresses individual and group needs.
- All service users have equal access to quality services that meet their needs and improve their inclusion into mainstream services, training opportunities, housing and employment
- To become a leader in relation to equal opportunities in employment of our staff and service provision to victims, offenders and communities within Cumbria.
- To ensure an environment that is free from discrimination to both staff and service users
- To ensure that our policies and procedures are fair, equitable and meet statutory requirements, national and local agreements and reflect recognised good practice

## Objectives

Our objectives are to:-

- maintain an executive monitoring mechanism to ensure that Cumbria Probation achieves its aims and diversity vision through the implementation of the SES
- fully comply with our statutory equality duties
- work towards embedding equality within all of our functions as an employer and in relation to the services we offer to offenders, victims and partner organisations.
- train, support and develop our employees in Equality and Diversity and specifically in relation to the requirements of the equality duties
- contract in partnership only with bodies that have the commitment and the capability to implement principles of equality and diversity.

## Our Communities

We recognise that the communities we serve are diverse and reflect the different experiences, aspirations and needs of their members. We have an increasing awareness of the difference that exists across the seven strands of diversity. Cumbria Probation values this diversity and understands that the experiences of one group will naturally differ from those of another. We know that some groups have specific risks of exclusion and/or discrimination. These groups include but are not limited to:

- Black and minority ethnic communities
- Individuals with disabilities
- Lesbians, Gay, Bisexual and Transgender communities
- Older and younger people
- Women
- Carers
- Gypsy and Traveller communities
- Religious or Faith groups
- Individuals on low income
- Individuals with low education achievement
- Prisoners and ex-offenders

Cumbria is predominantly a rural county and is home to the Lake District National Park, considered one of the most beautiful areas of the United Kingdom. Describing Cumbria in terms of a rural county may suggest that people live in idyllic country settings – this is undoubtedly the case in some areas; however there are also significant parts of Cumbria where there are real pockets of isolation and depravity i.e. sparse communities with a lack of public transport and limited availability of public services. The extent of this level of isolation creates challenging management solutions for the Probation Service in providing services for offenders as well as to victims across the range of communities in Cumbria.

Cumbria Probation is an organisation within the National Offender Management Service (NOMS) which is contained within the Ministry of Justice, although we do work with a wide range of partner agencies. In working with partners both inside and external to the Criminal Justice System we will make equality and diversity fundamental to what we do. Cumbria Probation is committed to spreading excellent practice to our partners, and in our work we will look at the experience of the many different communities that we serve.

## **Section 2**

### **The Single Equality Scheme in Context**

#### **Legal Framework**

The legal requirement for public bodies to publish equality schemes is contained in:

- The Race Relations (Amendment) Act 2000
- The Disability Discrimination Act 2005 and
- The Equality Act 2006

These pieces of legislation contain specific equality duties including a requirement for all public sector bodies to publish equality schemes. The individual requirements of each of the duties can be found at Appendix A.

#### **Governance**

Our Single Equality Scheme is championed by the Chair of the Board and the Chief Officer, supported by the HR & Training Manager and members of the Senior Management Team. Their specific responsibilities are:

- To provide leadership for the equality and diversity agenda, acting as champions to ensure that the Single Equality Scheme is developed and embedded into our practice.
- To ensure that equality and diversity issues are considered in the development of Cumbria Probation's vision and strategic plans.
- To communicate our Single Equality Scheme to our internal and external stakeholders
- To hold our managers and employees accountable by reviewing performance and addressing this where necessary

The Chief Officer with assistance from the Senior Management Team (SMT) will provide commitment and leadership in addressing equality and diversity issues and implementing the Equality and diversity policy and plans both in practice and employment. The Single Equality Scheme is integral to this and relevant equality and diversity actions arising from the scheme will be incorporated into our Business Plans and Strategies.

## **Section 3**

### **Key Issues for Equality in Service Delivery and Employment**

The main objectives of Cumbria Probation are set out in the Business and Organisational Development plans. We will ensure that equality and diversity are key priorities in the end to end management of offenders. This will include ensuring due consideration is given to their ethnicity, gender, sexual orientation, age, religion and belief and to any disability that they may have and how consideration of these factors can contribute towards effective sentence planning and management to reduce risk of re-offending.

Cumbria Probation will ensure that eliminating discrimination and promoting equality is an integral part of all training, particularly in regard to training our offender managers to produce court reports, assessments and supervision plans that address the needs of offenders and clearly take account of victim's issues. We are keen to ensure that our proposals for community orders on offenders from relevant diversity groups are appropriate. We are focused on outcomes for offenders and will seek to ensure that individuals from all diverse groups benefit equally from their contact with us.

We currently have limited means of receiving comments from the offenders we supervise. We will be launching an offender feedback questionnaire during 2009 and will be investigating ways to further involve service users in improving and developing our service. We will use all evaluation and monitoring information to determine what action will be necessary to address any disparity identified.

The same principles apply to working with victims which remains an important part of our work. We will ensure that our services are monitored, equally accessible and valuable to victims regardless of any diversity factors.

### **Case Management Systems**

All case management systems must follow best practice in the monitoring of equalities including the Commission for Equality and Human Rights (CEHR) categories for ethnic monitoring. It should be noted that these systems rely on self classification and that whilst Cumbria Probation will do its utmost to achieve full returns, there may be reluctance of some individuals to classify themselves. Because of the sensitivity of the issues involved it is not appropriate to resort to caseworker classification of victims and service users if self classification is refused.

### **Community Engagement**

Community involvement and ownership is vital for our work, not only for managing offenders in the community but also for their rehabilitation. Close working with diverse communities is beneficial to everyone, offenders and the public.

Our community work is integrated with all of our work. We are a member of many inter-agency forums including the Domestic Violence forum and Cumbria Equality and Diversity Partnership which is led by Cumbria County Council. Cumbria Equality and Diversity Partnership brings together statutory and third sector organisations to provide a voice for Cumbria on key issues.

We also engage with communities at a local level through mechanisms such as the Crime and Disorder Reduction Partnership.

## Section 4

### Gathering the Data

Cumbria Probation is compiling comprehensive information on disability, ethnicity, age, gender, transgender, religion and belief, and sexual orientation in relation to the staff we employ. Regarding our work with offenders, we also have extensive information on gender, ethnicity, disability and age. This is collected on both a local and regional level by extracting information from our databases. Where the information is collected there is regular analysis of this data. If any data identifies areas of concern, then more detailed analysis of the data can be undertaken. We intend to increase the level of routine monitoring of equality issues and this is addressed in our action plan.

Data on the Approved Premises residents is also monitored as well as data on unpaid work, accredited programmes, victim contact, pre-sentence reports, sentencing, drug treatment and education, training and employment.

The Information Unit provide information on a quarterly basis to the senior management team in relation to race and ethnicity of offenders. Every six months data on the following factors is also analysed by gender, ethnicity, age and disability. Members of the senior management team are tasked with taking actions from this information.

- ◆ Proposals and sentences passed
- ◆ Compliance and Enforcement
- ◆ Accredited programme commencements and completions
- ◆ Unpaid work completions
- ◆ Skills for Life referrals and Employment
- ◆ Drug rehabilitation requirement (DRR) caseloads, successful completions
- ◆ Victim Contact

### Pre Sentence Reports (PSRs)

In relation to the development and monitoring of offender PSRs, when an offender appears at Court and is adjourned for a PSR, the Court Duty Officer will interview the offender and identify any diversity issues which require attention prior to the PSR interview taking place e.g. disabled access to the office, interpreter services. PSR preparation takes account of diversity issues and offender engagement in line with the guidance below and there is a process of second- read monitoring for reports prepared on BME and women offenders.

1. It is likely that every offender will have individual factors that influence and affect how they engage with their sentence. The concept and practice of promoting compliance should begin at the PSR stage. Where an SDR is prepared, use of the OASys Self Assessment Questionnaire can also help to engage the offender in identifying potential issues and start the process of generating solutions to potential barriers. An offender's unique engagement issues and responsivity style will be relevant to how services are delivered to him or her and how compliance is promoted throughout the order. For example, the PSR writer, and, in turn the offender manager, should consider ways to overcome issues such as transport, travel, child-care or other domestic caring challenges, family finance, etc. This may include a sensitively designed pattern of appointments, perhaps scheduling a different balance between office and home visits.

2. Sentencers should be shown how the specific requirements of a community order can address the needs of the offender more effectively than a custodial sentence. Particular care must be taken to ensure that courts are well informed about the potential impact of custody on the defendant. This will be especially important where the defendant is vulnerable and/or has dependants.

3. No offender should receive a more stringent or demanding sentence as a means of accessing support, particularly where that support is best provided through health and social care services in the community. With women offenders in particular, it is important to avoid an overemphasis within the report on needs assessment. Women offenders should have appropriate equal access to service provision to meet offending-related needs. All sentencing proposals should be consistent with the principle that the sentence is commensurate with the seriousness of the offence. Resources should follow risk and be consistent with overall tiering guidance.

