

# Joint Equality Scheme 2006-09

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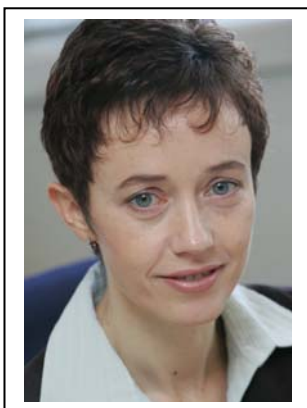
## **Foreword**

As a public authority, Ofwat makes race and disability equality a central part of our work. We are committed to ensuring equality of opportunity for all sections of society as we carry out our responsibilities to regulate the water and sewerage companies in England and Wales.

This joint equality scheme sets out our commitment and how we will deliver on that commitment in relation to race, disability, gender and age. We monitor our staff within these groups and train staff in diversity awareness. Our balance of ethnicity reflects the population of the West Midlands.

In drawing up our scheme, we have been guided by the Commission for Racial Equality's statutory Code of Practice and the Disability Rights Commission's statutory Code of Practice and the Equal Opportunities Commission's statutory Code of Practice.

**Regina Finn**  
**Chief Executive**



## Executive summary

Ofwat has a duty<sup>1</sup> to promote race, disability and gender equality. To do this we have due regard to the need to:

- promote equality of opportunity for all, regardless of race, disability and gender; and
- promote good relations between people from different racial groups.

We are also required to:

- eliminate unlawful disability discrimination and disability-related harassment;
- promote equality of opportunity for disabled people, taking steps to take account of disabled people's needs, even if it means treating them more favourably than others;
- promote positive attitudes to disabled people;
- encourage disabled people to participate in public life;
- eliminate unlawful gender based discrimination; and
- promote equality of opportunity between men and women.

To fulfil our duty to promote equality, we publish and maintain race, disability and gender schemes to cover our arrangements for:

- identifying and assessing relevant functions and policies;
- addressing and consulting on the likely effect of proposed policies on promoting race, disability and gender equality;
- monitoring policies for any adverse impact on the promotion of race, disability and gender equality;
- publishing the results of assessments, consultations and monitoring;
- ensuring public access to the information and services we provide;
- training our staff on the duties; and
- monitoring specified areas of employment in line with the specific duty for employers.

The schemes are contained in this Joint Equality Scheme (JES). We are committed to placing equality matters at the centre of our strategic approach to developing and valuing diversity.

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<sup>1</sup> Under the Race Relations (Amendment) Act 2000 (RR(A)A), the Disability Discrimination Act 2005 (DDA) and the Equality Act 2006.

We have produced an action plan in Appendix 1 to help us meet the requirements of the general duty. The JES will, as additional legislation is introduced, be amended to include any further requirements we need to address.

## **1. Our role**

### **1.1 Water Services Regulation Authority**

The Water Services Regulation Authority (Ofwat) is the economic regulator of the water and sewerage industry in England and Wales. Ofwat is a non-ministerial government department, set up to perform its duties and functions in regulating the water industry. Our statutory duties are detailed in the Water Industry Act 1991, as updated by the Water Act 2003 ('the Act').

### **1.2 Acting in accordance with our statutory duties**

Our main duties are to:

- protect the interests of consumers, wherever appropriate by promoting effective competition;
- make sure that the functions of each company are properly carried out and that they can finance their functions, in particular by securing a reasonable rate of return on their capital; and
- make sure that water supply licensees (companies that supply customers using 50 million litres of water or more a year) properly carry out their functions.

We also:

- promote economy and efficiency by companies in their work;
- make sure that no undue preference or undue discrimination is shown by companies in fixing charges;
- protect consumers' interests where companies sell land;
- protect consumers' interests in relation to the companies' regulated activities;
- contribute to the achievement of sustainable development;
- have regard to the principles of best regulatory practice; and
- have general duties in exercising our powers to consider the effect on the environment.

Compliance with these duties is central to what we do, and is reflected in our aims.

Our overall objective is:

**Ofwat – protecting consumers, promoting value and safeguarding the future.**

In addition to the duties imposed by the Act, we are required to comply with the Environment Act 1995, the Competition Act 1998, the Enterprise Act 2002 and the Fair Trading Act 1973.

More generally, we discharge our functions in a way which meets the obligations that apply to Ofwat as a public body. These include applying the laws of natural justice and respect for human rights. These are of particular importance in the exercise of functions that have a quasi-judicial element, such as the use of our enforcement powers and the determination of a dispute or complaint between a customer and a company.

