

# Expanding Opportunity, Unlocking Potential

**Equalities policy paper**  
Policy Paper 120

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**Expanding Opportunity,  
Unlocking Potential**

*Equalities policy paper*

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# Executive summary

## Opportunity for everyone

### *Opportunity in education*

The empowerment of individuals begins with a responsive education system. So we will:

- Ensure all young carers receive the pupil premium funding (1.1.3)
- Implement the recommendations of *(They Never Give up on you) The Office of the Children's Commissioner School Exclusions Inquiry* and reinstate the requirement for Ofsted to assess how well schools promote equality of opportunity (1.1.7)
- Ensure that all universities are fully transparent on admissions criteria (1.1.16)

### *Opportunity in employment*

To break down barriers, that prevent disadvantaged groups from entering into and successfully staying in employment we, will:

- Extend the 15 hours free early years childcare entitlement as a universal offer to all 2 year olds (1.2.5)
- Promote shared parental leave and support a 'use it or lose it' policy to encourage take up (1.2.6)
- Support The Apprenticeship Service with experts in the voluntary sector to formulate an improved strategy for reaching underrepresented groups (1.2.12)
- Work with employers' organisations and the voluntary sector to share best practice on equalities with fast growing industries and SMEs (1.2.13 and 1.2.14)

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- Establish a public sector-wide procurement policy to promote equality in the workplace (1.2.18)
- Require all private sector and third sector organisations in receipt of public money to undertake equality monitoring (1.2.19)
- Develop a comprehensive strategy to raise awareness of age discrimination rights (1.2.22)
- Work with the voluntary sector to raise awareness of mental health conditions in the workplace and encourage mental health training of line managers (1.2.24)

### *Opportunity for women*

To address the challenges women face in the workplace we will:

- Bring Equality Act provisions into force to require all large companies to report on their gender pay gap (1.3.5)
- Continue the good work of Liberal Democrats in Government on women's representation on FTSE 100 Boards and consider the case for introducing mandatory quotas for transitional periods if improvement falters (1.3.11)
- Address pipeline problems of not enough board-ready experienced female directors with support and training (1.3.13)
- Support agreements with the British Bankers' Association to gather information on bank lending to female entrepreneurs (1.3.14)
- Work towards achieving the World Bank recommendations to operationalise gender policy (1.3.15)

### *Opportunity for the BAME workforce*

To tackle discrimination against the BAME workforce we will:

- Pilot name blank application forms widely in the public sector (1.4.5)
- Work to ensure that verbal reasoning tests used in recruitment are culture fair
- Pilot screened interviews to counter unconscious bias (1.4.6)
- Review the Equal Merit Provision for Judicial Appointments and consider the possibility of extending it (1.4.7)

### *Opportunity for people with disabilities*

To ensure those with disabilities, mental health conditions and learning disabilities are empowered to play an equal role in the workforce we will:

- Introduce a right to request part time sick leave (1.5.5)
- Work with employers and employers' organisations to help promote the use of assistive technology (1.5.7)
- Work closely with people with disabilities to review how the Access to Work programme allocates funding and as resources allow increase funding for the Access to Work programme (1.5.9)

### *Implementing and enforcing equality law*

To ensure equality law is implemented and enforced we will:

- Bring Equality Act provisions for protection against dual discrimination into force (1.6.2)

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- Reinstate statutory employer questionnaire for employment claims (1.6.3)
- Maintain the power of employment tribunals to make wider recommendations to employers (1.6.4)
- Restore employees legal protection for third party harassment (1.6.5)
- Develop a code of practice for the Public Sector Equality Duty, including a pro-forma setting out clearly the PSED requirements and what information public bodies should publish (1.6.7)
- Review the level of tribunal fees to ensure that those making bona fide claims are not deterred by cost (1.6.8)
- Review whether the Equality and Human Rights Commission should issue significant fines and enforcement notices where malpractice is uncovered by employment tribunals (1.6.11)

## Health and wellbeing

### *Welfare of people with disabilities*

To ensure people with disabilities receive the support they need in a way that is fair we will:

- Provide claimants on the Work Capability Assessment with more information about their claims and review the Work Capability Assessment and Personal Independent Payment assessments to see if they can be brought together (2.1.5 and 2.1.6)
- Review the impact of devolving the Independent Living Fund to Local Authorities (2.1.8)
- Ask that the Office for Disability Issues publishes statistics broken down by physical, sensory, learning and auto immune disabilities (2.3.4)
- Take steps to tackle bullying of disabled pupils (2.1.10)

### *Access and transport*

For people with physical disabilities and older people, access to transport which is affordable and suits their needs is vital, so we will:

- Extend bus concessions for people with disabilities to cover peak hours (2.2.3)
- Bring Equality Act provisions which safeguard fair access to taxis for people with disabilities into force (2.2.5)
- Review discrimination law to ensure that age is not used as a proxy for risk for insurance purposes (2.2.7)

### *Health and care services*

To promote equality in the provision of health and care services we will:

- Continue to support the good work of Liberal Democrats in government in helping those with mental health issues and learning disabilities (2.3.1 and 2.3.2)
- Give equal weight to mental health issues as for physical health (2.3.3)
- Develop NHS Care Passports for those with complex needs by 2018, with £3 million start-up funding (2.3.7)
- Ensure continued availability of free contraception and that HIV services remain a priority (2.3.10)
- Generate certification marks for care homes that have specialist services for LGBT+ people or people in specific ethnic or religious groups (2.3.14)
- Take steps to support carers including giving them an annual 'carer's bonus' and an additional entitlement to 5 days care leave each year (2.3.15)



### *Violence and hate crimes*

To stamp out violence and hate crimes against vulnerable protected groups we will:

- Make hate crimes against disabled, gay, lesbian and transgender people aggravated offences, allowing stronger sentencing for perpetrators (2.4.2)
- Continue to support the work of Liberal Democrats in Government in introducing laws against stalking and forced marriage and in allocating £28 million to support victims of rape and domestic or gender violence (2.4.4)
- Introduce compulsory training for front line staff in areas where young women and girls are at a high risk of FGM (2.4.9)

### *Body image and sexualisation*

To provide protection from body image and sexualisation pressure we will:

- Ensure all schools teach sex and relationship advice as part of the National Curriculum and make sure it is relevant in the 21<sup>st</sup> century (2.5.5)
- Support the view that mainstream media should consider more authentic 'inclusive sexualities' in advertising, media, and sport (2.5.6)
- Work towards registration for practitioners in the cosmetic surgery industry (2.5.9)
- Support a registry of breast implants to prevent a repeat of the PIP scandal (2.5.10)
- Take steps to ensure that VAT is paid for all surgery that is not part of a health care treatment programme (2.5.13)

## **Inclusive environment**

### *Equal marriage*

To build on the work of Liberal Democrats in government in introducing same sex marriage, and in working toward equal marriage we will:

- Make changes in law to enable the Church of England to perform same sex marriage should it so choose (3.1.3)
- Review the law around transgender and marriage to remove the ‘spousal veto’ and allow couples where one partner has transitioned to reinstate their marriages (3.1.4 and 3.1.5)
- Support the introduction of non-religious marriage in England, Wales and Northern Ireland (3.1.7)
- Amend marriage certificates to allow both parents’ name and occupation to be listed (3.1.9)

### *An inclusive environment for LGBT+ people*

To ensure a more inclusive environment for LGBT+ people we will:

- Build on forthcoming research into homophobic bullying, initiated by Liberal Democrats in Government, to formulate further proposals (3.2.3)
- Ask the Advisory Committee on Safety of Blood, Tissues and Organs to review the rules around blood donation for gay men to see if they can be relaxed (3.2.6)
- Commit to including positive images of transgender individuals in central Government publications (3.2.7)
- Allow ‘X’ (Unspecified) gender markers on UK passports (3.2.8)
- Support an update to the Gender Recognition Act removing the requirement for a diagnosis of gender

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dysphoria so intersex people can gain legal recognition of gender (3.2.9)

### *Recognising diversity in communities*

Liberal Democrats welcome differences in faith or culture, to promote diversity in communities, so we will:

- Accelerate moves to give caste recognition in law on a level footing with other protected characteristics (3.3.3)
- Make sure the diversity of society continues to be reflected in the national curriculum (3.3.4)
- Support action to address the negative media portrayal of some racial and religious groups
- Support the piloting of an approach where the use of stop and search without reasonable suspicion requires the authorisation of a judge (3.3.5)

## **Citizens and the state: at home and abroad**

### *Governance of equalities*

Liberal Democrats want equality issues to be at the heart of governments' plans, so we will:

- Move the Government Equality Office into the Cabinet Office, and bring the Ministerial roles for Faith and Communities and for Disabled People with it (4.1.2)
- Make the Equality and Human Rights Commission accountable directly to Parliament to strengthen its ability to hold Departments to account (4.1.3)
- Support the formation of a Select Committee for Equalities to champion the needs of those with protected characteristics in Parliament (4.1.4)

### *Leading abroad*

As internationalists we do not turn a blind eye to the concerns of vulnerable people across the globe. In no area is this more important than for equalities, so we will:

- Insist that women's rights be a consistent priority for the Foreign and Commonwealth Office and work towards an ambitious international gender equality strategy (4.3.2)
- Seek to ratify the Istanbul convention, on protecting women from domestic violence, in the UK and the EU (4.2.4)
- Give effect to UN resolution 2122 on action to provide girls and women raped in war access to sexual and reproductive health services (4.2.5)
- Maintain our commitment to spend £35 million with the aim of reducing FGM, by 30% in 10 countries, within the next 5 years (4.2.6)
- Look to increase transparency about the number of women attending international conferences that the UK hosts, by publishing the number of women present at each (4.2.8)
- Lead the way in forming a clear international strategy to improve LGBT+ rights worldwide while maintaining a commitment to offer asylum and succour to individuals persecuted due to being LGBT+ (4.2.10 and 4.2.11)
- Ensure British embassies offer same sex marriage whenever legally possible (4.2.15)
- Support a more proactive and less cautious approach to funding promising projects that aid people with disabilities, with disability objectives put at the heart of wider intentional development projects and taking into account psychosocial and age related disabilities (4.2.18 and 4.2.19)

## Introduction

Liberal Democrats are rightly proud of a commitment to equality that goes back decades, and the vision for a fair, free and open society is enshrined in our constitution. Recent policy papers *A Balanced Working Life* (2013) and conference motion *A New Liberal Democrat Approach to Race Equality* (2013) are born out of this commitment and vision.

In government the Liberal Democrats have championed equality, strengthened rights and challenged intolerance, in a diverse Britain, as the agents of continuous improvement towards a fairer society. Achievements include: introducing legislation on equal marriage; shared parental leave; more support for childcare costs; changes to the tax system to help part-time workers and women; the Care Act; youth contracts; improving the Access to Work scheme; the pupil premium; protecting the Equality and Human Rights Commission (EHRC) and the Public Sector Equality Duty (PSED); as well as getting equalities onto the international agenda so that the needs of the vulnerable and disadvantaged are addressed.

Many of the achievements enacted in Coalition Government come from principled policies developed democratically by Liberal Democrats in the years before. For example policy paper *Real Women* (2009) and motion *Equal Marriage* (2010) set out our stance on some of the issues before we were in the position to implement them.

Our achievements underpin a cultural shift. Changing social attitudes, increased awareness of diversity and the introduction of legislation, such as the Equality Act 2010, are indicators that Britain is becoming a more tolerant, fair and open minded place, respecting the freedom, dignity and well-

being of individuals. The British Social Attitudes Survey<sup>1</sup> reveals more liberal and inclusive attitudes on a range of issues – from sexuality, gender and women's role in the workplace over the past 30 years. Back in 1983 when people were asked about sexual relations between adults of the same sex, 62% thought it was wrong, but by 2012 this had dropped to 28%, with each successive generation becoming more liberal. And in 1987 when asked about gender roles, the proportion of people who felt that “a woman's job is to look after the home and the family” was 48%. By 2012 that proportion went down to 13%. As Liberal Democrats we believe that these advances are welcome but there is still much more work to be done to create a more equal, accepting, and tolerant society with full rights for all individuals.

