

# Herefordshire's Equality and Human Rights Charter 2010-2013



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# 1. Commitment to this Charter

Herefordshire's service providers have signed up to this charter and will work to the principles and values as set out below. We will all work towards our joint vision and, by working in partnership, make Herefordshire a place where people, organisations and businesses work together towards long term, sustainable success for all.

By signing up to this charter, our organisations commit to:

1. working towards embedding equality and human rights in all that we do
2. promoting human rights and equality of opportunity, good community relations and to tackling all forms of unlawful discrimination
3. working towards the Herefordshire vision
4. embedding the Herefordshire values and principles of approach
5. complying with our statutory requirements
6. focusing on our local priorities
7. delivering the actions set out in the action plan
8. demonstrating progress on these actions by producing an annual report that will be publicly available



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## 2. Why do we want an Equality and Human Rights Charter for Herefordshire?

We believe that this charter demonstrates our commitment to dignity and respect and human rights in everything that we do. It also sets out an agreed vision around equalities for the communities of Herefordshire. Human rights are, by definition, the basic entitlements someone can expect in a civilised society, but there is a long way to travel from regarding human rights as important, to being a human rights based organisation.

It will provide a focus to ensure that we meet our obligations under the Human Rights Act 1998, the detailed requirements of the Equality Act 2010, the Equality Framework for Local Government and World Class Commissioning for the NHS.

Promoting human rights within an organisation allows individuals to flourish, reach their potential, and participate fully in society.

Promoting equality is a core part of the human rights agenda and is essential for the creation of a cohesive society and for a strong economy.

Recognising and respecting individuals' rights within our community helps us to uphold our sense of responsibility to each other. Here we define responsibility as a duty to take care of self; respecting the rights of others; obeying rules and laws.

The Council, NHS Herefordshire, and Hereford Hospitals Trust and other partners are working closely together to ensure more personalised rights and responsibility will empower individuals to take more control of their own lives. Personal responsibility includes taking responsibility for your own health and well-being, and engaging in the democratic process.

We have both a moral and a statutory obligation to reflect the needs of our diverse population when providing services, and when employing people. We recognise that all individuals should have equal rights in relation to employment and services so that they can participate fully as citizens.

In developing this charter we recognise that inequality is caused by the way in which society fails to meet an individual's needs. We are committed to taking positive steps to eliminate discrimination in our policies, practices, procedures and the way we work together in partnership. We are also keen to empower individuals to take responsibility for their lives, and to live independently.

**Dignity:** everyone is important, valuable, worthy of respect

**Equality:** no-one is more important than anyone else

**Personal responsibility:** is an obligation to oneself

In working with others, the Council, NHS Herefordshire and Hereford Hospitals Trust are committed to promoting human rights and equality of opportunity, good community relations and to tackling all forms of unlawful discrimination. As public sector service providers, we must respect and protect human rights in all that we do. We also have a responsibility to promote and implement equality when we:

- provide services
- purchase services
- employ staff
- work in partnership with other organisations
- engage with our communities

### 3. Our vision

- Herefordshire will be a place where we will achieve a fair and just society and empower every person to secure the best possible standard of service from all public authorities.
- Everyone who lives in, works in and visits this county has the right to be treated with respect, dignity and fairness, creating the environment and opportunity for people to succeed.
- In Herefordshire we will create a new culture of respect for human rights.
- In Herefordshire we will make every effort to help people to understand their rights, and where possible, help them to realise them.
- In Herefordshire we will make every effort to help people to understand the responsibilities that underpin their Human Rights.

As community leaders and service providers we must uphold, respect, protect and fulfil human rights and must take positive steps to make these commitments a reality in people's lives.

It is recognised that some people may experience discrimination and be disadvantaged due to their individual characteristics<sup>1</sup> or social identity, including (but not limited to) their:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Pregnancy and Maternity

We have a legal duty with regard to these protected characteristics, but we acknowledge that this is the minimum required and that there is a moral obligation to go beyond legislation.