### **1.3 Handling customer complaints and disputes**

The majority of consumer complaints are handled by the Consumer Council for Water. We have specific enforcement powers in respect of certain claims and complaints, including disputes over connection charges, drainage and laying pipelines on private land.

## **2. General and specific duties**

### **2.1 The general duty**

As a public body and in common with other government departments, we have a ‘general duty’ under current legislation to promote race, disability and gender equality. This requires us to:

- eliminate unlawful racial, disability and gender discrimination;
- promote equality of opportunity, regardless of race, disability or gender;
- promote good relations between people of different racial groups and a positive attitude to people with a disability; and
- promote equality of opportunity between men and women.

The DDA also requires us (along with all specified public authorities) to:

- eliminate unlawful disability discrimination and disability related harassment;
- promote equality of opportunity for disabled people, taking steps to take account of the needs of disabled people, even if it means treating them more favourably than others; and
- encourage disabled people to participate in public life.

### **2.2 Specific duties to promote race, disability and gender equality**

Under the specific duties, we are required to produce and publish an Equality Scheme to cover our arrangements for:

- assessing and consulting on the likely impact of our proposed policies on the promotion of race, disability and gender equality;
- monitor our policies for any adverse impact on the promotion of race, disability and gender equality;
- publishing the results of such assessments and consultation;
- ensuring public access to the information and service, which we provide; and
- training staff in connection with the general duty placed upon us.

A list of our functions and policies which are relevant to the ‘general duty’ to promote race, disability and gender equality is detailed in section 3.

We must meet specific duties on employment, which are set out in section 3.16.

We are required to publish a revised equality scheme every three years.

Appendix 2 provides details on the legislative requirements.

### **2.3. Assessment of functions and policies**

We have made a thorough and careful assessment of the functions and policies relevant to the general and specific duties required under the RR(A)A, the DDA and the Gender Equality Duty. Our work focuses on the economics of water regulation as it affects all consumers.

Our code of practice sets out how we do our job, see <http://www.ofwat.gov.uk/aptrix/ofwat/publish.nsf/Content/rd3303.doc>

### **3. Joint Equality Scheme (JES)**

#### **3.1 Our Joint Equality Scheme**

We have drawn up our joint equality scheme to demonstrate how we are placing equality at the centre of our work. This JES covers the requirements of the RR(A)A, the DDA and the Gender Equality Duty.

#### **3.2 Involvement**

In producing the JES, we have involved relevant staff, senior managers and staff representatives. We sought the views of the following national charities in drawing up this JES.

- RNID;
- RNIB;
- Scope;
- Mencap;
- Mind;
- Leonard Cheshire; and
- RADAR.

We also consulted with the Commission for Racial Equality and Age Concern.

We welcome ongoing comments as well as any suggestions on who else should be involved or consulted when the JES is next revised.

#### **3.3 Key aims**

In delivering our JES over the next three years we aim to:

- address any identified adverse impact of our functions and policies;
- have a workforce that reflects the public it serves;
- raise employee awareness of racial, disability and gender matters.

#### **3.4 Action plan**

Our action plan for delivering the JES is detailed in Appendix 1 and will help us to deliver the strategic aims of the scheme.

#### **3.5 Accountability**

The Chief Executive, in conjunction with Management Team, is responsible for making sure our JES is put into practice. All our staff are responsible for making sure that they are aware of their responsibilities in relation to the JES.

### **3.6 Review**

We will review the scheme as required, and no later than in 2009, when a revised scheme will be published to cover the following three years.

### **3.7 Monitoring policies**

New policies and policy changes will be monitored to assess their relevance to the scheme. Those which are identified as relevant will be included in the revised scheme.

### **3.8 Assessing and consulting on the likely impact of proposed policies**

Our policies largely affect water and sewerage companies' revenue, levels of investment and expenditure. Our direct contact with consumers is limited, although in setting price limits for the companies we do consult consumers' representatives. We expect the water and sewerage companies to conduct their business with regard to the RR(A)A, the DDA and the Gender Equality Duty.

Through feedback from consumers and customer-represented market research, we will assess whether any policies require specific proposals under the provisions of the Acts.

It is standard Ofwat practice to openly consult stakeholders before we make new policy or change existing policy which relate directly to consumers. Disabled customers are included as stakeholders through recognised groups and associations that exist, including the Royal National Institute of the Blind (RNIB).