### **Unpaid Work (UPW)**

Offenders sentenced to an UPW requirement are referred to the UPW team by the Offender Manager holding the case, using a referral document which includes personal details, a risk of harm screening and a recommendation for a type of placement. If risk issues are identified a full OASys risk of harm will also be provided. OASys is a computer software package for assessing risk. Offenders who are assessed as a medium or high risk will be placed in supervised work groups. Offenders who are assessed as low risk can be allocated to an agency placement. Particular care is exercised in placing sex offenders, who will be placed into supervised work teams, avoiding work sites where offenders have access to children or vulnerable adults.

During the Unpaid Work Induction an assessment form is completed which considers equality and diversity matters and a discussion then takes place with individuals for example about childcare arrangements, or their requirements for religious observation. Agreement is reached with offenders either not to attend at certain times of the day or in providing opportunities to attend religious observance.

Offender's skills and competences are monitored and this data informs decisions about suitable placements. All applications for project work are checked against the Placement Quality Standard to ensure that projects undertaken meet the required standard, these include;

- Offenders have contact with work providers and beneficiaries
- Work is seen as useful by the offender and local communities
- Work provides an opportunity to develop empathy
- The project provides opportunities for offenders to gain employment related skills
- The project provides opportunities to practice problem solving skills

Care is also taken to ensure that projects service a diverse spectrum of beneficiaries.

### **Assisted Housing**

The provision of accommodation to offenders is delivered through Supporting People. This is carried out under co-commissioning arrangements with providers such as CASS (Cumbria Action for Social Support) and Shelter. Cumbria Probation has also been allocated two

properties in Carlisle to be occupied by two male and two female offenders in July 2009. Our partner organisations monitor and evaluate compliance with the General Duties of the equality legislation and they also have targets to meet within their service specifications. Validation visits take place as part of on-going quality assurance schemes.

### **Gaps in the Data**

Notwithstanding the increasing availability of equality data there remain some gaps in the evidence base, both in terms of our work with offenders and employment.

The available evidence on each of the equality strands provides the foundation for planning our future actions, including actions to address gaps in the evidence base. Included in each equality strand below is a synopsis based on the evidence of key areas for future focus. These areas are reflected in the Action Plan which forms the second part of the Single Equality Scheme.

### **Ethnicity Equality and Inequality**

Cumbria Probation recognises the disproportionate number of BME offenders within the criminal justice system and is committed to working with other criminal justice agencies and organisations to understand the cause of this imbalance and redress any unfairness identified as a result.

Cumbria Probation works closely with the North West Regional Training Consortium, who are part of the Probation Service, and who manage the recruitment of Trainee Probation Officers on behalf of the 5 probation areas in this region. They have a range of initiatives in place to encourage applications for Trainee Probation Officers from a BME background.

The census conducted in 2001 provides the most up to date figures on which to base our analysis; however these figures should be treated with caution. We know that there has been significant economic migration to the UK since 2001 particularly from Eastern Europe and therefore reported figures are likely to be higher in reality.

### **Ethnicity in Cumbria**

The reported statistics for Cumbria as a county according to the Census 2001 state that the population is predominately from a white background i.e. 99.30% of the total population. In mid 2006 the Office of National Statistics identified that the residential population of Cumbria was 98.1% predominately from a white background. However, this information is not broken down into further categories. The operational caseload of Cumbria Probation also reflects this 98.603% of casework with people from a white background.

The black and ethnic minority (BME) population from the Census 2001 identify these groups as follows:

<b><i>Cumbria Probation Jan 2009</i></b>	<b><i>2001 Census</i></b>	<b><i>Operational caseload of Cumbria</i></b>
Mixed	0.30%	0.605%
Asian or Asian British	0.20%	0.279%
Black or Black British	0.06%	0.279%
Chinese	0.08%	0.047%
Other Ethnic Background	0.06%	0.187%

Between 2005 and December 2006, 239 people in Cumbria undertook the British Citizenship ceremony. They were from 42 countries with the Philippines, Turkey and India having the highest number of people undertaking the ceremony.

Numerically, Cumbria has seen an increase of 2,600 people classified as White: Other, and an increase of 5,400 people as Non White since 2001. This may reflect the large Polish and other Eastern European residents in Cumbria

National Insurance data since 2002 indicates a steady growth in the diversity of Cumbria's working population.

### **AWAZ (Cumbria)**

Awaz (Cumbria) is an independent organisation registered, as a Community Interest Company (CIC), and works in partnership with various public sector and community groups for the promotion of race equality, diversity and community cohesion across all section of our society and the elimination of racism and discrimination across Cumbria.

AWAZ is an infrastructure support organisation for Black and Minority Ethnic (BME) people and Voluntary and Community Sector (VCS) Groups/Organisations.

AWAZ aims to provide a "voice" for BME people and VCS groups in Cumbria and to influence strategy, policy and service delivery.

### **Disability Equality and Inequality**

Cumbria Probation uses the social model of disability i.e. it is the barriers that society put in the path of disabled people that prevents them from living fuller lives. This concept is fundamental as it informs subsequent strategy and policy decisions relation to our services.

The Disability Discrimination Act (DDA) 2005 defines a disabled person as:-  
**'An individual who has a long-term physical or mental impairment which has a substantial adverse effect on their ability to carry out normal day to day activities'**

The DDA now recognises around 400 impairments including:

- Mobility impairments (requiring aids such as sticks or wheelchairs to move about).
- Sensory impairments (hearing or sight loss).
- Mental ill health (including depression, stress, Alzheimer's disease and schizophrenia).
- Cognitive developmental impairments (including learning disabilities, dyslexia, and autism).
- Muscular impairments (including spinal injuries).
- Asthma
- Cancer
- HIV/AIDS
- Phobias
- Arthritis
- Acquired brain injuries

Cumbria Probation has made a number of reasonable adjustments for staff covered in the above list including:-

- Providing assistive technology for those staff with visual impairments
- Supplying specialised computer packages for staff with dyslexia and dyspraxia.
- Providing specialist equipment for those staff who suffer from back complaints including special chairs.
- Staff with Repetitive Strain Injuries are provided with specially designed keyboards, mouse mats with wrist rests, and keyboard mats with wrist rests.
- Cumbria Probation has a number of staff who suffer from diabetes, therefore special leave is granted to attend appointments.
- Cumbria Probation has also made alternative arrangements for staff diagnosed with diabetes, in relation to driving service vehicles, as staff are not allowed to drive a vehicle over 3.5 tonne until the condition is stabilised.

There is substantial research, information and statistical data to demonstrate the disproportionately high incidence of mentally vulnerable offenders, and the effective supervision of mentally vulnerable offenders is therefore an important issue for Cumbria Probation.

There is also evidence of high proportions of offenders with learning difficulties and/or disabilities. 'The Incidence of Hidden Disabilities in the Prison Population' a report by the Dyslexia Institute (March 2005) found that 52% of prisoners have limited literacy skills which will seriously hamper their learning and work opportunities.

Through working with NOMS Estates towards DDA compliance of buildings, improvements are being made as part of an ongoing programme. Each individual offender's needs are considered at the start of each sentence and regularly reviewed to ensure barriers to accessing and benefiting from services are removed. A key example of this is ensuring to give information verbally as well as in writing.

Cumbria Probation works in partnership with Access to Work and our externally contracted Occupational Health Service, providing reasonable adjustments for those staff with disabilities. Cumbria Probation also has a 'Positive Action' initiative in place to support managers who have a disability or if they are from a BME background to take up 'Accelerate', which is a training opportunity set up by the National Probation Service. 'Accelerate' is a two year long process which seeks to give these managers opportunities to develop and address possible disadvantages.

### **Disability in Cumbria**

The 2001 census showed that out of 209,027 households, 76,365 had someone with a long term limiting condition. This means that 36.5% of Cumbrian households had someone with a condition that would be recognised under the Disability Discrimination Act.

In 2006 the Quality of Life Survey by Cumbria County Council asked the Cumbrian public about their level of satisfaction with their community and services in the county. 22 % of respondents said they had a long-term illness or disability that restricted their daily activities.

## **Cumbria Disability Network**

The Cumbria Disability Network is a network representing disabled people in Cumbria. Cumbria Disability Network is open to any disabled person or organisation in the county. The organisation's aims are to:

- Influence local authorities and statutory sector organisations on disability equality.
- Raise the profile of disabled people in Cumbrian public life.
- Support and represent the existing network of local disability groups.
- Develop a consistent countywide coverage of local disability groups.
- Influence local media representation of disability equality issues.

### ***Key Issues***

We are aware that only one of our buildings is fully DDA compliant, although we do have managed solutions for the rest of our buildings. Access to services is important and positive attitudes must be maintained to eliminate discrimination, particularly using managed solutions to ensure accessibility.

### **Gender Equality and Inequality**

Cumbria Probation maintains information on the gender of offenders and can report on the numbers of males and females making up our caseload.

