
Guide to producing **Equality Action Objectives and Plans for NPOs**



Introductory Section



In conjunction with Stephen Lawrence consulting

CONTENTS

1	Introduction	3
2	Definitions of equality and diversity	4
3	What the law says	5
4	The Arts Council’s requirements in relation to equality and diversity	8

1. INTRODUCTION

Introduction

Our strength as a nation owes much to our diversity and to our ability to draw on all the talent we have at our disposal. A society built on inclusion and equality of access and opportunity will have the ideas and resources to meet the great challenges we all face. The arts – and the Arts Council – have an influential role to play in championing this. We hold a mirror up to society, and we can also show the wider world what is possible.

Arts Council England wants the work it supports to reflect the diversity of our nation. We want this to be true of the art, the audiences, and the workforce and leadership.

We see diversity as an opportunity. We want to see an inclusive approach remove barriers to entry, discover new talent, raise the bar for artistic excellence, inspire innovation and spark new collaborations; we want to see our stories and experiences as a nation shared across our stages, our galleries and our public spaces.

We believe that equality and diversity should be embedded in all aspects of art and culture, which is why we’ve made the Creative Case for Diversity a central part of our funding agreements.

For our National Portfolio Organisations, applying diversity will have creative, practical and legal implications. This equality action guide, produced in collaboration with Stephen Lawrence Consulting, will help organisations develop plans to inform their response to the Creative Case for Diversity

and to address opportunities to diversify their audiences, workforce and leadership.

From understanding equality legislation to practical advice on how to create the conditions for change, the guide encourages organisations to produce plans relevant to their scale, location and practice, with actions that will have a lasting impact.

We would like to thank the many representatives from individual arts and cultural organisations who have shared their knowledge and expertise.

There is already much good practice within the sector that we can learn from. We hope this new resource will support and inspire arts organisations everywhere to create the conditions to achieve equality, access and opportunity for all.



Darren Henley
CEO Arts Council England



2. DEFINITIONS OF EQUALITY AND DIVERSITY

It is a mistake to think that the under-representation of Black and minority ethnic individuals, women, and d/Deaf and disabled people and low income groups in the cultural and creative industries is purely a social justice issue. It is also very bad for business, diminishing the breadth and depth of creative perspectives, audiences and consumers.

Enriching Britain: Culture, Creativity and Growth, The Warwick Commission^{1,2}

Arts Council England's definition of diversity

Our definition of diversity encompasses race, ethnicity, faith, disability, age, gender, sexual orientation, pregnancy and maternity, and marriage and civil partnerships. We also include class and economic disadvantage and social and institutional barriers that prevent people from participating in and enjoying the arts.

The difference between equality and diversity

Equality is ensuring individuals or groups of individuals are not treated differently or less favourably because of a characteristic that they share. However, this does not mean treating everyone the same. It means making sure that no one is disadvantaged from participating in art and culture because of barriers that disproportionately affect people who share the same characteristics as them.

Diversity is about recognising, respecting and valuing people's differences to contribute and to realise their full potential by promoting an inclusive culture for all.