### **3.9 Equality impact assessments**

As part of any new policy impact assessments we will consider as relevant, effects on minority groups, disabled people or on gender equality issues. We will make sure our policies and activities do not cause disadvantage to these groups and to identify where they might better promote equality of opportunity.

### **3.10 Consultation and market research**

Regular research is conducted across England and Wales to help us understand consumers' satisfaction with the services they receive. We want to understand consumers' expectations about the future level of bills, quality of service, choice of supplier and their priorities for investment.

We also ask stakeholders for their views on the way in which we carry out our duties through surveys. We make improvements where they need to be made.

Our market research samples are representative of the population in England and Wales or of the sample selected, and we report the make up of those samples in our reports.

### **3.11 Managing the effects of relevant policies on different groups**

We monitor and evaluate our policies to make sure that continuous progress is made in promoting race, disability and gender equality.

We endeavour to make sure that our policies do not affect different groups disproportionately.

### **3.12 Publishing the results of impact assessments, consultations and monitoring**

These will be published in relevant reports and on our website.

### **3.13 Access to information**

All publications and information that we produce are available to the public on our website ([www.ofwat.gov.uk](http://www.ofwat.gov.uk)). Our publications are produced in accordance with 'Let's make it accessible: Improving government information for disabled people' (February 2001). Everything that we publish is also available free of charge from our library, although we do make charges for post and packing for very large orders. All information is routinely published in English, and some information is published in Welsh in accordance with our Welsh Language Scheme.

We provide access to a language line in order that we can communicate with customers, whose first language is not English. We also have a minicom number (0121 625 1422) to communicate with customers who are hearing impaired.

We can also provide documents in other languages, if we are asked to. We will supply copies of documents in other formats (such as Braille, large print and audio) on request. If we receive requests covering other needs that are not mentioned, we will try and meet them.

### **3.14 Procurement**

The equality duty applies to those functions which are carried out through contractors, as well as those which are carried out by a public authority itself. The action plan at Appendix 1 provides details on how we are going to implement this. We are committed to ensuring that our procurement activities are fair. A requirement is included in every contract that the contractor shall not unlawfully discriminate within the meaning and scope of any law, regulation or other similar instrument relating to discrimination in employment, (whether in relation to race, discrimination, gender, religion or otherwise).

### **3.15 Access to our building**

Ofwat strives to be fully accessible to all and has taken steps to ensure this. The main building entrance and common areas have disabled access and there is a dedicated safe lift (which has its own power back up), which can be used by less abled people in the event of a building evacuation. A new access control system has been installed with low level readers, which allows wheelchair users to access our space.

## **4. Monitoring employment**

### **4.1 Our monitoring arrangements**

We are committed to the principles of fair and open competition and selection on merit, laid down in the Civil Service Commissioners' Recruitment Code. Equality of opportunity is applied throughout the recruitment process.

As an employer and a public authority, the RR(A)A imposes a number of specific duties on monitoring employment processes and procedures. We have obligations to monitor by group:

- the numbers of staff in post;
- applications for jobs; and
- training and promotion.

We are also required to monitor the number of staff from each group who benefit or suffer detriment as a result of our performance assessment procedures; are involved in grievance procedures; are the subject of disciplinary procedure and staff who leave Ofwat.

Staff who leave the department are asked questions on diversity issues at their exit interviews.

The data collected is analysed by the Head of Human Resources so that no job applicant or employee receives less favourable treatment because of their race or ethnic background.

We have decided to use the same monitoring procedures for reporting on both race and disability matters.

The results of the monitoring will be published in our annual report in respect of staff in post, job applicants, training activities and applicants for promotion. Human Resources will produce reports on performance assessment marks and results of exit interviews for Management Committee and which will be shared with all staff.

Policies on equal opportunities and harassment have been updated in line with the RR(A)A, the DDA and the Gender Equality Duty.

We are an equal opportunities employer and we aim to be fair to everybody and to make sure that no job applicant or employee receives less favourable treatment on the grounds of:

- race;
- colour;
- nationality or ethnic origins;
- age;
- gender;
- sexual orientation;
- marital status;
- disablement;
- religion; or
- because they work part-time.

All jobs which are advertised externally are advertised in local job centres, as well as in the local or national press, to promote equality of opportunity. We aim to recruit staff who reflect the ethnic profile of the population.

