

Principles underlying legislation

Introductory notes

This paper is an early and informal draft. Its aim is to summarise the principles which underlie current legislation and the legislation likely to be introduced by the Equality Act 2010.

Each of the strands in the legislation has its own specific concerns and is rooted in specific campaigns over the years. These specificities must not be forgotten. There are both conceptual and strategic advantages, however, in seeing each as part of a greater whole – advantages, pursuing the metaphor, in entwining the strands into a single rope.

The phrasings here do not necessarily follow exactly the phrasings on the faces of the Acts. Where the wording here is different from the wording in legislation, this is explained in the paper entitled *Words about words* (paper 15).

The seven strands are referred to here in alphabetical order, not – for example – in the order in which they were introduced into legislation:

- a. age
- b. disability
- c. ethnicity
- d. faith
- e. gender
- f. gender identity
- g. sexual identity.

Principle 1: EQUALITY

All people are of equal value and must be treated with equal respect, consideration and dignity.

- a whatever their age
- b whether or not they are disabled
- c whatever their ethnicity, culture, national origin or national status
- d whatever their faith tradition, religion or belief
- e whichever their gender
- f whatever their gender identity.
- g whatever their sexual identity.

PRINCIPLE 2: DIFFERENCE AND REASONABLE ACCOMMODATION

People have a range of different interests, needs and experiences

Treating people equally (Principle 1) does not necessarily involve treating them all the same. Policies, procedures and activities must not discriminate, but also must take account of differences of experience, outlook and background – 'one size does not fit all'. In particular policies must take account of the specific kinds of barrier, inequality and disadvantage which people may face, and should make reasonable adjustments and accommodation in relation to:

- a age
- b disability
- c ethnicity, so that different cultural backgrounds and experiences of racism are recognised
- d faith traditions, religion or belief
- e gender
- f gender identity
- g sexual identity.

Principle 3: COHESION AND EQUALITY OF BELONGING

Positive attitudes, relationships and interaction must be fostered, and a shared sense of cohesion and belonging. Therefore, steps must be taken to prevent and address hate-crime and prejudice-related incidents and harassment.

Policies, procedures and activities must promote:

- a mutually positive attitudes between older people and younger, and mutually beneficial relationships
- b positive attitudes towards disabled people, good relations between disabled and non-disabled people, and an absence of harassment of disabled people
- c positive interaction, good relations and dialogue between groups and communities different from each other in terms of faith tradition, religion or belief, and an absence of religion-related bullying and harassment
- d mutual respect and good relations between girls and boys, and women and men, and an absence of sexual harassment and bullying
- e mutual respect and good relations between people whatever their gender identity
- f positive interaction, good relations and dialogue between groups and communities different from each other in terms of faith tradition, religion or belief, and an absence of racism-related bullying and incidents
- g good relations between people regardless of their sexual identity, and an absence of homophobic harassment and bullying.

Principle 4: THE SOCIAL MODEL OF DISADVANTAGE AND EQUALITY OF OUTCOME

Social models of disadvantage must be used, not deficit models – discrimination is caused by structures, systems, attitudes and opinions in society, not by the characteristics of people who are discriminated against. Opportunities must be taken to reduce and remove inequalities of outcome and barriers that already

exist, with a view to producing not only equality of opportunity but also equality of outcome.

It is not enough just to avoid discrimination and negative impacts. In addition to avoiding or minimising possible negative impacts of our policies, we must take opportunities to maximise positive impacts by reducing and removing inequalities and barriers that may already exist between:

- a people of different ages
- b disabled and non-disabled people
- c people of different ethnic and cultural backgrounds
- d people from different faith traditions
- e girls and boys, women and men
- f people of different gender identities
- g people with different sexual identities.

Principle 5: INVOLVEMENT AND CONSULTATION

People affected by a policy or activity must be consulted and involved in the design of new policies, and in the review of existing ones – ‘nothing about us without us’.

Views and voices should be collected, both directly and through representative bodies, from:

- a people of all ages
- b disabled people as well as non-disabled
- c people from a range of ethnic and cultural backgrounds
- d people from a range of faith traditions
- e both women and men, and both girls and boys
- f trans people as well as others
- g lesbian, gay and bisexual people as well as others.

Principle 6: PARTICIPATION

All people must be enabled to take a full part in economic, political, social and cultural life at local and national levels.

Policies and activities should benefit society as a whole, both locally and nationally, by fostering greater participation in public life and the economy, and in the affairs of voluntary and community sector organisations and institutions. This applies to:

- a people of all ages
- b disabled people as well as non-disabled
- c people from a range of ethnic and cultural backgrounds

- d people from different faith traditions
- e both women and men, and both girls and boys
- f trans people as well as those who are not
- g lesbian, gay and bisexual people as well as those who are not.

Principle 7: EVIDENCE AND TRANSPARENCY

Policies must be based on reliable evidence and the evidence must be publicly available

When new policies are proposed, and existing policies are monitored and reviewed, a range of quantitative and qualitative evidence must be collected and used about the likely impact on:

- a people of all ages
- b disabled people as well as non-disabled
- c people from a range of ethnic and cultural backgrounds
- d people from different faith traditions
- e both women and men, and both girls and boys
- f trans people as well as those who are not
- g lesbian, gay and bisexual people as well as those who are not.

Principle 8: COMPLEXITY

All people have multiple identities

No one is just one thing. All have a range of different affiliations and loyalties. Many of the terms and categories used in the equalities field are therefore necessarily imprecise and have the potential to be misleading. This is true of:

- a people of all ages
- b disabled people as well as non-disabled
- c people from a range of ethnic and cultural backgrounds
- d people from different faith traditions
- e both women and men, and both girls and boys
- f trans people as well as those who are not
- g lesbian, gay and bisexual people as well as those who are not.

Principle 9: SOCIAL CLASS

Class is not mentioned explicitly in equalities legislation. However, the inequalities cited above in respect of age, ethnicity, disability, faith, gender and sexual identity should not be addressed independently of inequalities of social class.

Differences of wealth, income, occupation, status, educational qualifications, influence, leisure activities, consumption patterns, health levels, aspirations and outlooks are relevant when we are designing, implementing and improving services for:

- a people of all ages
- b disabled people as well as non-disabled
- c people from a range of ethnic and cultural backgrounds
- d people from different faith traditions
- e both women and men, and both girls and boys
- f people with a range of gender and sexual identities.

Principle 10: ACTION

Principles are not enough. There must also be action.

Every public body must draw up an action plan or delivery plan showing the specific measures it will adopt to create greater equality in its sphere of influence in relation to:

- h. age
- i. disability
- j. ethnicity
- k. faith
- l. gender
- m. gender identity
- n. sexual identity.

—

Source: Adapted from documentation provided at a conference organised by the education and diversity unit (EDU) at the Department for Children, Schools and Families, February 2009.