We continue to strive for change with our fundamental values of liberty, equality and community and consider how we can further improve the rights and opportunities of everyone in society. At the heart of our approach is the promotion of human rights to empower individuals to reach their full potential and have more control over their own life, to live in the way that is right for them, and free from discrimination from others, state structures or agents. To achieve this ambition requires change, and Liberal Democrats will continue to break down social and historical barriers to work for a society with a sense of partnership and community to help individuals flourish in whatever sphere of education, work, social provision, or cultural activity they engage.

This policy paper lays out what Liberal Democrats regard as some of the most pressing areas in individual and community equality today. We tackle inequality and diversity thematically addressing the themes of employment and opportunity, health and wellbeing, inclusive environments, and citizens and the

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<sup>1</sup> British Social Attitudes 28. National Centre for Social Research (2013).

State – at home and abroad. On each theme we make a number of detailed recommendations toward eliminating the prejudice and discrimination that remains based on race, colour, religion, age, disability, sex, sexual orientation to break down entrenched forms of privilege and inequality.

An important step to secure the rights of those groups who faced discrimination in the past is to ensure that they are supported by the law. The Equality Act 2010 was a significant step forward in this regard. It brought UK equality law together in a single piece of legislation. In particular it aimed to harmonise and in some cases extend existing discrimination law covering the ‘protected characteristics’. Liberal Democrats strongly support the need for law to defend the rights of all citizens to play a full part in an increasingly global society.

Many of the recent changes that have been proposed, or made already by the Enterprise and Regulatory Reform Act (2013) are not, however, Liberal Democrat changes and so there are areas of the original act that a Liberal Democrat government would seek to reinstate or defend. A particular priority is to protect the Public Sector Equality Duty, while ensuring it is implemented more smoothly. We also recognise that a legal framework on its own will not deliver the society we want and that other measures will be needed.

In a challenging economic climate we continue to move things forward so that those who are vulnerable are protected and fairly treated. Pursuing our vision of opportunity for all also makes economic sense. Removing barriers to success, increasing diversity and flexibility in the workforce, reducing pay gaps, and balancing boardroom teams not only boosts morale and wellbeing but improves productivity to boost the bottom line for businesses. Increasing transparency, eliminating pay gaps and unlawful discrimination avoids tribunals costs and reputational damage, and improves

corporate governance to make today's workplaces fit for the future.



# 1. Opportunity for everyone

## 1.1 Opportunity in education

1.1.1 The empowerment of individuals begins with a responsive education system. While we have narrowed many gaps in educational attainment – for example girls no longer do worse than boys in most GCSE subjects – others remain. GCSE achievement amongst black pupils are significantly worse than other groups, where 45% of pupils get five good GCSEs compared to 51% for white pupils. For pupils with special educational needs and young carers there are also educational inequalities.

### *The pupil premium*

1.1.2 The delivery of the pupil premium has been a huge step forward. In 2013-14, every school will receive £900 for each child receiving free school meals and by 2015 the Government will be providing a total of £2.5 billion extra funding for disadvantaged children in schools. This has benefited many ethnic minority children, young carers and those with special educational needs – a greater proportion of whom live in households with low incomes. Liberal Democrat plans to provide every child in reception, year 1 and year 2, a free school lunch, will further benefit these children.

1.1.3 Young carers are a group that require particular attention. There are over 160,000 children and young people in the UK who care for family members, and the number has increased steadily. Educational outcomes for young carers are very poor, at GCSE they score the equivalent to nine grades lower overall than their peers<sup>2</sup>. While many young carers may already be eligible for pupil premium funding, this

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2 Hidden from View. The Children's Society (2013).

is not the case for all young carers. There is a need to support the caring roles of these children and young people to ensure they do not fall behind their peers at school. **Given the disadvantages they face we believe that all young carers should receive the pupil premium.**

### *The Children and Families Act*

1.1.4 For children with special educational needs, disabilities and young carers Liberal Democrats have a strong record in government. A particular achievement is the Children and Families Act (2014). The Act introduced major changes to support children with disabilities, learning and special educational needs. It gave families greater involvement in decisions about their support and the ability to request personal budgets. It will also encourage social care, education and health services to work together more closely in identifying and supporting those with special needs or disabilities and it will ensure local authorities identify young carers so they can be offered the support they need.

### *Exclusion*

1.1.5 Pupils permanently excluded from school perform poorly in terms of educational and later life outcomes. Too often as adults they end up in the criminal justice system. Some groups are more likely to be permanently excluded than others, African Caribbean boys and gypsy Roma children are the most likely to be excluded.

1.1.6 The Department for Education analysed the relationship between the proportion of a school's population who come from the ethnic groups with above average exclusion rates and the likelihood of those children being excluded. They found that children from the relevant ethnic groups were more likely to be excluded when they were in a small minority in a school than when they were with larger

numbers of children from their ethnic group<sup>3</sup>. The Children's Commissioner Inquiry into school exclusions heard evidence to suggest that much more could be done by schools to address race inequality around exclusion. Further, the inquiry also found that while exclusion is a sanction used in England, it is not used much in mainland Europe.

1.1.7 The Children's Commissioner pointed out that effective teaching and school behaviour is the key factor to lower exclusion rates. As was recognised by *A New Liberal Democrat Approach to Race Equality* (2013), **we call for the full implementation of the recommendations of the Children's Commissioner's Inquiry. We also call for the reinstatement into the school inspection criteria the requirement to assess how well schools promote equality of opportunity and how effectively they tackle discrimination.**<sup>4</sup>

1.1.8 Policy paper *Protecting Public Services and Making Them Work For You* (2014) sets out plans for investing in teaching packages to improve teacher Continuous Professional Development (CPD), we would like to see the Children's Commissioners' recommendations taken into account in these plans.

### *School admissions*

1.1.9 Fair access to education is a vital part of reducing inequities and ignorance. *Protecting Public Services and Making Them Work For You* (2014) sets out proposals to give local authorities greater control over school admissions, including those of academies and free schools. This is an

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<sup>3</sup> They never give up on you. Office of the Children's Commissioner School Exclusions Inquiry (2012).

<sup>4</sup> The Framework for School Inspection in England under S5 of the Education Act 2005, from September 2009. Ofsted (2011).

important safeguard against discrimination and bias in school admission procedures.

1.1.10 Discrimination in admissions and recruitment to faith schools is a sensitive issue. *Equity and Excellence* (2009) set out that all existing state-funded faith schools should produce plans to demonstrate the inclusiveness of their intakes with Local Authorities empowered to oversee and approve delivery, and to withdraw state-funded status where inclusion to cannot be demonstrated. *Equity and Excellence* struck the right balance on faith school admissions and we continue to support it.

### *Careers advice*

1.1.11 Careers advice is a key part of opening up opportunity to young people of all backgrounds. We welcome the Deputy Prime Minister's recent announcements on strengthening careers advice in schools, including new guidance and a role for Ofsted in ensuring quality. This builds on Liberal Democrat proposals in *Equity and Excellence* (2009).

1.1.12 Careers advice can play a key role in getting students to consider careers in areas where they are underrepresented. This is particularly true when it comes to getting women into Science, Technology Engineering and Maths careers (STEM) – it is important that this advice starts early. For this reason we would like to see a focus on careers advice for STEM related subjects starting at primary school.

1.1.13 One of the ways in which we can begin to engage young girls with technology at an early age is to provide opportunities to learn coding, which is a key skill in computing and an area in which women are under-represented in later life. As 2014 is the 'Year of Code' this is a prime opportunity to promote this subject within schools and actively encourage the participation of young girls.

1.1.14 Further proposals on women in STEM are included in the section 1.2.

*Higher education (HE)*

1.1.15 We also see inequality in our higher education system. And while there has been progress, for example all ethnic minority groups have seen a rise in their share of the total student population, with the largest increase being among black students,<sup>5</sup> the majority of ethnic minority students do not study at the most prestigious universities. Nearly half of all black, Pakistani, Bangladeshi and Indian graduates attended post-1992 universities or former polytechnics, compared to a third of other ethnic groups. This is despite the fact that Indian students are the second highest achieving ethnic group. Indeed there are more students of African Caribbean origin at London Metropolitan University than at all the Russell Group universities put together.

1.1.16 It is difficult to identify and tackle discriminatory application practice when there is a lack of transparency in application criteria and processes. For potential students this can lead to an unclear interpretation of merit and uncertainty as to what institutions are looking for. In particular, applicants need clarity as to whether grades alone or other factors, including the subjects chosen for A-level study, influence decisions. This uncertainty may discourage some students from applying at all. **Liberal Democrats want to ensure that all universities are fully transparent on admissions criteria. We would work with the HE sector to make sure this is the case.**

1.1.17 It is also extremely important that we support students to stay in HE once there. This is a particular issue for students

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<sup>5</sup> Equality and Human Rights Commission Ch10. How fair is Britain (2010).

with disabilities, learning disabilities and mental health problems where the dropout rate is high. The disabled students' allowance is a vital tool to enable these students to stay in HE and to compete on the same footing as non-disabled students. This is an essential provision and we affirm our commitment to it.

1.1.18 Tackling educational inequities is not something that stops with our HE system. Lifelong learning contributes to social mobility for those who faced discrimination or other barriers to education at a younger age and can be the ladder by which many disadvantaged groups manage to fulfil potential. With this in mind we support proposals in *Age Ready Britain* (2014) which support lifelong learning.

## **1.2 Opportunity in employment**

1.2.1 Many groups, whether they have disabilities, mental health problems, learning disabilities, or come from ethnic minorities, are underrepresented in areas of the UK's labour market. Liberal Democrats are committed to working towards equality of opportunity for all and to breaking down the barriers that prevent these groups from entering into, and successfully staying in, employment.

1.2.2 In today's workplace it is often not the lack of legal rights or Government support that prevents individuals or groups from entering into and progressing through the labour market. Rather, it is a combination of unconscious bias, lack of employer awareness and other factors such as lack of access or support. Regrettably, it is also true that there are still many instances of direct discrimination. Working with businesses across all sectors forms a vital part of our approach to breaking down these barriers.

1.2.3 Increasing workplace opportunity and improving flexibility attracts the best talent, boosts productivity and boosts the bottom line. This is not only an issue of principle; it's also important for economic growth. For a number of years the private sector, both in the UK and globally, has been waking up to the realisation that embracing diversity can have a hugely positive impact on the financial performance of a business and the economy as a whole. *The Business Case for Equality and Diversity*<sup>6</sup> highlights a number of cases where companies in the UK, US and elsewhere have increased staff satisfaction, revenues and profits by addressing gender, BAME or sexual orientation equality.

### *Childcare*

1.2.4 Of the many challenges that prevent people from entering the workplace the cost of childcare is one of the most pressing. This is illustrated by estimates from the Family and Childcare Trust that for a family with two children of five and two years of age the full-time childcare cost is estimated at £11,700 a year – higher than the average annual mortgage payment. *A Balanced Working Life (2013)* set out the case for affordable quality childcare as a way to break down barriers for many parents who wish to return to work and outlined ambitious plans to extend the free childcare early years entitlement.

1.2.5 We agree that it is vital to increase the allocation of free childcare for young children, and in time we would like to see all the recommendations in *A Balanced Working Life 2013* implemented. However the current financial constraints on government mean there is a need to prioritise. **Two year old children do not currently receive a universal entitlement to free early year's education. So we would like to see a**

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<sup>6</sup> The Business Case for Equality and Diversity. Government Equalities Office and Department for Business, Innovation and Skills (2013).

**universal offer of 15 hours for 2 year olds implemented as the priority.** This would be a huge step to enabling all parents, who wish to do so, to get back to work when they want to.

