

Equality and diversity strategy

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Contents

Foreword	3
About the Youth Justice Board	4
Introduction	6
Definitions	7
Our statement of commitment to equality and diversity	8
Equality and diversity strategy	9
Annex 1	12

Foreword

As an organisation, the YJB is committed to promoting equality and embracing diversity. The YJB's Equality and Diversity Strategy reflects this commitment by articulating our duties, our objectives and detailing how we intend to integrate equality and diversity into our core business.

Accompanying this strategy will be a refreshed Equality and Diversity Action Plan for 2013 that details how this strategy will be implemented. It also outlines the measures we will use to monitor and assess our performance.

The strategy also outlines how we conduct our business and how we manage our staff. Our staff are responsible for delivering our commitments and should reflect the communities they serve. YJB staff should lead by example in modelling the behaviours and attributes that we expect from people at a local level.

The strategy has been subject to widespread consultation. Our aims are ambitious but we have also been realistic about what we can achieve and by when. We want to ensure that we deliver what we say we will. While equality and diversity should be, and is, part of our core business, we must ensure the principles and practice underlying the strategy are communicated widely, that it is given the right priority and that all staff at the YJB understand their role in promoting equality and embracing diversity.

About the Youth Justice Board

Our mission

The Youth Justice Board (YJB) oversees the youth justice system in England and Wales. We work to prevent offending and reoffending by children and young people under the age of 18, and to ensure that custody for them is safe, secure, and addresses the causes of their offending behaviour. Specifically, we:

- advise the Secretary of State at the Ministry of Justice on the operation of, and standards for, the youth justice system;
- monitor the performance of the youth justice system;
- purchase places for, and place, children and young people remanded or sentenced to custody;
- identify and promote effective practice;
- make grants to local authorities and other bodies to support the development of effective practice; and
- commission research and publish information.

We base all our work on evidence, where this exists.

Our vision

We want to see an effective youth justice system where:

- young people receive the support they need to lead crime-free lives
- more offenders are caught, held to account for their actions and stop offending
- victims are better supported
- the public are protected.

Our values

Everything we do is based upon our core principles.

- Leadership – we use our influence to help meet our vision for the youth justice system.
- Partnership – we recognise the value of working with others to help deliver our goals and targets.
- Teamwork – we encourage people to work within and across boundaries.
- Openness – we strive to work in an open and straightforward way, and to share information, knowledge, experience and skills.
- Diversity – we work to ensure that we treat all staff, partners and users of the youth justice system fairly and openly, taking into account difference and diversity in all areas of our work and development.
- Trust – we aim to be respected for our integrity, behaviour and commitment.

Our organisation

The YJB employs around 230 staff, the majority of whom are located in the head office in London, with the remainder based within the English regions and in an office in Wales. The organisation is overseen by twelve board members and the responsibilities outlined in this strategy also apply to them.

We are responsible for ensuring that the entire workforce at the YJB:

- is diverse as possible;
- has equal access to opportunities within the organisation;
- is well-trained in the specific and general duties as laid out in the legislation; and
- can act with confidence in undertaking their responsibilities for promoting equality and embracing diversity.

We are also responsible for ensuring that we meet our legal obligation to publish workforce data annually within our annual report and accounts.

Introduction

As a non-departmental public body (as defined in both the Race Relations Amendment Act 2000 and the Disability Discrimination Act 1995), the YJB is under a statutory duty to promote equality of opportunity, racial equality and good race relations. We are also subject to the Disability Equality Duty (December 2006), which means we must actively promote disability equality, have due regard for the need to eliminate unlawful discrimination and promote equal opportunities for disabled people.

The YJB must take into account the duty on age which came into force in October 2006, and the gender duty, which came into force in April 2007.

The YJB is subject to a range of general and specific duties with regard to equality of opportunity, racial equality and good race relations under legislation (see Annex 1).

These duties place equality at the centre of policy making, strategic planning, service delivery and employment practice. Under them, the YJB must:

- eliminate unlawful racial and disability discrimination;
- promote equality of opportunity;
- promote positive attitudes to disability;
- promote good race relations between people of different ethnic origin;
- consider how to eliminate harassment;
- encourage the participation of disabled people in public life;
- take into account gender, including gender identity issues; and
- avoid age discrimination.

The YJB believes that by promoting equality and embracing diversity, we can:

- better engage with all sections of the community;
- attract and retain the best staff;
- build a better motivated, more creative and productive workforce;
- protect our staff from discrimination and harassment; and
- make the most of our most valuable asset – our people.

Definitions

Diversity is the acknowledgement and respect of differences within and between groups of people. Equality is the framework that enables opportunity, access, participation and contribution that is fair and inclusive.

Equality

Equality is concerned with breaking down the barriers that block opportunities for certain groups of people, in society, the workplace, education and so on. Equality strategies, such as this one, aim to identify and minimise the barriers that exclude people and to identify actions that can be taken to ensure equal access to all aspects of life and work.

Eliminating discrimination is important in achieving equality, since it is not just the physical environment or poor policies that prevent equality from being achieved but also ways of working, and attitudes and stereotypes about different groups of people.