We are a 'Disability Two Ticks' symbol holder, which gives five commitments to disabled people. These are:

- to interview all disabled applicants who meet the minimum criteria for a job vacancy and to consider them on their abilities;
- to make sure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what can be done to make sure they can develop and use their abilities;
- to make every effort when employees become disabled to make sure they stay in employment;
- to take action to ensure that all employees develop the appropriate level of disability awareness needed to make these commitments work; and
- each year, to review the five commitments and what has been achieved, to plan ways to improve on them and let employees and Jobcentre Plus know about progress and future plans.

We include questions on equal opportunities in our annual staff survey.

We train all staff in helping them understand the concept of diversity and how it compliments equal opportunities. It also provides an understanding of the implications of the legislation, for working with colleagues and customers.

We have set up a Staff Diversity Group whose aim is to advise and influence the development and implementation of policies relating to diversity. The

Group welcomes new members of staff who wish to make a contribution on matters relating to diversity and race relations. We will also consult and take advice from the trade unions on this matter. Their wider experience in diversity matters is an important input to the development of our policies.

The Group acts as an open forum for staff to exchange ideas and information. It helps to extend the understanding of the importance and benefits of valuing diversity.

## **5. Updates**

We will keep our JES under regular review and will make updates as necessary. If any person has concerns on any aspect of the JES please inform Liz Davidson, Head of Human Resources, e-mail [elizabeth.davidson@ofwat.gsi.gov.uk](mailto:elizabeth.davidson@ofwat.gsi.gov.uk).

## Appendix 1: Our Equality Action Plan 2006-09

Objective	Actions required	Target date	Responsibility	Progress to date
Ensure implementation and monitoring of 2006-2009 Equality Scheme.	Put reporting arrangements in place via Equality Board.	December 2006 to November 2009.	Director of Operations.	Joint Equality Scheme agreed and placed on Ofwat website.
Ensure that new Ofwat website is accessible to users with disabilities.	Ensure compliance with the Web Accessibility Initiative (WAI) AA standards ( <a href="http://www.w3.org/WAI/">http://www.w3.org/WAI/</a> ).  The WAI provides industry standard guidelines for websites that can be used by users with disabilities.	April 2008.	Head of Information Management and Technology Team and Webmaster.	A draft of functional requirements has gone to the Project Board and is due to be finalised by end of October 2007.
Involve people with a disability to test new website.	Liaise with Disability Rights Commission.	By December 2007.	Head of Information Management Team and Webmaster.	Arrangements in place to contact the Disability Rights Commission at the beginning of January 2008 to discuss testing arrangements.
Ensure accessible communications are in place.	Publications available in Braille.  Promote use of Language Line.	Ongoing.  Ongoing.	Corporate Affairs Division.  Corporate Affairs Division.	In place. Ongoing review.  In place. Ongoing review.
Ensure that procurement activities comply with equality legislation.	Include equalities duty in service level agreements and contracts.  Revise standard T & Cs for contracting services to include information on the Disability Discrimination Act 2005.  Include a requirement in every contract that the contractor must comply with anti-discrimination legislation.	Ongoing.	Procurement Manager.	In place. Ongoing review.
Invite more staff to join the Staff Diversity Group.	Write to all staff.	By 14 November 2007.	Head of Human Resources.	Plan has been agreed to encourage greater involvement of staff with the group.

Joint Equality Scheme 2006-09

<b>Objective</b>	<b>Actions required</b>	<b>Target date</b>	<b>Responsibility</b>	<b>Progress to date</b>
Within our Impact Assessments on new and revised policies consider the impact on ethnic minorities and disabled groups.	Head of Human Resources has attended training course on conducting impact assessments in respect of employment matters.	Ongoing.	Director of Operations and Head of Human Resources.	Impact Assessments Toolkit has been drawn up.
Promote Gender Equality through work/life balance practices.	Continue to promote Flexible Working Policy.	Ongoing.	Head of Human Resources.	Flexible working is in place.
Ensure that all staff have diversity training.	Arrange appropriate training and include diversity matters in lunchtime seminar programme.	Ongoing.	Head of Human Resources.	Annual Diversity Training Programme in place.
Ensure robust arrangements for monitoring recruitment including applicants for employment, training, promotion and staff in post.	Regular analysis of data from recruitment, training and promotion processes.	Ongoing.	Head of Human Resources.	Results of monitoring are published in Ofwat Annual Report.
Continue to monitor diversity statistics on employees involved in formal disciplinary or grievance action.	Regular analysis of disciplinary, capability and grievance records.	Ongoing.	Head of Human Resources.	Results of monitoring are published in Ofwat Annual Report.
Ensure relevant functions and policies are reviewed.	Revised scheme to be published.	December 2009.	Director of Operations.	Arrangements in place for regular reviews.
Endeavour to include minority ethnic and disabled groups in Ofwat's future consumer research where relevant.	Advance discussion with consumers	Next round of consumer research.	Head of Service/Performance team.	Charging research – questionnaire will ascertain which ethnic group a respondent belongs to and/ or if a respondent has a disability. PR09 research – sample will be representative of the region, and include recruitment that is inclusive of ethnic diversity.
Measure effectiveness of reaching minority ethnic and disabled people.	Record demand for Braille, large print and information in other languages.	Ongoing.	Corporate Affairs Division.	Arrangements in place to monitor demand.
Improve effectiveness of consultation with stakeholders to include minority ethnic and disabled groups.	Stakeholder database to be updated to include minority ethnic and disabled groups.	Next round of stakeholder consultation.	Corporate Affairs Division.	Head of Human Resources is providing contact details for ethnic and disabled groups.