### *Shared parenting*

1.2.6 For working parents flexible employment practices are also of vital importance. This is why the introduction of shared parental leave was such a great achievement for Liberal Democrats in Government. It is disappointing that reports have indicated that that less than 1% of fathers take advantage of their full entitlement to paternity leave. There is no doubt that working culture and awareness of the right have played a part in low take up, often there is the intention of taking time off later. But that time and bonding with a child is often not recovered, and these should be addressed. **Liberal Democrats believe that shared parental leave should be promoted because of its long term benefits, and would support a ‘Use it or lose it’ policy to encourage take up.**

1.2.7 It is an important symbol of modern society that our laws and justice system recognise the equal role of parents in childcare. We welcome the provisions in the Children and Families Bill, currently passing through Parliament, which place the emphasis on the best interests of the child and the equal importance of each parent. We also support many other aspects of the Bill that promote fairness and equality for men and women in the justice system.

### *Diversity friendly apprenticeships*

1.2.8 The growth in apprenticeships has been one of the greatest successes of Liberal Democrats in government, with 1.5 million apprenticeships created since 2010. Apprenticeships are a powerful tool for opening up opportunity, and they have rightly been focused on young



people to prevent the longer term problems that develop out of youth unemployment. We want to build on the success of apprenticeships by improving access to the labour market and develop and use the skills of many other underrepresented groups.

1.2.9 The success of apprenticeships has yet to be fully shared by those with physical disabilities, learning disabilities or mental health issues. Indeed, the proportion of apprentices declaring disabilities or learning disabilities has been falling. *The Little Review* (2012) was clear that best practice should be shared and the importance of accessibility and flexibility for these groups should be highlighted to apprenticeship providers. We fully agree.

1.2.10 Black and minority ethnic people are also disadvantaged and underrepresented in the labour market. All minority ethnic groups suffer greater joblessness than white workers and black youth unemployment has been shown to be more than double that of young white people (47% compared to 20%).<sup>7</sup> Ethnic minority youth, and black youth in particular, should be particularly targeted for apprenticeships. The Runnymede Trust has expressed concern that these groups are not fairly represented on apprenticeship schemes. These ethnic communities should therefore be a particular focus of the promotion of apprenticeships.

1.2.11 Finally, particular areas where women are underrepresented are in STEM areas – vital sectors for UK economic growth. Apprenticeship providers should focus on promoting opportunities for, and reaching out to, women in STEM careers. Section 1.3.6 also addresses issues on women in STEM.

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<sup>7</sup> Runnymede Trust figures (2012).

**1.2.12 To help apprenticeship providers better support and reach out to these groups Liberal Democrats will provide The Apprenticeship Service with additional resources to work with experts in the voluntary sector. The Apprenticeship Service will be asked to formulate an improved strategy for reaching these underrepresented groups, set targets, and to report on progress.**

*Equality across industries and market sectors*

1.2.13 Embedding equality in fast growing sectors and in small and medium sized businesses is essential to improve overall equality in the workplace. It is not enough to focus on traditional industries and multinational companies, we must also ensure that the sectors leading UK creativity, exports, jobs and economic growth provide the opportunity to develop and use the skills of groups who have been excluded in the past. Fast growing sectors such as STEM, fashion, media, and the creative arts all have the potential to present opportunities for employment, entrepreneurship and career progression for those who have been historically disadvantaged.

1.2.14 Many of those leading in these areas are small and medium sized businesses which can lack the resources or know-how of larger companies or public sector providers in breaking down barriers. **Liberal Democrats will work with employers' organisations and experts in the voluntary sector to work together with SMEs across the UK to share best practice.**

*Encouraging good practice*

1.2.15 Accreditation can be a good incentive to improve practice and demonstrate commitment. Schemes such as *Investors in People* have shown how this can be done and

how effective it can be. *A Balanced Working Life* (2013) set out proposals to introduce a kite-marking type of scheme as a way to judge how well a corporation is performing in relation to the wellbeing standards of its staff. We think these standards should include how opportunity is extended to all protected groups. Initiatives such as annual unconscious bias training for all staff, sponsoring of high potential women and underrepresented minorities by senior executives who hold positions of power (and who can therefore advocate on behalf of the individual in order to propel their career forward) as well as flexible working, are key to driving change. However to ensure these initiatives are taken seriously, it is essential that companies report on their progress. So we would require large companies to report publically each year on progress by level for each protected group as part of the accreditation scheme.

1.2.16 Liberal Democrats also believe that the Government, through its position as the UK's major purchaser, should use its leverage over, and relationships with, private sector companies to promote equality. Central government spends around £45 billion each year procuring goods and services and this represents a powerful incentive for potential contractors to act in the way a public service should – including towards its employees.

1.2.17 Incentives can be delivered in contract conditions to ensure suppliers improve their practices, and **we recommend that government establish a public sector-wide procurement policy to use more robust pre-qualification questionnaires and contract conditions to promote equality in the workplace.** It should do this in a way that does not impose undue burdens on small companies. This builds on proposals in *A Balanced Working Life* (2013) that all commissioners and providers of services undertake an accessibility audit as part of the procurement process and

that all government procurement specialists take account of the Fair Wage commitments of suppliers.

**1.2.18 We would also look to use government procurement processes to encourage organisations to adopt the good practice set out in the accreditation system detailed in paragraph 1.2.16 above.**

*Collecting and publishing data*

1.2.19 Transparency and accountability are important and may highlight where bad practice takes place and ensure employers are aware when there is a problem. We would like to see all private companies make data on workforce participation available, but we would require those in receipt of public money or other benefits to do so as a condition of receiving that funding or benefit. We believe that the public has the right to know how well those organisations are reflecting in their employment the public they wish to serve. *As A New Liberal Democrat Approach to Race Equality (2013)* set out, **Liberal Democrats would require all private sector and third sector organisations in receipt of public money or other benefits to undertake equality monitoring and forward it to the relevant public authority which shall publish this data for each organisation annually.**

1.2.20 Section 1.3 has further details on collecting and publishing data in respect of gender.

*Awareness of existing rights*

1.2.21 We need to make sure employees and employers know what their respective rights and responsibilities are so that where prejudicial and discriminatory practices occur they can be challenged and if necessary brought to tribunal. It is important that legal rights for all those with protected

characteristics are well recognised. Section 4.1 sets out how we would strengthen the Equality and Human Rights Commission to fulfil its role in this regard.

1.2.22 A particular area where awareness of legal rights is not widespread is age discrimination. Age UK report that some 64 per cent of those interviewed judge age discrimination to be a serious problem. For older people this can often manifest itself in a lack of access to the same opportunities as younger people when in the workplace. For example evidence suggests that fewer training days are received by people over 50 years old<sup>8</sup>. **To tackle this we would develop a comprehensive strategy to raise awareness of age discrimination rights and actively engage with employers.**

1.2.23 Many issues which prevent certain groups from entering or staying in the workplace are still poorly understood by employers. We would want to do more to raise awareness amongst employers of the issues faced by all protected groups.

1.2.24 A particular concern is for those with mental health conditions. Even when compared to people with physical disabilities those with mental health conditions are disadvantaged in terms of employment, type of work and level of unemployment. Part of the problem is the stigma attached to mental health. Also managers do not know the right steps to take to support their staff when mental health issues arise. **We would work with voluntary sector experts to put together a strategy to educate, train and raise awareness of mental health conditions in the workplace and encourage mental health training of line managers.**

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<sup>8</sup> UK Workplace Employment Relations Survey. Department for Business, Innovation and Skills (2011).

### *Language barriers*

1.2.25 Language skills are very important for individuals to enter the labour market and play a full role in society outside the workplace. While many people who speak a language other than English have excellent English language skills, others can struggle. Census data from 2011 shows that 1.6% of the population do not have proficient English language skills. The most affected are often those whose main languages are very different from English; for example Pakistani Pahari, or Cantonese Chinese. People without proficient English (or where appropriate Welsh) language skills not only struggle to enter the labour market, they are also less likely to be in general good health<sup>9</sup>.

1.2.26 For some communities language skills can be a barrier to finding work or social support. This can be a particular issue for women, where traditional social roles may mean they are not encouraged to learn English. Women without English proficiency are less likely to be employed than men with the same level of language skill. In addition a lack of English language skill, and having to use a translator, can be a lonely isolating and embarrassing experience for many women.

1.2.27 If we are to empower individuals to play their full part in the economy and society improving English language skills (or Welsh language skills where appropriate) should be a priority. *Making Migration Work for Britain* (2014) included proposals to strengthen the incentives for English language training through Job Centre Plus and stronger citizenship tests, as well as better funding for English language programmes through the Department for Communities and Local Government. This paper supports those proposals.

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<sup>9</sup> Detailed Characteristics on Demography for 2011 Release (2011) and Census Analysis, English Language Proficiency in the Labour Market Release. ONS (2011).

## 1.3 Opportunity for women

1.3.1 As the economic outlook improves we see record levels of employment, with more men and women in work than ever before, but inequalities remain. Many of which are rooted in women's historically greater childcare responsibilities, elder care and household chores, as well as from deep-rooted prejudices. There is still a significant pay gap between men and women and there are still comparatively few women in the highest earning and leadership positions. Indeed men make up the majority of workers in the top 10% of earners.

1.3.2 Various challenges prevent women from reaching their potential in the workplace: gaining the management skills to rise further in organisations, the affordability of childcare, the lack of flexible working practices, limited opportunities for those in part-time work, and how confident women feel to enter and remain in traditionally male dominated employment, all play a part. There is much to do to address these challenges.

### *The gender pay gap*

1.3.3 The gender pay gap has been a persistent problem. Reasons for the pay gap are complex, for example many professional occupations associated with higher levels of pay are more populated by men than women. Global economic conditions have played a role in widening the disparity in pay between men and women. In addition many jobs that should be regarded as equivalent have not been properly graded. These factors explain the significant gap that exists and much responsibility must still rest with employers. Indeed in many cases companies are not even aware of the pay discrepancies.

1.3.4 The Government's voluntary *Think, Act, Report*<sup>10</sup> document published by the Government Equalities Office in September 2011 was a positive step to address the pay gap problem. It rightly encourages employers to identify barriers to gender equality, and to collect relevant data from across the company. Liberal Democrats in government would have liked to have gone further.

1.3.5 Collecting and publishing information on gender equality, including the pay gap, is a vital step both to highlight bad practice and to ensure employers are aware when there is a problem. **The Equality Act included provisions to require companies to report on their gender pay gap which have not been implemented. Liberal Democrats support bringing this provision into force for large companies and reported by level.**

1.3.6 One contributing factor to the gender pay gap is that women are more likely to work in lower paid sectors including public administration, health and education. A particular area where women are under-represented is in science, technology, engineering and maths (STEM) sectors, a vital area for UK economic growth.

1.3.7 The CBI report *Engineering our future* makes a number of recommendations on action to be taken by government to promote access to and the take-up of STEM subjects in education, or retraining in STEM subjects for older and experienced people already in the workforce. We will review the implications of these recommendations and, as budgets allow, incorporate a number of these recommendations into Liberal Democrat education and employment policies.

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<sup>10</sup> <https://www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society/supporting-pages/think-act-report>



1.3.8 We also think there is a greater role for women business leaders to become STEM Ambassadors encouraging more young women and girls to take an interest in STEM subjects. This is also an area where STEM apprenticeship providers should be supported in better prompting opportunities to young women and girls, as outlined above.

### *Women on Boards*

1.3.9 It is not enough to remove the barriers preventing some women from entering the workplace, it is also essential to evaluate progression of women once there, from entry-level jobs to the boardroom. In 2010 women made up only 12.5% of the members of the corporate boards of FTSE 100 companies, and the rate of increase was slow. Since Liberal Democrats have been in government and since Lord Davies report set the target of achieving 25% by 2015, women account for 21% of board positions in FTSE 100 companies<sup>11</sup>. This is a proud achievement, but we need to do more.