Work is planned on improving services for women throughout Cumbria in the future. This is in line with the Working with Women Offenders Action Plan, which addresses the differences that need to be taken into account in working with female as opposed to male offenders. Relevant to the situation of women offenders are the facts that:

- Women offenders are more likely to have been primary carers prior to a custodial sentence
- A significant proportion of female offenders have been the victims of domestic abuse

### **Gender in Cumbria**

In 2006 Cumbria County Council carried out a Local Labour Market Survey which looked at the 2004 Household Survey and information from the Office of National Statistics. Three trends we found which indicate that Cumbria's gender inequality is wider than England as a whole, and also within the North West Region.

1. A lower proportion of women who are self-employed compared to men.
2. A lower proportion of women are in full-time work compared to men.
3. A lower proportion of men are in part-time work compared to women.

### ***Key Issues***

The Offender Management Guide to Working with Women Offenders has recently been launched which refers to a legal requirement on the Probation Service to address how we work with women offenders under the Gender Equality Duty. Key areas have been identified nationally and this work is activity being undertaken by Cumbria Probation. Work has already commenced in this area.

## **Transgender Equality and Inequality**

Cumbria Probation does not currently collect data on gender identity regarding offenders or victims, and this will form part of our action plan.

### ***Key Issues***

Currently there is no data available on staff or offenders. The Service does not currently have a protocol for managing and working with transgender staff. This is planned for development in 2010 and work is also being undertaken nationally in partnership with the prisons on this subject.

## **Religion & Belief Equality and Inequality**

Cumbria Probation recognises that Cumbria has communities which are generally of Christian faith (82.15% according to the Census 2001). We are committed to recognising the needs of offenders and employees of all religious backgrounds and of those with no religious belief, and to respond sensitively and appropriately to their needs. Cumbria Probation takes account of personal needs such as religious observance, cultural and dietary requirements.

Cumbria Probation does not currently monitor the faith of offenders but recognises that this would allow offender managers to ensure that offender's needs are taken into account whilst under our supervision. We also recognise that monitoring of faith would enable Cumbria Probation to ensure that there is equity of access to services and programmes for offenders of all faiths.

We recognise that members of faith communities may be victims of crimes because of their faith and this may include religiously aggravated incidents. This will be included in our work on hate crime.

### ***Key Issues***

Awareness of information for staff and offenders would assist in particular when addressing appointments at prayer times etc. Further development in this area is planned for 2009/10.

## **Age Equality and Inequality**

Cumbria Probation deals only with offenders aged 18 or over, unless they are undertaking unpaid work, in which case we also work with 16 and 17 year olds.

We recognise our responsibilities under the legislation on child welfare including the Children Act 1989 and the particular duty under the Children Act 2004 to ensure, together with other relevant agencies, that our functions are discharged having regard to the need to safeguard and promote the welfare of children.

We recognise in our work on hate crime that older people may be subject to abuse and we will ensure that this is built into our work on hate crime as the national policy emerges in 2009.

Cumbria Probation receives regular circulations from Cumbria Police with regards to hate crime statistics, these statistics are then discussed at the Cumbria Diversity and Equality partnership meetings.

## ***Key Issues***

Information on offenders is currently broken down into those aged under 25 or those aged over 25. These statistics need to be analysed further to ensure all offenders regardless of age receive fair treatment and inclusion to ensure successful completion of orders/licences.

## **Sexual Orientation Equality and Inequality**

Cumbria Probation at present does not monitor the sexual orientation of its employees or offenders. We are conscious that any reluctance of individuals to disclose this information may lead to under-reporting of hate crime. Cumbria Probation is currently developing a more comprehensive staffing and offender profile which will include the monitoring of sexual orientation.

## **Sexuality in Cumbria**

Although the 2001 census did not record the sexuality of respondents, it did record 366 same sex households in Cumbria. In 2006 there were 117 Civil Partnerships in the county, 63 female and 54 male.

This lack of stable data on sexuality reflects a national issue, suggesting that authorities underestimate the numbers of lesbian, gay and bisexual people in local communities. The North West Regional Development Agency's estimation is that between 5-7% of people are lesbian, gay or bisexual. This would translate into 25,000 to 35,000 Cumbrians.

## **OutREACH Cumbria**

OutREACH Cumbria plans to develop its role in Cumbria and to establish an independent organisation. Until such times OutREACH Cumbria will:

- Work to influence local authorities, statutory and voluntary sector organisations on LGB & T Equality
- Raise the profile of LGB&T people in Cumbria
- Develop a network of LGB&T groups in the county
- Influence media representation on LGB&T issues

## ***Key Issues***

Information is not readily available or data held on employees or offender's sexual orientation.

## **Rural Inclusion**

Living in a rural county creates an extra dimension to achieving equality. Distances between services can add an extra disadvantage to groups who are less likely to have private transport, such as people on low wages, disabled people and older people.

Distance from social contact can also have an added impact on groups who are less mobile, and victims of discrimination may lack the local support that is available in urban areas.

Decision made about how Cumbria Probation provide services can have an impact on people who live far away from public transport, shops and basic public services.

## **Section 5**

### **Involvement and Consultation in the development of the Scheme.**

Cumbria Probation recognises that engagement with our partners, staff groups and the wider community is essential in creating a Probation Service which is trusted and valued, and we are committed to ensuring that all stakeholders are given the opportunity to contribute to and influence our policy formulation.

For the SES to make a genuine impact on reducing inequality and promoting diversity it is essential that the scheme and the action plans are the result of meaningful consultation and involvement. It is also important to acknowledge that the SES is a 'living document' and that there must be an ongoing process of consultation and engagement.

This Single Equality Scheme builds on our original Diversity and Race, Disability and Gender Equality Schemes all of which were consulted upon. Our staff groups, trade unions, Equality and Diversity Reference Group, Senior Management Team and Cumbria Probation Board have all provided feedback on the Single Equality Scheme. We have also engaged with Cumbria's local groups in order to consult with a wider community audience.

#### **Community Group Consultation**

Awaz (Cumbria), Cumbria Disability Network and OutREACH Cumbria were consulted on our Single Equality Scheme including members of the HR team meeting with representatives from these groups to discuss and answer queries and clarify different aspects within the SES document. Minor comments were raised and amendments were made accordingly, which the groups agreed with. The discussions with these groups did include providing information on what we do as an organisation and the range of interventions we provide to offenders.

#### **Equality and Diversity Reference Group**

The Equality and Diversity Reference Group provide overarching support for the SES and the group ensures that the objectives set out in the schemes and action plans are achieved. It is a cross grade group chaired by the Chief Officer, with the Board Chair as the deputy Chair, and includes the HR and Training Manager, Board Members and representatives from the wider workforce, as well as Trade Union members. Issues from this group are fed back to the Senior Management Team for appropriate action.

#### **Senior Management Team**

The Senior Management Team has provided valuable feedback in relation to work carried out on equality and diversity issues within their areas of strategic and operational responsibility. All senior managers have a responsibility for actively promoting the equality and diversity agenda within Cumbria Probation.

#### **Cumbria Probation Board**

The Probation Board oversee the implementation of the scheme and has overall responsibility for the compliance of Cumbria Probation with equalities legislation.

#### **Benchmarking and External Standards**

Cumbria Probation recognises the value of using external tools and benchmarking standards. We hold the Investors in People Standard which was retained in November 2007 and the Positive about Disability 'Two Ticks' symbol. We will seek to maintain these accreditations and work towards more demanding requirements as appropriate.

## Section 6

### **Risk Assessment of Cumbria Probation's Functions and Policies for relevance to equality.**

Cumbria Probation has a statutory duty to determine the extent to which it meets the legal requirements of the public sector duties.

General Duties are as follows:

Race Equality Duty – to eliminate unlawful racial discrimination; to promote equality of opportunity between people of different racial groups; to promote good relations between persons of different racial groups

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

Gender Equality Duty – to eliminate unlawful discrimination and harassment (including in respect of transsexual men and women) and to promote equality of opportunity between men and women

We have classified the priorities of our functions and policies as high, medium or low in meeting these General Duties, through evidence of identified bias from data collated or through the potential impact on particular groups and the potential to hinder or promote equality. The decisions on how the level of prioritisation was reached was based on evidence collated and in discussions with senior managers who have responsibility for each of our functions and in the development of our policies. The tool used to identify these priorities is attached at Appendix B. Those areas rated high will be impact assessed during 2009/10, those rated medium will be impact assessed during 2010/11 and those rated low during 2011/2012.

We will review the risk assessment of our functions and policies by April 2010 to determine whether their High, Medium, or Low status remains appropriately rated. We will liaise with relevant groups, i.e. the Equality and Diversity Reference Group, as well as managers and staff in conducting this review.