Diversity

Everybody is different, with different needs and aspirations. Treating everybody in the same way fails to recognise the differences between people and can cause unfairness and inequality.

By recognising diversity and managing different needs effectively, every individual has a better chance of being able to live and work in the way that best suits them. This reduces the risk of indirectly discriminating against groups of people, and improves access to opportunities for everybody.

Our statement of commitment to equality and diversity

We are committed to promoting equality, embracing diversity and working to ensure that the criminogenic risk factors of children and young people in the youth justice system are reduced. We believe that promoting equality, valuing diversity and delivering youth justice services in an anti-discriminatory way is fundamental to reducing offending and reoffending, making our communities safer and addressing the disproportionality within the youth justice system.

We will strive to create an organisation that harnesses the different perspectives and skills of all our staff, that values their individual contribution, and provides a working environment that is free from discrimination, harassment and victimisation.

Equality and diversity strategy

This strategy relates to two areas:

- how the YJB manages its own staff; and
- how the YJB conducts its business.

It is important to note that the YJB has no responsibility for the conduct of the whole youth justice system. However, the YJB acknowledges that if we are to influence, support and take the lead within the youth justice system, it is essential that we first do so by example. The strategy acknowledges that, in all we do, we must ensure that we recognise and respect the human rights of YJB staff.

Our strategy takes as its starting point, the following six key elements of equality and diversity as identified by the current legislation.

- age
- disability
- gender, including gender identity
- race
- religion or belief
- sexual orientation.

The coloured symbols used above to represent these strands, correspond to those used in the Equality and Diversity Action Plan that is refreshed for 2013.

Our key objectives

The YJB has seven key objectives; four fall under our general duties and three under our specific duties.

General duties

1. Support staff to be informed and confident.
2. Create recruitment and development opportunities that support our overall aim of valuing diversity and promoting difference.
3. Use our influence to ensure youth justice services meet the diverse needs of children and young people.
4. Enable accessibility (including buildings, services and information) for all.

Specific duties

5. Provide guidance, policies and tools that develop practice and promote equality.
6. Ensure the services we commission meet the diverse needs of children and young people.
7. Work with youth justice services to achieve a reduction in the disproportional representation of Black and Minority Ethnic young people in the youth justice system.

How we build equality and diversity into our core business

The YJB Executive Management Group (EMG) is responsible for ensuring that the YJB has an equality and diversity strategy in place, and that the race, disability and gender schemes are implemented and reviewed. The EMG is fully committed to addressing and improving the YJB's approach to equality and diversity.

An equality and diversity programme board has been set up to lead this strategy. The board is chaired by the chief executive and attended by the deputy chief executives of each division, as well as various other programme leads across the organisation. The board meets quarterly and its function is to ensure that there is a coherent, co-ordinated approach to the issue of diversity.

Implementing the strategy

The refreshed action plan will identify the actions required to achieve the above objectives. It will focus on the internal responsibilities and corporate infrastructure of the YJB, and will outline the investment required in terms of people, process and time. It will also detail the actions we are taking and the measures we will use to monitor and assess performance against the strategy.

The co-operation of all employees is essential for the success of this strategy and action plan, and equality and diversity has been embedded within the annual Performance Appraisal Development Review process for YJB staff. However, ultimate responsibility for achieving the policy's objectives, and for ensuring compliance with the relevant Acts of Parliament, as well as the various codes of practice, lies with the EMG. Actions against the spirit and/or the letter of the laws on which this strategy is based will be considered a serious disciplinary matter that could, in some cases, lead to dismissal.

Measuring our success

Monitoring equality and diversity in our core business

Under our statutory duties we are required to assess the impact of our functions and policies on race equality and will be required to do the same for disability equality. The YJB has developed an equality impact assessment tool and methodology to address the effect that a function, policy or methodology might have on all aspects of equality and diversity. Training is available to staff to enable them to use this tool effectively.

Monitoring strategy implementation

Progress on the implementation of the Equality and Diversity Strategy actions will be monitored by an equality and diversity project board. Officers responsible for diversity report into the diversity project board, and in turn the board measures effectiveness against outcome for each action, and report their findings to the EMG.

How will we know we have made a difference?

We assess the effectiveness of our strategy by measuring it against the following outcomes.

General duties

- The YJB will respect and facilitate religious observance where possible.
- All policies will be equality impact assessed.
- All staff will routinely include equality and diversity considerations in their work, and discrimination and bullying behaviour will not be tolerated¹.

¹ The *YJB Staff Handbook* contains more information about the type of action staff can take if they feel they are being bullied, harassed or discriminated against. The handbook is available on the intranet at <http://yjbintranet/The%20Toolbox/Human%20Resources/Staff%20Handbook/default.aspx>

Specific duties

- A fair and transparent recruitment system will be in place
- All strategies and internal policies will be free from potential bias or discrimination.
- All staff will receive training and information about equality and diversity issues.
- Data on staff composition by gender, disability and ethnicity will be freely available.
- Support will be in place for staff groups that provide support to minority groups.
- All speeches given by YJB staff or board members will emphasise the importance of diversity issues.
- The accessibility of YJB communications for visually impaired users, those with other physical and learning disabilities and people from different ethnic backgrounds, will be improved.
- The YJB will promote the use of recruitment and development opportunities that make a difference to valuing diversity and promoting difference.
- The YJB will use the data and information it obtains from local services to help tackle the disproportionality in the youth justice system.