1.3.10 In 2011 France introduced a quota system for female directors on the Board of large publicly listed companies. The law's stated aim was that by 2017 40% of the membership of those Boards should be female and by 2013 it had already reached 25%. Many consider that due to the larger population (and therefore talent pool) in France this increase is more meaningful than the quota introduced in Norway, with fewer multiple appointments to the same individuals. Germany has also very recently legislated to introduce female board member quotas and the effect of this, in Europe's largest economy, remains to be seen. Finally, many of the countries that have introduced board quotas, such as France, Belgium, Japan, are still without any female CEOs amongst their largest private companies and have seen

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<sup>11</sup> Women on Boards. Davis Review Annual Report (2014).

little increase in female representation in other areas of senior management. This suggests that board quotas are not, in themselves, the sole answer to addressing inequality.

1.3.11 Given the progress Liberal Democrats have made in government, we do not think that it is necessary to introduce quotas at this point, **but if we do not continue to see improvement in the number of women on boards we will consider the case for introducing mandatory quotas for transitional periods.**

1.3.12 In the meantime, we will continue to encourage employers to promote women's career progression by addressing the so-called 'pipeline' of talent, via measures such as the use of mentoring, sponsorship schemes and training to tackle biases and the increased use of flexible working. In this regard we welcome schemes such as the Athena Swan Charter and Aurora awards which promote women's leadership development for academic, professional and research staff.

#### *Addressing the pipeline problem*

1.3.13 There is a wealth of evidence to show that women benefit from gender based support and training. And in order to get balanced boards, it is necessary to have enough board-ready female employees. This means getting the experience and having the confidence to take the next step. Non-executive directorships (NEDs) can provide this, and support and training to apply for these posts is crucial to solve the pipeline problem of not enough skilled and experienced female directors coming forward. **Liberal Democrats will work with businesses to promote and support this crucial step towards recruiting diverse talent and making companies more competent and competitive through true inclusion and equality.**

## *Women entrepreneurs*

1.3.14 Bank lending for female driven enterprise, in certain parts of the developed world, has changed the landscape of business lending so that the whole of society benefits.<sup>12</sup> When information was gathered on bank lending to female enterprise in the US it changed the way banks dealt with women and secured growth in female entrepreneurs. **We would initiate and support agreements with the British Bankers' Association to gather information on bank lending to female entrepreneurs in England.**

1.3.15 Liberal Democrats want to ensure that women and men participate in and benefit from financial institutions, and studies illustrate a strong link between women's economic integration and broader economic development, growth and productivity in developing countries across the world. **Liberal Democrats would work towards achieving the World Bank recommendations to operationalise gender policy and harness human capital in this way.**

## **1.4 Opportunity for the BAME workforce**

1.4.1 The BAME workforce continues to face discrimination in accessing employment particularly in the private sector. The unemployment rate for working age people across all ethnic minority groups was double that of white people in 2013 at 14%. But the disadvantages minority ethnic groups face, varies between groups and some trends are particularly worrying. Most alarming is the youth employment rate among people from black ethnic backgrounds at 47% compared to 20% of young people from white ethnic backgrounds.

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<sup>12</sup> Exploring Bank Financing for Women Entrepreneurs in the MENA region. Organisation for Economic Co-operation and Development (2013).

1.4.2 The Business Commission set up by the Department for Work and Pensions, expressed concern in 2007 about occupational segregation of ethnic groups, with ethnic communities concentrated in particular fields of work and excluded from others.<sup>13</sup> One example is that of professional football, where black players had a long fight to gain places in what is now the Premier League, and to play for their country, as well as the continuing to struggle to move into management after their playing careers have ended.

1.4.3 Much of this inequality in opportunity is rooted in historic factors. There remains income inequality between ethnic groups. In many sectors it is clear that discriminatory practices and subconscious bias still take place. There is a larger proportion of BAME workers concentrated in low paid jobs – a recent LSE report stated that “when employed, nearly all other groups have hourly pay less than white British men” and that “women from nearly all ethno-religious backgrounds have pay between a quarter and a third less than a white British Christian man with the same qualifications, age and occupation.”<sup>14</sup>

### *The application process*

1.4.4 Subconscious discrimination may have a big influence on job applications, particularly at an early stage, before a candidate has had a chance to demonstrate their skills. For ethnic groups where names can be associated with their ethnic or cultural background, this can lead to a major disadvantage. Some studies suggest that BAME applicants for advertised jobs have a 35% chance of suffering

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13 The 60/76 report, the Business Commission on Race Equality in the Workplace – a report by the National Employment Panel. The Department for Work and Pensions (2007).

14 An Anatomy of Economic Inequality in the UK. London School of Economics (2010).

discrimination on the basis of their name in the private sector and 4% in the public sector.

1.4.5 Name blank application forms, where names are removed from applications before they are considered by a panel, are one way to combat these unconscious biases. The *Social Mobility Strategy*, published by the Deputy Prime Minister, committed to “increased use of name-blank and school-blank applications where appropriate”. Liberal Democrats support name blank application forms and welcome the fact that many employers are starting to see their virtue. **As a next step we would look to the public sector to lead the way where we would pilot name blank application forms widely.**

1.4.6 It is possible for discrimination to creep into the way candidates are assessed. Where verbal reasoning tests are used in selection and promotion of staff, BAME applications can be discriminated against if tests are not culture fair. Psychometric tests measure attributes like intelligence, aptitude and personality and are used by 75% of the Times Top 100 companies in the UK<sup>15</sup>. Local authorities, public services, IT companies and management consultants make extensive use of such tests. **Liberal Democrats want more transparency to ensure that the psychometric tests used are culture fair and that copyrighted tests have been tested on the all groups they are used to measure. We would like to see a pilot of 'screened' interviews to see if unconscious bias can be countered.**

### *BAME and leadership*

1.4.7 In addition to addressing access to employment for the BAME workforce we believe it is important to monitor and

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<sup>15</sup> [Psychometric-success.com](http://Psychometric-success.com)

invest in the longer term career progression of ethnic minorities, in particular to ensure that there is equal representation in senior managerial and leadership roles – both within the public and private sector. We welcome the Equal Merit Provision recently introduced by the Judicial Appointments Commission which states that where two or more applicants of equal merit are put before the appointments panel, the appointment can be made on the grounds of race or gender in the interests of judicial diversity. **We would like to review the effect of these regulations in due course and consider the possibility of extending this to other appropriate public sector appointments.**

## 1.5 Opportunity for people with disabilities

1.5.1 Those with physical disabilities, learning disabilities and mental health conditions face particular challenges in securing and staying in work. The employment rate of these groups is in stark contrast to non-disabled people. Of all people with disabilities, 47.8% currently work compared to 75.9% of people without disabilities<sup>16</sup>. There has been progress in recent years – the employment rate for people with disabilities has risen from 44.5% in 2002. This shows us there are steps that can help people with disabilities in the workplace but there is much more we can do to help. Reduced hours, flexible or modified working patterns and reasonable adjustments all play a role in closing the employment gap. In providing this support governments and employers both need to play their part.

1.5.2 The support offered to people with physical disabilities and those with mental health conditions to ensure they can stay healthy will also impact their ability to stay in the workplace. Their entitlement to public services, benefits

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16 Measuring National Well-being. ONS (2012).

where needed, and access to transport are important parts of this and are covered further in Section 2.

### *Part-time sick leave*

1.5.3 Flexibility in working time and practice helps to create inclusive workplaces and 40% of people with disabilities surveyed by the charity Scope stated that modified hours have enabled them to stay in work.

1.5.4 We welcome the introduction of the statutory 'right to request' flexible working, which can help working hours to better fit round the needs of people with disabilities, those with mental health conditions and carers alike. But more can be done.

1.5.5 Part-time sick leave, where employees would work part-time for a temporary period is one such measure. This could facilitate the need to attend a series of medical appointments or time to re-adjust when returning to work and would reduce absenteeism, increase staff engagement, and enhance retention. **Liberal Democrats would introduce a right to request part-time sick leave.**

### *Assistive technology*

1.5.6 Assistive technology can greatly help people with a wide variety of disabilities to achieve their full potential in the workplace. While government should provide financial support to individuals to access such technologies we believe that employers must also do more to open up opportunities to people with disabilities.

1.5.7 We would like to see the creation of an open, enlightened, and responsive workplace culture that recognises the needs of people with disabilities and the technologies available to assist them. The British Assistive

Technology Association reports<sup>17</sup> a lack of knowledge about which technologies are available and a reluctance of employees to ask for support for fear of stigma. **Liberal Democrats will work with employers and employers' organisations to help promote a more enlightened culture in the workplace.**

*'Access to Work'*

1.5.8 Direct support from government can also play a vital role. Liberal Democrats in government have championed grants of up to £3,200 for people with disabilities as part of the Access to Work scheme. This support is vital to help people with disabilities get into employment in the first place. Take up for Access to Work has continued to be a challenge, however, with just over 31,000 claims in total in 2012/14<sup>18</sup>. Indeed of 740,000 people with disabilities in London, only around 3,000 are currently benefiting from Access to Work. **Increasing awareness of this scheme should be the immediate priority.**

1.5.9 It's also important that Access to Work provides funding to the people most in need. This has not always been the case for the current programme with some areas of disability receiving a disproportionate share of the funding. **We would work closely with people with disabilities to review how Access to Work allocates funding. In the longer term, as resources allow, we would increase funding for the Access to Work scheme.**

1.5.10 We also need to do more to promote older people with disabilities continued participation in the workplace, not least because 45% of those over 45 years of age have some form

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17 Assistive Technology in the Workplace. British Assistive Technology Association (2013).

18 Access to Work. Parliamentary Library (2014).



of disability. *Age Ready Britain* (2014) proposes to extend the availability of Access to Work beyond state pension age so older people can also have access to government grants to support them to stay in work.

### *Encouraging self-employment and entrepreneurship*

1.5.11 In self-employment people with disabilities can often avoid some of the barriers that are presented to them when working for others; around a quarter of people with disabilities in the workplace are self-employed. People with disabilities should be supported to take advantage of the opportunities self-employment can offer. In this regards the Government's opening up of the New Enterprise Allowance, which provides financial support and mentoring, to entrepreneurs with disabilities is welcome and we would like to see more targeted support for entrepreneurs with disabilities. The EU programme for 2014-20 has potential to do this.

## **1.6 Implementing and enforcing equality law**

### *Protecting the Equality Act*

1.6.1 The Equality Act 2010 enshrined in law many important rights for employees in the workplace. **There are areas of the Act that have been removed or which Conservatives intend to remove which we would seek to reinstate or maintain.**

1.6.2 Characteristics like race, gender and religion are not mutually exclusive, and discrimination against them is often interconnected. Indeed those with combined protected characteristics may be more vulnerable. The Equality Act included provisions for protection against dual

discrimination<sup>19</sup>. While we recognise that these provisions have limitations in only allowing protection for two characteristics in any one case, it is important that the law does protect against dual discrimination. **Liberal Democrats would bring these provisions into force.**

1.6.3 Statutory questionnaires are an important way for employees to garner information from employers in cases of discrimination. Questionnaires serve to clarify the two positions and consolidate the employee's case often leading to agreement before proceeding needs to be bought to a tribunal. **In our view these questionnaires should be reinstated<sup>20</sup>.**

1.6.4 In cases where discrimination has been alleged and a tribunal has judged that an employer has been guilty of discrimination, it is entirely appropriate that the tribunal should be able to make recommendations to an employer on how to improve its practices. **We would maintain the power of employment tribunals to make wider recommendations to employers where they have lost a case at tribunal.<sup>21</sup>**

1.6.5 Employees may not only require protection from some employers but also from discrimination and harassment they may encounter when carrying out their duties. Examples of this kind of discrimination can be seen in the public transport network, doctors' surgeries and other settings. It is important that employers can be held accountable when this takes place and in line with advice from the EHRC we are not convinced that the other legal remedies available are sufficient. **Liberal Democrats would therefore restore Equality Act provisions that protect employees from third party harassment<sup>22</sup>.**

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19 EA 2010, S14.