## RISK ASSESSMENT OF FUNCTIONS

Functions	Prioritised by relevance to the seven equality strands						
	High (H)		Medium (M)		Low (L)		
	Disability	Race	Gender	Gender Identity	Age	Religion	Sexual Orientation
<b>Operations</b>							
Pre-court services <ul style="list-style-type: none"> <li>• bail</li> <li>• reports</li> </ul>	H M	L L	H M	H M	L L	L L	L L
Management and supervision of offenders <ul style="list-style-type: none"> <li>• community orders</li> <li>• pre-release</li> <li>• post-release</li> <li>• Multi Agency Public Protection Arrangements</li> </ul>	M M M L	L L L L	M M M L	M M M L	L L L L	L L L L	L L L L
Delivery of interventions <ul style="list-style-type: none"> <li>• Level 4 programmes</li> <li>• Level 3 programmes</li> <li>• Community Payback</li> <li>• Re-offending pathways</li> <li>• Alcohol treatment requirements</li> <li>• Drug rehabilitation requirements</li> </ul>	H H M H H H	L L L L L L	M L L M L L	L L L M L L	L L L L L L	L L L L L L	L L L L L L
Victim contact	L	L	L	L	L	L	L
<b>Corporate Services</b>							
The delivery and/or procurement of drug rehabilitation requirements	M	L	M	M	L	L	L
The delivery and/or procurement of alcohol treatment requirements	M	L	M	M	L	L	L
The delivery and/or procurement of mental health requirements	M	L	L	L	L	L	L
Recruitment and selection of staff	M	L	L	L	M	L	L
Employment of staff including pay, terms and conditions	M	L	L	L	L	L	L

Training and development of staff	L	L	L	L	L	L	L
Supervision and appraisal of staff	L	L	L	L	L	L	L
Management of sickness absence	L	L	M	L	L	L	L
Management of disciplinary, grievance, bullying & harassment and capability issues	M	L	H	L	L	L	L
Reward and recognition of staff	L	L	L	L	L	L	L
Accidents	L	L	M	L	L	L	L
Violent incidents including verbal abuse	L	L	L	L	L	L	L
Management of budgets	L	L	L	L	L	L	L
Business Planning	L	L	L	L	L	L	L
To collect information to monitor performance	L	L	L	L	L	L	L
<b>Premises</b>	H	L	L	L	L	L	L
Partnerships and Stakeholder Relationships	M	L	L	L	M	L	L
MAPPA	L	L	L	L	L	L	L
Prolific and Priority Offenders	L	L	L	L	L	L	L
Publications, including website	H	L	L	L	M	L	L

## RISK ASSESSMENT OF POLICIES

Please note Cumbria Probation follows a significant amount of national guidelines and probation circulars for operational issues.

Function	Policy	Prioritised by relevance to seven equality strands						
		High (H)		Medium (M)			Low (L)	
		Disability	Race	Gender	Gender Identity	Age	Religion	Sexual Orientation
<b>Operations</b>	• Community Reintegration	M	L	M	M	L	L	L
	• Service Delivery to Courts	L	L	L	L	L	L	L
	• Approved Premises Admission Policy	M	L	M	M	L	L	L
	• Offender Management	M	L	L	L	L	L	L
	• Risk of harm	L	L	L	L	L	L	L
	• Education, Training and Employment Strategy	M	L	M	M	L	L	L
<b>Corporate Services</b>	• Health and Safety	M	L	L	L	L	L	L
	• Supervision & appraisals	L	L	L	L	L	L	L
	• Conditions of Service	L	L	L	L	L	L	L
	• Payments to Staff	L	L	L	L	L	L	L
	• Training & staff development	L	L	L	L	L	L	L
	• Relocation Policy	L	L	L	L	L	L	L
	• Redundancy	L	L	L	L	L	L	L
	• Recruitment and selection	H	H	M	M	H	M	M
	• Bullying and Harassment	L	L	L	L	L	L	L
	• Capability Procedure	L	L	L	L	L	L	L
	• Disciplinary Procedure	L	L	L	L	L	L	L
	• Grievance Procedure	L	M	H	L	L	L	L
• Sickness Absence Procedure	M	L	L	L	L	L	L	

Function	Policy	Prioritised by relevance to seven equality strands						
		High (H)		Medium (M)			Low (L)	
		Disability	Race	Gender	Gender Identity	Age	Religion	Sexual Orientation
	• Reward and Recognition	L	L	L	L	L	L	L
	• Information Security	L	L	L	L	L	L	L
	• Anti-fraud & Corruption	L	L	L	L	L	L	L
	• Whistle Blowing	L	L	L	L	L	L	L
	• Managing Business Risk	L	L	L	L	L	L	L
	• Complaints	L	L	L	L	L	L	L

## Section 7

### Equality in Employment

Cumbria Probation aims to promote equality of opportunity so that no employee is discriminated against on any grounds. We fully support the importance of having a diverse workforce, and that diverse groups are represented at every level of the organisation. Cumbria Probation accepts its responsibilities as an employer in meeting the legal requirements of the General Duties in relation to equality and by promoting good relations between all people through fair and effective employment practices. Cumbria Probation does not consider diversity to be an 'add on' but a full part of the employment cycle and ensures that diversity is embedded into all of our practices.

The HR team is responsible for monitoring employment processes in the organisation by race, disability, gender, age and by grade, and for taking action accordingly. Monitoring takes places across the following strands:

- Individuals applying for posts and recruited to the organisation
- Staff in post
- Staff receiving training
- Staff involved in formal procedures
- Staff leaving the organisation

We also monitor the levels of employee satisfaction and experience of working at Cumbria Probation. The primary mechanism for this is currently the stress survey.

Cumbria Probation recognises the value and importance of providing fair and equitable development opportunities for all employees at every stage of their career. Training and equality of access to training has a pivotal role to play in promoting equality of opportunity and good relations between all employees.

In December 2008, 2.3% of Cumbria Probation employees identified themselves as being from a black or ethnic minority background. This is higher than the BME communities in Cumbria itself according to the 2001 census information. We also currently monitor our BME employees in terms of applications for roles, training, promotion and employee relation issues, using the 16+1 ethnicity coding for all employment data, which is held on our HR databases.

In February 2009 out of 219 staff, Cumbria Probation has 5 employees identified as having a disability, 3 of whom are male and 2 are female. From the data held we also know that all employees who have a disability are from a white background. We are improving our monitoring of staff disability during 2009.

In February 2009 of 219 Cumbria Probation employees, 143 are female and 76 are male. This does not reflect the regional picture as there is only a slightly higher proportion of women (51%) to men (49%) in the general population. This larger proportion of women is common within the National Probation Service particularly in practitioner roles. Whilst there is no research to suggest that this has an impact on the success of outcomes for male offenders it is clearly desirable to have an increased proportion of male practitioners within the organisation.

In terms of work-life balance and the breakdown of part-time and full-time staff, 8% of men and 47% of women work on a part-time basis, totalling 26% of the workforce. We do ensure our part-time staff receive appropriate supervision, training and development, and they are not disadvantaged because of the hours they work. Of the 11 staff who have taken maternity leave

in the last 3 years, 7 have returned on a part-time basis, 2 on a full-time basis and 2 staff did not return.

Cumbria Probation collates information on pay and gender; and in terms of equal pay we have implemented the national job evaluation scheme for probation services. At present results published nationally show that there is no bias in terms of race or gender.

Cumbria Probation does not currently keep records on the faith or belief of employees, applicants for employment, offender or victims. We are currently reviewing the personal information held on staff and are in the process of asking for this information to be disclosed, as we recognise that faith or belief may give rise to unfairness or discrimination in all contexts.

Cumbria Probation has no formal record of any transgender staff. However it is important that we have appropriate policies and processes in place to support any member of staff who has or is going through the process of transition. Again, we are in the process of asking staff to provide us with information so that we can ensure we provide the appropriate support to staff, and policy development on trans staff is scheduled in our action plan.

We have identified both targets for further improvement on workforce representation and a number of other outcomes on which we intend to make progress during the life of this scheme. These include:

- Improved employee satisfaction collated through staff surveys
- A workforce where there are no differences in the employees experience which are not justified on the basis of role, conduct or capability to perform their job.
- A service where our workforce are involved in improving our business objectives

In relation to the legal requirements of the General Duties relating to equalities, Cumbria Probation actively promotes the elimination of unlawful discrimination and harassment against race, gender and disability; promoting equality of opportunity; and promoting good relations between staff, service users, partners and other stakeholders. Cumbria Probation incorporates pro-social modelling in all aspects of our work including creating a pro-social environment within our teams and with offenders. Promoting equality and diversity is assessed as part of our performance appraisal competencies, and evaluation of all our training includes an assessment of whether each course has met the criteria of recognising and valuing diversity and difference. Our mission statement confirms our commitment to conducting all our activities with regard for each person's unique value and potential. In relation to the disability General Duty, individual staff who require adjustments or specialist equipment through a disability are very much supported, and we liaise with 'Access to Work' as well as using our own risk assessments and medical advice to ensure these needs are met as quickly as possible. These include the provision of specific chairs and keyboards, altering work stations and locations, and facilitating access to medical specialists. Our action plan for the next three years identifies further work to be achieved against the General Duties.