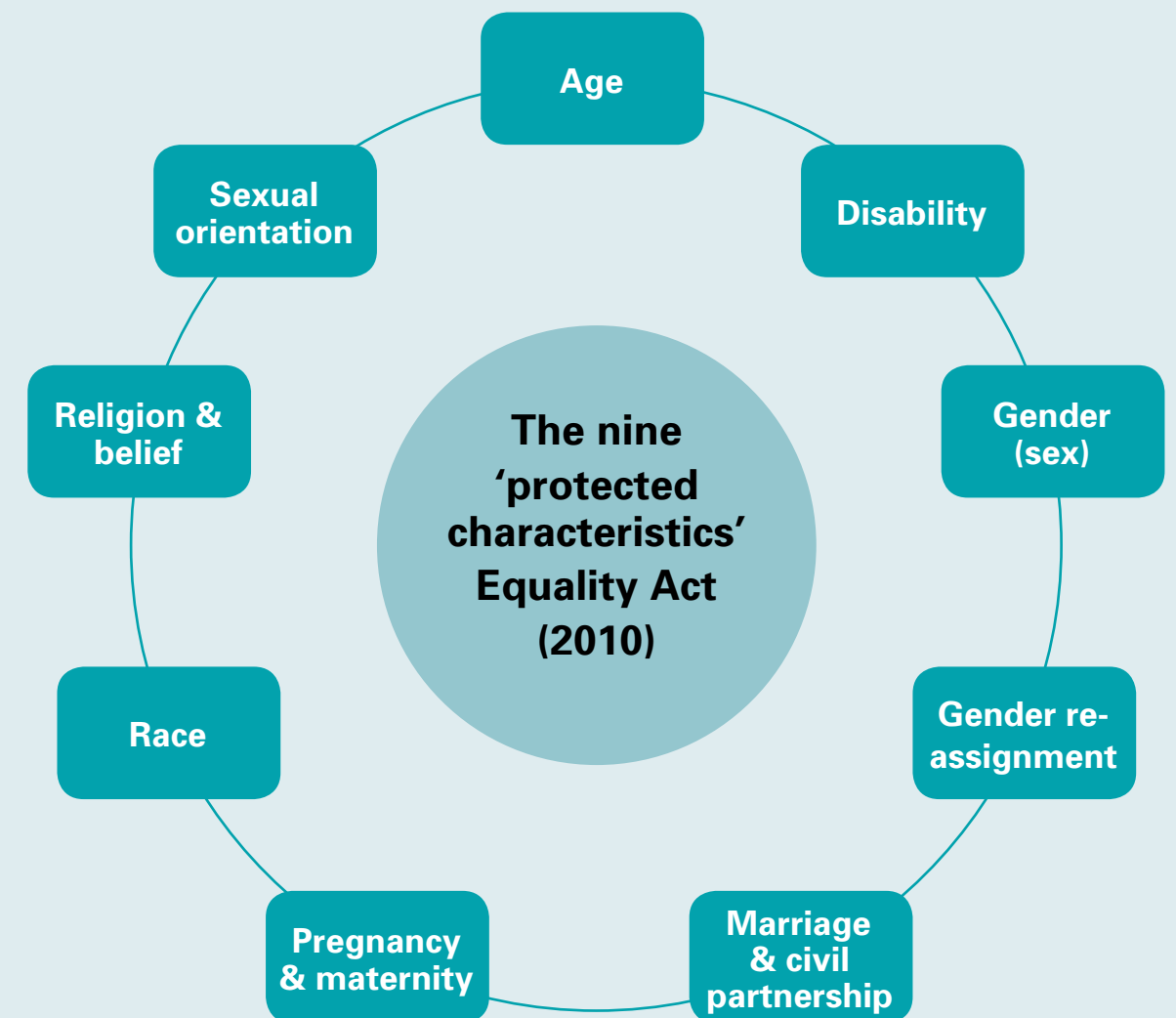
The Arts Council uses the social model of disability. The social model is based on the principle that disability is caused by the way society is organised, rather than by a person's impairment or difference. It puts the emphasis on what needs to be done to identify and remove barriers. [Read more](#)

¹ Enriching Britain: Culture, Creativity and Growth
<https://www.voluntaryarts.org/Handlers/Download.ashx?IDMF=da641004-8419-439b-bf04-9aeaab0fec08>
² The use of a capital 'D' in Deaf refers to those born Deaf or deafened in early or late childhood. Their primary experience is using sign language and being part of the communities and culture of the Deaf collective.

3. WHAT THE LAW SAYS

Read more about the common legal terms and what they mean in our [glossary](#)

Under the Equality Act (2010) people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics. People are also protected from being discriminated against because they are perceived to have one of the protected characteristics or because they are associated with someone who has a protected characteristic.



Arts Council England, as a public sector organisation, also has additional responsibilities under the Public Sector Equality Duty, which puts the onus on organisations to positively promote equality, not just avoid discrimination. In meeting this legal requirement, Arts Council England shares these responsibilities with the arts and cultural organisations it funds, and requires organisations to be compliant with all equality legislation. In equality plans, we ask to see evidence of how organisations will advance equality of opportunity and foster good relations.

The Duty sets out that organisations need to demonstrate that they are thinking about how they can positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected in the design of policies and the delivery of services, including internal policies, and for these issues to be kept under review.