20 EA 2010, S138.

21 EA 2010, S124.

22 EA 2010, S40.

### *Public Sector Equality Duty (PSED)*

1.6.6 Public bodies have a key role to play in advancing equality and eliminating discrimination, it is right that this is recognised in law in the form of the PSED.<sup>23</sup> We recognise that the implementation of the duty has not always been smooth and there are cases where it has resulted in unnecessary burdens. But the problem lies not with the duty itself but a lack of clarity on the part of public bodies of what is required of them, leading to either under compliance or over compliance in so-called ‘gold plating’.

1.6.7 In response to the Government’s Red Tape Challenge, the Equality and Human Rights Commission advised that “the best way to reduce bureaucracy and over engineering of compliance with the PSED would be to publish a statutory code”. **Liberal Democrats agree with this approach, we would develop such a code, and include in it a pro-forma which sets out clearly the PSED requirements and in particular what information public bodies should publish to achieve proportionate compliance based on good knowledge and confidence.**

### *Employment tribunals*

1.6.8 The Government introduced fees for employment tribunals in July 2013. They were intended to address the costs to the taxpayer of employment tribunals, and to reduce the burdens on businesses caused by vexatious or frivolous claims. For discrimination cases the tribunal fees were set at £250 to make a claim and £950 to bring it to tribunal. Since the introduction of tribunal fees there has been a 79% reduction in claims reaching the Employment Tribunal<sup>24</sup>. We

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<sup>23</sup> EA 2010, S149.

<sup>24</sup> Ministry of Justice data (2014).

appreciate that many employment disputes will settle out of court, but there is real concern that *bona fide* claims are being unheard due to workers being unable to afford fees. The right balance needs to be struck between deterring frivolous and vexatious claims and ensuring that employees' rights are protected. We think that the high level of fees presents too much of a barrier to claimants. **Liberal Democrats would review the level of tribunal fees to ensure that those making *bona fide* claims are not deterred by cost.**

1.6.10 In order to address the issue of unnecessary or frivolous claims we fully support judges retaining the power to impose deposit orders where it is believed that a weak case is being pursued unnecessarily. Deposit orders are under-utilised as a means of challenging the validity of weak claims and we are committed to looking at how these orders can be employed more effectively, which will include more training for employment judges. We will also look into additional methods to ensure vexatious claims are sifted.

### *Fines*

1.6.11 Liberal Democrats are committed to ensuring that equality legislation does not just exist in theory, but is enforced in practice. An effective way to improve compliance with legislation is to expose malpractice, uncover it in a fair and transparent way, and ensure that punishment is proportionate.

1.6.12 In other areas such as data protection, authorities have the power to introduce heavy fines. Equalities law should not be the poor relation. **We would review whether the Equality and Human Rights Commission could be empowered to issue significant fines and enforcement notices where malpractice is uncovered by the Employment Tribunal.** We believe that this could act as an effective deterrent so that equality legislation is adhered to.

## **2. Health and wellbeing**

2.0.0 It will be impossible to achieve the Liberal Democrat vision for equality between different groups where individuals are fully empowered, without addressing societal differences in health and wellbeing. There are long standing inequities in health for many protected groups and a key part of ensuring equity is the right provision of health, social care and welfare services. Equally hate crimes and the threat of sexual or domestic violence must be eradicated if we are to achieve equality in health and wellbeing. There are also inequalities in the wider wellbeing of individuals. This can include protection for those at greater risk of damaging social pressures or ensuring equal access to leisure or the workplace.

### **2.1 Welfare of people with disabilities**

2.1.1 Those with physical disabilities, mental health conditions and learning disabilities are amongst those who most need support from public services. So it is important that we provide financial and other assistance to those who need it.

2.1.2 Despite the strains on public finances, Liberal Democrats have done much to improve support for people with disabilities – uprating disability benefits at a higher rate than others, making improvements to the Personal Independence Payment and improving the Work Capability Assessment (WCA) – introduced under Labour. Yet we understand the challenges faced by people with disabilities, and that there is much more we must do to ensure the support they receive is in a way that is fair.

### *Assessment for disability benefits*

2.1.3 The WCA was introduced to test whether those claiming Employment and Support Allowance (ESA) are able to work. While it is right that we should ensure that those who receive disability related benefits are those who need it, it is absolutely vital that the assessments are fair and perceived to be so, as highlighted by the independent review of the WCA<sup>25</sup>.

2.1.4 These assessments must be carried out by organisations equipped to deliver them properly. We support the Government's move to replace the current contractors, Atos, who have been shown to be failing. In retendering we would also look to improve the training of staff carrying out assessments so they better understand the conditions they are assessing.

**2.1.5 To ensure those taking the assessment have more confidence in it we would require contractors to provide claimants with more information about their claims** including an outline of the process, timelines for decisions and greater clarity during the assessment and appeals process.

2.1.6 From April 2013, Personal Independence Payments (PIP) have started to replace Disability Living Allowance for working age people. It's not right that people should have to take two similar assessments for the same thing. **Liberal Democrats would review the WCA and PIP assessments to see if they can be brought together.** This is also a key recommendation of *Age Ready Britain* (2014).

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<sup>25</sup> An Independent Review of the Work Capability Assessment – year four. Dr Paul Litchfield (2013).

### *Independent Living Fund*

2.1.7 The Independent Living Fund (ILF) provides money to help people with disabilities live an independent life in the community rather than in residential care – paying for services such as a carer, personal assistant, or a care agency, to provide personal care.

2.1.8 Following reforms to the adult care system the ILF will close in 2015. Funding and responsibility for this support will go to Local Authorities. While we support moving the administration of the fund to a more local level, we would not want to see funding for independent living cut. **To ensure that such a cut does not happen we will review the effects of this reform and, if necessary, ring fence the ILF budget.**

### *Bullying of disabled pupils*

2.1.9 Bullying of disabled pupils is an often overlooked problem. The Office of the Children's Commissioner found that children with disabilities and those with visible medical conditions are twice as likely as their peers to become targets for bullying behaviour<sup>26</sup>. Children with learning difficulties are also particularly vulnerable.

2.1.10 Bullying of this kind can have a huge impact on children's wellbeing and can lead to social exclusion in childhood, then on into adulthood. Liberal Democrats want more to be done to tackle it.

### *Disability statistics*

2.1.11 People with disabilities are not a homogenous group; there are a wide variety of different types of physical, sensory,

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<sup>26</sup> Bullying Today. Office of the Children's Commissioner (2006).

autoimmune and learning disabilities, some of these are constituent conditions but others fluctuate.

2.1.12 Policy making locally and nationally needs to take account of the diverse nature of these conditions, yet at present the Office for Disability Issues publishes statistics for disabilities as a single broad category. **Liberal Democrats would ask that the Office for Disability Issues at least collects and publishes statistics broken down by physical, sensory, learning and autoimmune disabilities.**

## **2.2 Access and transport**

2.2.1 For those with physical disabilities and older people, access to transport which is affordable and suits their needs is vital. It allows them to play an equal part in their communities, to access public services and leisure opportunities. Much evidence suggests that access to transport is a barrier to the health and wellbeing of people with disabilities. The ONS reports that people with disabilities find that transport and leisure activities are difficult to access<sup>27</sup>. Ensuring equal access to transport for people with disabilities is therefore key to the Liberal Democrat ambition of making opportunity available on equal terms to all.

### *Accessible transport*

2.2.2 In recent years much has been done to improve disabled access to various forms of public transport. Disabled access, however, remains inconsistent. Policy paper *Protecting Public Services and Making Them Work For You* (2014) proposes that when any significant infrastructure work is carried out on railway or bus stations, or when new vehicles are provided, they should meet standards for disability

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<sup>27</sup> Life Opportunities Survey. ONS (2012).



access. These measures can be particularly important for visually impaired people. So we think these standards should include measures such as making help points accessible to visually impaired people at train stations and audio visual announcements on buses wherever possible.

2.2.3 As those with disabilities are less likely to be in work, and where they are, more likely to be in part-time work, cost can be one of the barriers to using transport for people with disabilities. Since 2008 people with disabilities have had access to free bus travel nationwide during off-peak hours<sup>28</sup>. Liberal Democrats would like to go further. Access to discounted travel at peak times would support and enable people with disabilities trying to get into work, particularly where that work is part-time or low paid. It would also provide further relief for those needing to use public services or leisure facilities. **Liberal Democrats would extend bus concessions for people with disabilities to cover peak hours.**

2.2.4 People with physical disabilities often rely more on taxi services than non-disabled people. They need services which accommodate them and do not discriminate against them by charging a higher price.

2.2.5 The Equality Act 2010 included duties<sup>29</sup> to ensure this is the case – requiring that taxis carry the passenger while in a wheelchair and not to make any additional charge for doing so. These duties have not yet been brought into force. **We believe that they are important to safeguard fair access to taxis for people with disabilities and we would ensure they are implemented.**

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28 The Concessionary Bus Travel Act 2007.

29 EA 2010, S165.

### *Insurance for older people*

2.2.6 It is also vital that older people are given the opportunity to play a part in their communities and take part in leisure activities. Getting insurance can be a barrier to them doing so.

2.2.7 The Equality Act contains exemptions for financial services providers, including insurers, which allow age discrimination to take place. Many older people have good health or good records of driving safely, yet age is used as a proxy for risk by insurance companies. Because of this many older people struggle to get car, travel or health insurance and where they can they often find that prices are unreasonably high. **Liberal Democrats would review the Equality Act provisions on age discrimination to determine if this exception could be restricted for insurers.**

## **2.3 Health and care services**

### *Mental health*

2.3.1 Mental health is becoming better recognised as a wide social issue, and it is vital to make the right care and culturally sensitive support available to people who need it. Those with mental health conditions often have poorer physical health. Evidence also shows that more can be done to improve the health of millions by banishing the stigma surrounding the perception and treatment of mental illnesses. Stigma can be increased by other factors such as ethnicity, and BAME people are disproportionately represented in mental illness statistics. This is echoed in policy paper *Empowerment, Fairness and Quality in Health Care* (2008) and conference motion *Equality and Fairness in Mental Health Provision* (2008).

## Expanding Opportunity, Unlocking Potential

2.3.2 To reduce the inequalities for those with mental health problems appropriate funding must be made available for mental health services. It is welcome that in government Liberal Democrat ministers announced £400 million of funding for access to modern psychological therapies and launched the Mental Health Action Plan – including support for talking therapies benefiting 300,000 more people, a nation-wide expansion of talking therapies for children and young people by 2018, and new standards for mental health access and waiting times by 2015. These measures are also aimed at helping people with learning disabilities.

2.3.3 Ultimately parity of esteem between health and mental health is needed. In the Health and Social Care Act 2012, the Coalition Government set out for the first time ever that mental health and physical health deserve equal recognition. Policy paper *Protecting Public Services and making them work for you* (2014) builds on this achievement proposing to move towards a better balance of funding between mental and physical health services.

2.3.4 The important work of the *Time to Change* campaign is also a very welcome development in tackling the stigma around mental health. As is the growing use of Mental Health First Aid.

### *Learning disabilities and preventable deaths*

2.3.5 There are inequalities in health for people with learning disabilities. Mencap report that 37% of the deaths of people with a learning disability were avoidable<sup>30</sup>. This is a shocking statistic and the Government's actions in introducing the Annual Health Check scheme, where adults with learning disabilities receive a yearly health check at (with a GP or practice nurse) are welcome.

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<sup>30</sup> Death by Indifference. MENCAP (2013) .