Data is analysed annually to review workforce information to address any significant under-representation. Additionally this data will be used to identify any necessary action where an unjustifiable adverse impact is found. For example, whilst our recruitment practices are fair and transparent, we still attract more women than men to work for our organisation. This is also reflected nationally and regionally, and whilst specific work has been carried out by the North West Consortium who centrally manage the recruitment of Trainee Probation Officers, this has not resulted in any significant changes to the applications we receive. Given the state of the economy and the significant budget deficits we will now receive from the Ministry of Justice, we are unlikely to recruit many staff over the next 3 years therefore cannot make significant inroads

to this situation. Monitoring data is reported on staff within the HR Department and within Offender Management to Managers of Divisional Teams to action or improve performance, as well as the Equality and Diversity Reference Group for information.

The current key gaps in employment are

- No monitoring of Sexual Orientation or Gender Identity (Transgender) and Religion and Belief through employment processes.
- Disability is monitored at application stage but the remaining six equality strands are not monitored until interview stage.
- Males are under-represented in the organisation

Unlike many other organisations, women are not under represented at Management grades, for example our Senior Management Team consists of 2 males and 5 females.

Employment data is analysed on an individual basis on an HR database and this is presented in a yearly HR report in relation to the number of cases we manage and investigate, i.e. bullying and harassment, capability, disciplinary issues, grievances, sickness absence, restructures and redundancies. We know for example that whilst there was only one harassment complaint made in 2008/09, we are not complacent about the work we need to do to eliminate such 'hot-spots' around the county. We do take harassment cases seriously, and we have recently issued an updated Bullying and Harassment Policy which will be followed up with further training for staff and managers to ensure they have an appropriate understanding of the issues around bullying and harassment at work. We currently monitor these cases in terms of ethnicity, gender, age, disability and grade, detailed analysis of which is contained within the annual HR Report, presented to the Senior Management Team, Cumbria Probation Board and our local Joint National Consultative Council (JNCC). The HR team regularly review the data from the casework to monitor and identify any patterns or trends. The HR team also monitors the impairment type for staff with a disability under the following headings: Visual impairments, Diabetes, Epilepsy, Dyslexia, and Serious medical underlying conditions.

The HR team have a staff profile for the organisation which is regularly updated, based on the number of staff we employ broken down by male/female, part-time and full-time work, by age, grade, disability and ethnicity. This is also part of the annual HR report.

During this financial year (2009/10) new policies and procedures have been agreed and implemented on managing sickness absence and managing bullying and harassment cases, and more staff have recently been trained in investigation techniques. With the roll-out of the new policies, specific investment is being made in ensuring managers have the skills, knowledge and understanding of key issues such as bullying and harassment and in mediation skills so that we can combat harassment issues in the future.

## Section 8

### Equality Impact Assessments

A central principle of compliance with equality legislation is the completion of Equality Impact Assessments. Public bodies are required by law to complete these in relation to race, disability and gender. Cumbria Probation exceeds the statutory requirement by further addressing all seven strands of Equality and Diversity.

Impact Assessments provide a valuable mechanism for Cumbria Probation to identify existing or potential differential impacts which unless addressed would be disadvantageous to certain groups. The impact assessment process focuses on assessing, consulting upon, recording and acting upon the likely impact on equality of a Cumbria Probation function or policy. It is essential that our policy implementation mitigates inequalities wherever possible; however this does not mean that we 'treat everyone the same'. Rather, the process of impact assessment reveals where and how differential treatment may be required to achieve equality of outcome. Where an impact assessment reveals a potential differential impact, then Cumbria Probation commits to looking at different means of achieving the same objective which causes fewer or no adverse impacts.

In undertaking Impact Assessments, Cumbria Probation utilises a panel approach of cross-grade staff who have received relevant training who, in broad terms, adopt the following process:

- Identification of ownership of the policy or function together with identification of intended recipients and key stakeholders.
- Consideration of the stated aims and objectives of the policy and what the desired outcomes are
- Consideration and recording of all the relevant evidence for potential discrimination or promotion of equality

A copy of the Equality Impact Assessment form can be found at Appendix B.

Cumbria Probation provides Impact Assessment training to all staff involved in the process. As the process is undertaken it will be regularly reviewed to ensure that it meets its aims and objectives.

## Section 9

### Public Access to our Information and Services

Cumbria Probation is committed to transparency and openness and is aware that offenders and the wider community may experience barriers to accessing information and services. Cumbria Probation gives an undertaking through this SES that we will aim to use language appropriate to the intended audience and ensure that the information is available in accessible formats.

We have a number of arrangements in place to identify the information needs, service needs and service experiences of offenders; these include but are not limited to:

- Offender feedback forms
- Face to face, telephone and written contact
- Complaints monitoring
- Community engagement, research and consultation

Our arrangements to allow access include but are not limited to:

- Providing information through local offices
- Our website [www.cumbriaprobation.org.uk](http://www.cumbriaprobation.org.uk)
- Specific publications and leaflets about the services that we provide
- Use of interpretation and translation services

Where barriers to access are identified we will take necessary action to review and remove these wherever possible. In doing this we will consult with communities and offenders to identify their particular needs for accessing information and services. Cumbria Probation also makes the following commitments with respect to improving public access to information and services:

- All information will be written in plain English, and where illustrations are used there will be appropriate colour contrast
- All information intended for the public will be in accessible formats
- Standard documents will make it clear whom to contact to obtain information in alternate formats
- Information for the public will be drawn up in consultation with the Equality and Diversity Reference Group

## Section 10

### Procurement and Partnerships

Cumbria Probation recognises that its purchasing and procurement can be used as a driver for positive impact on equalities. Cumbria Probation views procurement as an opportunity to exercise this influence through open and transparent processes and systems. The duties conferred on public bodies by statutory legislation also extend to procurement and when procuring goods and services from external providers Cumbria Probation must build relevant race, disability and gender equality considerations into their procurement processes, and by means of good practice will also include transgender, age, religion and belief and sexual orientation.

In relation to disability, if a contractor is carrying out public functions on behalf of Cumbria Probation then the Disability Equality Duty (DED) applies to that contractor. If the contractor is providing services to Cumbria Probation then the responsibility for compliance with the DED remains with Cumbria Probation. However in relation to the Gender Equality Duty (GED) the responsibility for compliance remains with Cumbria Probation irrespective of who is supplying the service.

The Best Value review process forms an important part of the work that we do in reviewing and commissioning services. Equality and diversity are integral to the best value review process and a new framework including these will be implemented. This will include consideration of the following areas:

- National service specifications which include requirements about equality of access and diversity where relevant
- Consultation during a best value review process to include all relevant stakeholder groups ensuring that all relevant diversity issues are considered.
- When comparing performance across other probation and peer groups consideration should be given to equality issues and how peer organisations address diversity matters
- During the challenge stage particular attention should be paid to ensuring that efforts to achieve Best Value do not have a negative impact on diversity and a recognition that the most efficient delivery option is not always the most effective and inclusive one.
- When services are competed the impact of changes to the service delivery model should be assessed across the full range of user groups.

Cumbria Probation welcomes and advocates partnership working where it supports the achievement of positive outcomes for offenders and the wider community. In such arrangements Cumbria Probation will ensure that it leads in promoting a positive endorsement of equality and diversity. It is important that Cumbria Probation insists that the same principles are applied to partnerships and Cumbria Probation will not knowingly enter into partnerships with organisations or bodies that do not comply with equality legislation. This does not prevent discussion with organisational or bodies that hold controversial or challenging views. The Probation Service has many stakeholders, but formal partnerships with organisations or bodies actively working against equality legislation or contravene it will not form part of Cumbria Probation policy.

## Part 2 – Single Equality Scheme Action Plan 2009 – 2012

### 1. Governance

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
						✓	✓	✓	✓	✓	✓	✓
Create an organisation in which equality and diversity related issues are discussed and solved without fear or prejudice or discrimination	RED DED GED	All employees and service users feel that their individual differences are recognised and supported.	All employees	Ongoing	Specifically addressed in staff survey, offender exit questionnaires and focus groups	✓	✓	✓	✓	✓	✓	✓
Ensure all new and revised Cumbria Probation policies and procedures are Equality Impact Assessed	RED DED GED	A consistent and streamlined approach is in place. All new and revised policies have had any Equality and Diversity issues identified and consideration given to changes in policy / procedure where appropriate.	HR and Training Manager	Ongoing	Database confirming assessment carried out is up to date	✓	✓	✓	✓	✓	✓	✓

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
						◀	◀	◀	◀	◀	◀	◀
<p>Ensure the Single Equality Scheme is communicated to all employees.</p> <p>Progress is reported to the Board</p>	RED DED GED	All employees are aware of the SES and their responsibilities to diversity. All employees and the Board are aware of progress against actions.	HR and Training Manager	Spring 2009  Ongoing	Audit of communication methods used. HR and Training Manager reports data and analysis on Equality and Diversity issues to the Board annually.	◀	◀	◀	◀	◀	◀	◀
<p>Ensure the risk assessment of our functions and policies within the SES remains appropriate.</p>	RED DED GED	To determine, by liaising with relevant groups, whether the High, Medium or Low status remains appropriately rated.	HR and Training Manager	Review April 2010	The list of functions and policies in the SES is updated and impact assessed accordingly.							