Communicating our progress

This strategy is available in hard copy and on the YJB website. It has been given to all members of staff. The YJB website has information about what we are doing to promote, manage and implement our Equality and Diversity Strategy.

We communicate our commitment to the strategy through our performance management of YOTs and secure estate commissioning, through our policy work and through our people development processes. We do this implicitly through our behaviours and explicitly through the information we give, the standards we expect and the questions we ask.

The YJB will report annually on the in implementation of this strategy and will make this information available in the annual report and accounts.

Annex 1

General duties

- The Disability Discrimination Act (DDA) 2005 places a general duty on all public sector authorities, including the YJB, to promote equality for disabled people.
- The Race Relations (Amendment) Act (RR(A)A) 2000 places a requirement on all public bodies, including the YJB, to:
 - eliminate unlawful racial discrimination; and
 - promote equality of opportunity and good relations between persons of different racial groups.
- The Gender Equality Duty 2007 places an obligation on all public bodies, including the YJB, to have due regard for the need to:
 - eliminate unlawful discrimination and harassment on the grounds of sex; and
 - promote equality of opportunity between men and women.

Specific duties

As part of the RR(A)A 2000, the YJB is bound by the Employment Monitoring Duty. Through this duty, the YJB has a statutory obligation to monitor, by reference to the racial groups to which they belong, the numbers of:

- staff in post; and
- applicants for employment, training and promotion from each such group.

As the YJB has 230 or more full-time staff, there is also a duty to monitor the number of staff from each racial group who:

- receive training;
- benefit or suffer detriment as a result of the YJB's performance assessment procedures;
- are involved in grievance procedures;
- are the subject of disciplinary procedures;
- cease employment.

The above list is not exhaustive as there are a number of existing and pending acts that outlaw discrimination (see below). There are also a number of legislative and other requirements relating to equality and diversity that are placed upon public organisations.

The YJB will observe and comply with all anti-discriminatory legislation and equality encouragement duties, including:

- **Equal Pay Act 1970 (as amended) (EPA 1970)** gives an individual a right to same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and the woman are doing like work, work rated as equivalent or work that is proved to be of equal value.
- **Sex Discrimination Act 1975 (SDA 1975)** provides remedies against discrimination on the grounds of gender and/or marital status.

- **The Sex Discrimination (Gender Reassignment) Regulations 1999 (SDR 1999)** make it unlawful to discriminate against transsexual people on the grounds of gender in pay and treatment, in employment and vocational training.
- **Race Relations Act 1976 (RRA 1976)** outlaws discrimination on the grounds of colour, race, ethnic or national origin.
- **Race Relations (Amendment) Act 2000 (RRA 2000)** places a three part general duty on all public authorities and an explicit range of specific duties, and has a major impact on the role of the public sector in procurement and partnership.
- **Race Relations (Amendment) Regulations 2002 (RRR 2002)** redefines indirect discrimination, prohibits harassment, changes burden of proof and provides remedy for post-employment victimisation.
- **Disability Discrimination Act 1995 (DDA 1995)** covers employment (staff of 20+), access to goods, facilities, services, the sale/letting of land and property; defines disability and covers disability and long-term illness.
- **Disability Discrimination Act (Amendment) Regulations 2003 (DDA 2003)** extends discrimination protection to employees, contract workers, police officers and job applicants in employment-type situations; prohibits harassment against disabled people on the grounds of disability; removes the exclusion threshold and makes it unlawful to instruct employees or pressure them to discriminate.
- **Disability Discrimination Act 2005 (DDA 2005)** makes substantial changes to the Disability Discrimination Act 1995 and imposes a duty on public bodies to produce a Disability Equality Scheme.
- **Human Rights Act 1998 (HRA 1998)** brings provisions from the European Convention on Human Rights into English and Scottish law.
- **Employment Act 2002 (EA 2000)** covers maternity, paternity and adoption leave; the right to request flexible working and gives protection for fixed-term workers.
- **Employment Equality (Age) Regulations 2006 (EEAR)** prohibits direct and indirect discrimination, harassment and victimisation on the grounds of age in employment.
- **Employment Equality (Religion and Belief) Regulations 2003 (EERBR 2003)** prohibits direct and indirect discrimination and harassment on the grounds of religion or belief.
- **Employment Equality (Sexual Orientation) Regulations 2003 (EESOR 2003)** prohibits direct and indirect discrimination and harassment on the grounds of sexual orientation.
- **Gender Recognition Act 2004 (GRA 2004)** provides transsexual people with legal recognition in their acquired gender.
- **Civil Partnership Act 2004 (CPA 2004)** enables same-sex couples to obtain legal recognition of their relationship by forming a civil partnership.