### *Complex care needs*

2.3.6 With demographic changes, including an ageing population, the numbers of patients with complex needs and chronic conditions has increased. This is true of older people and dementia sufferers, but also of those with learning disabilities and mental health conditions. For these people navigating complex health services can be a challenge. It is also vital that health professionals have the right information to meet their needs. Some areas have introduced care passports, subject to stringent privacy safeguards, as a record of care needs and preferences of cared for patients. This helps to prevent misunderstandings and increase patient wellbeing by ensuring consistency among patient carers.

**2.3.7 *Age Ready Britain (2014)* sets out plans to develop NHS care passports by 2018, with £3 million start-up funding, which we support.**

### *Sexual health*

2.3.8 Inequalities exist for some communities in rates of sexually transmitted infection. Most seriously, HIV rates are still higher among gay men and the black African community. It is a concern that new diagnoses among gay men have been increasing since 2007. It is also important to recognise that this is an issue that affects all communities and it is not just an issue associated with gay men or the black African community.

2.3.9 The availability of contraception and sexual health services are key to tackling STIs. A number of the structural and cultural changes to the NHS will mean that we need to monitor these services carefully to make sure they continue to be prioritised. Whilst giving local authorities responsibility for commissioning clinical sexual and reproductive health services is welcome in terms of ensuring local accountability,

it must be ensured that these essential services remain widely accessible across the country.

**2.3.10 We will be careful to ensure that changes to the NHS do not lead to a reduction in the availability of free contraception and that HIV services, including partner notification, remain a priority.**

#### *Welcoming care homes*

2.3.11 As the population gets older it is important that we treat older people with dignity – care homes are an important part of this. We want to make sure that all groups have their needs provided for by these services.

2.3.12 Elderly LGBT+ people often face social isolation and tend to receive less support from their families. There are also particular care needs for long term survivors of HIV. This makes the provision of welcoming care homes with appropriate services particularly important for them. LGBT+ specific care homes and retirement communities have emerged in the United States and are beginning to emerge in many European countries. This is the kind of variety and innovation in welcoming provision we would support.

2.3.13 Older people from some ethnic minority and religious backgrounds can also find that care provision is unwelcoming. This can be due to care home environments not being sensitive to cultural differences such as the need for certain religious foods or the facility for worship or prayer. They may also lack services such as those to overcome language barriers.

**2.3.14 To address these issues, we would work with care home providers to generate certification marks for care homes that are LGBT+ friendly or friendly to specific**

**ethnic or religious groups in order to encourage the introduction of care provision that meets the needs of these communities and helps individuals know where they can find a care environment which is right for them.**

### *Supporting carers*

2.3.15 As our population has got older, the vital importance of the role of carers has become clear. It's been reported that without the 6 million or so carers who look after relatives or others in their community, the cost to the state would be over £100 billion a year. *Age Ready Britain* (2014) sets out plans for better support and the recognition of the contribution of carers. We support that paper's detailed recommendations – which include the following:

- Every Government Department to model good practice in support for carers and sign up to *Employers for Carers* as active members.
- Carers who need additional flexibility to care for a close family member to get 5 days of paid additional 'care leave' a year, making it a statutory right for carers employed in large businesses.
- The NHS given a legal duty to identify carers to ensure that they get the support they need.
- An NHS care passport scheme be developed to inform carers of their rights in the NHS, assert their role as 'expert partners in care' and access support like free hospital parking (as in 2.3.7).
- Paying a 'Carer's Bonus' annually as a contribution towards the extra costs of caring, set at £125 initially and aiming to double it to £250 by 2020.
- Increase the carers allowance earnings disregard from £100 to £150 a week.

## 2.4 Violence and hate crimes

### *Hate crimes*

2.4.1 Hate crime remains a serious problem for many communities. Crimes motivated by a person's race or religion are well-recognised. Yet hate crime can also be directed against LGBT+ people and those with disabilities. The Gallop crime survey reports that one in eight lesbian, gay or bisexual people and three in four transgender people are the target of hate crime each year.<sup>31</sup> For people with disabilities the EHRC has highlighted that there are over 70,000 incidents of disability hate crime every year<sup>32</sup>. We believe these crimes need more recognition, including by law.

2.4.2 Under the Criminal Justice Act 2003 (as amended), crimes motivated by hostility towards disabled, gay, lesbian and transgender people must be considered for harsher sentencing, but only within the limits of the ranges of punishments for the original offence. Although this is a welcome provision, the law goes further for crimes motivated by racial or religious hatred, allowing a harsher range of sentences. Liberal Democrats believe that all hate crimes are equally vile and that the law should recognise this. **We would therefore make legal provision for hate crimes against disabled, gay, lesbian and transgender people aggravated offences, allowing stronger sentencing for perpetrators.**

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31 Hate Crime Survey. Gallup (2013).

32 The Crime and Disabled People report. Equality and Human Rights Commission (2013).

## *Violence against women*

2.4.3 The level of violence against women remains a grave concern. Three in ten women<sup>33</sup> have experienced some form of sexual violence across their lifetime. Sexual violence and exploitation of girls and young women in gangs is also an issue of concern.

2.4.4 Prevention of the violence against women needs to be a focus. *Real Women* (2009) contained proposals which we continue to support including measures such as early intervention with education, supporting sexual assault referral, and rape crisis centres. Liberal Democrats have led the way on these issues in government, introducing new laws against stalking and forced marriage, and allocating £28 million to support victims of rape domestic, and gender violence.

2.4.5 Supporting the victims of sexual and sexually violent crime must of course be a priority. Knowing where to go for advice is an important part of this. There is no national government 24 hour helpline for victims of sexual and sexually violent crimes. A national service would cost approximately £300,000 and would provide a vital service to support victims and to encourage offences to be reported and lead to more convictions. *Doing What Works to Cut Crime* (2014) proposes to introduce such a service.

2.4.6 We also strongly support the recent legislation introduced criminalising forced marriage in England and Wales and extending to UK citizens overseas. This is an important step in combating some of the many forms of

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33 <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2012-13/rpt---chapter-4---intimate-personal-violence-and-partner-abuse.html>



psychological, financial and emotional abuse perpetrated against women that still exist in our society today.

*Female genital mutilation (FGM)*

2.4.7 Female genital mutilation is both symptomatic and symbolic of how women and girls are treated and regarded in the world. Liberal Democrats have taken strong action on FGM worldwide, spending up to £35 million with the aim of reducing FGM by 30% in 10 countries within the next 5 years.

2.4.8 FGM is also a problem in the UK. It has been estimated that over 20,000 girls under the age of 15 years are at risk of female genital mutilation in the UK each year, and that 66,000 women in the UK are living with the consequences of FGM<sup>34</sup>. Young women and girls may often be taken to countries of family origin so that FGM can be carried out. There are also worries that child genital mutilation is performed in the UK. Although there is existing British legislation making it an offence to carry out, aid, abet or procure FGM services, few prosecutions have been made.

2.4.9 The cultural factors behind FGM are complex and the warning signs are often difficult to spot. Front line staff in hospitals and schools and other public services, need to be able recognise the issues so they can protect vulnerable young women from FGM. FGM in the UK tends to occur more in areas where first-generation migrants and refugees have settled such as London, Birmingham and Manchester. **In areas such as these Liberal Democrats would introduce compulsory training for front line staff in FGM.**

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34 <https://www.gov.uk/government/policies/improving-the-lives-of-girls-and-women-in-the-worlds-poorest-countries/supporting-pages/helping-to-end-female-genital-mutilation-for-girls-and-women-in-africa>

## 2.5 Body image and sexualisation

### *Body image*

2.5.1 *Real Women* (2009) included proposals to protect children from body image pressure, work with the fashion industry and promote education on body image issues in schools which we support. While there have been attempts to get advertising agencies and retailers to move away from waif-like models, there is more to be done because psychological research on gender stereotyping suggest that they are related to people's perceptions of themselves and others, their confidence and ability, and interest in certain ways.<sup>35</sup>

2.5.2 There is public concern about children becoming sexual at too young an age,<sup>36</sup> and the ways in which women may be defined by their sexuality. Social media and the internet have put new pressures on young people around sexualisation, including increasing access to pornography and sexting, amongst others. It is difficult to get accurate data owing to much of the information on sexualisation being both inaccurate and muddled.

2.5.3 Social networking sites and smart phones have boosted the capacity of people to reproduce and share sexual images. New forms of sexual communication and encounter have emerged such as phone sex, cam sex, sexting and avatar sex. The circulation of images has become a significant part of sexual communication for many people, as has the circulation of profiles in all kinds of sites and apps. Research shows that young people need help in managing everyday

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35 Fine, C *Delusions of Gender: The real science behind sex differences*. London, Icon books (2010).

36 Attwood, Bale, and Barker. *The Sexualization Report*. The Wellcome Trust (2013).

uses of technology (rather than worst case scenarios) and a clear understanding of when sexual communication becomes coercive<sup>37</sup>

2.5.4 Young people say that the media contains mixed messages about sex – it is presented as desirable and dangerous, and finding out about sex is surrounded by shame, embarrassment and ambivalence. Research shows that young people’s levels of knowledge about STIs are generally poor. For example, research carried out with over 1,900 young people showed that 31% of Year 10 pupils did not correctly identify chlamydia as sexually transmitted and did not know that syphilis was an STI<sup>38</sup>

2.5.5 There is an important role for a more inclusive, frank and up-to-date Sex and Relationship Education (SRE) programme within the national curriculum. This is key to educating young people to make safe and informed choices. **We wish to see SRE updated so that young people receive education on sex and relationships that is relevant in the 21<sup>st</sup> century.** Liberal Democrats have also been clear that it is vital for all schools, including academies and free schools, to teach this aspect of the National Curriculum.

2.5.6 There remain polarized portrayals of people who are sexual, for example people with disabilities struggle to be seen as ‘ordinarily sexual’ i.e., spanning a range of human desires and behaviours because in mainstream culture they are seen as ‘asexual’<sup>39</sup>. This is reinforced by the fact that disability is connected to the phenomenon of ageing. Media images of transgender people too have not been conducive to their integration, or even safety, in society. It is important that

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37 Hasinoff, AA Sexting as media production: Rethinking social media and sexuality, *New Media and Society*, 15 (4), 449-464 (2013).

38 Westwood J & Mullan B Knowledge of secondary pupils regarding sexual health education. *Sex Education*, 6 (2), 151-162 (2006).

39 Attwood, Bale, and Barker, *The Sexualization Report*. The Wellcome Trust (2013).

media outlets attempt to avoid representations that ridicule, stigmatize or present experiences in limiting ways. **Liberal Democrats support the view that mainstream discourses should consider more authentic 'inclusive sexualities' in advertising, media, and sport to help break down prejudice.**

### *Regulation of cosmetic surgery*

2.5.7 Narrow ideals of attractiveness of mostly young, thin, white, middle class people are found across advertising, fashion, magazines, TV, and film. Stereotypical portrayals of women and girls in the media can pressurize them to change how they look, including via cosmetic surgery. Increased visibility of the male body means that men increasingly feel pressure about their appearance. This pressure is a growing issue in some parts of the LGBT+ community. It leaves individuals vulnerable to advertising and bad practice in a cosmetic surgery market with an increase in operations like abdominal (so-called 6-pack surgery) in men and aesthetic genital surgery in women.