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
						✓	✓	✓	✓	✓	✓	✓
Produce a three yearly Single Equality Scheme containing an action plan which is reviewed annually.	RED DED GED	Cumbria Probation has a Single Equality Scheme which meets our responsibilities under statutory legislation and informs the direction of the Equality and Diversity Plan for the coming 3 years, providing the foundation for actions to progress the diversity agenda.	HR and Training Manager	Review March 2010	Planned actions for each year have been achieved.	✓	✓	✓	✓	✓	✓	✓
Produce an annual Equality and Diversity Workplan.	RED DED GED	Direction is set for each year's equality and diversity activity. Staff groups have a greater involvement in developing policy and strategy	Equality and Diversity Reference Group, led by the HR and Training Manager	Annually by 31 March	Strategy and Workplan are produced for the forthcoming years; staff groups have ownership of this.	✓	✓	✓	✓	✓	✓	✓

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
						✓	✓	✓	✓	✓	✓	✓
Ensure diversity statistics are reported to Cumbria Probation Board	RED DED GED	Cumbria Probation Board is aware of Cumbria Probation's position in relation to diversity and the actions that are being pursued	Chief Officer	Annually	Board minutes	✓	✓	✓	✓	✓	✓	✓
Ensure all work contributes to the Local Area Agreement (LAA) for Cumbria	RED DED GED	Cumbria Probation Board contributes to diversity strands within the LAA	Chief Officer	Annually	LAA Review document	✓	✓	✓	✓	✓	✓	✓
Ensure all HR policies and procedures are reviewed on a rolling three year basis identifying and addressing any areas where equality and diversity may impact upon the policy	RED DED GED	Policies and procedures recognise and support individual difference in the workplace	HR and Training Manager	Ongoing	A plan highlighting which policies and procedures are due to be reviewed and they are updated consistently	✓	✓	✓	✓	✓	✓	✓

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
						✓	✓		✓			
Ensure that all procurement and contract management processes and documentation comply with the provisions of the General and Specific Duties in relation to Race, Disability and Gender	RED DED GED	Cumbria Probation has the confidence that all suppliers and partners support our aims in relation to equality and diversity.	Business Development Manager  Finance Manager  HR and Training Manager	Ongoing	All pre qualification questionnaires and invitation to tender documentation include questions covering the contractors approach to Race, Disability and Gender.	✓	✓		✓			
Ensure monitoring of all contracts and partnership arrangements take place so that issues around race, gender and disability are identified and addressed	RED DED GED	Cumbria Probation has the confidence that all suppliers and partners support our aims in relation to equality and diversity.	Business Development Manager  HR and Training Manager	Ongoing	Any identified issues relating to race, disability and gender are addressed appropriately	✓	✓		✓			

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
								↳		↳	↳	↳
Ensure monitoring of all contracts and partnership arrangements take place so that issues around age, sexual orientation, gender identify (transgender) and religion and belief are identified and addressed		Cumbria Probation has the confidence that all suppliers and partners support our aims in relation to equality and diversity.	Business Development Manager  HR and Training Manager	Ongoing	Any identified issues relation to age, sexual orientation, gender identify and religion and belief are addressed appropriately			↳		↳	↳	↳

**General Duty Covered\***

**RED – Race General Duty**

**DED – Disability General Duty**

**GED – Gender General Duty**

## 2. Leadership

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
						✓	✓	✓	✓	✓	✓	✓
Ensure the updating of the internet and intranet sites to reflect organisational commitment to equality and diversity	RED DED GED	Staff and the general public are aware of the organisations commitment to equality and diversity	Business Development Manager	As required	Ensure information on intranet and internet sites is current.	✓	✓	✓	✓	✓	✓	✓
To work in partnership with regional and national colleagues and external organisations to share resources and disseminate good practice in relation to all seven strands of equality and diversity	RED DED GED	Regional and national partnership working supports the achievement of the equality and diversity agenda.	HR and Training Manager  Head of Operations	Ongoing	Regular meetings are held, areas of good practice identified and adopted where appropriate	✓	✓	✓	✓	✓	✓	✓

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
						✓	✓	✓	✓			✓
To work with the Equality and Diversity Reference Group members to determine appropriate support networks for the relevant staff groups	RED GED	Race, Disability, Lesbian, Gay Bisexual, Transgender and Gender issues for staff and service users are identified and addressed	HR and Training Manager	Ongoing	Set up appropriate groups and inform staff accordingly	✓	✓	✓	✓			✓
Ensure all information produced by Cumbria Probation is accessible, meets appropriate standards and is available in alternate formats. Ensure our website meets the standard for disabled people	RED DED	Barriers for staff and service users for whom English is not a first language or who have a disability impacting on their ability to access information are removed	Board Secretary/ Solicitor  Business Development Manager	Ongoing	All information meets the required standard. Any requests for information in an alternate format are actioned within 5 working days.	✓			✓			

**General Duty Covered\***

**RED – Race General Duty**

**DED – Disability General Duty**

**GED – Gender General Duty**

### 3. Offenders

Objective	General Duty Covered *	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
						✓	✓	✓	✓	✓	✓	✓
Ensure the Approved Premises produces it's own Diversity Plan	RED DED GED	Approved Premises develops a Diversity Plan with actions timescales and monitoring arrangements	Divisional Manager for Approved Premises	By December 2009	Next Audit of Approved premises confirms actions taken. Also actions monitored by the Equality and Diversity Reference Group	✓	✓	✓	✓	✓	✓	✓
To implement the Working with Women Offenders Action Plan 2008/09	RED DED GED	The needs of women offenders in the Cumbria Area are reflected in the work of Cumbria Probation	Head of Operations	By December 2009	Objectives outlined in action plan are achieved by December 2009	✓	✓	✓	✓	✓	✓	✓

Objective	General Duty Covered *	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
						↳	↳		↳			
Ensure Identification of any race, gender or disability disproportionality in service delivery and ensure that services are delivered in a non-discriminatory way	RED DED GED	Analyse data on a bi-annual basis identifying any disproportionality in the services provided to BME, female and disabled offenders	Information Manager	Half-yearly	Data is analysed, disproportionate impacts are identified and actions set in place to address these where appropriate.	↳	↳		↳			
Provide effective and comprehensive translation and interpretation services for offenders for whom English is not a first language	RED	Employees and offenders are able to communicate speedily and effectively	Head of Operations	Ongoing	Usage of service to be monitored quarterly	✓						

Objective	General Duty Covered *	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
						✓	✓	✓	✓	✓	✓	✓
Monitor the diversity of all offenders in respect of Referral, Commencement, Attrition, Compliance and Outcomes	RED DED GED	95% monitoring of offenders identifying any disproportionality and supporting informed action planning by the Chief Officer and Strategic Diversity Group	Head of Operations	By March 2010	95% of offenders monitored	✓	✓	✓	✓	✓	✓	✓
Ensure offenders across the Area provide feedback on their experience of the service provided by Cumbria Probation	RED DED GED	Services are reviewed and improved where appropriate as a result of offender input	Divisional Managers	Half-yearly	Samples to be taken regularly.	✓	✓	✓	✓	✓	✓	✓

Objective	General Duty Covered *	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
As not all Cumbria Probation buildings can be made compliant with DDA legislation, ensure that suitable alternative arrangements are in place for offenders with an identified need	DED	The needs of all disabled offenders are met in relation to accessing Cumbria Probation services.	Health and Safety Officer  Divisional Managers  Divisional Office Managers	Ongoing	100% of offenders with a disability are able to access Cumbria Probation buildings or alternative sites.				✓			
A leaflet will be produced that informs offenders of the purpose of equality and diversity monitoring	RED DED GED	Offenders are aware of the reasons for equality and diversity monitoring	Board Secretary/ Solicitor	By 31 December 2009	An increase in the number of diversity disclosures by offenders	✓	✓	✓	✓	✓	✓	✓

**General Duty Covered\***

**RED – Race General Duty**

**DED – Disability General Duty**

**GED – Gender General Duty**

#### 4. Victims

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion/Belief	Sexual Orientation
						✓	✓	✓	✓	✓	✓	✓
A leaflet will be produced that informs victims of the purpose of equality and diversity monitoring	RED DED GED	Victims are aware of the reasons for equality and diversity monitoring	Board Secretary/Solicitor	By 31 December 2009	An increase in the number of diversity disclosures by victims	✓	✓	✓	✓	✓	✓	✓
To monitor the gender and race of victims accepting contact with Cumbria Probation	RED GED	Monitoring of victims identifying any disproportionality and supporting informed action planning by the Chief Officer and Equality and Diversity Reference Group	Information Manager	Quarterly	Quarterly through the Equality and Diversity Reference Group. Any variances reported and actions taken, monitored by this group.	✓	✓					
To include the monitoring of disability in relation to victims	DED	Monitoring of victims identifies any disproportionality in relation to individuals with a disability and supporting informed action planning.	Head of Operations	By 31 March 2010	Monitored through the Equality and Diversity Reference Group. Variances reported and actions taken.				✓			