It means that organisations must have due regard to the need to:

- **Eliminate unlawful discrimination**, harassment and victimisation and other conduct prohibited by the Act
- **Advance equality of opportunity** between people who share a protected characteristic and those who do not
- **Foster good relations** between people who share a protected characteristic and those who do not

These are sometimes referred to as the three aims or arms of the general Equality Duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

The Equality Duty covers the nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender (sex) and sexual orientation. Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status. This means that the first aim of the Duty applies to this characteristic but that the other aims (advancing equality and fostering good relations) do not apply.

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the Duty may involve treating some people more favourably than others.

You can do something voluntarily to help people with a protected characteristic. This is called '**positive action**'. Taking positive action is legal if people with a protected characteristic:

- o are at a disadvantage in some way in relation to work
- o have particular needs which are different from other people who don't share the protected characteristic
- o are under-represented in an activity or type of work

The Equality Act says employers can take steps to:

- help people with a particular protected characteristic overcome their disadvantage – for example, by offering internships or placements
- encourage the participation of people with a particular protected characteristic in employment or training – for example, by reserving places on a training course
- meet their needs – for example, by providing support or mentoring

The Government Equalities Office has published [A quick start guide to using positive action in recruitment and promotion](#) to help organisations ensure what they are doing is legal by understanding what positive action is, how it differs from positive discrimination (which is illegal) and how they can use positive action to improve diversity in their workforce and when recruiting and promoting candidates.

4. THE ARTS COUNCIL’S REQUIREMENTS IN RELATION TO EQUALITY AND DIVERSITY

All National Portfolio Organisations, as a condition of their funding, must comply with equality legislation. This means complying with both the Equality Act (2010) and, as National Portfolio Organisations receive public funding via Arts Council England, with the Public Sector Equality Duty which was created under the Equality Act.

The Arts Council also has a number of specific requirements:

The Creative Case for Diversity

At the heart of the Creative Case for Diversity is a requirement that arts and culture in England should reflect the diversity of society and local communities. It recognises both the value of diversity in enriching our arts and cultural offer as well as ensuring all artists have access to the opportunities and resources to create truly excellent work that reflects the presence, stories and voices of all our communities.

All National Portfolio Organisations, apart from sector support organisations, must show how they will contribute to the Creative Case for Diversity through the work they produce, present and distribute, and will be rated on their contribution.

Equality objectives and action plans

National Portfolio Organisations in band 1 must develop and embed SMART equality and diversity objectives into their business plan and achieve a minimum of ‘met’ in response to the Creative Case for Diversity.

National Portfolio Organisations in bands 2 and 3 and sector support organisations must develop full equality action plans either as part of their business plan or as an appendix. This should draw together evidence and analysis of the organisation’s equality and diversity challenges and set out the actions you plan to take to address them. In particular it should either set out, or cross reference to other mandatory documents (such as your business plan) which themselves set out, the actions you will take in relation to

- Goal 1 – the Creative Case for Diversity
- Goal 2 – audiences
- Goal 4 – workforce and governance

In addition, NPOs in bands 2 and 3 are required to be rated at least ‘strong’ by October 2021 in response to the Creative Case for Diversity. They will also need to meet additional requirements in relation to the diversity of their workforce and boards.

We recognise that some of our funded organisations are part of local authorities or universities, and may therefore be part of the over-arching equality and diversity plan of those bodies. Where an organisation and its activity/programme is covered by an overarching local authority or university plan, the organisation would not need to develop its own equality action plan. We would, however, want to see the specific activity/programme of the organisation we fund reflected in the plan, so it may be necessary for example, for an art gallery that sits within a local authority to develop an equality action plan that relates to the activity/programme it delivers, whilst governance aspects would be covered by the local authority’s over-arching plan. We also expect that they will have identified specific actions that they will take to respond to the Creative Case for Diversity.

We also recognise that some organisations are funded as part of a consortium. In those cases we are content if there is a single plan for the consortium, rather than individual plans for each organisation. However, if the individual organisations in a consortium have an existing practice of producing their own individual equality action plans and it makes sense for them to continue to do this, then this is also acceptable, as long as the consortium activity is reflected in the plans. We encourage organisations to take advantage of the consortium arrangements to share their own expertise and learn from others about effective approaches to equality and diversity.

[Read a summary of the requirements for each band.](#)