2.5.8 The cosmetic surgery market is unregulated, and has been called the 'wild west of medicine' exploiting people's insecurities. This cannot continue. There are concerns around the way this surgery is advertised, and the advice and support given to people who undertake it. Non-surgical procedures including Botox® injections, dermal fillers, or laser hair removal are a particular concern because people having these interventions have little protection as dermal fillers injected into skin have no more controls than bottles of floor cleaner, so greater regulation is needed. Legislation should be introduced to classify fillers as a prescription-only medical device. **Liberal Democrats would bring forward such legislation working with our European partners to change the relevant EU directives as necessary.**

2.5.9 The poly implant prosthesis (PIP) scandal exposed woeful lapses in the industry. It drew attention to widespread use of misleading advertising, inappropriate marketing and unsafe practices. We welcome the implementation of many of the recommendations of Sir Bruce Keogh's report into the industry. However we think government should go further to ensure patient safety. Those involved in cosmetic procedures should be properly trained, qualified, and registered. **In line with the recommendations of the Keogh review we would work towards proper registration for practitioners in the cosmetic surgery industry. Liberal Democrats want to see insurance products developed to protect people in the event of product failure, provider insolvency, or in case things go wrong because the NHS should not be picking up the tab for private malpractice. We want to see a proper compensation scheme for victims of the industry and insurance products developed for those going abroad for cosmetic surgery.**

2.5.10 As a key part of safety improvements, Keogh suggests that all providers of breast implants should keep a register of patients. Data from France show an increased number of ruptured implants. In 2010 by end of April there were 2,702 ruptures in 2,252 women with a median time of rupture at 5½ years. **Liberal Democrats support a registry of breast implants to prevent a repeat of PIP and the trauma it created in women's lives.**

#### *Consent for cosmetic surgery*

2.5.11 It is shocking that there is no requirement for a surgeon to obtain formal consent for non-surgical procedures. And there appear to be increasing numbers of labiaplasty

operations performed.<sup>40</sup> For some women this is to become more ‘feminine’ or attractive.<sup>41</sup> There is cause for concern if unnecessary genital surgery is carried out, and without patients fully aware of the risks. **Liberal Democrats want to ensure patient safety and want a more rigorous consent process to give patients time for full consideration of a decision to have surgery.**

*Transparent accounting in cosmetic surgery*

2.5.12 Advertising by some cosmetic surgery companies on finance payments lacks clarity, and some companies advertise 0% interest on loans but the actual APR is as high as 20%. **Liberal Democrats want to see transparency in the advertising of loans and repayment methods to such a vulnerable group of consumers, and a clampdown on misleading advertising with the aid of the Advertising Standards Authority.**

2.5.13 The cosmetic surgery industry is estimated to be worth £2.3 billion per year, the non-surgical side accounts for 75% of market. Attempts to define more surgical invasive services have been carried out by HMRC and allow for medical treatment and procedures with ‘the aim of protecting, maintaining or restoring the health of an individual’.<sup>42</sup> Goods and services can, under the current regulations, be considered on their individual merits for VAT. Cosmetic services are exempt where undertaken as an element of a health care treatment programme but where services are undertaken for purely cosmetic reasons, they are standard

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40 Liao L-M, Michala L, Creighton S Labial surgery for well women: a review of the literature. *British Journal of Obstetrics and Gynaecology*, 117, 20-25 (2010).

41 Crouch N, Deans R, Michala L, Liao L-M, & Creighton S Clinical characteristics of well women seeking labial reduction surgery: a prospective study. *British Journal of Obstetrics and Gynaecology*, 118, 1507-1510 (2011).

42 Ref Notice 701/31. HMRC (2011).

rated for VAT purposes.<sup>43</sup> **Liberal Democrats want to see elements clarified so that invasive, unnecessary, possibly harmful, treatments are not being carried out under the guise of ‘therapeutic’ services for taxation or any other purposes.**

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<sup>43</sup> Ref Notice 701/57. HMRC (2012).

## 3. Inclusive environment

### 3.1 Equal marriage

3.1.1 The introduction of same-sex marriage via the Marriage (Same Sex Couples) Act (2013) is a proud achievement, and was inspired by a Liberal Democrat policy motion *Equal Marriage* (2010). We want to build on this success by extending equality in marriage.

#### *Next steps for LGBT+ marriage*

3.1.2 The Marriage Act struck the right balance in allowing religious organisations to conduct same-sex marriage ceremonies on a permissive basis. It is right that a church should be able to perform a same sex marriage if it chooses to do so.

3.1.3 At present the Church of England, due to its relationship with the state, is the one religious institution that is barred by law from performing same sex marriage. Notwithstanding the Liberal Democrat position that the constitutional link between church and state should be broken, we think the Church of England should be able to determine whether it should be able to solemnize same sex marriage without needing permission from Parliament. **Liberal Democrats would make changes in law to enable the Church to perform same sex marriage.**

3.1.4 Liberal Democrats have championed equal marriage and we want to make sure it applies to everyone, but this is not currently the case for transgender people. The Gender Recognition Act 2004 (GRA) requires that someone seeking legal recognition of their gender obtains written consent from a spouse, and allows a spouse to have a marriage voided if



someone had obtained gender recognition prior to being married. **These spousal vetoes on marriage are an area of much concern for the transgender community and we believe the law should be reviewed with the intention of removing them.**

3.1.5 Many marriages have already been annulled to enable people to obtain gender recognition under the regime in place prior to the passage of the Same-Sex Marriage Act. It is not right that people were forced out of marriage by law against the desires of both partners just because one partner has transitioned. **In reviewing the GRA, we would put a mechanism in place to allow couples, where one partner has transitioned, to reinstate their marriages with the consent of both partners.**

#### *Humanist marriage*

3.1.6 Many people in England, Wales, and Northern Ireland choose to have a wedding ceremony performed by a Humanist celebrant – but their wedding is not a legal marriage. Religious people have a choice between being married by a civil registrar and being married by a representative of their religion.

3.1.7 Non-religious marriage has been introduced in Scotland, and other countries such as Norway, Australia and parts of the USA. **Liberal Democrats support the introduction of non-religious marriage in England, Wales and Northern Ireland to allow Humanist celebrants to conduct legal marriages as done in Scotland.** This would give non-religious people the same choice that religious people have of a meaningful ceremony composed by a person who shares their values and approach to life.

### *Marriage certificates*

3.1.8 It is important the administration of marriage does not reflect or reinforce outdated gender biases. Over 6 million people are now part of a household headed by a mother in the UK. Yet marriage customs have not kept pace with this or other social changes.

3.1.9 Currently marriage certificates require the father's name and occupation only and there is no space given for the other parent's name and occupation to be listed. Not only is this practice out of touch with modern standards of gender equality it also leads to odd situations where an estranged father's name must be put on wedding certificates. **Liberal Democrats would ask the General Register Office to amend marriage certificates to allow both parents' name and occupation to be listed. We would also ask them to review whether marriage certificates should be more flexible.**

### *Marriage and civil partnerships*

3.1.10 The Government's announcement that couples already in civil partnerships will be able to convert to marriage is very welcome. This is a further step to ensuring that marriage is open to all. We also want civil partnerships to be open to those who do not wish to marry. The motion *Equal Marriage* also called for civil partnerships to be opened up to both same-sex and mixed-sex couples. We continue to call for this to be done.

## **3.2 An inclusive environment for LGBT+ people**

3.2.1 Acceptance of same sex relationships and the rights of LGBT+ people have steadily improved over the last few

decades. In 1983, 62% of the population thought homosexuality was wrong but social attitudes have changed – by 2012 only 28% took that view<sup>44</sup>. This is a liberal triumph and one we look to build on in ensuring equal rights and recognition for the LGBT+ community.

### *Homophobic bullying*

3.2.2 To stamp out homophobia and wider LGBT+ discrimination the first place we should start is with our young people. Homophobic bullying remains a serious problem. Half of lesbian, gay and bisexual young people experience homophobic bullying at schools<sup>45</sup>. Bullying also exists in cultural activities such as sport.

3.2.3 In November 2013, Equalities Minister Jo Swinson MP launched a project to research homophobic bullying in schools, helping the Government to understand how to reduce the occurrence and impact of this kind of bullying. This builds on action Liberal Democrats in government have already taken to tackle bullying in schools, including updated guidance for schools and in giving schools greater legal powers to tackle poor behaviour and cyber bullying. **We await the results of this research and would build our strategy on homophobic and transphobic bullying on the evidence base it generates to formulate proposals for the necessary environments and activities.**

3.2.4 While pupils are protected from discrimination by school staff due to sexual orientation or gender reassignment, there is no provision protecting pupils from harassment by school staff under the Equality Act (as there is for other protected characteristics). Should evidence that such

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<sup>44</sup> <http://www.bsa-30.natcen.ac.uk/read-the-report/personal-relationships/introduction.aspx>

<sup>45</sup> The School Report. Stonewall (2012).

harassment is a problem emerge we would be in favour of extending the Equality Act provisions to protect against it.

### *Donating blood*

3.2.5 In 2011, the Advisory Committee on Safety of Blood, Tissues and Organs (SaBTO) lifted the lifetime ban on blood donation by men who have sex with men (MSM) and their partners. This was called for by the motion Science *Not Stigma* (2011) and is a very welcome move. However men who have sex with men (MSM) are still treated differently than other men when looking to donate blood. In particular they must have been sexually inactive for one year in order to give blood; this applies regardless of relationship status or use of contraception.

3.2.6 Issues around blood donation must always put patient safety first and it should be for medical professionals to give advice on rules around it. However, we think that there may be grounds that are evidence-based to make it easier for MSM to give blood. **Liberal Democrats would ask SaBTO to review the rules around blood donation for gay men with this in mind.**

### *Transgender awareness*

3.2.7 There is still too little awareness of the transgender community and the issues surrounding transgender communities are very often misunderstood. With this in mind a priority is to raise awareness of transgender people. To set an example in doing so Government should lead the way. **A Liberal Democrat government would commit to including positive images of transgender individuals in central government publications,** to increase the visibility of transgender communities.

*Non-binary gender on passports*

3.2.8 It is important that the state recognises individuals' identity in a way that is acceptable to them, but the current system of markers on official documentation requires that people chose to identify entirely as male or female. **Some countries, in line with international standards, allow 'X' (Unspecified) gender markers on passports and we support the extension of this to UK passports.**

*Intersex conditions*

3.2.9 The drafting of the Gender Recognition Act 2004 (GRA) required that those seeking legal recognition of their gender obtain a medical diagnosis of 'gender dysphoria'. This diagnosis explicitly excludes those with intersex conditions, meaning that anyone whose gender was incorrectly identified or unable to be determined at birth is unable to obtain legal recognition. **We would support an update of the GRA to be more inclusive by removing the requirement for a diagnosis of gender dysphoria.**

### **3.3 Recognising diversity in communities**

3.3.1 Liberal Democrats welcome differences in faith or culture rather than being unduly worried by them. However we recognise that communities with different cultural and religious backgrounds can have intergenerational tensions, and that this can require action to help community cohesion.

3.3.2 *Making Migration Work for Britain* (2014) set out much of what we need to do to ensure diverse communities are cohesive. That included a new £1 billion Community Protection Fund to support neighbourhood cohesion projects and to ease pressure on local public services, with local

authorities being able to bid for funds to provide support. We support these proposals.

### *Caste*

3.3.3 In line with international law Liberal Democrats reject any notion that the circumstances of someone's birth should determine their future role in society. The Enterprise and Regulatory Reform Act 2013<sup>46</sup> requires the Government to include caste as an aspect of race within the Equality Act 2010.<sup>47</sup> **While we await the Government's consultation on this matter we think caste needs recognition in law on a level footing with other protected characteristics and Liberal Democrats would accelerate the implementation of caste discrimination provisions.**

### *The role of education*

3.3.4 It is important that our education system also recognises diversity and promotes community cohesion. One way that this can happen is via the National Curriculum. Liberal Democrats have been clear on the importance of schools teaching the National Curriculum, in part for this reason. Liberal Democrats in government fought hard to ensure that the school curriculum reflects the diversity of the country. **We want to make sure the diversity of society continues to be reflected in the National Curriculum.**

3.3.5 As events in Birmingham around the so-called 'Trojan Horse' cases have highlighted – it is important that there is clarification on what all schools must teach around religion. Liberal Democrats are clear in the view that religious education should teach pupils what people believe, not *what* to believe. ***Equity and Excellence (2009) addressed issues***

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46 ERRA 2013, S97

47 EA 2010, S9.

**around collective worship. It called for all acts of worship to be optional for pupils who are old enough to decide for themselves. Liberal Democrats support this approach.**

### *The media*

3.3.6 There are concerns about how BAME people and certain religious groups are portrayed in the media. A recent survey by the Runnymede Trust found that 4 out of 5 respondents thought that the way that the media portrays ethnic minorities promotes racism. The groups who most strongly agreed with the statement were from Pakistani and Eastern European backgrounds, both of which have been associated in the media with Islamophobic and anti-migration narratives<sup>48</sup>. This is a concern for Liberal Democrats and we would like the media industry to take much more care in how it portrays these groups.