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<sup>1</sup> The characteristics listed here are the "protected characteristics" as defined in the Equality Act 2010

## 4. Our values

The acronym PEOPLE is used by Herefordshire Public Services to demonstrate that we want to put people at the centre of everything we do:

<b>People:</b>	Treating <b>people</b> fairly, with compassion, respect and dignity
<b>Excellence:</b>	Striving for <b>excellence</b> , and the highest quality of service, care and life in Herefordshire
<b>Openness:</b>	Being <b>open</b> , transparent and accountable for the decisions we make
<b>Partnership:</b>	Working together in <b>partnership</b> and with all our diverse communities
<b>Listening:</b>	Actively <b>listening</b> to, understanding and taking into account people's views and needs
<b>Environment:</b>	Protecting and promoting our outstanding natural <b>environment</b> and heritage for the benefit of all

This complements the guiding principle "everyone is someone", as stated in the Herefordshire Partnership's Sustainable Community Strategy. This is defined as:

- valuing everyone's contribution
- challenging prejudice
- supporting people and promoting an equitable county

## 5. Principles for our approach

A human rights approach is the underpinning framework for equalities work. Human rights encompasses equality and goes beyond addressing issues of discrimination. Human rights are about how people are treated.

**Equality** is about creating a fairer society, where everyone can participate and has the opportunity to fulfil their potential<sup>2</sup>.

An **equalities approach** understands that social identity – in terms of gender, race, disability, age, social class, sexuality and religion – will impact on our life experiences.

**Human rights** help individuals to flourish and achieve potential through:

- being safe and protected from harm
- being treated fairly and with dignity
- being able to live the life you choose
- taking an active part in your community and wider society<sup>3</sup>

A **human rights approach** protects an individual's freedom to control their day-to-day life, and effectively participate in all aspects of public life in a fair and equal way.

<sup>2</sup> Department of Health 2004

<sup>3</sup> EHRC 2008

## 6. The legal framework

Since the Human Rights Act 1998, all public authorities and bodies performing a function of a public nature have had a duty to uphold the rights contained in the European Convention of Human Rights. This includes local authorities, education, police forces, national health services and NHS trusts.

The Human Rights Act provides a complementary legal framework to the anti-discriminatory framework.

The Human Rights Act places the following responsibilities on public authorities:

- Organisations must respect and protect individuals' human rights. This means treating people fairly, with dignity and respect while safeguarding the rights of the wider community.
- Organisations should apply core human rights values such as equality, dignity, privacy, respect and involvement, to all organisational service planning and decision making.

The anti-discriminatory legal framework placed a number of specific and general duties on public authorities. These duties cover all aspects of an organisation's activities, policy and service delivery, as well as employment practices.

Each of the public duties requires organisations to:

- Produce a (race, disability and gender) equality scheme
- Carry out impact assessments on their functions, policies and practices

- Carry out equalities monitoring and take action to redress any imbalance
- Publish the results of any work undertaken

All public bodies must also have due regard to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Promote good relations between different racial groups
- Promote positive attitudes towards disabled people and encourage their participation in public life
- Take account of disabled people's impairments, even when this involves treating a disabled person more favourably than others

The Equality Act 2010 (due to come into force October 2010) will replace and broaden many of the key duties to encompass other protected characteristics. It contains the following:

- Introducing a new public sector duty to consider reducing socio-economic inequalities
- Putting a new Equality Duty on public bodies
- Using public procurement to improve equality
- Banning age discrimination outside the workplace
- Introducing gender pay reports
- Extending the scope to use positive action
- Strengthening the powers of employment tribunals
- Protecting carers from discrimination
- Offering new mothers stronger protection when breastfeeding
- Banning discrimination in private clubs
- Strengthening protection from discrimination for disabled people

## 7. Herefordshire's areas for action

### 7.1. Priorities for Herefordshire

This charter underpins the following priorities, which are taken from Herefordshire's Sustainable Community Strategy:

- **Children and young people**  
We aim to improve the lives of children and their families and enable children and young people to develop the knowledge, skills and judgement they need to lead a fulfilling life
- **Economic development and enterprise**  
We aim to create an environment for enterprise to thrive and enable business growth and prosperity for all.
- **Environment**  
We aim to protect and enhance Herefordshire's distinctive environment and address climate change.
- **Healthier communities and older people**  
We aim to work with people and their communities to enable them to lead healthy and fulfilled lives.
- **Safer communities**  
We will work together to make Herefordshire an even safer place to live, work and visit.
- **Stronger communities**  
We will develop stronger, vibrant, more inclusive communities in which people enjoy a good quality of life and feel they have influence over decisions that affect them.