## **Appendix 2: Background Legislation**

### **1. Race**

#### **1.1 Race equality legislation**

The RR(A)A places a general duty on us to promote race equality. This requires us as a named public body to:

- eliminate unlawful discrimination;
- promote equality of opportunity; and
- promote good relations between people of different racial groups.

#### **1.2 Specific duties to promote race equality**

Specific duties have also been placed on public authorities to help them meet the general duty of promoting race equality. These are:

- to produce a race equality scheme; and
- to monitor employment procedures and practice.

Our duty to produce a race equality scheme is met within our JES. The areas that a Race Equality Scheme must report on are detailed in chapter 3.

### **2. Disability**

This part of the scheme supplements section two in providing further information on implementing the new disability equality duty in the public sector.

#### **2.1 Disability equality legislation**

Along with all public authorities, we have a duty under the DDA, in carrying out our functions to have 'due regard' to the need to:

- promote equality of opportunity between disabled people and other people;
- eliminate discrimination that is unlawful under the DDA;
- eliminate harassment of disabled people that is related to their disabilities;
- promote positive attitudes towards disabled people;
- encourage participation by disabled people in public life; and
- take steps to meet disabled people's needs, even if this requires more favourable treatment.

## **2.2 Specific duty**

The specific duty requires us (along with other public authorities) to produce and publish a Disability Equality Scheme and to implement certain aspects of the scheme and to report on it.

In summary, the regulations state that:

- a public authority should publish a Disability Equality Scheme demonstrating how it intends to fulfil its general and specific duties;
- a public authority should involve disabled people in the development of the scheme.

The scheme should include a statement of:

- the way in which disabled people have been involved in the development of the scheme;
- the authority's methods for impact assessment;
- steps which the authority will take towards fulfilling its general duty (the 'action plan');
- the authority's arrangements for gathering information in relation to employment, and where appropriate, its delivery of education and its functions;
- the authority's arrangements for putting the information gathered to use, in particular in reviewing the effectiveness of its action plan and preparing subsequent Disability Equality Schemes;
- a public authority must, within three years of the scheme being published, take the steps set out in its action plan (unless it is unreasonable or impractical for it to do so) and put into effect the arrangements for gathering and making use of information; and
- a public authority must publish a report containing a summary of the steps taken under the action plan, the results of its information gathering and the use to which it has put the information.

## **3. Gender equality**

### **3.1 Gender equality legislation**

The Equality Act 2006 amends the Sex Discrimination Act 1975 to place a statutory duty on all public authorities to promote gender equality. This is called the Gender Duty and requires a public authority, when carrying out its functions, to have due regard to the need:

- to eliminate unlawful discrimination and harassment; and
- to promote equality of opportunity between men and women.

**3.2** This duty applies to Ofwat in respect to all its functions as a policy maker, service provider and employer. It also applies to the services that have been contracted out.

**3.3** The duty is intended to improve equality for women and men. The duty aims to ensure that the promotion of gender equality is embedded in all of a public authority's activities in policy, service and delivery and employment. We are fully committed to discharging this duty.

### **Specific duties**

**3.4** To support progress in delivering the Gender Duty, there is also a series of specific duties which apply. These set out the exact steps that need to be taken to help public authorities meet the Gender Duty. The specific duties require us to:

- produce and publish a scheme demonstrating how we intend to fulfil our duties;
- consult colleagues and stakeholders as appropriate;
- develop, publish and regularly review an equal pay policy;
- conduct and publish gender impact assessments of all major policy developments and publish findings;
- monitor and review progress;
- review the scheme every three years.



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