### *Ethnic minority groups and the police*

3.3.7 Relationships between the police and some ethnic minority communities continue to be a difficult issue, and despite the high profile nature of the concerns raised we still see discrimination in police practice. Part of addressing this issue is ensuring that minority ethnic communities are better represented in our police forces and there needs to be a focus on recruiting officers from those backgrounds.

3.3.8 Nowhere is police discrimination more apparent than in the use of stop and search. People from a BAME background are up to six times more likely to be stopped and searched by the police than if they are white, and only about 10% of stops result in an arrest. **Policy paper *Doing What Works to Cut Crime* (2014) includes bold proposals to**

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<sup>48</sup> <http://www.independent.co.uk/news/media/tv-radio/media-coverage-of-ethnic-minority-britons-promotes-racism-9049849.html>

**address this issue including a pilot that requires judicial authorisation for the use of Section 60.** (Section 60 of the Criminal Justice and Public Order Act 1994 allows a police officer to stop and search a person without suspicion).



## 4. Citizens and the state: at home and abroad

### 4.1 Governance of equalities

4.1.1 The most vulnerable in our society should be the first the Government seeks to protect. We endorse the Coalition's commitment to embedding equality and leading by example as an integral part of its policies and programmes. Equalities issues should be a central part of any government's agenda. Too often however they have been side-lined and become an afterthought in policy making at the highest levels. Liberal Democrats seek to reverse this.

4.1.2 The movement of the Government Equalities Office (GEO) to the Department for Culture Media and Sport (DCMS) and the separation of roles around different departments, such as ethnicity to the Department for Communities and Local Government and the Department for disability to Work and Pensions have had a fragmentary effect. **Liberal Democrats would seek to make equalities a core part of Whitehall's work by moving the GEO to the Cabinet Office, and bringing the Ministerial roles for Faith and Communities and for Disabled People with it.**

4.1.3 Governments need to be accountable for how the policy decisions they make affect the most vulnerable groups in society. The Equality and Human Rights Commission (EHRC) has a key function in this regard. Parliament gave the Commission the mandate to challenge discrimination, and to protect and promote human rights. We want them to perform this role more strongly. One problem is that EHRC is currently accountable to the DCMS, meaning it is expected to critique Ministers' policy while being answerable to them. **Liberal**

**Democrats would make the EHRC accountable directly to Parliament to strengthen its ability to hold Departments to account.**

4.1.4 It is ultimately the electorate via Parliament to which Ministers must be accountable, it is vital to uphold this for equalities issues. In many areas there are strong parliamentary select committees which play a vital role in scrutinising government policy. Yet these committees are drawn on Departmental lines and so at present do not bring together equalities issues into one powerful voice, in the same way as we have seen with Home Affairs or Public Accounts Committees. **Liberal Democrats support the formation of a Select Committee for Equalities to champion the needs of those with protected characteristics in Parliament.**

## **4.2 Leading abroad**

4.2.1 As internationalists we do not turn a blind eye to the concerns of vulnerable people across the globe. In no area is this more important than for equalities. In many parts of the world women endure violence and rape in war. In others same sex relationships are outlawed and in too many there is scant provision for vulnerable people with disabilities. Liberal Democrats want Britain to lead the way in tackling these issues.

### *Women's rights abroad*

4.2.2 The problems that women face in many parts of the world are well known. Women in many counties have no protection from sexual assault and rape. Often their freedoms and right to a career or to choose their own partner are ignored.

4.2.3 The Government has taken some positive steps to raise the profile of women's rights abroad including the Global Summit to End Sexual Violence in Conflict. **We would insist that women's rights be a consistent priority for the Foreign and Commonwealth Office (FCO) to work towards an ambitious international gender equality strategy focusing on recognition of women's right to education and freedom from enforced marriage with a clear aim to end female genital mutilation within a generation.** There are a number of steps we think should form part of that strategy.

4.2.4 Britain should take the lead on ending violence against women worldwide. The *Istanbul convention on preventing and combating violence against women and domestic violence* (2011)<sup>49</sup> contains a clear commitment for how to do so, with a strong focus on prevention via measures such as training professionals who work with victims, running awareness campaigns, establishing teaching programmes and working with the voluntary sector. **Liberal Democrats would seek to ratify the Istanbul convention in the UK and the EU.**

4.2.5 In addition, the United Nations Security Council unanimously passed Resolution 2122, which was authored by the UK and calls for abortion access for war rape victims. Resolution 2122 makes clear that Member States and the UN must ensure that all options are provided to girls and women raped in war, noting the need for access to the full range of sexual and reproductive health services, including regarding pregnancies resulting from rape, without discrimination. **Liberal Democrats believe the Government should give effect to this resolution.**

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<sup>49</sup> <http://www.coe.int/t/dghl/standardsetting/convention-violence/convention/Convention%20210%20English.pdf>

### *FGM abroad*

4.2.6 According to the World Health Organisation, more than 100 million women and girls worldwide are living with the effects of female genital mutilation (FGM). Three million girls are at risk each year in Africa alone. In Government we have taken strong action on FGM worldwide, spending up to £35 million with the aim of reducing FGM by 30% in 10 countries within the next 5 years. This is a proud achievement. **Liberal Democrats will maintain this spending commitment into the next parliament.**

4.2.7 We recognise that FGM is also an issue within some communities in the UK. Section 2.4 has further detail on FGM issues in the UK.

### *International conferences*

4.2.8 The UK hosts important international conferences on a regular basis. So one way the UK can start to lead the way in this regard is by being more open about the representation of women at key international events. **So we would look to increase transparency about the number of women attending international conferences that the UK hosts, by publishing the number of women present at each.**

### *LGBT+ rights abroad*

4.2.9 The situation of the LGBT+ community in many parts of the world remains a grave concern. Homosexual acts remain illegal in 77 out of over 190 countries worldwide; in six Commonwealth countries it is punishable by death. The direction of travel is also not always the right one, with recent examples of states imposing new or tougher sentences on gay people.

4.2.10 Many countries with appalling laws and practices on human rights rely on Britain for aid and for trade purposes. In countries where people can still be put to death for their sexuality there is a clear imperative for us to apply more pressure using our economic and aid relationships with them. We also need to work with our international partners to form a consistent international strategy on LGBT+ rights. **Liberal Democrats would lead the way in forming a clear international strategy to improve LGBT+ rights worldwide.**

4.2.11 Liberal Democrats maintain a commitment to offer asylum and succour to groups who have had to flee such risk of torture. Liberal Democrats in coalition have overseen improvements in asylum, but there are still far too many people who genuinely fear persecution because of their LGBT+ status being refused asylum. We believe more must be done and support increased training and resources for those dealing with LGBT+ asylum seekers so that cases can be dealt with more sensitively and correctly.

4.2.12 Britain's liberal values should be reflected in the diversity of our representatives to other countries. British ambassadors play a key role in this regard, so the appointment an openly gay man to the role of ambassador to Cambodia in 2011 is a welcome step. We want to ensure that the FCO remains committed to appointing members of the LGBT+ community to such roles.

#### *Same sex marriage abroad*

4.2.13 The motion *Equal Marriage* (2010) not only inspired the introduction of same sex marriage in this country it also called for the government to do more to promote same sex marriage abroad.

4.2.14 Same sex marriage is still not accepted in many European Union countries. While some EU nations recognise

other types of partnership or cohabitation many others have no recognition of same sex union at all. As believers in a liberal Europe, we want to do more promote the recognition of same sex marriage and relationships across the EU. *Equal Marriage* called for the Government to openly promote and encourage recognition of same-sex marriage and civil partnerships across the European Union, especially in countries where currently no laws exist. We maintain our commitment to do so and to increase wider international recognition of same sex marriage.

4.2.15 In promoting same sex marriage abroad the first thing we can do is actively support the rights of British citizens living in other countries. British Embassies can perform consular marriages for British citizens. Under the Marriage Act they can also perform same sex consular marriages as long as the host country does not object. Yet many embassies do not yet offer same sex marriage, even where they are able to do so. **Liberal Democrats would like British embassies to offer same sex marriage whenever legally possible. So we would ensure British embassies offer same sex marriage unless a formal objection has been received from the host country.**

#### *Supporting people with disabilities abroad*

4.2.16 There are around a billion people with disabilities worldwide, in developing countries they are often the poorest. They face stigma and discrimination in many forms; including a lack of access to basic services, violence and abuse. These barriers often prevent people with disabilities benefiting from the gains of international development work.

4.2.17 Liberal Democrat Ministers in the Department for International Development (DIFID) have led the way on these issues. Not least by protecting the commitment to spend 0.7% of UK Gross National Income on overseas development.

We support DFID funding commitments to invest in disability projects and we want to build on their achievements.

4.2.18 In its report on Development and Disability the Parliamentary Select Committee on International Development set out the case for DIFID to adopt a concerted strategy on disability. Many DIFID plans do not include disability objectives. Equally the current approach relies too much on assessing interventions, rather than taking action. The challenges facing people with disabilities around the world are such that we cannot delay in implementing disability programmes. **Instead we would like to see a more proactive and less cautious approach to funding promising projects from NGOs that aid people with disabilities. Disability objectives should also be put at the heart of wider international development projects.**

4.2.19 An international disability strategy must also recognise the variety of different disabilities people face. **Disability development programmes must take account of learning disabilities and psychosocial disabilities. They should also take account of disabilities associated with ageing.**

## **Glossary**

EHRC – Equality and Human Rights Commission  
PSED – Public Sector Equality Duty  
CPD – Continuous Professional Development  
STEM – Science, Technology, Engineering and Maths  
BAME – Black, Asian and Minority Ethnic  
SME – Small and Medium Enterprise  
MSM – Men who have sex with men  
NED – Non Executive Directorship  
WCA – Work Capability Assessment  
ESA – Employment and Support Allowance  
PIP – Personal Independence Payments  
ILF – Independent Living Fund  
ONS – Office of National Statistics  
LGBT+ – Lesbian, gay, bisexual, transgender, plus  
FGM – Female Genital Mutilation  
GRA – Gender Recognition Act  
GEO – Government Equalities Office  
DCMS – Department for Culture Media and Sport  
FCO – Foreign & Commonwealth Office  
DFID – Department for International Development  
LSE – London School of Economics



## **Expanding Opportunity, Unlocking Potential – Policy Paper 120**

This paper has been approved for debate by the Federal Conference by the Federal Policy Committee under the terms of Article 5.4 of the Federal Constitution. Within the policy-making procedure of the Liberal Democrats, the Federal Party determines the policy of the Party in those areas which might reasonably be expected to fall within the remit of the federal institutions in the context of a federal United Kingdom. The Party in England, the Scottish Liberal Democrats, the Welsh Liberal Democrats and the Northern Ireland Local Party determine the policy of the Party on all other issues, except that any or all of them may confer this power upon the Federal Party in any specified area or areas. The Party in England has chosen to pass up policy-making to the Federal level. If approved by Conference, this paper will therefore form the policy of the Federal Party on federal issues and the Party in England on English issues. In appropriate policy areas, Scottish, Welsh and Northern Ireland party policy would take precedence.

## **Working group on equalities**

Note: Membership of the Working Group should not be taken to indicate that every member necessarily agrees with every statement or every proposal in this Paper.

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