General Duty Covered\*

## 5. Local Communities

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
						✓	✓	✓	✓	✓	✓	✓
Ensure Cumbria Probation has a highly visible presence in forums where diversity is a key focus	RED DED GED	Chief Officer chairs the Domestic Violence Board	Chief Officer	Ongoing		✓	✓	✓	✓	✓	✓	✓
Ensure within Unpaid Work 10% of beneficiaries to come from minority groups	RED DED GED	Improved diversity of beneficiaries	UPW Managers	By December 2009	Key Performance Indicator to be monitored annually	✓	✓	✓	✓	✓	✓	✓

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
To engage with local communities through the Crime & Disorder Reduction Partnerships (CDRPs) and attend events targeted at under represented groups via the Cumbria Consultation Group	RED DED GED	The profile of Cumbria Probation is raised within local communities and the general public are aware of the work that we do.	Divisional Managers  HR and Training Manager	Ongoing	Reporting to Equality and Diversity Reference Group	✓	✓		✓			

**General Duty Covered\***

**RED – Race General Duty**

**DED – Disability General Duty**

**GED – Gender General Duty**

## 6. Employees

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
						✓	✓	✓	✓	✓	✓	✓
Ensure that the profile of the workforce is monitored systematically and extend this to include Gender Identity (Transgender) and Religion and Belief	RED DED GED	Monitoring across all seven strands of Equality and Diversity is achieved	HR and Training Manager	Ongoing/ By December 2009	The workforce accurately reflects the composition of the county in relation to race and gender.  Data is analysed on an annual basis, disproportionate impacts are identified and actions set in place to address these where appropriate	✓	✓	✓	✓	✓	✓	✓
Retain the proportion of BME representation	RED	Staff are representative of Cumbria's area BME demographic	HR and Training Manager	Annually	Monitoring of statistics	✓						

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
Ensure all staff receive appropriate training in Equality and Diversity Awareness	RED DED GED	All staff are informed about diversity issues and awareness of how their own beliefs may impact upon equality and diversity issues and therefore in reducing harassment cases in the organisation	HR and Training Manager	By 31 Dec 2009	95% of staff received training	✓	✓		✓	✓	✓	✓
Ensure a member of Human Resources takes part in all selection proceedings	RED DED GED	Selection is fair and equitable	HR and Training Manager	Ongoing	Quarterly monitoring of recruitment and selection processes	✓	✓	✓	✓	✓	✓	✓
Ensure employee relations issues are monitored across all seven equality strands	RED DED GED	Any areas of disproportionality are identified and addressed where appropriate	HR and Training Manager	Ongoing	100% of employee relations cases monitored and reported across race, disability and gender and across all seven strands half yearly	✓	✓	✓	✓	✓	✓	✓

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
Ensure all training and development events consider the needs of the full spectrum of attendees and actively seek feedback on equality and diversity issues	RED DED GED	Training venues are accessible, menus are appropriate, trainers and attendees demonstrate behaviour that supports the equality and diversity agenda, and data on each training event is collated and analysed	HR and Training Manager	Ongoing	95% constructive feedback is received in relation to Equality and Diversity on training and development events	✓	✓	✓	✓	✓	✓	✓
Ensure that the needs of disabled employees are regularly discussed as part of the supervision process and appropriate action taken where needs are identified	DED	Employees with disabilities receive suitable support in the workplace which helps them to maintain attendance and performance	HR and Training Manager	By 31 December 2009	Where an employee has a disability 90% of supervision sessions include discussion about their needs				✓			

Objective	General Duty Covered*	Outcome	Lead Officer	Timescale	Measurement	Race	Gender	Transgender	Disability	Age	Religion / Belief	Sexual Orientation
						✓	✓	✓	✓	✓	✓	✓
Ensure that a range of flexible working arrangements i. e. changes to start & finish times, job share etc are available to employees, based on the needs of the service	RED DED GED	Cumbria Probation is seen as an employer of choice. Employees who for whatever reason require non-standard working hours are supported in achieving their needs.	HR and Training Manager	Ongoing	Half yearly analysis of requests made and actions which have taken place	✓	✓	✓	✓	✓	✓	✓
Ensure that recruitment practices address any areas of under-representation across the organisation	GED	Cumbria Probation has a workforce that is fully representative of the local community	HR and Training Manager	Ongoing	Proportion of male to female employees becomes more balanced over the life of the scheme		✓					

**General Duty Covered\***

**RED – Race General Duty**

**DED – Disability General Duty**

**GED – Gender General Duty**

## Appendix A – Summary of Equality Legislation

### Equality and Diversity and Legislation

#### Overview of Legislation

Since the 1970's laws have been introduced to tackle discrimination. The legislation was introduced piecemeal to address the needs of different equality strands.

Equality Strand	Legislation	Main duties on Cumbria Probation	Scope
Gender	Equal Pay Act 1970 (Amended)	Gives individual employees a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and woman are doing: like work; work rated as equivalent under a job evaluation study; or work that is of equal value.	Employment
	Sex Discrimination Act 1975	To prevent unlawful discrimination on the grounds of sex. Applies to sex discrimination in employment, education, advertising or in the provision of goods, services or facilities.	Employment, provision of goods, services and facilities
	Employment Equality (Sex Discrimination) Regulations 2005	Introduces new definitions of indirect discrimination and harassment, explicitly prohibits discrimination on the grounds of pregnancy or maternity leave, sets out the extent to which it is discriminatory to pay a woman less than she would otherwise have been paid due to pregnancy or maternity.	Employment
	Sex Discrimination 1975 (Amendment) Regulations 2008	Introduces a new definition of sex related harassment applying to individuals who are affected by unwanted conduct, as well as those subject to the conduct themselves. Introduces new concept of third party harassment, where employer knowingly fails to protect an employee from repeated harassment by a third party.	Employment
Transgender	Gender Recognition Act 2004	To provide transsexual people with legal recognition in their acquired gender.	Employment, provision of goods, services and facilities
	Equality Act 2006	Introduces a positive duty on public sector bodies to promote the equality of opportunity between women and men and a positive duty to eliminate sex	Employment, provision of goods, services and

Equality Strand	Legislation	Main duties on Cumbria Probation	Scope
		discrimination and discrimination on the grounds of gender reassignment.	facilities
	Sex Discrimination (Gender Reassignment) Regulations 1999	To prevent sex discrimination relating to gender reassignment. Applies to transsexuals in relation to equal pay and treatment in employment and training.	Employment
Ethnicity	Race Relations Act 1976	Prohibits discrimination on racial grounds in the areas of employment, education, the provision of goods, facilities, services and premises.	Employment, provision of goods, services and facilities
	Race Relations (Amendment) Act 2000	Statutory duty on all public bodies to promote equal opportunity, eliminate racial discrimination and promote good relations between different racial groups.	Employment, education, provision of goods, services and facilities.
	Race Relations Act 1976 (Amendment) Regulations 2003	New definitions of indirect discrimination and harassment, new burden of proof requirements, continuing protection after employment ceases, introduces new exemption for certain job requirements.	Employment, education, provision of goods, services and facilities.
	Racial and Religious Hatred Act 2006	An act to make provision for offences involving stirring up hatred against persons on racial or religious grounds	Employment, education, provision of goods, services and facilities.
Disability	Disability Discrimination Act 1995	Outlaws discrimination and disability related harassment against disabled people in employment, the provision of goods, facilities and services or the administration or management of premises.	Employment, provision of goods, services and facilities.
	Disability Discrimination (Amendment) Act 2005	Introduces a positive duty on public bodies to promote equality of opportunity between disabled people and others; to eliminate unlawful disability discrimination and disability related harassment; to promote positive attitudes to disabled people and encourage participation by disabled	Employment, provision of goods, services and facilities.

Equality Strand	Legislation	Main duties on Cumbria Probation	Scope
		people in public life and take steps to meet disabled people's needs including more favourable treatment.	
Sexuality	Employment Equality (Sexual Orientation) Regulations 2003	Protects against discrimination on the grounds of sexual orientation in employment, vocational training, promotion and working conditions.	Employment
	Civil Partnerships Act 2004	Provides legal recognition and parity of treatment for same-sex couples and married couples, including employment benefits and pension rights.	Employment, provision of goods, services and facilities.
Religion/ belief	Employment Equality (Religion or belief) Regulations 2003	Protects against discrimination on the grounds of religion and belief in employment, training, promotion and working conditions.	Employment
	Equality Act 2006	Protects access discrimination on the grounds of religion or belief in terms of access to goods, facilities and services	Provision of goods, facilities and services
	Racial and Religious Hatred Act 2006	An act to make provision for offences involving stirring up hatred against persons on racial or religious grounds	Employment, education, provision of goods, services and facilities.
Age	Employment Equality (Age) Regulations 2006	Protects against discrimination on the grounds of age in employment and vocational training. Prohibits direct and indirect discrimination, victimisation, harassment and instructions to discriminate	Employment

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

Cumbria Probation has a statutory duty to promote race equality with due regard to the need to:

- Eliminate unlawful discrimination;
- Promote equality of opportunity; and
- Promote good relations between people of different racial groups/

The elements of this duty are complementary and therefore full compliance depends upon all three aspects of the general duty being addressed.