### 7.2. Community Cohesion

"A cohesive community is a community that is in a state of 'wellbeing, harmony and stability'. Local authorities have an important role in facilitating community cohesion, by listening to communities, engaging residents and assisting interaction between communities."

(LGA 2002)

We feel the Herefordshire perspective of cohesion differs from the national perspective with regard to the community cohesion agenda in a fundamental way. The 2001 Ted Cattle report defined a lack of community cohesion as "different communities living parallel lives". However this concentrated on cultural and religious differences as the cause of tension and was based on research in a large multicultural urban setting. Parallel lives results in communities becoming fragmented and increasingly isolated from each other. This fragmentation is compounded by new migrants who gravitate towards those who share their background, culture and beliefs. Herefordshire has long adopted a "whole community" philosophy, which we believe must be successful if we are to challenge the notion of parallel lives developing in this county.

With the ever-increasing diversity of Herefordshire's population, it is vital we have a deep understanding of all the community cohesion issues in Herefordshire. Previously, from a multi-cultural perspective, we could describe Herefordshire as having had "households"; now we have "communities" working and living side by side. It is very early days for the new communities in the county and Herefordshire's cross-sector organisations have an opportunity to learn from other authorities by ensuring we do not leave anyone behind and prevent parallel communities or lives within communities from developing.

### 7.3. No Prejudice in HERefordshire

“No Prejudice in HERefordshire” is a local campaign which supports the community cohesion agenda. The objective of the campaign is to make clear that prejudice, in whatever form it manifests itself, should not be tolerated. This campaign has taken the “whole community” approach, and seeks to create a culture where prejudice will be challenged.

The Council, NHS Herefordshire, and Hereford Hospitals Trust and other partners are supporting this campaign as we recognise the detrimental impact that prejudice and discrimination can have on individuals and communities. We believe that inappropriate language, jokes and actions will perpetuate if unchallenged. We are encouraging the safe challenge of offensive and inappropriate language that is bullying at best, criminal at worst and damages the lives of many.

We are using this campaign to encourage a culture where challenging this kind of thing is the norm rather than the exception.

We will use the No Prejudice campaign to challenge the far right agenda and to support the BAME<sup>4</sup> communities and the new migrant communities of Herefordshire. This said, we must remain aware that there are as many differences *within* communities as there are *between* communities, and the potential these differences have to negatively impact on social and community cohesion. We must work to establish and maintain a good relationship not only between the established communities but also between the different migrant communities. This must be part of a Herefordshire-specific agenda.

## 8. Monitoring arrangements and reporting

Herefordshire Council, NHS Herefordshire and Herefords Hospital Trust will report annually on their successes and publish a review so that we can demonstrate how we are doing. We will strive to go above and beyond **just** compliance.

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<sup>4</sup> Black, Asian & Minority Ethnic

## 9. Appendix 1 – The rights contained in the Human Rights Act

Your human rights are:

- the right to life (Article 2)
- freedom from torture and degrading treatment (Article 3)
- freedom from slavery and forced labour (Article 4)
- the right to liberty (Article 5)
- the right to a fair trial (Article 6)
- the right not to be punished without law (Article 7)
- the right to respect for private and family life, home and correspondence (Article 8)
- freedom of thought, conscience and religion (Article 9)
- freedom of expression (Article 10)
- freedom of assembly and association (Article 11)
- the right to marry and to start a family (Article 12)
- the right to an effective remedy (Article 13)
- the right not to be discriminated against in respect of these rights and freedoms (Article 14)
- the right to peaceful enjoyment of your property (Article 1 of protocol 1)
- the right to an education (Article 2 of protocol 1)
- the right to participate in free elections (Article 3 of protocol 1)
- the right not to be subjected to the death penalty (Article 1 protocol 13)

### **Absolute and non-absolute rights**

The rights set out in the Human Rights Act are divided into absolute and non-absolute rights. This is an important distinction because absolute rights can never be interfered with, not even in times of war or national emergency. Lack of resources is never an excuse for interfering with an absolute right.

Non-absolute rights may be referred to as limited rights and may be interfered with in certain strictly defined circumstances. These are set out in legal terms and must be:

- lawful
- for a legitimate purpose
- necessary
- proportionate

If you feel that any of your human rights are breached you can take a legal case in any court or tribunal in the UK.