There is a further specific duty on all public bodies to publish a Race Equality Scheme setting out how they intend to meet the general duty and to review this Scheme every three years. Other specific duties are:

- Assessing and consulting on the likely impact of proposed policies relating to the promotion of race equality
- Monitoring policies for any adverse impact relating to the promotion of race equality
- Publishing the results of any assessments, consultations and monitoring
- Ensuring public access to information and services provided and
- Training staff on the Race Equality Duty

### **Disability Discrimination Act 2005**

There is a specific duty on all public bodies to publish a Disability Equality Scheme setting out how they intend to meet the general duties detailed below and to review this Scheme every three years

Cumbria Probation has a statutory duty to carry out its functions with due regard to the need to:

- Promote equality of opportunity between disabled people and other people
- Eliminate discrimination that is unlawful under the Act
- Eliminate harassments of disabled people that is related to their disability
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life
- Take steps to take account of the disabilities of disabled people, even where that involves treating disabled people more favourably than other people

This final point is important as its implication is to allow for positive discrimination in favour of disabled people

### **Equality Act 2006 (Gender Equality Duty)**

Discrimination on the grounds of gender has been prohibited since 1975 by the Sex Discrimination Act. However under the Equality Act 2006 public bodies are required to actively promote gender equality through their key functions. The GED requires Cumbria Probation to have due regard to the need to:

- Eliminate unlawful discrimination with regard to obligations under the Sex Discrimination Act 1975 and the Equal Pay Act 1970 and to take steps to ensure compliance with these acts; and
- Promote equality of opportunity between men and women, and take active steps to promote gender equality when carrying out functions and activities.

The specific duties include:

- Publishing Gender Equality Schemes including equal pay policies in consultation with employees and stakeholders
- Monitoring progress and publishing progress reports every three years and
- Conducting and publishing gender impact assessments on major new legislation and policy.

In addition to the statutory equality duties relating to race, disability and gender, the premise of a Single Equality Scheme is to address the six 'strands' of equality including sexual orientation, age and religion and belief. Where there is currently no statutory equality duty relating to these three strands the legislation set out below informed the inclusion of these into the SES.

## **Employment Equality (Age) Regulations 2006**

From 1 October 2005 it became unlawful to discriminate against workers, employees, job seekers and trainees because of their age. The regulations cover recruitment, terms and conditions of employment, promotions, transfers, training and termination of employment.

## **Equality in Employment Regulations (Sexual Orientation)**

These Regulations made it unlawful to discriminate on the grounds of sexuality directly or indirectly; or to harass or victimise somebody because they have or intend to make a complaint, or if they give or intend to give evidence to a complaint of discrimination. This applies to all aspects of employment.

In relation to services the Equality Act 2006 makes it unlawful for a public body to discriminate on the grounds of sexual orientation through:

- Refusing to provide a person with goods, facilities or services if they would normally do so to the public, or to a section of the public to which the person belongs; and
- Providing goods, facilities or services of an inferior quality to those that would normally be provided or in a less favourable manner or on less favourable terms than would normally be the case

## **The Civil Partnership Act 2004**

This Act came into force on 5 December 2005, enables same-sex couples to obtain legal recognition of their relationship. Couples who form a civil partnership have a new legal status, that of 'civil partner'.

Civil partners have equal treatment to married couples in a wide range of legal matters. It also has a wider impact by helping to eliminate discrimination against the lesbian and gay community

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

These Regulations made it unlawful to discriminate on the grounds of religion or belief directly or indirectly; or to harass or victimise somebody because they have or intend to make a complaint, or if they give or intend to give evidence to a complaint of discrimination. This applies to all aspects of employment.

In relation to services part 2 of the Equality Act 2006 makes it unlawful for a public body to discriminate on the grounds of religion or belief through:

- Refusing to provide a person with goods, facilities or services if they would normally do so to the public, or to a section of the public to which the person belongs; and
- Providing goods, facilities or services of an inferior quality to those that would normally be provided or in a less favourable manner or on less favourable terms than would normally be the case

## **Gender Recognition Act 2004**

The Gender Recognition Act 2004 provides for legal recognition of a transsexual person in their acquired gender and an opportunity to acquire a new birth certificate in their new gender (a Gender Recognition Certificate). It is an offence to disclose information acquired in an official capacity about the gender history of a person holding a GRC.

## Appendix B – Impact Assessment

### IMPACT ASSESSMENT - INITIAL SCREENING

By the end of this section you should have been able to identify any adverse impact on particular target groups.

#### 1. Title of function, policy or practice

*Is it Operational, HR, Financial?*

*Is this a new policy or an existing one?*

#### 2. Aims, purpose and outcomes of function, policy or practice

*What is the function, policy or practice addressing?*

*What are the outcomes?*

#### 3. Target groups

*Who is the policy aimed at? Which specific groups are likely to be affected by its implementation? This could be staff, service users, partners, contractors.*

*For each target group, think about possible positive or negative impact, benefits or disadvantages, and if negative impact is this at a high, medium or low level. Give reasons for your assessment. This could be existing knowledge or monitoring, national research, through talking to the groups concerned, etc. If there is possible negative impact a full impact assessment is needed. The high, medium or low impact will indicate level of priority to give the full assessment. Please use the table below to do this.*

Target Group	Positive impact – could benefit	Negative impact - could disadvantage (High, medium, low)	Reason for assessment and explanation of possible impact
<b>Age</b> <i>Will the policy affect younger or older people?</i>			
<b>Disability</b> <i>Think about access to services and remember the unseen disabilities e.g. dyslexia</i>			
<b>Gender</b> <i>How will this affect women?</i> <i>How will this affect men?</i>			

<b>Target Group</b>	<b>Positive impact – could benefit</b>	<b>Negative impact - could disadvantage (High, medium, low)</b>	<b>Reason for assessment and explanation of possible impact</b>
<i>Do not forget transgendered people</i>			
<b>Race</b> <i>Will this policy affect different racial groups differently?</i>  <i>What about different nationalities e.g. Eastern Europeans?</i>			
<b>Religion and Belief</b> <i>Think about religious and cultural issues and if these are accommodated in the policy.</i>			
<b>Sexual Orientation</b> <i>Does the policy affect issues relating to gay men, lesbians or bisexuals?</i>			

4. If a negative impact had been identified against any of the groups above then a full Impact Assessment will be needed. If no adverse impact has been identified then the assessment is now complete.

**FULL IMPACT ASSESSMENT REQUIRED YES/NO**

If a full assessment is required then you should include people who can inform discussion and contribute to removing the negative impact, e.g. a member of the Disability Action Group if issues around disability are identified or someone from a local community disability group.

As a result of the above, indicate what questions might need to be answered in the full impact assessment and what additional research, consultation or evidence might be needed to do this.

**Initial screening done by:**

**Name/position**

**Date**

## CONDUCTING A FULL IMPACT ASSESSMENT

### 1. Title of function, policy or practice

*Is this a new policy or an existing one?*

### 2. Aims, purpose and outcomes of function, policy or practice

*What is the function, policy or practice addressing?*

*Is the policy Operational/HR/Financial*

*What outcomes are expected?*

### 3. Target groups

*Please indicate which specific groups, identified in the initial screening, are likely to be affected by its implementation?*

**Age**, either young or old YES/NO

**Disability** YES/NO

**Gender**, including transgender YES/NO

**Race**, including nationality YES/NO

**Religion and Belief** YES/NO

**Sexual orientation** YES/NO

*What knowledge and information do you already have, what further research or evidence should be collected in the full impact assessment?*

Ctd ...

#### 4. Impact assessment process

**1. Which group(s) has been identified?**

*e.g. disabled people with a sight impairment*

**2. What is the adverse impact?**

*e.g. for HR, difficulty in equal access to recruitment and selection documents and procedures for service users, access to buildings, communication with reception staff and Offender Managers*

**3. How can this adverse impact be removed?**

*e.g. for HR, make documents available in alternative formats and ensure that the interview panel are aware of the applicant's disability for service users, train reception staff to deal with sight-impaired people and ensure that they are aware when the offender is expected*

**4. Will the project team need to consult with others to enable them to determine the best way of removing the adverse impact?**

*e.g. the Disability Action Group, Action for Blind People, Training Unit?*

**5. Who will need to be involved to effect the changes needed to remove the adverse impact?**

*e.g. HR will need to make changes to the recruitment and selection process and implement monitoring systems*

*for operational issues, liaison with Training and the District Admin Managers/Office Managers*

**6. How will you monitor this process?**

*e.g. for HR, the number of applicants with a sight impairment monitored at each stage of the recruitment process*

*for service users, disability entered on CRAMS at the beginning of an order*

**Please indicate:**

**Who is responsible for changing/amending the policy:**

**By what date:**

**Date of next review:**